

Cattaraugus County Planning Board

CATTARAUGUS COUNTY PLANNING BOARD MEETING
MEETING MINUTES
April 27, 2023
Little Valley, NY

DRAFT

PLANNING BOARD MEMBERS PRESENT:

Charles W. Couture, Chairman	James Valent
Andrea L. Mellon, Vice Chairman	Allan J. Ormond
Michael J. Zaprowski, Secretary	David L. McCoy
Paul D. Mager, Assistant Secretary	Dan Brown
Danny Newbury	
Robert C. Keis	

PLANNING BOARD MEMBERS ABSENT:

Tina J. Abrams
Mark Smith
Kathleen M. Ellis

PLANNING DEPARTMENT STAFF

Emma Carrasco, Planner
Kate O'Stricker

GUESTS:

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. Danny Newbury 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. Town of East Otto
 - Variance
 - 7787 East Flats Road

The property is not in a floodplain or archaeologically sensitive area. It is in wetlands. The action proposed is described as a new shop/garage. There are notations regarding current zoning and Emma did confirm that is 100 feet in the residential district for the setback. The new shop/garage would have a setback of 41 and 57 feet. We applied the Area Variance Balancing Test and determined that the benefit to the applicant does outweigh the detriment to the neighborhood or community. The referral is complete.

There is no significant countywide or inter-community impact. The Staff Recommendation is to approve.

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

4.1.2. Town of Persia

- Special Use Permit and Site Plan Review (Solar)
- 10212 Broadway Road

This is not within a floodplain or wetlands. It is in an archaeologically sensitive area. An Ag Data Statement was provided along with a Full EAF. This is regarded as a Type 1 Action and was issued a positive declaration. The plan is to construct and operate a 5 megawatt AC ground-mounted solar system. It is proposed to occupy 30 out of the 77 acres. It is a community project and will also include construction of a new gravel access road within the proposed solar array area, a post-driven solar racking, an inverter/transformer equipment pad, new below ground and overhead utility lines and a wildlife friendly fence around the perimeter of the array. The Soil Report Farmland Classification is 86.4% prime farmland and 9.1% farmland of statewide importance.

This referral was previously submitted in April 2022 and was returned as incomplete due to errors in the Ag Data Statement and missing application for a Special Use Permit. The Ag Data Statement has been corrected and the SUP application has been provided to us.

The referral is not complete due to being issued a positive declaration – a draft Environmental Impact Assessment (DEIS) is required and there is significant countywide or inter-community impact. The Staff Recommendation is to disapprove. They should resend it to us with a DEIS which should include project impacts, alternatives and mitigation measures.

Motion was made by Paul Mager to accept the recommendation to disapprove with a second by **Dan Brown**. Motion carried.

4.1.3. Town of Ellicottville

- Special Use Permit and Site Plan Review (Solar)
- 6902 Simmons Road

This was last reviewed by the Planning Board in November 2022. It does sit on Ag Land. Since the last referral, this project has responded to the visual and glare buffer concerns. It has been moved approximately 700 feet to the east away from Simmons Road and behind the existing treelines. The proposed project site encompasses about 12 acres on the 93 acre parcel. The soil classification map for the new location indicates that it is 100% Farmland of Statewide Importance. Many of our previous concerns have been addressed. The Stormwater Pollution Prevention Plan is still not fully addressed and the Decommissioning Plan is not fully addressed as well. The Public Hearing has been rescheduled to sometime next month.

The referral is incomplete, there is significant countywide or inter-community impact and the Staff Recommendation is to disapprove for lack of information on the SWPPP and the Decommissioning Plan.

Motion was made by Michael Zaprowski to accept the recommendation to disapprove with a second by Bob Keis. Motion carried.

4.1.4 Village of Ellicottville

- Subdivision, Special Use Permit and Site Plan Review (Public Parking Lot)
- Mill Street

This located within a floodplain and in an archaeologically sensitive area. No wetlands were found although their answer was yes on the form. This was regarded as an Unlisted Action and a Short EAF was completed. The purpose of this project is to alleviate parking congestion in the Village. It is designed with a total of 127 parking spaces (5 of which are handicap accessible spots), including charging stations for electric vehicles. The 3 parcels will be combined into a single parcel to allow VC-2 standards to be applied to the entire site under section 1.8.A of the Zoning Code. The property was acquired in 2022 with funds from Catt County with the requirement that the Village develop the property into a public parking lot. A Public Hearing is scheduled for May 9th at 5:30 p.m.

The referral is considered complete. There is no significant countywide or inter-community impact. The Staff Recommendation is to approve.

Motion was made by Bob Keis to accept the recommendation to approve with a second by Andrea Mellon. Motion carried.

4.1.5 Village of Delevan (Resubmission)

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

This is a resubmission of the proposed Dollar General that was reviewed and approved at the March 30th meeting. The new plans include utilizing Olmstead Avenue instead of Route 16 due to NYSDOT stating that it will likely not approve access from Route 16.

This is for the construction of a 10,640 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 Paul Mager to accept the recommendation to approve with a second by Al Ormond. Motion carried.

4.1.6 Village of Delevan – Entire Village

- Local Law, Zoning Text and Zoning Map Amendments

A Full EAF was completed. This is regarded as a Type 1 Action.

Proposed Local Law Amending Village Zoning Law and Zoning Map

- Reorganized entire law for clarity and consistency
- Integrated all amendments approved after original law adoption
- Updated zoning map to reflect approved changes
- Updated section and table references
- Updated Table of Contents
- Drafted Purpose section for zoning districts (section 4.1)
- Redesignated Land Use Table (section 4.2)
- Revised Table of Dimensional Regulations (section 5.1)
- Eliminated Waterfront (W-1) zoning district
- Eliminated Agricultural Residential (A-R) zoning district
- Removed fee schedule
- Added use: Dog Grooming or Boarding (allowed with SUP in R-2 district)
- Removed uses not relevant to the Village per Land Use Table
- Revised Article 7 Site Plan Review, per Local Law No. 2 of 2023
CCPB Review: February 23, 2023
- Revised Section 9.4 Zoning Board of Appeals

The Public Hearing is scheduled for May 2nd at 6:45 pm.

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

Motion was made by Dan Brown to accept the recommendation with a second by Jim Valent. Motion carried.

4.2. Environmental Review - None

5. CORRESPONDENCE

- 5.1. City of Salamanca – Zoning Map Amendment (77 Central Avenue)
 - 5.2. Town of Allegany – Escrow Amendment (Entire Town)
 - 5.3. Town of Allegany – Revisions to Solar Law (Entire Town)
 - 5.4. Village of Ellicottville – Zoning Map Amendment (39 Mill Street)
 - 5.5. Village of Ellicottville – Zoning Map Amendment (7 E. Washington Street)
- All of these files are now closed.

6. OLD BUSINESS - None

7. REPORTS/OTHER BUSINESS

7.1. Chairman's Report – Charles Couture

Last Sunday in our Sunday School class we were talking about memorable moments. So after church, I went to Springville and on the way back, about 2 miles from home, three deer decided to cross the road. I hit the second one. It tried to jump the car, ended up on the windshield and popped over the back of the car. The inside of the car was full of glass so we decided to limp on home. It wasn't more than 500 feet and two

more deer came out and crossed the road. My insurance company has the best people and they agreed to send a check the next day. The deer are all around the area. Someone said that we had an earthquake on Sunday north of us but they could feel it here. We were wondering if those deer got spooked by that. On a better note, this afternoon I travelled to Eden and the summer squash, zucchini and corn are planted under a plastic tunnel. A discussion about what to do with plastic, whether it can be recycled or not, was then held.

7.2. Department Reports

7.2.1. Director's Report

Crystal was not here.

7.2.2. Staff Reports

7.2.2.1. Kate O'Stricker

The big thing we have going right now is Onoville. We completed our preconstruction meeting and we are going ahead on the site work and in the next few months we will be installing three bathrooms, a ticket booth, and a camp store. We will actually have flushing toilets so we'll be doing a sewer system for all of the bathrooms and be pumped up to the storage areas. The site work should be starting any day now. We did get the completed dock redevelopment plan and the marina study. They told us that the docks have reached their useful life which is 50+ years. We are now trying to make a phased in plan because if we want to keep the same amount of docks, it will be \$6 to \$9 million dollars to redo them. So we are looking at what can we do now and how can we move forward.

Our ARC Trails grant is almost done, still waiting for our kiosk to be constructed. We are still working on the kiosk and educational system down at Onoville. Our Mobile Home Replacement Program is taking applications until tomorrow. We have \$600K dollars to do three or four mobile homes. Right now we have about five applications and we have to go through the process of making sure they are eligible. Land Bank still has the one rehab in Franklinville, but it is under contract so in the next few weeks we should have that finally sold. We only have one lot left to sell. It is auction season so we will be taking on another 5-7 more to demo in the next year. I did get an extra grant to work with Otto on one of their row buildings downtown. We got \$90K to help Otto with that project.

7.2.2.1. Emma Carrasco

She has given them all the mileage report with the agenda, if they can all submit that when they get a chance. She will also send out an Excel sheet that they can fill out and send it back to her. Emma has also been working on a Municipal Guide so there is a little more information on referrals, with a checklist included hopefully to help Municipalities make sure everything is in order before then submit referrals and such. That is almost finished as a first draft. Planning has also been sending an Acknowledgement of Receipt when we receive a referral.

7.3. Administration - None

7.4. STW Report

Robert Keis

There was no meeting this month, but Bob has the minutes from the March meeting. The training at Houghton that we do every year is coming up on June 8th. They are accepting registrations now, so be sure to register to get the training time that we need for the Planning Board. Through the Infrastructure Investment and Jobs Act funding program through Southern Tier West each county has received a certain amount of money as well as the Seneca Nation of Indians. There has been some discussion with the counties about how to use that money. Cattaraugus County projects may include partnering with Broadband Housing Studies and identifying opportunities where more housing can be built, employees living close to employment and infrastructure in general. This is still up in the air and there is not anything written in stone about what is going to happen. Each county and the Seneca Nation are getting \$1.312 million dollars for a total of \$5.925 million. STW is doing some GIS training for the 45 municipalities that are participating. They are going out with the GIS Rover to mark areas such as stop signs, yield signs, sluices, valves, etc. in the municipalities which is very helpful to them. STEDO (Southern Tier Economic Development Organization) has some new applications that are coming in and some returning people that they have helped in the past coming back for more development. We currently have \$700K available for lending.

7.5. Members Forum

All

Paul reiterated that he doesn't know what the hurry is to install solar projects when it has been suggested that some of the solar projects are not even hooked up to the grid yet when they have been in place for many months. Andrea wondered if these solar farms are not hooked up to the grid, how long can they sit dormant before they need to be updated in order to work. The grid in our area is roughly 80-90 years old. The recent fire at a wind turbine was brought up. The fire was on top and pieces of fiberglass and other materials were raining down on the farmer and the land, so now he cannot let his cattle use that field. There is a turbine on a brownfield in Ashford that isn't having any luck convincing people to buy into it in order to get a 10% reduction in their electric bill. There was a barn fire in Texas last week that killed 18,000 cows. We have wondered if there is leaching from the solar panels and someone read an article that stated that the film put on the panels could possibly be contaminating the water. Mike asked Emma if she could come up with some online training that they could do.

8. UPCOMING MEETINGS & EVENTS

9. NEXT MEETING ANNOUNCEMENT

Chairman

9.1. May 25, 2023

10. ADJOURNMENT

Chairman

Motion to adjourn was made by Paul Mager, with a second by Danny Newbury. Motion carried. Meeting was adjourned at 7:52 pm.