

Cattaraugus County Planning Board

CATTARAUGUS COUNTY PLANNING BOARD MEETING
MEETING MINUTES
August 31, 2023
Little Valley, NY

DRAFT

PLANNING BOARD MEMBERS PRESENT:

Charles W. Couture, Chairman
Paul D. Mager, Assistant Secretary
Allan J. Ormond
Mark Smith
David L. McCoy
Danny Newbury
Robert C. Keis

PLANNING BOARD MEMBERS ABSENT:

Tina J. Abrams
James Valent
Dan Brown
Kathleen M. Ellis
Andrea L. Mellon, Vice Chairman
Michael J. Zaprowski, Secretary

PLANNING DEPARTMENT STAFF

Crystal Abers, Director
Kate O'Stricker

GUESTS

1. CALL TO ORDER
Charles Couture, Chairman, called the meeting to order at 7:03 p.m.
2. WELCOME & OPENING REMARKS
None
3. APPROVAL OF MINUTES
3.1. July 27, 2023
Charles Couture called for a motion to accept the minutes. Danny Newbury moved to approve with a second from Bob Keis. Motion carried.
4. NEW BUSINESS
4.1. General Municipal Law Section 239 (l) & (m) Referrals
4.1.1 Town of Allegany – 3004 NYS Rt 417, Back Lot-Shults
 - Special Use PermitThis is a special use permit for the construction of an automated car wash in the rear of 3004 West State Street utilizing a reclaimed water system to minimize water use and

drainage. Current use is Commercial 1. A public hearing was scheduled for August 14th at 5:00 pm – no minutes provided.

The parcel is in a floodplain and is not in an archaeologically sensitive area. It is in wetlands. A short Environmental Assessment Form was provided. The referral is complete. There is no countywide or inter-community impact. The Staff Recommendation is to approve.

Motion was made by Paul Mager to accept the recommendation with a second by Dave McCoy. Motion carried.

4.1.2. Town of Allegany – 3028-3030 West State Street

- Area Variance

A short EAF was submitted. This parcel is not in a floodplain, wetlands or an archaeologically sensitive area.

- This is a proposed Auto Service Facility – Take 5 Auto. They are proposing to construct approximately 1610 sq. ft. single story building for an auto repair and service facility. It will replace the existing residential buildings. Require modification to the existing site layout as well as some utility modifications.
- Minimum lot size per code is 1 acre. Applicant is asking for a .53 acre relief.
- Minimum frontage per code is 200 feet; the parcel is 130.13 of frontage. Applicant requests 69.87 foot relief.

The Public Hearing was held on 7/31/23 at 4pm – no minutes provided.

The referral is complete. There is no significant countywide or inter-community impact. After much discussion, the recommendation is to Disapprove due to the size requirements of the lot.

Motion was made by Danny Newbury to disapprove with a second by Mark Smith. Motion carried.

4.1.3. Town of Allegany – 115 E. Main Street

- Special Use Permit – St. Elizabeth’s Mother House, East Wing

This is a special use permit to relocate the Homecare and Hospice corporate offices. This would be a reuse of a residential and commercial uses, where they are both permitted under the applicable zoning law or ordinance, including permitted by special use permit. The action does not meet or exceed any of the thresholds in section 617.4 of the SEQR Requirements for EAF – No EAF needed.

The Public Hearing scheduled for 8/14/23 at 5pm. The current use is residential.

Standards of Special Use Permit:

- Consistent with the intent of the Town of Allegany
- Complies with all applicable regulations
- Will not alter the character of the neighborhood
- Will not hinder the normal development of area

- Will not create a hazard to public health, safety or general welfare (Generate vehicular traffic that would be hazardous to pedestrians or unduly impact roadway)

The referral is complete. There is no significant countywide or inter-community impact. The staff recommendation is to Approve.

Motion was made by Al Ormond to accept the recommendation to approve with a second by Dave McCoy. Motion carried.

4.1.4. Town of East Otto – 9143 East Otto Springville Road

- Special Use Permit – Verizon Wireless Tower

This is an application for a Special Use Permit for a Verizon Wireless Tower by Blue Sky Towers 111, LLC Bell Atlantic Mobile Systems DBA – Verizon Wireless. This is to construct and operate a 145 foot wireless communication tower plus 4 foot lightning rod and associated improvements.

The Public Hearing scheduled for 9/21/23 at 5pm. The current use is agricultural. The site is within 500 feet of farm operations. Applicant submitted Ag Data Statement to Ag & Markets. This is not in a floodplain or an archaeologically sensitive area. It is in wetlands and has a fresh water pond on the property.

Received:

- Completed Referral Notice
- SEQR- Full EAF
- Ag Data Statement
- Site Plan
- Proof of Compliance with Town Communications Law
- Proof of Land Owner consent
- Proof of Compliance with State and Federal Regulations

The referral is complete. There is significant countywide or inter-community impact. The staff recommendation is to Approve.

Motion was made by Bob Keis to accept the recommendation to approve with a second by Paul Mager. Motion carried.

4.1.5. Town of Machias

- Amendments to Solar Energy System Local Law

Public Hearing held August 21 at 6:45pm. Town of Machias declared itself as Lead agency for SEQRA adopted August 21, 2023. We received the Short EAF. Changes were sent to the board for your review.

HIGHLIGHTS-

- Updated the definitions for Type 1 (Large utility 5 Mega Watts +), 2 (Large up to 5 mega watts) and 3 (small Residential scale)
- Updated Permitted Uses- Type 2 and 3- regulated as accessory use/structure and Type 1 permitted in Development areas created by action of the Town Board- otherwise they are not permitted
- Mitigations of impacts to ag land is a significant factor in the approval process and adhere to NYS Ag and Markets Guidelines

- Any and all battery energy storage systems designed for commercial use, including but not limited to, any BEES associated with the Type 1 or 2 are prohibited use in in the town of Machias.
- Minimum Lot size increased
- Setbacks also increased
- If the SPS (Solar Photovoltaic System (SPS) is non-operational or abandoned for 180 days or more the system will be removed to the manufacturer or project developers authorized storage facilities 45 of written notice from the Town.
- For the Special Use permit, the town is requesting Soil maps showing prime soils, local utility provider interconnection documentation, screening and landscape plan, safety plans, FAA certified statements, Proof of a completed project viability study from the electric utility provider the SPS will connect to.
- Statement certifying that the proposed project and materials will not have a negative impact on the ground water supply for neighboring properties (soil testing for baseline)
- Bond for security at least 130%of the estimated cost of SPS removal and restoration
- Decommissioning- cost estimates certified by engineer- with Bond
- If it is not constructed and operational within 12 months of permit need to seek approval again.

The referral is complete. There is significant countywide or inter-community impact. The staff recommendation is to Approve.

Motion was made by Paul Mager to accept the recommendation to approve with a second by Danny Newbury. Motion carried.

4.1.6. Town of Franklinville

- Local Law Amending Off-Street Parking

The Local Law is intended to encourage redevelopment of properties set forth below from off-street parking and loading requirements set forth in the village zoning law. The Village determined that the redevelopment of the areas in and around the historic area of the Village is vital to the revitalization. By providing the exemption from off street parking and load requirements will make the redevelopment more feasible.

They will be exempted from the following- having to have parking spaces dependent on the use of the property- Examples include: Residential – two per household, one for every four seats for a restaurant, one for every 100 square feet of floor space for retail stores.

The referral is complete. There is no significant countywide or inter-community impact. The staff recommendation is to Approve.

Motion was made by Bob Keis to accept the recommendation to approve with a second by Dave McCoy. Motion carried.

4.1.7. Town of Farmersville

- Solar Energy System Law
 - Floodplain, wetlands and Archaeologically Sensitive area – N/A
 - Public hearing was 8/30/23. Part 1 full EAF.
 - Requirements of the law- Battery Storage Energy Systems are prohibited in the Town of Farmersville, Roof mounted are permitted with a building permit, Ground mounted systems are permitted with a building permit provided that the applicant demonstrated that the system is located in the

rear yard of the primary structure and at least 25 ft from adjoining property. If they cannot comply they will need a variance.

- Large Scale Systems permitted with special permit- meeting the criteria- Project site is not suitable for agriculture purposes, not in the public sewer and water district, not visible from the public road, cemetery or park. Will not exceed 50% of the area of the parcel, 50 feet from adjoining property.
- Applications need – Full EAF – Type 1 action
- All transmission lines and on-site utilities are underground
- Decommissioning plan- fully restored to original state. Decommissioning cost of at least 20% provided to the town-
- Verifiable means to determine if the plan needs to be activated due to cessation of use.
- Disposal plan
- Decommissioning agreement with the town- requires deposit of cash or bond or other security be 150 % of the cost of the removal of the major system and restoration with 2% annual escalator for the life of the system
- Decommissioning to be done within 360 days after notice from Code Enforcement
- Applicant must agree to pay review fees for town- technical and legal costs. No building permit will be issued until fee is paid.
- What is not included- Safety Plan, Local provider interconnection document

The referral is complete. There is significant countywide or inter-community impact. The staff recommendation is to Approve – with recommendations to include Safety Plan which includes measures that will be used to prevent public access to unsafe area and to provide for emergency response and Local Provider interconnection document.

Motion was made by Al Ormond to approve (with recommendations) with a second by Dave McCoy. Motion carried.

4.1.8 Town of Salamanca

- Solar Moratorium

This is a proposed Local Law that is a Temporary 12-month moratorium on Development of Large-Scale Solar Energy Systems within the Town of Salamanca. The public meeting will be on 9/12/23 at Salamanca Town Hall. We received the Short EAF.

Basic Requisites of Land Use Moratoria

- 1) Reasonable time frame
- 2) A valid public purpose
- 3) Address a situation where the burden imposed by a moratorium is being shared substantially by the public at large
- 4) Strictly adhere to the procedure
- 5) Time certain when the moratorium will expire

The Moratorium meets the five basic requisites.

The referral is complete. There is significant countywide or inter-community impact. The staff recommendation is to Approve.

Motion was made by Dave McCoy to accept the recommendation to approve with a second by Danny Newberry. Motion carried.

4.2. Environmental Review

4.2.2. Franklinville Central School District – Capital Improvement – various upgrades, renovations, an addition and new building and site work.

4.2.3. Olean City School District – Federally Funded Stimulus project new grass field at East View Elementary, HVAC upgrades at East View and Intermediate School.

5. CORRESPONDENCE

5.1. Town of Machias – Correction

6. OLD BUSINESS

It looks like the Planning Board Dinner will be the last Thursday in October. Crystal asked everyone what their thoughts are for where it should be held. We can have Goodes cater it if it isn't too far away. The Corporate Building on the Fairgrounds was suggested. Crystal is also working on finding a speaker.

7. REPORTS/OTHER BUSINESS

7.1. Chairman's Report – Charles Couture

The Chairman was talking to a farmer in Hamburg who noticed that this summer he has not had to irrigate the sweet corn.

7.2. Department Reports

7.2.2. Director's Report

Crystal Abers

The Department has been extremely busy. September 12th if anyone is interested, Mo Sombundu with the Climate Committee through DEC will be here to meet with us at 9:00 am. Crystal met with Felieve regarding the IJA money. She is looking at some projects for the County. Onoville construction is moving along. The appreciation picnic was held last night at Onoville. There is now WiFi down at the marina. The water/sewer line at Onoville is installed. Two of the buildings, one bathroom and the ticket booth, will be coming this fall. In the spring, the other two bathrooms and the camp store will be installed. There is a lot of talk of how we will be competing with other stores in the area, which is not true. The water level still looks good for the boaters. They have micro-grants that they are giving out to businesses and have about \$100K left for new start-up businesses or expansions. That has been extended to the end of the year.

7.2.3. Staff Reports

7.2.3.1. Kate O'Stricker

Land Bank – We have received six properties from the County to demo. We will demo five of them. We found a developer that wants to rehab a four-apartment building in the North Union area of Olean. He plans on renting two of the apartments to traveling nurses since it is near the hospital and the other two apartments to full time residents. They have also taken custody of the row building in Otto and will be demolishing that. The building is already falling in on the back, but we are having issues because the house behind it has its water and sewer running through the building. We have applied to

OCR and received a \$90K grant to help cover the costs. If we can't get someone inside the building safely to check for asbestos, then we will have to take it down as a full asbestos demo. This demo will probably take us 3 times as long as a normal demo would due to working with OCR. We are waiting for the asbestos assessments to come back on the other demos then the RFPs will go out. Those demos should be done by the end of December.

Crystal and Kate have just had their kickoff meeting regarding the RAISE grant project. They have never worked with the USDOT before, it will take at least six months before they even get the contract. They will probably get started in the spring with the design and alignment project.

Kate is just trying to keep up with the referrals for Planning. She will be attending a conference in Lake George in September for Land Bank and Rural Housing. The National Land Bank meeting will be in Cleveland.

7.3. Administration

7.4. STW Report

Robert Keis

There was no meeting this month.

7.5. Members Forum

All

Paul asked if anyone knew why the Pat Magee trail was closed. Kate said that they are replacing a couple of bridges.

Chuck asked about the West Valley Hotel and Kate told him that the owner had died and now it was up to them what happens with the property. Chuck also noted about the long list of taxes due that was in the Olean Times Herald.

Bob stated that the Town of Mansfield is in the process of shutting down their Historical Society. He said that they have not met in 5 years, there's no interest in it and there is no population to support it. They kept good records as to who donated stuff to them and they are in the process of returning that stuff to those people and the long term decision is to tear the building down.

8. UPCOMING MEETINGS & EVENTS

9. NEXT MEETING ANNOUNCEMENT

Chairman

9.1. September 28, 2023

10. ADJOURNMENT

Chairman

Motion to adjourn was made by Al Ormond, with a second by Mark Smith. Motion carried. Meeting was adjourned at 8:15 pm.