



## ALLEGANY COUNTY PLANNING BOARD

Crossroads Commerce & Conference Center  
NYS Route 19  
Belmont, NY 14813  
585-268-7472

[www.alleganyco.com](http://www.alleganyco.com)

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**Chairman: Lee Gridley \* Vice-Chairman: Dale Foster \* Secretary: Larry Kaminski**

### Allegany County Planning Board Minutes: January 15, 2014

**Members Present:** Robert Ellis, William Emrick, Brian Fanton, Dale Foster, Lee Gridley, Lawrence Kaminski, Benjamin Lipscomb, James Ninos

**Guests Present:** Daniel Acton, Mitch Alger, Liz Beck, Don Cameron, Linda Clayson, Curt Crandall, David Decker, Kier Dirlam, Lisa Dirlam, Darwin Fanton, Dwight Fanton, Jo Fenske, John Foels, Richard Golas, Barb Graves, Karl Graves, Justin Grigg, Gretchen Hanchett, Mike Healy, Eva Heaney, William Heaney, Ted Hopkins, Lee James, Chuck Jessup, Laura Kinter, Kevin LaForge, Jim MacKecknie, Aaron McGraw, Vicki Middaugh, Della Mulvey, Lauren Oliver, Jack Ormond, Dave Raz, Patience Reagan, Debra Root, Dana Ross, Jill Sawyer, James Schieder, Edward Shiller, Don Skinner, Wendy Skinner, Melinda Swain, Michele Swain, Jack Wood

**Location:** L'Italia, Wellsville, New York

Chairman Lee Gridley welcomed everyone to the Annual Allegany County Planning Board dinner.

Pledge to the Flag was led by William Heaney

Invocation was led by Dwight Fanton

Following a delicious buffet dinner, Chairman, Lee Gridley convened a brief business meeting

#### **I. CALL TO ORDER:**

Welcome and Introductions of attendees, Planning Board Members and Honored Guests by Planning Board Chair Lee Gridley.

#### **II. ANNUAL BUSINESS MEETING:**

- A. The official business meeting was called to order at 8:02 PM by Chairman Lee Gridley.
- B. Nominating Committee Report: Chair of the Nominating Committee, Dale Foster presented the following slate of officers for 2014:
  - a. Chairman: Lee Gridley
  - b. Vice Chair: Dale Foster
  - c. Secretary: Larry Kaminski
  - d. Assistant Secretary: Valerie Perkins

**On a motion by James Ninos and seconded by Bob Ellis, the Planning Board Members voted to close nominations and for the secretary to cast one vote for the proposed slate of officers for 2014. Motion passed.**

#### **III. ADJOURNMENT:**

**On a motion by Dale Foster and 2<sup>nd</sup> by William Emrick, the meeting was adjourned at 8:04 pm.**

#### **IV. PROGRAM AND CLOSING**

- A. **Recognition of Service Award:** Lee Gridley presented Chuck Jessup an award for his 20 years of service to the Planning Board. Kier Dirlam presented Lee Gridley with an award in recognition of her efforts on the Comprehensive Plan over the last few years.
- B. **There and Back Again - Planning in Allegany County:** Chair Lee Gridley introduced County Planner, Kier Dirlam. Mr. Dirlam summarized the work of the Office of Planning & Development and the Allegany County Planning Board over the last year and provided an outline of Allegany County's future planning and development initiatives.
- C. **Closing Remarks:** Curt Crandall, Chairman of the Allegany County Board of Legislators closed the event with comments on Development in Allegany County.

Respectfully submitted,

Larry Kaminski, Secretary



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**Chairman: Lee Gridley \* Vice-Chairman: Dale Foster \* Secretary: Larry Kaminski**

### Allegany Planning Board Minutes: February 19, 2014

**Present:** B. Ellis, B. Fanton, D. Foster, L. Gridley, L. Kaminski, B. Lipscomb, V. Perkins  
**Excused:** Wm. Emrick, J. Ninos  
**Absent:** None  
**Guests:** Kier Dirlam – Allegany County Planner, Charles Jessup - Allegany County Board of Legislators.  
**Location:** Crossroads Conference Center, Town of Angelica

#### I. CALL TO ORDER:

Chairman L. Gridley called the meeting to order at 7:00 PM. The Chairman welcomed guest Charles Jessup.

#### II. MINUTES:

Minutes for October 16, 2013 were reviewed: **On a motion by Valerie Perkins and 2<sup>nd</sup> by Ben Lipscomb, the minutes from October 16, 2013 were reviewed and approved with one slight grammatical correction**

Minutes for November 20, 2013 were reviewed: **On a motion by Bob Ellis and 2<sup>nd</sup> by Dale Foster, the minutes from November 20, 2013 were reviewed and approved.**

Minutes for January 15, 2014 were reviewed: **On a motion by Dale Foster and 2<sup>nd</sup> by Bob Ellis, the minutes from January 15, 2014 were reviewed and approved.**

#### III. NEW BUSINESS:

- A. Village of Alfred Moratorium Extension Referral: K. Dirlam summarized a referral received from the Village of Alfred requesting for the ACPB to review an extension of local law 2 of 2013, a moratorium and prohibition within the village of Alfred on natural gas and petroleum exploration and extraction activities. It was also noted that there have been no charges since the law was formulated in 2013. Following further review and discussion, **on a Motion by Ben Lipscomb; 2<sup>nd</sup> by Valerie Perkins the moratorium was approved without comment.**
- B. Village of Alfred Housing law draft for review/discussion: The Village has requested for the ACPB review and comment on a draft zoning law proposal. Maps/overlays sheets and an explanation sheet were also provided for review. In additional review and explanation, K. Dirlam highlighted areas of focus within the updates and more specific information on each of the overlay illustrations. Following additional discussion, questions were raised regarding resident capacities on any structure changes or developments, on parking proximities to boundaries, parking surface material requirements, grandfathering considerations for existing properties/owners, perceived differences on properties less than 8000 sq ft, and on any penalties/consequences for violations. Members were requested to review further and to provide any additional comments as necessary so that comments may be formalized within a written response to the Village of Alfred.
- C. Planning Board By-Laws Revision/Review: K. Dirlam provided members with 2 copies of revisions to the ACPB bylaws which reflect updates to our practices, policies, and updates to municipal law. The 1<sup>st</sup> update packet illustrated our current bylaws with edits, comments, and revisions illustrated within an editorial pane on the right margin of the page. A 2<sup>nd</sup> update packet illustrated a draft copy of the updated bylaws without edits and editorials. A current copy of New York State General Municipal Law Article 12-B was also provided for additional review and reference. ACPB members were requested to review further and advise with any additional recommendations and/or revisions. The County attorney shall also be consulted for additional advisement/recommendation on specific ACPB policies/practices relating to Article 12-B revisions relating to current practices which are outside of the ACPB's jurisdiction. Revisions to the bylaws shall be subject to the review and approval by the County Attorney, the Allegany County Planning and Economic Development Committee, and the Allegany County Board of Legislature. Estimated completion for bylaw updates is Summer, 2014.

#### IV. OLD BUSINESS:

- A. None.

#### V. CORRESPONDENCE:

- A. None.

#### VI. REPORTS:

- A) **DEC Report:** K. Dirlam shared and reviewed the ENB Report for the period of October, 2013 – February, 2014 with ACPB members.
- B) **Intergovernmental Review Projects [IRP'S]:** K. Dirlam shared and reviewed 2 Intergovernmental review projects with ACPB members. The 1<sup>st</sup>, dated February 11, 2014 related to a statewide NYS Particulate Matter Monitoring Program. The 2<sup>nd</sup> dated February 11, 2014 related to Construction of a Water District within Chautauqua County.
- C) **Southern Tier West Report:** K. Dirlam reported that the STW Local Government Conference is scheduled for May 7 at Houghton College. ACPB member were encouraged to attend. The ACPB will also provide reimbursement to members' associated registration costs with proof of attendance.
- D) **Community Planning:** The Town of Burns/Village of Canaseraga has submitted draft comprehensive plan for review by the Allegany County Planner's review. Additional notice was also provided on the recent passing of the Town of Canaseraga Mayor, Melinda Swain.  
A report was provided on the Town of Alma's recent meeting on Monday, February 17<sup>th</sup>. The Town of Alma also has a provided a draft of their comprehensive plan available for review by the Allegany County Planner. The Town of Alma has successfully created a 501c3, non-profit corporation entitled the Town of Alma Community Development Organization. Monday's meeting also served to elect their board of directors, review draft bylaws, and preview the Township's draft Comprehensive Plan.  
The Village of Almond has passed their complete streets program. The Town and Village of Almond will also be receiving mini grants to be used to support initial work associated with their complete streets program.  
The Town of Houghton also continues to be very active with updates and additional development on their comprehensive plan.  
The Town of Wellsville has made progress with their developmental work associated with bringing a Wal-Mart store to the community. Additional information and visits to future ACPB meetings are anticipated soon.
- E) **Continuing Education & Training:** K. Dirlam is making preliminary plans for an ACPB member professional development session sometime in April. Additional information on date and topic shall be forthcoming.
- F) **Annual Dinner:** K. Dirlam was recognized and commended on the informative presentation he had provided to members and guests at the annual ACPB dinner. L. Gridley also commented on her sincere gratitude for the gift received at the annual dinner.
- G) **Planning & Economic Development Office Report/Updates:**
- 1) K. Dirlam reported on a presentation he provided earlier in the day to the Allegany County Planning and Economic Development Committee. The presentation served to provide committee members with a report on recent accomplishments and future plans that are being managed through the Allegany County Planning Department.

#### VII. GOOD OF THE ORDER

Charles Jessup shared a letter from a concerned Allegany County constituent specifically relating to concerns with delinquent properties and code enforcement options. The ACPB will plan to address this matter further at future meeting(s).

#### VIII. ADJOURNMENT:

**On a motion by Dale Foster and 2<sup>nd</sup> by Bob Ellis, the meeting was adjourned at 8:04 pm.**

Following adjournment, K. Dirlam reviewed the Crossroads Project presentation provided earlier in the day to the Allegany County Planning and Economic Development Committee

Respectfully submitted,

Larry Kaminski, Secretary



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**Chairman: Lee Gridley \* Vice-Chairman: Dale Foster \* Secretary: Larry Kaminski**

## Allegany Planning Board Minutes: March 19, 2014

**Present:** B. Ellis, Wm. Emrick, B. Fanton, D. Foster, L. Gridley, L. Kaminski, B. Lipscomb, J. Ninos, V. Perkins  
**Excused:** None  
**Absent:** None  
**Guests:** Joanne Allen - Town of Wellsville, Nathan E. Buczek - Civil Engineer, Tylin International, Kier Dirlam - Allegany County Planner; Kelly A. Fronti - Attorney, Harter Secrest & Emery LLP, John Foels - Director, Allegany County Industrial Development Agency, Elaine Hardman - Town of Wellsville, Allison Midgley - Town of Wellsville, Ed Pekarek - Attorney, Town of Wellsville, Lynda Pruski - SPCA Serving Allegany County Board of Directors President, Fred Sinclair - SPCA Serving Allegany County Board of Directors Member  
**Location:** Crossroads Conference Center, Town of Angelica

### **I. CALL TO ORDER:**

Chairman L. Gridley called the meeting to order at 7:02 PM and welcomed all guests present. Chairman Gridley recommended to dispense the regular order of business to discuss new business relating to presentations by one group representing the development project to place a Wal-Mart store within Allegany County, and one group representing the SPCA serving Allegany County regarding their developmental plans.

### **II. MINUTES:**

Minutes for February 19, 2014 were reviewed: **On a motion by Valerie Perkins and 2<sup>nd</sup> by Ben Lipscomb, the minutes from February 19, 2014 were reviewed and approved.**

### **III. NEW BUSINESS:**

- A.** Town of Wellsville – Wal-Mart Proposal Information Review: Nathan Buczek began the presentation with a review and explanation on plans to develop and place a Wal-Mart store location on a property located primarily in the Town of Wellsville with also a small site portion located within the Town of Scio. Mr. Buczek also referred those present to a site drawing illustrating the described building to be located behind the Tractor Supply/Save-A-Lot/McDonalds plaza location in Wellsville. The site will also be adjacent to the Wellsville Country Club. The store placement also utilizes area occupied by an abandoned airstrip. Primary access to the Wal-Mart store location will be from Airway Drive, off Rt. 417 in Wellsville. There will be additional access to the store via an access road adjacent to McDonalds/Tractor Supply locations and the Wellsville Manor. The Wal-Mart placed on this site will be 128,000 sq ft store. There will also be a total of 526 parking spaces at this store location. Developers shall also create provisions for walking trails and Genesee river access roads to be developed and made available to the towns of Wellsville and Scio. As part of this development, additional vehicle parking provisions shall be provided. A total of 47 acres of land shall be consumed within this development, 37 acres from which will be occupied by Wal-Mart store and store parking. Developers are continuing to work through all necessary approval processes with the DOT and are also nearing completion of SEQR reviews that will soon be filed with the towns of Wellsville and Scio. To help control traffic, a new traffic signal is planned to be added at the corner of Rt. 417 and Florida Ave. with also new dedicated left-hand and right-hand turning lanes to be included. Public transportation options (dedicated travel & waiting area) shall also be considered within site plans. From additional questions asked, Mr. Buczek further advised that the store will be tying into existing utilities including local municipal water and sanitary sewer services. Storm sewer will primarily be managed through the development of a storm water detention pond which will be further mitigated through the rear of the project site. Emergency services, pedestrian, and bicycle access was reviewed regarding both access to the store location and access to the walking trails and recreational access roads. Non-traditional store access including access by horse and buggy was also reviewed.

Maintenance to most store access roads shall be managed by Wal-Mart with also a small portion to also fall under the responsibility of the municipality. No start date for construction has been planned yet. Site illumination, entrance sign, landscaping/berms, hydrology questions were also addressed. Kelly Fronti additionally shared that this information is also available in the full EAS plans which have been submitted to the towns.

**On a Motion by Dale Foster; 2nd by William Emrick the ACPB approved a resolution to acknowledge receipt of information in the Wal-Mart development plans and shall be providing a written response in acknowledgement of this.**

- B.** SPCA Serving Allegany County – Animal Shelter Site Plan within the Town of Amity- seeking SEQR Lead Agency Status. Fred Sinclair and Linda Pruski thanked the planning board for opportunity to present the SPCA’s projected site plans and provided ACPB members with a brief history of the SPCA serving Allegany County. Also of significance is that the SPCA serving Allegany County has been in existence since 1911.

The SPCA serving Allegany County’s primary responsibilities reside within general animal control but the current SPCA location is no longer adequate in serving the community needs. Following the board’s review of several potential site locations, the board selected a centrally located 3.5 acre site donated from Kevin Gildner in Belmont as their choice for a new SPCA site location. Mr. Sinclair and Ms. Pruski additionally reviewed preliminary site plans and architectural drawings with planning board members also identifying key points including easements, access to water, foundation support, etc. The SPCA board is also looking into green energy options including use of solar and geo-thermal energy options. The overall projected size of the new shelter building was also estimated to be 15,000 sq ft. The structure shall also be primarily constructed utilizing locally made energy efficient foam cored cement block masonry products.

The SPCA also wishes to incorporate a spay/neuter clinic within their new site location to further help in animal population control. An education/training room shall be incorporated within the new site plans.

The site will also be utilizing a communal living environment for the animals to help encourage adoptability and to help reduce animal stress levels.

Drainage, ventilation, waste management/storm water management improvements are also to be included within plans.

Noise remains a community concern and the board is currently dealing with this through the SEQR process. Community integration and staff training will be enhanced to eliminate noise concerns. Literacy West is also partnering in this project through ongoing commitments to community service offerings. A community comment period is also being planned.

Archeological investigations are also underway and being looked into by the DEC.

The Town of Amity was initially asked to be lead agent in a SEQR review of the site but declined under the advisement of their town attorney. Under further consideration, the SPCA board now have identified the Allegany County Planning Board as a natural fit and further wish to formally request that the ACPB be lead agent in this project.

The new SPCA site plan fits within their organizational goals to create a building for the future. The board has already received a number individual donations and foundation funding to help support the process and are continuing to look into other funding available through the ASPCA, NYSERDA, Rural Development Loans, etc.

Recent changes to SEQR regulations have created complications at the county planning board level relating to overall comprehension and proficiency levels on all specific changes. The lack of town zoning further complicates this matter as well. The NYSDOT was also suggested as an additional appropriate lead agent. Other options suggested were to format the SPCA’s work and findings into a simple report format as an acceptable alternative to SEQR.

Following further discussion, **on a motion by James Ninos, 2nd by Ben Lipscomb, the ACPB shall act to defer a decision to the SPCA’s request to the ACPB to be lead agent in their project to allow time to seek council with the county attorney before making a determination in response.** The ACPB will further plan for further business and discussion on this subject during the April meeting.

#### **IV. OLD BUSINESS:**

- A.** K. Dirlam recapped the planning board by-laws revisions shared with the ACPB members at the February meeting. Planning board members were also asked to review and provide any comments and/or necessary corrections. All comment and/or corrections are requested to be submitted for compilation and review at the April meeting.

## V. CORRESPONDENCE:

- A. K. Dirlam shared and reviewed a letter dated March 10<sup>th</sup> from the Wellsville Citizens for Responsible Development directed to members of the ACPB drawing attention to questions over identified traffic patterns on revised maps created by the Wellsville Wal-Mart Development team. The letter further cited several various concerns. Citing the lack of review capacity at the ACPB level on the site plans, **on a motion by Valerie Perkins, 2<sup>nd</sup> William Emrick, the letter will be copied and sent to the attention of the town of Wellsville.**

## VI. REPORTS:

- A.) **DEC Report:** K. Dirlam reviewed. 2 permit requests within the past month. 1 from Plants and Goodwin, Inc. requesting for a SPDES wastewater discharge permit; the second from the Houghton/Letchworth KOA also requesting for a SPDES discharge permit.
- B.) **Intergovernmental Review Projects [IRP'S]:** K. Dirlam reviewed 3 IRP's regarding an airport in Chautauqua County. The 4<sup>th</sup> and last regarding a statewide hazardous waste program through the DEC and EPA.
- C.) **Southern Tier West Report:** The next STW transportation committee and STW full board meetings are scheduled to occur on March 20<sup>th</sup>. The STW Local Government Conference is also scheduled for May 7 in Houghton College. ACPB member were encouraged to attend the local government conference as an excellent training opportunity with also reimbursement available to members' associated registration costs with proof of attendance.
- D.) **Community Planning:** No updates
- E.) **Continuing Education & Training:** April or May training plans in development.
- F.) **Planning & Economic Development Office Report/Updates:**
- Grants: Members were encouraged to remind townships that the annual consolidated grant funding applications are anticipated to be made available in May.
  - Broadband Grant: Still awaiting the anticipated contract from NYS. The county cannot award any bids until a contract with the state has been executed.
  - Efficiency in Government: A core group has been developed to look at programs and services most beneficial in improvements to efficiencies. The group is being Chaired by Legislator Kevin LaForge and the group also includes Kier Dirlam, Craig Clark, Bob Heinemann, Ron Oakerson, and the Assistant to the County Administrator Jody Adams.
  - County Developmental Activities: John Foels shared updates relating to the Rt. 417 water project extending to the Alstom site, the Crossroads Project, the county's latest employment status, our economic condition. With all things considered, it was also pointed out that we are in a very favorable economic position with a competitive marketplace, a skilled and talented workforce, a growing economy, and a trending low unemployment level.
- Also highlighted was to consider attending the upcoming Allegany County Chamber Business Conference on April 2<sup>nd</sup> at Alfred State which will be featuring Jack Wood, Chairman of the IDA Board of Directors as the keynote speaker at Alfred State on April 2.

## VII. GOOD OF THE ORDER

Additional general comments and remarks were shared on the Wal-Mart and SPCA projects by ACPB members.

## VIII. ADJOURNMENT:

**On a motion by Dale Foster and 2<sup>nd</sup> by William Emrick, the meeting was adjourned at 8:54 pm.**



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**Chairman: Lee Gridley \* Vice-Chairman: Dale Foster \* Secretary: Larry Kaminski**

## Allegany Planning Board Minutes: April 16, 2014

**Present:** Wm. Emrick, B. Fanton, D. Foster, L. Gridley, L. Kaminski, J. Ninos, V. Perkins  
**Excused:** B. Lipscomb  
**Absent:** B. Ellis  
**Guests:** Kier Dirlam - County Planner; Phil Stockin – Town of Caneadea Supervisor, David Pullen – Town of Caneadea Attorney  
**Location:** Crossroads Conference Center, Town of Angelica

### I. CALL TO ORDER:

Chairman L. Gridley called the meeting to order at 7:00 PM and welcomed all guests present. Chairman Gridley further requested a motion to dispense the regular order of business to discuss new business relating to a Town of Caneadea ZBA review. **On a motion by Dale Foster and 2<sup>nd</sup> by William Emrick, the motion was approved to dispense the regular order of business to defer to new business relating to the Town of Caneadea ZBA review.**

### II. MINUTES:

Minutes for March 19, 2014 were reviewed: **On a motion by Dale Foster and 2<sup>nd</sup> by James Ninos, the minutes from March 19, 2014 were reviewed and approved.**

### III. NEW BUSINESS:

- A.** Town of Caneadea – Tower ZBA Review: To follow up on paperwork previously submitted to the Allegany County Planning Office, David Pullen provided additional information and explanation on an application from the Meadowlands East LLC. to the Town of Caneadea Planning Board to erect a tower within the township of Caneadea. Upon further review of the application, the town planning board recognized that their current zoning ordinance does not address towers.

The Town of Caneadea zoning ordinance currently contains a provision for preliminary consideration for initial proceedings as a possible alternative to an application to the zoning board of appeals for a variance. This in effect allows the local planning board to facilitate initial proceedings to consider aesthetics and impacts and would provide additional recommendations for consideration. Following a number of meetings to discuss issues, concerns, and impacts, the town of Caneadea Planning Board adopted a resolution to approve the application with certain conditions. The application then was sent to the town ZBA for additional review and the local ZBA has since approved the resolution by the Caneadea Planning Board. The next step in the process is to forward the application and plan to the Allegany County Planning Board for additional review and request for approval.

In further elaboration, some of the determinations and findings included conditions for a discounted utilization rate for public entities. Safety issues were also mitigated through additional information provided by the tower manufacturer which is highly rated within the industry. The tower was estimated to be approximately 100 + feet in height.

Speaking on behalf of her position on the Town of Caneadea Planning Board, Valerie Perkins also provided additional perspective on zoning issues encountered and how they worked through the process.

The unique requirements associated with towers often results in a technical issues not typically addressed by zoning. Proprietary issues are also factors that are sometimes out of our control.

The overall thoughts were that this has addressed a significant need and would be beneficial to the entire area. The town board and community have also been very supportive and recognize other potential opportunities associated with this project.

SEQR will also be reviewed as a next step in the process of approval.

**On a Motion by James Ninos, 2nd by Brian Fanton, the Allegany County Planning Board approves the resolution by the Town of Caneadea Planning Board and the Town of Caneadea ZBA to approve an application from the Meadowlands East LLC. to erect a tower within the township of Caneadea Valerie Perkins abstained.**

The Allegany County Planning Office shall send a letter to David Pullen serving as council to the town of Caneadea to further acknowledge the County planning board motion.

**IV. OLD BUSINESS:**

- A. Planning Board By-Laws Revision Review: K. Dirlam provided planning board members draft copies of updates to Allegany County Planning Board by-laws and also facilitated a review and summary of changes. Changes reflected necessary updates to:

[Within Article I] Section 1.-Annual meeting; Section 2.-Regular Meetings; Section 3.-Special or Emergency Meetings; Section 4.-Quorum; Section 5.-Voting; & Section 6.-Proceedings:

[Within Article II] Section 1.-Nomination and Appointment; Section 2.-Term; & Section 4.-Training:

[Within Article III] Section 1.-Officers; & Section 2.-Duties of Officers:

[Within Article VI] Section 1.-Official Signatures:

It was further explained that by-law updates reflect updates and modifications to NYS law and also reflect updates to current planning board practices and procedures.

Following additional review, comment, and additional editorial recommendations and updates, a resolution to transmit to County Attorney for additional review and comments was advised.

**On a Motion by William Emrick, 2nd by Brian Fanton, the Allegany County Planning Board approves presented updates to the ACPB by-laws with noted corrections.** K. Dirlam shall forward the updated Allegany County Planning Board by-laws to the county attorney for additional review, comment, and approval. The county attorney's review and recommendation will also be subject to Allegany County Planning and Development Committee and the full Allegany County legislature review and approval prior to Allegany County Planning Board adoption of updates.

**V. CORRESPONDENCE:**

- A. None

**VI. REPORTS:**

- A.) **DEC Report:** None to report since the March 19<sup>th</sup> meeting
- B.) **Intergovernmental Review Projects [IRP'S]:** K. Dirlam provided members with copies of the April 14<sup>th</sup> Intergovernmental Review Area Clearinghouse Broadcast List. Two projects were listed, neither of which were located within or having any impact to Allegany County.
- C.) **Southern Tier West Report:** The STW Local Government Conference is May 7 in Houghton. Invitations and agenda have been sent and should have been received. The County CAP membership fee rate is available to ACPB members. ACPB members were encouraged to attend the local government conference as an excellent training opportunity. Reimbursement is also available to members' associated registration costs with proof of attendance.
- D.) **Community Planning:** B. Fanton provided an update on the most recent Wellsville Planning Board meeting. Recent evaluation assessments was the main topic for discussion. A Wal-Mart presentation also provided.  
K. Dirlam also reported that the Town of Burns' Comprehensive Plan is complete but copies have not been made available as of yet.
- E.) **Continuing Education & Training:** A May or June training session is being considered. Subject matter and content remains within planning and development.
- F.) **Planning & Economic Development Office Report/Updates:**
- a. Genesee River Wilds Belfast River Access Park Opening. Genesee River Wilds will be opening the Belfast River Access Park on April 25 at 11:00 AM. Please feel free to attend if available. The Belfast Betterment Association was also recommended as a potential sponsor for the event.
  - b. Conferences. Kier reported on a Planning Conference he had recently attended. Kier also reported that the Allegany County Planning Office was the recipient of the NY Planning Federation award for the Best County or Regional Comprehensive Plan within NYS. Kier also reported on a GIS safe conference attended yesterday.

- c. Census Data Report. Kier provided an additional perspective on a data report recently published within the Olean Times Herald highlighting population loss within Allegany County. Sources and accuracy of information provided was unfortunately unverifiable at this time.

#### **VII. GOOD OF THE ORDER**

Chairman Gridley reported that a ceremony is being planned by the Allegany County Board of Legislators to recognize a plaque honoring ACPB 34 yr. charter member Frank Williams. The plaque was removed from the Legislative Chambers during a room renovation and will be once again be replaced within the Legislative Chambers in a re-dedication proceeding.

In recognition of this act, a note of recognition to be addressed to Chairman Crandall was requested. **On a Motion by Valerie Perkins, 2nd by William Emrick, Chairman Gridley shall address a thank you letter to Chairman Crandall on behalf of the Allegany County Planning Board in recognition of this act.**

#### **VIII. ADJOURNMENT:**

**On a motion by Dale Foster and 2nd by William Emrick, the meeting was adjourned at 8:12 pm.**

Respectfully submitted,

Larry Kaminski, Secretary



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**Chairman: Lee Gridley \* Vice-Chairman: Dale Foster \* Secretary: Larry Kaminski**

## Allegany Planning Board Minutes: June 18, 2014

**Present:** B. Ellis, Wm. Emrick, B. Fanton, D. Foster, L. Gridley, L. Kaminski, B. Lipscomb, J. Ninos, V. Perkins  
**Excused:** None  
**Absent:** None  
**Guests:** Kier Dirlam - County Planner  
**Location:** Crossroads Conference Center, Town of Angelica

### I. CALL TO ORDER:

Chairman L. Gridley called the meeting to order at 6:55 PM.

### II. MINUTES:

Minutes for April 16, 2014 were reviewed: **On a motion by Dale Foster and 2<sup>nd</sup> by Bob Ellis, the minutes from April 16, 2014 were reviewed and approved with revisions to include an additional narrative as provided by Valerie Perkins.**

### III. NEW BUSINESS:

K. Dirlam reminded members that the ACPB will not be planning meetings for July and August. Exceptions may be made in special cases of referrals which may require board action.

### IV. OLD BUSINESS:

A. None

### V. CORRESPONDENCE:

- A. K. Dirlam shared an Allegany County summer activity and event schedule with members present.
- B. K. Dirlam shared a classical music event schedule to be hosted by Alfred University entitled the Alfred University Most Arts Festival. Scheduled events are planned from July 6<sup>th</sup> through the 12<sup>th</sup>.

### VI. REPORTS:

- A.) ***DEC Report:*** K. Dirlam reviewed the ENB April 16 – June 18<sup>th</sup> 2014 Allegany County report with members present. There were 3 SPDES permit requests contained in the report from the Town of Bolivar, from National Fuel Gas Supply Corp, and from the Allegany Council Alcoholism & Substance Abuse, Inc.
- B.) ***Intergovernmental Review Projects [IRP'S]:*** K. Dirlam reviewed 5 projects from the May 21 IRP Project report. Projects reviewed included: 1) A Statewide Brownfield Response Program; 2) A defense state MOA with the Army Corp of Engineers; 3) & 4) Two DEC consolidated pesticide monitoring programs; and 5) A NYSDOH beach classification monitoring and notification program
- C.) ***Southern Tier West Report:*** The annual Appalachia Regional Commission grant applications have been received and are to be reviewed by STW. Following a local review, the grant proposals will then be forwarded with recommendation to the state and then federal level for final review and approval. 9 or 10 proposals have been received and grant awards can be up to \$150,000.00 per project. Total fund distribution was estimated to be approximately \$500,000.00 among our 3 county region.  
It was also reported that Ginger Malak will be retiring from STW after 37 years of service. Courtney Waters is also resigning from STW to accept a position in Florida. A replacement plan to cover the positions and skill sets vacated through the loss of Ginger and Courtney is currently being considered.  
K. Dirlam reported that the Stormwater Conference held at the Cattaraugus County public works facility was a great success. Another indoor stormwater conference is planned to be scheduled this fall.

- D.) ***Community Planning:*** The town of Burns/village of Canaseraga draft comprehensive plan was received by Allegany County planning office last week. Following a preliminary review, it is expected the plan will then be presented to the ACPB for further review and action in the near future. K. Dirlam also provided a summary of his recent visit to Canaseraga in review of some of the town's existing structures and restoration plans. The town also wishes to preserve some of the buildings within their historic district that are also contained within the national register. Town officials are also looking for ideas for the rehabilitation of their structures and their Main St. revitalization. The village of Alfred Planning Board has shared recent meeting minutes with the Allegany County planning office. In summary, K. Dirlam outlined that the Alfred PB continues to work on their overlay district with additional application to other areas within their community. Kier also mentioned that the Alfred PB Chairperson Anne Wenslow has recently passed away. K. Dirlam had outlined a meeting he had with officials from the town of Amity Kier last Thursday. They intend to provide some updates to their comprehensive plan and have re-activated their town planning board to lead on these updates. Their last comprehensive plan was completed in 2009 with help from Bob Ellis and Kier. No wholesale changes are expected.
- E.) ***Continuing Education & Training:*** K. Dirlam facilitated a review of the last STW Local Government Conference in May hosted by Houghton College. Valerie Perkins and William Emrick were in attendance and commented that the programs were very good. Bob Ellis also shared some comments from others on the value and appreciation of the quality education received through this training experience. There was no ACPB training during spring and the planning office will try to schedule a program in the fall. K. Dirlam reminded members of the upcoming STW Conference to be held in Mayville this fall.
- F.) ***Planning & Economic Development Office Report/Updates:***
- a. ***Comprehensive Plan School:*** K. Dirlam updated members that as per a grant application through NYSERDA, a tentative approval has been received but will need additional legislative approval to accept funds. The county planning office will be working on the development of a curriculum, but any decision for a contractor to be chosen to facilitate this program administration will need to wait until a contract has been ratified between the county and NYSERDA. The county has tentatively targeted four towns/villages to commit to this program. It would also be anticipated that there would be 2 – 4 people from each location required to attend. This will be a 12 – 15 class program facilitated over the course of 15 – 30 weeks. The program will also be broken up in part instruction, part in service work in development of their individual comprehensive plans. There will also be additional required work outside of the classroom. Public input/forums shall be included within the program.
  - b. ***Hazard Mitigation Plan:*** K. Dirlam explained that the last hazard mitigation plan was completed in 2010 and has a 5 year life span. A committee comprised of legislator David Decker, Scott Torrey, Kier Dirlam, Guy James, Jeff Luckey, Mike Barney, and Kevin Demick has also been convened to review and update the plan. Fred Sinclair was the chairperson for the previous committee and there has been no chairperson identified for the current committee. While also considering the federal approval process on the last plan, our plan remains good until 2016. This is also FEMA compliance requirement.

## **VII. GOOD OF THE ORDER**

L. Gridley reminded members of the upcoming Allegany County Fair next month. The fair board is also requesting for volunteers to help support various fair related activities.

## **VIII. ADJOURNMENT:**

On a motion by Dale Foster and 2<sup>nd</sup> by William Emrick, the meeting was adjourned at 7:33 pm.



# ALLEGANY COUNTY PLANNING BOARD

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**Chairman: Lee Gridley \* Vice-Chairman: Dale Foster \* Secretary: Larry Kaminski**

## Allegany Planning Board Minutes: August 20, 2014

**Present:** B. Ellis, Wm. Emrick, B. Fanton, D. Foster, L. Gridley, L. Kaminski, B. Lipscomb, V. Perkins  
**Excused:** J. Ninos  
**Absent:** None  
**Guests:** Kier Dirlam - County Planner, Lauren Oliver - Supervisor, Town of Burns, David Slott - Executive Director, CEDC  
**Location:** Crossroads Conference Center, Town of Angelica

### I. CALL TO ORDER:

Chairman L. Gridley will call the meeting to order at 7:00 PM. The Chairman also welcomed guests present.

### II. MINUTES:

Minutes for June 18, 2014 were reviewed: **On a motion by William Emrick and 2<sup>nd</sup> by Bob Ellis, the minutes from June 18, 2014 were reviewed and approved.**

### III. NEW BUSINESS:

- A.** Town of Burns - Local Law referral regarding Natural Gas and Petroleum: K. Dirlam provided copies of the Town of Burns DRAFT law and a copy of Article 12-B of NY General Municipal Law which provides further background on the county planning board referral process. Within Article 12-B, specific references are made citing the need to refer changes in land use control or local law to the county planning board for action. D. Slott further explained that section 239-m typically addresses zoning related items but the Town of Burns' referral is more specifically based on land use.

This referral is also very similar to the recent referral received from the Town/Village of Alfred with the exception that, unlike Alfred, the Town of Burns does not have zoning law. Mr. Slott further explained that differences between the Town/Village of Alfred moratoriums and the Town of Burns moratorium include differences within sections 9 & 10 regarding use variances and the ZBA. The Town of Burns will be planning to hold a public hearing on this as well.

V. Perkins cited a minimal penalty for violations as a matter of concern. Mr. Slott refuted the concern noting that the law allows for injunctive relief. Grandfathering has also been carried within Burns referral.

Mr. Dirlam cited the recent Dryden and Middlefield cases as examples in a question to any potential challenges which could townships could face. Mr. Slott referenced a very high degree of success in defense of these cases and other related cases and further cited that there were no negative consequences to these townships as a result. Mr. Slott further declared that if there were any challenges to the town of Burns' moratorium, he would defend it for free. Mr. Slott also stated that the four towns/cities of Dryden, Middlefield, Binghamton, and Avon which were sued on similar moratoriums were not required to pay any legal fees as a result.

Mr. Slott concluded that all legal work has been provided pro-bono. Mr. Slott advised that this action is also unlike and has no bearing on adult use and low income housing ordinances. These rights shall continue to be protected under the 1<sup>st</sup> amendment of the U.S. Constitution in the context of freedom of speech and in the context of freedom of association. General oversight advises that regulation be rational and not arbitrary and capricious.

As of July 3<sup>rd</sup> and as per 23-0303 law subsection 2, we have the right to prohibit natural gas and petroleum activity but law also states that you cannot regulate the oil, gas, and solution mining industry. The DEC now requires bonding requirements as well. Different statutes exist for sand and gravel mines and cell towers.. Large and small scale requirements also differ. Large scale is regulated by DEC only. Small scales differ in that they can be locally regulated. Reclamation may be consistent with large and small scale mining though.

Overall, the Town of Burns intends to take a conservative approach with this action.

**Ben Lipscomb initiated a motion to approve the Town of Burns local law referral regarding Natural Gas and Petroleum without comment, with a 2<sup>nd</sup> by Bob Ellis. Majority approved received. Brian Fanton voted in opposition. No abstentions. Motion approved.**

#### IV. OLD BUSINESS:

- A. None

#### V. CORRESPONDENCE:

- A. K. Dirlam shared a copy of the Grants Action Newsletter Volume 28 issue for August 2014 with members present. Mr. Dirlam also referenced the posting of the most recent e-newsletter from Kheops released to members recently.  
Also mentioned was through an agreement reached with the county that Kheops may for a flat fee provide assistance to towns and villages applying for grants and programs.

#### VI. REPORTS:

- A.) **DEC Report:** K. Dirlam reviewed the Allegany County ENB for June 18 – August 20 2014 with members present. There were two SPDES permit requests contained in the report from the Allegany Council Alcoholism & Substance Abuse, Inc. and from Plants and Goodwin, Inc.  
Mr. Dirlam also shared and reviewed a DEC document dated August 2014 entitled “Addressing Phosphorus and Sediment in the Genesee River Basin” with members. This plan is also similar to the plan currently in place for the Susquehanna River which was issued and enforced by the EPA.
- B.) **Intergovernmental Review Projects [IRP’S]:** K. Dirlam reviewed twelve projects from the July 15<sup>th</sup> IRP Project report and two additional projects from the July 31<sup>st</sup> IRP report. Most related to state-wide programs or projects from our surrounding counties with the exception of one regarding a rehabilitation project at the Wellsville Municipal Airport.
- C.) **Southern Tier West Report:** K. Dirlam provided copies of the STW meeting minutes for June 26, 2014. Members were also advised that the next STW Regional Planning & Development Board meeting will be held on Thursday August 21<sup>st</sup>. The June 26<sup>th</sup> meeting served to conduct a review of ARC federal funding applications and to hear from five applicants invited to present further on their applications. Following STW’s review, applications with recommendation shall then be sent to the NY Department of State for further review and recommendation. Final reviews and recommendations will then be sent to Washington, D.C. for final determination on funding.
- D.) **Community Planning:** K. Dirlam had received the most recent draft of the Town of Burns/Village of Canaseraga Comprehensive Plan in July and is assisting within final development with some additional enhancements. Following completion and a review by town and village officials, the plan will then be referred to the ACPB for review and action.  
The Village of Alfred has recently passed a rule changing the zoning designation illustrated on four properties within the previously approved zoning map. The ACPB did not receive a referral for this change.  
The Town of Alfred has requested a new zoning map with the addition of three industrial zones reflecting areas containing gravel mines.  
The Town of Amity is continuing to work on updates to their comprehensive plan. Kier will be meeting further with the town planning board on this in September.  
As an update to the Town of Alma, Jack Wood will be consulting with Kier on Friday to assist further in development of the Town of Alma comprehensive plan.
- E.) **Continuing Education & Training:** K. Dirlam reviewed a STW events and training flyer with members. Highlighted within the flyer was the New EAF form webinar on September 10<sup>th</sup>, the Stormwater Conference on October 23<sup>rd</sup>, and the Planning & Zoning Conference on November 5<sup>th</sup> & 6<sup>th</sup>.
- F.) **Planning & Economic Development Office Report/Updates:**
- Tourism Maps: The Allegany County Development Office has recently created an Allegany County hunting map which will be soon incorporated into an Allegany County hunting guide. This guide should be available shortly. The full guide shall be receiving additional updates to the map and content also.
  - Comprehensive Plan School. Final paperwork has been submitted for county signatures and** will then be forwarded to the state for approval. This project is four months behind schedule due to unanticipated delays in Albany. Kier will next begin work on curriculum development and setting up the contractor to help facilitate the course. It was also anticipated that the course will be launched shortly after Christmas.

- c. Broadband Project. NYS has provided a final round of paperwork for the county to complete. County officials have completed this paperwork and sent back to Albany for their approval and signatures. Hopefully, we will have a contract ratified in September. This project will also be piggybacking on funding received by the county 911 center. Once completed, there will be four new towers anticipated providing 911 service and broadband service within the areas of Rushford, Canaseraga, Whitesville, and Little Genesee. Three different frequencies will hopefully be included within these updates as well. This collaboration will be essentially combining the 1 million dollars in broadband funding with the 5.9 million dollars received for the 911 program. Initial work will be concentrated on existing towers with work on the new locations to follow shortly thereafter. The 911 grant also has a three year implementation window.

**VII. GOOD OF THE ORDER**

None

**VIII. ADJOURNMENT:**

On a motion by Dale Foster and 2<sup>nd</sup> by William Emrick, the meeting was adjourned at 7:57 pm.



# ALLEGANY COUNTY PLANNING BOARD

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**Chairman: Lee Gridley \* Vice-Chairman: Dale Foster \* Secretary: Larry Kaminski**

## Allegany Planning Board Minutes: September 17, 2014

**Present:** B. Ellis, Wm. Emrick, B. Fanton, D. Foster, L. Gridley, B. Lipscomb, J. Ninos, V. Perkins  
**Excused:** L. Kaminski,  
**Absent:** None  
**Guests:** Kier Dirlam - County Planner, Peter McClain – Village of Alfred Planning Board Chairperson  
**Location:** Crossroads Conference Center, Town of Angelica

### I. CALL TO ORDER:

Chairman L. Gridley will call the meeting to order at 7:00 PM. The Chairman also welcomed guests present.

### II. MINUTES:

Minutes for August 20, 2014 were reviewed. **On a motion D. Foster and seconded by B. Ellis, the minutes from August 20, 2014 are reviewed and approved.**

### III. NEW BUSINESS:

- A.) *Village of Alfred -Zoning Law amendments pertaining to Overlay Zones, hydraulic fracturing, and some more general rewording*, were submitted for review prior to a village public hearing and vote of the trustees on these revisions. **V. Perkins made a motion for determination of no significant county-wide or inter-community impact. B. Lipscomb seconded the motion and the majority approved with B. Emrick voting nay and B. Fanton abstaining. Motion carried.**
- B.) *Village of Alfred -A Ceramic Museum site plan* was submitted for review as well as correspondence pertaining to the proposed rerouting of traffic directly to Main Street which is also state route 960b as part of the project. Guest Peter McClain represented the Village and explained discussion is ongoing concerning the possible effect on traffic flow and it is possible the plans may still undergo revision in response to these concerns. As a result, no motions were made by the board at this time. P. McClain listened to further comments on the current site plan regarding parking sufficiency, the proximity of gas and electric supplies to the proposed intersection, and checking the structural integrity of the long culvert in that area. The process for County Planning Board referral was also reviewed.
- C.) *Town of Alfred -Amendments to the Town of Alfred Zoning Law* were received. **B. Emrick made a motion to table this discussion until next month's meeting so members would have more time to review the document and in hopes a representative from the Town could be present during the discussion. B. Ellis seconded and the motion was carried.**

### IV. OLD BUSINESS:

- A. None

### V. CORRESPONDENCE:

- A. None

### VI. REPORTS:

- A. **DEC Report:** Town of Wellsville Negative Declaration on the Wal-Mart Project, ACES discharge permit for Lake Lodge, Dominion Transmission Wetlands Disturbance.
- B. **Intergovernmental Review Projects [IRP'S]:** K. Dirlam reviewed Grants are available for the Chesapeake Bay Small Watershed Grants program to reduce sediment and nutrients.
- C. **Southern Tier West Report:** Minutes for STW were provided for the meeting held August 21, 2014. The next STW meeting will be September 18th.
- D. **Community Planning:** The Towns of Amity and Almond are nearing completion of their Comprehensive Plans. The Town of Burns/Village of Canaseraga is continuing their efforts.

**E. Continuing Education & Training:** The County Planning Board will host a workshop on the new SEQR forms on November 19th at 6:30pm. There will be room for up to 40 attendees.

**F. Planning & Economic Development Office Report/Updates:**

- a. The Comprehensive Plan School contract has been received! Kier will now be developing the curriculum and recruiting up to four Towns to participate in a series of guided workshops which will streamline the development of their Comprehensive Plan over the course of six to eight months.
- b. The Economic Development Agency has designated two projects for priority funding to be included in the 2014 CEDS Document: 1) The Crossroads Waterline Infrastructure Project and 2) The Alfred Center for Technology Transfer Project. The second project is an effort to promote the development of start up businesses related to Alfred Ceramics.
- c. On September 18th representatives from Allegany County will receive an award from the American Planning Association for the best County Comprehensive Plan in Upstate New York. This is the second award the Allegany County Comprehensive Plan has received. Congratulations to Kier, Lee, and others for their hard work and quality results.

**VII. GOOD OF THE ORDER**

None

**VIII. ADJOURNMENT:**

On a motion by D. Foster and seconded by B. Emrick, the meeting was adjourned at 8:26pm.

Notes as recorded by

Valerie Perkins  
Assistant Secretary



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**Chairman: Lee Gridley \* Vice-Chairman: Dale Foster \* Secretary: Larry Kaminski**

## Allegany Planning Board Minutes: October 15, 2014

**Present:** B. Ellis, Wm. Emrick, D. Foster L. Gridley, L. Kaminski, V. Perkins  
**Excused:** B. Fanton, J. Ninos, B. Lipscomb  
**Absent:** None  
**Guests:** Kier Dirlam - County Planner; Fion Maccree - Alfred Town Board  
**Location:** Crossroads Conference Center, Town of Angelica

### **I. CALL TO ORDER:**

Chairman L. Gridley called the meeting to order at 7:02 PM. The Chairman also welcomed guests present and facilitated introductions.

### **II. MINUTES:**

Minutes for September 17, 2014 were reviewed: **On a motion by D. Foster and 2<sup>nd</sup> by Wm. Emrick, the minutes from September 17, 2014 were reviewed and approved.**

### **III. NEW BUSINESS:**

- A. Town of Alfred Zoning Law Referral:** As per a motion to table this referral at the September Allegany County Planning Board meeting for the provision to allow for additional time to review the document, the ACPB re-addressed this topic for this meeting.  
Representing the Alfred Town Board F. Maccree provided ACPB members with a review and additional explanation regarding proposed updates to the Town of Alfred zoning law. Revisions serve to update town zoning last updated in 1990 by addressing discovered inconsistencies and to provide clearer definitions of terms. Revisions also reflect legal counsel guidance and recommendations by David Slottje regarding the recent development of the local law moratorium relating to prohibition of Natural Gas and Petroleum exploration activities. Revisions to maps and boundaries also will provide a better definition of zones and districts. It was also expressed as the town's hope and intention to have a public hearing outlining changes to local law before the end of the calendar year.  
Since the information presented to the ACPB remains incomplete and without inclusion of appendices, and also noting pending and potential impacts possibly resulting from comments at the public hearing, Chairperson Gridley advised that the ACPB shall defer with any formal action and/or determination until a final draft is presented and available for review. In the meantime, K. Dirlam shall provide a letter to the town of Alfred acknowledging the ACPB discussion.
- B. Village of Alfred - Ceramic Museum Referral:** ACPB members reviewed a referral dated 10/10/14 containing a site plan review and site drawing referred by the village of Alfred from Alfred University regarding the construction of a ceramics museum. Following review and discussion, **on a motion by Wm. Emrick and a 2<sup>nd</sup> by D. Foster, the Village of Alfred Ceramics Museum referral from Alfred University was approved with no comment.**
- C. Village of Alfred - Akiyama - 34 Sayles Street Site Plan Variance Review:** ACPB members reviewed a referral dated 08/27/14 containing a site plan review and site drawing referred by the village of Alfred from Sue Akiyama regarding a 2 car garage addition to an existing site on Sayles St. Following review and discussion, **on a motion by Wm. Emrick and a 2<sup>nd</sup> by D. Foster, the Village of Alfred referral from Ms. Akiyama was approved.**
- D. Village of Alfred – Ninos – 17 W. University St. Roofline Change Review:** ACPB members reviewed a referral dated 09/26/14 containing a site plan review and sketches referred by the village of Alfred from John Ninos Jr. regarding a roof modification to an existing site on w. University St. Following review and discussion, **on a motion by V. Perkins and a 2<sup>nd</sup> by D. Foster, the Village of Alfred referral from Mr. Ninos was approved with the determination of “no significant county-wide or inter community impact” noted.**

- E. Village of Alfred – Catania – 56 W. University St. Special Use Permit Review: ACPB members reviewed a referral dated 7/28/14 from Amy & Roger Catania regarding a rental special use permit. The property is presumed classified as either R-1 or R-2 zoning. There is also a rental property in rear at the proposed site. Following review and discussion, **on a motion by V. Perkins and a 2<sup>nd</sup> by Wm. Emrick, the Village of Alfred referral from Mr. & Mrs. Catania was approved with the determination of “no significant county-wide or inter community impact” noted.**
- F. Town of Burns/Village of Canaseraga Comprehensive Plan 2014 Review: K. Dirlam provided ACPB members with copies of and an overview and summary to the latest draft of the Town of Burns/Village of Canaseraga Comprehensive Plan. The SEQR review on this has also been completed. Following review and discussion, **on a motion by Wm. Emrick and a 2<sup>nd</sup> by B. Ellis, the 2014 Town of Burns/Village of Canaseraga Comprehensive Plan was accepted and approved.**

#### **IV. OLD BUSINESS:**

- A. None

#### **V. CORRESPONDENCE:**

- A. None

#### **VI. REPORTS:**

- A.) **DEC Report**: K. Dirlam reviewed the ENB Region 9 report with members present. There were two SPDES permit requests contained in the report from the Village of Cuba regarding wastewater treatment and from the Allegany County Jail regarding a discharge permit. Also included and reviewed was a negative declaration notice on the demolition of the former county museum.
- B.) **Intergovernmental Review Projects [IRP’S]**: None
- C.) **Southern Tier West Report**: . K. Dirlam provided copies of the STW meeting minutes for September 18, 2014. Members were also advised that the next STW Regional Planning & Development Board meeting will be held on Thursday October 16<sup>th</sup>.
- D.) **Community Planning**: No additional report
- E.) **Continuing Education & Training**: K. Dirlam advised members of a training session on SEQR updates and forms which is planned to coincide with the November 19<sup>th</sup> ACPB meeting. Training is scheduled to begin at 6:30 with the business meeting to directly follow.
- F.) **Planning & Economic Development Office Report/Updates**: No report.

#### **VII. GOOD OF THE ORDER**

K. Dirlam advised ACPB members of Ben Lipscomb’s intentions to resign from the ACPB. This departure shall now leave the planning board with 3 vacant seats in Districts 1, 3, & 5. ACPB members were also encouraged to consider and possibly recommend new members to these open seats. In the absence of recommendations, members may also be appointed by the county legislature.

#### **VIII. ADJOURNMENT:**

**On a motion by D. Foster and 2<sup>nd</sup> by Wm. Emrick, the meeting was adjourned at 8:28 pm.**



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**Chairman: Lee Gridley \* Vice-Chairman: Dale Foster \* Secretary: Larry Kaminski**

## Allegany Planning Board Minutes: November 19, 2014

**Present:** B. Ellis, Wm. Emrick, B. Fanton, D. Foster, L. Gridley, L. Kaminski, J. Ninos  
**Excused:** B. Lipscomb, V. Perkins  
**Absent:** None  
**Guests:** Kier Dirlam, County Planner; Dianne Freiner, Town of Burns Councilperson; Jim Freiner, Town of Burns resident; Lauren Oliver, Supervisor, Town of Burns  
**Location:** Crossroads Conference Center, Town of Angelica

### **I. CALL TO ORDER:**

Chairman Lee Gridley called the meeting to order at 7:00 PM. The Chairman also welcomed guests present.

### **II. MINUTES:**

Minutes for **October 15, 2014** were reviewed: **On a motion by James Ninos and 2<sup>nd</sup> by Dale Foster, the minutes from October 15, 2014 were reviewed and approved.**

### **III. NEW BUSINESS:**

- A. Approval Methodology for Referrals:** Kier Dirlam referred members to a draft document outlining NYS General Municipal Law Section 239 and other referral procedures for 2015 and a draft ACPB Section 239 (L & M) Referral Form document. Review and discussion items included the creation of opportunities for additional county planner discretion in determining the appropriateness of referrals, differentiation of small commercial projects versus big projects, county/state road projects, and differences between residential and subdivision projects. Guidance on the establishment of thresholds on measurements examples such as acreage, square footage, and disturbed area may also be helpful to include within document revisions. Kier requested for ACPB members to review documents further and provide any additional feedback and/or suggestions on further development of this document for additional review at a future ACPB meeting. Kier will additionally review draft documents with the county attorney. The ACPB may also wish to consider re-directing the responsibility to towns and villages to determine the appropriateness of referrals.

### **IV. OLD BUSINESS:**

- A. Town of Burns:** Dianne Freiner, identifying herself as a Town of Burns Councilperson, addressed the ACPB regarding concerns regarding the ban on hydrofracking in the Town of Burns. Ms. Freiner also mentioned that fellow Town of Burns councilperson Larry Thompson wished to join for discussion also but was unable to do so due to other commitments.
- Ms. Freiner began by recapping to the board on the recent August ACPB meeting and a presentation by Town of Burns Supervisor Lauren Oliver and CEDC Director David Slottje which resulted in the board's approval of the Town of Burns local law referral regarding Natural Gas and Petroleum without comment. Ms. Freiner further mentioned that Town of Burns residents/landowners were largely unaware of intentions on the proposed moratorium regarding intentions to ban hydrofracking. Ms. Freiner also acknowledged an August 14<sup>th</sup> classified ad and a mailed flyer which outlined an October 29<sup>th</sup> public meeting on the moratorium.
- Ms. Freiner stated that she intends to represent landowners wishing to take largely a neutral position on hydrofracking and further states that landowners view the moratorium and boards' action are unconstitutional acts which takes away landowners' personal rights. Ms. Freiner also expressed concerns over potential lawsuits which could develop as a result also citing circuit court references from the state of Michigan on similar circumstances. Ms. Freiner as well shared petitions from landowners acknowledging these concerns.
- Ms. Freiner pointed out that there is approximately 17,000 acres of land within the town of Burns, 2,000 acres of which belongs to the state. Ms. Freiner also advised that a minimum of 20% of overall land mass support was required for petition requests and with this minimum obligation met, Ms. Freiner formally

petitioned the ACPB to consider modification or retraction to the prior review and action taken in August, 2014. Ms. Freiner also provided ACPB members with a written copy of a formal request to re-review. Town of Burn Supervisor Lauren Oliver also spoke to advise that Ms. Freiner was acting on her own accord and that her remarks and actions are not authorized nor supported by the Burns Town Council. Ms. Freiner further added that there are concerns over the perceived lack of legal notification and the lack of transparency in process.

K. Dirlam advised that this may more specifically be a town board concern/issue for consideration and/or action item and that the ACPB more specifically considers referrals relating to potential impacts to surrounding towns/municipalities. K. Dirlam further advised that he will be reviewing this matter and seeking the council of the county attorney for further recommendation. Following further review and discussion, and until additional facts are known on this, **On a motion by William Emrick, and a 2<sup>nd</sup> by Bob Ellis, the ACPB shall table any additional action and or determination on this matter.** Motion passed.

Following the motion, Mr. Oliver assured the ACPB that the town was straightforward and deliberate in their approach regarding public notification citing efforts to notify the public included legal postings in the newspaper, posters displayed throughout the town, and direct phone calls to notify residents.. Mr. Oliver further reiterated that the petition to request modification or retraction to the prior review and ACPB action taken in August, 2014 is not supported nor authorized by the Burns Town Board.

## **V. CORRESPONDENCE:**

- A. None

## **VI. REPORTS:**

- A.) **DEC Report:** No reports available for review relating to Allegany County.
- B.) **Intergovernmental Review Projects [IRP'S]:** None to report.
- C.) **Southern Tier West Report:** Kier Dirlam provided copies of the STW meeting minutes for October 16, 2014. Members were also advised that the next STW Regional Planning & Development Board meeting will be held on Thursday December 18<sup>th</sup>. Also discussed from the 10/16 meeting minutes was the tower agreement between STW and Allegany County. The tower was further identified as the main 911 tower for Allegany County and is located on Ackerman/Corbin Hill.
- D.) **Community Planning:** Village of Cuba: Kier Dirlam provided a synopsis of a recent article published in the Cuba Patriot regarding the village's consideration to dissolve their planning board. Upon learning about this, Kier contacted village officials and also met with the village board on November 10<sup>th</sup>. Following further review and consideration on the subject, it was discovered that assumptions were made on intentions to dissolve their planning board based on a misunderstanding over prior comments made by the village planning board chairperson. Once the intentions behind comments were clarified, the village voted unanimously to not dissolve their planning board and to continue to recognize their planning boards' roles and representation as currently stated. In follow up conversation with the village Mayor, Kier also discovered that the Village and Town of Cuba had developed a comprehensive economic development plan on file which was completed by the village and town in 2011. Upon learning of this, Kier shall further advise the mayor of the option to forward the plan to the ACPB for recognition and formal county adoption.  
Town of Burns/Village of Canaseraga: Town of Burn Supervisor Lauren Oliver reported that the Town of Burns/Village of Canaseraga Comprehensive Plan was formally approved and adopted by town council in October.
- E.) **Continuing Education & Training:** Kier Dirlam reported that the SEQR Training scheduled for tonight has been postponed on account of severe weather and travel bans which prevented the presenters from traveling. Kier will attempt to reschedule this training for December.
- F.) **Annual Dinner:** The ACPB Annual Dinner has been scheduled for Wednesday, January 21<sup>st</sup>, 2015 at the Wellsville Country Club. The evening program plans may tentatively include an online mapping demo and presentation by Kier Dirlam and Justin Grigg.
- G.) **Planning & Economic Development Office Report/Updates:**
  - a. Comprehensive Plan School: The village and towns of Alfred and Wellsville have tentatively committed to participation.

- b. Broadband Project: In recap, the county 911 program has been granted \$5.9 million to support the backbone of the project with broadband receiving an additional \$1 million to support last mile to homes and businesses. An agreement has been ratified with a Maryland based company and equipment ordering installation is anticipated to begin within the next couple of months. Site work anticipated for spring/summer, 2015.
- c. Comprehensive Plan Implementation Group Annual Brunch: Meal and program has been scheduled for Thursday, December 11, 2014 at the L'Italia Restaurant.

**VII. GOOD OF THE ORDER**

None

**VIII. ADJOURNMENT:**

On a motion by Dale Foster and 2<sup>nd</sup> by William Emrick, the meeting was adjourned at 8:06 pm.



# ALLEGANY COUNTY PLANNING BOARD

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**Chairman: Lee Gridley \* Vice-Chairman: Dale Foster \* Secretary: Larry Kaminski**

## Allegany Planning Board Minutes: December 17, 2014

**Present:** B. Ellis, Wm. Emrick, B. Fanton, D. Foster, L. Gridley, L. Kaminski, B. Lipscomb, J. Ninos, V. Perkins  
**Excused:** None  
**Absent:** None  
**Guests:** Kier Dirlam - County Planner; Fion MacCrea - Town of Alfred, Dan Acton - Supervisor Town of Alfred, John Stoltzfus – Whitesville resident  
**Location:** Crossroads Conference Center, Town of Angelica

### I. CALL TO ORDER:

Chairman L. Gridley called the meeting to order at 7:00 PM. Chairman L. Gridley also facilitated introductions and welcomed guests present.

### II. MINUTES:

Minutes for November 19, 2014 were reviewed: **On a motion by William Emrick and 2<sup>nd</sup> by Bob Ellis, the minutes from November 19, 2014 were reviewed and approved.**

### III. NEW BUSINESS:

None

### IV. OLD BUSINESS:

- A. Town of Alfred:** Kier Dirlam recapped from a prior review at the October, 2014 ACPB meeting of proposed changes to the Town of Alfred zoning law and the ACPB's motion to table any action to be taken due to additional updates which may be necessary. Dan Acton and Fion MacCrea provided ACPB members with updated copies of the draft zoning law and facilitated a review of updates to the draft document. Dan also provided a brief summary on a public hearing on December 11<sup>th</sup> with 50 people in attendance. Feedback received was mostly universal in support with 12 people speaking in favor of the update and 1 person against. Overall, the public hearing was described as a very collaborative meeting and well organized. Fion also provided a review of the updated and revised zoning map. The town's next steps are to present these updates to the Alfred Town Board at their next meeting on December 29<sup>th</sup> in request for approval. Following further review and comments, **on a motion by William Emrick, and a 2<sup>nd</sup> by James Ninos, updates to the Town of Alfred Zoning Law were approved without comment.**
- B. Village of Alfred:** Kier Dirlam provided a summary on a prior ACPB review to Village of Alfred Zoning Law and further outlined additional updates and changes received on Monday, December 15<sup>th</sup>. Kier also reviewed and summarized updates to the draft Village of Alfred zoning map. Copies of these updates were also provided to ACPB members. A public hearing has been scheduled for January 13<sup>th</sup> with anticipated adoption to these documents on this same date. Following review and comment, **and on a motion by Ben Lipscomb, and a 2<sup>nd</sup> by James Ninos, the Village of Alfred Zoning Law updates were approved without comment.**
- C. Town of Burns:** *Regarding the request to re-review the Town of Burns Oil & Gas Law by members of the public.* Kier Dirlam advised that the Town of Burns board was presented with a petition in opposition of the oil and gas exploration moratorium at their last meeting on December 11<sup>th</sup>. There were approximately 80 people in attendance at this meeting. Following review and comment, the Town of Burns board voted 3 to 2 in favor to support the ban. Kier also refreshed members on last month's presentation by Dianne Freiner requesting us to re-visit our motion to accept the moratorium as previously presented. Kier further advised and summarized a communication and recommendation by the county attorney and shared copies of the context of the message.

Following further review, the following statement and action was proposed for approval:

*“Regarding the request by a resident of the Town of Burns to re-review the decision made in August 2014 on a local law that was submitted for review by the Town of Burns board. The Allegany County Planning Board declines to reconsider its earlier action regarding the proposed local law from the Town of Burns. The review by the County Planning Board was not undertaken to examine the merits of the proposed local law, but to “bring pertinent inter-community and county-wide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction”. See General Municipal Law §239-l. 2. This section goes on to state that “Such review may include inter-community and county-wide considerations in respect to the following.*

- a) compatibility of various land uses with one another;*
- b) traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities;*
- c) impact of proposed land uses on existing and proposed county or state institutional or other uses;*
- d) protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas;*
- e) drainage;*
- f) community facilities;*
- g) official municipal and county development policies, as may be expressed through comprehensive plans, capital programs or regulatory measures; and*
- h) such other matters as may relate to the public convenience, to governmental efficiency, and to achieving and maintaining of a satisfactory community environment.”*

*The Planning Board’s review focused on the factors noted above as opposed to issues of property rights and constitutional law. Although very real concerns for the residents of the Town of Burns, those matters were and remain outside the scope of review by the Planning Board. The approval by the Planning Board should not imply that the Board supports enactment of this law-only that the proposed law raises no serious concerns within the scope of review as described above. There are other forums better equipped to consider or challenge matters concerning the wisdom and legality of this proposed law than the County Planning Board. Therefore, this Board declines the request to revisit its earlier decision.”*

**On a motion by Dale Foster, and a 2<sup>nd</sup> by William Emrick, the above illustrated statement and official board action was approved as written.**

- D. Approval Methodology for Referrals:** Kier Dirlam provided a summary regarding draft methodology for referral documents that were provided and reviewed at the November ACPB meeting. Since that time, additional comments/suggestions received by planning board members and the county attorney have also been incorporated within document revisions. There was also a suggestion to consider possibly entering into agreements with towns and villages regarding referrals. In the absence of agreements, all referrals would go to the ACPB. The methodology document remains in draft form and updates provided served for informational purposes only.

## **V. CORRESPONDENCE:**

- A.** Kier Dirlam provided a copy of the November STW Municipal News newsletter for review.
- B.** Kier Dirlam advised members that he has received a copy of the Town of Burns Oil & Gas Law approved on December 11, 2014.
- C.** Kier Dirlam advised members of a cemetery in Cuba that has been recently added to the historic registry.
- D.** Membership: Kier Dirlam announced that John Gorton will soon be joining the ACPB. John and Bob Ellis are also scheduled to be appointed by the county legislature at the next County Board of Legislators meeting. Dale Foster had also invited and proposed that John Stoltzfus be considered as a potential new member to represent the district 3 seat vacated by Wendall Brown. Current member Ben Lipscomb announced that he intends to step down from his seat and a resignation letter was also requested to formalize this request. Ben was also thanked for his years of service to the ACPB.

## **VI. REPORTS:**

- A.) DEC Report:** Kier Dirlam provided and reviewed copies of the DEC Environmental Notice Bulletin for Nov. & Dec., 2014 with members. There were no reports specific to Allegany County. One item contained and highlighted within the report of note and interest was the approval of an alternative test method for certification of new outdoor wood boilers.

- B.) **Intergovernmental Review Projects [IRP'S]:** Kier Dirlam provided and reviewed copies of three IRPs. The first was a statewide clean water act sponsored by the NYDEC. The second regarding an economic development assistance program sponsored by the Village of Westfield, and the third was regarding a transmission main replacement project sponsored by the Village of Arcade.
- C.) **Southern Tier West Report:** Kier Dirlam reported that the next STW BOD meeting is scheduled for December 18<sup>th</sup>. The STW transportation committee is also scheduled for the 18<sup>th</sup> with the NYSDOT expected to provide updates to upcoming construction projects. No prior meeting minutes or agenda were available to review.
- D.) **Community Planning:** Town of Alma: Kier Dirlam reported that he had met recently with Jack Wood in review of Alma's draft comprehensive plan. This plan was also reviewed by a working group which had additional comments/suggestions to be incorporated within the document in the near future. Kier also anticipates that the plan will be presented before their town board at an upcoming meeting possibly as soon as January, 2015. Kier shall plan to attend this meeting to provide any additional guidance and recommendation as necessary. The town board will likely have a month to review and a public hearing and SEQR review are also in need to be completed. The ACPB may anticipate this plan to be available for our review possibly around March.  
Town of Caneadea: Caneadea is currently entering into the process of updating and re-writing their zoning law. Valerie Perkins has also been identified as the lead agent within this process. Valerie also reported that she can expect that a document may be available for review within 6 months.
- E.) **Continuing Education & Training:** The original SEQR training which was scheduled for November 19<sup>th</sup> but postponed due to inclement weather was rescheduled and held on December 8<sup>th</sup>. There were approximately 25 people in attendance at this meeting.
- F.) **Appointment of the Nominating Committee for Officers:** Chairman Gridley appointed a nominating committee of Dale Foster, Jim Ninos, and Valerie Perkins to develop recommendations for the ACPB's next slate of officers for 2015.
- G.) **Annual Dinner:** the ACPB's annual dinner has been scheduled for January 21<sup>st</sup>, 2015 at the Wellsville Country Club. Plans are for a 6:00 PM social hour, 7:00 PM dinner, and 8:00 for a presentation. ACPB members may attend at no charge with guests attending to be charged \$20.00 p.p.
- H.) **Planning & Economic Development Office Report/Updates:**
  - a. **Comprehensive Plan School:** The Comprehensive Plan Development School has been postponed due to a delay in NYSERDA's review of an RFP that has been developed for the purpose to select a consultant.
  - b. **Broadband Project:** Kier reported that we have received the paperwork from NYS to approve us to move forward on the broadband project. A contract with Connects has been also signed and ratified. The county has also commenced ordering of project equipment with expected delivery to take approximately 3 – 4 months. It can therefore be expected that equipment installation could possibly begin as soon as March, 2015.

## **VII. GOOD OF THE ORDER**

None

## **VIII. ADJOURNMENT:**

On a motion by Dale Foster and 2<sup>nd</sup> by James Ninos, the meeting was adjourned at 8:02 pm.