

CATTARAUGUS COUNTY PLANNING BOARD

June 26, 2003

County Center, Little Valley, NY

7:00 p.m.

PLANNING BOARD MEMBERS PRESENT:

Paul R. Bishop, Chairman

William Sprague, Vice Chairman

Ann Padlo, Secretary

Paul Mager, Assistant Secretary

Jack Berger

Kameron Brooks

Charles Couture

Florence Fuller

Donald Patterson

James Rich

David Rivet

PLANNING BOARD MEMBERS ABSENT:

Tina Abrams

Robert Keis

PLANNING STAFF PRESENT:

Terry H. Martin, Chief Planner

David P. Paoletta, Planner

Margaret E. Puszcz, Stenographic Secretary

GUESTS:

Joan Petzen, Ag & Farmland Protection Board/Cooperative Ext.

Paul Marra, Pasta Lugi, AFPM

Lisa Marra, Pasta Lugi, AFPM

John Sayegh, Cattaraugus Empire Zone

Mike Zaprowski, Salamanca Planning Commission

Carol Horowitz, Village of Allegany

Mary George, City of Olean

Paul Rinko, R & S Auto, Franklinville

Henry Florkowski, E. Aurora, NY

Kathy Kellogg, Buffalo News

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

APPROVAL OF MINUTES

Charles Couture requested that his name be added to listing of members absent at the May 22, 2003 meeting.

David Rivet moved with a second from Ann Padlo to approve the May 22, 2003 meeting minutes as amended (add Charles Couture to the listing of members absent). Carried.

OLD BUSINESS

Town of Perrysburg – Zoning Law Amendments

David Paoletta reported that at the May 22nd meeting of the Planning Board, the Board had taken no action on the Town of Perrysburg Zoning Law Amendments because of procedural errors on the part of the Town for referral and adoption. The Town has now resubmitted their Zoning Law Amendments following correct procedure.

David Paoletta reviewed the proposed changes for the Planning Board and recommended approval.

Kameron Brooks moved with a second from David Rivet that the County Planning Board approves the proposed amendments to the Town of Perrysburg Zoning Laws. Carried.

NEW BUSINESS

City of Olean – Site Plan – Premier Banquet Facility – 2000 Constitution Avenue

Terry Martin reported that the City of Olean has referred a Site Plan and SEQR for review for a Premier Banquet Facility at 2000 Constitution Avenue, which is half way between Wayne Street and Independence Avenue. The facility will have a capacity for seating 600 people with food catering. The proposed project will be located on 8.4 acres with ample room for parking. A 15 foot wide easement for a future trail has been included in the front of the property. This is a high quality facility and meets a major need in the Olean area. Staff recommendation is approval with an advisory that City officials should keep in mind that as traffic increases in the future on Constitution Avenue, it may need to be widened. So when projects such as this are approved, an adequate front setback should be allowed so that future road expansion will not hurt business operations and layouts.

John Sayegh, Executive Director of the Urban Renewal Agency and head of the Empire Zone, stated that the site is in the Empire Zone and will qualify for benefits of the Zone. This Banquet facility and conference center will meet a huge need in the area for a facility of this type. The area should be able to attract large conferences and perhaps the NYS Pageant, which had been held in Olean in the past. The developer is a local businessman with an excellent track record of success – Paul and Lisa Marra.

Mr. Sayegh stated that he tends to agree with Terry's recommendation concerning the set back in anticipation of the Construction Avenue being widened in the future.

Ann Padlo congratulated the Marra family for undertaking this project, which will be of great benefit to the community.

Terry Martin asked how many hotels are in the area?

John Sayegh stated that there are four hotels in the vicinity, with the new Premier Banquet Facility being centrally located with good access. Chairman Bishop stated that originally the area along Constitution Avenue had been slated for industrial development such as factories, but this has not been the case, with so many small businesses being allowed in this area. Does the City have other areas that can be used to attract manufacturing businesses?

John Sayegh indicated that the County IDA has the Homer Street Industrial Park and there are ample areas in the City as well as in the Town of Allegany, such as the large area at Exit 24.

Ann Padlo moved with a second from James Rich that the County Planning Board approves the Site Plan, Special Use Permit and SEQR for the construction of a Premier Banquet Facility at 2000 Constitution

Avenue with an Advisory: City officials should keep in mind that one day in the future, Constitution Avenue may need to be widened. So when projects such as this are approved an adequate front setback should be allowed so that future road expansion will not hurt site plans. Carried.

Village of Allegany – Zoning Law Amendments

Terry Martin reported that the Village of Allegany has referred a rewrite and reorganization of the text of their zoning law to bring it into line with the Town of Allegany Zoning and they have incorporated findings from the Route 417 study and have consolidated previous amendments such as the adult entertainment and telecommunications sections into this law.

Carol Horowitz reviewed the proposed new computer based zoning map and stated that the boundaries of the zoning districts have not changed materially from the existing zoning map. The major change that has been made involves separating the commercial district into three districts, one of which is automobile-oriented in nature.

Terry Martin stated that staff recommendation is approval of the Zoning Text and Map Amendments and the SEQR.

Paul Mager moved with a second from Florence Fuller that the County Planning Board approves the Village of Allegany Zoning Text and Map Amendments and the SEQR. Carried.

City of Salamanca – Amendments to Comprehensive Plan, Zoning Law and Map - SEQR Type 1 – Negative Declaration

Terry Martin reported that the City of Salamanca has referred a comprehensive set of proposed changes to their Comprehensive Plan, Zoning Law and Map and has declared a Negative Declaration for the SEQR Type 1 action.

Terry Martin stated that the amendments to the Comprehensive Plan accomplish the following major objectives:

- 1) Encourages new growth off of Exit 20 of I-86 in West Salamanca through expanding the General Commercial Districts and Neighborhood Commercial Districts.
- 2) Emphasizes control along Broad Street over converting residential areas to commercial/business areas, and promotes design standards along Broad Street to protect:
 - a) mixed use residential character and
 - b) boulevard quality of Broad Street which includes commercial and other uses.
- 3) Adds a new focus on east Salamanca and Exit 21 off of I-86 – Parkside Drive/ Hospital. Supports Cattaraugus County Allegany State Park Perimeter Study intent to attract new business and growth to this major Gateway into Allegany State Park.
- 4) Adds changes to prepare for Rt. 219 Freeway, which will change traffic patterns throughout the east end and into Great Valley.
 - a) Central Avenue – commercial on east side of street
 - b) Central Avenue – Mixed use areas – design standards, landscaping, buffers
 - c) Tree planting program
 - d) Coordinate with NYSDOT on design standards and access plans – impact of Rt. 219 Freeway by-pass and bridge-new crossing Allegany River – what are the implications for grade level crossings - do not create isolated areas in eastern portion

of City.

- 5) Support existing industrial parks and efforts at Morningside Drive
- 6) Proposes major new Regional Business park at 417 and Central Avenue
- 7) Preserve Buffalo & Pittsburgh rail lines through the City for future Rt. 219 related intermodal development
- 8) Encourages DOT & NYS to cooperate with Seneca Nation of Indians.

Terry Martin stated that the Zoning Amendments add Bed and Breakfast as a Special Use Permit to R-1 districts. Deletes billboards. Adds regulations on fences and walls. Allows off-premises signs to advertise businesses by Special Use Permit. Adds Community Residences for up to six Developmentally Disabled persons. Adds storage units as permitted uses in B-2 districts and adds 10' setback requirements on parcels in B-2, B-3, I-1, I-2 districts (previously unregulated). Mr. Martin also pointed out the changes to the Zoning Map as well.

Mike Zaprowski, Chairman of the Zoning Commission, stated that these documents are living documents, which will need updating as time goes on.

Terry Martin asked if the City had a consultant working with them to come up with these changes?

Mr. Zaprowski stated no, that he and the members of the Commission had recommended these changes.

Terry Martin congratulated the City for these appropriate and timely changes. He stated that his staff recommendation was approval of the proposed changes to the Comprehensive Plan, Zoning Ordinance and Map as well as the SEQR Type 1 Negative Declaration.

Charles Couture moved with a second from James Rich that the County Planning Board approves the City of Salamanca proposed changes to the Comprehensive Plan, Zoning Ordinance and Map as well as the SEQR Type 1 Negative Declaration. Carried.

Town of Franklinville – Special Use Permit – Automobile Sales & Repair – 6389 Morgan Hollow Road

Terry Martin reported that the Town of Franklinville has referred a Special Use Permit request to allow Automobile Sales & Repairs at 6389 Morgan Hollow Road. This referral is as a result of the amendment that the Town of Franklinville did to allow auto businesses in Agricultural Residential Districts. This amendment applies to all such districts in the Town.

Mr. Martin stated that the proposed business is for car sales and repair shop with two bays and is located on a parcel on Morgan Hollow Road and is completely surrounded by a NYS Certified Agricultural District. An Ag Data Statement has been submitted. There are no homes in the immediate area. The applicant has met Town requirements and the Town has waived the site plan requirement.

Paul Rinko, the applicant, stated that he has applied for a Special Use Permit to get started in business. It is not a long term situation. He will move his business to Route 98, 219 or 16 at a later date.

Henry Florkowski, neighbor, stated that he owns 135 acres adjacent to this project. He expressed concerns that proper procedure is not being followed since the applicant already has cars there.

Mr. Rinko stated that he had an opportunity to get inspected by NYS so that he could become a registered NYS dealer. He would have to put up a sign on his building. He discussed this with the Zoning Board and they

told him to go ahead. He also had the opportunity to purchase three cars and the Town Board and Zoning Board told him to go ahead and do so.

Jim Rich asked, did you say the Town has waived the site plan review requirement and is the property in or out of the ag district?

Terry Martin replied that yes the Town has waived the site plan review requirement and the property is out of the ag district but is surrounded by an ag district. Staff recommendation is approval with a modification that there be no outdoor storage of non-operating automobiles, auto parts, waste products of auto repairs, or trash.

Mr. Florkowski continued to have concerns about the procedures of the Town in relationship to this Special Use Permit request.

Ann Padlo suggested that Mr. Florkowski seek legal counsel.

Mr. Florkowski stated that he had, but continued his objections.

Bill Sprague asked Mr. Rinko how long before he expected to move his business to a new location.

Mr. Rinko stated that he hoped to move within two years.

Chairman Bishop asked how long the three cars and sign have been in place?

Mr. Rinko stated that the sign was put up during the month of May and the three cars have been there from roughly the same time. But he will not be open for business until the Special Use Permit is granted.

Mr. Florkowski continued his objections.

Terry Martin stated that staff recommendation is approval with the modification.

David Rivet moved with a second from Paul Mager that the County Planning Board approves the Special Use Permit for Automobile Sales and Repair Shop at 6389 Morgan Hollow Road, Franklinville, NY with the modification that there be no outdoor storage of non-operating automobiles, auto parts, waste products of auto repairs, or trash.

Mr. Florkowski continued his objections.

Terry Martin stated that if the applicant meets the requirements for a Special Use Permit, the Town must give it.

Florence Fuller stated that there can be limits on Special Use Permits.

Mr. Rinko stated that the Town has put a one year limit on the permit for review.

Mr. Florkowski continued his objections.

Chairman Bishop told Mr. Florkowski that he needs to take his objections to the Town Board that this is not the place for them.

Charles Couture asked if an advisory could be added to the motion encouraging the Town to re-evaluate this Special Use Permit in one year?

David Rivet and Paul Mager agreed to the addition of the advisory to their motion.

Motion carried with the modification and the advisory.

Mr. Florkowski continued his objections. Kameron Brooks told Mr. Florkowski that he needed to take his concerns to the Town.

Town of Randolph – Special Use Permit – Private Cemetery – 3241 Pine Hill

David Paoletta reported that the Town of Randolph has referred a Special Use Permit for a Cemetery (private burial plot) to be located at 3241 Pine Hill Road. The proposed private burial plot is allowed as a special use (Cemetery) pursuant to the Town of Randolph Zoning Ordinance. The applicant proposes the burial plot to be located in an undeveloped area in the center of a 103-acre parcel with no access to the burial site. The NYS Department of State and Department of Health have been contacted by the Town and they have no objection. The parcel is located in a NYS Certified Agricultural District. The burial plot is in a wooded area well away from any farmed area. The project should not pose any significant, adverse environmental impacts upon surrounding properties, which include agricultural and residential land uses in the vicinity, or the rural character of the area. The project complies with all required setbacks. This is a local issue with no countywide or inter-municipal concerns. Staff recommendation is approval.

Bill Sprague moved with a second from Kameron Brooks that the County Planning Board approves the Special Use Permit for a Private Cemetery (private burial plot) at 3241 Pine Hill Road, Randolph, NY. Carried.

Town of Randolph – Variance – Mobile Home – 2592 Bowen Road

David Paoletta reported that the Town of Randolph has referred a Variance Request to locate a Mobile Home at 2592 Bowen Road. The proposed mobile home will be placed on the same site as a previous mobile home that burned down. Existing septic system, gas and water lines will be utilized. It will be used primarily to house farm workers, as did the previous unit. The parcel is located in a NYS Certified Agricultural District and will enhance the farming operation. The project should not pose any significant, adverse environmental impacts upon surrounding properties, which include agricultural and residential land uses in the vicinity, or the rural character of the area. The project complies with all required setbacks. This is a local issue with no countywide or inter-municipal concerns. Staff recommendation is approval.

Jack Berger moved with a second from Charles Couture that the County Planning Board approves the Variance request to locate a Mobile Home at 2592 Bowen Road, Randolph, NY. Carried.

Town of East Otto – Special Use Permit – Hunting Camp – 8869 Reed Hill

David Paoletta reported that the Town of East Otto has referred a Special Use Permit to construct a cabin for a hunting camp at 8869 Reed Hill Road. The proposed cabin is allowed as a special use (Cabin) in an A-1 zoning district pursuant to the Town of East Otto Zoning Ordinance. Hunting on the property has occurred historically and will continue with or without the cabin and should not be a factor in the review. SEQR is adequately addressed in the referral application. While the proposed action is situated on property adjacent to a parcel located in a NYS Certified Agricultural District, no impact on any farming operation is anticipated. An Agricultural Data Statement has been completed. The project should not pose any significant, adverse environmental impacts upon surrounding properties, which include agricultural and residential land uses in the vicinity, or the rural character of the area. The project complies with all required setbacks. This is a local issue with no countywide or inter-municipal concerns. Staff recommendation is approval.

Charles Couture moved with a second from Ann Padlo that the County Planning Board approves the Special Use Permit to construct a cabin for a hunting camp at 8869 Reed Hill Road, East Otto, NY. Carried.

INTERGOVERNMENTAL REVIEWS

David Paoletta stated that Intergovernmental Reviews numbered STW #03.019 through STW #03.22 have been received. Staff recommendation is received, reviewed, filed. The Board concurred.

REPORTS

Chairman's Report

Annual Meeting Follow-up – Chairman Bishop reported that there were 117 people in attendance at the Annual Meeting held on May 28, 2003 at Holiday Valley Resort, Ellicottville, NY. The Keynote Speaker, Diane K. Jones, President Emeritus, New York State Horse Council spoke on the “Equestrian Lifestyle” which was very well received.

The Torrance Brooks Community Leadership Award was given to Jack “Ol’ Dad” Berger For Outstanding Leadership in Community Planning and Development For the Onoville Marina Park, The Villages of East Randolph and Randolph, and the Allegany State Park Perimeter Study In Cattaraugus County, New York (see attached for Jack’s Bio).

Jack Berger expressed his thanks for the award and informed the Board that he will be the Commencement Speaker at Randolph Central School on June 27th.

Terry Martin reported that as a result of the Annual Meeting, the New York State Horse Council has agreed to support our County’s equestrian initiative. They would like to assist in identifying prototype equestrian facilities such as Bed and Barns, and promote them statewide.

Ann Padlo stated that there is an interest in the Olean area for a horseback riding trail that would go from Olean to Hinsdale to Cuba. Discussion.

September Meeting in Salamanca – Terry Martin reported that arrangements have been made to hold the September 25th meeting at the Holiday Inn Express in their Great Room and Sandy Abrams, developer and owner of the proposed “Grand Center Station” has tentatively agreed to give a presentation on her mall project in West Salamanca.

Bill Sprague moved with a second from Kameron Brooks to hold the September meeting of the County Planning Board at the Holiday Inn Express, Salamanca, NY. Carried.

Meeting Dates for Summer Months – July & August

Margaret Puszcz reported that she has made tentative arrangements to hold the July 31st meeting at Onoville Marina in the picnic shelter near the launch ramp if the Board so desires.

Upon discussion, the Board agreed that Margaret should continue to make arrangements to hold the July 31st meeting at Onoville Marina and to wait until the August meeting is closer to decide on whether or not to cancel it.

Members' Terms Expiring

Chairman Bishop stated that Ann Padlo, Paul Mager, Charles Couture and his terms will expire on July 31, 2003. He asked if these members were willing to serve another three year term. All replied yes. A memo will be prepared and sent to Gerard Fitzpatrick, Chairman of the Legislature so informing him of the members desire to serve another three year term on the County Planning Board.

Mileage Vouchers – Margaret Puszcz distributed six month mileage vouchers for review and signature.

Guide to Farm Fresh Products – Joan Petzen distributed copies of the recently published “Guide to Farm Fresh Products” which was produced by the Allegany & Cattaraugus Counties of Cornell Cooperative Extension.

Three Year Plan and Budget Committee – Chairman Bishop requested William Sprague, Chairman of the Three Year Plan and Budget Committee to call a meeting to discuss and revise the Three Year Plan and to propose budget items to be reviewed by the Department Director.

Members Forum - no items of discussion.

Director’s Report – no report.

STW Report – no report.

OTHER REPORTS

ARC Grant Application Submittal

Terry Martin reported that the Department has submitted an ARC Grant Application for the Cattaraugus County Enchanted Mountains Inventory Project. The purpose of the Project is to provide a new and more effective form of technical assistance to Cattaraugus County’s 13 villages, which have suffered deterioration of physical infrastructure, out-migration of people, loss of traditional industry, and weak linkages to new markets in the region that support new growth. New growth is needed in these villages. GIS and GPS technology and analysis of inventory data will be used to identify development ready sites in Cattaraugus County’s 13 villages. With this data each village will be able to promote sites that are primed and ready for development within each village. This proposed project will enable County and regional agencies to promote development ready sites in each village, for regional marketing purposes. This project will thereby reinforce village revitalization objectives and regional economic development strategies.

County Project SEQR Environmental Reviews Report

David Paoletta reported that two SEQR reviews have been completed. 1) Redefining the Cattaraugus County Empire Zone Boundaries which increased the total number of sub-zones from 23 to 27 and the net acreage from 1,189.3356 acres to 1,210.0779 acres, and 2) Maintenance of Snowmobile Trails in Cattaraugus County for the County Snowmobile Federation under a County Legislature sponsored New York State Grant ([click here to view attached report for further details](#)).

CORRESPONDENCE

George W. King, President NYS Horse Council – expressing interest in the County’s Vision for the role of the Equine in Cattaraugus County and inviting Terry Martin to speak at their annual meeting to be held in December.

Ruth L. Pierpont, Director, Historic Preservation – listing of the Bedford Corners Historic District, NY 305, Portville on the NYS Register of Historic Places and its nomination to the Nation Register of Historic Places.

Joe Tocke, Partners for a Livable Western New York – Concerns about the proposed Site of the Ellicottville Memorial Library.

Steven Doleski, Regional Permit Administrator, NYSDEC – Response to June 4, 2003 Letter Southern Tier Waste Management Facility – application not complete at this time.

Town of East Otto – Special Use Permit/Site Plan Review - to erect a pole barn to house an indoor archery range and retail shop; and an outdoor Olympic archery range on vacant land near Plato and Jackman Hill Roads – approved with conditions.

Town of Ellicottville – Area Variance –new barn at 7853 Route 219 N – granted.

Town of Allegany – Special Use Permit/Site Plan Approval – to allow an ATV Riding course and campgrounds at end of Oregon Road – approved with conditions.

Village of Franklinville – Site Plan – for locating a Family Dollar Store on Route 16 North – approved with modifications and noted need for an Area Variance to allow minimum of 30 parking spaces instead of 80 parking spaces.

Town of Allegany – Site Plan Approval – to allow two model homes for use as a modular home sales office to be located at North Seventh Street and Buffalo Road – approved subject to the condition that the two tax map parcels be combined into one.

Town of Allegany – Site Plan Approval – to allow the construction of two buildings, one to be used as a repair shop and warehouse for the construction company and the other building to be used as the company’s office to be located at North Seventh Street and Buffalo Road – approved subject to the condition that the two tax map parcels be combined into one parcel.

ADJOURNMENT

Jack Berger moved with a second from Kameron Brooks to adjourn the meeting. Carried.

MINUTES APPROVED AS CORRECTED ON JULY 31, 2003

CORRECTIONS: P. 10 last paragraph before adjournment, second sentence change the word “sued” to “used”. Also on P. 8 add as last paragraph to Annual Dinner Report the following paragraph: “Ann Padlo stated that we there is an interest in the Olean area for a horseback riding trail that would go from Olean to Hinsdale to Cuba. Discussion.”

The Torrance Brooks Community Leadership Award

The Cattaraugus County Planning Board’s theme for these awards is “People Are Our Greatest Resource”. In this spirit, we are pleased to present the Torrance Brooks Community Leadership Award for the Year 2003 to:

Jack “Ol’ Dad” Berger

For outstanding leadership in community planning and development for the Onoville Marina Park, the Villages of East Randolph and Randolph, and the Allegany State Park Perimeter Study in Cattaraugus County, New York.

Onoville Marina Park – Jack was elected to the Cattaraugus County Legislature in 1970. He served 10 years as Chairman of the Conservation, Wildlife and Forestry Committee, which was responsible for the

construction of the Onoville Marina Park on the Kinzua Reservoir in the Town of South Valley – The Flagship Project of the Cattaraugus County Planning Board. He also was the Legislature’s liaison to the Cornell Cooperative Extension in Ellicottville.

Cattaraugus County Planning Board – Jack is a current member of the County Planning Board and has been for 13 plus years. In April 2003, he was appointed by the Cattaraugus County Legislature to the Conewango Watershed Commission. For a short time in the 90’s he was a member of the East Randolph Planning Board.

Photographer - Jack was a stringer news photographer for the Buffalo Evening News in the early 50’s. He later provided news photographs for the Cattaraugus Times, the Randolph Register and the Salamanca Press. Since 1989 his photojournalism has been confined to the Jamestown Post Journal and the Randolph Register. He also does photos for the Cattaraugus County Department of Economic Development, Planning & Tourism and organizations in Randolph and East Randolph.

Driver Education Instructor - Jack is a graduate of the Buffalo State Teacher’s College in education and received his Master’s degree from New York University. His 32-year teaching career began in 1949 as a driver education instructor in the early Shared Services Program between Cattaraugus and Randolph Central Schools. He was one of the original nine teachers in the BOCES system in Cattaraugus County. In the mid-sixties, Jack was a full-time teacher at Randolph Central School. He was a member of the late Governor Harriman’s Traffic Safety Committee and editor of the statewide driver education newsletter, Front View, for many years.

Charter Coach Driver - For 19 summers Ol’ Dad drove cross-country charter coach for Blue Bird Coach Lines, traveling with such notables as singer Connie Stevens, Jane Fonda, the Buffalo Bills and pro basketball teams.

Military Service - Jack’s military service began in the US Signal Corps attached to the Air Force, later transferring to the 310th Army Service Force’s Band in Casablanca where, still attached to the Air Force, he spent nearly four years in Africa and Italy. He played trombone in a 27 piece regimental band that entertained the wounded in field hospitals, protocol for dignitaries at airports, arrival and departing troopships, area USO shows as well as concerts for civilian groups. At home, Jack played semi-professionally for 12 years throughout western New York with the late Art Dedrick’s big band.

Memberships - Jack is a member of the Randolph United Presbyterian Church; the National Press Photographer’s Association; Randolph Masonic Lodge No. 359; Randolph Lions Club; Randolph Grange 78; Randolph American Legion Post 181; Randolph VFW Post 6533; the Cattaraugus County Retired Teacher’s Association; and the East Randolph Volunteer Fire Company. He is an honorary member of the Randolph and Coldspring Volunteer Fire Companies.

Family - Jack and Noralyn, married 53 years, have two daughters, Diane Hennessy of West Palm Beach, Florida and Carol Wellman of Louisville, Kentucky and one son, Duane Berger of Ashland, Virginia. Jack has two brothers, Warren of Boston, NY and Roger of Albany, Oregon, and one sister, Jean of Setauket, NY.

Congratulations, Ol’ Dad!