

# Cattaraugus County Planning Board

**CATTARAUGUS COUNTY PLANNING BOARD MEETING**  
**MEETING MINUTES**  
**December 28, 2023**  
**Little Valley, NY**

**DRAFT**

**PLANNING BOARD MEMBERS PRESENT:**

Andrea L. Mellon, Vice Chairman  
Paul D. Mager, Assistant Secretary  
Michael J. Zaprowski, Secretary  
James Valent  
Allan J. Ormond  
David L. McCoy  
Danny Newbury  
Kathleen M. Ellis  
Mark Smith

**PLANNING BOARD MEMBERS ABSENT:**

Charles W. Couture, Chairman  
Tina J. Abrams  
Robert C. Keis

**PLANNING DEPARTMENT STAFF**

Crystal Abers, Director  
Kate O'Stricker  
Dalton Fries, Planner  
Connor Maxwell, Environmental Planner

**GUESTS**

1. CALL TO ORDER

Vice Chairman Andrea Mellon called the meeting to order at 6:30 p.m.

2. WELCOME & OPENING REMARKS

3. APPROVAL OF MINUTES

3.1. November 30, 2023

Andrea Mellon called for a motion to accept the minutes. Dave McCoy 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. Town of Ashford

- Solar Energy Law

This is a Type I Action. A Full EAF was provided.

Tier 1- Roof mounted and Building integrated (permitted in all land use districts). No site plan review needed as long as the general conditions are met. (Section 5A- Glare, Setbacks, Height Screening and Visibility)

Tier 2- Ground Mounted – up to 25kw or physical size -based on total surface area of lot up to 4000 sq.ft. Considered an Accessory Structures and are exempt from site plan review if all general conditions are met (Section 5A- Glare, Setbacks, Height Screening and Visibility)

Tier 3- Ground mounted - Anything that is not included in Tier 1 or 2- i.e. over 25 kw

General Requirements- require a SUP

Allowed in Commercial, Light Industrial and Agriculture- Forest Land Use Areas

Application Process- Several steps-

Signature of Supervisor, submit to CEO, Public hearing required BEFORE referred to County Planning

Requires that the property owners within 200 feet have been informed with application to the town

The Referral is complete and there is no significant countywide or inter-community impact. The Staff Recommendation is to **Approve with the following recommendations:**

- Consider adding to the application process or site plan application – requiring a letter or evidence from the Power Company that they are able to accept the power generated within the timeframe of the SUP (12-18months)
- Municipality should consider requiring the solar company to put cash up front in an interest bearing account instead of bonds.
- May want to add that vehicular paths should follow edges of existing agricultural fields
- Community Host agreement
- Prime Farmland or Farmland of Statewide Importance shall not exceed 10%
- May want to add something about aquifer protection
- May want to add that vehicular paths should follow edges of existing agricultural fields

Motion was made by Paul Mager to accept the recommendation to approve with recommendations, with a second by Mike Zaprowski. Motion carried. Andrea Mellon abstained.

###### 4.1.2 City of Salamanca

- Revised Site Plan Review

This is not in a floodplain or wetlands, but it is in an archaeologically sensitive area. A SEQR was not required. This is a Type II Action. A Short EAF was provided. A public hearing was held on December 7<sup>th</sup> at 6:30 pm.

When this was received last month it was not the final draft of the plans.

Construction of a new retail site development in Two phases. Phase 1- Single story 1280 S.f. Retail building and associated parking for a signal tenant (cannabis sales).

Phase 2 – single story 8368 s.f. retail building and associated parking for three tenants.

REVISED PLAN-

- Moved Driveway south and widened for a turn lane
- Adjusted the front of the building – 1100 sq. ft. total increases size
- Moved building back to set back lines
- Decrease number of parking spaces from 42 to 38
- Revised plan is approved by State DOT
- Salamanca Planning Board has approved with conditions which include changes for the State DOT

The referral is complete. There is no significant countywide or inter-community impact. The Staff Recommendation is to Approve with the recommendation that the parking lot and sidewalk have a barrier.

Motion was made by Dave McCoy to accept the recommendation to approve with recommendation, with a second by Dan Newbury. Motion carried. Mike Zaprowski and Jim Valent abstained.

## 5. CORRESPONDENCE

- 5.1. Town of Allegany – Allegany Crossings – Part 3 returned from 2022
- 5.2. Town of Napoli – Solar and Wind Moratorium
- 5.3. City of Salamanca – 73 Central Ave – Change of Use Classification
- 5.4. City of Salamanca – 501 Broad Street – Change of Use Classification
- 5.5. Town of Little Valley – Part 3 5494 4<sup>th</sup> Street – Tiny Homes
  - Approved with modifications

## 6. OLD BUSINESS

None

## 7. REPORTS/OTHER BUSINESS

### 7.1. Chairman's Report – Andrea Mellon

Andrea thanked everyone for being at the last of the 2023 meetings as we close up everything officially. She also wanted to thank everyone for supporting their communities and the county because we couldn't do it without them. She also wanted to wish them all a happy and healthy 2024.

### 7.2. Department Reports

#### 7.2.1. Director's Report

Crystal Abers

In January she will give them a report of everything that was done in 2023. The Ag District Parcel Inclusion coming up in January. Conner has started working on our Transportation Plan.

#### 7.2.2. Staff Reports

##### 7.2.2.1. Kate O'Stricker

In the last two weeks, the Land Bank has completed five demolitions. We still have one large one in Otto we will be demolishing in the next two weeks. This will be a \$168,000 demo project that we were lucky enough to find funding for it. We got funding through CDBG(\$90K) and a couple other sources. There is some litigation about how Land Banks are going to get their properties. Crystal stated that in the spring of 2024 the Land Bank would like to have a get together

that they would invite all the municipalities and the Planning Boards to give them a snapshot of what we've done and how much money the Land Bank has spent to help the municipalities over the last 5-6 years. Going forward, what the challenges are would be the Rem Foreclosure. It could be a detriment to Land Banks since the Land Bank cannot become a real estate agent to fix up a property and sell it only to give the money back to the previous homeowner. The Land Bank has had 62 properties, most of which have been demos with average cost to demo being \$40-60K a piece. NYSAC is in the process of rewriting the foreclosure law with the governor's office. We should know something by the end of February.

We are close to getting the contract for the \$7 million for the alignment and design. Once we have that we can get the RFPs out. We will be doing a public process RFP so that someone can come in and do all the meetings for us. We will also have an engineering /architectural firm that will do all the design and alignment such as talking to the railroads to figure out the best routes to take with the trail.

The snowmobile contracts are done so snowmobile trails can open next week on January 2<sup>nd</sup>, although we don't have any snow yet. Other than that, we are happy to have the planner positions filled and we are getting them trained.

### 7.3. Administration

### 7.4. STW Report

Crystal reported that Bob and Chuck aren't here but there was a meeting. She reported that the State has come out with an idea under ConnectALL (Broadband) that now they will give funding to Southern Tier West to gather the communities to find out where there is not high speed internet. Crystal feels that NYS is just stalling and the provider we have in Catt County to install broadband is waiting to see what the State is going to do. Crystal suggests that we return the money to the State and ask them not to pause it, just to continue moving ahead with the project.

### 7.5. Members Forum

All

It was noted that the Town and Village of Portville are working again on a comprehensive planning effort. Al reported that the Town of Little Valley just realized that their comp plan is 25 years old. They wanted to update their Zoning, but the Comp Plan needs to be done first. Mike stated that he is on the Historical Society Board and they just got an \$8K grant from the Ray Evans Foundation to put in security cameras. Kate added that the Cattaraugus County Comprehensive Plan is up in 2025 so we will be doing it again. Crystal asked if July works for the Planning Board Dinner in 2024. She has talked to Mark and would like to have it at Lake Flavia again. It hasn't been at that location for approximately 15 years and everyone liked the location at that time.

8. UPCOMING MEETINGS & EVENTS

•Tentative 2024 Schedule- ALL MEETINGS WILL START AT 6:30PM!!!!

- January 25
- February 29
- March 28
- April 25
- May 30
- June 27
- July 25
- August 29
- September 26
- October 31
- November 28
- December 26 (?)

•PLANNING BOARD DINNER- TBD

9. NEXT MEETING ANNOUNCEMENT

Chairman

9.1. January 25, 2024

10. ADJOURNMENT

Chairman

Motion was made by Paul Mager to adjourn, with a second by Al Ormond. The meeting was adjourned at 7:15 pm.