

Cattaraugus County Planning Board

CATTARAUGUS COUNTY PLANNING BOARD MEETING
MEETING MINUTES
November 30, 2023
Little Valley, NY

DRAFT

PLANNING BOARD MEMBERS PRESENT:

Charles W. Couture, Chairman
Andrea L. Mellon, Vice Chairman
Michael J. Zaprowski, Secretary
James Valent
Allan J. Ormond
David L. McCoy
Danny Newbury
Kathleen M. Ellis
Tina J. Abrams – 7:00
Mark Smith – 7:00

PLANNING BOARD MEMBERS ABSENT:

Paul D. Mager, Assistant Secretary
Robert C. Keis

PLANNING DEPARTMENT STAFF

Crystal Abers, Director
Connor Maxwell, Environmental Planner

GUESTS

Janet Koch, Salamanca Ward 5 Alderman

1. CALL TO ORDER

Chairman Charles Couture called the meeting to order at 6:30 p.m.

2. WELCOME & OPENING REMARKS

There was a moment of silence in remembrance of Florence Fuller.

3. APPROVAL OF MINUTES

3.1. October 25, 2023

Charles Couture called for a motion to accept the minutes. Danny Newbury moved to approve with a second from Al Ormond. Motion carried.

4. NEW BUSINESS

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

4.1.1. City of Salamanca

- Zoning Text Amendment

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

This is to change the use district classification of 73 Central Avenue from R1 (single family residential) to B3 (Neighborhood Commercial) Use District. Property owner proposes to combine the property with the adjacent property – 486 East State Street. They want a change in the Local Law and Zoning Text. The classification is in line with adjacent properties on East State and Central.

A Public Hearing was scheduled for November 8th. The referral is complete. There is no 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 Al Ormond. Motion carried. Mike Zaprowski abstained.

4.1.2 Village of Ellicottville

- Local Law and Zoning Text Amendment for Cannabis Establishment

This is a Type 1 Action. Full EAF provided.

Staff Findings:

- Adoption of Proposed Zoning Amendment to Establish Regulations for Cannabis Establishments and Facilities
- Local Law and Zoning Text Amendment
- Intent to allow the establishment of cannabis uses in location and manners consistent with the zoning and land use goals of the village of Ellicottville and to further achieve the following:
 - Protection of Character and stability of residential area
 - Provide adequate and suitably located commercial use facilities
 - To ensure the operation of use facilities is done in a safe and controllable manner
 - Prevent nuisance conditions

Restrictions:

- 500 feet of school building, park, library or other public building
- Within 200 ft of church
- 200 ft of residential district
- Facilities cannot be within 500 feet from one another
- No consumption establishment shall be located within a building residential dwelling unit

The referral is complete. There was a Public Hearing held on November 21st. There is no significant countywide or inter-community impact. The staff recommendation is to Approve.

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

4.1.3 City of Salamanca

- Site Plan Review for 77 Central Avenue

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

Staff Findings:

- Construction of a new retail site development in two phases. Phase 1- Single story 1280 Sq. ft. Retail building and associated parking for a signal tenant (cannabis sales).
- Phase 2 – single story 8368 sq. ft. retail building and associated parking for three tenants. Project will include connection to existing municipal utilities for water, sewer and electrical services. Project will conform to city of Salamanca Zoning Law and site plan will be reviewed by the city planning Board.

A Public Hearing was scheduled for November 7th. The referral is complete. There is no 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 Al Ormond. Motion carried. Mike Zaprowski abstained.

4.1.4 Village of Delevan

- Site Plan Review for vacant land on South Main Street
- Special Use Permit

The parcel is in a Floodplain and Wetlands, but it is not in an Archaeologically Sensitive Area. Ag Data Statement was completed. This is a Type I action, a Short EAF was submitted.

This is an application to build a dog grooming and dog boarding establishment. An Ag District Parcel is adjacent to the property. The Village Attorney specified that an Ag Data Statement is not needed because the parcel is not actively farmed; however, the Ag Data Statement was received before this meeting. The Use is allowable with Special Use Permit. The Public Hearing is scheduled for December 5th.

The Referral is complete. There is no 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 Mike Zaprowski. Motion carried. Andrea Mellon abstained.

4.1.5. Town of Olean

- Amend Solar Facilities Law

This is Type I Action. SEQRA: Negative Declaration. We Received Full EAF.

The List of Changes was handed out to the Board.

- The proposed Town of Olean Local Law No. 2 of 2023 amends the Town's Local Law No. 1 of 2022. The 2022 local law was referred to the County as proposed Local Law No. 2 of 2021. On November 24, 2021, the County Planning Board responded with recommended modifications and advisories.

- Part 2" reply. On December 21,, 2021, with a "Part 3" response, the Town Board approved the County's recommendations, revised the local law, held a new hearing and unanimously approved the revised local law. On December 1, 2022, the 2021 revised local law was filed with the New York State Department of State as Local Law No. 1 of 2022, titled "2022 Amended Solar Facilities Law".
- "Unfortunately, most of the County's recommendations approved by the Town Board were inadvertently omitted from 2022 Amended Solar Facilities Law, prompting the Board to develop Local Law No. 2 of 2023, the subject of this referral. In addition to the County's recommendations, the Town Board has made several additional changes, many substantive. As explained in a new completed referral form, included here, all changes are shown in a marked-up copy the 2022 local law, and both the County's recommended changes and subsequent changes made by the Town Board are incorporated into a clean copy which constitutes the full text of Local Law No. 2 of 2023.

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 Dave McCoy. Motion carried.

5. CORRESPONDENCE

- 5.1. Pioneer Central School – SEQR Lead Agency
- 5.2. Town of East Otto – Lead Agency Master Plan Update

6. OLD BUSINESS

None

7. REPORTS/OTHER BUSINESS

7.1. Chairman's Report – Charles Couture

Cattaraugus County has set parameters for Alle-Catt Wind Farm developers and the State Siting Board has withdrawn Catt. County's authority to exercise control over its highways with respect to the construction, operation and maintenance of the project. Alle-Catt will reduce the number of turbines from 116 down to 83.

7.2. Department Reports

7.2.1. Director's Report

Our micro grant for businesses runs out the end of December. Conner Maxwell is our new Environmental Planner. The Snowmobiles is on to the next phase. They are happy that it is snowing, but the trails won't be open until January. We do have 5 demolitions to finish by December 15th and another large building that will come down hopefully by the end of the year. The Rem foreclosure law that's going into effect will dampen our spirits as to how we were able to foreclose. Right now NYSAC is trying to write the law and work with the State to get it approved. Right now, if we foreclose on a house, rehab it and sell it for a profit; the profit goes back to the previous homeowner.

Crystal would like to make an amendment to our process. Some counties require that their referrals be in a minimum of 10 working days before the Planning Board Meeting. Seven days does not give us enough time to prepare for the meeting because people are catching on and submitting all of their referrals exactly 7 days before the meeting. It is the same individuals who are doing it month after month.

Motion was made by Andrea Mellon to make a resolution to change the process to 10 business days with a second by Mike Zaprowski. Motion carried.

Crystal thanked them for coming to the Planning Board Dinner and asked them how they liked the speakers. A short discussion was held about the speakers and the facility where the dinner was held.

7.2.2. Staff Reports

7.2.2.1. Kate O'Stricker - absent

7.3. Administration

7.4. STW Report

Robert Keis

There was no meeting.

7.5. Members Forum

All

Andrea noted that she is working on their Local Solar Law and they had their public meeting and the referral should be coming to the County in December.

Dave noted that the Portville Mayor is working on a Comprehensive Plan and they had a public meeting about a week ago that was well attended. They are also working with Southern Tier West on a Climate Smart Communities Project.

Tina apologized for being late. The new meeting time may take some getting used to.

Mike noted that the Salamanca School District has a nice initiative for the Food Department.

They are trying to source a lot of local food to serve in the cafeteria. They have received some grant money for the project. John Hale is in charge and he has held a couple of cooking classes. He gives everyone who participates, a box of food acquired locally and a recipe on how to prepare it. The classes are open to the public. It is exposing kids to foods they might not normally be exposed to. He encouraged everyone to participate if they see it come up again. Janet Koch added that the school is planning on doing it once a month. After they show you how to prepare the meal, they send a box home to feed four people. In December, their goal is to prepare 100 boxes of ham dinners and 100 boxes of turkey dinners and have a drive through for the people to pick up the dinners.

Crystal wanted to know what they thought of the Ag Tour to Great Lakes Cheese. They were all impressed. Mike clocked it on his phone that we walked 2 miles on the tour from start to finish. A discussion was held about the plant, how much milk they make and the products they produce.

8. UPCOMING MEETINGS & EVENTS

9. NEXT MEETING ANNOUNCEMENT

Chairman

9.1. December 28, 2023

10. ADJOURNMENT

Chairman

The meeting was adjourned at 7:13 pm in memory of Florence Fuller.