

Cattaraugus County Planning Board

CATTARAUGUS COUNTY PLANNING BOARD MEETING
MEETING MINUTES
December 29, 2022
Little Valley, NY

DRAFT

PLANNING BOARD MEMBERS PRESENT:

Charles W. Couture, Chairman	Allan J. Ormond
Paul D. Mager, Vice Chairman	James J. Valent
Michael J. Zaprowski, Secretary	David L. McCoy
Andrea L. Mellon, Assistant Secretary	Danny Newbury
Tina J. Abrams	

PLANNING BOARD MEMBERS ABSENT:

Daniel J. Brown
Mark Smith
Robert C. Keis
Kathleen M. Ellis

PLANNING DEPARTMENT STAFF

Crystal J. Abers, Director
Kate O'Stricker

GUESTS:

Jim Palumbo, Landscape Architect

1. CALL TO ORDER

Charles Couture, Chairman, called the meeting to order at 7:00 p.m.

2. WELCOME & OPENING REMARKS

None

3. APPROVAL OF MINUTES

3.1. November 22, 2022

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

4. NEW BUSINESS

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

4.1.1 Town of Perrysburg

- Comprehensive Plan Update

This one was sent in before and needed changes. They added numbers to the table of contents and added graphs, maps and photos to better illustrate information.

The referral is now complete and it has significant or inter-community impact. The staff recommendation is to approve.

Michael Zaprowski motioned to accept the staff recommendation with a second by Al Ormond. Motion carried.

4.1.2 Town of Allegany

- 3004 NYS Rt. 417 Site Plan Review – the rear lot

This is a proposed car wash for the existing Ed Shults facility on the front lot.

The referral is complete and the significant countywide or inter-community impact is a matter of local concern. It is in a floodplain, it has wetlands, it is not in an archaeologically sensitive area, and it does not have an Ag Data Statement. A short EAF was submitted.

The staff recommendation is to approve.

Jim Valent motioned to accept the staff recommendation with a second by Paul Mager. Motion carried.

4.1.3 Town of Great Valley

- Short Term Rental Ordinance

A Part 1 Full EAF was filed. The Town is removing the restriction of the number of days that the property can be used as a short term rental.

The referral is complete, there is significant countywide or inter-community impact and the staff recommendation is to approve.

Danny Newbury motioned to accept the staff recommendation with a second by Paul Mager. Motion carried.

4.1.4 Town of Ellicottville – Site Plan Review & Special Use Permit

- 6902 Simmons Road – Solar Application

This parcel is not in the floodplain and there are wetlands. It is not in an archaeologically sensitive area. An Ag Data Statement was returned and the full EAF Part 1.

The Department does not object to the Town Zoning Board of Appeals acting as lead agency.

Per Barton & Loguidice December 20, 2022 Review Document

- Glare Analysis is completed. Glare is expected for one residence.
- Stormwater Pollution Prevention Plan was received, but in need of several additional appendices.
- Visual Impact Analysis – At minimum, view shed analysis should be accompanied with description for each location summarizing potential impacts that include neighboring properties and the closest public roads.
- A Site Specific Noise Analysis is requested from B&L, but the Town has not requested one from the applicant.
- Site Plan Drawings
 - Add NYSDEC Solar Guidance to Applicable Codes and Standards.

- Lease terms/language needs to be reviewed against final plans and improvements.
- Tree Clearing Plan needs to indicate clearing restrictions due to regulatory changes.

The Referral is not complete and there is no significant countywide or inter-community impact. The staff recommendation is that the applicant should review B&L response dated 12/20/2022 and work with the Town Planning Board to rectify the deficiencies of their application.

Al Ormond motioned to accept the staff recommendation with a second by Andrea Mellon. Motion carried.

4.1.5 Town of Persia – Site Plan Review

- (A) 10212 Broadway Road – Solar Application

Jim Palumbo, Landscape Architect, spoke about how when a solar project is done right the land has been improved after the project has been decommissioned.

The parcel has no floodplain and no wetlands. It is in an archaeologically sensitive area. An Ag Data Statement was completed and they did submit an EAF. The property is located over a Principal Aquifer and there is an endangered/threatened species, the Bald Eagle. The soil classification is 86.4% Prime Farmland and 9.1% Farmland of Statewide Importance.

The referral is not complete due to the following:

- Ag Data form does not include adjoining property 16.002-3-8-1 (10275 Broadway) which is active farmland.
- There is no record of PILOT agreement.
- Project does not meet the criteria set forth by the Town Zoning – special permit use.
- Only if the system is not the primary use under Section 5.b page 58 (Solar will be the only use of the property)
- Section 5 C – No solar array shall be installed on Prime Farmland, Farmland of Statewide Importance, or unique soils.
- Countywide or inter-community impact? YES

The staff recommendation is that it is incomplete – Return to municipality.

Andrea Mellon motioned to accept the staff recommendation as incomplete, with a second by Paul Mager. Motion carried.

- (B) 10275 Broadway Road – Solar Application

The address does not match Tax Map ID. 10275 Broadway Rd. – Rural Residential Tax ID 16.002-3-8-1.

Two parcels are included on the Municipal Referral, but there is only one on the special use permit.

The Ag Data Statement was completed, but not signed.

The EAF indicates that the property is located over a Principal Aquifer and there is an endangered/threatened species, the Bald Eagle. The soil classification is 86.4% Prime Farmland and 9.1% Farmland of Statewide Importance. The project will have countywide or inter-community impact.

The staff recommendation is that it is incomplete – need signatures on referral form, consistent parcel numbers and addresses for SUP and what is being referred. Parcels need to be included on Lease agreement.

Michael Zaprowski motioned to accept the staff recommendation as incomplete, with a second by Danny Newbury. Motion carried.

4.1.6 Town of Farmersville

- Solar Moratorium

The Floodplain, Wetlands, Archaeologically sensitive area and Ag Data Statement are not applicable.

SEQR: Type II Action

The Moratorium meets the five basic requisites needed. The staff determination is that the referral is complete and it does have significant countywide or inter-community impact. The staff recommendation is to approve.

Tina Abrams motioned to accept the staff recommendation as complete, with a second by David McCoy. Motion carried.

4.1.7 Town of Machias

- Solar Moratorium

The Floodplain, Wetlands, Archaeologically sensitive area and Ag Data Statement are not applicable.

SEQR: Type II Action

The Moratorium meets the five basic requisites needed; however the Part 1 Referral Form was not complete. It will be returned to the Town as incomplete.

Andrea Mellon motioned to accept the staff recommendation as incomplete, with a second by Paul Mager. Motion carried.

4.1.8 East Otto

- Special Use Permit Application Update

The Floodplain, Wetlands, Archaeologically sensitive area and Ag Data Statement are not applicable.

This was just a text change to Special Use Permit – Changing tiny home rental to cabin rental. The staff determination is that the referral is complete and it does not have significant countywide or inter-community impact. The staff recommendation is to approve.

Paul Mager motioned to accept the staff recommendation with a second by Tina Abrams. Motion carried.

4.2 Environmental Review

4.2.1 Cattaraugus County IDA

- Negative Declaration SEQR – Cimolai-HY LLC – Renovate an existing facility

4.2.2 Randolph Central School

- Negative Declaration SEQR – Capital Improvement

4.2.3 Olean City School

- Negative Declaration SEQR – Capital Improvement

5 OLD BUSINESS

6 REPORTS / OTHER BUSINESS

6.1 Chairman's Report

Charles Couture talked more about the effects of the blizzard in Buffalo and the problems it caused with farmers. One farmer had to dump 5,000 gallons of milk that could not be distributed. Other farmers were forced to do the same. Because it was a State of Emergency, they may be able to get some of the money for that milk from NY State.

6.2 Department Reports

6.2.2 Director's Report

Crystal Abers had a slide show presentation to show what is happening in her department. Our department has many different parts to it. Since 2014, we have issued 41 loans which equates to about 1.8 million dollars that has been loaned to different businesses. The bed tax is very important to us and helps tourism in the three main chambers in Catt County - Salamanca, Olean and Ellicottville as well as a group B segment that reaches out to other municipalities that don't have a chamber or the expertise to do marketing for their area. Unemployment in the county is at 3.5%. PTAC deals with our manufacturing companies to help get them more government contracts to bring more money into our businesses. The microenterprise grant we got through the State for small businesses and 51% has to be used on new startups and they have to be low/mod income with 5 or fewer employees. This is a reimbursable grant so it has been very difficult to get rid of so please let her know if they know anyone who needs help since the money has to be used by July. ARC application, there is a skilled labor workforce event for all the schools and is geared toward the ninth and tenth graders so that Cattaraugus County businesses can show what jobs/trades are available and what they pay. We host two job fairs every year and held a small business resource event in conjunction with WILMA. This was for people hoping to start a small business or enhance one they already own. We partnered with St. Bonaventure with their Lane Accelerator program. Our trail app is up and running. Eleven parcels were approved in the Ag district. Planning had a total of 45 referrals in 2022, 16 environmental reviews, and 11 referrals returned incomplete. There was a solar information session held in 2022. Crystal thanked the Planning Board members for serving on the board. Armstrong has made great progress in getting people hooked up to internet. EDPT audits all the snowmobile clubs to make sure they are not losing any of their funding. MHRI, in 2022 we received \$300,000 to replace aging mobile homes. For 2023, we received \$600,000. We did get a grant from ARC for the kiosk project at Onoville. CFA Onoville docks – we were funded \$500,000 for dock replacement. The Land Bank is proud of all they have done in the short time they have been in existence. We hosted our first Tourism tour on

the train ride from Gowanda to South Dayton. Tourism has handled thousands of requests for guides and brochures. The Tourism Department also oversees the rest area on I86. We also have a Historical Advisory Committee that gives a wealth of information to market for the county. We will have a total solar eclipse on April 8, 2024. We are working on different events within the county for the eclipse. The Enchanted Mountains map is something different we came up with to show outdoor recreation activities. We attend several tourism shows throughout the year. We have worked with our Veterans Dept. for Our Veterans, Their Stories videos. Jeremy works on all of our media projects. Our guides will be updated and printed this year. We put in a new reservation system last year for Onoville.

6.2.3 Staff Reports

6.2.3.1 Kate O'Stricker

None

6.3 Administration

6.3.2 Training

6.3.3 Bylaws

6.4 STW Report

None.

Robert Keis

6.5 Members Forum

None.

All

7 UPCOMING METINGS & EVENTS

8 NEXT MEETING ANNOUNCEMENT

Chairman

8.1 January 26, 2023

8.2 Will need a nominating committee, Crystal will look into the matter. Paul will do it with whoever decides to help.

9 ADJOURNMENT

Chairman

9.1 Motion to adjourn was made by Paul Mager, with a second by Tina Abrams. Motion carried. Meeting was adjourned at 8:22 pm.