

Cattaraugus County Planning Board

CATTARAUGUS COUNTY PLANNING BOARD MEETING
MEETING MINUTES
April 28, 2022
Little Valley, NY

DRAFT

PLANNING BOARD MEMBERS PRESENT:

Charles W. Couture, Chairman	Robert C. Keis
Paul D. Mager, Vice Chairman	David L. McCoy
Michael J. Zaprowski, Secretary	Danny C. Newbury
Andrea L. Mellon, Assistant Secretary	Allan J. Ormond
Tina Abrams	Mark A. Smith
Daniel J. Brown	James J. Valent
Kathleen M. Ellis	

PLANNING BOARD MEMBERS ABSENT:

None

PLANNING DEPARTMENT STAFF

Crystal J. Abers, Director	Marie Myers Shearing, Planner
Racheal E. Draegert, Environmental Planner	

GUESTS:

Chris Wood (Zoom)	Bob Schutte (Zoom)
Kevin Forrester (Zoom)	Todd Friedman (Zoom)
Ray Strauss (Zoom)	

1. Call to Order
Charles Couture, Chairman, called the meeting to order at 7:02 pm.
2. Welcome & Opening Remarks
None
3. APPROVAL OF MINUTES
 - 3.1. February 24, 2022
Charles Couture called for motion to accept the minutes. Andrea Mellon moved to approve with a second from Danny Newbury. Motion carried.
4. NEW BUSINESS
 - 4.1. General Municipal Law Section 239 (l) & (m) Referrals
 - 4.1.1. Town of Randolph – Use Variance
 - 19 Main Street
This property has a small portion of floodplain at the farthest boundary from the road. It does not have wetlands but is in an archaeologically sensitive area.

The owner of Peaches & Cream plans on expanding the parking lot into this parcel to increase traffic safety and enhance the curb appeal of their business. There is also a

project planned to construct a sidewalk in front of the business which will increase walkability of the area.

There is no countywide or inter-community impact; it is a matter of local concern. The Planning Department supports this use variance.

David McCoy motioned to accept the staff recommendation of Marie Myers Shearing. A second made by Allan Ormond. Motion carried.

4.1.2. Village of Franklinville – Site Plan Review

- 30 Pennsylvania Avenue

The property does not contain floodplain or wetlands, but it is in an archaeologically sensitive area.

Penn Turf is a manufacturing business in Arcade that is planning on moving to this unused building. They have a number of site improvements planned, all of which follow local guidelines and requirements. Dan Brown inquired about possible odors exhaled during operations, which the business representatives confirmed is not the case. Director Crystal Abers also confirmed that during a recent tour of their current facility she did not experience any odors and noted it was clean and well-kept.

There is no countywide or inter-community impact.

Michael Zaprowski motioned to accept the staff recommendation of Marie Myers Shearing. A second made by James Valent. Motion carried.

4.1.3. Town of Yorkshire - Moratorium

- Sand & Gravel Mine Moratorium

The Town is establishing a 6-month moratorium on new applications for sand and gravel mining that have to go through the DEC.

Dan Brown motioned to accept the staff recommendation of Marie Myers Shearing. A second made by Tina Abrams. Motion carried.

4.1.4. Town of Allegany

- Solar Law

The Town submitted local law #2 of 2022 for solar energy. They currently have a moratorium that expires in May.

Marie Myers Shearing gave a thorough review of the law and suggested that they either extend their moratorium to review the new solar law or expedite the recommended changes to resubmit to the Planning Department next month.

The recommended changes include: addressing storage batteries, amending their farmland classifications, amending their solar reflection decision chart, clarifying owner/operator, addressing training to emergency personnel, consider requiring Community Benefit Agreements/Host Community Agreements, and including “native to NY vegetation”.

In addition to the recommendations from the Planning Department, the document has many inconsistencies in grammar and formatting. Marie Myers Shearing recommends to disapprove the referral to allow the Town to address the recommendations and revise it in order to benefit their community.

Michael Zaprowski motioned to accept the staff recommendation of Marie Myers Shearing. A second made by Danny Newbury. Motion carried.

4.1.5. Town of Persia – Site Plan Review

- 10212 Broadway Road

This is a proposal to install a solar array on 20 acres of a 77-acre parcel. The parcel does not have wetlands or floodplain, but is an archeologically sensitive area.

Per the soil classification, 86.4% is prime farmland and 9.1% is farmland of statewide importance. The Town of Persia Zoning Ordinance Section 6 states no large scale ground-mounted solar shall be installed on prime agricultural soil. Also, Section 7 states all applications for utility-scale building-mounted or ground-mounted solar shall be accompanied by a special use permit.

In addition, their agricultural data statement was incomplete, the parcel is located over a principal aquifer, and per the NYS DEC EAF Mapper, there are endangered/threatened species in the area.

Since they did not supply a special use permit to the Planning Department, it is considered incomplete. Marie Myers Shearing stated that they must resubmit the referral.

Marie Myers Shearing noted that as it stands right now, the project is in direct conflict with the Town of Persia Zoning Ordinance and they should not allow it until they adjust their laws to allow solar on prime soil.

The Board concurs with the staff recommendation of Marie Myers Shearing to take no action.

4.2. Environmental Review

- 4.2.1. None

5. CORRESPONDENCE

- 5.1. The Planning Department has received 6 Municipal Reports of Final Action from their recent mailing.

6. OLD BUSINESS

- 6.1. None

7. REPORTS / OTHER BUSINESS

- 7.1. Chairman's Report

Chairman Couture noted that he saw on Facebook a comparison between a tanker milk truck and a manure spreader. Milk is currently worth less than fertilizer.

7.2. Department Reports

7.2.1. Director's Report

Crystal Abers reported that she went to the groundbreaking at Great Lakes Cheese in Franklinville. Onoville Marina Park opens tomorrow.

Crystal has researched the Planning Board Dinner and thinks it would be better to do it in Franklinville (as suggested at another meeting) next year or the year after. She checked with Bartlett Country Club in Olean and found that they can accommodate the dinner and are working on a buffet menu. She has asked Attorney Peter Sorgi to be the speaker for the dinner. The Board approved.

Crystal has flooded Marie and Racheal with solar laws from across NYS and they are doing a great job going through them and identifying points we haven't thought of before. She thinks they will produce a thorough solar fact sheet for the municipalities.

7.2.2. Staff Reports

7.2.2.1. Kate

Crystal Abers reported on behalf of Kate O'Stricker that the Land Bank does not have much to choose from this year. They will possibly be conducting 2 or 3 demos. Kate will be working with the State to obtain funding for Land Banks.

The Farmer Neighbor dinner was a huge success with the most people to ever attend, at 366.

7.2.2.2. Racheal

Racheal Draegert has just submitted the RFP for trail signage. She has received several order forms from trail organizations and hopes to have all the materials to them by July.

Racheal will be submitting the snowmobile grant materials by the end of next month and will be submitting the Phase 1 for next year's grant process.

Racheal also presented a county map displaying known/proposed solar project locations.

7.2.2.3. Marie

Marie Myers Shearing stated that they now have an organization station in their office for solar and they have a binder with the solar laws for other counties and they are comparing them with the NYSERDA model.

7.3. Administration

7.3.1. Ethics Disclosure Forms

Marie Myers Shearing said that all Ethics Disclosure Forms have been returned.

7.3.2. Training

Marie Myers Shearing noted that there are only 8 months left to complete their four hours of training.

7.4. STW Report

Robert Keis reminded everyone that the Houghton Local Government Conference on June 9th would be a good place to complete their training.

The final budget has not been passed from the Federal Government yet, but the President's budget is indicating better funding for Southern Tier West. Up to \$172 million is proposed for EDA. They are still proposing the increased amount for ARC, so they may have substantially more money this year for ARC Projects. There are 11 projects proposed for the 2023 Appalachian Regional Commission funding.

STEDO – Reminder that if the members know of businesses that need financial assistance, they currently have 29 outstanding loans and have \$794,000 available for lending.

They are currently working with an airplane manufacturer at the Chautauqua County Airport and will be doing work on bridges in the Olean area.

7.5. Members Forum

Kathy Ellis noted that DPW construction is underway.

Danny Newbury mentioned that the Town of Carrollton Code Enforcement Officer has resigned. If anyone knows of any interested candidates, let him know.

8. UPCOMING MEETINGS & EVENTS

8.1. As noted in the Agenda

9. NEXT MEETING

9.1. May 26, 2022

10. ADJOURNMENT

Michael Zaprowski motioned for adjournment, Danny Newbury seconded motion. Motion passed. Meeting adjourned at 8:09 pm.