

# Cattaraugus County Planning Board

## CATTARAUGUS COUNTY PLANNING BOARD MEETING

### Meeting Minutes

January, 25, 2024

Cattaraugus County Center  
303 Court Street, Little Valley, NY

#### Present Board Members:

Charles W. Couture (Chuck)  
Andrea L. Mellon  
Paul D. Mager  
David L. McCoy  
Danny C. Newbury  
Allan J. Ormand  
Mark A. Smith

#### Absent Board Members:

Michael J. Zaprowski  
Tina J. Abrams  
Kathleen M. Ellis  
Robert C. Keis  
James J. Valent

#### Present Planning Department Staff:

Crystal Abers | Director of EDPT  
Kate O'Stricker | Senior Development Specialist  
Dalton Fries | Planner  
Connor Maxwell | Environmental Planner

#### Present Guests:

Dave Strong | New Leaf Energy  
Ali | Public  
Cole | Public  
Verna | Public

#### Board Officers

*Charles W. Couture*  
Chairman

*Andrea L. Mellon*  
Vice Chairman

*Michael J. Zaprowski*  
Secretary

*Paul D. Mager*  
Assistant Secretary

#### Board Members

*Tina J. Abrams*

*Kathleen M. Ellis*

*Robert C. Keis*

*David L. McCoy*

*Danny C. Newbury*

*Allan J. Ormond*

*Mark A. Smith*

*James J. Valent*

*Vacant*

#### 1. CALL TO ORDER

Chairman Charles Couture called the meeting to order at **6:27 p.m.**

#### 2. WELCOME & OPENING REMARKS

#### 3. APPROVAL OF MINUTES

##### 3.1. December 28, 2023

Chairman Charles Couture called for a motion to approve Decembers minutes. Moved by Dave McCoy and seconded by Danny Newbury. **Motion Carried.**

#### 4. NEW BUSINESS

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

##### 4.1.1. Town of Perrysburg

- Special Use Permit for Meteorological Evaluation Tower (MET)

Referral was an unlisted action with short EAF provided. Town had a public meeting on the 17<sup>th</sup> of January. No minutes were available at the time of the CCPB meeting.

Application for a special use permit for the construction of a Meteorological Evaluation Tower. County road and municipal boundary are adjacent.



# Cattaraugus County Planning Board

The structure meets height and setback requirements. Distance from property line must be 1.5 times the height. MET stands at 197 ft. New Leaf delineated wetlands, and planned the siting accordingly to avoid the wetlands. The path used to access tower received consent from land owner.

If a wind turbine is planned further down the road, anything over 120ft will require a Type I action classification and a full EAF.

Question whether there were any FAA lighting requirements for this tower. New Leaf's application was submitted to FAA for review. Typically towers under 200 feet have no requirements, but said the tower will be painted red and white as a precaution.

Question of what the distance from the tower to Dayton and whether there was distance requirements for Wind Turbine siting of 1000ft from municipal boundary. There is no distance to municipal boundary requirement for MET towers. Only the distance requirements of 1.5 times the height. Siting distance of a wind turbine may be a future concern.

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

Motion was made by Paul Mager to accept the staff recommendations to approve with a second from Andrea Mellon. **Motion Carried.**

#### 4.1.2. Village of Little Valley

- Residential Rental Occupancy Permits and Inspections Law

Local law referral is a Type II Action no EAF required.

Prior to renting ROP must be obtained. Managing agent required for anyone with principal business/residence exceeding 20 mile radius. ROP expires three years after date issued, in event of rental unit being sublet, and thirty days after change in ownership. ROP is no cost to tenants. Inspection required before issuance of an ROP and in the event a complaint is made among other events requiring re-inspection. Application and inspection fee clarification was added.

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

Motion was made by Danny Newbury to accept the staff recommendations to approve with a second from Allan Ormond. **Motion Carried.**

#### 4.1.3 City of Salamanca

- Site Plan Review Addition to CCSE Federal Credit Union

Negative Declaration, Short EAF provided. Public meeting planned for February 1<sup>st</sup>.

This project consists of the combination of parcels both currently occupied by the CCSE Federal Credit Union. Plan to remove middle asphalt driveway and flush curb. Concrete



# Cattaraugus County Planning Board

islands and canopy, sign posts, storm pipe utility, light poles, hedge, trees, and concrete sidewalks and asphalt parking lot/driveways.

Addition of 20' to the south of building, new landscaping, parking lots, drive through, entrance/exit widened, curb replacement, and new signage along with new storm water drainage.

Question of what Building distance from river has changed, but there is nothing in the zoning about river/creek buffer.

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

Motion was made by Paul Mager to accept the staff recommendations to approve with a second from Mark Smith. **Motion Carried.**

#### 4.1.4 Town of Dayton

- Solar Energy Systems Moratorium

Type II Action, public meeting planned for the 21<sup>st</sup> of February

Suspends all solar project development, applications and approvals for a period of 6 months, with the possible extension of another 6 months allowing for the preparation of a solar law.

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

Motion was made by Allan Ormond to accept the staff recommendations to approve with a second from Danny Newbury. Mark Smith Abstained. **Motion Carried.**

#### 4.1.5 Town of Allegany

- Zoning Ordinance Amendment - Aquifer Protection Overlay District

Type I Action, requiring full EAF. Public meeting planned for the 13<sup>th</sup> of February. No minutes available from the January 23<sup>rd</sup> meeting.

Local law 1-2024 establishing an Aquifer Protection Overlay District to the Town to protect its drinking water from contamination and depletion. Establishes two sub-districts, Community Core Aquifer (CCA), and the Regional Aquifer (RA) sub-districts.

Law expands prohibited uses for land within the CCA sub-district, special use permit required uses in CCA, the prohibited uses for land within the RA sub-district, and the special use permit required uses in RA.

Additionally there are requirements for the process for notification to town clerk within 24 hours of the time of discovery of discharge of hazardous materials.

DEC connected with Allegany Town Attorney to



# Cattaraugus County Planning Board

Question posed if federal/state processes are being left out of law. All state/federal regulations must be followed, local law just requires additional notification and other requirements for the town's knowledge.

§ 4 D.1 states "Compliance with applicable standards, requirements, and permit conditions imposed by federal, state, or county agencies shall be deemed to constitute compliance with this standard."

The Referral is complete and there is no significant countywide or inter-community impact. The Staff Recommendation is to **Approve W/ Modifications**

- Work with the DEC to add any additional clarifying points the DEC deems important to be included in the law.
- Make sure it is spelled out that Federal regulations (ex. DEC and Coast Guard) are not being overlooked.

\* It is important to note that the Allegany Town Attorney is currently speaking with DEC to add additional information they find important. Modification is simply there to ensure these additions are added. Also throughout the law, it is mentioned multiple times that anything federally regulated, those regulations still must apply.\*

Motion was made by Allan Ormond to accept the staff recommendations to approve with modifications with a second from Andrea Mellon. **Motion Carried.**

#### 4.1.6 Town of Allegany

- Zoning Map Amendment - Aquifer Protection Overlay District

Type I Action, requiring full EAF. Public meeting planned for the 13<sup>th</sup> of February. No minutes available from the January 23<sup>rd</sup> meeting.

Local law 2-2024 to make amendments to the town zoning map that mirrors changes laid out in local law 1-2024. Fixed section reference under note.

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

Motion was made by Danny Newbury to accept the staff recommendations to approve with modifications with a second from Paul Mager. **Motion Carried.**

#### 4.2. Environmental Review

4.2.1.

#### 4.3. Intergovernmental Review

4.3.1.

#### 5. CORRESPONDENCE

##### 5.1. Updates on Ashford Solar Law modifications

Received word that the modifications have been approved and another public meeting will be required to adopt the solar law. Part 3 expected in the next two months.



# Cattaraugus County Planning Board

## 6. OLD BUSINESS

## 7. REPORTS / OTHER BUSINESS

### 7.1. Chairman's Report

### 7.2. Department Reports

#### 7.2.1. Director's Report

Planner and Environmental Planner jumping right into things. Pop up for American DND Apex Accelerator attended. Cattaraugus pop up event for small businesses. State presentation on broad band.

April 8<sup>th</sup> eclipse with glasses available upon request. Farmer Neighbor dinner April 10<sup>th</sup> in West Valley. \$25 for the dinner, free glass and other gifts.

#### 7.2.2. Staff Reports

##### 7.2.2.1. Kate O'Stricker

Two Onoville buildings delivered, but one building could not be placed. In 3-5 weeks a larger crane will arrive with the other three buildings. RAISE grant waiting for approvals. RFP's waiting to go out to engineering firms and public process firms. Snowmobile trails set with their money and county has their maps. Snowmobile Federation meeting mentioned registration in 2023 was \$1.2 Million dollars, and in 2024 is \$37,000. Land Bank demolitions almost all complete except for Otto. With weather delays hopefully Otto demo will be complete in the next two weeks. Restore New York returning soon. New York Forward and Downtown Revitalization Initiative guidelines release in April.

##### 7.2.2.2. Dalton Fries

Connor and I started work on 2024 transportation plan, with the first meeting planned for March 19<sup>th</sup>.

##### 7.2.2.3. Connor Maxwell

Agriculture District Inclusion wrapping up January 31<sup>st</sup>. Ag and farm land protection board meeting. Ag economic development team formation to work toward looking for grant money.

### 7.3. Administration

### 7.4. STW Report

Southern Tier West waiting for funding. June Local Government Conference, good place to earn planning credits.

### 7.5. Members Forum

Danny Newbury: Meeting with Cattaraugus County engineer for work on the bridge in Limestone.

Dave McCoy: Town of Portville moving ahead with planning efforts. Business development meeting planned for February.



# Cattaraugus County Planning Board

## 8. UPCOMING MEETINGS & EVENTS

## 9. NEXT MEETING ANNOUNCEMENT

9.1. [February 29th, 2024 @ 6:30 pm](#)

## 10. ADJOURNMENT

[Motion was made by Paul Mager to adjourn with a second from Danny Newbury.](#)

[Meeting Adjourned at 7:18 pm.](#)

