

Cattaraugus County Planning Board

CATTARAUGUS COUNTY PLANNING BOARD MEETING
MEETING MINUTES
October 25, 2023
Little Valley, NY

DRAFT

PLANNING BOARD MEMBERS PRESENT:

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

PLANNING BOARD MEMBERS ABSENT:

James Valent
Andrea L. Mellon, Vice Chairman
Tina J. Abrams

PLANNING DEPARTMENT STAFF

Crystal Abers, Director
Kate O'Stricker
David Greetham
Lissa Wilson

GUESTS

Peter Sorgi

1. CALL TO ORDER
Charles Couture, Chairman, called the meeting to order at 5:00 p.m.
2. WELCOME & OPENING REMARKS
None
3. APPROVAL OF MINUTES
3.1. September 28, 2023
Charles Couture called for a motion to accept the minutes. Bob Keis moved to approve with a second from Mike Zaprowski. Motion carried.

4. NEW BUSINESS

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

4.1.1. Town of Dayton

- Area Use Variance – 9586 Railroad Street

The parcel is not in a floodplain, or wetlands. It is in an archaeologically sensitive area. An Ag Data Statement was completed. This is a Type II Action.

This is to construct a new additional structure 30 feet from the roadway (allowable is 45 ft) and 18 feet from left side property line (allowable – 30 feet). Area Variance requested for the 15 ft frontage setback and 12 ft side. This will be new construction church/sanctuary addition with front entry and breezeway connection. New construction will be aligned with existing building. Code Enforcement states that there are other locations this can be placed on the property that would not require the area variance.

Staff Findings are as follows:

- There are other locations on the property that will not require a variance
- Property owner owns two additional parcels on the right side of the property that so it new building would not be encroaching on neighbors' property if built on the right side.
- Area Variances requirements- is the benefit to the applicant outweigh any detriment to the health, safety or welfare of the neighborhood or community.
- 5 factors- Will an undesirable change occur to the neighborhood? NO
- Feasible Alternatives- Yes there are several feasible alternatives
- Is the Variance Substantial- Yes (asking for 40% reduction)
- Adverse effect- No
- Self-Created- Yes there are several alternatives
- Zoning Code States-
No lot, yard, setback, parking area or other space shall be so reduced in area, dimension or capacity as to make said area, dimension or capacity less than the minimum required under this chapter. If already less than the minimum required under this chapter, said area, dimensions or capacity shall not be further reduced.

No Public Hearing was scheduled. The referral is complete. There is no countywide or inter-community impact. The staff recommendation is to Disapprove for reasons in the Staff Findings listed above.

Motion was made by Bob Keis to accept the recommendation to disapprove with a second by Mike Zaprowski. Motion carried.

4.1.2 Town of Dayton

- Special Use Permit – 9648 Route 62

This is for changes to cell tower equipment. This is not in a floodplain or an archaeologically sensitive area. It is in wetlands. A full EAF was completed.

There is no Public Hearing set. This is a Special Use Permit for the installation of a concrete pad, and automatic transfer switch, generator auxiliary distribution and remote monitoring communication circuitry for a communication tower tenant. Dayton Zoning requires a Full EAF per 165-5 Use of Existing building and changes to tower equipment.

The referral is not complete. There is no significant countywide or inter-community impact. The staff recommendation is to Approve with the following modifications; submit a completed EAF and Special Use Permit Application.

Motion was made by Al Ormond to accept the recommendation to approve with modifications, with a second by Danny Newbury. Motion carried.

4.1.3 Village of Ellicottville

- Site Plan Review
- Special Use Permit
- Subdivision – 41 Washington Street

This is a floodplain, wetland and an archaeologically sensitive area. SEQRA Parts 2 and 3 were completed. No Ag Data Statement was completed.

Staff Findings:

- Application to Demolish existing single family home and construct a new 2 1/2 story mixed use building with 5 apartments

Total Acres- .33- two lots to be combined for project

Land Uses- Residential and Commercial

Received- Floodplain Encroachment report, Combined Application for Site plan Review, Special Use permit and Architectural Design Review

New Mixed Use building with commercial and residential apartment on bottom floor, residential on second, 2 apartments in loft

- Zoning Review- Multi-dwelling structures are allowed in the VC1 District with a Special Permit from the Planning Board. Zoning allows for more than one use in a principal building, including Commercial uses allowed under the Zoning Code.
- Sufficient parking- off street - 17 spots provided (only 12 required)
- Site access along existing one way corridor- public alley and private driveway (Monroe to Washington Street)

Permits:

- Special Use Permit- Multi- Dwelling structures Allowable with SUP
- Minor Sub Division- Required- Combination of Lots is not permitted- however a lot line adjustment is recommended to proposed development on a single parcel- The adjustment can be approved by the planning board
- Flood Plain Development Permit will be required
- Demolition Permit is required
- Planning Board reviewed revised drawings and determined the submission was complete as of October 10, 2023

Public Hearing set for November 14, 2023

The referral is complete. There is no 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 Mike Zaprowski. Motion carried.

4.1.4 Town of Great Valley – 5950 Humphrey Road

- Special Use Permit
- Area Variance

The parcel is not in a Floodplain or Wetlands, but it is in an Archaeologically Sensitive Area. No Ag Data Statement was completed. This is a Type I action, a Short EAF was submitted.

This is an application to convert this vacant non-conforming lot into a storage facility using 12 steel storage containers as the units. Current Zoning is AR (Agricultural/Residential) and 1 acre is the minimum lot size. The lot is .36 of an acre. Applicant is seeking a lot size variance as well as an area variance for the setbacks. Twenty-five ft setback is required. Applicant is seeking a variance to 20 feet. Applicant also needs a special use permit as the proposed use requires it. There will be a fence, large rocks and a sign located at the center of frontage and one light pole with the location to be determined.

The Public Hearing is set for November 9th at 7:00 p.m.

The Referral is complete. There is no significant countywide or inter-community impact. The Staff Recommendation is to Disapprove for the following reasons:

Area Variance-

Substantial variance- lot size not conducive for project
Adverse effect on or impact on the environment
Storage building in residential neighborhood
Storage facility will increase traffic in and out of an area with a blind corner
Was this self-created?

Special Use permit

Not Compatible with the Zoning Law- Agriculture/ Residential.
This is not compatible with the neighborhood.
Are the size and location adequate for the use that is proposed?
Project will increase traffic volumes and affect traffic flows or safety in the vicinity of the site.
Project will result in destruction loss or damage to natural scenic features.

Motion was made by Bob Keis to accept the recommendation to disapprove with a second by Mark Smith. Motion carried.

4.1.5. Town of Franklinville – Great Lakes Cheese

- Area Variance

This is not in Wetlands or a Floodplain; it is in an archaeologically sensitive area. There was an Ag Data Statement received. This is Type I Action, a Short EAF was completed.

There are two area Variances for signage at Great Lakes manufacturing and packaging facility on 20+ acre parcel. Variance 1 – Sign area in Industrial Zoning District-CODE section 12.3.4-Required 32 Sq. Ft. – asking for a variance to 33 sq. ft. Variance 2 – Number of free standing signs in Industrial Zoning district, only 1 is allowed– asking for a variance for 7 signs.

The Referral is complete and there is no significant countywide of inter-community impact. The Staff Recommendation is to Approve.

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

4.1.2 Village of Franklinville

- Local Law-Historic Preservation Law

This is a Type I action and a Short EAF was submitted.

- Intent and Purpose: There are places, sites structures and buildings of Historic and architectural significance, antiquity, uniqueness of exterior design or construction which should be conserved, protected and preserved to maintain the architectural character of the Village of Franklinville
- Created a commission to be known as the Village of Franklinville Historic Preservation Commission
- Commission will delineate landmarks or historical districts and/ or a group of properties and the interior of properties to recommend to the Village Board of Trustees for designation under the law.
- Scenic Landmarks can be included
- Over 50 years old
- Commission will be responsible for recommending to the board the approval or disapproval of proposals for alterations, demolitions, or new constructions

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 Al Ormond. Motion carried.

4.1.7 Town of Great Valley

- Zoning Law Amendment

This is Type I Action and a Full EAF was submitted.

This is a Proposed Local Law amending Table 3-1 Land Use Table to change Animal Boarding Establishment and kennels from Not Permitted to Permitted Use by Special Permit in C-1 Zoning District.

A Public Hearing is set for November 13 at 7:00 pm.

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

Motion was made by Mike Zaprowski to accept the recommendation to approve with a second by Al Ormond. Motion carried. Mark Smith abstained.

4.1.8. City of Salamanca

- Local and Zoning Text Amendment – 501 Broad Street

The property is not in a Floodplain or Wetlands. It is in an Archaeologically Sensitive Area. No Ag Data Statement was submitted. This is a Type I Action and a Short EAF was submitted.

This is to change the use district classification of 501 Broad Street from R1 – Single Family Residential to B3 (Neighborhood Commercial) use District. The reason for the change is the Planning Commission request that it is consistent with the current character of the neighborhood which contains both residential and business related structures. Adjacent properties are zoned B3. A Public Hearing is scheduled for November 8 at 7:00 pm.

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

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

5. CORRESPONDENCE

5.1. Town of Allegany – Lead Agency for Take 5 Oil

5.2. Town of East Otto – Lead Agency for Adoption for Master Plan

6. OLD BUSINESS

Crystal asked for a motion to accept Dan Brown's resignation. Motion made by Al Ormond with a second by Mark Smith.

7. REPORTS/OTHER BUSINESS

7.1. Chairman's Report – Charles Couture

Chuck let everyone know that he is now a great grandfather.

7.2. Department Reports

7.2.1. Director's Report

Last week's job fair went very well. We had 44 employers, over 400 job openings and about 50 participants. On Friday, the Economic Team had a Small Business Summit and we had about 15 people there. Lane Accelerator out of St. Bonaventure was there as well as four from the outside. Saturday and Sunday was the WILMA Vendor and Artisan Show and Norm and Howard predicted our winter with the wooly bear. Earlier in the week, Deb, Kate and Crystal went to the Land Bank Conference in Cleveland. They also had time to go to Norwalk to view part of the buildings being constructed for Onoville Marina. There were some interesting topics at the Land Bank Conference regarding foreclosures. Excess funds for any foreclosure sale will go to the previous owner of the home that was foreclosed upon.

7.2.2. Staff Reports

7.2.2.1. Kate O'Stricker

Land Bank Conference – It was great going to Norwalk to view the pre-fab concrete buildings they are purchasing for Onoville Marina. Norwalk has been in existence since 1900. Land Bank is moving forward on the demos, this year they have one company that is going to do all five of the demos.

7.3. Administration

7.4. STW Report

Robert Keis

On November 15 & 16 from 4-8:30pm is the Southern Tier West Fall Zoning & Planning Training. On the 15th it will be at JCC Jamestown Campus and on the 16th it will be at the BOCES Center at the Center for Excellence in Salamanca. There will be 4 hours of training credits if you go to either one of those.

- 7.5. Members Forum All
[Kathy gave an update on the various road construction projects in the county.](#)
8. UPCOMING MEETINGS & EVENTS
9. NEXT MEETING ANNOUNCEMENT Chairman
9.1. [November 30, 2023](#)
10. ADJOURNMENT Chairman
[Motion to adjourn was made by Michael Zaprowski, with a second by Al Ormond. Motion carried. Meeting was adjourned at 5:42 pm.](#)