# Town of Allegany Planning Board Meeting Minutes

February 14, 2011 at 7:00 PM Allegany Town Hall

#### Present:

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

## Also Present:

Carol Horowitz, Town Planner; Joyce Kibler, Secretary; Mike Giardini, Kinley Corp; Bonaventure Square Representatives; Phil Winger, St. Bonaventure; St. Elizabeth Motherhouse Representatives: Towns People

Chairman Phillips opened the meeting with the Pledge to the Flag at 7:00PM.

Mr. DeFiore made a motion to approve the January 14, 2011 as written. 2<sup>nd</sup> by Ms. Larson Ayes all. Carried.

## **OLD BUSINESS:**

# **Community Bank Site Plan (#140-10)**

Ms. Horowitz stated that this site plan had been submitted to the County. It was returned with a recommendation for approval with two advisories: The applicant should provide an updated storm water management plan and the town should consider decreasing the number of required parking spaces to allow some form of rain garden/ bio-retention system to increase the pervious surface of the site. Ms. Horowitz talked with the County staff about the advisory, and stated that she believes that there is not a significant increase in the paved surface of this project. The number of parking spaces does not seem to be excessive.

Mr. Phillips agreed with Ms. Horowitz and noted that they also already have a storm water plan in place.

Mr. Hellier made a motion to approve the site plan for the additions to the Community Bank building, with the following conditions of approval:

- 1. The façade building material shall be brick to coordinate with existing structure.
- 2. Landscaping shall be provided around the foundations of the new additions, similar to the existing foundation plantings, except where the addition abuts pavement.
- 3. This approval consists of the following drawings and documents:
  - Concept Plan, Sheet C200
  - Elevations, sheet 100 (two pages)

All site development shall be in accordance with these drawings.

In making this determination, the Board finds that the proposed site plan meets all the criteria contained in Article IX of the Town's Zoning Ordinance II.  $2^{nd}$  by Mr. DeFiore. Aves all. Carried.

## **Believer's Chapel Site Plan amendment (#134-10)**

Mr. Phillips stated that the Believer's Chapel site is not in compliance with the Board's prior conditions of approval at this time. He noted that before the Board can approve anything else with this site, the site has to be put into compliance. The bollards have to be put in around the septic system, and it has to be made so it cannot be driven over.

Ms. Horowitz noted that the property owner was advised of the letter from the County Health Department. (A copy to be sent)

Mr. Phillips stated that the letter from the County Health Department states that they cannot park or drive over a sewage disposal system according to New York State law.

Mr. Phillips noted that the parking lot could probably be extended twenty-five feet without encroaching into the floodway. The septic system was deemed adequate for 140 persons and the County Health Department concurred with that determination. Any increase in the capacity of the system will require a modification of that system.

Ms. Horowitz noted that she had not received an updated site plan that shows the septic system. Mr. Phillips stated that the application remains incomplete. No action can be taken until the site is in compliance.

#### **NEW BUSINESS:**

# St. Bonaventure University- Public Safety Building

Mr. Kavanagh made a motion to grant a one year extension for the St. Bonaventure site plan approval.  $2^{nd}$  by Ms. Larson. Ayes all carried.

## St. Elizabeth Motherhouse- pre-application conference

Mark Boehlke, a landscape architect from Hoffman LLC, presented a plan for an addition to St. Elizabeth's Motherhouse. Mr. Boehlke noted that this project would be bid out to local qualified contractors. They have retained Mark Alianello for the civil engineer on this project. The project is to occur in phases. Phase one is to build a storage building. The main goal of the project is to provide an improved environment for the sisters. The new addition will provide skilled care for aging sisters. Some parking will be displaced, but it will be replaced so parking can be maintained at the current standard. The addition will be in the back of the building. It will be a two story addition with 12,000 square feet on each level. There will be some mechanical upgrades and upgrades to the existing building. The two enclosed courtyards will also be improved. There will be a landscape plan improving areas around the addition and any areas that get disturbed. Water improvements will need to be made for the sprinkling system. The renovations will last at least a couple years.

Planning Board members asked several questions and made comments on the plan. It was noted that the sidewalks will be five foot wide. The turnaround area edge will be landscape as it is closest to the neighboring house. Planning Board members noted that there is a fifteen foot setback in the zoning ordinance. If the setback is not fifteen foot a variance would be required.

Ms. Horowitz stated that the question before the Board is whether or not this project would require site plan review. It is a permitted use in the zoning district. The storage building is replacing an existing building, which the CEO felt it could be exempt from site plan review.

Mr. DeFiore made a motion that the two story addition will require site plan approval but the new storage building is exempt.  $2^{nd}$  by Ms. Larson. Ayes all. Carried.

## **Bonaventure Square Site Plan Review (#04-11)**

Mr. Phillips noted that CRA has been selected by the Town Board to review the applicant's air and noise studies for the District Energy facility. He also stated that he feels we should be doing a coordinated SEQR review on the district energy facility. At a minimum, NYSDEC, Cattaraugus County Health Department, Cattaraugus County Planning Board, Cattaraugus County IDA, Allegany Town Board and Rodney Gleason, Town Water and Sewer Superintendent should be included as potentially involved agencies.

Ms. Horowitz explained the reasons for CRA to review the air and noise studies. She also stated that there are areas that are incomplete for the SEQR review.

Ms. Horowitz questioned what was the intended height of the clock tower, since they did not include a specific height.

Mr. Wilson stated that it was why they are asking for an amendment to the PUD Zoning Ordinance to 60 feet

Ms. Horowitz stated that the Planning Board cannot act on the site plan until the Town Board approves the amendment. She noted that some parts of the plan have been deferred because the applicant is waiting to hear about a possible grant. Mr. Alianello, the town's special engineer for this project, stated that more detail is needed. There is a disconnect between the landscaping plan and the grading plan.

Ms. Horowitz noted deficiencies in the plan for Bonaventure Square:

- a. There is no phasing shown. (Phase 1, Phase 2)
- b. Eliminating vehicular traffic access to Cranberry Road.
- c. A more complete description is needed for the District Energy Facility.
- d. The fire flow for the first phase to demonstrate that adequate fire flow is available.
- e. The final SWWP has not been provided.
- f. A detailed landscaping plan needs to be provided.
- g. A lighting plan needs to be provided.
- h. Need colors and materials on architectural elevations.
- i. Need DOT approval to discharge into NYS Rt. 417 storm drain
- j. Approval from NYSDOT for crosswalks and pedestrian crossing signs.

Ms. Horowitz stated that the buildings elevations show flat roofs on all buildings. The conceptual elevations that were approved as part of the development plan shows hip/pitched roofs for all buildings except the sportplex. Peaked roofs are strongly encouraged in the Corridor Overlay District regulations.

Mr. Phillips suggested that the applicant go back to the Town Board and get a non-occupied height of 60 feet.

Mr. Marlett stated that no grants were awarded to anyone. They are reapplying in March.

Discussion was held on the location of the District Energy Building. Mr. Wilson noted that they had to revamp the plan for Ring Road to allow for the fifty foot right of way, which made the placement of the District Energy Building be adjusted accordingly.

Peter Kalisnic of Eco Systems spoke about the District Energy Building. He stated that the noise mitigation techniques will be a barrier around the mechanical system and the building itself. The emissions reduced more than over half of emissions from a system that is not a co-gen.

Mr. Phillips stated that he is concerned over the noise. The neighborhood should not hear the noise.

Mr. Phillips questioned some of the results in the studies by RWDI. He stated that he could not add up their figures and come out with the same answer.

Mr. Hellier questioned the discharge from the cooling tower.

The Planning Board members want CRA to comment on the following questions and statements. Noise Assessment

- On page 2, is the Cadna/A modeling software appropriate?
- On page 3 it states: "The sound levels were estimated using various industry-recognized sound level estimation techniques." The Board would like to know what techniques were used (it appears this will require CRA to contact RWDI), and if CRA concurs that these are "industry-recognized" and appropriate.
- Project layout is described on pages 3 and 4 and mitigations are discussed on page 7. Is the proposed mitigation adequate based on this layout? Would another layout provide more reduction?
- Page 5 provides the location of the noise monitoring equipment. If measurements had been taken at the northern property line (near the facility location), would that affect the sound levels that were recorded?
- What does L90 mean? Is that the sound that is audible 90% of the time? Which is the more appropriate standard: L90 or Leq?
- The chair of the Board tried to mathematically duplicate the Leg night and day values provided on page 5, using the data provided in Attachment C, and was not able to do so. What is the formula that is used for these calculations? Does CRA concur that the Leq values reported on page 5 and in Attachment 3 are accurate?

## Air Quality Assessment

- Does CRA agree that this facility is exempt from State regulation?
- Is the proposed velocity of the plume coming off the stack adequate to disburse the air without it coming back down on the adjacent properties?
- Is the exhaust stack height of 35 feet tall enough? If not, what is an appropriate height?
- What types of chemicals, fungicides, etc. will be added to the water in the cooling system and what is likely to be discharged through the cooling tower? What are the impacts of this, if any?

## **General Question**

• Do the studies provide sufficient information to make a determination regarding air quality and noise concerns?

#### **Bonaventure Square P-D District Amendment: Referral from Town Board**

The Planning Board discussed the P-D District maximum building heights.

Mr. Phillips stated that he felt 60' would be reasonable for the clock tower and the roof height to allow for a pitched roof.

Mr. Phillips made a motion to recommend to the Town Board that the unoccupied height can go up to sixty feet for the clock tower with no more than two occupied stories plus an increase in the

retail, entertainment, hotel and apartment buildings heights to sixty feet to allow for a pitched roof, with no occupied space above the original fort-five feet excluding the sportsplex.  $2^{nd}$  by Mr. DeFiore. Aves all. Carried.

Mr. Phillips made a motion that we are not required to re-open SEQR review for the change in the amendment, because it is not a great change.  $2^{nd}$  by Mr. Kavanagh. Ayes all. Carried.

Ms. Horowitz explained that the amendment will have to go to the Cattaraugus County Planning Board and the Town Board will have to hold a public hearing.

#### **OTHER BUSINESS:**

# **Wellhead Protection Ordinance update:**

Ms. Horowitz noted that the village felt that the Town was working on the wellhead protection ordinance without them.

Mr. Phillips noted that the village's ordinance will be separate from the town's ordinance for wellhead protection. The ordinances should complement each other.

Ms. Horowitz noted that another date needs to be set for a joint meeting. Chris Crawford is available the last Wednesday of the month.

Mr. Hellier made a motion to adjourn at 9:40pm. 2<sup>nd</sup> by Mr. Kavanagh. Ayes all carried.

Next Planning Board meeting will be March 14, 2011.

Respectfully submitted,

Joyce Kibler Planning Board Secretary