

Agenda

Planning & Economic Development Committee

April 16, 2025, 6:00 p.m., Legislative Chambers

Livestreamed on YouTube

Gerace Office Building, Mayville, NY

- A. Call to Order
- B. Approval of Minutes (3/19/25)
- C. Privilege of the Floor
 - 1. Proposed Resolution – Confirm Appointment – County of Chautauqua Industrial Development Agency Board of Directors
 - 2. Proposed Resolution – Appointment to the Chautauqua County Agricultural & Farmland Protection Board
 - 3. Proposed Resolution – Authorizing Submission of Application for 2025 Community Development Block Grant Funding through the New York State Office of Community Renewal
 - 4. Proposed Resolution – Approves New York State Environmental Quality Review Act (SEQRA) Findings for the North Chautauqua Lake Sewer District Wastewater Treatment Plant Expansion Project
 - 5. Proposed Resolution – Amend 2025 Budget to Implement Waterway Hazard Removal Using Interest Earnings from American Rescue Plan Act (ARPA) and 3% Occupancy Tax Reserve
 - 6. Proposed Resolution – Accept State Environmental Quality Review of Proposed 2025 Agricultural District Inclusions
 - 7. Proposed Resolution – Determination of Chautauqua County Legislature on Proposed 2025 Agricultural District Inclusions
 - 8. Proposed Resolution – Accept State Environmental Quality Review (SEQR) Determinations for the New York State Snowmobile Trail Grant-in-Aid Program for 2025-2026 Snowmobile Season
 - 9. Other –

CHAUTAUQUA COUNTY
RESOLUTION NO. _____

TITLE: Confirm Appointment – County of Chautauqua Industrial Development Agency Board of Directors.

BY: Planning & Economic Development Committee:

AT THE REQUEST OF: County Executive Paul M. Wendel, Jr.:

WHEREAS, County Executive Paul M. Wendel, Jr. has submitted the following appointment to the Chautauqua County Legislature for action; now therefore be it

RESOLVED, That the Chautauqua County Legislature hereby confirms the following appointment to the County of Chautauqua Industrial Development Agency Board of Directors.

Ted Wightman
6460 Charlotte Center Rd.
Sinclairville, N.Y. 14782
Term Expires: 12/31/2027
(New Appointment)
(Replacing Steven Thorpe)

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive **Date**

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Appointment to the Chautauqua County Agricultural & Farmland Protection Board

BY: Planning and Economic Development Committee:

AT THE REQUEST OF: Chairman Pierre Chagnon:

WHEREAS, Legislature Chairman Pierre Chagnon, has submitted the following appointment for action by the Chautauqua County legislature; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following appointment to the Chautauqua County Agricultural & Farmland Protection Board for terms in accordance with Article 25-AA Section 302 of the New York State Agriculture & Markets Law:

Richard Jozwiak
Active Farmer
9287 Chautauqua Road
Fredonia, NY 14063
Term Expires: 12/31/2028
(New Appointment – Replacing vacancy left by Brian Aldrich)

Katelyn Walley-Stoll
Cornell Cooperative Extension Agent
10312 Chautauqua Road
Cattaraugus, NY 14719
Term Expires: 12/31/2028
(New Appointment – Replacing Emily Reynolds resigned 4/9/2025)

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Authorizing Submission of Application for 2025 Community Development Block Grant Funding through the New York State Office of Community Renewal

BY: Planning & Economic Development Committee:

AT THE REQUEST OF: County Executive Paul M. Wendel, Jr.:

WHEREAS, Tulip’s Brunch House LLC (the “Company”) plans to equip, furnish and operate a restaurant at the location formerly known as House on the Hill, located at 186 S. Erie Street, Mayville, New York (the “Project”); and

WHEREAS, the Company has requested that Chautauqua County apply for funding on its behalf from the New York State Office of Community Renewal (the “OCR”) to finance a portion of the Project costs; and

WHEREAS, Chautauqua Region Economic Development Corporation (“CREDC”) is assisting in the facilitation of the Project and has requested that the County provide the OCR funding to CREDC as a grant for the purpose of making a loan or loans to the Company; and

WHEREAS, the Project will result in substantial benefit to Chautauqua County in the form of new investment and new employment positions; and

WHEREAS, the County has held a public hearing to obtain citizens' views regarding the CDBG program as administered by OCR and the Project; now therefore be it

RESOLVED, That the County Executive is hereby authorized to submit a grant application on behalf of Chautauqua County to the OCR to support the Project; and be it further

RESOLVED, That the County Executive is hereby authorized to execute a grant agreement between the County and the OCR and all related documents associated with the OCR grant, including entering into a grant agreement with CREDC for the implementation of the Project and administration of the OCR grant, all such documents being subject to review and approval by the Chautauqua County Law Department; and be it further

RESOLVED, That the County Executive is hereby designated as the Certifying Officer responsible for all activities associated with the federal environmental review process to be completed for the Project.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Approves New York State Environmental Quality Review Act (SEQRA) Findings for the North Chautauqua Lake Sewer District Wastewater Treatment Plant Expansion Project

BY: Planning & Economic Development Committee:

AT THE REQUEST OF: County Executive Paul M. Wendel, Jr. and Legislative Chairman Pierre E. Chagnon:

WHEREAS, in 2004, the United States Environmental Protection Agency (USEPA) and the New York State Department of Environmental Conservation (NYSDEC) completed a study regarding the Total Maximum Daily Load (TMDL) for phosphorous in Chautauqua Lake; and

WHEREAS, the TMDL recommended phosphorous reduction strategies for Chautauqua Lake, generally including upgrades to Waste Water Treatment Plants (WWTPs) and development of sewer collection infrastructure around the Lake; and

WHEREAS, the County of Chautauqua, the North Chautauqua Lake Sewer District (NCLSD), the South and Center Chautauqua Lake Sewer Districts, and other stakeholders worked collaboratively to develop the “Chautauqua Lake Integrated Sewage Management Plan” (CLISMP), which was completed in 2014; and

WHEREAS the CLISMP recommended WWTP upgrades and development of sewer infrastructure around the Lake, including infrastructure improvements to the North Chautauqua Lake Sewer District; and

WHEREAS, pursuant to Resolution 129-24, the Chautauqua County Legislature accepted grant funds from the NYSDEC Engineering Planning Grant Program and appropriated NCLSD funds to prepare a Preliminary Engineering Report (PER) to evaluate the existing treatment capacity and future treatment needs for the WWTP; and

WHEREAS, the PER determined that portions of the WWTP’s physical infrastructure had exceeded its useful life and the treatment processes were insufficient to consistently achieve regulatory compliance at current or potentially increased flows; and

WHEREAS, the NCLSD Board approved the PER and caused the preparation of the Map and Plan - North Chautauqua Lake Sewer District Wastewater Treatment Plant Expansion Project in accordance with New York State County Law 5-A, Section 268 Increase and Improvement of Facilities; and

WHEREAS, on February 28, 2025 the NCLSD met and approved the Map and Plan - North Chautauqua Lake Sewer District Wastewater Treatment Plant Expansion Project and to make its recommendation to the Chautauqua County Legislature that it is in the public interest to advance the North Chautauqua Lake Sewer District’s WWTP Expansion Project, to cause Part 1 of the Long Environmental Assessment Form (LEAF) to be prepared and to establish Chautauqua County as Lead Agency for the New York State Environmental Quality Review (SEQR) proceedings; and

WHEREAS, pursuant to Resolution 97-25 the Chautauqua County Legislature accepted the Sewer District’s recommendations that the WWTP Expansion Project is in the public interest, reviewed Part 1 of the LEAF, and in doing so, determined that the WWTP Expansion Project is a “Unlisted Action” as defined by SEQR in 6 NYCRR Part 617.5, and established itself as Lead Agency to further advance the SEQR process; and

WHEREAS, as, Lead Agency, the Chautauqua County Legislature caused Part 2 of the Full Environmental Assessment Form (FEAF) – Identification of Potential Project Impacts to be completed, and upon due consideration of Part 2 of the FEAF, caused Part 3 of the FEAF –

APPROVED
VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

Evaluation of the Magnitude and Importance of Project Impacts and Determination of Significance to be completed; now therefore, be it

RESOLVED, upon review of Parts 2 and 3 of the FEAF, and having considered the facts and conclusions relied on to meet the requirements of 6 NYCRR Part 617, the Chautauqua County Legislature hereby finds in accordance with Article 8 of New York State Environmental Conservation Law that:

- 1) the requirements of 6 NYCRR Part 617 have been met; and
- 2) implementation of the proposed action will not result in any significant adverse environmental impacts; and be it further

RESOLVED, That the County Executive be and hereby is authorized on behalf of the County to execute a “Negative Declaration” for the proposed action.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Amend 2025 Budget to Implement Waterway Hazard Removal Using Interest Earnings from American Rescue Plan Act (ARPA) and 3% Occupancy Tax Reserve

BY: Planning & Economic Development and Audit & Control Committees:

AT THE REQUEST OF: County Executive Paul M. Wendel, Jr.:

WHEREAS, Chautauqua County (the County) received an award of \$24,649,420 in American Rescue Plan Act (ARPA) funding; and

WHEREAS, such funds have been invested on an interim basis; and

WHEREAS, the interest income earned from the invested ARPA funds is available to be utilized by the County and a procedure has been established for the ARPA working group to review the remaining project requests; and

WHEREAS, The Chautauqua County Department of Planning and Development, in partnership with the Department of Public Facilities, Division of Parks, seeks to fund a capital project for Waterway Hazard Removal; and

WHEREAS, this project will enable the completion of the Marden Cobb Waterways hazard removal project, leveraging additional tourism potential, and aligning with other planning and development goals of the County; and

WHEREAS, the Chautauqua County Parks Commission and Chautauqua County Planning Board have reviewed this request and recommended its approval; and

WHEREAS, the Waterway Hazard Removal project has been reviewed by the ARPA Working Group and the County is pursuing the use of ARPA interest earnings to fund the project; and

WHEREA, the APRA Interest Earnings Account has a minimum balance of \$87,000, and the 3% Occupancy Tax Reserve has a balance of \$716,631.86 as March 26, 2025; and

WHEREAS, \$87,000 in ARPA Interest Earnings and \$63,000 in 3% Occupancy Tax Reserve Funding is being sought for this project, for a total project cost of \$150,000 for this phase of work; and

WHEREAS, a budget amendment is necessary to authorize spending for the project;
now therefore be it

RESOLVED, That the County Executive is hereby authorized to enter into any necessary agreements for the above-named project; and be it also

RESOLVED, That the A fund Balance is appropriated as follows:

INCREASE THE USE OF APPROPRIATED FUND BALANCE:

A.-----	.883.0000	Reserved Fund Bal-Reserve for Occupancy Tax	\$ 63,000
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; and be it further

RESOLVED, that the Director of Finance is hereby authorized and directed to make the following changes to the 2025 Adopted Budget:

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

INCREASE APPROPRIATION ACCOUNTS:

HH.257110.25300.4	Contractual-Waterway Hazard Removal	\$ 150,000
A.9950.----.9	Interfund Transfers-Transfer to Capital	<u>\$ 150,000</u>
	Total	\$ 300,000

INCREASE REVENUE ACCOUNT:

HH.257110.25300.R503.1000	Interfund Transfers-Interfund Transfer	\$ 150,000
A.9950.----.R240.1REG	Transfer to Capital-Int & Earn: Regular	<u>\$ 87,000</u>
	Total	\$237,000

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

CHAUTAUQUA COUNTY
RESOLUTION NO. _____

TITLE: Accept State Environmental Quality Review of Proposed 2025 Agricultural District Inclusions

BY: Planning & Economic Development Committee:

AT THE REQUEST OF: County Executive Paul M. Wendel, Jr.:

WHEREAS, the Chautauqua County Legislature is responsible for the Chautauqua County Agricultural Districts No. 1, 7, 8, and 10; and

WHEREAS, the Agricultural District Law, Article 25AA Agriculture and Markets Law (AML) established a process by which county legislative bodies may create, review, modify consolidate or terminate Agricultural Districts through the State, which the Commissioner of AGM then certifies; and

WHEREAS, pursuant to Resolution No. 150-22, Chautauqua County is authorized to conduct a coordinated review for purposes of conducting State Environmental Quality Review (SEQR) for actions taken under the Agricultural District Law, and the use of the short environmental assessment form for agricultural districts; and

WHEREAS, pursuant to Title 6 of New York Code of Rules and Regulations, Part 617 of the implementing regulations pertaining to the New York State Environmental Quality Review Act of the Environmental Conservation Law, the Chautauqua County Legislature, as lead agency, must evaluate the environmental impact of modifying Chautauqua County's agricultural district boundaries; and

WHEREAS, the modification of an agricultural district's boundaries is considered an unlisted action and as such the criteria of 6 NYCRR §617.7 must be used to determine the degree of environmental impact; and

WHEREAS, the Chautauqua County Department of Planning and Development has prepared a short Environmental Assessment Form (EAF) for agricultural districts for consideration by the Chautauqua County Legislature, with said EAF indicating that the probability of any adverse impact of proposed modifications to the agricultural districts is very low; and

WHEREAS, the Chautauqua County Legislature has reviewed the EAF and supporting documentation, copies of which are attached; now therefore be it

RESOLVED, That the Chautauqua County Legislature has determined that the modification of the agricultural district boundaries in Chautauqua County Agricultural Districts No. 1 and 7 will not have a significant adverse impact, and the County Executive is hereby authorized to execute a “Negative Declaration” for the proposed action.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

CHAUTAUQUA COUNTY
RESOLUTION NO. _____

TITLE: Determination of Chautauqua County Legislature on Proposed 2025 Agricultural District Inclusions

BY: Planning & Economic Development Committee:

AT THE REQUEST OF: County Executive Paul M. Wendel, Jr.:

WHEREAS, the Chautauqua County Legislature is responsible for the Chautauqua County Agricultural Districts 1, 7, 8, and 10; and

WHEREAS, Article 25AA section 303-b of the New York State Agriculture and Markets Law authorizes the inclusion of viable agricultural lands into an existing agricultural district within the County of Chautauqua, in accordance with the procedures set forth therein; and

WHEREAS, pursuant to Resolution No. 280-03 the Chautauqua County Legislature designated January 2nd through January 31st as Chautauqua County’s annual period for landowners to submit a request for inclusion of their land in a State-certified Agricultural District; and

WHEREAS, in accordance with New York State Agriculture and Markets Law Section 303-b, an inclusion of viable agricultural land in Chautauqua County’s agricultural districts is being conducted in 2025, and a Public Notice to accept proposals for inclusions to the districts was posted and distributed in accordance with the procedures set forth therein; and

WHEREAS, the Chautauqua County Agricultural and Farmland Protection Board reviewed the submitted proposals on February 19, 2025, found that the below parcels of land proposed to be included in the Agricultural Districts consist predominantly of “viable agricultural land” as defined in Article 25AA section 301(7) and that inclusion of the land would serve the public interest by assisting in maintaining a viable agricultural industry within the district, and voted to recommend that the Legislature accept the proposed inclusion parcels listed below into an existing agricultural district:

Ag. District	Parcel #	Landowner	Acres
7	330.00-2-12.1	Gleason, M. & T	34.7
1	113.09-2-5.1	Maggitti, A. (MWP Enterprises, LLC)	11.5
1	113.09-2-3.1	Maggitti, A. (MWP Enterprises, LLC)	0.4
1	113.09-2-1	Maggitti, A. (MWP Enterprises, LLC)	3.6
1	113.05-1-47	Maggitti, A.	0.5
1	95.02-1-2	Urbanik, R. & B.	61.8

; and

WHEREAS, the requirements of the New York State Environmental Quality Review Act (SEQR) have been considered and processes have been completed by Chautauqua County; and

WHEREAS, pursuant to Resolution No. 96-25, the Chautauqua County Legislature held the required public hearing on April 23, 2025, in order to gather input from landowners in the districts; now therefore be it

RESOLVED, That is it the determination of the Chautauqua County Legislature to modify Chautauqua County Agricultural Districts No. 1 and 7, in accordance with the recommendations of the Chautauqua County Agricultural and Farmland Protection Board and input gathered from the public hearing; and it is further

RESOLVED, That the Clerk of the County Legislature be and hereby is directed to file this resolution, the Chautauqua County Agricultural and Farmland Protection Board recommendation, and tax maps with the tax map identification numbers for each parcel, and all things necessary to be filed with the Commissioner of Agriculture and Markets for final certification.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Accept State Environmental Quality Review (SEQR) Determinations for the New York State Snowmobile Trail Grant-in-Aid Program for 2025-2026 Snowmobile Season

BY: Planning & Economic Development Committee:

AT THE REQUEST OF: County Executive Paul M. Wendel, Jr.:

WHEREAS, pursuant to Resolution No. 185-12, Chautauqua County acts as the local sponsor for the New York State Office of Parks, Recreation, and Historic Preservation’s New York State Snowmobile Trails Grant-in-Aid Program (hereinafter called “Program”); and

WHEREAS, a State Environmental Quality Review (hereinafter called “SEQR”) is required for modifications to and/or expansions of the existing snowmobile trail system; and

WHEREAS, pursuant to Resolution 112-25, the Chautauqua County Legislature designated Chautauqua County as the lead agency responsible for SEQR for State-funded snowmobile trail modifications and/or expansions for the 2025-2026 Program year, and as lead agency the County must evaluate the environmental impacts of any modifications and/or expansions; and

WHEREAS, the following trails include proposed Program modifications and/or expansions affecting a new landowner, not previously affected by the existing State-funded snowmobile trails:

Trail	Snowmobile Club	Municipality	Proposed Program Modification/Expansion
C1	Cherry Creek Sno-Goers, Inc.	Hanover	Trail moved east of the existing trail near Route 5 and 20, at the request of a landowner
C1A	Cherry Creek Sno-Goers, Inc.	Hanover, Villenova	Trail moved west of the existing trail between Hurlbert Road and Prospect Road and north of the existing trail as it crosses Empire Road and heads towards Route 39, both at the request of landowners
C4	Cherry Creek Sno-Goers, Inc.	Arkwright	Trail moved southwest of the existing trail at the Rood Road crossing, at the request of a landowner
S11	Cherry Creek Sno-Goers, Inc.	Hanover, Sheridan	Trail moved east of the existing trail on the west end of the trail near Route 20 and the trail moved north of the existing trail on the east end of the trail near the intersection of King Road and Gibbs Road, both at the request of landowners
S11A* addition	Cherry Creek Sno-Goers, Inc.	Hanover	Extends existing trail through the Hamlet of Forestville, currently an unfunded trail
S12	Cherry Creek Sno-Goers, Inc.	Cherry Creek	Trail moved north of the existing trail between Route 68 and Davison/Kent Roads, at the request of a landowner
S14	Cherry Creek Sno-Goers, Inc.	Hanover	Trail moved south of existing trail near Alleghany Road, at the request of a landowner
S19	Cherry Creek Sno-Goers, Inc.	Charlotte	Trail moved south of the existing trail down to Mill Creek Road, utilizing an unfunded trail
S19A*	Cherry Creek Sno-Goers, Inc.	Charlotte	Currently an unfunded trail between C1 and S19 along Lewis Road
C1D	Lake Effect Trail Breakers, Inc.	Ellicott, Ellington, Gerry	Trail moved north of the existing trail near Gerry Levant Road and Route 60, at the request of a landowner
S13* addition	Lake Effect Trail Breakers, Inc.	Poland	Extends existing trail to Randolph in Cattaraugus County near Grubb Hill Road, currently an unfunded trail
S17	Lake Effect Trail	Ellington	Trail moved south of the existing trail near

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

	Breakers, Inc.		Wade Hill Road, at the request of a landowner
S18A*	Lake Effect Trail Breakers, Inc.	Ellington, Gerry	Currently an unfunded trail between C1D and S18 in Harris Hill State Forest
S18B*	Lake Effect Trail Breakers, Inc.	Charlotte	Currently an unfunded trail between S18 and S18C near between Edson Road and Nobles Road
TBA – Conti*	Lake Effect Trail Breakers, Inc.	Poland	Currently an unfunded trail between C1 and Conti’s near Dailey Hill, Cobb, and Wheelock Roads and Route 86
TBA – Country Fair*	Lake Effect Trail Breakers, Inc.	Gerry	Currently an unfunded trail between C1D and Gerry Country Fair near Gerry Levant Road and Route 60
TBA – Ellington Rod & Gun*	Lake Effect Trail Breakers, Inc.	Ellington	Currently an unfunded trail between C1 and the Ellington Rod & Gun between Hagerdon Road and Harris Hollow Road
TBA – Grandview*	Lake Effect Trail Breakers, Inc.	Ellington	Currently an unfunded trail between C1 and the Grandview of Ellington between Harris Hollow Road and West Hill

*trail expansions

; and

WHEREAS, as the local sponsor and involved agency, the Chautauqua County Department of Planning and Development (hereinafter called “CCDPD”) determined that each of the eighteen (18) proposed Program modifications and/or expansions should be classified as an Unlisted Action for purposes of Title 6 of New York Code of Rules and Regulations, Part 617.7 of the implementing regulations pertaining to the New York State Environmental Quality Review Act of the Environmental Conservation Law; and

WHEREAS, CCDPD prepared Part 1 Short Environmental Assessment Forms (hereinafter called “SEAF”) for each of the modifications and/or expansions, sent a Lead Agency notice to each of the affected municipalities, and requested that any information or concerns be sent to CCDPD within thirty (30) days;

WHEREAS, CCDPD did not receive any comments from the affected municipalities and completed Parts 2 and 3 of the SEAF for each of the proposed Program modifications and/or expansions, for consideration by the Chautauqua County Legislature, with said SEAFs indicating that the probability of any adverse impact of the proposed Program modifications and/or expansions to the existing snowmobile trail system is very low; and

WHEREAS, the Chautauqua County Legislature has reviewed the SEAFs and supporting documentations; now therefore it be

RESOLVED, That the Chautauqua County Legislature has determined that the proposed Program modifications and/or expansions to the existing snowmobile trail system will not have a significant adverse impact, and the County Executive is hereby authorized to execute a “Negative Declaration” for the proposed actions.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date