

**Cattaraugus County Planning Board
Hinsdale American Legion, Hinsdale, New York
July 27, 2016 at 5:00 pm**

PLANNING BOARD MEMBERS PRESENT: Charles Couture, Chairman
Paul Mager, Vice Chairman
Michael Zaprowski, Secretary
Florence Fuller, Assistant Secretary
Robert Keis
David McCoy
Andrea Mellon
Al Ormond
Joe Pillittere

PLANNING BOARD MEMBERS ABSENT: Tina Abrams
John Sayegh
Mark Smith
James Valent

PLANNING DIVISION STAFF: Crystal Abers, Director
Paul Bishop, Planner
Ginger Malak, Program Assistant

Chairman Charles Couture called the meeting to order at 5:00 pm.

APPROVAL OF MINUTES

Paul Mager moved with a second from Joe Pillittere to approve the minutes of the June 30, 2016 meeting. Motion was carried.

NEW BUSINESS

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

Town of Ellicottville

Site Plan Review and Special Use Permit – 6600 Route 219 North

Paul Bishop reported that the Town of Ellicottville referred this variance to the County Board based on the property being within 500 feet of Route 219 North.

Project Highlights:

- The applicant is proposing to convert an existing commercial property and building to a brew pub / distillery to be called Stillhouse Brewery.
- The existing 4,524 square feet building will be renovated and 2 additions of 1,776 square feet and 1,260 square feet will be constructed for a total of 7,560 square feet facility.
- An at-grade patio, parking drainage, landscaping, lighting, and utilities are all provided and detailed on the site plans.

- Thirty parking spaces are provided and a one-way circulation pattern accommodates a narrowed drive aisle.
- There is a 25 foot access easement that must be maintained to the adjacent property to the south.
- Several setback variances were granted by the Zoning Board of Appeals and were approved without referral to the County per the Town's Referral Exemption agreement with the County Planning Board.
- No details on the proposed entrance sign were provided. The Town should ensure with the applicant that the sign meets the requirements of their zoning law.

Additional Information:

- Tax Map No' (s): 46.004-1-40.1
- SEQ: Unlisted Action – Short EAF Completed
- Ag Data Statement: Not Required
- Floodplain: No
- Wetlands: No
- Archaeological Sensitive Area: Yes
- Public Hearing: Held on July 25, 2016 at the Ellicottville Town Hall

STAFF RECOMMENDATION: The proposed action has no significant county-wide or inter-municipal impact, with the following advisory:

- (1) The Town ensures with the applicant that the entrance sign meets the requirements of the zoning law.**

Joseph Pillittere moved with a second from Andrea Mellon to accept the staff recommendation.

Town of Allegany

Use Variance – 3004 NYS Route 417

Paul Bishop reported that the Town of Allegany referred this use variance to the County Board based on the property being within 500 feet of Route 417 and the municipal boundary between the Town of Allegany and the City of Olean.

Project Highlights:

- The applicant is requesting a use variance to allow Premier Media to erect a billboard on their property. The billboard would stand 40 feet high and have 4 faces – 2 on each side. Each sign face would be 10' x 20'. LED lights would be used to light the sign faces.
- Billboards are not allowed in either the C-2 or the CO-1 districts.
- Mr. Bishop reviewed the use variance definition and the four-part test. Per the information the County received in the referral, there is no evidence that the applicant provided proof for any of the requirements for the four-part use variance test.

- The requirements governing the allowed uses of the property were in effect at the time of purchase in October of 2015. At that time the applicant applied for, and was subsequently granted, a special use permit for an allowed use in the Highway Commercial (C-2) Zoning District - a storage (overflow) parking lot. A use variance can only be granted if, for each and every allowed use in a district, the property is unusable. Therefore, the fact that the property currently has an approved allowed use for the C-2 Zoning District (storage [overflow] parking lot) precludes the request for a use variance.
- As for inter-community impact, the proposed use variance would have a substantial effect, due to the height and lighting of the proposed billboard, on the character of that neighborhood, not only in the Town of Allegany, but also in the adjacent City of Olean.

Additional Information:

- Tax Map No' (s): 94.062-1-5.1
- SEQR: Unlisted Action – Short EAF Submitted
- Ag Data Statement: Not Required
- Floodplain: Yes
- Wetlands: No
- Archaeological Sensitive Area: Yes
- Public Hearing: Not Yet Determined

STAFF RECOMMENDATION: Disapproval

Justification:

1. Per the information the County received in the referral, there is no evidence that the applicant provided proof for any of the requirements for the four-part use variance test.
2. The requirements governing the allowed uses of the property were in effect at the time of purchase in October of 2015. At that time the applicant applied for, and was subsequently granted, a special use permit for an allowed use in the Highway Commercial (C-2) Zoning District - a storage (overflow) parking lot. A use variance can only be granted if, for each and every allowed use in a district, the property is unusable. Therefore, the fact that the property currently has an approved allowed use for the C-2 Zoning District (storage [overflow] parking lot) precludes the request for a use variance.
3. As for inter-community impact, the proposed use variance would have a substantial effect, due to the height and lighting of the proposed billboard, on the character of that neighborhood, not only in the Town of Allegany, but also in the adjacent City of Olean.

Robert Keis moved with a second from Joseph Pillittere to accept the staff recommendation.

Town of Ellicottville Zoning Text Amendment

Paul Bishop reported that the Town of Ellicottville is amending their zoning law to add new land uses to the Definitions.

- Section 3.8 is amended to add the newly defined uses to the Land Use Table and to make other minor changes to the Permitted Uses and Special Permitted Uses.
- Some of the added land uses include: Artisan's Workshops, Business Support Services, Micro-brewery, Micro-distillery, Farm Stand, Farmer's Market, Food Stand, and Contractor's Shop. These items were added to the appropriate location in the Land Use Table.

Additional Information:

- Tax Map No' (s): NA
- SEQR: Unlisted Action – Short EAF Completed
- Ag Data Statement: Not Required
- Floodplain: NA
- Wetlands: NA
- Archaeological Sensitive Area: NA
- Public Hearing: Held on July 20, 2016 at the Ellicottville Town Hall

STAFF RECOMMENDATION: The proposed action has no significant county-wide or inter-municipal impact.

Joseph Pillittere moved with a second from Al Ormond to accept the staff recommendation.

Environmental Reviews - None

Intergovernmental Reviews

Paul Bishop reported that the County received Intergovernmental Reviews STW #16.20 - STW #16.22. None of these pertained to the County.

OLD BUSINESS

REPORTS / OTHER BUSINESS

Chairman's Report - No Report

Department Reports

Director's Report

Crystal Abers reported the following:

- Agriculture District Consolidation was approved by the Legislature earlier in the day.
- Attendance for Onofest on July 23 at the Onoville Marina increased from last year.

STW Report

Robert Keis reported that the Southern Tier West Board met on July 21 and discussed the following:

- Possible provision of **Williamson's Highway Superintendent Software** to several highway departments within the region. The Software is a record keeping system designed to reduce workload while documenting compliance with NYS regulations.
- The **NYS Connect Project** continues to make progress. STW and Cattaraugus County recently met with DFT Communications concerning the remaining portion of the grant. DFT is moving forward with engineering to cover the next phase of the project. There have been a few issues with the Arkwright tower location, but DFT feels this will be resolved within the next few days.

CORRESPONDENCE AND UPCOMING MEETINGS / EVENTS

Charles Couture reported that these are attached to the agenda.

NEXT MEETING

The next meeting of the Planning Board will be held on August 25, 2016 at 7:00 pm at the County Center in Little Valley.

ADJOURNMENT

Robert Keis moved with a second from Al Ormond to adjourn the meeting at 5:15 pm. Motion was carried.