

**Cattaraugus County Planning Board
303 Court Street, Little Valley, New York
March 26, 2015 at 7:00 pm**

PLANNING BOARD MEMBERS PRESENT: Charles Couture, Chairman
Michael Zaprowski, Assistant Secretary
Florence Fuller
David McCoy
Al Ormond
Mark Smith
James Valent

PLANNING BOARD MEMBERS ABSENT: Paul Mager, Vice Chairman
Ann Padlo, Secretary
Tina Abrams
Mark Hopkins
Robert Keis
Joseph Pillittere

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

Chairman Charles Couture called the meeting to order at 7:02 pm.

APPROVAL OF MINUTES

David McCoy moved with a second from James Valent to approve the minutes of the January 22, 2015 meeting. Motion was carried.

NEW BUSINESS

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

Town of Yorkshire – 3016 Route 39
Use Variance

Paul Bishop reported that the Town of Yorkshire is requesting a use variance for 3016 Route 39. The applicant wishes to construct storage units on this approximately one acre lot, which currently has a brick house on it. He stated that storage units are not an allowed use in the Hamlet Commercial District. Also, per section 239-nn of General Municipal Law, the Town of Yorkshire is required to give notice to an adjacent municipality (in this case, the Town of Arcade) when a hearing is held relating to the granting of a use variance on property that is within 500 feet of an adjacent municipality.

Mr. Bishop reported that some required information is missing, but the project does not meet the four part criteria for a use variance. The Use Variance Criteria states:

To allow a use not otherwise allowed in zoning, an applicant must demonstrate UNNECESSARY HARDSHIP. Such demonstration includes ALL of the following, for each and every permitted use:

1. Cannot realize a reasonable return – substantial as shown by competent financial evidence
2. Alleged hardship is unique and does not apply to a substantial portion of the district or neighborhood
3. Requested variance will not alter the essential character of the neighborhood
4. Alleged hardship has not been self-created

Mr. Bishop added that storage units were allowed down the road only because a storage facility was already there.

Discussion included the following comments:

- Ormond – review request must be complete
- McCoy – as the County rarely gets referrals from the Town, perhaps the recommendation should be softened; typically should have a site plan

STAFF RECOMMENDATION: DISAPPROVAL

Michael Zaprowski moved with a second from David McCoy to return the referral as an incomplete application (no SEQR form and no site plan). Motion was carried.

**Town of Perrysburg – 11930 Versailles-Silver Creek Road (County Road 42)
Special Use Permit and Area Variance**

Paul Bishop reported that the Town of Perrysburg is requesting a Special Use Permit and Area Variance. The applicant (Horvath Communications, along with Verizon Wireless) wishes to construct a new 200' tall self-supporting lattice telecommunications tower and related equipment on land leased from James and Mary Stuhr. The area variance is required due to the fact that that Perrysburg's Zoning Law requires a setback requirement from a building or public highway of 500 feet or the height of the tower plus 50 feet, whichever is greater. The tower is approximately 300 feet from the nearest building and from Versailles-Silver Creek Rd. (County Road 42).

Mr. Bishop stated that the application was incomplete with no EAF or Ag Data Statement provided.

Mark Smith stated that the Seneca Nation of Indians will want an archeology (cultural) assessment conducted. Also make sure that this is not on the circles and squares map (the NYS Office of Parks, Recreation and Historic Preservation’s Archaeological Sensitivity Map).

STAFF RECOMMENDATION: APPROVAL WITH THE FOLLOWING ADVISORIES:

- (1) THE TOWN OF PERRYSBURG COMPLETES THE REFERRAL BY SUBMITTING TO THE COUNTY PLANNING BOARD THE SHORT EAF TO SATISFY THE SEQR REQUIREMENT AND A COMPLETED AGRICULTURAL DATA STATEMENT**
- (2) THE TOWN OF PERRYSBURG CONSIDERS A CULTURAL ASSESSMENT OF THE PROPERTY**

Michael Zaprowski moved with a second from Mark Smith to accept the staff recommendation. Motion was carried.

Environmental Reviews - None

Intergovernmental Reviews – None

OLD BUSINESS – None

REPORTS / OTHER BUSINESS

Chairman’s Report

Charles Couture reported that he and his wife had attended the American Farm Bureau National Convention in San Diego. As regards legislation on estate tax, he reported that Congressman Reed is on top of that. Ways and Means have passed the repeal of the estate tax. This would have devastating impacts on farmers passing on their farms to their children.

Nominating Committee Report

Florence Fuller reported that all the officers would like to remain in their positions.

Florence Fuller moved with a second from David McCoy to accept the slate of officers. Motion was carried.

Department Reports

Director’s Report

Crystal Abers reported that the Department is requesting a support letter form the Planning Board in regard to the Land Bank application. The Land Bank will cover residential and commercial. Once approved, the County will be moving slowly with implementation, working with a few properties at a time.

Discussion included the following questions/responses and comments:

- McCoy – What is the Board structure?
- Abers - 5 legislators; Directors of Economic Development and Real Property; County Administrator; and County Treasurer. There will also be a Committee that will advise the Board.
- Valent – Can they take donated properties? Yes

- Abers – spoke to other counties with Land Banks and they have a scoring system for properties in place. Nothing is cut in stone at this point. The Board will decide on policies and will learn as we move forward.
- Question – Will the properties be mostly tax foreclosures?
- Abers - Anything is possible, but each deal is different and will be evaluated on a case by case basis.
- McCoy – one concern is that the Board consists of government and more committees will only complicate the process.
- Abers - The Board, which will be its own corporation, can always be changed. This is a work in progress.

David McCoy moved with a second from Florence Fuller to provide a support letter for the Land Bank.

Mrs. Abers reported that the **4th Annual Farmer-Neighbor Dinner** will be held at the West Valley Fireman's Hall on April 8th, 2015. The Department has received 242 reservations and the cut-off number is 300.

Comprehensive Plan

Paul Bishop gave an update on the Comprehensive Plan. He stated that the Department has reviewed the draft, which needs some changes. Staff will be making the changes to the document. He stated that if the Board has any comments or changes, please give them to him or Mrs. Malak.

Mrs. Abers commented that it is much easier for the staff to make the changes that are needed rather than go back and forth with the consultant. Mr. McCoy commented that the consultant's contract should be reviewed as to what was specified as to the responsibilities of consultant vs. the Department.

Community Revitalization Fund

Ginger Malak reported that although no applications have been submitted, she has received interest from and is working with the Town and Village of Portville, Town of Carrollton, and the Village of Allegany. The Department hosted a webinar for one of Roger Brooks' videos, which is one of the requirements, for the Town of Carrollton. The Town of Portville may view a video in April.

Mrs. Malak stated that it was necessary to form a Committee for the review of applications. The Department is thinking perhaps two representatives from the Planning Board and two from the Legislature. Mrs. Abers added that perhaps the whole Planning Board could serve as the Committee. It was agreed that the Planning Board would serve as the Committee for the review of applications to the Community Revitalization Fund.

Mr. Zaprowski asked if the City of Salamanca has inquired about the Fund. Mrs. Malak stated that she has spoken with Ruthe Riehle. Mr. Zaprowski will contact her as to the interest in a project.

Trails Initiative

Ginger Malak reported on the County-wide Trails System Initiative. The County held its third meeting on March 11 with about 25 people in attendance. It was a very productive meeting and received good feedback on the meeting as well as much information.

The agenda included:

- Appalachian Regional Commission grant application for a County-wide Trails System Plan. Guidelines for the application were reviewed and what is needed from the group. The first draft is due on May 1.
- National Trails Day on June 6. Different groups schedule/host different events that day for their trails association and/or volunteers. Some convene to maintain their trails or just enjoy the trails that day. The Department plans to participate in this day as well.
- Tourism Presentation. Overview of what the Department can do for the trails and trails groups.
- Outline of Next Steps. The next meeting is scheduled for May 13. The agenda will include a panel discussion on:
 - How to recruit volunteers and keep their interest.
 - Best practices of trail maintenance
 - Possible funding available

Mr. McCoy asked if staff had talked to the Sherriff's Department for assistance in maintaining trails. Mr. Couture mentioned the work crews from Collins Correctional Facility. Mr. Ormand stated that DSS has work crews as well.

Mrs. Abers reported that staff anticipated presenting an overview of the NYSDEC Draft Unit Management Plan (UMP), but since Dan Shaffer from NYSDEC was in attendance he was enlisted to discuss the document. He gave an excellent presentation, providing information not only on the UMP, but also on the Volunteer Program for the trails on State land. Much of the information is educational. The Department is thinking about having a session solely on NYSDEC programs and procedures at one of the next meetings. NYSDEC is very supportive of the County's trail initiative and is not necessarily only interested in terms of their regulation and enforcement of environmental laws.

Other

Underground Railroad in Cattaraugus County. Mr. Bishop reported that a brochure on the Underground Railroad in Cattaraugus County has been published. Walking tours have also been established.

Agricultural Districts Review. Paul Bishop reported that for the Agricultural Districts Review the Department mailed out the required letters and forms to approximately 3600 property owners. He has received many returns and many phone calls (62 since March 13). In general, the calls have been very positive. The returns have shown that many properties are not owned by farmers, but the land is rented to farmers.

Mr. Couture stated that this fact should be included in the Comprehensive Plan.

Mr. Bishop explained that the current six agricultural districts in the County will be converted into one single countywide agricultural district. NYS Ag and Markets are aware that most of the Districts are now beyond their eight-year review dates and the consolidation will allow for one eight-year review. 13 counties in NYS have combined their districts into one ag district. The County has a 60-day public comment period. The Department also had to prepare a Summary of the Agricultural District Consolidation Plan for NYS Ag and Markets

Board Membership. Mr. Bishop reported that he spoke to Dick Fuller and he stated that Mark Hopkins would like to resign from the Board. His resignation is needed before a new appointment can be made.

US Route 219. Mr. Bishop reported that Senator Cathy Young is pushing for the completion of the Salamanca portion of the Route 219 Expressway. The approximately two mile section would connect with I86 (Exit 22), then cross the Allegheny River and end near the rail yard in Great Valley.

STW Report

In the absence of Robert Keis, Crystal Abers gave the Southern Tier West Board report:

- The Annual Local Government Conference at Houghton will be held on May 6.
- The Annual Stormwater Conference will be held at the Cattaraugus County DPW facility on May 21
- Farmers Markets

Mr. Couture reported that a meeting was scheduled this evening to set up a Board for the markets on a regional basis.

Members Forum

Mark Smith reported that NYS put out to bid a \$2 million project for the rehabilitation of the J. N. Adam facility in Perrysburg. The project would include waste removal that would be trucked to Ellery landfill and then the renovation of the building.

Mrs. Abers stated that there is a JN Adam Committee that meets regularly. The property (600 acres) is in an excellent location for economic development as it is close to the thruway, etc.

David McCoy mentioned that he was thinking about what the County has to offer while he was driving over in the snow. We had a fabulous fall. The winter was great for skiing, etc. If the spring doesn't have too much rain and flooding, then that should be great as well.

Mr. Zaprowski stated that it wasn't all that rosy.

Mr. Couture stated that there is a lot of deer out now.

Al Ormond reported that he is President of the Seneca Trail RC&D and that it is alive and well. The organization is working with a five-county region, the Seneca Nation of Indians, and the SUNY College of Environmental Science and Forestry (ESF) in Syracuse on a proposed bio-

refinery. It is being referred to as New Forest Economy. It is a process that extracts certain industrial chemicals from wood fiber using only steam and hot water...no chemicals. This creates a market for the low-grade wood chips that are not currently being utilized.

ESF is currently working with Alfred State College to scale up a facility to be built at Alfred. This facility will then become an International Research Facility. Commercial full scale sites are planned in Cattaraugus County, Allegany County, Long Island, and Northern New York, each costing \$120 million. Each facility will use 30 tractor trailer loads a day of wood chips.

Mr. Ormond stated that there are investors waiting to build the full scale facilities, but no one wants to invest in research and development – the Alfred facility. The Cattaraugus County Legislature supported the initiative with \$75,000 to Seneca Trail RC&D to help facilitate the process and look for a location in Cattaraugus County. Allegany County has provided a similar amount. On February 2, the Executive Director of RC&D went to Albany to gain support. Senator Cathy Young is very supportive of the initiative.

This is a great economic development boost as it will need welders, fabricators, marketing, etc., which is the attraction to Cattaraugus County because it has this skilled labor. This initiative has the potential to really take off. The process has also caught attention outside of the region. They have had inquiries from the UK and the Pacific Rim about using the research facility. Furfural is one of the products produced and right now China is the #1 producer of furfural in the world.

Mr. Couture commented that the spin-off is the real benefit.

Florence Fuller reported that she attended the Roger Brooks video and it was very informative and helpful.

CORRESPONDENCE AND UPCOMING MEETINGS / EVENTS

Paul Bishop reported that these are attached to the agenda.

NEXT MEETING

The next meeting of the Planning Board is scheduled for April 30, 2015 at 7:00 pm in Little Valley, New York.

ADJOURNMENT

Florence Fuller moved with a second from Al Ormond to adjourn the meeting at 8:20 pm. Motion was carried.