

Cattaraugus County Planning Board

CATTARAUGUS COUNTY PLANNING BOARD MEETING

MEETING MINUTES

June 30, 2022

Little Valley, NY

DRAFT

PLANNING BOARD MEMBERS PRESENT:

Charles W. Couture, Chairman
Michael J. Zaprowski, Secretary
Kathleen M. Ellis
Robert C. Keis
Andrea Mellon

Danny C. Newbury
Allan J. Ormond
Mark A. Smith
James J. Valent

PLANNING BOARD MEMBERS ABSENT:

Paul D. Mager, Vice Chairman
Tina J. Abrams

Daniel J. Brown
David L. McCoy

PLANNING DEPARTMENT STAFF

Crystal J. Abers, Director
Racheal E. Draeger, Environmental Planner

Kate O'Stricker, Development Specialist

GUESTS:

Peter Sorgi, Village of Franklinville and Town of Yorkshire Attorney

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. May 26, 2022
Charles Couture called for motion to accept the minutes. Danny Newbury 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 Persia – Zoning Amendment
Persia wants to add the following as an amendment to their solar law: “Large scale ground mounted solar systems are permitted as accessory and principal uses in the Town of Persia subject to the following conditions, ‘unless specifically waived by the Town Board as part of the permit.’” The referral is complete.
This change will make it similar to the existing wind ordinance, but the Planning Dept. wants to urge extreme caution, investigation and consideration of long term effects before overriding such provisions for a project. There is significant countywide or inter-community impact, but the staff recommendation is to approve.

There was discussion about ownership of the solar projects, decommissioning plans and disposal of materials at end-of-life of the panels, increased costs of decommission in 20-30 years, bonds, etc.

Mike Zaprowski motioned to accept the staff recommendation. A second made by Bob Keis. Motion carried.

4.1.2. Town of Machias

- GSPP 4578 Felton Hill Road East Solar
- GSPP 4578 Felton Hill Road West Solar

Town of Machias solar law was sent back as incomplete when referred in 2021. It was not sent back to the County until now.

Issues include:

- 24-hour emergency contact signage planned, but not disconnect or emergency shutoff information.
- Visual analysis not provided.
- Provided photo examples of solar facilities on FLAT land – this is a large hill.
- Planning Dept. would like to see a Visual Impact Assessment because of the topography.
- They have only provided examples of specification sheets for similar systems, but have not chosen a manufacturer.
- Planned signs are 18” x 24” each, should be no more than 36 square inches in size.
- Estimated cost of decommissioning provided in 2022 and 2042 prices – do not factor in salvage values.
- No schedule for updating cost estimate to amend financial surety value.
- “Decommissioning Fund” does not describe how the funds will be kept (i.e. bond, letter of credit, etc) – doesn’t ensure the availability of funds.
- States that they intend to perform the decommissioning, however if they go out of business, sell/transfer rights, etc. – the successor will be responsible for decommissioning costs.
- Dispatch commitment of 24 hours – customer subject to time and materials fees.

The staff recommendation is that both are incomplete, need to resubmit referrals with full statement of materials.

Andrea Mellon motioned to accept the staff recommendation. A second made by Danny Newbury. Motion carried.

4.1.3. Village of Franklinville

- 83-87 North Main Street Site Plan Review & Special Use Permit

This is a convenience store/coffee shop/car wash/gas station. They plan on removing 10 feet from the back of the building to put in a drive-through window for Tim Hortons. There will be 29 total parking spaces. The car repair facility is to be removed. New diesel pumps will be added for increased demand for fuel due to the Great Lakes Cheese facility that is being constructed.

The staff recommendation is to approve.

Mike Zaprowski motioned to accept the staff recommendation. A second made by Mark Smith. Motion carried.

4.1.4. Town of Yorkshire

- Zoning Amendment

Town of Yorkshire wants the following changes:

- Planning Board becomes advisory to Town Board only when Town Board refers matters to the Planning Board.
- Updated swimming pool setbacks.
- Addresses financial security for telecommunications tower decommissioning.
- Provides alternate options for manufactured home foundations.
- Addresses the Deputy Code Enforcement Officer that will replace the Constable position.
- Simplifies text.

The staff finds that the amendments to the zoning ordinance are an important update to better reflect the wants and needs of development and process in the Town of Yorkshire.

The staff recommendation is to approve.

Al Ormond motioned to accept the staff recommendation. A second made by Danny Newbury. Motion carried.

4.1.5. Town of Franklinville

- 6053 Five Mile Road - Special Use Permit

The landowner has applied to allow for a maximum of 5 campers on their property to be occupied on most weekends and holidays. The campers will be 15 feet apart and 25 feet from property lines. It would not be open for public use.

Staff is concerned that if the Town approves this permit, they're opening themselves to more permit applications for the same purpose and suggests that the Town amend their zoning to address use of campers in the ag-res district.

Staff recommendation is that it is incomplete in part because they did not include a plot plan or a full statement of materials.

Mike Zaprowski motioned to accept the staff recommendation. A second made by Bob Keis. Motion carried.

4.2. Environmental Review

4.2.1. Town of Machias

- GSPP 4578 Felton Hill Road East Solar
- GSPP 4578 Felton Hill Road West Solar

Cattaraugus County is an interested agency. The Department is in agreement of the Town Board of the Town of Machias as Lead Agency.

Staff will send them an approval letter next week.

5. CORRESPONDENCE

5.1. Part 3 Town of Randolph – 19 Main Street Use Variance

Received the Part 3 for the use variance for Peaches and Cream in Randolph, it states that they are in agreement with the Board's recommendations. File is closed.

5.2. Part 3 Town of Yorkshire – Moratorium on Sand and Gravel Mining

Received the Part 3 for the 6-month moratorium on sand and gravel mining, it states that they are in agreement with the Board's recommendations. File is closed.

6. OLD BUSINESS

6.1. Brooks Patterson Community Leadership Award Notifications

After some discussion about the names of the possible award winners, it was determined that no one really stood out, so it was decided that this year there would not be a Brooks Patterson Community Leadership Award.

7. REPORTS / OTHER BUSINESS

7.1. Chairman's Report

A tree limb fell on his garage during the winter and an electrician removed the limb from the wires. When he came back to fix the sagging wires, they discovered that the pole was broken at the bottom. Chuck called the insurance company and the insurance adjuster wouldn't return his call. He finally called back today and wanted to know the size and length of the limb and wanted to know if they took pictures. The matter is not solved yet, and he is sure that there will be more phone calls and so on.

7.2. Department Reports

7.2.1. Director's Report

The department is extremely busy. There have been many grant opportunities. She and Kate went to a Land Bank conference in Syracuse that was very beneficial. She continues to have the monthly meetings with Armstrong, they are moving faster in some areas and slower in others. She is having some complaints from residents about why some people can't get internet and their neighbors can, she will be going to a Town to explain the process to them.

Onofest will be July 23rd with vendors, bands, and a fireworks show at the end of the night. Tourism is busy because of the fairs that are approaching and the different events happening.

7.2.2. Staff Reports

7.2.2.1. Kate

They don't have any Community Revitalization applications, just received closeout for the Salamanca one that started two years ago. She is currently working on one Manufactured Housing Replacement Initiative and they will be replacing two dilapidated manufactured homes in Cattaraugus County with single wide homes. They are applying for another one that's due the end of August and that one is for \$600,000 and they should be able to replace three homes with that amount. The money is not just used for the home. It is used to replace the sewer, electric and demolish the old trailer and put the family up for as long as it takes to complete the installation.

They are still working with the contractors regarding the redevelopment in Onoville Marina. They have the feasibility study from Beardsley so they are working on the infrastructure (water, sewer, electric, broadband, etc.) plan. Also working with Edgewater out of Michigan to redesign and reconstruct the dock system. Still have the RAISE grant out for the Federal Transportation Plans, it is a \$7 million grant for the alignment of the Southern Tier Trail to hook up with the Genesee Valley Greenway.

7.2.2.2. Racheal

Rachael brought the Trails brochure for the members. On June 9, at Houghton, some of Board Members attended the Solar and Battery Storage Law discussion and they provided a great PowerPoint Presentation of NYS Solar and Battery Storage Laws so Racheal printed a copy for everyone on the Board. It is not for this county, but it does contain some great information.

7.2.2.3. Marie

No report.

7.3. Administration

7.3.1. Mileage

Turn in Quarter 2 mileage (April, May, June).

7.3.2. Mileage Quarter 3 starting July 1

Increase in payment per mile. New spreadsheet will be emailed to the Board in July.

7.3.3. Training

50% of CCPB has completed their required training.

7.3.4. 2022 Directory

It was handed out.

7.4. STW Report

Bob Keis stated that the Houghton conference took place and was very successful with over 300 attendees and 16 exhibitors. The Board Members that attended actually got 5 hours of training. STEDO currently has 30 outstanding loans with the initial loan amount of \$3,144,349.00 with \$668,000 currently available for lending. ARC is currently in the process of getting applications reviewed to go over at their July meeting. They currently have 11 projects that have been submitted. They have more money this year than they have had for many years. The CEDS update: each county must submit two projects to be on the CEDS document. They will be approving that at the September meeting and it will be submitted by the September 30th deadline.

7.5. Members Forum

A discussion was held on fossil fuels and what all the mining of minerals is going to do to the environment and the huge amount of waste all the solar and wind projects will generate in the long run.

8. UPCOMING MEETINGS & EVENTS

8.1. As noted in the Agenda

9. NEXT MEETING

9.1. July 28, 2022

10. ADJOURNMENT

Charles Couture motioned for adjournment, Michael Zaprowski seconded motion. Motion passed. Meeting adjourned at 8:24 p.m.