



PLANNING BOARD
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Chairman: Robert Thompson * Vice-Chairman: James Ninos * Secretary: Paula VanDyke

Allegany Planning Board Meeting Minutes: July 20, 2022

- Present:** Jim Ninos (in person), Jason Isaman (zoom), Robert Thompson (in person), Chuck Jessup (zoom), Jean-Louis Roederer (in person), Jon Gorton (in person), Valerie Perkins (phone), Paula Van Dyke (in person), Dale Foster (in person)
- Absent:** John Stoltzfus
- Staff:** Kier Dirlam – Director of Planning (in person), Michelle Denhoff – Asst. Director (in person)
- Guests:** Darwin Fanton, Town of Wellsville; Mike Miller, Town of Wellsville; Jesse Case, Town of Wellsville; Rich Buck, Attorney for Village of Wellsville; Dianne Freiner, Town of Burns Supervisor; Dwight Kanyuk, Attorney for Town of Burns and Town of Hume; Brooke Harris, Legislator and ex-officio member; Dan Norbut, Victor Ciaccia, and Scott Winner, representatives of Norbut Solar.
- Location:** Virtual Platform Zoom & Crossroads Center, Town of Angelica

I. CALL TO ORDER:

Chair Thompson called the meeting to order at 7 PM and welcomed any guests.

II. MINUTES:

- A) The meeting minutes from **June 15, 2022** were reviewed: **On a motion by J. Gorton and seconded by P. VanDyke, the meeting minutes from June 2022 were approved.**

III. NEW BUSINESS:

- A) **Village of Wellsville, Zoning Map Amendments:** Director Dirlam provided a background of the original zoning record where the Riverwalk Plaza currently resides. The zoning law changed the district from residential to B1 (business) in 2006; however, the map was never updated. Mr. Buck indicated that it was approved by the Village during that time, but was never referred to the county planning board. In an abundance of caution, they are going through the process in order to legally make a sale of the property to the Runnings Corporation and allow a business use of the property. Additional evaluations will be completed to identify issues with the rest of the zoning in the Village by the end of the year. Noted changes to the SEQR for this amendment include changing the Village of Angelica to Wellsville on page 1, as well as remarks on Walmart which should be updated to say Kmart. There was no further discussion.

On a motion by J. Ninos and seconded by JL Roederer the Allegany County Planning Board Approved the Village of Wellsville zoning map amendments, as presented.

- B) **Town of Wellsville, Quicklee’s Site Plan Review:** Director Dirlam reminded the board that the site plan and the SEQR have both been reviewed on separate occasions by the board. There were more details provided; however, concerns on traffic, pedestrian safety and the business in the rear seem to be unaddressed. Considerations should be taken regarding a one-way driveway. Mr. Thompson asked if there were any updates from DOT. Ms. Denhoff shared her screen to show the site plan under consideration in comparison with the new Walgreens facility. Mr. Fanton explained the current traffic pattern for the business in the rear and was unclear on how that would be addressed with this site plan. The DOT has not responded with

any comments related to the SEQR and the request to be lead agency. Mr. Miller stated that a letter was sent to them with the site plan as well. Quicklee's had spoken to DOT at the first stage of planning and they verbally approved the two smaller curb cuts that are currently displayed. The staggered entrances with the plaza across the street are also a concern, as well as the lack of accommodation for pedestrian traffic. Mr. Miller indicated that there is a piece of sidewalk that is in front of Walgreens that could be incorporated later. Quicklee's will likely build a sidewalk to the west of the facility. He recalls that the driveways were closer to the plaza across the road but DOT requested they be moved. There was further discussion on pedestrian traffic in that area.

Page 2 of 3 on the SEQR question 5a, states that the Town of Wellsville has zoning so that should be modified to indicate it is not applicable, rather than the current response of yes. Mr. Miller asked about question 8 – they don't feel like the traffic will increase in the area. Mr. Dirlam recommended asking for the traffic study from Quicklee's that shows projections of traffic to the site. Page 3 question 16, there was also discussion related to the flood plain map, which does not show actual property lines in relation to the flood plain area so it is not clear whether or not the property is in the flood plain. The response selection was no; however, Mr. Miller thought that it was.

Mr. Dirlam summarized concerns of traffic, pedestrian safety and flood plain and also indicated that it is a proper use of the site. Ms. Denhoff stated that she will follow up with Mr. Miller on the next steps for the Town of Wellsville to take. There was no further discussion.

On a motion by J. Ninos and seconded by J. Gorton the Allegany County Planning Board did Not Approve the Site Plan Review for the Quicklee's development in the Town of Wellsville.

- C) Village of Bolivar, Collection System and UV Disinfection Environmental Impact Assessment: Ms. Denhoff advised the planning board members that no action had to be taken on this referral. The Village of Bolivar was looking for any impacts of this potential project that the planning board may be aware of. There was no further discussion.
- D) Town of Burns, Norbut Solar Farms Solar Energy Systems Facility Permit Review for NSF Sites 1-5: Scott Winner, Dave Norbut, Victor Ciaccia were present as representatives of the Norbut Solar Farms project. It will be on 163.5 acres, with five, 5 mw sites and will be located on SR-70, just to the west of the Village line. One will be just shy of 5 mw to equal just under 25 mw total. A waiver will be requested for a 17 ft height on the panels, as the current law states a height of 15 feet. The owner intends to keep approximately 8.5 acres of land for personal use so it will require the property to be subdivided. Distribution will be the intent, not transmission or storage so battery storage is not proposed with the project. The community will be offered 10% savings by checking a box on residential billing. Property tax value will benefit municipality.

Mr. Ninos asked about visibility to the surrounding residential properties. A photo was provided that shows the visibility is very low, almost non-existent to residents. Mr. Dirlam asked what the impact of runoff water on the village stormwater collection system and streams may have. They are specifically engineered to avoid any impact. There is no cut and fill and minimal ground disturbance. There was discussion of accessibility and the road was identified on the map in the meeting. A bridge already exists over the creek on the property and that will continue to be used.

Mr. Dirlam identified that the address is missing and suggested contacting Russ Hall in the Sheriff's Department to have an address assigned to the property. Waivers were discussed for clarification, they won't be done separately and are part of the initial application. The current law allows for that, with Town Board approval. Public hearing has not been held yet; notice to local land owners will be sent in the mail and will also be published in the newspaper. This will be in addition to the public information sessions that were already held where many of the landowners have already voiced concerns. NYSEG is also holding a public information session prior to the next meeting. Previously there was a parallel host agreement in addition to the PILOT with the IDA. Soils are not considered prime, per local farmers and will provide benefit to soil conservation. The soils on site will be rested for 30 years, providing a benefit to farmers through soil preservation. There was no further discussion.

On a motion by J. Roederer and seconded by D. Foster the Allegany County Planning Board Approved the NSF Sites 1-5 in the Town of Burns.

- E) Town of Burns, Request to be Lead Agency during State Environmental Quality Review for Norbut Solar Farm Sites 1, 2, 3, 4 & 5:

On a motion by J. Ninos and seconded by D. Foster the Allegany County Planning Board supported the request for the Burns Town Board to be Lead Agency during SEQR of the NSF Sites 1-5.

- F) Town of Hume, Battery Energy Storage Systems Local Law Review: Ms. Denhoff stated that Mr. Kanyuk was representing Hume and has also been involved with several other communities that have submitted laws in the past. This is a stand-alone law because Hume does not have zoning and it is similar to the one submitted for the Town of Burns, with similarities to the Town of Alfred law. The requirements for setbacks and other items are consistent with the Hume Solar Law. There are different requirements for small and large operations identified. Many of the safety requirements for battery storage are included in building code and are quite substantive. There was no further discussion.

- a. **On a motion by P. VanDyke and seconded by J. Gorton the Allegany County Planning Board Approved the Town of Hume Battery Energy Storage Systems Local Law as presented.**

IV. OLD BUSINESS: none

V. CORRESPONDENCE: none

VI. REPORTS:

- A) DEC Report – 07/06/2022, Town of Amity Negative Declaration on the water systems improvement project.
- B) Intergovernmental Review Projects [IRP's] – 16.2022, 17.2022, 18.2022, 19.2022. None are directly related to Allegany County, rather one is state-wide, one is Chautauqua County, and two in Cattaraugus County.
- C) Southern Tier West Report – Mr. Dirlam provided the minutes from last month, separate from the planning board packet. ARC application review is slated for tomorrow where applicants come to STW to do a presentation on their applications. Historically they receive \$600,000 to give out. There are ten applications on the table. A fall training conference is being planned and will likely be smaller than the annual conference that was held in June.
- D) Community Planning Updates – Town of Willing continues to work on their comprehensive plan; Hume met with planning staff to discuss updating their comprehensive plan that was last done in 2010; Wellsville talking about updating comp plan; Alfred State College is planning to

their next visualization study in the Village of Wellsville and will be doing a different approach than previous years.

- E) Planning & Economic Development Office Report/Updates – Provided in packet; Tourism is keeping the office busy and is currently working on the budget process.

VII. GOOD OF THE ORDER: none

VIII. ADJOURNMENT:

The next meeting is scheduled for **August 17, 2022 at 7 PM**, pending receipt of referrals. The State of Emergency has BEEN EXTENDED through August 13th. It is unclear if it will be extended in August and whether or not the planning board will be able to continue remote meetings.

On a motion by P. VanDyke and seconded by J. Gorton the meeting is adjourned at 8:33 pm.

Respectfully submitted by Michelle Denhoff