

Cattaraugus County Planning Board
Cattaraugus County Center
Little Valley, NY
February 28, 2008
7:00 pm

PLANNING BOARD MEMBERS PRESENT: William E. Sprague, Chairman
Paul Mager, Vice Chairman
Charles Couture, Assist. Sec.
Jack Berger
Kameron Brooks
Florence Fuller
Richard Fuller
Robert Keis
David McCoy
David Rivet
Michael Zaprowski

PLANNING BOARD MEMBERS ABSENT: Ann Padlo, Secretary
Tina Abrams

PLANNING DIVISION STAFF: Chris Crawford, Senior Planner
Paul R. Bishop, Planner
Margaret E. Puszcz, Stenographic Secretary

GUESTS: David Paoletta, Director of Planning City of Salamanca
Tina Becker, City of Salamanca Project
Joe Roosa, City of Salamanca Project
James D. Hanson, City of Salamanca Project
Mary George, Director of Development City of Olean
Russ Porter, Costich Engineering

Chairman Sprague called the meeting to order at 7:02 p.m.

APPROVAL OF MINUTES

Michael Zaprowski moved with a second from Richard Fuller to approve the January 31, 2008 minutes as submitted. Carried.

NEW BUSINESS

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

Town of Ellicottville – Use Variance – Restaurant – 7734 Route 219

Chris Crawford reported that the Town of Ellicottville Zoning Board of Appeals referred a Use Variance from the owners of the former Stone Creek Inn to re-open as restaurant / bar at 7734 Route 219 (Tax Map No. 37.004-1-21.3).

Chris reported that according to the Town Zoning Ordinance, this use is not allowed in the Conservation District. The use has been discontinued for the period required in the zoning, which necessitates it being a new use, thus requiring a Use Variance. The Use Variance request was referred to the County Planning Board because it is within 500 feet of US Route 219 and a farm operation within an agricultural district.

Chris' review consisted of an examination of applicant submitted documents, minutes from Town of Ellicottville Zoning Board of Appeals meeting dated 1/31/08, the Agricultural Data Statement, GIS datalayers, and Town Zoning Ordinance.

His findings were that the parcel class code in the GIS database appears incorrect and that the Town Zoning Board of Appeals is working on a short SEQR EAF. He determined that the project is of relatively small scale, there will be no new construction and the use is essentially identical to historical uses. No public hearing as been set.

Staff recommendation is that the proposed project has no intercommunity or countywide impact and to advise that the Town ZBA should contact the Town Assessor to change the "Class Code" for this parcel.

Robert Keis moved with a second from Jack Berger that the Town of Ellicottville Zoning Board of Appeals referred Use Variance to re-start a restaurant use that had been grandfathered at 7734 Route 219 has no intercommunity or countywide impact with an advisory that the Town ZBA should contact the Town Assessor to change the "Class Code" for this parcel. Carried.

City of Salamanca – Site Plan Review – Travel Center Development – W. Hetzel St.

Chris Crawford reported that the City of Salamanca Planning Commission has referred a Site Plan Review for a Travel Center Development – retail, restaurants, vehicle fueling facilities – at W. Hetzel Street (Tax Map Nos. 72.084-1-1, 72.076-1-26.1, 72.084-1-8). The Site Plan Review was referred due to its proximity to NYS Route 417.

Chris' review consisted of an examination of applicant submitted documents including SEQR Long EAF, site plan and detail drawings as well as comments from the 2/7/08 City of Salamanca Planning Commission meeting, the City of Salamanca Zoning Law, EPA guidance for silt fence construction, NYSEDA guidance for New Construction Program Financial Incentives (PON 1155), and GIS data layers.

Chris' findings were that there appears to be a small, unregulated wetland area on the site ~0.5 – 1.0 acres; the City Zoning Ordinance (8.1.5 (2)(s)) requires that engineering computations for determining performance requirements of drainage facilities be submitted; and Section (8.1.5 (2)(p)) requires provisions for energy efficiency be considered; there are no internal signs regulating vehicular traffic between parking

areas and entering the site in those areas designed for non-truck traffic; there will be increased traffic to and from NYS Route 417 vis-à-vis R.C. Hoag drive; the City of Salamanca has generated 10 preliminary conditions for development of this site, including a condition for stormwater drainage design to be acceptable by the Planning Commission and DPW, and there appears to be a residence at the end of W. Hetzel St.

Chris' determinations were: given vehicular traffic will be entering and exiting via R. C. Hoag & West Hetzel, staff has determined there is "no inter-community or countywide impact"; no action seems to have been taken to determine if the wetland contains habitat for threatened / endangered or otherwise valuable species; drawings of stormwater system suggest that calculations have been performed, evidence of such calculations as required were not submitted; no provisions for energy efficiency were provided; a lack of internal site signage and traffic regulation may elicit some traffic concerns; increased traffic at the intersection of NYS Route 417 and R. C. Hoag Drive may necessitate greater traffic control at that intersection, and access to the residence at the end of West Hetzel may be difficult during construction, current plans have the end of the street as a construction entrance.

Robert Keis questioned the small, unregulated wetland finding?

David Paoletta stated that the wetland had been filled in during initial clearing. As far as traffic on R. C. Hoag Drive, the Salamanca Planning Commission has forwarded this to NYSDOT and they will be discussing this with them as part of the SEQR review.

Chris Crawford stated that staff recommendation is no significant countywide or inter-community impact with the following advisories: 1) that an evaluation of the small wetland area may be warranted, 2) that, in lieu of submitted calculations, a review of the engineering calculations associated with design of the stormwater system may be warranted, 3) that the NYSEDA has some financial incentives for designing, purchasing and implementing energy efficiency provisions (see <http://www.nyserda.org/incentives.asp#Commercial%20/%20Industrial> & <http://www.nyserda.org/Funding/1155pon.asp>), 4) that internal site traffic regulation (i.e. signage) may not be adequate, 5) to work with NYSDOT, City Public Works and other interested parties to monitor the need for increased traffic control (i.e. a non-blinking signal) at the intersection of NYS Route 417 and R. C. Hoag Drive, and 6) the need to consider access to the property at the end of West Hetzel St.

Charles Couture moved with a second from Kameron Brooks that the City of Salamanca Planning Commission's referred Site Plan Review for a Travel Center Development at W. Hetzel Street has no significant countywide or inter community impact with the following advisories: 1) that an evaluation of the small wetland area may be warranted, 2) that, in lieu of submitted calculations, a review of the engineering calculations associated with design of the stormwater system may be warranted, 3) that the NYSEDA has some financial incentives for designing, purchasing and implementing energy efficiency provisions (see <http://www.nyserda.org/incentives.asp#Commercial%20/%20Industrial> & <http://www.nyserda.org/Funding/1155pon.asp>), 4) that internal site traffic regulation (i.e. signage, etc.) may not be adequate, 5) to work with NYSDOT, City Public Works and other interested parties to monitor the need for increased traffic control (i.e. a non-blinking signal) at the intersection of NYS Route 417 and R. C. Hoag Drive, and 6) the

need to consider access to the property at the end of West Hetzel St. Carried. Michael Zaprowski abstained.

City of Olean – Site Plan Review/Special Use Permit/Variations – Walgreen’s – West State Street

Paul Bishop reported that the City of Olean Planning Board and Zoning Board of Appeals has referred a Site Plan Review, Special Use Permit and three Area Variations for a Walgreen’s project to be located at 2230, 2236, 2238 West State Street and 101 N. 24th Street (Tax Map Nos. 94.063-1-32, 94.063-1-31, 94.063-1-30, 94.063-1-33).

Site Plan Review: the following items are required for a site plan by the City of Olean Zoning Law: Stormwater Retention, Lighting and Landscaping, Erosion/Sediment Control - none were provided.

Special Use Permit: Required for a parking lot in an R3 Zone.

Variance 1: Number of parking spaces (required 76) (provided 69)

Variance 2: Size of parking spaces (required 9’ x 20’) (provided 9’ x 19’)

Variance 3: Signage (required 2 square feet of display area for each lineal foot of building frontage facing highway, with additional signage considered by the zoning board when building fronts on a second street - in this case, 114 feet of building frontage allows 228 square feet of signage) (provided 193.72 SF on front, 193.72 SF on side, and 199.22 SF on pylon sign and electronic reader board). Also, there is a required 10’ between ground level and the bottom of a pylon sign, 9’-11½” is provided.

Paul Bishop stated that we are certainly excited to see a new business locate in this growing and vibrant area. Olean, of all our municipalities, has made great progress in protecting their “streetscape”. The JCC Campus, RiteAid, and CVS all come to mind as examples of buildings located “on the street”.

We at the County are also working with the Town of Allegany to do this same kind of thing with the COR Development and the possible restaurants just to the west of Tim Hortons.

Much of the streetscape in the area of this proposed Walgreens is currently quite good and has been preserved - Subway, Friendlys, Ponderosa and Perkins are all nice examples of businesses located “on the street”.

Both our County’s adopted Guidebooks and the recently completed Route 417 Access Management Plan promote the “streetscape” concept as a way to provide a sense of enclosure and pedestrian scale that can make our cities and villages a unique visual experience. That “uniqueness” is what may help us differentiate ourselves from “everywhere” else and help us to attract people to this area in the future.

We believe that with some creative design work between the developer and the City, that it may be possible to move this building close to the street with the parking on the side and in the rear of the lot.

Considerable discussion concerning ingress and egress to the project, and especially the exiting onto West State Street.

Russ Porter, Costich Engineering, presented the overall project and stated that they had worked with City to come up with the best site plan for the project on the property.

Paul Bishop stated that there will be a public hearing on this project on March 10, 2008.

Staff recommendations for each request are as follows:

Site Plan Review – the proposed action has no significant county-wide or inter-municipal impact, with the following advisories: (1) that the City require the applicant to provide complete documentation on stormwater retention, lighting and landscaping, and erosion and sediment control. (2) that the City work with the applicant to provide an alternative design that moves the building close to West State Street to enhance the streetscape per the guidelines found in the County Guidebooks (Volumes 1 and 2) and the Route 417 Access Management Plan. (3) that the City allow the applicant to eliminate the 12 parking spaces that front West State Street in exchange for providing landscaping that screens the parking from the street. (4) that the City permit ingress only from West State Street into the site at the east end of the site - all egress from the site to be onto North 24th Street.

Special Use Permit – the proposed action has no significant county-wide or inter-municipal impact.

Variance 1 (number of parking spaces) – the proposed action has no significant county-wide or inter-municipal impact.

Variance 2 (size of parking spaces) – the proposed action has no significant county-wide or inter-municipal impact.

Variance 3 (signage) – the proposed action has no significant county-wide or inter-municipal impact, with the following advisory: (1) that the City review the signage portion of their zoning law to update it to current signage requirements.

Site Plan Review – Paul Mager moved with a second from Charles Couture that the City of Olean Planning Board's referred Site Plan Review for Walgreen's project to be located at 2230, 2236, 2238 West State Street and 101 N. 24th Street has no significant county-wide or inter-municipal impact, with the following advisories: (1) that the City require the applicant to provide complete documentation on stormwater retention, lighting and landscaping, and erosion and sediment control. (2) that the City work with the applicant to provide an alternative design that moves the building close to West State Street to enhance the streetscape per the guidelines found in the County Guidebooks (Volumes 1 and 2) and the Route 417 Access Management Plan. (3) that the City allow the applicant to eliminate the 12 parking spaces that front West State Street in exchange for providing landscaping that screens the parking from the street. (4) that the City permit ingress only from West State Street into the site at the east end of the site - all egress from the site to be onto North 24th Street. Carried.

Special Use Permit – Richard Fuller moved with a second from Michael Zaprowski that the City of Olean Planning Boards referred Special Use Permit for a parking lot in an R3 Zone for the Walgreen's project to be located at 2230, 2236, 2238 West State Street and 101 N. 24th Street has no significant county-wide or inter-municipal impact. Carried.

Variance 1 (number of parking spaces) – Richard Fuller moved with a second from Florence Fuller that the City of Olean Zoning Board of Appeals referred Area Variance for the number of spaces required for the Walgreen's project to be located at 2230, 2236, 2238 West State Street and 101 N. 24th Street has no significant county-wide or inter-municipal impact. Carried.

Variance 2 (size of parking spaces) – Jack Berger moved with a second from David Rivet that the City of Olean Zoning Board of Appeals referred Area Variance for the size of parking spaces for the Walgreen's project to be located at 2230, 2236, 2238 West State Street and 101 N. 24th Street has no significant county-wide or inter-municipal impact. Carried.

Variance 3 (signage) – Charles Couture moved with a second from Kameron Brooks that the City of Olean Zoning Board of Appeals referred Area Variance for signage for the Walgreen's project to be located at 2230, 2236, 2238 West State Street and 101 N. 24th Street has no significant county-wide or inter-municipal impact with the advisory that the City review the signage portion of their zoning law to update it to current signage requirements. Carried.

Town of Yorkshire – Use Variance – Light Manufacturing – 11623 NYS Rt. 16

Paul Bishop reported that the Town of Yorkshire Zoning Board of Appeals has referred a Use Variance for Light Manufacturing at 11623 NYS Rt. 16 (Tax Map No. 4.004-5-9.2). He stated that the County Planning Board had reviewed this Temporary Use Variance Request in April 2005 and approved it at that time. A condition imposed on the granting of the Use Variance in 2005 by the Town was that it be reapplied for in three years. North Power Systems, LLC is still manufacturing and selling alternators at the site. The applicant wishes to be granted another Temporary Use Variance for a period not exceeding three years. The SEQR short EAF and Ag Data Statement were

not submitted but are in the process of being prepared. A Public Hearing is scheduled for March 12, 2008. Staff recommendation is approval.

Paul Mager moved with a second from Florence Fuller that the Town of Yorkshire Zoning Board of Appeals referred Use Variance for light manufacturing at 11623 NYS Rt. 16 be approved. Carried.

Environmental Reviews – none

Intergovernmental Reviews

Paul Bishop stated that staff recommendation for Intergovernmental Reviews numbered STW#08.001 through STW#08.004 would be that they have been received and reviewed with no comment. The Board concurred.

Chairman's Report

Annual Meeting Topic – Paul Bishop stated that staff would like to know what the Board members felt would be an appropriate topic for the Annual Planning Board Meeting in June.

Charles Couture suggested “wetlands”, since it is in the forefront now with the Route 219 wetlands issue raised by the Army Corps of Engineers.

Paul Bishop stated that if any of the other Board members had any other topics that they would like considered, to please contact the staff.

March 27th Meeting – Paul Bishop reported that the Town of Portville has a new Website (www.portville-ny.com), which is very impressive. He also reported that the new Supervisor, Terry Keely, is very interested in doing some economic development planning for the Town.

Upon discussion, the Board asked that arrangements be made to hold the March meeting in Portville and to precede it with a tour of Sprague's Maple Farms.

Director's Report

Margaret Puszcz reported that Thomas Livak was not able to attend this evening but asked that the Board be made aware of the following items:

Tourism Marketing DVD – The Tourism Marketing DVD is now completed and available for distribution to various markets (the Board viewed the DVD).

SnowTrails TV – SnowTrails TV will be here in Cattaraugus County for the next three days filming footage on snowmobiling and attractions. This footage will then be made into an 8-10 minute story, and will be broadcast during the fall and winter of 2008/2009. After the TV broadcast, the local touring TV stories will be available online at

snowtrailstv.com for viewing and destination research by website visitors. DVD copies will be provided for our use at trade shows and exhibitions.

Snowmobile Trail Grant Funds - NYS Office of Parks, Recreation and Historic Preservation awarded Cattaraugus County, the municipal sponsor, \$119,050.00 in funding to help improve and maintain the 368 miles of funded snowmobile trails in Cattaraugus County. Representatives from the Federation of Snowmobile Clubs attended the February 27, 2008 meeting of the County Legislature to accept the grant award from the Legislature.

Casino Spending Plan – Copies of the Casino Spending Plan for the 2006 Casino Revenue Funds were distributed for the Board's information.

Tourism Trailer – A trailer for Tourism promotion at various annual festivals has been purchased. It is currently being outfitted with photos on all sides and should be ready for use shortly.

Bicentennial – The Kick-off for the County's Bicentennial celebration will be in Ellicottville on March 11th. It will start at 2 pm at the Episcopal Church followed by the ringing of the Bicentennial Bell and then the ringing of the Oldest Bell in Cattaraugus County, Gabriel, which is located in the Episcopal Church. Legislators will then gather on the porch of the original County Seat for a photo. At 3 pm, the Legislature will hold a meeting in the Town and Village Municipal Building. At 4 pm is a tour of the Historical Society Museum followed by a reception at the New Ellicottville Inn in Foster's Pub.

Staff Reports

New Route 219 Association – Paul Bishop reported that the Route 219 Association has been reactivated for the purpose of devising strategies and taking action that promotes the development of the Route 219 Transportation Corridor. He distributed Membership Forms to the Board for their information/use.

Route 219 Corridor Planning Committee – Paul Bishop also reported that the County's Route 219 Corridor Planning Committee was reappointed by the Chairman of the County Legislature. They will hold their first meeting on March 17th.

Local Update on Census Addresses (LUCA) – Chris Crawford reported that 18 of the 47 municipalities will be going through the process. He has created aids to assist the municipalities with this process.

Agway-Felmont BOA/RI – Chris Crawford reported that he has reviewed the remediation plan report by Exxon Mobil for the Agway-Felmont BOA/RI, which contained standard information.

David McCoy stated that the City of Olean leveraged 1.3 million dollars for the Brownfields Program. Contamination exists, but is primarily petroleum. The City also participated in the NYS Department of State's Brownfield Opportunities Program. The new Call Center is located in the BOA.

NYSDOT Transportation Enhancements Information Workshop – Paul Bishop reported that Cattaraugus County will host this workshop on March 6th in the County Center, Little Valley. He distributed information on the program and workshop.

Purchase of Development Rights Workshop – Paul Bishop reported that on April 1st the Agricultural and Farmland Protection Board will host a Purchase of Development Rights Workshop at the Ellicottville Memorial Library. The American Farmland Trust, with special thanks to the New York State Department of Agriculture and markets for their support, will be presenting this workshop. He stated that there are currently four or five property owners who have expressed an interest in Purchase of Development Rights in the county.

STW REPORT

Robert Keis reported that: 1) Brian Paschen, Community Assistance Specialist for STW is meeting with Allegany, Cattaraugus, and Chautauqua County's to get their transportation improvement priorities, which will then be analyzed and submitted to NYSDOT. 2) Richard Zink, Assistant Director for STW has responded to a request for proposals from the NYS Office of Technologies under the universal broadband program. STW and entities within Allegany County worked on a grant proposal, where Southern Tier Wireless would construct six broadband towers throughout Allegany County in order to start bringing broadband into that region. STW is also working with Time Warner Cable to develop a "Memorandum of Understanding" that would allow for significantly lower-cost broadband becoming available to large broadband users in the region by using STW as an intermediary. STW is also working on a Fiber Mapping Project with Allegany, Cattaraugus, and Chautauqua Counties to identify the exact fiber-run locations within the three counties to ensure proper planning in the future. 3) STW will be holding Planning & Zoning Training on March 19 and 20 at the Center for Excellence in Salamanca. 4) The Annual Local Government Conference in Houghton will be Wednesday, May 7th.

Members Forum – none

CORRESPONDENCE

The following correspondence was received and reviewed:

NYSDEC – Farwell Road Landfill Site – Recently reclassified as a Class 4 in the Registry of Sites where hazardous waste disposal has occurred. The Classification Code 4 means that the site is properly closed but requires continued management.

City of Salamanca – Site Plan – Dunkin' Donuts – 721 Broad Street – approved with conditions.

ADJOURNMENT

Kameron Brooks moved with a second from Robert Keis to adjourn the meeting at 9:00 pm. Carried.

APPROVED AS CORRECTED MARCH 27, 2008. Correction: Page 3, second paragraph, line 7, change the word "illicit" to "elicit".