

Cattaraugus County Planning Board

CATTARAUGUS COUNTY PLANNING BOARD MEETING
MEETING MINUTES
March 30, 2023
Little Valley, NY

DRAFT

PLANNING BOARD MEMBERS PRESENT:

Charles W. Couture, Chairman	Kathleen M. Ellis
Andrea L. Mellon, Vice Chairman	Allan J. Ormond
Michael J. Zaprowski, Secretary	David L. McCoy
Paul D. Mager, Assistant Secretary	
Danny Newbury	

PLANNING BOARD MEMBERS ABSENT:

Robert C. Keis
Tina J. Abrams
James Valent

PLANNING DEPARTMENT STAFF

Crystal J. Abers, Director
Emma Carrasco, Planner
Kate O'Stricker

GUESTS:

Peter Sorgi
Several Community Members

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. February 23, 2023
Charles Couture called for a motion to accept the minutes. Al Ormond moved to approve with a second from Andrea Mellon. Motion carried.
4. NEW BUSINESS
 - 4.1. General Municipal Law Section 239 (l) & (m) Referrals
 - 4.1.1. City of Salamanca
 - Local Law and Zoning Text Amendment
 - 77 Central Avenue

The property is not in a floodplain, wetlands or archaeologically sensitive area. They are asking that the Use District Classification from R1 to B3. The property adjacent to 77 Central Avenue (486 East State Street) was recently rezoned to a B3 Use District and the plan is to combine these two properties for the construction of a four unit strip mall. The Public Hearing was held on February 22nd at 7:10 pm. The referral is complete and

there is significant countywide or inter-community impact. The Staff Recommendation is to approve.

Motion was made by David McCoy to accept the recommendation with a second by Dan Brown. Motion carried.

4.1.2. Town of Allegany – Entire Town

- Local Law revisions to Site Plan Review

A Full EAF was completed, it is regarded as a Type I action, and was issued a Negative Declaration. Amend the current Town of Allegany Zoning Ordinance, to include verbiage regarding the establishment of an escrow account for the Town to retain outside consultant services for applications that are unusually complex, and/or that may have unique or unusual features that require technical expertise beyond the threshold and capabilities of the Planning Board, Town Board, and/or Code Enforcement Officer. Applications include, but are not limited to, major subdivisions, commercial or industrial development, commercial Wind Energy Conversion Systems, or Tier 3 Solar Energy Systems. A Public Hearing will be held on April 11th at 7:00 pm. The referral is complete and there is significant countywide or inter-community impact. The Staff Recommendation is to approve.

Motion was made by Mike Zaprowski to accept the recommendation with a second by Danny Newbury. Motion carried.

4.1.3. Town of Allegany

- Local Law regarding Solar

A Full EAF was completed, it is regarded as a Type I action and was issued a Negative Declaration. Revise existing Local Law to incorporate additional requirements for Glare studies and SEQR analysis; stronger Decommissioning Plan language; better Security and Bonding requirements; better, more complete Definitions; stronger Tier 3 control language; more advance Site Plan and Special Use approval requirements; better definition of Ownership changes and paperwork trail and overall language changes. A Public Hearing will be held on April 11th at 7:10 pm. The referral is complete, there is significant countywide or inter-community impact and the Staff Recommendation is to approve.

Motion was made by Danny Newbury to accept the recommendation with a second by Dan Brown. Motion carried.

4.1.4 Town of Persia

- Special Use Permit and Site Plan Review (Solar)
- Broadway Road

This is not in a floodplain, but it is in Wetlands and an archaeologically sensitive area and an Ag Data Statement was included. A Full EAF was completed, it is regarded as a Type I action and was issued a Positive Declaration. Plans are to construct and operate a 5 megawatt alternate current, ground-mounted solar system (proposed to occupy 18.13 out of the 29.76 acres). The proposed solar array utilizes a single axis sun-tracking system, which optimizes the performance by tracking the sun east to west throughout the day. This is intended to be a Community Solar Project which is meant to provide discounted electricity to local homes and businesses. The Project states that no

significant grade changes are proposed, except for construction of a shallow storm drain water basin areas. It will also include the construction of a new gravel access road within the proposed solar array area, improvements to the existing curb cut on Broadway Road, post driven solar racking, an inverter/transformer equipment pad, new below ground and overhead utility lines and a seven-foot wildlife friendly fence around the perimeter of the solar array.

The Staff findings are that the soil report lists 55.1% on prime farmland, 1.1% on farmland of statewide importance, 1.4% prime farmland if drained and 42.4 % not prime farmland. A public hearing was held on December 8th and meeting minutes were not provided. The matter is of countywide or inter-community impact. The Staff Recommendation is to disapprove. Approving this project as presented right now, is a direct conflict with the Town of Persia Zoning Ordinance. We will remind the municipality that they may override our recommendation with a supermajority vote.

Motion was made by Paul Mager to accept the recommendation to disapprove with a second by Andrea Mellon. Mark Smith abstained. Motion carried.

4.1.5 Town of Machias – Entire Town

- Local Law – Amendment to Solar Moratorium

This is an Amendment to Local Law 1-2023, stating that exceptions would be made for applications which have been submitted to the Town prior to the moratorium and which have been issued Negative Declarations pursuant to the NY Environmental Quality Review Act. A Public Hearing was held on March 20th at 6:30 pm. Meeting minutes were not provided. Several emails have been received from 34 residents with their concerns.

Projects that are referred to in this local law were previously submitted and returned as incomplete in June of 2022 with no further information. We are not in a position to make a determination due to the lack of information; therefore, we disapprove and regard it as a local issue. There would be significant or inter-community impact. The Staff Recommendation is to disapprove. We will remind the municipality that they may override our recommendation with a supermajority vote.

A lengthy discussion was held regarding the matter. There was an argument that no solar projects have been approved in the past year. The Board replied that the reason they have been denied is because information is missing and the matters are incomplete. There were community members present that were representing the 34 emails that were sent with concerns about the project.

Motion was made by Kathy Ellis to table this issue due to the lack of information, with a second by Dan Brown. Motion carried.

4.1.6 Village of Delevan

- Site Plan Review and Parking Waiver (Dollar General)
- 10 North Main

This project is not in a floodplain or wetlands and it is not in an archaeologically sensitive area. A short EAF was submitted. This is for the construction of a 10,460 sq. ft. Dollar General and related site infrastructure. Project includes demolition of a former school building and former apartment, both of which are vacant and dilapidated.

Properties are zoned R-2 which expressly allows retail sales with site plan approved by Village Board of Trustees. They have requested a reduction in the number of parking spaces, from the 106 required to 35 proposed. Dollar General Corp. confirmed that 35 spaces will accommodate the customer flow rate that their business generates. A Public Hearing has not been scheduled.

The referral is complete and there is significant countywide or inter-community impact. The Staff Recommendation is to approve.

Motion was made by Mike Zaprowski to accept the recommendation with a second by Paul Mager. Motion carried.

4.1.7 Village of Ellicottville

- Zoning Map Amendment
- 7 E. Washington Street

This parcel is in a floodplain and has wetlands and an archaeologically sensitive area. A Short EAF was submitted. This is a request to change the zoning from Village Residential to Village Commercial 1. Site contains a single-family home with 3 parking spaces in the rear (purchased by Ellicott Development). Rezoning would allow for expansion of the existing driveway (from 10 feet to 24 feet) connecting the front parking lot to the rear parking lot. Width expansion would allow fire apparatus and emergency vehicles access to the rear portion of the retail building. Ellicott Development is working with Ratchet Hatchet to build out the rear portion of the retail building. Proposed space will have four throwing bays and a dining space with a bar to allow for a casual dining/gathering experience. The Public Hearing is scheduled for April 18th at 6:00 pm.

The referral is complete and there is significant countywide or inter-community impact. The Staff Recommendation is to approve.

Motion was made by Danny Newbury to accept the recommendation with a second by Paul Mager. Motion carried.

4.2. Environmental Review - None

5. CORRESPONDENCE - None

6. OLD BUSINESS

7. REPORTS/OTHER BUSINESS

7.1. Chairman's Report – Charles Couture

The last couple of weekends have been Maple Weekends around the county. His brother-in-law said that this is the best year he has ever had for maple syrup. It was a lousy winter, but it was fantastic for collecting sap.

7.2. Department Reports

7.2.1. Director's Report

Crystal Abers reported that the department has been swamped. We have had micro-enterprise grants, so they should let her know if they know of anyone who is interested because they are going to be going away in a few months. Farmer Neighbor dinner is in a couple of weeks and we have half a dozen tickets left. Crystal, Kate and Emma also went to Salamanca for their training and went to Highbanks and they are looking to partner with them on some of their opportunities.

7.2.2. Staff Reports

7.2.2.1. Kate O'Stricker

The grants we have going are ARC for the kiosks down at Onoville and we will be working with the Seneca Nation for the educational system that will be at those kiosks. As for ARC for the trails, our signs are finally printed. Hopefully by the end of May we will have all our trail kiosks and signage installed. Land Bank is down to only one side lot for sale, one rehab in Franklinville for sale and we don't have any more properties until foreclosure season which will be the end of May. As of right now, we are looking at doing seven demos across the county. We will not be doing a rehab right now because we don't have the funds or the contractors. MHRI just received our release of funds so we will be sending out our applications this week and we hope to get 4 or 5 mobile homes installed. We will be having our pre-construction meeting in Onoville and we will be installing 5 new buildings, which will include 3 bathrooms, a camp store and a ticket booth. We will be redesigning the entrance area and upgrading the infrastructure. By the end of next week we will have the dock system study with some options on how to upgrade all of the docks. Kate also wanted to thank Emma because she is doing an awesome job.

7.2.2.1. Emma Carrasco

The Southern Tier West conference will be coming up on June 8th and she will send them all a digital copy of the notice, so they can register and get their training hours.

7.3. Administration

7.4. STW Report

There was no meeting this month.

7.5. Members Forum

All

Paul noted that anyone who is interested in seeking funding for a playground in the Town of Machias should contact the Wilson Foundation. Someone noted that they saw an article in the paper that the Chautauqua County Ag & Farmland Protection Board came up with some guidelines for rating soil types for proposed solar and wind projects and if it's prime farmland they are probably not going to allow it. They rate the farm land and poor land that might not be productive might be a good candidate for solar or wind projects. We might want to encourage the Cattaraugus County Ag & Farmland

Protection Board to do the same. Crystal stated that when a solar project is being considered, Ag & Markets sends a Notice of Intent to the Ag & Farmland Board and the Planning Board. If the projects are coming before the Planning Board, there are moratoriums and no pilots are being applied for and they are basically circumventing the State. Mike noted that the Salamanca School District just tore down 5 houses. A Community member wanted to thank the Planning Board for staying strong with the proposed solar projects. Janet, the Ward 5 Alderman for the City of Salamanca, wanted to thank the Board for allowing the project on East State Street as she believes it will be a great opportunity for the City.

8. UPCOMING MEETINGS & EVENTS

9. NEXT MEETING ANNOUNCEMENT

Chairman

9.1. April 27, 2023

10. ADJOURNMENT

Chairman

Motion to adjourn was made by Al Ormond, with a second by Paul Mager. Motion carried. Meeting was adjourned at 8:05 pm.