

**Cattaraugus County Planning Board
Jamestown Community College, Olean, New York
May 28, 2015 at 7:15 pm**

PLANNING BOARD MEMBERS PRESENT: Charles Couture, Chairman
Paul Mager, Vice Chairman
Ann Padlo, Secretary
Florence Fuller
Robert Keis
David McCoy
Andrea Mellon
Al Ormond

PLANNING BOARD MEMBERS ABSENT: Michael Zaprowski, Assistant Secretary
Tina Abrams
Joe Pillittere
Mark Smith
James Valent

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

Guests: Jim Falsetti – BQ Energy/Solean
Kimberly Nason – Phillips Lytle LLP (attorney for BQ/Solean)
Paul Weothman – Benchmarks Engineering/Solean
Philip Winger – Saint Bonaventure University

Chairman Charles Couture called the meeting to order at 7:15 pm. Mr. Couture introduced Andrea Mellon as a new member of the Board. Introductions were made of those present.

APPROVAL OF MINUTES

Al Ormond moved with a second from Florence Fuller to approve the minutes of the April 30, 2015 meeting. Motion was carried.

NEW BUSINESS

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

**City of Olean
Zoning Text Amendment
Solar Energy Production Facilities**

Paul Bishop reported that the City of Olean is proposing zoning text amendments to their zoning code to define solar Energy Production Facilities. The zoning code amendment provides

definitions for a “major solar collection system or solar farm” and for a “minor solar collection system”. For a Major Solar Collection System or Solar Farm, it then has sections on Design Standards, Requirements for Special Use Permit Application, and Abandonment.

For SEQR review, this action should be considered a Type I Action per one of the following sections of SEQR law:

617.4(b)(2) "the adoption of changes in the allowable uses within any zoning district, affecting 25 or more acres of the district". This item covers zoning changes that are initiated by a municipality without a petition by an applicant.

617.4(b)(3) "the granting of a zoning change, at the request of an applicant, for an action that meets or exceeds one or more of the thresholds given elsewhere in this list"

617.4(b)(6) "activities, other than the construction of residential facilities, that meet or exceed any of the following thresholds; or the expansion of existing non-residential facilities by more than 50 percent of any of the following thresholds:

- a project or action that involves the physical alteration of 10 acres”

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

- (1) That the City of Olean complete and submit to the County a SEQR Full EAF for this Type 1 Action**

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

**City of Olean
Zoning Text Amendment
Telecommunications Facilities**

Paul Bishop reported that the City of Olean is proposing zoning text amendments to their zoning code concerning Telecommunications Facilities. New towers will only be allowed in the General Industrial (I), General Industrial – 2 (I-2), General Industrial – 3 (I-3), and Waterfront Conservation (WC) Districts.

For SEQR purposes, this is considered an Unlisted Action and requires a Short EAF. A Short EAF was not submitted.

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

- (1) That the City of Olean complete and submit to the County a SEQR Short EAF for this Type I Action**

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

**City of Olean
Special Use Permit and Site Plan Review
Installation of a Photovoltaic Solar Energy Project**

Paul Bishop reported that the City of Olean is requesting a special use permit and site plan review for the installation and operation of a photovoltaic solar energy production facility. Additional information includes:

- The project will be owned and operated by BQ Energy, LLC and its affiliate, Solean, LLC.
- The facility consists of approximately 23,900 solar panels on 1,330 arrays installed on 33 acres on the site and connected to an existing onsite electrical substation.
- As a frame of reference, BQ Energy will also be constructing “Steel Sun” on the brownfield site in Lackawanna where “Steel Winds” is currently. That project will have 13,000 panels on 25 acres and is being described as one of the largest in NYS.
- The production facility will be capable of generating 7.5 MW (DC) of electric power.
- Most, if not all, the electricity generated by this project will be used by St. Bonaventure University.
- A Full EAF has been completed.
- There is a decommissioning plan in place if the project becomes inactive.
- The project is scheduled to be completed by September 2016.
- The site is a brownfield site included in NYSDEC’s Brownfield Cleanup Program. As such, the project is subject to land use restrictions and institutional controls in accordance with a Remedial Action Work Plan and Site Management plan approved by NYSDEC.

Project representatives were introduced and were available for any questions from the Board. They advised the Board that a public hearing has been held.

Question: Mr. Keis asked as to what the decommissioning plan entailed.

Answer: The plan is a contract as to how the equipment will be removed and taken away. There is a 25 years life expectancy/warranty on the equipment. However, it is designed for at least 30 years or more.

Concern: Mr. Keis replied that he is concerned as to the metals in the equipment must be recycled; they cannot be landfilled.

Reply: The panel installed at MIT is over 50 years old.

Caution: Mr. Keis stated that the City of Olean should be aware that the removal of the equipment is a huge liability to the community if the company goes out of business.

Question: Mr. Bishop inquired as to the glare from the panels at certain sun angles and what affect that would have on neighboring properties, in particular the proposed hotel to be built near the site.

Answer: There is not a lot of reflection light that goes out. The panels are designed to absorb the light and because they are low to the ground, the reflection is out to the ground. There is a hedge row between the proposed hotel and panels. A parking lot and railroad is on the other side.

Question: Mr. McCoy asked to the height of the panels.

Answer: 4' at the lower edge and 10' at the higher edge

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

- (1) That the applicant provide further information on the effects of glare onto the neighboring properties

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

**Town of East Otto
Special Use Permit
Springville East Otto Road/Maynard Road**

Paul Bishop reported that the Town of East Otto is requesting a special use permit. The applicant wishes to construct a two story recreational cabin on his 14.5 acre parcel. Additional information includes:

- This use is allowed by Special Use Permit in the Town’s Agricultural – Forestry District.
- The parcel itself is an agricultural district parcel and there are farms nearby.
- Comments at the public hearing were made concerning the driveway and traffic and the wetness of the property.

Question: What is the difference between a cabin and a residence? A cabin has no indoor plumbing (septic).

Comment: Mr. Ormond stated that if there is an access point onto a County road (Maynard Road), then they must have a driveway access permit from the County.

Question: Mr. McCoy asked if the property is active agricultural land as it is in an agricultural district.

Further Discussion on this matter.

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

Al Ormond moved with a second from Robert Keis 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 gave an update on the Water of the United States Rule under EPA. No suggestions from the public were taken. There might be a legal battle since the ramification of the bill is that small bodies of water would come under control of EPA. Mr. Couture explained.

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 reported that she is working with the Town and Village of Portville, Town of Carrolton, and the Village of Allegany. She also has been in contact with the City of Salamanca.

Crystal Abers reported that the Town of Ashford has met with her regarding the fund and they anticipate applying.

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.

No applications have been received as of this date.

Trails Initiative

Ginger Malak reported that the Department is seeking funding from the Appalachian Regional Commission for the development of a County-wide Trails System Plan. She will be submitting a draft application on June 1.

Crystal Abers reported that the next meeting of the Trails Initiative is scheduled for July 8. Staff is hoping to have representatives from the State talk about the CFA requirements and application process.

Cattaraugus County Farm Trail

Paul Bishop distributed the recent completed Cattaraugus County Farm Trail brochure.

Crystal Abers reported that Jacquie Gardner and Ginger Malak have been working on this for some time. There are going to be some farms that will ask why they aren't listed in the brochure. The brochure will be a way to get more farms in it next year. Next, the staff will be working on an Arts Trail.

Ginger Malak added that the agriculture website (ccaghelp.com) was also updated through the survey that was sent out for the Farm Trail.

2014 Annual Report

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

Other - None

STW Report

Robert Keis reported that Southern Tier West did not meet in May, thus no report.

Members Forum

Ann Padlo. She stated that she was so happy to be at the meeting and to participate on the Planning Board. She thanked everyone for her party.

Crystal Abers. The Underground Railroad brochure has recently been printed. The County collaborated with the City of Olean and Della Moore from the African American Center for Cultural Development to hold a walking tour (2 miles) of some of the Underground Railroad sites in Olean. This is on the County website.

Mrs. Abers also reported that the Department will be rolling out the Historic Geo Trail in the near future. The caches have a historic story in them. Two Amish Geo Trails already exist. Last year the Enchanted Mountains Geo Trail was shut down. These types of trails attract geocachers and they also learn about the history of the area.

Ginger Malak added that her brother from California recently visited her. He is the 6th ranked geocacher in the world. On the way to her house from the Buffalo airport, he and his wife found several caches on the Amish Geo Trail. They continued to geocache while they were visiting and found enough caches to receive a geocoin. Need 10 caches for the Amish Trail (12 for the Historic Trail) to obtain a geocoin. Also, for each cache they received an Amish button. Mrs. Malak stated that her brother geocaches every day, so it is big deal.

David McCoy. In regard to the CFA applications, what projects will the Department have?

Mrs. Abers reported that they are looking at several projects and what was submitted last year. There will be a CFA workshop on June 15 at JCC in Olean

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 June 25, 2015 at 7:00 pm in Little Valley.

ADJOURNMENT

Paul Mager moved with a second from Florence Fuller to adjourn the meeting at 8:00 pm. Motion was carried.