

Cattaraugus County Planning Board

CATTARAUGUS COUNTY PLANNING BOARD MEETING

DRAFT

MEETING MINUTES

December 29, 2020

Via Zoom Virtual Meeting Platform

PLANNING BOARD MEMBERS PRESENT:

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| Charles Couture, Chairman | David McCoy |
| Paul Mager, Vice Chairman | Dan Newbury |
| Michael Zaprowski, Secretary | Al Ormond |
| Andrea Mellon, Assistant Secretary | Mark Smith |
| Kathy Ellis | James Valent |

PLANNING BOARD MEMBERS ABSENT:

Tina Abrams
Daniel Brown
Robert Keis

PLANNING DEPARTMENT STAFF

| | |
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| Crystal Abers, Director | Kate O'Stricker, Development Specialist |
| Marie Myers Shearing, Planner | Patrick McGlew, Development Specialist |

GUESTS:

None

1. Call to Order
Charles Couture, Chairman, called the meeting to order at 7:03 PM
2. Welcome & Opening Remarks
3. APPROVAL OF MINUTES
 - 3.1. November 19, 2020 meeting
Charles Couture called for a motion to accept the minutes. Dave McCoy moved to approve with a second from Dan Newbury. Motion carried.
4. NEW BUSINESS
 - 4.1. General Municipal Law Section 239 (l) & (m) Referrals
 - 4.1.1. Town of Carrollton- Special Use Permit
Needed for the Special Use Permit for a commercial recreational establishment. They sent Part 1, application for zoning permit, public hearing minutes and 2 letters of authorization. In the minutes they wanted an approval from neighbors. Marie checked the names and they weren't on the tax roll for the adjacent properties. Marie ran a map and sent to the planning board chairman, Curtis Peters, and asked him to go back out and talk to the 4 adjoining neighbors, which he did and sent responses back to Marie.

Sent a new Part 1 along with site plan, new authorized letters and short form for Part 1 SEQR. Marie looked at the comprehensive plan and ordinances and came up with a lengthy reply.

No significant county wide or inter-community impact, but Marie has a number of advisories for them. She was unsure if they looked at the zoning ordinance or comprehensive plan. Site plan has no scale or North arrow. There is a significant amount of wetlands and flood plain.

Marie's advisories: maintain the objective to encourage the conservation of natural woodlands, wetlands and flood plains, site plan review for all new commercial and industrial development to ensure proper site design: grading and drainage, off street parking, building placement and traffic ingress and egress.

Wants to have a parking lot to accommodate 100 cars, that equals 35,000 sq. feet. About 1 acre of parking plus all buildings and wet lands that need to be taken into consideration. It was stated there will be one way- entrances both from Main St. and Rte. 219. Request and review traffic movement plan as part of site plan.

Marie asked to maintain the objective to discourage development and prevent encroachment onto flood plain and wetlands, maintain the existing water shed draining course in the town.

Looked at the zoning ordinance and had them look at article 8 for special use permits, the first one they mentioned in the meeting they wanted quiet hours. Marie wants to make sure they require and enforce those hours. Didn't see any reference on signage, Marie is asking them to review and advise accordingly.

Driveway entrances: uphold requirement to keep flow and congestion off of Rte. 219. Request and review a traffic movement plan as part of the site plan.

Supported the required fencing along 219 for safety, fencing around garbage and utility areas and uphold requirement that landscape must be kept clean and presentable at all times.

Requirement that the special use permit should be renewed periodically to insure requirements have and continue to be met satisfactorily.

Plot plan: showing size, location, lot, location of all buildings, etc. Gradient and landscape plan, important with wet lands and flood plain involved. Floor plans and elevations of proposed improvements.

Regarding notice of a public hearing, Marie questioned if all surrounding parcels within 250 feet were informed since the initial first 2 authorized letters were inaccurate. In addition, they were to alert the Cattaraugus County Planning Board of the public hearing, neither Marie nor Chuck receive any notice.

Carrollton Planning Board needs to review list of criteria in order to grant special use permit.

State environmental quality review act form: Sent Marie one. Original packet did not have one. Marie looked through and went through to do one herself using the NY DEC

Environmental Resource Mapper. Couple things came up that were different from the one that was submitted including wetlands, floodplain, and threatened or endangered species. Marie marked the ones that need to be rechecked. In addition, verify the applicant has checked with the DEC and USFWS for any permitting regarding the wetland areas and the threatened or endangered species.

Marie suggested that the Town of Carrollton Planning Board review the project again once the requested materials and information have been supplied. Marie did not feel the original information received was a full or complete statement of project.

Marie commented that this referral could have easily been marked that it is of local concern, but due to the location of the project, she wanted to give them helpful guidance to insure they are looking at the project and its impact as a whole. The Town took the time and effort to write the comprehensive plan and zoning ordinance. So she questions that if you have all of that, but are not following those plans, what is the purpose of the effort.

Marie stated that the decision was up to the Board whether to send the referral back as incomplete and make them resubmit the referral after reviewing the 2-plus pages of guidance so they look at it again. She then asked for Board comments.

Paul Mager commented he thought there was a lot missing.

Mike Zaprowski stated the site plan was terrible and that the drawing was terrible and very inadequate as there was no dimensions nor identifying what any of the buildings are. He is concerned about water and sewage. What are they doing with the roads, are they going to be gravel? What is going to be done to keep the dust down? Mike asked if they are looking at where they are going to get water and how are they going to dispose of sewage. Marie commented that she did not see any mention of his concerns in the materials supplied. Mike also questioned a flooding plan and drainage.

Charles Couture commented they are in a wetland area, so they really need to be concerned with drainage and sewage.

Dan Newbury commented he had not heard about the project until it came to the County. Charles Couture asked Dan, as a Town Board member and living in the Town, what his advise would be; whether he thought it should be sent back, or sent back with Marie's corrections. Dan stated it is a nice area, and understands the wetland area, but needs to approach the board, and that it should be put on hold for now and agreed to Marie's comment to be returned as incomplete due to the materials submitted were inadequate.

Mark Smith recommended that since it is a large project and that the parties that put it together have made it very hard for anyone to understand what they are doing. He suggested they hire an engineering firm and that the County Board should recommend that they hire an engineering firm to submit everything.

There was additional discussion about what the proposed use of the property and buildings. Marie noted that if it is a project that worth doing it is something that could be done, but that it needed to be very well planned and executed for it to succeed.

The Cattaraugus County Planning Board's recommendation is to return the referral as incomplete due to inadequate materials submitted for review along with hiring an engineer.

Paul Mager motioned to send the referral back/deny it with the recommendation to hire an engineering firm so they can submit a more complete plan for us to consider. The motion had a second from Mike Zaprowski. Approved.

4.2. Environmental Review

4.2.1. None

4.3. Solar Discussion

The subject of solar was brought up to discuss as a group. Marie has contacted other County Planners for information on how they have been addressing solar and has done research for peer-reviewed journal articles. The research included searches for toxicity, dual use of the land around the panels, etc.

With the new state rules and regulations going into effect, the only way municipalities will be able to have any say in a project is if they have zoning laws in effect. Marie suggested that municipalities be reminded that they can do a moratorium on solar to give them breathing room on what they want to do with solar in their community. Coldspring is going right for the law, which will be referred to the county when it's complete. The Town of Sardinia recently updated their code and had some space metrics and percentages that pertain to soils that might be worth reviewing.

Andrea Mellon mentioned Town of Ashford has a moratorium in effect and is working on creating a local law.

Crystal Abers stated the IDA is meeting with members and the looking further into decommissioning and bond to avoid problems in the future.

Another concern is toxicity. With land leases being 25-30 years what is going to happen then with the land? Will the County end up with a bunch of brownfields? Patrick McGlew and Mike Zaprowski both asked if Marie has seen anything on any leakage or toxicity yet. Marie stated there is 2 types of solar panels, 1 has more toxic materials in it than the other. A lot of it is how they're recycled at the end. Kathy stated that the DEC has indicated they are considered hazardous waste and the county transfer stations are not allowed to take any. Illegal dumping is also a concern.

Marie suggested that the board should make sure people are being cognizant t of the prime soil land and the soils of state-wide importance. Charles Couture will forward the Farm Bureau policy information.

A brown field map was asked for, which could be used for solar.

5. CORRESPONDENCE

5.1. Town of Ellicottville

- Part 3 Local Notice of Final Action – Agreement with CCPB Recommendations
Agreed with the Planning Board recommendations. File is closed.

6. OLD BUSINESS - None

7. REPORTS / OTHER BUSINESS

7.1. Chairman's Report

No update.

7.2. Department Reports

7.2.1. Director's Report

Crystal Abers- A lot of activity in all areas of Department. In January there will be a review of the year.

7.2.2. Staff Reports

7.2.2.1. Kate

ARC Grant with the trails for GIS and signage, on its way. Kick off meeting with the committee and B & L December 16th. Had 16 participants. B & L are in the process right now to reach out to all of the trail groups to start the conversation about what current GIS data they have, what needs to be done and updated and what changes have occurred since the trail plan was completed. Work is also being done on the APP development that will be used to upload trail data along with information on trail access points, points of interests, amenities along the trail.

Had steering committee meeting with GoBike Buffalo and ALTA, they sent the rough draft of the feasibility study. There is a public meeting on January 6th via ZOOM. Kate sent the information to Marie and she will make sure that the board has the information to sign in and attend.

Land Bank- Awarded the bids for 7 demos to be completed by the end of January. Four (4) rehabs are in process right now.

Completed and submitted Cares Act Grant for Broadband, \$9.6 million. It should reach 2,717 homes in Cattaraugus County. It would expand on the census blocks that they have already been funded through NYS. There have been a couple [On-line informational sessions with the Armstrong, the Catt County Legislature and Municipal officials to hear the update of the project as it moves in to Cattaraugus County. Heard that the map on the Armstrong website is being kept up to date and much as possible.

7.2.2.2. Pat

Pat reported he was at the Olean and Franklinville rehab sites for Land Bank today. Stated Olean's moving along well and they're making great progress.

Continues to get inquiries from solar companies. Typically, out of state companies.

Working on implantation of the Ag Plan recommendation and will be talking to Crystal about how to move forward.

7.2.2.3. Marie
No update.

7.3. Administration

7.3.1. Mileage

7.3.1.1. Quarter 3 Mileage Due – December 30, 2020

Received two reports. If anyone else wants to submit one get it to Marie by tomorrow, 12/30. Al Ormond asked what the mileage rate amount is. Marie believed the amount was 57.5 cents per mile, but noted the mileage spreadsheet template has it entered to calculate automatically.

7.4. STW Report

Chuck reported that the meeting was virtual. Crystal stated that they're looking at how they're going to handle the educational piece that held prior at Houghton, which will be virtual.

7.5. Members Forum

Paul Mager noted there has been no snowmobile action on the McGee Trail.

Jim Valent stated he wants everyone to stay awake with the solar panels. If we can prove that they're not toxic when we get rid of them it would be a good thing. Many landowners will convert land over to solar because of the money involved. He is concerned about the viability of the land afterwards, toxic waste, and spoiling the water system.

Marie requested any changes in contact information be submitted ASAP.

8. UPCOMING MEETINGS & EVENTS

8.1. As noted in the Agenda

9. NEXT MEETING

9.1. January 28, 2021

10. ADJOURNMENT

Paul Mager motioned for adjournment, Andrea Mellon seconded motion. Motion passed. Meeting adjourned at 8:00 PM.

Happy New Year!