

Cattaraugus County Planning Board

Draft Minutes

April 25, 2024

6:30 PM

Cattaraugus County Center
Large Committee Room, Third Floor
303 Court Street, Little Valley, NY

Present Board Members:

Andrea L. Mellon
Michael J. Zaprowski (Mike)
Paul D. Mager
Kathleen M. Ellis (Kathy)
Robert C. Keis (Bob)
David L. McCoy (Dave)
Danny C. Newbury
Allan J. Ormand (Al)
James J. Valent (Jim)

Present Planning Department Staff:

Kate O'Stricker | Senior Development Specialist
Dalton Fries | Planner
Connor Maxwell | Environmental Planner

Guests Present:

Peter Sorgi
Rick Miller

Absent Board Members:

Tina J. Abrams
Mark A. Smith

Board Officers

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

Vice Chairman Andrea Mellon called the meeting to order at [6:30 p.m.](#)

2. WELCOME & OPENING REMARKS

3. APPROVAL OF MINUTES

3.1. March 28, 2024

Vice Chairman Andrea Mellon called for a motion to approve the February minutes. Motion made 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 Allegany

- Kinley Pole Barn Area Variance

Type II action

Public meeting March 11, 2024

Within 500 feet from one Ag district parcel, one actively farmed site, State Road 16 (I-86) and County Road 19.

Referral is for an area variance shifting the rear setback from 40' to 10' for a proposed pole barn intended for storage of large equipment and vehicles. To have enough room to pull vehicles around the existing building the pole barn needs to move 30' into the rear setback. Preliminary approval has been issued. Building would be set away from all surrounding structures, moved 30 feet closer to Five Mile ROW. (Still 80' from road shoulder).



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The Referral was complete. Impacts include that the building is moved closer to County Road ROW. The Staff Recommendation was to [Approve](#)

Motion was made by Al Ormond to accept the staff recommendations to approve with a second from Mike Zaprowski. [Motion Carried.](#)

- 4.1.2. Town of Perrysburg
- Special Use Permit MET

Type II action

Public meeting January, 2024

Within 500 feet from twenty-five (25) Ag district parcel, two actively farmed sites, two state owned properties, and County Road 58.

Referral is for a special use permit regarding a Meteorological Evaluation Tower on Peck Hill Road. Distance from property lines meets WECS law requirements. Special use permit issued for period of 12 to 24 months, MET approval would not mean automatic approval for wind turbine projects. The Meteorological Evaluation tower would not fall under Perrysburg Moratorium as it does not produce energy but used for data collection.

Referral required a few signatures. Some County-wide and inter-community impacts. The Staff Recommendation was for the referral to be returned for signatures and dated so the issue can be further reviewed at the next month's meeting.

Motion was made by Bob Keis to accept the staff recommendations to return with a second from Paul Mager. [Motion Carried.](#)

- 4.1.3 Town of Little Valley
- Telecommunications radio tower

Unlisted Action Short EAF Provided Negative declaration given
Public Meeting 4/15

Referral is for a special use permit, site plan review, and area variance. Family Ministries Inc. to build an FM radio tower located within necessary 8' tall 50'x50' fenced-in compound. FCC provided approval, meets location requirements as it is 5 miles away from other towers within its designated area. Preliminary approval has been issued.

Referral was complete. No significant impacts. Local impacts such as visibility of radio tower. The Staff Recommendation was to [Approve with Modifications:](#)

Modifications:

- Include Decommissioning Plan
- Include the necessary demolition bond with an analysis and report of the cost of removal and property restoration to be performed by a New York State licensed professional engineer. As stated in §120-5 E in Town of Little Valley zoning code.

Motion was made by Mike Zaprowski to accept the staff recommendations to approve with modifications with a second from Jim Valent. [Motion Carried.](#)



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4.1.4 Town of Franklinville

- Zoning Amendment

Type I Action Full EAF provided

Public Meeting 5/28

Within 500 feet from NYS Route 16, Kingsbury Hill Road, Municipal Boundary, 4 Agricultural Districts Parcels.

Referral is for a petition to rezone a parcel in the Town of Franklinville from Agricultural-Residential to Industrial. This site is the same as one recently with a proposed heavy equipment storage and service facility which will be using 11.5 of the 40.75 acre parcel. Industrial use is anticipated as a future use on the remaining 30.25 acres. A-R district currently allows a few industrial uses with special use permit. Industrial zone will add 10 possible industrial uses to the site.

Referral was not complete. The local law to be reviewed was not present. Some County-wide and inter-community impacts. Local impacts such as potential industrial uses behind residential. Staff recommendation was to return as incomplete.

Discussion from guest Peter Sorgi and planning board lead to the vice chairman proposing to approve with modifications.

Vice Chairman called for a motion to **Approve with Modifications:**
Modifications:

- When the local law is written, refer the drafted local law back to the planning board before final approval.

Motion was made by Danny Newbury to accept the decision to approve with modifications with a second from Mike Zaprowski. **Motion Carried.**

4.1.5 Town of Yorkshire

- Zoning Amendment

Unlisted Action Short EAF provided

Public Meeting 5/20

Entire Municipality

Referral is for a Local Law/ Zoning amendment changing the table of dimensional requirements for Hamlet Residential district distinguishing lots with public sewer and water access to being 0.5 acres minimum and lots without public sewer and water access to being 1.0 acres minimum.

Referral was complete. No County-wide and inter-community impacts. Local impacts such as residents without access to public sewer and water will have more space for wells and on-site sewage. Staff recommendation was to **Approve.**

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



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4.1.6 Town of Dayton

- Zoning Amendment

Unlisted action with short EAF provided negative declaration given
Public Meeting 5/15
Entire Municipality

Referral is the local law to abolish the Town of Dayton planning board removing planning board from definition and throughout the zoning law. Authority then transferred to town board. Law mentioned Yorkshire multiple times.

Referral was not complete. Some County-wide and inter-community impacts. Local impacts such loss of local planning board. Staff recommendation was to **Return as incomplete**. Would like to see law fixed. Would like to see proof of unsuccessful attempts at filling the planning board and minutes for this action.

Guest Sorgi mentions this law may not even be realized as the town board is not sure it wants to abolish quite yet and discussion is still being had.

Motion was made by Al Ormond to accept the staff recommendations to return incomplete with modifications with a second from Bob Keis. **Motion Carried.**

4.2. Environmental Review

4.2.1.

4.3. Intergovernmental Review

4.3.1.

5. CORRESPONDENCE

5.1. City of Olean Negative Declaration for DePaul Apartments

The County received the negative declaration for the Olean DePaul Apartments and will file accordingly

5.2. Town of Allegany Part 3: Final Action St. Bonaventure Telecommunications Antenna

The County received the Town of Allegany St. Bonaventure telecom antenna Part 3 and will file accordingly.

6. OLD BUSINESS

7. REPORTS / OTHER BUSINESS

7.1. Chairman's Report

Vice Chairman passed around info about integrating renewables into sites already utilized by commercial or industrial uses.

7.2. Department Reports

7.2.1. Director's Report

Collected \$155 to donate in memory of Chuck to the FAA
Planning Board dinner will be held at Lake Flavia
Onofest on the same week as Planning Board Dinner



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7.2.2. Staff Reports

Kate: Changes to land bank acquired property purchases. Over 5 years 61 properties off foreclosure list.

Raise grant for trails. Contract in final steps. RFP for design and alignment soon.

Farmer-Neighbor biggest yet.

Moved opening of Onoville to May 10th due to the flooding. Camp store hopefully delivered in July. Demo of old bathrooms soon.

Connor: Snowmobile grant phase 3 ending May 31 Phase 1 starting June 1st.

Public Surveys out for transportation survey. Rough draft for transportation plan being prepared.

Dalton: Returning to the transportation plan after surveys.

Keeping up with planning questions and referrals.

7.3. Administration

7.4. STW Report

June 6th Houghton local government training. Registration is available now.

CEDS meetings will start late April/early May. Plan to formulate calendar to put together anticipated projects in the county. Grants will have better likelihood to be funded if on CEDS document.

Broadband availability outreach. Updating maps in each County. Appalachian Regional Commission is putting forward \$10 million toward broadband deployment in distressed counties in Central Appalachia and \$15 million in North Central and Northern Appalachia. Cattaraugus County is a "threatened" County for broadband.

7.5. Members Forum

Members thank the staff for the Farmer-Neighbor dinner being a great night.

Mystic Waters under new management and a referral is coming. Local Law 1-2024 exemptions for wind and solar energy being worked on in Carrollton.

Public Works gearing up for construction season.

8. UPCOMING MEETINGS & EVENTS

9. NEXT MEETING ANNOUNCEMENT

9.1. May 30th, 2024

10. ADJOURNMENT

Vice Chairman Andrea Mellon called for a motion to adjourn the meeting Motion by Paul Mager with a second from Danny Newbury. Meeting adjourned at 7:26 PM

