

Cattaraugus County Planning Board
County Center, Little Valley, NY
October 30, 2008
7:00 pm

PLANNING BOARD MEMBERS PRESENT: Charles Couture, Chairman
Paul Mager, Vice Chairman
Ann Padlo, Secretary
Michael Zaprowski, Assist. Sec.
Kameron Brooks
Richard Fuller
Robert Keis
David McCoy
David Rivet
Mark Smith

PLANNING BOARD MEMBERS ABSENT: Tina Abrams
Jack Berger
Florence Fuller

PLANNING DIVISION STAFF: Joseph Williams, Interim Director
James Isaacson, Senior Planner
Paul R. Bishop, Planner
Margaret E. Puszczyk, Stenographic Secretary

GUESTS: None

Chairman Couture called the meeting to order at 7:00 p.m. He welcomed Joseph Williams, Interim Director of Economic Development, Planning and Tourism and asked the Board members to introduce themselves.

APPROVAL OF MINUTES

David Rivet moved with a second from Michael Zaprowski to approve the September 25, 2008 meeting minutes as submitted. Carried.

NEW BUSINESS

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

Town of East Otto – Special Use Permit - 8265 Swamp Road

Paul Bishop reported that the Town of East Otto Planning Board has referred a Special Use Permit to place two recreational vehicles at 8265 Swamp Road

(Tax Map No. 27.002-1-37.3) as a camp. The Site Plan submitted with the referral incorrectly shows the adjoining parcel to the east (Tax Map No. 27.002-1-37.5). In this district, the minimum set back along a Federal, State or County highway is 75 feet from the right-of-way line. These RV's appear to both be within 35 feet of the right-of-way. The 100-year floodplain of the South Branch of Cattaraugus Creek crosses the property. A SEQR EAF was completed. An Ag Data Statement was completed. A Public Hearing was held on October 2nd, 2008 at the East Otto Town Hall.

Staff recommendation is that the proposed action has no significant county-wide or inter-municipal impact with the following advisories: 1) that the Town obtain and review a corrected site plan, 2) that the Town review the setback from Swamp Road (County Road 68) to ensure adequate ingress, egress and sightlines, 3) that the Town ensure that the RV's are located outside the limits of the 100-year floodplain.

David Rivet moved with a second from David McCoy that the Town of East Otto Planning Board's referred Special Use Permit to place two recreational vehicles at 8265 Swamp Road as a camp has no significant county-wide or inter-municipal impact with the following advisories: 1) that the Town obtain and review a corrected site plan, 2) that the Town review the setback from Swamp Road (County Road 68) to ensure adequate ingress, egress and sightlines, 3) that the Town ensure that the RV's are located outside the limits of the 100-year floodplain. Carried.

Village of Allegany – Use Variance – 100 West Main Street

James Isaacson reported that the Village of Allegany Zoning Board of Appeals has referred a Use Variance request to establish a Tattooing Parlor in a Commercial District at 100 W. Main Street (Tax Map No. 93.043-4-11). A tattoo parlor is considered an Adult Entertainment Use (Body Painting Studio) and is only permitted in an Industrial District. The location is in the Village Center. This is an Unlisted Action under SEQR. No SEQR documentation was submitted. A coffee house and hair salon are also proposed at the same location. Staff recommendation is local issue, no countywide or inter-municipal impacts, with an Advisory that the Village submit to the County Planning Board a copy of the Village's SEQR Findings for this proposal.

Richard Fuller moved with a second from David Rivet that the Village of Allegany Zoning Board of Appeals referred Use Variance to establish a tattooing parlor at 100 W. Main Street is a local issue, with no countywide or inter-municipal impacts with an Advisory that the Village submit to the County Planning Board a copy of the Village's SEQR Findings for this proposal. Carried.

Town of Ellicottville – Area Variance – 6809 Maples Road

James Isaacson reported that the Town of Ellicottville Zoning Board of Appeals has referred an Area Variance to allow a new 24' x 24' garage to come to within 13 feet of the front property line, where 50 feet is the required setback at 6809 Maples Road (County Road 13) – Tax Map No. 46.004-1-1. Two options are proposed: Ellicottville Side – detached, in existing driveway or Mansfield Side – attached, on other side of house. Both options are 13' from the edge of the right-of-way (same setback as front

porch, which received an area variance previously). Cars parked in front of the garage would protrude into the right-of-way. The Ellicottville side option is the preferred option, because of the existing driveway and there is more area to work with before the drop-off. Staff would also propose a parking area be constructed to the side of the garage to prevent cars from parking in the right-of-way. Staff recommendation is approval with two advisories: 1) the detached, Ellicottville side option is preferred, due to the drop-off in elevation, and 2) the addition of a parking area to the side of the garage between the garage and right-of-way should be included, to allow cars to park completely off the right-of-way.

David McCoy moved with a second from David Rivet that the Town of Ellicottville Zoning Board of Appeals referred area variance to allow a new garage to come to within 13 feet of the front property line at 6809 Maples Road (County Road 13) be approved with two advisories: 1) the detached, Ellicottville side option is preferred, due to the drop-off in elevation, and 2) the addition of a parking area to the side of the garage between the garage and right-of-way should be included, to allow cars to park completely off the right-of-way. Carried.

Town of Randolph – Special Use Permit – 12541 Torrence Road

Paul Bishop reported that the Town of Randolph Zoning Board of Appeals (Planning Board) has referred a Special Use Permit to demolish and remove an existing single-wide mobile home and replace it with a 24' x 60' double wide mobile home on a parcel that is within 500 feet of property in an agricultural district at 12542 Torrence Road (Tax Map No. 78.002-1-5.8). A SEQR Short EAF will be addressed by the Town. An Ag Data Statement was completed. A Public Hearing was held on October 27, 2008. Staff recommendation is approval.

Kameron Brooks moved with a second from Paul Mager to approve the Town of Randolph Zoning Board of Appeals (Planning Board) referred Special Use Permit to demolish and remove an existing single-wide mobile home and replace it with a 24' x 60' double wide mobile home on a parcel that is within 500 feet of property in an agricultural district at 12542 Torrence Road. Carried.

City of Salamanca – Amendment to Comprehensive Plan

James Isaacson reported that the City of Salamanca Common Council has referred proposed amendments to their Comprehensive Plan specific to commercial areas. The changes include minor language changes for policies dealing with the commercial areas at Exit 20, Broad Street, and the Routes 219/417 corridor and adds an extensive new section on the State Park Avenue Economic Development Area. This is a new commercial area of city-owned land (202 acres) that the City proposes to develop for destination commercial and recreational purposes. The policies address vehicular access to this area, by proposing a new I-86 exit, and improvements to State Park Avenue. Rezoning of the land is also recommended to allow for the intended uses. This is an Unlisted Action under SEQR with no determination made to date. The land is currently in the Southwest Ag District, but is proposed to be removed under the current review of said District. A public hearing was held on October 22, 2008. Staff recommendation is approval.

Paul Mager moved with a second from Robert Keis to approve the proposed amendments to the City of Salamanca's Comprehensive Plan. Carried. Michael Zaprowski abstained.

Environmental Reviews – None

Intergovernmental Reviews

Paul Bishop reported that one Intergovernmental Review numbered STW#08-039 had been received. Staff recommendation is received, reviewed, no comment. The Board concurred.

OLD BUSINESS

Planning Board Training Hours

Paul Bishop distributed a chart detailing the number of training hours each Planning Board member has received so far this year and how many hours are still needed. He mentioned STW's Fall Planning & Zoning Conference is coming up on November 13, 2008 in Jamestown where training hours can be obtained.

David McCoy stated that his company offers free training in topics such as SEQR, wetlands, gravel pits, site plan review, etc.

REPORTS / OTHER BUSINESS

Chairman's Report

Route 219 Traffic Safety – Chairman Couture reported that he had written a letter to the NYSDOT asking them to put up signage along Route 219 warning travelers to beware that they may come upon Amish buggies.

November/December Meetings – Chairman Couture reported that Thanksgiving and Christmas both fall on the last Thursday of November and December, which are our regularly scheduled meeting dates. In past years, we have held one meeting for the two months. December 11th has been suggested for this final meeting of the year.

Upon discussion, the Board concurred with December 11th as the final meeting date of the Board for the year.

Department Reports

Resignation of Senior Planner – Joseph Williams, Interim Director, reported that Chris Crawford, Senior Planner has resigned his position with the Department to take a Water Resources Specialist position with the County Health Department.

Budget Process – Joseph Williams reported that he is proposing to promote Paul Bishop to the Senior Planner position and to leave the Planner position vacant. He will

be working with Paul and James to determine whether or not this position can be left vacant.

Discussion concerning whether or not the Planner's position should be left vacant, the possibilities of contracting work, what services might be cut, etc.

Robert Keis stated that it took many years to get the third planning position. He would suspect working with municipalities would be sacrificed.

Paul replied that he and James have discussed this and they feel that this is one area that needs to be continued as well as their work with GIS.

Further discussion.

Route 16 Corridor Community Partnership – James Isaacson reported that the Route 16 Corridor Community Partnership is a new group formed of the communities along Route 16 from Yorkshire to Allegany. Participants so far have been from Yorkshire to Hinsdale. The purpose of the group is to work more cooperatively as a Region. They are considering creating a regional Chamber of Commerce. Some of the areas under consideration are municipal cooperation on joint projects; events calendar for the Route 16 Corridor; find out more about each municipality in order to share issues; historic buildings to promote; looking to create a logo for the group; preparing a purpose statement. The Mayor of Delevan is chairing the group, which has been attended by municipal officials so far. They do want to reach out to the business community eventually.

Northwest Agricultural District – Paul Bishop reported that he has received a letter from the NYS Department of Ag & Markets approving Agricultural District #1, which is the Northwest Agricultural District.

STW Report

Robert Keis reported that the **ARC program** has been funded for an additional five years. There has been an increase in the amount of funds available from 72 million to 85 million dollars.

STW Fall Planning and Zoning Conference – Mr. Keis reminded Board members that the STW Fall Planning and Zoning Conference will be held on November 13, 2008 at the Radisson Hotel Jamestown. This is a change in location from past years. Training credits will be awarded for attendance.

Members Forum

David McCoy reported that the **Town of Portville** is moving forward with their **Comprehensive Plan**. They are now into the writing stage. They are done with the inventory with help from the County staff. He also noted that the **Budget** for the **Town of Portville** will have no tax increase.

Mark Smith reported that the **Buffalo Pittsburgh Rail Line** is up **for sale** from **West Valley to Buffalo**. They will be selling ballast, track and rail. He also noted that **Route 62** from Dayton to Gowanda is now **being paved**.

Kameron Brooks reported that the **Cattaraugus LDC** is looking to **get out** of the **trail business**.

Robert Keis reported that the **Town of Mansfield** has **reduced its tax rate for 2009** even though they are **building a new Town Hall**.

CORRESPONDENCE

The following correspondence was received and reviewed:

Town of Napoli – Local Law #2 Telecommunication Facilities – adopted September 29, 2008.

ADJOURNMENT

David Rivet moved with a second from Paul Mager to adjourn the meeting at 8:00 p.m. Carried.

APPROVED AS SUBMITTED December 11, 2008.