Agenda

Planning & Economic Development Committee

November 10, 2021, 6:00 p.m., Legislative Chamber

Livestreamed on Facebook

Gerace Office Building, Mayville, NY

- A. Call to Order
- B. Approval of Minutes (10/20/21)
- C. Privilege of the Floor
- 1. <u>TABLED Resolution</u> Amend 2021 Budget to Implement the Upgrades to County Trails
 Project Within the Chautauqua County American Rescue Plan Act
 (ARPA) Spending Plan
- 2. <u>Proposed Resolution Co-Fund Lake Erie Weed Harvester</u>
- 3. <u>Proposed Resolution Environmental Review for Occupancy Tax for Lakes & Waterways</u>
 Grant Projects Within the Chautauqua County American Rescue Plan
 Act (ARPA) Spending Plan
- 4. Other

CHAUTAUQUA COUNTY RESOLUTION NO.

MRG 10/1/21 KMD 10/4/21 BPB 10/5/21 KMW 10.5.21 SMA 10/05/21 KLC 10/07/21 PMW 10/7/21

TITLE: Amend 2021 Budget to Implement the Upgrades to County Trails Project Within the Chautauqua County American Rescue Plan Act (ARPA) Spending Plan

BY: Public Facilities, Planning & 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 \$24,600,000 in ARPA funding, of which \$18,219,169 is available for general County spending based on the Treasury Department's revenue loss formula and other guidance, and the remaining \$6,380,831 in funding can only be spent on designated ARPA categories including premium pay; water, sewer, and broadband projects; and responding to the COVID-19 pandemic and its associated economic impacts; and

WHEREAS, an ARPA working group consisting of the County Executive, several legislators, and several department heads worked for many months to create an ARPA Spending Plan (Plan) consisting of priority projects to address the key strategic categories as defined by the Department of Treasury, to be sustainable, and to have a County-wide impact; and

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

WHEREAS, the Upgrade County Trails project, identified as one of the priority projects recommended in Resolution 202-21, is ready to proceed and budget amendments are necessary to authorize spending for the project; therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2021 Adopted Budget in order to Implement the Upgrades to County Trails project:

INCREASE APPROPRIAT	TION ACCOUNTS:	
H.8020.37010.4	Contractual—Planning, Trail Development (202	\$250,000
A.99509	Interfund Transfers—Transfer to Capital	\$250,000
	Total	\$500,000
INCREASE REVENUE A	CCOUNTS:	
H.8020.37010.R503.1000	Interfund Transfers – Interfund Transfer	\$250,000
A.9950. 9999 .R408.9ARP	Interfund Transfers - O+h Fed Aid: ARPA	\$250,000
	Total	\$500,000

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PED. 7	16 look 10/18/2021 rabled 10/20/2021
	APPROVED
	VETOES (VETO MESSAGE ATTACHED)

County Exec	cutive	•	Date

CHAUTAUQUA COUNTY RESOLUTION NO.

DLM 9/29/21 KMD 09/29/21 ABC 09/29/21 SMA 09/29/21 KLC 9/30/21

TITLE: Co-Fund Lake Erie Weed Harvester

BY: Planning & Development and Audit & Control Committees:

AT THE REQUEST OF: County Executive Paul M. Wendel, Jr. and Legislators Bob Bankoski and Kevin Muldowney:

WHEREAS, Lake Erie is an invaluable economic asset to Chautauqua County, but excessive weed growth and floating trash is negatively impacting the aesthetics and usability of the beaches, marinas, and docking facilities located in the vicinity of Dunkirk Harbor; and

WHEREAS, the City of Dunkirk has invested \$45,000 to acquire a weed harvester and conveyor and intends to implement a lake maintenance program that will improve the aesthetics and usability of the beaches, marinas, and docking facilities located in Dunkirk Harbor by harvesting weeds and collecting floating trash; and

WHERAS, the City of Dunkirk is developing a plan to service and maintain the weed harvester and conveyor and will include funding in its annual budget to fund a lake maintenance program throughout Dunkirk Harbor; and

WHEREAS, Chautauqua County supports lake maintenance programs on Chautauqua Lake, Findley Lake, Cassadaga Lakes, and Bear Lake with revenues sourced from the 2% Occupancy Tax for Lakes and Waterways; and

WHEREAS, the City of Dunkirk has requested a one-time reimbursement of \$20,000 from the 2% Occupancy Tax Program for Lakes and Waterways to reduce its initial investment in the weed harvester and conveyor; and

WHEREAS, the 2% Occupancy Tax Program Reserve has a balance of \$227,134 for projects of special opportunity and need; therefore be it

RESOLVED, That the Chautauqua County Legislature designates \$20,000 from the 2% Occupancy Tax Program Reserve to reimburse the City of Dunkirk for its initial investment in the weed harvester and conveyor, pending receipt of acceptable documentation from the City of Dunkirk evidencing purchase of said equipment and a copy of its lake maintenance program; 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:

INCREASE THE USE OF FUND BALANCE:

A.----.889.WATR Reserved Fund Balance-MISC RES: Lakes & Watrway \$20,000

; and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following amendment to the 2021 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

A.8020.WTRS.4 Contractual—Planning, Watershed Administration \$20,000

APPROVED VETOES (VETO N	MESSAGE ATTACHED)
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County Executive	Date

CHAUTAUQUA COUNTY RESOLUTION NO.

TITLE: Environmental Review for Occupancy Tax for Lakes & Waterways Grant Projects Within the Chautauqua County American Rescue Plan Act (ARPA) Spending Plan

BY: Planning & Economic Development Committee:

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 \$24,600,000 in ARPA funding, of which \$18,219,169 is available for general county spending based on the Treasury Department's revenue loss formula and other guidance, and the remaining \$6,380,831 in funding can only be spent on designated ARPA categories including premium pay; water, sewer, and broadband projects; and responding to the COVID-19 pandemic and its associated economic impacts; and

WHEREAS, an ARPA working group consisting of the County Executive, several legislators, and several department heads worked for many months to create an ARPA Spending Plan (Plan) consisting of priority projects to address the key strategic categories as defined by the Department of Treasury, to be sustainable, and to have a County-wide impact; and

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

WHEREAS, the Occupancy Tax Bolster project was included as one of the priority projects approved in the Plan; and

WHEREAS, pursuant to Resolution 231-21, the 2021 Occupancy Tax Program Budget was amended to include \$800,000 of ARPA funding, and \$400,000 of said funding was designated to restore the programming for the 2020 and 2021 Chautauqua County 2% Occupancy Tax Grant Program for Lakes & Waterways and the implementation of following projects; and

Project/Agency or Organization	Rank	SEQR Determination
Chautauqua (Town)	2020-6	RES 189-19
Boat Stewards	2020-7	RES 189-19
Lighthouse Point	2020-8	RES 235-19
Morse	2020-9	RES 235-19
Park	2020-10	RES 235-19
Cooney Green Infrastructure	2020-11	Type II Action
Lakewood Grandview	2021-1	RES 177-20

APPROVED	
VETOES (VETO	MESSAGE ATTACHED)
County Executive	Date

CWC Lake Friendly Lawn Care	2021-2	RES 177-20
Rice Tim	2021-3	RES 177-20
O'Brien	2021-4	RES 177-20
Mud Creek 2	2021-5	RES 177-20
Sunset Bay HOA	2021-6	RES 177-20
Pomfret Salt Storage	2021-7	RES 177-20
Stark Chautauqua Lake Shoreline	2021-8	RES 177-20

WHEREAS, the Environmental Review required by 6 NYCRR Part 617 of the Environmental Conservation Law was previously completed for thirteen of fourteen Chautauqua County Occupancy Tax Program for Lakes and Waterways projects that are ready for implementation and memorialized in Resolutions 189-19, 235-19 and 177-20; and

WHEREAS, the Environmental Review was completed for the remaining Cooney Green Infrastructure Project, which was determined to be a Type II Action in accordance with 6 NYCRR Part 617.5 (c)(a); and

WHEREAS, the County has reviewed and analyzed the Short Environmental Assessment Form (SEAF) for each of the fourteen projects eligible for ARPA funding, and considered any relevant areas of environmental concern and probable environmental impacts of the Actions to determine if the Actions may have any significant adverse environmental effects; now therefore be it

RESOLVED, That the County has determined that implementation of the fourteen projects eligible for ARPA funding 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 the implementing regulations found at 6 N.Y.C.R.R. Part 617; 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.

	APPROVED	
		IESSAGE ATTACHED
County E	xecutive	Date

Short Environmental Assessment Form Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Cooney's Island, LLC Name of Action or Project: Cooney's Island Green Infrastructure Project Project Location (describe, and attach a location map): 25 West Main Street, Ripley, NY 14775 (300' west of intersection of NYS Route 20 and County Route 76) Brief Description of Proposed Action: This project will involve reconstruction of a 2,400 square foot parking area with permeable pavement and stabilization of a drainage swale that discharges into an unnamed tributary to Lake Erie. Name of Applicant or Sponsor: Cooney's Island LLC, Debbie Cooney 814-449-1732 Address: 4022 Stetson Road City/PO: Ripley State: New York New York 1,275 NO YES Admil: Action of Ripley Studing Permit is required a permit, approval or funding from any other governmental Agency? If Yes, sits agency(s) name and permit or approval: A Tom of Ripley Building Permit is required. Funding is from the Chautauqua County Occupancy Tax Program for Lakes & Waterways. 3.a. Total acreage of the site of the proposed action? 0.06 acres 1. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 2. Check all land uses that occur on, adjoining and near the proposed action	Part 1 - Project and Sponsor Information					
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may be affected in the municipality and proceed to Part 2. If no, continue to question 2. 2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: A Town of Ripley Building Permit is required. Funding is from the Chautauqua County Occupancy Tax Program for Lakes & Waterways. 3.a. Total acreage of the site of the proposed action? b. Total acreage to be physically disturbed? c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 4. Check all land uses that occur on, adjoining and near the proposed action. ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☐ Residential (suburban) ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): ☐		41	:			
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or controlled by the applicant or project sponsor? 4. Check all land uses that occur on, adjoining and near the proposed action. Urban Rural (non-agriculture) Industrial Commercial Residential (suburban) Forest Agriculture Aquatic Other (specify):		0.0	06 acres			
 ✓ Urban ✓ Rural (non-agriculture) ☐ Industrial ✓ Commercial ✓ Residential (suburban) ✓ Forest ☐ Agriculture ✓ Aquatic ☐ Other (specify): 	or controlled by the applicant or project sponsor?	0.2	25_acres			
 ✓ Urban ✓ Rural (non-agriculture) ☐ Industrial ✓ Commercial ✓ Residential (suburban) ✓ Forest ☐ Agriculture ✓ Aquatic ☐ Other (specify): 	4. Check all land uses that occur on, adjoining and near the proposed action.					
_ 1 (-F)	✓ Urban ✓ Rural (non-agriculture) ☐ Industrial ✓ Comme		☑ Residential (suburb	an)		
☐ Parkland		specify)):			
	☐Parkland					

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?			√
b. Consistent with the adopted comprehensive plan?	\Box	Ī	V
6. Is the proposed action consistent with the predominant character of the existing built or natural		NO	YES
landscape?			✓
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Arc	ea?	NO	YES
If Yes, identify:		✓	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	-	NO	YES
b. Are public transportation service(s) available at or near the site of the proposed action?	-	V	닏
o. The public transportation service(s) available at of fical the site of the proposed action?	L	\checkmark	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed acti	on?	\checkmark	
9. Does the proposed action meet or exceed the state energy code requirements?		NO	YES
If the proposed action will exceed requirements, describe design features and technologies:		√	
	_		ш
10. Will the proposed action connect to an existing public/private water supply?		NO	YES
If No, describe method for providing potable water:			
11 140, describe method for providing potable water.		\checkmark	Ш
11. Will the proposed action connect to existing wastewater utilities?	-+	NO	YES
	-	NO	IES
If No, describe method for providing wastewater treatment:		√	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	L	NO	YES
b. Is the proposed action located in an archeological sensitive area?	L	\checkmark	
o. is the proposed action located in an archeological schistive area:		✓	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain		NO	YES
wetlands or other waterbodies regulated by a federal, state or local agency?	L		\checkmark
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?			\checkmark
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: The project will improve storm water quality and reduce sedimentation that currently discharges into an unnamed tributa			
Lake Erie.			enci Li
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check al	l that a	only:	
☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-succession		ppij.	
☐ Wetland ☐ Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed		NO	YES
by the State or Federal government as threatened or endangered?		\checkmark	
16. Is the project site located in the 100 year flood plain?		NO	YES
		1	
17. Will the proposed action create storm water discharge, either from point or non-point sources?		NO	YES
If Yes, a. Will storm water discharges flow to adjacent properties?		\Box	√
	L	_	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?		
If Yes, briefly describe: NO YES The project will improve storm water quality and reduce sedimentation that currently discharges into an unnamed tributa	ry of	1802.19	
Lake Erie.	7.		
	- 1		

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?	NO	YES
If Yes, explain purpose and size:		
19. Has the site of the proposed action or an adjoining property been the location of an active or closed	NO	YES
solid waste management facility?	110	125
If Yes, describe:		
	✓	
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or	NO	YES
completed) for hazardous waste?		
If Yes, describe:		
	A	
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE F	BEST O	F MY
KNOWLEDGE		
Applicant/sponsor name: David L. McCoy on behalf of Debbie Cooney Date: 10/20/2021		
Signature: July C. J. K.		
organica.		

Agen	cy Use Only [If applicable]
Project:	Cooney's Island
Date:	10/20/21

Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

The purpose of this project is to resolve an ongoing erosion problem in the parking lot of a commercial business (Cooney's Island). The existing gravel parking lot is flooded by runoff from NYS Route 20 during severe precipitation events. During these events, tons of gravel are eroded from the parking lot and deposited in an unnamed tributary to Lake Erie. The project will involve the installation of 2,400 SF of permeable pavement, underdrain and stabilization of the existing drainage swale that discharges into the unnamed tributary.

No potential negative long-term or cumulative impacts or significant adverse environmental impacts were identified in connection with this project; however, some small, temporary impacts related to construction of the project were identified. Those impacts include dust and noise due to excavation by construction equipment, minor disruption of traffic on NYS Route 20 due to material deliveries to the project site during the construction period, which is expected to take approximately two weeks. Short-term impacts to water quality due to construction activities will be mitigated by using the Best Management Practices identified in the New York State Standards and Specifications for Erosion and Sediment Control (Blue Book), July, 2016 version.

This project is "Typed" a Type II Action rather than an Unlisted Action, which most 2% Occupancy Tax Projects have traditionally been categorized. This determination has been made pursuant to the State Environmental Quality Review Act ("SEQRA"), codified at Article 8 of the New York State Environmental Conservation Law ("ECL"), and its implementing regulations, promulgated at Part 617 of the Title 6 of the New York Code, Rules and Regulations ("N.Y.C.R.R."), which collectively contain the requirements for the State Environmental Quality Review ("SEQR").

This decision is based on the 2019 amendments to Part 617 of the Title 6 of N.Y.C.R.R. Part 617.5 - Type II Actions (c)(3) "retrofit of an existing structure and its appurtenant areas to incorporate green infrastructure.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.				
Check this box if you have determined based on the infe	ormation and analysis above, and any supporting documentation,			
that the proposed action will not result in any significant	to that to the analysis above, and any supporting documentation,			
— that the proposed action will not result in any significant	adverse environmental impacts.			
Chautauqua County				
Name of Lord Accepts	D.			
Name of Lead Agency	Date			
Driet on Town Name of Down 111 Off 1 1 1 1	Til (0p) 111 000			
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer			
	David L. McCpy			
	David L. Micopy			
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)			
	Signature of Freparer (if different fibilit Responsible Officer)			

Agency Use Only [If applicable	el
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and the second second					
Cooney's Island					
October 20, 2021					

Short Environmental Assessment Form Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

		No, or small impact may occur	Moderate to large impact may occur
1.	Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	√	
2.	Will the proposed action result in a change in the use or intensity of use of land?	✓	
3.	Will the proposed action impair the character or quality of the existing community?	✓	
4.	Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	✓	
5.	Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	✓	
6.	Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	√	
7.	Will the proposed action impact existing: a. public / private water supplies?	√	
	b. public / private wastewater treatment utilities?	√	
8.	Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	✓	
9.	Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	✓	
10.	Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	✓	
11.	Will the proposed action create a hazard to environmental resources or human health?	√	

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?	NO	YES		
If Yes, explain purpose and size:				
11 1 cs, explain purpose and size.				
	✓			
19. Has the site of the proposed action or an adjoining property been the location of an active or closed	NO	YES		
solid waste management facility?				
If Yes, describe:				
20 Has the site of the successful distribution in the site of the sit				
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO	YES		
If Yes, describe:				
		ш		
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY				
KNOWLEDGE				
Applicant/sponsor name: David L. McCoy on behalf of Debbie Cooney Date: 10/20/2021				
Signature:				