

VILLAGE OF SHERMAN

MINUTES OF THE PUBLIC HEARING OF THE 2023 COMPREHENSIVE PLAN UPDATE, SPECIAL MEETING OF THE BOARD, & MEETING OF THE MUNICIPAL ZONING BOARD Wednesday, March 22, 2023 at 6:00pm

Mayor Meeder called the meeting to order at 6:02pm and lead everyone in the Pledge of Allegiance. Board members Colleen Meeder, Ryan Sanders, Dennis Watson, Gary Emory, Danielle Crane; and Clerk-Treasurer Jeanette Ramm were present.

Motion to suspend the special meeting and enter into the Public Hearing of the 2023 Comprehensive Plan Update.

Moved by Trustee Watson Seconded by Trustee Emory

Ayes: 5 Nays: 0 Carried

PUBLIC HEARING 2023 COMPREHENSIVE PLAN UPDATE

March 14, 2023, at 6:30, Steering Committee Members Chairperson Rose Crane, Tim Minge, Gary Emory, Ken Labuskes, Doug Crane, Georgia Peck (via zoom), and Mayor Colleen Meeder were in attendance; absent Melissa Gormley, later joined by Alma Brown of Heritage Resources, LLC for the NYMS Project.

The Steering Committee approved and recommended the updates to the Comprehensive Plan correcting the language regarding the Village's historic commercial and residential resources and historic assets; additions to Objective A & B on page 51 regarding municipal infrastructure; and additions to Objective D for Complete Streets, wayfinding, and placemaking initiatives, in a motion made by Ken Labuskes, seconded Doug Crane, unanimously carried.

The trustees reviewed the updates to the Comprehensive Plan and the County's letter recommending an executive summary be included as a forward to the Comp Plan document (attached at the end of the minutes).

Motion to close the public hearing and enter into the meeting of the Municipal Zoning Board.

Moved by Trustee Emory Seconded by Trustee Crane

Ayes: 5 Nays: 0 Carried

MUNICIPAL ZONING BOARD MEETING:

Receive Planning Board Report.

March 14, 2023, at 4:30, Planning Board Members Garrett Spitzer, Bill Piazza, Brian Bates & Kelly Jo Becker met with Carter Powell, the Project Manager for Solar Liberty. The post installation is expected to be complete by June, followed by the racking and electrical installation, with an anticipated completion date before the end of year. Given it was previously a corn field and the poles do not disturb the soil, the seeding for the future agricultural use will be done in phases.

The members discussed the Comprehensive Plan updates and the Trail System proposed improvements in coordination with Chautauqua County initiatives. Colleen Meeder shared information from her recent meeting with Jacob Bodway of CC Friends of the Greenway.

Matt Bromberg & Paul Salzler joined the Planning Board Meeting. As members of the M3P Realty, LLC that is purchasing 121 & 123 W Main St buildings, they are proposing to establish two short term rental units. They would be open concept, 2 bedroom units. Together they discussed:

*Air BnB experience and rules
Management & Cleaning
Sound proofing / noise suspension
Parking out back
Investigating place for 2yrd dumpster on property, recycling system
Fire Extinguisher
Ask fire chief / fire marshal about dry sprinkler (recommended by COE)
C1-Commercial District*

Members don't believe a dry sprinkler system should be required but investigated and encouraged / CEO would like to see these added whenever possible particularly within attached row buildings.

Members believed this would be a welcomed addition to the Village's economic development plan.

Motion to recommend the approval of the special use permit for 121 & 123 W Main St for short term rental use, moved by Brian Bates and seconded by Garrett Spitzer, unanimously approved.

The members of the Municipal Zoning Board want to ensure there is rear access, some type of fire escape, which appears to be depicted by the rear door to the apartment. Mayor Meeder said the code officer would ensure the building would meet code. The board would like the dry sprinkler system to be highly encouraged but understand there are costs to be considered; they discussed whether some incentive could be implemented to further encourage its installation.

RES 2023-03-22.1: 121-123 W MAIN ST, SHORT-TERM RENTAL, ZBA REFERRAL

Motion to accept the recommendations of the Village of Sherman Planning Board and refer the special use permit for short-term rental at 121 and 123 W Main St to the Zoning Board of Appeals for a public hearing and written determination.

Moved by Trustee Watson Seconded by Trustee Crane

Ayes: 5 Nays: 0 Carried

RES 2023-03-22.2: ANNUAL DUMPSTER SPECIAL USE PERMITS

Motion to approve the following annual dumpster permits:

- 100-104 East Main St, The Cornerstone – commercial with no conditions
- 111 West Main St, Feelin' Saucy – commercial with no conditions
- 108 Columbia St – residential with no conditions

Moved by Trustee Emory Seconded by Trustee Sanders

Ayes: 5 Nays: 0 Carried

RES 2023-03-22.3: SPECIAL USE – SIGN PERMIT

Motion to approve the sign permit for 100-104 East Main Street, The Cornerstone, *same location and size as the previous signage.*

Moved by Trustee Emory Seconded by Trustee Crane

Ayes: 5 Nays: 0 Carried

Additionally, the Municipal Zoning Board reviewed SL Sherman & SL Sherman II's request to install agricultural grade fencing as opposed to the chain link fence typically installed. The members believed the wooden posted and woven wire would not be as abrasive and fit in better with the character of the community. However, they expressed their concern that the life of the fence may not be as long as that of a chain link fence. As long as the fence is maintained within the standards set by the O&M agreement, they find it satisfactory.

Motion to close the Municipal Zoning Board Meeting and resume the special meeting of the Board of Trustees.

Moved by Trustee Watson Seconded by Trustee Sanders

Ayes: 5 Nays: 0 Carried

SPECIAL BOARD MEETING:

TRAIL – Mayor Meeder updated the Board on the trail initiatives around the county and the Village's part in the vision. Jacob Bodway was excited to see a proposed loop, most trails pass "threw" an area. We need to connect the Village better with the head of the Titus Trail and with the West Overland Trail to the East.

ASSESSMENTS – Mayor Meeder mentioned the recent assessments that went out throughout the Town of Sherman. The NYSOSC recently reported the Village's Fiscal Stress Score; and the Environmental Stress Score was in the "Susceptible Environmental Stress" range because the Tax Base – Percent Change in Home Value actually dropped by 6.38% over the last five years while the Housing Consumer Price Index has gone up 10.53%. The Village's 2021 median value of owner-occupied housing was only \$67,500. She reminded the members that the 'tax rate' is a product of assessment and the levy. If the assessments go up and the levy remains the same, the tax rate will go down accordingly.

RES 2023-03-22.4: SEQRA NEG DEC & COMPREHESIVE PLAN ADOPTION

Motion to approve the Negative Declaration of SEQRA and adopt the Village of Sherman 2023 Comprehensive Plan Update:

RESOLUTION TO ADOPT THE 2023 COMPREHENSIVE PLAN UPDATE

WHEREAS, the Village of Sherman Board of Trustees began an update to the Village's 2021 Comprehensive Plan in February of 2023, to create an updated planning document on which future investment and decision-making may be based; and

WHEREAS, the ongoing comprehensive plan update process under the direction of the Comprehensive Plan Steering Committee with assistance from the Barton & Loguidice and Clinton Brown Company Architecture has resulted in the Draft 2023 Comprehensive Plan Update; and

WHEREAS, Clinton Brown Company Architecture (CBCA) suggested editing the 2021 Comprehensive Plan to accurately reflect the information gathered during the 2010 Reconnaissance Level Historic Resources Survey prepared by CBCA for the Village of Sherman; and

WHEREAS, the Village of Sherman Village Board sent a letter and Part 1 of a Full Environmental Assessment Form (FEAF) to other potentially “Interested Agencies” and “Involved Agencies” (as these terms are defined in the SEQRA Regulations found at 6 NYCRR Part 617.2), indicating the Village’s desire to serve as the “Lead Agency” (as this quoted term is defined in the SEQRA Regulations) and to complete a coordinated review of the Project (in accordance with 6 NYCRR Part 617.6); and

WHEREAS, responses from Interested and Involved Agencies were requested, and each of the potentially Interested and Involved Agencies has agreed to, or raised no objections to, the Village of Sherman Village Board serving as Lead Agency for the Project; and

WHEREAS, the Steering Committee met on March 14, 2023, at the Village Hall at 6:30PM; at which the Steering Committee recommended by resolution that the Village of Sherman Board of Trustees adopt the Draft 2023 Comprehensive Plan Update; and

WHEREAS, the Board of Trustees held a public hearing for the adoption of the Draft 2023 Plan this day at the Village Hall of the Village of Sherman at 6:00PM; hearing all public comment in favor and/or opposition to the proposed comprehensive plan update; and

WHEREAS, such public comments were overwhelmingly positive and supportive of the comprehensive plan update effort and its adoption by the Board of Trustees; and

WHEREAS, the Board of Trustees has determined that it is in the best interest of the Village to adopt the Plan, recognizing that it not only identifies a unified community vision and priority policy areas, but also provides a detailed, action-oriented framework for the achievement of such vision and policies; and

WHEREAS, the Board of Trustees of the Village of Sherman in declaring itself lead agency in this action and completing a Full Environmental Assessment Form for the purpose of SEQRA, determined that the action will not have any adverse environmental impacts on the community, its character or quality of life;

NOW, THEREFORE, BE IT RESOLVED, that the Village of Sherman Village Board hereby establishes itself as Lead Agency for the Update; and

BE IT FURTHER RESOLVED, that the Board of Trustees of the Village of Sherman issue a negative declaration for this action with respect to SEQRA and are in favor of the adoption of the 2023 Comprehensive Plan Update; and

BE IT FURTHER RESOLVED, that the Board of Trustees of the Village of Sherman hereby adopts the 2023 Comprehensive Plan and recognizes it as an official update to and replacement of the Village of Sherman 2021 Comprehensive Plan.

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

On the motion of Trustee Sanders, seconded by Trustee Emory, the foregoing resolution was put to a vote as follows:

Colleen Meeder, Mayor	<u>Aye</u>
Ryan Sanders, Deputy Mayor	<u>Aye</u>
Gary Emory, Trustee	<u>Aye</u>
Dennis Watson, Trustee	<u>Aye</u>
Danielle Crane, Trustee	<u>Aye</u>

The foregoing resolution was thereupon declared duly adopted this 22nd day of March 2023.

RES 2023-03-22.5: PRE-APPROVAL OF VOUCHERS FOR EARLY RELEASE

Motion to approve the release of the following vouchers, to be included on the MARCH VOUCHER #11, on April 19, 2023:

Ken E. Rapp (for gas line) \$ 4,165.88

Barclay Damon, LLP \$13,488

Peter D. Clark \$ 2,530

Moved by Trustee Watson Seconded by Trustee Emory

Ayes: 5 Nays: 0 Carried

RES 2023-03-22.6: SEQRA – 129 W MAIN ST SALES CONTRACT

Motion to approve the Negative Declaration of SEQRA for the 129 W Main St Sales Contract:

**RESOLUTION OF THE VILLAGE OF SHERMAN VILLAGE BOARD DETERMINING
THAT THE ACTION TO EXECUTE THE PROPOSED SALE OF 129 W MAIN ST
PROPERTY (SALES CONTRACT BETWEEN THE VILLAGE OF SHERMAN AND
DAVID CONRAD) IS AN UNLISTED ACTION AND WILL NOT HAVE A SIGNIFICANT
ADVERSE IMPACT ON THE ENVIRONMENT**

WHEREAS, the Village of Sherman Village Board (the “Village Board”) is reviewing the proposed sale of 129 W Main St property (Sales Contract between the Village of Sherman and David Conrad) (the “Action”), within the Village of Sherman; and

WHEREAS, the property of 129 West Main Street is located within the Village of Sherman, Chautauqua County, State of New York; and

WHEREAS, the Village of Sherman owns the property of 129 West Main Street; and

WHEREAS, the property of 129 West Main Street, Sherman is identified on the tax map as SBL 328.10-1-33; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, as amended, the New York State Environmental Quality Review Act (“SEQRA”) and the implementing regulations at 6 NYCRR Part 617 (the “Regulations”), the Village Board desires to comply with SEQRA and the Regulations; and

WHEREAS, the Village of Sherman Village Board is identified as the agency directly undertaking the proposed action, and the Village Board is completing an uncoordinated review of the Action under the SEQRA Regulations; and

WHEREAS, pursuant to the Regulations, the Village Board has considered the impacts of the Action by (a) using the criteria specified in Section 617.7 of the Regulations, and (b) examining the Full Environmental Assessment Form (“FEAF”) for the Action, including the facts and conclusions of Parts 1, 2 and 3 of the FEAF, together with the proposed Local Law and other available supporting information, to identify and analyze the relevant areas of concern; and

WHEREAS, the proposed sale of 129 W Main St is an Unlisted Action, as defined by 6 NYCRR Section 617.2(al); and

WHEREAS, there is no other Involved Agency identified in connection with the sale of the properties, as that term is defined in 6 NYCRR Section 617.2(t), and, as such, no notification to other agencies is required;

NOW THEREFORE, BE IT RESOLVED, pursuant to and in accordance with the uncoordinated review requirements for Unlisted Actions in accordance with the SEQRA Regulations, the Village of Sherman Village Board hereby confirms that the proposed Action meets the criteria for classification as an Unlisted Action; and

BE IT FURTHER RESOLVED, that based upon an examination of the FEAF and other available supporting information, and considering that the Action constitutes legislative adoption of a local law and that no other approval needs to be granted to enable the proposed Action to proceed, the Village Board determines that the Action will not have a significant adverse environmental impact and will not require the preparation of a Draft Environmental Impact Statement (DEIS) with respect to the Action; and

BE IT FURTHER RESOLVED, that as a consequence of such determination and in compliance with the requirements of SEQRA and the Regulations, the Village Board directs the Mayor to sign and complete Parts 1 and 3 of the FEAF for the Action, in accordance with the Regulations; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

On the motion of Trustee Watson, seconded by Trustee Sanders, the foregoing resolution was put to a vote as follows:

Colleen Meeder, Mayor	<u>Aye</u>
Ryan Sanders, Deputy Mayor	<u>Aye</u>
Dennis Watson, Trustee	<u>Aye</u>
Gary Emory, Trustee	<u>Aye</u>
Danielle Crane, Trustee	<u>Aye</u>

The foregoing resolution was thereupon declared duly adopted this 22nd day of March 2023.

RES 2023-03-22.7: 129 WEST MAIN STREET SALES CONTRACT AGREEMENT

Motion to approve the sale of 129 West Main Street for \$25,000, accepting the value is under the previous October 14, 2019, appraisal amount determined by Holt Appraisals; the building was compared to the adjacent property purchased in 2021; the developer's timeliness to restore the buildings at the core of the Main Street Streetscape is critical; and to approve and authorize the mayor to sign and execute all related documents.

RESOLUTION FOR 129 WEST MAIN STREET SALES CONTRACT

WHEREAS, the Village of Sherman Board of Trustees has determined the previously donated property of 129 W Main St to be surplus; and

WHEREAS, the said property is identified on the tax map as SBL 328.10-1-33; and

WHEREAS, the Village of Sherman has conducted an uncoordinated review under SEQRA and declared the sale will have no environmental impact; and

WHEREAS, David Conrad has made an offer in total of \$25,000 for the purchase of 129 W Main St; and

WHEREAS, the amount offered is under the value of the previous appraisal dated October 14, 2019, conducted by Holt Appraisals; and

WHEREAS, the building was compared to the adjacent property purchased in 2021, it has not received any renovations since the Village took ownership in 2019, and there are a number of updates and areas in need of repair, particularly from water damage to the front façade which is continuing to deteriorate from exposure to the elements; and

WHEREAS, the developer's timeliness to restore the buildings at the core of the Main Street Streetscape is critical; and

WHEREAS, the planned use of the building is in concert with the Village of Sherman's desire to see the tenant and entrepreneur continue the use as a floral and gift shop; and

WHEREAS, the tenant contract will be transferred to the purchaser;

NOW, THEREFORE, BE IT RESOLVED, that the Village of Sherman Village Board hereby agrees to the terms of the Sale Contract between the Village of Sherman and David Conrad, for the sale of 129 W Main St; and

BE IT FURTHER RESOLVED, that the Board of Trustees of the Village of Sherman approves and authorizes the mayor to sign and execute all related documents.

On the motion of Trustee Emory, seconded by Trustee Crane, the foregoing resolution was put to a vote as follows:

Colleen Meeder, Mayor	<u>Aye</u>
Ryan Sanders, Deputy Mayor	<u>Aye</u>
Gary Emory, Trustee	<u>Aye</u>
Dennis Watson, Trustee	<u>Aye</u>
Danielle Crane, Trustee	<u>Aye</u>

The foregoing resolution was thereupon declared duly adopted this 22nd day of March 2023.

RES 2023-03-22.8: INTRODUCTION OF PROPOSED LOCAL LAWS

Motion to introduce the proposed adoption of the following 2023 Local Law for the Village of Sherman:

PROPOSED LL #1 PURCHASE MONEY MORTGAGE

This local law is to allow the Village of Sherman to hold a Purchase Money Mortgage on Real Property it is selling on Main Street which will improve and enhance the Village of Sherman;

The Public Hearings of the herein proposed Local Law for the Village of Sherman have been scheduled for April 19, 2023, at 6pm, RES 2023-03-08.18.

Moved by Trustee Emory Seconded by Trustee Watson

Ayes: 5 Nays: 0 Carried

As intended by resolution RES 2023-01-11.8, the money received from Solar Liberty is to be saved for future debt payments.

RES 2023-03-22.9: TRANSFER OF \$41,400 TO DEBT SERVICE-ACCOUNT

Motion to transfer \$41,400 from the General Checking Account to the Debt Service Account.

Moved by Trustee Watson Seconded by Trustee Crane

Ayes: 5 Nays: 0 Carried

Motion to move into Executive Session at 7:28pm to discuss a contractual matter, personnel, and follow up of a legal issue, with no action to be taken following the executive session.

Moved by Trustee Sanders Seconded by Trustee Emory

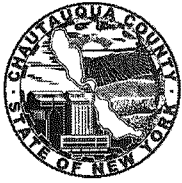
Ayes: 5 Nays: 0 Carried

The Board came out of executive session at 8:24pm and further discussed upcoming budget and cash flow items pertaining the WWTP and Solar projects, along with future equipment purchases on a USDA RD grant for a truck, plow, and two lawn mowers – anticipated total of \$95,000.

Moved by Trustee Emory	Seconded by Trustee Sanders
Ayes: 5	Carried
Nays: 0	

Next Meeting: **Regular Board Mtg Wednesday, April 19th, 2023 at 6pm**
 (Presentation by Cindy Sears from the Minerva Free Library)
 Public Hearings: Proposed 2023-2024 Budget
 Proposed LL Purchase Money Mortgage

Future Hearing:
 Proposed LL Extermination of Infestation & Vermin
 Proposed LL 2023 Sewer Rent Law Amendment



Chautauqua County
DEPARTMENT OF PLANNING AND DEVELOPMENT

214 Central Avenue • Dunkirk, New York 14048
Phone (716) 661-8900 • www.planningchautauqua.com

March 17, 2023

Colleen Meeder, Mayor
Village of Sherman
111 Mill Street
PO Box 629
Sherman, NY 14781

RE: MUNICIPAL REFERRAL No. 2023-17
ADOPTION OF 2023 COMPREHENSIVE PLAN UPDATE

Dear Mayor Meeder,

This letter is in response to your municipal zoning referral received in full by this office on March 8th, 2023 regarding the adoption of a comprehensive plan update for the Village of Sherman. The proposed comprehensive plan would affect all zoning districts in the village.

As one of the designated staff to the Chautauqua County Planning Board, I have reviewed the above noted referral to the County since it is within 500 feet of a State road, County road, municipal boundary, and farm operation in an Agricultural District.

I have reviewed the pertinent inter-community and county-wide considerations with respect to this proposal and its effect on the relevant concerns that are listed under General Municipal Law 239-1. Based on this review, I find that the proposed action would have no significant countywide or inter-community impact and that the proposal would be a matter of **local concern**.

However, in an effort to assist the Village with its decision, I offer the following informal comments:

1. We applaud the Village of Sherman for taking the initiative to update its Comprehensive Plan. The updated draft plan is detailed and will provide the Village's leadership with valuable direction going forward.
2. While the updated Comprehensive Plan is thorough, it may benefit from the addition of an executive summary that highlights key takeaways from the document. This executive summary could be a valuable tool for sharing the plan with the public, who may not be as inclined to read the entire document.
3. I applaud the Village for including additional potential action items on Page 51. The updated actions will help support the implementation of important infrastructure related to hazard mitigation efforts. By highlighting these specific goals, the Village will be able to strengthen future grant applications.
4. I commend the Village for including additional context regarding the historic and architectural resources within the Village. Historic preservation can aid communities in revitalization and placemaking efforts.

Mark Geise, Director of Planning & Development
GeiseM@chqgov.com

Paul M. Wendel, Jr., County Executive
WendelP@chqgov.com

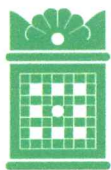
If you have any questions regarding this matter, please contact our office at (716) 661-8900.

Respectfully,

Courtney Domst

Courtney Domst
Junior Planner

cc: Jeanette Ramm, Village Clerk/Treasurer
Peter Clark, Village Attorney



Village of Sherman Comprehensive Plan 2021 Revisions

Page 7 – Strengths, first bullet point, add...

- The Village has a lot of history (museums) and historic/unique buildings, **many of which are eligible for listing in the National Register of Historic Places.**

Page 33 - Paragraph 1 to say:

Historic & Architectural Resources

This section will present a brief inventory of the Village of Sherman's historic commercial and residential resources, based off of a **Cultural Resource Survey performed by Clinton Brown Company Architecture, pc in 2010. There are 11 (eleven) structures within the Village that are eligible to be listed in the National Register as a potential "Main Street Commercial Historic District." About four (4) dozen buildings are eligible for individual listing. Updating the survey would likely identify more. Although the Village does not have any structures or districts listed in the National Register, its built form has historic roots. National Register of Historic Places eligibility and listing are important in attracting visitors and for historic tax credits and other incentives available for owners of listed buildings.**

Page 45 –

Objective A: Increase awareness and appreciation of the Village's historic assets.

Potential Action Items:

- Educate the community on the benefits of State and National Historic Registration and promote use of tax credits **and other incentives** for historic building rehabilitation and reuse.
- Pursue listing the Main Street **Commercial Historic District** and significant historic Village properties on the State and National Registers of Historic Places.

Page 58 –

Goals – Add 4th bullet point to say:

- **Encourage upper floor residential uses.**



Revisions for the Village of Sherman 2023 Comprehensive Plan Update

Page 51

Objective A – Add the following Potential Action Item:

- Assess needs and opportunities related to the expansion of water and sewer infrastructure to outside customers
- Extend water and sewer infrastructure, encouraging commercial development on vacant properties near I-86

Objective B – Add the following Potential Action Items:

- Utilize the Village's Stormwater Infrastructure Engineering Study as a resource for identifying and implementing projects related to stormwater management
- Upon completion of the ongoing update to the Chautauqua County Multi-Jurisdictional Hazard Mitigation Plan, review the Village's flood mitigation strategies and pursue grant funding and/or capital improvement planning for implementation
- Adopt land use regulations that inform development with hazard areas, floodplains, steep slopes, and wetlands and provide provisions for stormwater management and erosion and sediment control, including the use of agricultural best management practices for water quality