

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. TABLED Resolution – Amend 2021 Budget to Implement the Upgrades to County Trails Project Within the Chautauqua County American Rescue Plan Act (ARPA) Spending Plan
- 2. Proposed Resolution – Co-Fund Lake Erie Weed Harvester
- 3. Proposed Resolution – Environmental Review for Occupancy Tax for Lakes & Waterways 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 APPROPRIATION ACCOUNTS:

H.8020.37010.4	Contractual—Planning, Trail Development (2020)	\$250,000
A.9950.----.9	Interfund Transfers—Transfer to Capital	\$250,000
	Total	\$500,000

INCREASE REVENUE ACCOUNTS:

H.8020.37010.R503.1000	Interfund Transfers – Interfund Transfer	\$250,000
A.9950.9999.R408.9ARP	Interfund Transfers – Other Fed Aid: ARPA	\$250,000
	Total	\$500,000

AC - Tabled 10/21/2021
PF - Tabled 10/18/2021
PED. Tabled 10/20/2021

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

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

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

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

WHEREAS, 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
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; 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
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APPROVED
VETOES (VETO MESSAGE ATTACHED)

_____	_____
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
VETOES (VETO MESSAGE ATTACHED)

County Executive

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.

Part 1 - Project and Sponsor Information			
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		Telephone: 814-449-1732	
		E-Mail:	
Address: 4022 Stetson Road			
City/PO: Ripley		State: New York	Zip Code: 14775
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
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.			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		0.06 acres	
b. Total acreage to be physically disturbed?		0.06 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.25 acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input checked="" type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

<p>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)? If Yes, explain purpose and size: _____ _____ _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>

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: 

Project: Cooney's IslandDate: 10/20/21

Short Environmental Assessment Form Part 3 Determination of Significance

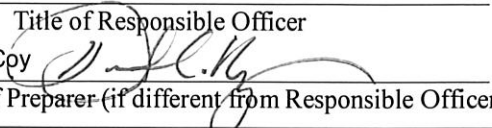
For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify 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.

<input type="checkbox"/> 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.	
<input checked="" type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
Chautauqua County	
Name of Lead Agency	Date
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)
	David L. McCoy 

PRINT FORM

Project: Cooney's Island

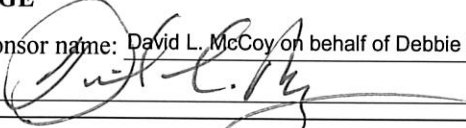
Date: October 20, 2021

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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<p>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)? If Yes, explain purpose and size: _____ _____ _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p>		
<p>Applicant/sponsor name: David L. McCoy on behalf of Debbie Cooney</p>		<p>Date: 10/20/2021</p>
<p>Signature: </p>		