

Agenda

Planning & Economic Development Committee

October 16, 2024, 6:00 p.m., Legislative Chambers

Livestreamed on YouTube

Gerace Office Building, Mayville, NY

- A. Call to Order
- B. Approval of Minutes (08/18/24)
- C. Privilege of the Floor
 - 1. Proposed Resolution – Authorizing Public Hearing Regarding 8-Year Review of Chautauqua County Agricultural District 8
 - 2. Proposed Resolution – Approves SEQRA Review of 2% Watershed Occupancy Tax Grant Program Projects for 2025
 - 3. Proposed Resolution – Approves SEQRA Review of 2% In-Lake Occupancy Tax Grant Program Projects for 2025
 - 4. Proposed Resolution – Authorize Continued Participation in the Lake Erie Watershed Protection Alliance
 - 5. Proposed Resolution – Amend 2024 Budget to Implement the Mason Industrial Park Infrastructure Extension Project, Using Funding from the American Rescue Plan Act (ARPA)
 - 6. Proposed Resolution – Requesting Governor Hochul Delay the Implementation of the New Proposed NYSDEC Wetland Regulations Until All Issues Can Be Fully Understood and Addressed
 - 7. Discussion – Update Regarding North Chautauqua County Water District
 - 8. Other –

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Authorizing Public Hearing Regarding 8-Year Review of Chautauqua County Agricultural District 8

BY: Planning and Economic Development Committee:

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

WHEREAS, Chautauqua County Legislature is responsible for Chautauqua County Agricultural District 8 encompassing the Towns of Busti, Carroll, Chautauqua, Ellery, Ellicott, Kiantone, Poland, and Stockton and the City of Jamestown; and

WHEREAS, Article 25AA section 303-a of the New York State 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, the County received a notification from the New York State Department of Agriculture and Markets to perform an eight-year review for Agricultural District 8; and

WHEREAS, in accordance with New York State Agriculture and Markets Law Section 303-a, a comprehensive eight-year review of Chautauqua County Agricultural District 7 was conducted, and a Notice to Review to accept proposals for modifications to the districts was posted and distributed in accordance with the procedures set forth therein, for the period of August 1, 2024 through August 30, 2024; and

Whereas, the Chautauqua County Agricultural and Farmland Protection Board reviewed the submitted modifications on September 30, 2024, and is finalizing its report and findings of the proposed modifications; and

WHEREAS, in accordance with New York State Agriculture and Markets Law Section 303-a, the County must hold a public hearing prior to accepting proposed modifications to an agricultural district; therefore be it

RESOLVED, That the Chautauqua County Legislature hold a public hearing for the aforementioned purposes during the regular meeting of the Chautauqua County Legislature on December 18, 2024 at 6:35pm in the Legislative Chambers, Gerace Office Building, Mayville, New York, where all interested parties shall be heard regarding the proposed 8-year review modifications to Chautauqua County Agricultural District 8; and be it 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 newspapers of the County.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Approves SEQRA Review of 2% Watershed Occupancy Tax Grant Program Projects for 2025

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

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

WHEREAS, the Chautauqua County Legislature requested the Department of Planning and Development arrange for the SEQRA review of the top four projects recommended by the Review Panel for 2025 2% Occupancy Tax funding as follows:

Project/Agency or Organization	Rank	Amount Requested	Cumulative Amount
Mayville Lakeside Park Tree & Tourism	1	\$19,769	\$19,769
Canadaway Creek Stabilization	2	\$50,000	\$69,769
Lake Erie Shoreline Improvements	3	\$26,509	\$96,278
Cattaraugus Creek Stabilization	4	\$35,920	\$132,198

WHEREAS, as a funder and Involved Agency, the Department of Planning and Development determined that each of the four proposed projects should be classified as an Unlisted Action under 6 NYCRR Part 617.5 and has completed Parts 2 and Part 3 of the Short Environmental Assessment Forms; and

WHEREAS, upon a review of the available information, the Department has determined that no significant adverse environmental impacts are likely to occur as a result of funding these four proposed projects; and

WHEREAS, each proposed project is sponsored by a municipality that is contributing financial resources or in-kind services, and that municipality will act as the Lead Agency, hold any required permits and make its own SEQRA determination; and

WHEREAS, the New York State Department of Environmental Conservation will require a permit in connection with the Canadaway Creek and Cattaraugus Creek Streambank Stabilizations, and as such, has the discretionary authority to grant or deny said permit and will undertake its own environmental review before construction is allowed to proceed; now therefore be it

RESOLVED, That the Chair of the Chautauqua County Legislature and/or the County Executive are hereby authorized to execute any and all documents necessary to approve and report the SEQR findings of the Department of Planning and Development for the four identified projects.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Approves SEQRA Review of 2% In-Lake Occupancy Tax Grant Program Projects for 2025

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

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

WHEREAS, the Chautauqua County Legislature requested the Department of Planning and Development arrange for the SEQRA review of the top four projects recommended by the Review Panel for 2025 2% Occupancy Tax funding as follows:

Project/Agency or Organization	Rank	Amount Requested	Cumulative Amount
Chautauqua Marina	1	\$50,000	\$50,000
Bear Lake Canal Access Dredging Permitting	2	\$20,000	\$70,000
2025 CLA Operational Assistance	3	\$50,000	\$120,000
Mobitrac Nearshore Cleanup	4	\$50,000	\$170,000

WHEREAS, as a funder and Involved Agency, the Department of Planning and Development determined that each of the proposed projects should be classified as a Type 2 Action under 6 NYCRR Part 617.5 and no further environmental review is warranted; now therefore be it

RESOLVED, That the Chair of the Chautauqua County Legislature and/or the County Executive are hereby authorized to execute any and all documents necessary to approve and report the SEQR findings for the four identified projects.

APPROVED
VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Authorize Continued Participation in the Lake Erie Watershed Protection Alliance

BY: Planning and Economic Development Committee:

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

WHEREAS, Lake Erie provides a fresh water resource to New York State residents and visitors for drinking water, energy production, agriculture, industry, recreation and other uses that greatly affect the New York State economy and health of users; and

WHEREAS, this resource is threatened by point and non-point source pollutants within the watershed and along the Lake Erie shoreline within New York State; and

WHEREAS, pursuant to Resolution 24-15 of the Chautauqua County Legislature, the County of Chautauqua, County of Erie, and County of Cattaraugus (the “Member Municipalities”) established the Lake Erie Watershed Protection Alliance as the means by which the counties work collaboratively to address the issues confronting Lake Erie; therefore be it

RESOLVED, That the County Executive is authorized to extend the inter-municipal agreement with the County of Erie and the County of Cattaraugus to continue the Lake Erie Watershed Protection Alliance, for an extension term to commence January 1, 2024 and terminating December 31, 2030.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Amend 2024 Budget to Implement the Mason Industrial Park Infrastructure Extension Project, Using Funding from the American Rescue Plan Act (ARPA)

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

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

WHEREAS, President Biden signed into law the American Rescue Plan Act (ARPA) on March 11, 2021, and this legislation contains a wide array of stimulus and recovery funding designed to ensure the nation's swift economic and public health recovery from COVID-19; and

WHEREAS, Chautauqua County received an award of \$24,649,420 in ARPA funding, all of which is available for general county spending based on the Treasury Department's revenue loss formula and other guidance; and

WHEREAS, an ARPA Spending Plan was thoroughly reviewed by an ARPA working group, the County Executive, and the County Legislature, and was adopted pursuant to Resolution No. 202-21; and

WHEREAS, some funds allocated in the ARPA Spending Plan are no longer needed for the originally designated project(s), and are now available for other projects, and a procedure has been established for the ARPA working group to review new requests for APPA funds and to allocate the available funds; and

WHEREAS, the Mason Industrial Park Infrastructure Extension project fits within the guidelines for ARPA spending, is needed because the CCIDA would contract with a firm to undertake erosion control; storm water management; stubbing in a road, water and sewer; extending a gas line; and extending telephone and communications infrastructure into the site, and budget amendments are necessary to authorize spending for the project; now therefore be it;

RESOLVED, T

hat the Director of Finance is hereby authorized and directed to make the following changes to the 2024 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

H.6420.37008.4	Contractual—Promotion of Industry	\$499,500
A.9950.----.9	Interfund Transfers—Transfer to Capital	<u>\$499,500</u>
	Total	\$999,000

INCREASE REVENUE ACCOUNTS:

H. 6420.37008.R503.1000	Interfund Transfers—Interfund Transfer	\$499,500
A.9950.----.R408.9ARP	Federal Aid—Oth Fed Aid ARPA Funds	<u>\$499,500</u>
	Total	\$999,000

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

CHAUTAUQUA COUNTY
RESOLUTION NO. _____

TITLE: Requesting Governor Hochul Delay the Implementation of the New Proposed NYSDEC Wetland Regulations Until All Issues Can Be Fully Understood and Addressed

BY: Planning & Economic Development Committee:

AT THE REQUEST OF: Legislator Pierre Chagnon, Legislator Marty Proctor, Legislator Travis Heiser, Legislator Jamie Gustafson, Legislator Lisa Vanstrom, Legislator John Penhollow, Legislator Bob Scudder:

WHEREAS, Chautauqua Lake, Cassadaga Lake, Findley Lake, Lake Erie and Bear Lake are all Class A lakes and are environmental and recreational treasures for our region; and

WHEREAS, concerns being expressed by many in our community about changes to the wetlands designation by the Department of Environmental Conservation for the lakes are understandable given the harmful impact such restrictions could have on homeowners, property values and even the area's economy; and

WHEREAS, Senator Borrello and Assemblyman Goodell have introduced bills that would exempt inland lakes that are navigable waterways and have an area of one hundred fifty acres or more from freshwater wetlands designations. The bills would further exclude the Great Lakes from the definition of "inland lake"; and

WHEREAS, wetland designations can impose restrictions on land use, potentially decreasing property values and limiting landowners' ability to use their land as they see fit. Exempting inland lakes of one hundred fifty acres or more can facilitate continued use for boating, fishing, tourism, and other water-based recreation, which are crucial for local economies and community enjoyment; and

WHEREAS, the proposed regulations are far reaching with many ramifications and unanticipated impacts; and

WHEREAS, it is essential that the proposed wetland regulations reflect the legislative intent behind the new statutory language, as well as a proper balance between environmental protection and the legitimate concerns of affected landowners; now therefore be it

RESOLVED, County of Chautauqua calls on Governor Hochul to delay the implementation of the new proposed NYSDEC wetland regulations until all issues and ramifications are fully understood and addressed.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date