

Agenda

Planning & Economic Development Committee

April 17, 2024, 6:00 p.m., Legislative Chambers

Livestreamed on YouTube

Gerace Office Building, Mayville, NY

- A. Call to Order
- B. Approval of Minutes (03/20/24)
- C. Privilege of the Floor
1. RES. NO. 94-24 – Authorize Use of Chautauqua County 2% Occupancy Tax Reserve Funds for Removal of Damaged Steel Dock Structures from Dunkirk Harbor
(Referred back to Committee by the Full Legislature on March 27, 2024 for further consideration)
2. Proposed Resolution – Amend 2024 Budget to Accept NYSDEC Grant Funds and Designate Local Match for Bemus Creek Nonpoint Source Planning Grant
3. Proposed Resolution – Accept Grant Funding from the New York State Department of State for a Chautauqua County Countywide Resiliency Plan and Amend 2024 Budget
4. Proposed Resolution – Designate Chautauqua County as Lead Agency Responsible for State Environmental Quality Review of State Funded Snowmobile Trail Updates for 2024
5. Proposed Resolution – Accept State Environmental Quality Review of Proposed 2024 Agricultural District Inclusions
6. Proposed Resolution – Determination of Chautauqua County Legislature on Proposed 2024 Agricultural District Inclusions
7. Other –

**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

(3/27/24 Leg – Refer back to Committees PED and AC by full Legislature)

CHAUTAUQUA COUNTY
RESOLUTION NO. _____

TITLE: Amend 2024 Budget to Accept NYSDEC Grant Funds and Designate Local Match for Bemus Creek Nonpoint Source Planning Grant

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

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

WHEREAS, Chautauqua Lake is an invaluable asset to Chautauqua County but has been designated as an impaired water body and its health and usability are threatened by tributary flooding; and

WHEREAS, Chautauqua County, after thorough consideration of tributary flooding associated with Bemus Creek watershed, has hereby determined that a Sediment and Debris Management Plan is desirable and is in the public interest (the Project); and

WHEREAS, the Chautauqua County Department of Planning and Development (CCDPD) partnered with the Chautauqua Lake and Watershed Management Alliance (Alliance) to submit a grant application to the New York State Department of Environmental Conservation's (NYSDEC) Nonpoint Source Planning Grant program to assist with funding the development of a Sediment and Debris Management Plan for Bemus Creek, the total Project cost of which is \$55,000; and

WHEREAS, pursuant to Resolution 199-23, the Chautauqua County Legislature obligated \$5,000 from the 2% Occupancy Tax Reserve to fulfill the 10% local match requirement for the grant, but no amendments were made at that time and the match was not included in the 2024 Adopted Budget; and

WHEREAS, the NYSDEC awarded Chautauqua County \$50,000 for 90% of the Project costs with a requirement for 10% local match of \$5,000; and

WHEREAS, the 2% Occupancy Tax Reserve has an undesignated balance of \$319,952; and

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(v) Chautauqua County is the Lead Agency due to its decision to fund and undertake planning and policy making activities that may affect the environment and commit the agency to a definite course of future decisions; and

WHEREAS, the CCDPD has prepared the Short Environmental Assessment Form (SEAF) for development of a Sediment and Debris Management Plan for Bemus Creek and determined that the Action is classified as Type 2 Action under 6 NYCRR §617.5(c)(27); now therefore be it

RESOLVED, That the Chautauqua County Legislature accepts the NYSDEC Nonpoint Source Planning Grant award in the amount of \$50,000 and designates up to \$5,000 from the 2% Occupancy Tax Reserve for the Project; 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 A Fund Balance be appropriated as follows:

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

INCREASE THE USE OF FUND BALANCE:

A.-----889.WATR Reserved Fund Balance-MISC RES: Lakes & Watrway \$5,000

; 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 \$55,000

ESTABLISH & INCREASE REVENUE ACCOUNT:

A.8020.WTRS.R308.9000 New York State Aid-Other State Aid \$50,000

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Accept Grant Funding from the New York State Department of State for a Chautauqua County Countywide Resiliency Plan and Amend 2024 Budget

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

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

WHEREAS, Chautauqua County continues to see an increase in the frequency and severity of storm events, flooding, drought, and other weather hazards; and

WHEREAS, New York State Department of State Office of Planning and Development and Community Infrastructure offers grants to support the creation of countywide resiliency plans that primarily address extreme weather risks and vulnerabilities associated with an increase in frequency and severity of storm and precipitation events; sea-level rise; storm surge; flooding; drought; extreme heat; and other climate hazards; and

WHEREAS, the Chautauqua County Department of Planning and Development was awarded a \$144,000 grant (CFA #126891) from the New York State Department of State (NYS DOS) Smart Growth Program Countywide Resiliency Planning Program; and

WHEREAS, the cost of the project is estimated to be \$160,000, funded 90%, or \$144,000, from the NYSDOS Smart Growth Program Countywide Resiliency Planning Program and 10%, or \$16,000, from the Department of Planning and Development's budget; now therefore be it

RESOLVED, That the County Executive is hereby authorized to officially accept the NYSDOS funding, and execute all agreements necessary to implement the Chautauqua County Countywide Resiliency Plan; and be it further

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

INCREASE APPROPRIATION ACCOUNT:

A.8020.----.4	Contractual—Planning	\$144,000
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INCREASE REVENUE ACCOUNT:

A.8020.----.R308.9000	NYS Aid—Other State Aid	\$144,000
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APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Designate Chautauqua County as Lead Agency Responsible for State Environmental Quality Review of State Funded Snowmobile Trail Updates for 2024

BY: Planning and 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 (NYS OPRHP) New York State Snowmobile Trails Grant-in-Aid Program (Program); and

WHEREAS, the Program requires individual participating snowmobile clubs to update the Global Positioning System (GPS) data for their trails at a minimum of every three years; and

WHEREAS, the Program recommends that snowmobile clubs stagger their GPS data collection efforts, resulting in updates every year to be processed by the Chautauqua County Department of Planning and Development; and

WHEREAS, the State Environmental Quality Review (SEQR) requires reroutes or expansions of the existing trail system to have an environmental assessment; and

WHEREAS, the following trails are required to be updated with anticipated SEQR to be completed if reroutes were made to the existing trails; and

Trail	Snowmobile Club	Municipality
C4	Chautauqua Lake Snowmobile Club, Inc.	Chautauqua, Clymer, French Creek, Sherman, Sherman (V)
C4B	Chautauqua Lake Snowmobile Club, Inc.	Portland
C4D	Chautauqua Lake Snowmobile Club, Inc.	French Creek, Mina, Sherman
C4E	Chautauqua Lake Snowmobile Club, Inc.	Chautauqua, Ellery
C4F	Chautauqua Lake Snowmobile Club, Inc.	French Creek, Mina
C4Q	Chautauqua Lake Snowmobile Club, Inc.	Clymer
S41	Chautauqua Lake Snowmobile Club, Inc.	Clymer, Harmony, North Harmony
S45	Chautauqua Lake Snowmobile Club, Inc.	French Creek, Mina
S46	Chautauqua Lake Snowmobile Club, Inc.	Chautauqua
S47	Chautauqua Lake Snowmobile Club, Inc.	Chautauqua
S48	Chautauqua Lake Snowmobile Club, Inc.	Sherman
S48A	Chautauqua Lake Snowmobile Club, Inc.	Clymer, French Creek
S48B	Chautauqua Lake Snowmobile Club, Inc.	Clymer
S48C	Chautauqua Lake Snowmobile Club, Inc.	Clymer
S49	Chautauqua Lake Snowmobile Club, Inc.	Chautauqua, Mayville (V), Westfield, Westfield (V)
S52	Chautauqua Lake Snowmobile Club, Inc.	Harmony, North Harmony, Sherman, Sherman (V)
S16A	Cherry Creek Sno-Goers, Inc.	Cherry Creek

WHEREAS, NYS OPRHP recommends obtaining a SEQR determination prior to receiving approval for trails submitted as part of Phase I of the Program to avoid delays or rejection; and

WHEREAS, the environmental assessment is the responsibility of an agency which undertakes an action to be the lead agency in the SEQR process; and

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

WHEREAS, final SEQR determination(s) would be required to be reviewed by the Chautauqua County Legislature prior to authorization by the County Executive for specific proposed action; therefore be it

RESOLVED, That Chautauqua County does hereby agree to act as the SEQR Lead Agency for the 2024-2025 Program year and as such is authorized to comply with all SEQR requirements for all snowmobile trails within Chautauqua County applying for State funding including any reroutes or updates to an existing trail receiving State funding.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Accept State Environmental Quality Review of Proposed 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 the Chautauqua County Agricultural Districts; 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 6 NYCRR 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 the Chautauqua County's agricultural district boundaries; and

WHEREAS, the modifications 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 8 will not have a significant 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 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 the Chautauqua County Agricultural Districts; and

WHEREAS, Article 25-AA of the Agriculture and Markets Law authorizes the continuance and modification of agricultural districts 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 2 through January 31 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 NYS Agriculture and Markets Law Section 303-b, an inclusion of viable agricultural land in Chautauqua County’s agricultural districts was conducted in 2024; and

WHEREAS, the Chautauqua County Legislature received a request to include 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, the Chautauqua County Agricultural and Farmland Protection Board reviewed submitted inclusion requests and recommended to the Chautauqua County Legislature that the modification of the agricultural district boundaries serves the public interest; 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, the required public hearing was held on April 24, 2024, 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 8, 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