

Cattaraugus County Planning Board
County Center, Little Valley, NY
September 25, 2009
7:00 pm

PLANNING BOARD MEMBERS PRESENT: Charles Couture, Chairman
Paul Mager, Vice Chairman
Michael Zaprowski, Assist. Sec.
Tina Abrams
Jack Berger
Richard Fuller
Robert Keis
David Rivet
Mark Smith
David McCoy

PLANNING BOARD MEMBERS ABSENT: Ann Padlo, Secretary
Kameron Brooks
Florence Fuller

PLANNING DIVISION STAFF: John Sayegh, Director
James H. Isaacson, Senior Planner
Paul R. Bishop, Planner
Margaret E. Puszcz, Stenographic Secretary

GUESTS: None

Chairman Couture called the meeting to order at 7:05 p.m.

APPROVAL OF MINUTES

David Rivet had a correction to the minutes of August 27, 2009 – Page 3 under Village of Allegany ZBA – 4th sentence add an “e” to the “w” for “we”. John Sayegh also had a correction - Page 2, City of Olean, 5th sentence change “2.2 acres” to “8.1 acres”.

Paul Mager moved with a second from Richard Fuller to approve the August 27, 2009 minutes as corrected above. Carried.

NEW BUSINESS

General Municipal Law Section 239 (l) & (m) Referrals

Town of Dayton Planning Board – Local Law – Roadside Stands

Paul Bishop reported that the Town of Dayton is proposing a local law for "Seasonal Farm Produce and Roadside Stands". "Seasonal Farm Produce and Roadside Stands" are allowed by special use permit in the A-F Agricultural-Forestry and F-1 Floodway Districts. It appears this local law further defines the size, location, and signage for "Seasonal Farm Produce and Roadside Stands". This is a SEQR Type 2 action per 6NYCRR 617.5 (27) and (10). A public hearing is scheduled for October 13, 2009. Staff recommendation is that the proposed action has no significant countywide or inter-municipal impact.

Paul Mager moved with a second from Michael Zaprowski that the Town of Dayton Planning Board's referred Local Law for Seasonal Farm Produce and Roadside Stands has no significant countywide or inter-municipal impact. Carried. Mark Smith abstained.

Town of Ellicottville ZBA – Area Variance – 5344 Beaver Meadows Road

James Isaacson reported that the Town of Ellicottville Zoning Board of Appeals referred an area variance to allow the placement of a mobile home on the property at 5344 Beaver Meadows Road (Tax Map No. 38002-1-4.2), which is located in the Conservation District. A 100' setback is required from all property lines – the property is 125' deep and 375' wide. The previous mobile home was demolished, and the site has been improved in anticipation of this mobile home. The proposed front setback is 60' (the minimum front setback in surrounding A-R district) and rear setback is 50'. This is a SEQR Type 2 Action. A public hearing is scheduled for October 1, 2009. Staff recommendation is local issue, no countywide or inter-community impacts.

Richard Fuller moved with a second from David Rivet that the Town of Ellicottville Zoning Board of Appeals' referred area variance to allow the placement of a mobile home at 5344 Beaver Meadows Road is a local issue with no countywide or inter-community impacts. Carried.

City of Salamanca PC – Site Plan Review – 38-40 Broad Street

James Isaacson reported that the City of Salamanca Planning Commission has referred a site plan review for the construction of a 28' x 48' warehouse on the rear portion of a lot at 38-40 Broad Street (Tax Map No. 73.079-2-33). There is a building on the front half of the property, and the warehouse will occupy the rear half. Access is from Race Street. The building will be a metal prefab structure for the storage of equipment. The adjacent property has a garage close to the property line (<4 feet). Their meeting minutes mentions a variance, but nothing is mentioned anywhere in the application for one. This is a SEQR Type 2 Action. A public hearing is scheduled for October 1, 2009.

Discussion concerning the closeness of the buildings in relation to Fire Code Safety.

Staff recommendation is that this is a local issue with 2 advisories: 1) investigate the need for separation from adjacent structures; and 2) submit any required variances for referral to the County Planning Board.

David Rivet moved with a second from Paul Mager that the City of Salamanca Planning Commission's referred site plan review for the construction of a warehouse on the rear portion of a lot at 38-40 Broad Street is a local issue with two advisories: 1) investigate the need for

separation from adjacent structures; and 2) submit any required variances for referral to the County Planning Board. Carried. Michael Zaprowski abstained.

Town of Allegany ZBA – Area Variance – 3374 Maple Avenue

Paul Bishop reported that the Town of Allegany Zoning Board of Appeals has referred an area variance to construct a storage shed at 3374 Maple Avenue (Tax Map No. 93.044-4-36). The shed will be used for storage of yard equipment and household items and would have a 15' rear setback (zoning requires 35') and a 10' side yard setback (zoning requires 15'). This is a SEQR Type II action per 6NYCRR 617.5 (10). A public hearing is scheduled for October 6, 2009. Staff recommendation is that the proposed action has no significant countywide or inter-municipal impact.

Michael Zaprowski moved with a second from Richard Fuller that the Town of Allegany Zoning Board of Appeals' referred area variance to construct a storage shed at 3374 Maple Avenue has no significant countywide or inter-municipal impact. Carried.

Environmental Reviews – none

Intergovernmental Reviews

Paul Bishop reported that Intergovernmental Reviews numbered STW #09-41 through STW #09-045 have been received, and reviewed with no comment. The Board members concurred.

Old Business – None

REPORTS

Chairman's Report

Chairman Couture stated that the Town of Ashford sustained a lot of damage from the flooding in August. There were 10 homes lost. One was a mobile home that was set by the creek. FEMA has given the individual enough money to purchase a used mobile home. The Town of Ashford does not have zoning, but they do have a Local Law concerning Mobile Homes which states that mobile homes have to be 2008 or newer. The individual has found a 2005 mobile home for the amount of money that FEMA gave him, but the Town Local Law will not allow him to locate it because it is not 2008 or newer.

Considerable discussion concerning the situation and the wording of the Local Law.

Department Reports

Census 2010 Complete Count Committee Kick-off – Paul Bishop reported that the Census 2010 Kick off for Cattaraugus County was yesterday, September 23rd. Census Bureau representatives set up a display in the County Center lobby in the morning and made a 15-20 minute presentation to the County Legislature in the afternoon. The Legislators had several questions such as how college students are counted. College students are counted where they reside for six months or more during the year, which means they are counted at the colleges they are attending.

Paul Bishop also reported that he had made arrangements for the Census Bureau representatives to make a presentation to the Town Supervisor's Association on September 3rd, and to the Municipal Officials Association on October 10th.

Community Transportation Coalition Transportation Plan – Paul Bishop reported that the County Legislature adopted the Plan yesterday, September 23rd and it will now be sent to the State for their approval. Meetings will be scheduled for once a month in an effort to coordinate transportation around the County. Also this week STW released their Regional Transportation Strategy, which includes all modes of transportation. It will be available on the STW website.

STW Report

Robert Keis reported that the STW Board met on September 17th. They have been awarded the **Census Bureau's Partnership Support Program for Census 2010** promotional materials that bear the STW and Census 2010 logos. These promotional items will be placed in schools and stores across the Southern Tier West Region. The **2009 ARC projects approved for funding** are: Cuba-Rushford Environmental Education Initiative for \$43,350; Alfred State College Green Building Laboratory \$150,000; STW Asset Management Program \$56,629; and JCC Institute for Entrepreneurial Studies for \$130,817. They also had a presentation on **Network Appalachia** which is a strategic plan to more successfully link businesses, communities, and people of the Appalachian Region to the global marketplace of the 21st century.

Discussion on broadband, the siting of towers and the significance of loops. Mr. Keis related its importance to the extension of electric and telephone service into the rural areas of the country.

Mr. Keis reported that they are holding the **Annual Fall STW Planning and Zoning Conference** for two days this year in the hopes of being able to serve more individuals. The first day will be in the evening, Tuesday November 17th from 5-10 pm at SUNY Fredonia, and the second day will be in the afternoon, Wednesday, November 18th from Noon – 5 pm in the STW offices in Salamanca. The topics presented will be the same for both days and training credits will be given.

Member Forum

Michael Zaprowski stated that the newly renovated Seneca Bingo Hall in the Westend of Salamanca is welcome upgrade to the area.

Robert Keis stated that Holiday Valley in Ellicottville has just been rated number 4 in Ski Resorts in the East.

Tina Abrams stated that the Bingo Hall is almost complete. The Grand Opening had to be delayed because of construction delays, but the Grand Opening is now planned for November 5th.

Tina also attended the program "The History of Kinzua Dam" presented by the Army Corps of Engineers and held at the JCC-Warren Center on September 16th. She said that the presentation was very interesting. She also was able to give a presentation on the Seneca's view of the project and its history.

CORRESPONDENCE

The following correspondence was reviewed:

City of Olean Planning Board – Site Plan Review – 2810 West State Street – approved on August 31, 2009 with conditions.

Town of Yorkshire ZBA – Area Variance – 3173 Rt. 39 – granted 9/14/09.

ADJOURNMENT

Chairman Couture adjourned the meeting at 7:56 p.m.

APPROVED AS SUBMITTED OCTOBER 29, 2009.