

# **AGENDA**

## **MEETING OF THE TOWN OF ALLEGANY PLANNING BOARD**

**Monday, January 11, 2016  
at 7:00 p.m.  
Allegany Town Hall  
52 W. Main Street, Allegany, NY**

### **Salute to the Flag**

### **Minutes**

December 14, 2015

### **Old Business**

Shultz Auto Application #137-15  
Site Plan Review

ZBA Decision – Drone Sidewalk Variance

### **New Business**

### **Other Business**

Reorganization business

- Reinstatement
- Vacancy on Board
- Training hours

### **Correspondence**

None

**Next Planning Board Meeting:  
Monday, February 08, 2016**

**Town of Allegany Planning Board**  
**Meeting Minutes**  
Monday, **January 11, 2016** at 7:00 p.m.  
Allegany Town Hall, 52 W. Main Street, Allegany NY

APPROVED February 8, 2016

**Present:**

Frank R. DeFiore, Chairman

John Sayegh

Rick Kavanagh

Peter Hellier

**Audience guest:** ZBA Board Member Don Sue.

**Minutes:** Chairman DeFiore asks Board members for any comments to the Planning Board minutes of December 14, 2015. Move to accept the minutes as written by Chairman DeFiore and 2<sup>nd</sup> by John Sayegh. Ayes: J. Sayegh, R. Kavanagh, P. Hellier, Chairman DeFiore Motion carried, minutes approved as written.

**Old Business:**

Shults Auto Application #137-15. During the December 14, 2015 Planning Board meeting, Shults Auto Group (through representative Matt Kahm) Requested a Special Use Permit for use of a vacant lot located at 3004 NYS Route 417. Board members determined on that date that Shults' application was incomplete as it was missing the setback information and other pertinent information, the SEAF form and the location of Two Mile Creek in relationship to the rear lot line and the location of the floodway in relation to the property. Since that time, on January 4, 2016, Chairman DeFiore sent Shults Auto Group a letter asking for the missing documents if they wished to proceed. The documents have now been received by the Board and will be viewed at this time. Chairman DeFiore notes the floodway is 49 feet wide at this location. Chairman DeFiore has contacted Clark Patterson Lee (Town Consultant) regarding the impact of gravel being dumped on the lot. It was advised that Shults would not be able to raise the level of the current height of the property and that the Board should require Shults to hire a licensed surveyor to do a topography survey both before and after their work on the property. Shults would be permitted to dig, just topsoil alone to allow them to add crushed stone, if they decide to. Board discussed potential drainage issues with the lot.

On December 14, 2015, retired Town Planner, Carol Horowitz received a letter from the DEC. DEC stated they did not want to be the primary on this project and did not need to be informed about any decision that the Board reached on this property.

Board member R. Kavanagh discussed the fact that Shults Auto Group had expressed an interest to sign the lot and add future lighting to the lot. Board member Kavanagh suggested marking the lot as a *carryover lot* for parking cars as a storage lot and not for a sales lot. If Shults were to want

to sell cars on the lot then Shults Auto Group would need to request another variance from the Board. Discussion was again had regarding the property and its 100 year floodplain issue.

Chairman DeFiore notes a possible referral to the County planning board. The County Planning Board rules say that if there is no change in a building foot print and no environmental issues that they do not need to be notified.

Chairman DeFiore notes that last year when Town Planner was on staff, the board received her staff report and that this matter was listed as an “unlisted action.”

Board members go over the EAF form Part I and some discussion was had as form is being completed.

Board members go over the SEAF form Part II and discussion is had as Board members go through form. Chairman DeFiore motions for the Board’s approval that he sign the EAF Part III, 2<sup>nd</sup> by R. Kavanagh. All ayes, Chairman DeFiore will sign the EAF form Part II.

Chairman DeFiore makes a Motion that the Shults Auto Group matter be listed as an “Unlisted Action” for SEQR purposes, 2<sup>nd</sup> by P. Hellier. Ayes, Chairman DeFiore, J. Sayegh, R. Kavanagh, P. Hellier. Motion passed.

Board member R. Kavanagh calls for a point of order regarding the reorganization of his tenure with the Town Planning Board. He states, pursuant to his recent completed training that a member of a planning board would have to be removed by cause. Mr. Kavanagh cannot be removed because his training was complete. He states that he cannot be put into Ms. Larson’s seat to finish out her turn. Chairman DeFiore advises Board member Kavanagh that he will address the Town Supervisor regarding Mr. Kavanagh’s appointment concerns.

Board member R. Kavanagh makes a Motion that the Board hold a public hearing for the Shults Auto Group matter’s parking area variance request with said public hearing to be held on February 8, 2016 at 7:00 p.m., 2<sup>nd</sup> by J. Sayegh. Ayes, Chairman DeFiore, J. Sayegh and P. Hellier. Motion passed to set up Public Hearing.

Board Member R. Kavanagh excuses himself from the meeting at 7:37 p.m.

Droney sidewalk variance is then discussed. Chairman DeFiore addresses Zoning Board Member Don Sue regarding the status of the Droney variance. Mr. Sue advises that the variance was granted as per print (where the engineer placed the sidewalk it was not feasible to install such a sidewalk).

Board members then discuss the proposed Planning Board meeting schedule for 2016 which was passed out to all board members. Chairman DeFiore motions to accept the Town of Allegany meeting scheduled for 2016 as presented, 2<sup>nd</sup> by P. Hellier. Ayes, Chairman DeFiore, J. Sayegh, P. Hellier.

Chairman DeFiore advises that Board member Helen Larson has resigned.

Chairman DeFiore has also advised the Board about training sessions. Further he advises that the Zoning Board has inquired if Town Planner Carol Horowitz would be willing to train the ZBA and the PB to cover the hours of training needed by all board members.

Motion to adjourn meeting by Pete Hellier and 2<sup>nd</sup> by Chairman DeFiore. Ayes: Pete Hellier, John Sayegh, and Chairman DeFiore. Motion passed. Meeting adjourned at 7:47 p.m.

Next Meeting – February 08, 2016.

Respectfully Submitted:

Donna G. Stady, Secretary to Planning Board