

**Chairman: Lee Gridley \* Vice-Chairman: Dale Foster \* Secretary: James Ninos**

## **Minutes: June 19, 2019**

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**Present:** J. Gorton, L. Gridley, J. Ninos, J. Roederer, P. VanDyke, B. Fanton  
**Excused:** J. Stolfus, V. Perkins, D. Foster,  
**Staff:** Kier Dirlam – Director of Planning; Michelle Denhoff – P&D Specialist  
**Guests:** Debbie Bigelow – Member, Concerned Citizens of Allegany County; Elizabeth Hirsch;  
David Hirsch – Applicant 1, Town of Rushford; Allen Hirsch; James Mulae; Richard Buck  
– Lawyer for Applicant 2; Kathy Hock – Applicant 2, Town of Rushford; Greg Scholand –  
Lawyer for Applicant 2; John Cady – ZBA Chairman, Town of Rushford; Deb Aumick ;  
William Sills; Susan Sills; Phil Stockin – Ex-officio Planning Board Member and District I  
Legislator; Robert Thompson.  
**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 guests at the meeting and asked for introductions around the room.

### **II. MINUTES:**

**A) Minutes from May 15, 2019 were reviewed: On a motion by P. VanDyke and 2<sup>nd</sup> by J. Ninos, minutes from May 2019 were approved with typo corrections.**

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

**A) Allegany County Comprehensive Plan referral to the Allegany County Legislature:** Director Dirlam explained that the final revision of the comprehensive plan is now complete, with most comments incorporated from County residents, Concerned Citizens of Allegany County, Legislators, Town and Village Boards, as well as the comments from this planning board. In order to adopt the plan, one of the prior steps is to hold a public hearing and request that the plan be referred to the County Legislature by the Allegany County Planning Board. A public hearing was requested this afternoon but will not be scheduled until August to avoid the Annual County Fair meeting. At this time, a motion was requested.

**On a motion by J. Gorton and 2<sup>nd</sup> by J. Ninos the final 2019 Allegany County Comprehensive Plan is to be referred to the County Legislature for approval. All approved.**

**B) Hirsch Residence – Request for a Special Use Permit from the Town of Rushford ZBA:** Mr. Hirsch commented on his project and referral giving some background information on how long it has taken. It was first presented to the Rushford Planning Board in June 2018, with an approval to refer his project to the ZBA in October 2018. He stated that the Rushford ZBA held a meeting on his project while he was in Florida and unable to attend, concluding that a determination was made that his application was incomplete. Mr. Hirsch also stated he feels that Mr. Cady, Rushford ZBA Chairman had a conflict of interest.

### Comments

1. P. VanDyke asked for clarification as to whether he would be adding campers or trailers to the property, as Mr. Hirsch was using these terms interchangeably. Mr. Hirsch replied that they would not be mobile homes and it is intended for campers only.
2. Mr. Cady spoke of the communications between the two gentlemen. Mr. Hirsch was requested to provide a more detailed and professional drawing, rather than hand drawn, which was provided. A meeting was also held with NYSDEC officials to confirm that the environmental concerns/needs were met to prevent drainage and other issues.
3. Mr. Hirsch again spoke, stating that he has met all requirements but the ZBA has failed to meet in a timely manner to make a decision.

Many members of the public wished to speak. However, Director Dirlam spoke to the public and explained the difference between the County Planning Board activities and that which happens at the local level. He then described things that are considered here and when referrals are made what the Board's considerations should be.

4. J. Mulae (SP?), neighbor to the applicant, stated that Mr. Hirsch did apply for a variance or they wouldn't be here, and that the plans produced are not accurate to what has occurred. Mr. Mulae called the NYSDEC to complain of the activities that he believes will cause issues with the steep hillside.
5. Mr. Cady spoke of the ZBA's concern of additional traffic on County Road 43 and that the additional driveways make it a dangerous curve.
6. Mr. Hirsch then provided photographs to the group with an explanation of the driveways, stating that the area Mr. Cady speaks of would not be affected.

J. Ninos stated that he didn't feel as though this project has any significant impact.

**On a motion by J. Ninos and 2<sup>nd</sup> by B. Fanton the Special Use Permit Referral for the Hirsch Property is approved, with a determination of no significant county-wide or inter-community impact.**

- C) Recreational Vehicle Park – Request for a Special Use Permit and two Area Variances from the Town of Rushford ZBA: Mr. Scholand, Attorney for the applicant, provided a brief summary of the project and asked if any Board Members needed clarification on the project requests.

### Comments

1. Mr. Cady stated concern for additional traffic on County Road 43, with a 17 acre area housing several RV's and having only two driveways for the property.
2. J. Gorton asked if it has been reviewed by any other authorities, like the State or Department of Health, etc. Mr. Buck, second Attorney for the applicant, stated that the project is within the jurisdiction of the Town, giving the ZBA authority to approve.
3. Director Dirlam asked for clarification on septic. Ms. Hock responded that the current onsite septic systems are oversized and adequate. Any new septic systems would have to be approved by the County Department of Health in the future.

**On a motion by J. Roederer and 2<sup>nd</sup> by J. Ninos, the Recreational Vehicle Park requests for one Special Use Permit and two Area Variances is approved with no additional comment.**

**IV. OLD BUSINESS:**

**V. CORRESPONDENCE:**

**A)** Alle-Catt Wind Energy (Case 17-F-0282) – Two public hearings were held on **June 11, 2019** in Arcade at separate times and locations. M. Denhoff was present at the first hearing and took notes on questions, concerns, and general comments from the public. There were over 100 people present, with approximately 40 people signed up to make comments.

1. Many people had questions on taxes, economic benefit concerns, decommissioning agreements, setback requirements, contaminations, how the turbines were sited and why here, and other similar ideas.
2. There were many public comments made but one of the top comments was concern that the allowable decibal level is at 50; while the World Health Organization recommends no more than 30.

P. VanDyke asked if M. Denhoff knew how the decibel levels would be measured once the studies take place, or if they already have, and where they would be taken from? Would they be from residential homes where the decibel level is of concern or would they be from the base of the tower? M. Denhoff responded that the State Departments that are also involved in the decision making process have lawyers that are completing a detailed review of the application from Invenergy and have similar concerns. Typically, they provide a transcript to the company and give them an allowable time to respond with a sufficient answer or change to the plan.

P. Stockin said that he has received similar concerns from residents in Centerville and Rushford area. He also received notification that a third public hearing has been set in the Centerville Fire Hall on July 17<sup>th</sup> at 3 pm. It is geared for lease holders only, because someone had the opinion that only the negative comments were recorded at the hearing.

**B)** Eight Point Wind Energy (Case 16-F-0062) – Notice seeking comment on recommended decision of the Siting Board (approval). There was no action required by the Planning Board, however if individuals wish to makes comments they can do so by following direction provided on the handout. Comments are requested by June 24, 2019.

**VI. REPORTS:**

- A)** DEC Report – none
- B)** Intergovernmental Review Projects [IRP's] – 19.12, 19.13, 19.14 . All three were State programs and have very little effect on Allegany County, if any.
- C)** Southern Tier West Report – Director Dirlam reported that the STW Board is reviewing ARC applications that have been submitted and will be ranking

applicants from 1 to 7 after individual meetings. Applicants will take comments from the Board and revise their applications for submittal in October. Applications will go to Albany and then to Washington DC. The grant requires a 50/50 match with up to \$150,000 awarded.

**D) Community Planning –**

1. **The Village and Town of Alfred** are currently working on edits to their joint comprehensive plan. M. Denhoff has been working on the final edits with some additional information on sidewalks. Their most recent grant award is for a sidewalk that will start at the Waste Water Treatment Plant and end at the Fire Hall in Alfred Station. The next meeting with Alfred is scheduled for July.
2. Members from **the Town and Village of Bolivar** are still working on the strategic plan to provide Alfred Students in the fall. They are working with an aggressive timeline but think it can be completed by then.
3. **The Town of Wellsville** Planning Board is coming closer to producing a Solar Law and has been working with New York State to complete it.
4. **The Town of Alma** Board approved the creation of a Planning Board; however members have not yet been selected.
5. **The Local Waterfront Revitalization Program (LWRP) Grant** efforts are coming along. Brenda Szabo has met with seven communities and Director Dirlam has met with three. At the current time, the Town of Belfast and the Village of Belmont have not agreed to participate. All others have.
6. **The Village of Canaseraga** sent pictures of their new Welcome signs at each end of the Village on Route 70. This was a goal in their Comprehensive Plan and was funded by CFIG at the beginning of 2019.
7. **The Town of Caneadea** is hosting the Estival Festival this weekend. Mr. Stockin indicated that the gentleman running it wants to establish a campground in the future and has built a quality stage for this event. Traffic, noise, etc. will be reviewed during the event and any feedback from the event should be directed to Mr. Stockin.

**E) Training 2019 –** Director Dirlam is planning to meet with the other Planners and the Department of State on training schedules. Training on how to run a meeting is still being considered for the fall as well.

1. Southern Tier Central is planning to hold several training sessions through the remainder of this year, with time and locations to be determined.
  - i. 9/10 – SEQR
  - ii. 10/8 – Planning in Water’s Way
  - iii. 11/12 – Legal Updates for Planning and Zoning
  - iv. 12/10 – FOIL & the Open Meetings Law
2. J. Ninos said that he has been to two rezoning trainings in the Buffalo area recently and asked if Allegany County could host one in the future.

**F) Planning & Economic Development Office Report/Updates –** Report provided.

1. The Trails Taskforce met for a third time, with representatives there from NYSDEC Region 9 and the New York State Off Road Vehicle Association (NYSORVA). Both presentations provided information that was previously unknown to committee members.

2. Friendship, as well as several other communities, are considering passing laws that allow ATV use on public roads.
3. Construction of the waterline is set to begin within the next 30 days and there is an application under review for a fueling station at the Crossroads site. J. Ninos asked what happened to the hotel construction. Director Dirlam stated that the developer's partner decided to bow out so he is looking for another partner.
4. A ribbon cutting ceremony was recently held in Houghton for new charging stations that were just installed at the College and also at the Inn. Mr. Stockin said that there was a wealth of information there and that there is a phone app showing consumers where charging stations are throughout the US.

**VII. GOOD OF THE ORDER:**

L. Gridley found the Pigeon Woods reference she had mentioned at a previous meeting in a historic book entitled, "An Early History of Wellsville, NY with Later Highlights, Events and People" written by Oak Duke.

**VIII. ADJOURNMENT:**

The next meeting is scheduled for September 18, 2019 at 7 PM at the Crossroads building.

**On a motion by J. Roederer and 2<sup>nd</sup> by J. Ninos, the meeting was adjourned at 8:34 PM.**

*Minutes respectfully submitted by Michelle Denhoff*