

Agenda

Planning & Economic Development Committee

March 20, 2024, 6:00 p.m., Legislative Chambers

Livestreamed on YouTube

Gerace Office Building, Mayville, NY

- A. Call to Order
- B. Approval of Minutes (02/21/24)
- C. Privilege of the Floor
 1. Proposed Resolution – Authorize Public Hearing Regarding 2024 Agricultural District Inclusions
 2. Proposed Resolution – Policy Guidelines for Administering Proceeds of Original 3% Occupancy Tax
 3. Proposed Resolution – Amend 2024 Budget for New York State Community Development Block Grant Award – Microenterprise Assistance Program
 4. Proposed Resolution – Authorize Use of Chautauqua County 2% Occupancy Tax Reserve Funds for Removal of Damaged Steel Dock Structures from Dunkirk Harbor
 5. Proposed Resolution – Authorize Use of Chautauqua County 2% Occupancy Tax Reserve Funds for Morse 2% Project Repairs
 6. Proposed Resolution – Environmental Assessment of Applications for 2024 2% In-Lake Occupancy Tax Grant Program Funding
 7. Presentation – 2023 Department of Planning & Development Year in Review and 2024 Work Plan – Nate Aldrich
 8. Other –

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Authorize Public Hearing Regarding 2024 Agricultural District Inclusions

BY: Planning and Economic Development Committee:

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

WHEREAS, the Chautauqua County Legislature is responsible for Chautauqua County Agricultural Districts; 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 was conducted in 2024, 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 29, 2024, and voted to accept the proposed inclusion parcels listed below into an existing agricultural district; and

Ag. District	Parcel #	Landowner	Acres
1	260.00-2-32	Ramm, A. & K.	45.10
8	439.00-2-18	Smith, T. & J.	30.55
8	420.00-3-21	Swan, C.	7.20
8	279.00-2-41	Chautauqua Bee Company, Inc.	3.5
8	279.00-2-55	Chautauqua Bee Company, Inc.	10.00
8	279.00-2-56	Chautauqua Bee Company, Inc.	25.30
8	279.00-2-57	Chautauqua Bee Company, Inc.	21.50

WHEREAS, in accordance with New York State Agriculture and Markets Law Section 303-b, the County must hold a Public Hearing prior to accepting proposed inclusion requests to an existing agricultural district; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby set a public hearing for the aforementioned purposes during the regular meeting of the County Legislature on April 24, 2024 at 6:35p.m., in the Legislative Chambers, Gerace Office Building, Mayville, New York, where all interested parties shall be heard regarding the proposed inclusion requests for modifications to Chautauqua County’s Agricultural Districts; and it be further

RESOLVED, That at least eight (8) days’ notice of such hearing shall be given by the Clerk of the Legislature by the due posting thereof in the Gerace Office Building and on the County’s website, and by publishing such notices in the official newspaper of the County.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Policy Guidelines for Administering Proceeds of Original 3% Occupancy Tax

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

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

WHEREAS, pursuant to Local Law 2-08 of the County of Chautauqua, there is an occupancy or "bed tax" on the rental of lodging units within the County; and

WHEREAS, Section 3, Subsection 12 of Local Law 2-08 and Section 1202-j of the New York State Tax Law further provide that all revenues derived from the imposition of the occupancy tax, after deducting the amount provided for administering such tax, shall be allocated as follows: three-fifths of such revenue (the original 3% tax) shall be credited and deposited in a special tourism and convention fund for the purposes of enhancing and promoting Chautauqua County, its cities, towns and villages through the promotion of tourism, conventions, trade shows, special events and other directly related and supporting activities including, but not limited to, programs to improve the aesthetic qualities of the County, to enhance the environment, to improve infrastructure related to tourism, conventions and trade shows, to develop, operate and maintain parks, recreational facilities and tourist attractions, and such other programs as authorized by local law; and any amount of revenues derived from such tax over three-fifths (the newer 2% tax) of such revenues shall be dedicated solely to the enhancement and protection of the lakes and streams of Chautauqua County pursuant to programs authorized by local law; and

WHEREAS, New York State Tax Law §1202-j has been amended to alter allocation authority from the "legislature of Chautauqua County" to "government of Chautauqua County" and was recently further amended to dedicate certain percentages of Occupancy Tax funds to particular classes of projects, which has created the necessity of reviewing and updating policy guidelines; and

WHEREAS, policy guidelines to allocate the limited resources generated by the first three-fifths of the revenue (the original 3% tax) were established pursuant to Resolution 118-08, and further amended by Resolution 166-09, Resolution 110-11 and Resolution 94-13, and it is appropriate to rescind such guidelines to advance the County's planning priorities relative to tourism and establish the new guidelines herein; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby rescinds the policy guidelines set forth in Resolutions 118-08, 166-09, 110-11 and 94-13 for the allocation of the original 3% occupancy tax revenue; and further be it

RESOLVED, That the government of Chautauqua County, through the Legislature and County Executive, herein establishes a policy for the administration of 3% Occupancy Tax proceeds:

1. 50% of the 3% occupancy tax budgeted shall be provided to the Chautauqua County Visitors Bureau (CCVB) to support their efforts to market, promote, and publicize Chautauqua County and its municipalities; recruiting group functions to the County; and working to support and enhance all tourism efforts consistent with County's tourism development goals and priorities.

2. The remaining 50% of the 3% occupancy tax budget shall be allocated through the annual County budget process to advance the County's tourism goals and priorities, consistent with the eligible use of funds as described in New York State Tax Law §1202-j.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

3. Through the County’s annual budget process, the County may set aside a portion of the 3% budget to fund an annual competitive Tourism Product Development Grant Program. The County Department of Planning & Development shall design, implement, and administer a competitive process, and convene a review panel to score, rank, and prioritize applications. The grant program shall establish programs and opportunities to promote and support the development of distinct themes or significant attractions and events that enhance the level of visitor experience in the area, and ultimately drive additional visitation and visitor spending. Examples include new or expanded attractions; unique festivals/events; projects that support tourism aspects of the County Comprehensive Plan, County Greenways Plan, and/or Economic Development Strategic Plan; and initiatives that will attract greater numbers of visitors to the area. Applicants may not receive funding for more than three consecutive or non-consecutive years for any single project, and it shall be at the discretion of the review panel and Department of Planning & Development to determine whether a request by any applicant is materially similar or related to previously-funded projects as to fall within the three-year limit.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Amend 2024 Budget for New York State Community Development Block Grant Award – Microenterprise Assistance Program

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

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

WHEREAS, the Department of Planning & Development received notice that the NYS Housing Trust Fund Corporation (“HTFC”), represented by the New York State Office of Community Renewal (“OCR”), approved a Community Development Block Grant (“CDBG”) application for an additional award of \$200,000 for the County’s Microenterprise Assistance Program (MAP) in partnership with Chautauqua Opportunities for Development, Inc. (“CODI”); and

WHEREAS, the State of New York will provide funding in the amount of \$200,000, with no County funds, for Project No. 222ME543-24 for the performance period of January 25, 2024 through December 25, 2025; and

WHEREAS, pursuant to Resolution 325-23, the County Executive was authorized to execute an agreement and all relating documents to secure the grant funding with the OCR; and

WHEREAS, revenues and expenditures associated with this grant were not included in the 2024 operating budget; now therefore be it

RESOLVED, That the Director of Finance is hereby directed to make the following changes to the 2024 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

A.6420.----.4	Contractual—Promotion of Industry	\$200,000
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INCREASE REVENUE ACCOUNT:

A.6420.----.R308.9000	New York State Aid—Other State Aid	\$200,000
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APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Authorize Use of Chautauqua County 2% Occupancy Tax Reserve Funds for Removal of Damaged Steel Dock Structures from Dunkirk Harbor

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

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

WHEREAS, Lake Erie is an invaluable asset to Chautauqua County and is the source water for the North Chautauqua County Water District; and

WHEREAS, historically high Lake Erie water levels and severe weather events during 2019, 2020 and 2021 resulted severe damage to steel dock structures in Dunkirk Harbor; and

WHEREAS, the damaged steel dock structures were a public safety hazard, limited the Harbor's potential for development, and had to be removed; and

WHEREAS, the removal of the structures is consistent with the City's comprehensive and waterfront planning efforts, Chautauqua County's Local Waterfront Revitalization Program strategy and will enhance the development potential of the Chadwick Bay Marina and adjoining commercial properties; and

WHEREAS, in July 2023 the Lake Erie Management Commission unanimously approved a \$12,000 contribution to support removal of the structures; and

WHEREAS, in January, 2024 the City of Dunkirk utilized the services of a marine contractor to remove the structures at a total cost of \$107,500; and

WHEREAS, in February 2024 the City of Dunkirk requested \$50,000 from Chautauqua County's 2% Occupancy Tax Reserve for partial reimbursement of the cost to remove the damaged dock structures; and

WHEREAS, the 2% Occupancy Tax Program Reserve has a designated balance of \$375,532 for projects of special opportunity and need; therefore be it

RESOLVED, That the Chautauqua County Legislature designates \$50,000 from the 2% Occupancy Tax Program Reserve to reimburse a portion of the City of Dunkirk's costs to remove the structures; and be it further

RESOLVED, That the County Executive is hereby authorized to enter into any and all contracts necessary to implement the terms of this Resolution; and be it further

RESOLVED, That the Fund Balance be appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.-----889.WATR Reserved Fund Balance-MISC RES: Lakes & Watrway \$50,000

; and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following amendment to the 2024 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

A.8020.WTRS.4 Contractual—Planning, Watershed Administration \$50,000

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Authorize Use of Chautauqua County 2% Occupancy Tax Reserve Funds for Morse 2% Project Repairs

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

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

WHEREAS, Lake Erie is an invaluable asset to Chautauqua County and is the source water for the Northern Chautauqua County Water District; and

WHEREAS, in 2022 a 2% Occupancy Tax grant-funded streambank stabilization project was implemented on Tupper Creek, a tributary to Lake Erie; and

WHEREAS, in 2023 a slope failure caused soil and subsoil to obstruct the creek, resulting in accelerated erosion of the streambank and bed that will eventually cause the 2022 project to fail unless remedial measures are implemented; and

WHEREAS, the Chautauqua County Soil & Water Conservation District recommends a remedy whereby the soil and subsoil obstruction will be removed and the streambank will be stabilized and revegetated at a cost not to exceed \$5,580; and

WHEREAS, the Chautauqua County Soil & Water Conservation District and the Town of Hanover will contribute an additional \$2,710 of in-kind efforts; and

WHEREAS, the 2% Occupancy Tax Program Reserve has an unobligated balance of \$375,532 for projects of special opportunity and need; therefore be it

RESOLVED, That the Chautauqua County Legislature designates \$5,580 from the 2% Occupancy Tax Program Reserve to be dispersed to the Chautauqua County Soil & Water Conservation District for implementation of the remedy; and be it further

RESOLVED, That the County Executive is hereby authorized to enter into any and all contracts necessary to implement the terms of this Resolution; and be it further

RESOLVED, That Fund Balance be appropriated as follows:

INCREASE THE USE OF RESERVED FUND BALANCE:

A.----.----.889.WATR Reserved Fund Balance-MISC RES: Lakes & Watrway \$5,580

; and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following amendment to the 2024 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

A.8020.WTRS.4 Contractual—Planning, Watershed Administration \$5,580

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Environmental Assessment of Applications for 2024 2% In-Lake Occupancy Tax Grant Program Funding

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

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

WHEREAS, Chautauqua County’s authority to collect an Occupancy Tax for the benefit of tourism, recreation and related economic development is authorized in New York State Tax Law and reauthorized by the New York State Legislature every two years; and

WHEREAS, by Resolution 108-23 the County of Chautauqua requested the New York State Legislature to amend Section 1202-j of the New York State Tax Law and any other applicable law to continue the County of Chautauqua’s authorization to impose an occupancy of tax of 5% subject to the same requirements in Chapter 58 of the Laws of 2020, to take effect on December 1, 2023, and continuing through November 30, 2026; and

WHEREAS, by Resolution 149-23 the Chautauqua County Legislature supported the passage of New York State Assembly Bill No. A.6581A and New York Senate Bill No. S.6626 entitled “AN ACT to amend chapter 405 of the laws of 2007, amending the tax law relating to increasing hotel/motel taxes in Chautauqua County, in relation to extending the expiration of such provisions; to repeal certain provisions of the tax law relating thereto; and providing for the repeal of certain provisions upon expiration thereof;” and

WHEREAS, consistent with the New York State Tax Law Chautauqua County will continue its long-standing 2% Occupancy Tax Grant Program for Watershed Projects that reduce watershed erosion, sedimentation and nutrient loading, and such other programs as are authorized by local law consistent with such purposes; and

WHEREAS, in 2024, consistent with the 2023 amendments to New York State Tax Law, Chautauqua County implemented a new 2% Occupancy Tax Grant Program for In-Lake Projects solely for the purposes of maintaining and enhancing the usability and attractiveness of the lakes of Chautauqua County for residents and visitors, including, but not limited to: environmentally responsible control, treatment, and/or removal of invasive or nuisance submerged aquatic vegetation; reduction of harmful algae blooms; shoreline maintenance and cleanup; and the enhancement of lakes for fishing, boating and other recreational activities; and

WHEREAS, twenty applications for the 2024 2% Occupancy Tax Grant Program for In-Lake projects have been received, scored and ranked by an independent review group composed of members from Chautauqua County’s tourism and recreation industry; and

WHEREAS, the review group has recommended funding six applications that fall within the 2024 Watershed Budget Funding Line of \$250,000; and

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

Application	Rank	Request	Cumulative Total		
Town of Westfield Launch	1	\$49,967	\$49,967		
Chadwick Bay Marina Dredging Permitting	2	\$30,000	\$79,967		
Starry Stonewort Control	3	\$50,000	\$129,967		
Bemus Pt Blueway Trail	4	\$13,500	\$143,467		
Findley Lake Aquatic Herbicide Application	5	\$50,000	\$193,467		
CLA Operational Assistance	6	\$50,000	\$243,467	Funding Line	
Chautauqua Marina	7	\$42,000	\$285,467		
Restoring Native Vegetation	8	\$22,400	\$307,867		
CLP Invasive Species Studies	9	\$50,000	\$357,867		
Cassadaga Lakes Dredging Permitting	10	\$25,000	\$382,867		
Lily Dale Ecosystem Stabilization Project	11	\$10,000	\$392,867		
Bear Lake Dredging Permitting	12	\$20,000	\$412,867		
North Harmony Lake Plan and Debris Management	13	\$50,000	\$462,867		
Boat Cleaning Station	14	\$50,000	\$512,867		
Crosswinds Dredging	15	\$21,519	\$534,386		
Bart's Cove Shoreline Improvements	16	\$35,025	\$569,411		
Galloway Road Shoreline Improvements	17	\$50,000	\$619,411		
Hideaway Bay Stormwater	18	\$50,000	\$669,411		
Lake Erie Shoreline Improvements	19	\$27,700	\$697,111		
Rock Marine Shoreline Improvements	20	\$50,000	\$747,111		
		\$747,111			

WHEREAS, the New York State Environmental Quality Review Act (SEQRA) applies if an agency funds or directly undertakes an action; and

WHEREAS, in accordance with 6 NYCRR 617.2 (t) Chautauqua County is an Involved Agency due to its decision to fund, but not directly undertake 2% Occupancy Tax applications; and

WHEREAS, the Chautauqua County Department of Planning and Development (CCDPD) has caused the appropriate Environmental Assessment Forms (EAFs) to be prepared for the six applications recommended for funding; and

WHEREAS, the CCDPD determined that the Chadwick Bay Marina Dredging Permitting and CLA Operational Assistance applications describe Actions that are classified as Type 2 Actions under 6 NYCRR §617.5 (c)(27) and 617.5 (c)(8), respectively, and further SEQRA review does not apply; and

WHEREAS, the CCDPD determined that the Town of Westfield Launch application describes an Action that is classified as an Unlisted Action as defined in 6 NYCRR §617.2(al) and the Town of Westfield will act as the Lead Agency, hold any required permits and complete SEQRA for the implementation of the project; and

WHEREAS, the CCDPD determined that the Bemus Point Blueway Trail application describes an Action that is classified as an Unlisted Action as defined in 6 NYCRR §617.2(al) and the Village of Bemus Point will act as Lead Agency, hold any required permits and complete SEQRA for the implementation of the project; and

WHEREAS, the CCDPD determined that the Starry Stonewort Control application describes an Action that is classified as an Unlisted Action as defined in 6 NYCRR §617.2(al) and the Town of Chautauqua will act as Lead Agency, hold any required permits and complete SEQRA for the implementation of the project as required by the NYSDEC; and

WHEREAS, the CCDPD determined that the Findley Lake Aquatic Herbicide application describes an Action that is classified as an Type 1 Action under 6 NYCRR Part 617.4 and the Findley Lake Watershed Foundation and/or the Town of Mina will act as Lead Agency, hold any required permits and complete SEQRA for the implementation of the project as required by the NYSDEC; and

APPROVED
VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

WHEREAS, the County has reviewed and analyzed the EAF for each application, and considered any relevant areas of environmental concern and probable environmental impacts of the applications to determine if the actions described therein may have any significant adverse environmental impacts; now, therefore be it

RESOLVED, That the County hereby finds and determines that the funding of the six recommended applications will not have a significant adverse environmental impact in accordance with New York State Environmental Quality Review Act, Article 8 of the New York Environmental Conservation Law, and pursuant to the implementing regulations found at 6 NYCRR Part 617, and accordingly, is issuing a negative declaration.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date