

**Cattaraugus County Planning Board
303 Court Street, Little Valley, New York
April 30, 2015 at 7:00 pm**

PLANNING BOARD MEMBERS PRESENT: Charles Couture, Chairman
Paul Mager, Vice Chairman
Michael Zaprowski, Assistant Secretary
Tina Abrams
Florence Fuller
Robert Keis
Al Ormond
Joe Pillittere
Mark Smith
James Valent

PLANNING BOARD MEMBERS ABSENT: Ann Padlo, Secretary
Mark Hopkins
David McCoy

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

Guests: Debbie Halloran
Tim Halloran
Steve Lingard
Ryan McCann
Ricky E Howard

Chairman Charles Couture called the meeting to order at 7:00 pm.

APPROVAL OF MINUTES

Joe Pillittere moved with a second from James Valent to approve the minutes of the March 26, 2015 meeting. Motion was carried.

NEW BUSINESS

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

**Town of Great Valley
Special Use Permit and Site Plan Review
Telecommunications/Public Safety Tower**

Paul Bishop reported that the Town of Great Valley is requesting a special use permit and site plan review. This proposal is for an unmanned telecommunications facility consisting of a proposed 200'+/- tall self-supporting lattice tower and equipment on a 100' x 100' compound. It includes the placement of one 12' x 30' equipment shelter within the proposed lease area. In

addition, a 12' wide gravel access drive will be constructed to the new compound from an existing driveway.

- Owner and operator is Horvath Communications with Verizon Wireless as the anchor tenant.
- Applicant has agreed to allow additional wireless carriers on the proposed tower.
- Applicant has provided proof that the proposed tower will be removed should it cease to be in use for a period of 12 consecutive months.
- The 100 year floodplain for Plum Brook is very close to the proposed site. If in flood plain, the structure may not be allowed.

Steve Lingard was present as representing real estate for Verizon.

Mr. Howard is also part owner of property where pond is located. Ryan McCann was present from the law firm representing Mr. Howard. The opposition to the tower is due to the tower being 600 feet from the front door of Mr. Howard and also his son's home. The tower would be as high as a 20-25 story building. The tower is in full view from Martin Road. Mr. McCann acknowledges need for the tower, but doesn't feel the location is the best placement. There is also an issue with the access road - will it be maintained and has use been requested? The location is zoned AR and is agricultural land. Application doesn't give visual detailed photos. The following is recommended by Mr. McCann:

- Trees be planted at the base of the tower
- If the tower is dropped to 195', it will not require a light
- Offer to emergency services at no charge

STAFF RECOMMENDATION: The proposed action has no significant countywide or inter-community impact, with the following advisory:

- 1) **That the Town require the applicant to provide proof that the proposed location is not in the 100 year floodplain of Plum Brook.**

Robert Keis moved with a second from Al Ormond to accept the staff recommendation with advisory. Motion was carried.

**Town of Great Valley
Amendment to Comprehensive Plan and Zoning Code
Solar Energy Systems**

Paul Bishop reported that the Town of Great Valley is requesting an amendment to their Comprehensive Plan and Zoning Code. These proposed changes are to amend the Town of Great Valley's Comprehensive Plan and their Zoning Law to define individual and utility scale solar energy systems.

- Individual solar energy systems will be allowed in all districts with a special use permit.
- Utility scale solar energy systems will not be allowed in the Town at this time.

STAFF RECOMMENDATION: Approval

Joe Pillittere moved with a second from Florence Fuller to accept the staff recommendation. Motion was carried.

Town of Great Valley

**Amendment to Comprehensive Plan, Zoning Code and Zoning Map
Sand, Gravel and Clay Mining Overlay District**

Paul Bishop reported that the Town of Great Valley is requesting an amendment to their Comprehensive Plan and Zoning Code. These proposed changes are to amend the Town of Great Valley's Comprehensive Plan and their Zoning Law and Map to create a Sand, Gravel and Clay Mining Overlay District.

- When adopted in 2007, the Comprehensive Plan recommended "that additional gravel mining should not be allowed in the Town of Great Valley".
- There are currently five NYSDEC permitted mines in the Town. However, the acreage of mineable land has been reduced significantly since the adoption of the Town's Comprehensive Plan in 2007. There are currently 103.6 acres of minable land remaining. This includes the Town's gravel mine, which only has 5 acres remaining. Once the Town's gravel mine is depleted, then the Town will have to purchase sand, gravel and clay. This will result in increased costs to the Town.
- Since the need to utilize this resource continues to exist, the Town is proposing to change the Comprehensive Plan to recognize this need.
- In addition, the Town's Zoning Law and Zoning Map will be amended to create a "Sand, Gravel and Clay Mining Overlay District".
- The Town values agricultural land and, for this reason, it is recommended that the Comprehensive Plan be reviewed in five years regarding this issue.

Mr. Valent stated that he does not feel they have right to tell anyone what they can do or not do. Mr. Keis commented that there is legislation pending in Congress that regulates use of property and the need to compensate the property owner for resources. Mr. Couture reported that Congressman Reed has not yet voted on it.

Mr. Smith stated that peat moss can also be mined. Sand, gravel and clay is a narrow definition. If not identified, then it should be called just "Mining Overlay District". Mining should include any and all minerals.

It was recommended that there be a Staff Advisory with more definition to include all minerals and staff should also check into Congressman Reed's pending legislation.

STAFF RECOMMENDATION: The proposed action has no significant countywide or inter-community impact, with the following advisory:

- 1) That the Town consider calling the overlay district a "Mineral Mining Overlay District", thereby not limiting the extraction to sand, gravel and clay

Joe Pillittere moved with a second from Michael Zaprowski to accept the staff recommendation with advisory. Motion was carried.

**Town of Yorkshire – 3008 Route 39
Special Use Permit**

Paul Bishop reported that the Town of Yorkshire is requesting a special use permit. The applicant wishes to sell used cars at this location using a portion of the existing building. A maximum of 10 cars will be sold on site.

STAFF RECOMMENDATION: The proposed action has no significant countywide or inter-community impact, with the following advisory:

- 1) That the applicant provide the location and size of any proposed signage in the front of the property in proximity to Route 39

Joe Pillittere moved with a second from Paul Mager to accept the staff recommendation with advisory. Motion was carried.

**Town of Yorkshire – 3016 Rt. 39
Use Variance**

Paul Bishop reported that the Town of Yorkshire is requesting a Use Variance. The applicant wishes to construct 6 to 8 storage units on approximately a one acre lot at 3016 Route 39. This is the same owner as for 3008 Route 39.

- Storage units are not an allowed use in the Hamlet Commercial District.
- 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
- The Town will be revising their Zoning Law to define Rental Storage Facilities and to detail in which districts they will be allowed. They will be allowed in the Hamlet Commercial District as a Special Permitted Use.
- Since the revision to the Zoning Law could take till fall, or longer, the Town is considering granting the Use Variance so that the applicant can begin construction soon.

STAFF RECOMMENDATION: The proposed action has no significant countywide or inter-community impact, with the following advisory:

- 1) That the Town should notify the Town of Arcade as a neighboring municipality.

Michael Zaprowski moved with a second from Joe Pillittere to accept the staff recommendation with advisory. Motion was carried.

**Village of Little Valley – 600 Rock City Street
Use Variance**

Paul Bishop reported that the Village of Little Valley is requesting a use variance. Applicant wishes to extend his parking lot into this parcel.

- The Village is in the process of updating their Zoning Law and this particular parcel will be zoned as B-2, General Business when the new zoning is approved.
- This may very well be a case where a use variance is justified.
- Requires an Ag Data Statement – none submitted.

STAFF RECOMMENDATION: The proposed action has no significant countywide or inter-community impact, with the following advisory:

- 1) That the Village prepare an agricultural data statement and submit it to the County.

Joe Pillittere moved with a second from Florence Fuller to accept the staff recommendation with advisory. Motion was carried.

**Town of Ellicottville - 5103 Canada Hill Rd.
Special Use Permit and Site Plan Review**

Paul Bishop reported that the Town of Ellicottville is requesting a special use permit and site plan approval to allow a Municipal Holding Kennel. The kennel would serve the Town and Village of Ellicottville and would have a maximum capacity of two dogs.

- The applicant will be appointed as the Town's animal control officer as of July 1, 2015. The kennel will be located at the applicant's residence.
- A new shed will be installed to house up to two dogs for a maximum of three days, with an outside, enclosed run on each side of the shed. The shed would be approximately 10' x 14' in size and would be skid-mounted.
- NYS DEC designated wetland WV-1 is approximately 380 feet to the west.

STAFF RECOMMENDATION: Approval

Al Ormond moved with a second from Tina Abrams to accept the staff recommendation. Motion was carried.

**Town of Allegany – Off W. Five Mile Road
Special Use Permit, Site Plan Review, Area Variance**

Paul Bishop reported that the Town of Allegany is requesting a special use permit, site plan review, and area variance. This proposal is for an unmanned telecommunications facility consisting of the installation of 12 panel antennas at a centerline height of 180'+/- and associated equipment on a proposed 195'+/- self-supporting tower, and the placement of one 12' x 30' equipment shelter and one standby generator within the proposed lease area. In addition, a 12' wide gravel drive will be constructed from the W. Five Mile Road to provide vehicle access to the site. This drive will also serve as the location of utilities needed to serve the facility.

- Owner and operator is Horvath Communications with Verizon Wireless as the anchor tenant.
- Applicant has agreed to allow additional wireless carriers on the proposed tower.
- Applicant has provided proof that the proposed tower will be removed should it cease to be in use for a period of 12 consecutive months.
- The area variance is required because the Town's Zoning Law limits a telecommunications tower's height to 175'.
- The applicant is requesting a variance of 20' for the proposed tower's height of 195'.

STAFF RECOMMENDATION (Site Plan Review and Special Use Permit): The proposed action has no significant countywide or inter-community impact.

Paul Mager moved with a second from Tina Abrams to accept the staff recommendation. Motion was carried.

STAFF RECOMMENDATION (Area Variance): The proposed action has no significant countywide or inter-community impact.

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

Environmental Reviews - None

Intergovernmental Reviews – None

OLD BUSINESS – None

REPORTS / OTHER BUSINESS

Chairman's Report – None

Department Reports

Director's Report - None

Comprehensive Plan

Paul Bishop gave an update on the Comprehensive Plan. He stated that the Department continues to review and make changes to the document.

Community Revitalization Fund

Ginger Malak is working with the Town and Village of Portville, Town of Carrollton, and the Village of Allegany. Tim Flannigan from the City of Salamanca has contacted her. Crystal has had some expressed interest from the Towns of Ashford and Persia. The Towns of Perrysburg and Humphrey have also made inquiries.

The Department has hosted several webinars for the Roger Brooks' video, "20 Ingredients of an Outstanding Downtown – Part 1 (Property Owners)". The viewing of at least one of his videos is a requirement of the application for the Fund. The dates of the webinars were: March 24 and April 7, 8 and 15. Representatives from the Town of Carrollton and the Village of Allegany attended these sessions.

No applications have been received as of this date.

Trails Initiative

The next meeting of the Trails Initiative is scheduled for May 13. There will be a panel discussion on trails maintenance and volunteers.

The Department is seeking funding from the Appalachian Regional Commission for the development of a County-wide Trails System Plan. Ginger Malak has submitted the first draft of the application for ARC funding, which is due on May 1. The next more complete draft is due on June 1 and then the final application will be due on September 15. Also in June, if invited, the Department will be expected to present their project to the STW Board. If not invited, then the application will go no further.

Cattaraugus County Farm Trail

This brochure is nearly complete.

2014 Annual Report

Copies of the 2014 Annual Report were distributed to the Board.

Other

Paul Bishop reported on the following items:

- The May County Planning Board meeting will be held on Thursday, the 28th at Jamestown Community College in Olean.

- The July County Planning Board Annual meeting will be held on Wednesday, the 22 at the Woods at Bear Creek. A possible speaker would be someone to discuss solar energy.
- Mark Hopkins indicated he no longer wishes to serve on the Board and the Board awaits his letter of resignation.

Mark Smith made the motion that if a member has three unexcused absences, then they are removed from the Board.

STW Report

Robert Keis reported that there are two training opportunities in May. The Southern Tier West Annual Local Government Conference will be held on May 6 at Houghton College. On May 21, the STW Annual Stormwater Demonstration Day will be held at the County DPW campus in Little Valley.

STEDO currently has 16 active loans worth a value of \$1.2 million. STEDO has over \$300,000 available for lending. The Board recently closed on one loan in Cattaraugus County for \$60,000. Another one or two loans are expected to be brought to the May meeting.

Members Forum

Joe Pillittere. The County DPW is getting ready for construction season.

Florence Fuller. She is back on the Board for the Town of Carrolton.

Tina Abrams. She is excited that work has begun on I-86. High Banks Campground, on May 23rd, will be open for camping again!

Al Ormond. Kudos to the EDP&T Staff for the Farmer Neighbor Dinner. On April 13 Seneca Trail RC&D, along with the Soil and Water Conservation District, held the Cattaraugus County Envirothon at Allegany State Park.

Robert Keis. HoliMont is moving and growing with 72 condos.

Mark Smith. There will be an Open House at Countryside Sand and Gravel

Check Your Odometer

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 May 28, 2015 at 7:00 pm at Jamestown Community College – Olean Campus, Cutco Theater, Louis A. & Patricia Magnano Reception Room

ADJOURNMENT

Michael Zaprowski moved with a second from James Valent to adjourn the meeting at 8:44 pm. Motion was carried.