

Cattaraugus County Planning Board Meeting Minutes

June 30, 2005

Location

**Cattaraugus County Center
303 Court Street
Little Valley, New York**

PLANNING BOARD MEMBERS PRESENT:

William Sprague, Chairman
Charles Couture, Assistant Secretary
Jack Berger
Florence Fuller
Robert Keis
David McCoy
James Rich
David Rivet

PLANNING BOARD MEMBERS ABSENT:

Paul Mager, Vice Chairman
Ann Padlo, Secretary
Tina Abrams
Kameron Brooks

PLANNING DIVISION STAFF:

Terry H. Martin, Chief Planner
David P. Paoletta, Senior Planner
Paul R. Bishop, Planner
Margaret E. Puszcz, Stenographic Secretary

GUESTS:

Mary George, City of Olean Development
Joan Petzen, Chairman, Agricultural & Farmland Protection Board
Kathy Kellogg, Buffalo News

Chairman Sprague called the meeting to order at 7:00 p.m.

APPROVAL OF MINUTES

Margaret Puszcz reported that two corrections are needed to the minutes: Page 1, delete Dan McCarthy from the list of those present and Page 8, change “tress” to “trees”.

Charles Couture moved with a second from Robert Keis to approve the May 26, 2005 minutes as corrected.
Carried.

NEW BUSINESS

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

City of Olean - SEQR Lead Agency / Adoption Comprehensive Plan

Terry Martin reported that the City of Olean has referred its new Comprehensive Plan for review by the Planning Board. The City met with all major stakeholders and with various community groups in formulating this new Development Plan. It proposes a Regional Strategy to renew an old city with new activities on existing infrastructure that was built in an earlier age. It is a feasible and livable plan for the City of Olean. Its overall impact will be to protect the environment, clean up Brownfields, and strengthen the City as a major part of the region's center of commerce, arts, health care, industry, housing and recreation.

Mary George reviewed the implementation approach to the new plan stating that one of the goals is to protect the integrity of the neighborhoods.

Terry Martin stated that staff recommendation is as follows: 1) to concur with the City of Olean Common Council as the Lead Agency for the Adoption of a Comprehensive Development Plan for the City of Olean, 2) to encourage the plans implementation because its potential impact would be the strengthening of the City as a regional center and the renewing of the City on existing infrastructure, and 3) approval of the Comprehensive Development Plan 2005 – 2025 finding that it is consistent with Cattaraugus County's Volume 1 Guidebook, Elements of a Countywide Vision – to reinforce existing cities and villages on existing infrastructure.

James Rich moved with a second from David McCoy: 1) to concur with the City of Olean Common Council as the Lead Agency for the Adoption of a Comprehensive Development Plan for the City of Olean, 2) to encourage the plans implementation because its potential impact would be the strengthening of the City as a regional center and the renewing of the City on existing infrastructure, and 3) approval of the Comprehensive Development Plan 2005 – 2025 finding that it is consistent with Cattaraugus County's Volume 1 Guidebook, Elements of a Countywide Vision – to reinforce existing cities and villages on existing infrastructure. Carried.

Town of East Otto - Special Use Permit - 6700 Plato Road

Paul Bishop reported that the Town of East Otto has referred a Special Use Permit to create a cottage business in an existing building at 6700 Plato Road to show and sell woodwork products, which the applicant mostly builds himself. This type of use is allowed by Special Use Permit in the A-1 district per the zoning ordinance.

The property line is in question. Tax Map No. 37.002-1-28 appears to be for a 1.18-acre residential parcel. Tax Map No. 37.002-1-29.1 is for a larger 48.75-acre parcel. The building to be used is on the larger parcel. Real Property can find no record of these parcels ever being combined as claimed by the applicant. Parking will be in front (south) side of the building. Entrance road is about 250' from the intersection of Plato Road and Rohr Hill Road, so small volume of customers should create no traffic problems. SEQR short EAF completed with finding of no significant environmental impacts. An Ag Data Statement was completed although it appears none is required - no ag district parcels are within 500'. No floodplains or wetlands affected. Public hearing was already held on June 2, 2005 at 7:45 pm - unapproved minutes were sent as part of the referral. Staff recommendation is approval.

Robert Keis moved with a second from Charles Couture to approve the Town of East Otto referred Special Use Permit to create a cottage business in an existing building at 6700 Plato Road. Carried.

Village of Ellicottville - Area Variance - Single Family Home - 23 Mill Street

David Paoletta reported that the Village of Ellicottville Zoning Board of Appeals has referred two area variance requests to construct a 784 sq. ft. (28' x28') single family home at 23 Mill Street.

This is a permitted use in a Medium Density Residential zoning district. The two area variances are: Lot Width - Required: 80 ft. Proposed: 65 ft. and Side Yard Setback - Required: 15 ft. Proposed: 14 ft. A recent Zoning Law amendment increased the minimum lot width from 60 ft. to 80 ft. The lot was purchased prior to the zoning change; neither area variance would have been required at that time. Single-family residences border both sides of the property and will not be impacted by the granting of variances. This is a Type II action under SEQR and is Exempt. A Public Hearing is scheduled for July 5, 2005. This is a local issue with no inter-municipal or countywide concerns. Staff recommendation is approval.

David Rivet moved with a second from Florence Fuller to approve the referred Village of Ellicottville Zoning Board of Appeals area variances to construct a single family home at 23 Mill Street. Carried.

Village of Ellicottville - Special Use Permit - Expanded Dinning Space - 15 Washington Street

David Paoletta reported that the Village of Ellicottville Planning Board has referred a Special Use Permit request for the conversion of an existing 2nd floor apartment into expanded dining space for Dina's Restaurant (1,200 sq. ft.) at 15 Washington Street.

Restaurants are allowed by Special Use Permit in the Village Commercial zoning district. Sufficient parking exists within walking distance to accommodate additional patrons. The project will have a positive economic impact and enhance the viability of an existing business. The project meets all requirements of the Village Zoning Law relative to Special Use Permits. This is a Type II action under SEQR which is Exempt. A Public Hearing is scheduled for July 12, 2005. This is a local issue with no inter-municipal or countywide concerns. Staff recommendation is approval.

Discussion concerning ingress and egress for fire code purposes.

Charles Couture moved with a second from David Rivet to approve the Village of Ellicottville Planning Board's referred Special Use Permit for the conversion of an existing 2nd floor apartment into expanded dining space for Dina's Restaurant at 15 Washington Street. Carried.

Town of Allegany - Area Variances - 3192 Five Mile Road

Paul Bishop reported that the Town of Allegany Zoning Board of Appeals has referred two area variances to create a new lot at 3191 Five Mile Road.

The applicant wants to reconfigure lot lines - this does not meet the definition of a subdivision in the Town's Zoning Law, however, so Town approval is not required.

Applicant desires to construct a 24' by 40' building to hold two cars plus storage. The building will have two overhead doors and one entry door. The first variance is for lot frontage of 56.9 feet (100 feet is required). The second variance is for new building one foot off the newly created lot line (15 foot setback is required). There are several questions that are not answered in the referral. The Zoning Board of Appeals will be meeting with the applicant to clarify issues not answered in the referral. Therefore staff recommendation is to table for 30 days until such time as complete information is provided.

Robert Keis moved with a second from Charles Couture to table for 30 days the Town of Allegany Zoning Board of Appeals referral for area variances at 3191 Five Mile Road. Carried.

Town of Allegany Site Plan Review/Special Use Permit - 2715 Five Mile Road

Paul Bishop reported that the Town of Allegany Planning Board has referred a Site Plan Review and Special Use Permit request to allow an automobile repair facility as a Home Occupation at 2715 Five Mile Road.

The applicant desires to use an existing garage for a licensed automobile repair shop as a home occupation. This building was used as a repair facility in the past. Property has been a working farm for over 100 years, with repairs being done on site. Per the Town Zoning Law, an application for a Special Use Permit requires a Site Plan Review. The Town Planning Board plans to set strict limits so that the applicant will meet the requirements of a "home occupation" as defined in the Town Zoning Law. A short EAF was completed with a finding of no significant environmental impacts. There is an ag district parcel within 500', but an Ag Data Statement is not required since the parcel is not a working farm. A 100 year floodplain crosses rear a portion of the lot. No wetlands are affected. A public hearing is scheduled for July 5, 2005 at 7:00 pm. Staff recommendation is that the proposed action has no significant county-wide or inter-community impact.

Jack Berger moved with a second from James Rich that the Town of Allegany Planning Board's referred Site Plan Review/Special Use Permit to allow an automobile repair facility as a Home Occupation at 27156 Five Mile Road has no significant countywide or inter-community impact. Carried.

Environmental Reviews

SEQR - New School Construction Project - Town of Little Valley - Cattaraugus-Little Valley Central School District

David Paoletta reported that we had received, as an Interested Agency, an Environmental Assessment Form (EAF) for the New School Construction Project in the Town of little Valley for the Cattaraugus-Little Valley Central School District. He sent a letter to the consultants concerning three issues that had not been addressed properly in the EAF: Agricultural Districts, Local Land Use Plans and Traffic Safety.

Discussion concerning the proposed new school construction, its location (just outside the Village of Little Valley off Route 353) and the opportunity this project presents for a Land Lab for Agriculture.

INTERGOVERNMENTAL REVIEWS

Paul Bishop reported that Intergovernmental Reviews numbered STW#05.012 to STW#05.022 have been received. Staff recommendation is received, reviewed, no comments. The Board concurred.

OLD BUSINESS

Village of Gowanda - Zoning Text Amendment - Allow Adult Entertainment in Industrial Zone

Paul Bishop reported that the Village of Gowanda, by resolution, has reduced the boundary distance under Restrictions A, B, and C from 1000 feet to 750 feet per this Board's request at its April meeting. This should make available some lots (or portions of lots) for adult entertainment businesses by special use permit. The Village of Gowanda's moratorium on applications for adult entertainment expires on July 25,2005. SEQR is being adequately addressed by the Village. Staff recommendation is approval.

Robert Keis moved with a second from Charles Couture to approve the Village of Gowanda's Zoning Text Amendment to allow Adult Entertainment in an Industrial Zone. Carried.

Reports & Other Business

Chairman's Report

Reappointment of Planning Board Members

Chairman Sprague reported that the following individuals terms are due to expire on July 31, 2005: Tina Abrams, Jack Berger, Kameron Brooks and himself. All have indicated a willingness to serve for another three year term. Also, there is still one position vacant on the Board due to Dan McCarthy's resignation. Two people have indicated interest in serving: Richard Fuller, current Supervisor for the Town of Yorkshire and Kelly

Hurley, current member of the Town of Mansfield Planning Board. All six names will be forwarded to the Chairman of the Legislature for his consideration.

Three Year Plan & Budget Committee Meeting

Upon discussion, it was determined that Paul Mager as Chairman of the Committee should set the date after contacting the members of the Committee.

Summer Meetings

It was suggested that the July meeting be held at Onoville Marina.

Charles Couture moved with a second from Florence Fuller to cancel the August meeting unless something major needs to be addressed. Carried.

Annual Meeting

Chairman Sprague reported that the Annual Meeting was an excellent meeting with 70 people present. He thanked the staff for their hard work in organizing the meeting.

Director's Report - No report

Staff Reports

Grants

Terry Martin reported that the Planning staff members are currently working on six grants.

Agricultural and Farmland Protection Plan

David Paoletta reported that RFP's were sent out to prospective consultants with the deadline for submittal of proposals being next Thursday, July 7th. Currently two proposals have been received for this \$50,000 grant. The Agricultural and Farmland Protection Board and the Agriculture Sub Committee of the Planning Board will meet during July and hopefully have a consultant on board by the end of August.

ARC Grants (Villages / Cities)

Paul Bishop reported that the Enchanted Mountains Mapping Project (ARC Grant in the amount of \$52,874) is assisting eleven of the 13 villages in the County to GPS and then place on GIS maps all sewer, water and hydrants within each village. There are also all types of data that is being cataloged as well such as type of hydrant, age, etc. He and Tom Livak presented to the STW Board earlier today, a second year project (ARC Grant in the amount of \$39,182) to include the County's two cities, Olean and Salamanca.

Terry Martin stated that the purpose of these projects is to identify development ready sites within each village and city so that they can be marketed in the broader region.

Cattaraugus Creek Zoar Valley Watershed Grant

Terry Martin reported that we have received word today that the USEPA has approved our pre-application for a \$50,000 watershed grant. Because this watershed includes five counties and the Seneca Nation, the New York Rivers United was asked to be the applicant. The study will conduct a baseline sediment study and develop a stakeholder and community based strategy to protect the Cattaraugus Creek – Zoar Valley Watershed. Terry reviewed the draft budget and stated that the deadline for submitting the complete application is July 22, 2005.

Rt. 417/West State Street Study

Terry Martin reported that the Mobility Unit of the NYS Department of Transportation (NYSDOT) in Albany has offered to have one of its expert consultants conduct a one year, \$60,000 access management study of the West State Street area between the City of Olean and the Town of Allegany leading out to Interstate I-86. The study will have two phases: 1) examining existing traffic and development along Route 417 in Olean and Allegany (traffic, land use and design solutions; and 2) identifying potential benefits to be derived from forming a three-community business district. NYSDOT has asked the County to assist in the initial organizing of a Working Group of communities and agencies along the study area.

Quality Communities Grant

Terry Martin reported that the County has applied to New York State for a Quality Communities Grant for \$70,000 to implement our Saving Our Villages strategies, which is Volume 3 of the County's Smart Development for Quality Communities guidebook series. This grant seeks to strengthen and rejuvenate downtown main streets by developing downtown housing plans and marketing strategies in Randolph and Franklinville for converting the upper floors over downtown stores into modern apartments and "lofts", and a site utilization plan for the 126 acre Equestrian Park on the outskirts of the Village of Little Valley which is owned by the Little Valley Rider's Club. This Equestrian Park is expected to grow and benefit the Village of Little Valley in a manner similar to how Holiday Valley Ski Resort grew in the Town of Ellicottville and benefited the Village of Ellicottville.

Eight Year Review of the Perrysburg-Dayton-Leon Agricultural District

David Paoletta reported that a number of responses have been received from property owners who want their property removed from the Agricultural District because of the proposed new Perrysburg Water District. We have received 15 requests to add their property to the District. Paul is currently in the process of preparing a draft map showing both removal and additions to the District.

Joan Petzen reported that she has met with one of the Assessors of the Towns within the District and she will be meeting with the other Assessors in the coming week.

David Paoletta also reported that at the last Agricultural and Farmland Protection Board meeting, it was discussed to annex the Persia Agricultural District into the Perrysburg-Dayton-Leon Agricultural District. The Ag Board is scheduled to meet on July 26th.

Salamanca Area Housing Task Force

David Paoletta reported that the Salamanca Area Housing Task Force met and established a Mission Statement for the City of Salamanca which is to provide housing for all socio-economic classes, to promote development of Market Rate Housing, develop a Master Plan for mixed use development near the reservoir. The deadline for proposals for conducting the Housing Needs Assessment is July 1, 2005. The Task Force will oversee the Housing Needs Assessment and document the market. They had a presentation from the City of Jamestown who have a housing tax abatement program which the City of Salamanca may be able to as well.

Dominion Transmission Gas Storage Field

Paul Bishop reported that at the end of March FERC approved an expansion project by Dominion Transmission to construct a gas storage field behind the Ho-Ste-Geh Restaurant. They will have a manned compressor station.

David McCoy stated that they will need to do some serious work on the abandoned oil wells near by.

Considerable discussion.

Paul Bishop also reported that the County IDA passed a PILOT for the project.

Zoning Exemptions

Terry Martin reported that he had sent, in April, the proposed Zoning Exemptions agreement to Albany for review and comment by Harry Willis, Attorney in the NYS Department of State for review. Terry has talked with Mr. Willis twice, who reported that it is in the works.

Equestrian Initiative

Terry Martin reported that the Equestrian Initiative has taken on a life of its own, which is what our department wants, namely, to assist business and community groups as they achieve their own projects.

- The new Cattaraugus Chautauqua Chapter of the New York State Horse Council is building horse trails on forestlands in the Town of South Valley.
- Terry has been asked to help organize a meeting of equestrians from Yorkshire, Machias and Delevan.
- The first weekend in October will be the 3rd Annual Creekside Roundup in Franklinville.
- The New York State Horse Council will hold its Annual Meeting on September 24th in Cattaraugus County at the Little Valley Rider's Club and Elkdale Country Club.
- The Little Valley Rider's Club will hold its 2nd Annual Ride and Learn Weekend on July 8-10.
- Entrepreneurs are proposing to stable horses and provide other services to horse owners, giving them convenient access to the County's equestrian amenities.

Members Forum

Randolph's Character Counts Committee Award Jack "Ol Dad" Berger received the first ever "Person of the Year" award from Randolph's Character Counts Committee on July 2nd. The motto of the Committee is "Doing what's right, whatever the cost". A long time friend of Jack's, Bob Beach gave the following tribute that evening: "I hope you'll indulge me for a few comments because this evening has reminded me of one of my favorite movies, 'It's a Wonderful Life.' Although fictional, it's a story about character; it's about doing the 'right thing' whatever the cost; it's about one man who cared more about his community and his family than he did about personal gain and ambition. An how, in a moment of personal crisis, as he was thinking he had failed, a guardian angel named Clarence pointed out to him that his life had, indeed, touched thousands of people in a positive way and was crowned with success and fulfillment. From our perspective, Ol' Dad, you have always done 'the right thing'... whatever the cost. In your own words taken from a political ad: 'Have I always been successful? Not Always. 'Have I always pleased everyone? Impossible. 'Am I perfect? Of course not. 'But by the Heaven, I've tried!' And we think you've done a mighty fine job! We've all come home tonight and this weekend to honor Randolph's own version of George Bailey – Jack "Ol' Dad" Berger."

Wind Energy Development in New York State: Issues for Landowners – Charles Couture reported that a new guide on Wind Energy by Cornell University is now available. It provides valuable information for landowners concerning the siting of Wind Mills on their property.

STW Report

Robert Keis reported that STW met this afternoon and listened to presentations on ARC grant applications. There were only 6 projects submitted – the least amount they ever had. Tom Livak and Paul Bishop did a fine job in presenting the County's project.

Discussion concerning the ARC process and the importance of having projects ready to submit.

Correspondence

The following correspondence was received:

Notice of Action:

City of Salamanca – Local Law #7 for 2005 Zoning Text amendment with respect to signs – approved.

City of Salamanca – Site Plan and Special Use Permit – Gasoline Station/Convenience Store – 704 Broad Street – approved.

Town of Ellicottville – Area Variance – 6819 Springs Road – approved.

Village of Ellicottville – Area Variance – front yard setback – 69 West Washington Street – approved.

Village of Ellicottville – Conditional (Special) Use – retail sales, service – 14 Monroe Street – approved with conditions.

City of Olean - Variance – Mining of Gravel – Gargoyle Park Road – approved with conditions.

Town of Sardinia – Solicitation for Lead Agency Status – Sardinia Zoning Ordinance – Chapter 115

ADJOURNMENT IN MEMORY OF RUSSELL R. BILLINGS

Robert Keis moved with a second from Jack Berger that

The June 30, 2005 meeting of the Cattaraugus County Planning Board be adjourned in memory of Russell R. Billings who had served on the Planning Board, and who passed away on June 24, 2005 at the age of 92;

A letter of condolence be sent to his family from the Cattaraugus County Planning Board members and staff;

The Cattaraugus County Planning Board expresses its sorrow at his passing, and gives tribute to his legacy, as follows:

Mr. Billings was a member of the Cattaraugus County Planning Board for fifteen years, serving from February 1976 to May 1991, where he promoted inter-municipal cooperation, especially with the four towns that surround the Holiday Valley Ski Resort,

Mr. Billings was a member of the Town of Mansfield Planning Board for three years, serving from 1986 to 1988,

Mr. Billings was President of the Stanford Seed Company, Buffalo, New York for many years,

Mr. Billings took great pleasure in owning several race horses and watching them win races,

Mr. Billings enjoyed expressing himself through painting and drawing caricatures,

Mr. Billings is survived by a daughter, Barbara B. (John C.) Howe, and a son James R. (Karin) Billings. He is also survived by Barbara W. Billings; four grandchildren: Stephen N. Buckley, Philip H. (Christine) Buckley, Elizabeth B. (Nathan) Wright and James W. (Kelly) Billings, and six great grandchildren.

Mr. Billings was a great community leader. One of his initiatives was to encourage villages to improve the gateways into their villages, to give these communities a higher quality of attractiveness. His presence will be missed and sadly felt by his family, friends and colleagues in Cattaraugus County.

Motion carried unanimously.

MINUTES APPROVED AS SUBMITTED JULY 28, 2005.

Advance Planning Contact (716) 938-9111 ext. 2312

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