

**Town of Allegany Planning Board
Public Hearing and Regular Meeting Minutes**

February 13, 2012 at 7:00 PM Allegany Town Hall

Present:

Bob Phillips, Chairman
Peter Hellier
Rick Kavanagh
Frank DeFiore
Helen Larson

APPROVED March 12, 2012

Also Present:

Carol Horowitz, Town Planner; Lynette Semsel, Secretary; Jason Crisafulli, Kinley Corp; David Giardini, Bill Giardini, Giardini Brothers Construction; Phil Winger, St. Bonaventure; Don Sue

Chairman Phillips opened the meeting with the Pledge to the Flag at 7:00 PM. He opened the Public Hearing on the request by Giardini Brothers Construction Co. to extend the winter hours of operation at the Giardini gravel mine located on Gargoyle Road. Mr. Phillips asked for comments from the public. Since there were none, he called for a motion to adjourn.

Mr. Kavanagh made a motion to close the Public Hearing on the Giardini Brothers application to extend the hours of operation. 2nd by Mr. Hellier. Ayes all. Carried.

Mr. Phillips then opened the regular board meeting.

Mr. DeFiore made a motion to approve the minutes of the January 9, 2012 meeting as written. 2nd by Mrs. Larson. Ayes all. Carried.

OLD BUSINESS

Giardini Gravel Mine request for amendment to Special Use Permit/Site Plan #24-06

Mr. Phillips stated there were no comments at the Public Hearing; however, two letters were received from people close to the gravel pit and neither had a problem with the proposed extension of the hours of operation. The DEC has done the SEQR, analyzed and determined the increased hours of operation would impose no significant impact for noise or traffic.

There was discussion on whether the board should amend the condition #13 to state that "hours of operation shall be those approved by NYSDEC in the Mined Land Permit"; however, the board members felt they would rather keep some control over the hours that could affect the Town.

Mr. Kavanagh made a motion for the Planning Board to amend the Special Use Permit and Site Plan approval of May 18, 2006 to change condition #13 to read: Hours of operation shall be from 6:00 A.M. to 6:00 P.M. Mondays through Fridays and from 6:00 A.M. to 2:00 P.M. on Saturdays, year-round. Mining and processing shall not occur on Sundays, and the following holidays: New Years Day, Memorial Day, July 4th, Labor Day, Thanksgiving and Christmas. All other conditions of the 2006 approval shall remain in place." 2nd by Mr. DeFiore. Ayes all. Carried.

Cannon Design/SBU #01-12 Site Plan Review: School of Business/SBU

The County Planning Board considered the project and recommended approval with no conditions or advisories. With minor exceptions that can be corrected through conditions, the Town Planning Board determined that the proposal meets all of the criteria for approval in Article 9. Mr. Phillips called for a motion:

Mr. DeFiore moved that the Planning Board finds that the application for Site Plan Review and Approval for the new School of Business Building at St. Bonaventure University meets, with conditions, the criteria and standards for approval in the Zoning Ordinance II, and therefore approves the application with the following conditions:

1. *Provide a valve on the water line 5'-0" from the building, in order to isolate the building and to clearly define where the Town's responsibility for the water line ends.*
2. *Public utilities shall be constructed to the satisfaction of the Town Engineer and Town Water Superintendent. At their discretion during construction they may approve minor adjustments to the location of lines, valves and other features as may be necessary to resolve any issues that may occur.*
3. *In order to provide adequate emergency vehicular access to the building, a 10 to 12 foot wide fire lane, capable of supporting the weight of an emergency vehicle, shall be provided, as determined by the Town's Code Enforcement Official (CEO). As part of the building permit application the applicant should provide a cross section through the sidewalk, showing subsurface material, compaction, etc. The applicant shall also provide information to the CEO demonstrating that the brick pavers can support the weight of the emergency vehicles; the CEO may require the use of other materials in lieu of the brick pavers.*
4. *As part of the application for building permit, the boundaries of the construction site disturbance area should be indicated on a revised site plan.*
5. *This approval consists of the following plans and drawings:*
 - *Site Plan, Sheet C-101, prepared by Cannon Design, dated 12 September 2011*
 - *Demolition Plan, sheet C-102, prepared by Cannon Design, dated 12 September 2011*
 - *Grading Plan, sheet C-103, prepared by Cannon Design, dated 12 September 2011*
 - *Utility Plan, sheet C-104, prepared by Cannon Design, dated 12 September 2011*
 - *Landscaping Plan, Sheet C-105, prepared by Cannon Design, dated 12 September 2011*
 - *Site Details, Sheet C-501, prepared by Cannon Design, dated 12 September 2011*
 - *Exterior Elevations, Sheets A0301 and A0302, prepared by Cannon Design, dated 12 September 2011*

All construction shall be completed in accordance with these drawings, except as modified by conditions of this approval. 2nd by Mr. Kavanagh. Ayes all. Carried.

NEW BUSINESS

Ross Wilson & Associates: Request for extension of Conditional Approval of Bonaventure Square Final Plat

Mrs. Horowitz stated the NYS town law and the Town's Land Division Regulations provide that conditional approvals of Final Plat are valid for a term of 180 days and may be extended for an additional 180 days by the Planning Board; however, they can only be extended in two separate 90 day periods. The recommendation is to extend the conditional approval for 90 days.

Mr. Phillips noted in the correspondence received from Ross Wilson that they state they want to re-subdivide the lots. That will require a new application for subdivision approval, another public hearing, and a new determination by the Planning Board.

Mr. DeFiore moved to extend the Bonaventure Square Final Plat for another ninety (90) days. 2nd by Mr. Hellier. Ayes all. Carried.

Correspondence: E-mail from J. Levy rescinding the request for Site Plan amendment

Jeff Levy, Regional Property Manager, DDR, submitted a letter but never a formal application. He stated in his e-mail that he does not want to do tent sales on the Walmart property due to the problems he had with the recent car sale.

OTHER BUSINESS

Wellhead Protection Plan

Mrs. Horowitz presented a draft Wellhead Protection Plan. There was some discussion and the draft will be on the March agenda.

Mr. DeFiore made a motion to adjourn. 2nd by Mr. Hellier. Ayes all. Carried.

The meeting was adjourned at 7:55 PM.

Respectfully submitted,



Lynette Semsel
Secretary