

Town of Allegany Planning Board Meeting Minutes

May 9, 2011 at 7:00 PM Allegany Town Hall

Present:

Bob Phillips, Chairman
Peter Hellier
Rick Kavanagh
Helen Larson

APPROVED June 13, 2011

Also Present:

Carol Horowitz, Town Planner; Lynette Semsel, Secretary; Dave Britton, CRA; Mark Alianello, P.E.; Patrick Eaton, Supervisor; John Hare, Town Board; Donald Sue; Mike Giardini, Kinley Corp.; Don Wilcox, Kinley Corp.; Robert Blood, Lauer-Manguso; Craig Marlatt, Robert Docherty, Ross Wilson & Associates; other Bonaventure Square Representatives; Phil Winger, St. Bonaventure; David Koebelin; St. Elizabeth Motherhouse Representatives; Kate Sager, Olean Times Herald; Town People

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

Mr. Hellier made a motion to approve the minutes of the April 11, 2011 meeting. Second by Mrs. Larson. Ayes all. Carried.

Mr. Hellier made a motion to approve the minutes of the April 27, 2011 meeting. Second by Mr. Kavanagh. Ayes all. Carried.

OLD BUSINESS

St Elizabeth Motherhouse Site Plan Review

The Board, reviewed the short form of the SEQR:

Mr. Hellier: Are we satisfied with all the drainage questions?

Mrs. Horowitz stated she sent the drainage plan to Tom McElheny, the town engineer, for him to review. He met with Mark Alianello and discussed it. He is essentially satisfied but does have some concerns about the sizing of the pond which has not yet been determined. They did do soil borings to check the infiltration rate. Tom McElheny indicated he doesn't have any concerns about them being able to size the ponding areas appropriately. He just needs to have the calculations. The condition of approval is in the staff report; however, in number 2, it should read "during and post construction." By including that condition, they can do the math basically. It is a big site and they have plenty of room so he wasn't concerned about their ability to size it appropriately.

Mr. Hellier: Are all matters been taken care of for the SEQR?

Mrs. Horowitz: Yes. On the question regarding the drainage you can say that is going to be mitigated by requiring the town engineer to sign off on the final drainage plan.

Mr. Hellier asked why the answer to SEQR Part 1, item 10 is no. Are no building permits, code enforcement inspection permits needed? Mrs. Horowitz felt the form was asking if any other discretionary permits were needed. Basically to meet the building codes a building permit is needed; therefore, there is no discretion there.

SEQR Part II

A. Does action exceed any type I threshold in 6 NYCRR, Part 617.4?

Board: No.

B. Will action receive coordinated review as provided for unlisted actions in 6 NYCRR, Part 617.6?

Board: No.

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems?

Board: The Town Engineer will approve the final drainage plan prior to issuing the building permit.

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character?

Board: No

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species?

Board: No

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources?

Board: No

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action?

Board: No

C6. Long term, short term, cumulative, or other effects not identified in C1-C5?

Board: No

C7. Other impacts (including changes in use of either quantity or type of energy)?

Board: No

D. Will the project have an impact on the environmental characteristics that caused the establishment of a critical environmental area (CEA)?

Board: No

E. Is there, or is there likely to be, controversy related to potential adverse environmental impacts?

Board: No

Mr. Kavanagh moved to issue a SEQR Negative Declaration for the St. Elizabeth Motherhouse addition. Second by Mr. Hellier. Ayes all. Carried.

Mr. Kavanagh moved to approve the site plan for the addition to the St. Elizabeth Motherhouse, with the following conditions of approval:

- 1. Approval by the Cattaraugus County Health Department and all other appropriate agencies will be obtained for the extension of the water line from N. Seventh Street, prior to commencement of construction on this line.**
- 2. Prior to the issuance of a building permit, the project engineer will revise the plans for runoff control during and post construction, to incorporate the recommendations of the Town Engineer. The Town Engineer shall review and approve these plans prior to the issuance of a building permit.**
- 3. This site plan approval is only valid for the use of the building as a religious institution. If the use changes in the future, or if additional modifications that change the footprint**

of the building are proposed, the property owner shall apply to the town for all approvals that may be needed at that time.

- 4. All site development shall be in accordance with the site plan and other information presented with the application, as conditioned by this approval.*

Second by Mr. Hellier. Ayes all. Carried.

Bonaventure Square

Mrs. Horowitz stated there are three issues: District Energy Plant SEQR review, a number of concerns that need to be resolved in the Site Plan application before it can be approved, and the Town Board's referral regarding a height amendment. Previously the Board sent out SEQR letters to nine agencies and three were received back. Rodney Gleason, Highway Superintendent, stated he had no SEQR concerns. Mary Hohmann, NYSDEC Region 9, had a host of air quality issues. Paul Bishop, Cattaraugus County Planning Board, had visual impact. The Planning Board had previously identified air quality and noise impacts as items that need to be discussed. The question is whether there is enough information to support a negative declaration which is a finding there are no significant adverse impacts; whether to allow them time to provide additional information to support the decision; or the third option to issue a positive declaration which will call for an environmental impact statement.

Mr. David Britton, CRA, presented his report: The assessments prepared by RWDI in January were based on the energy facility being located on the northeast corner. Since that time, with the moving of the facility, one of the positives is it is now farther away from the closest resident. Another positive is that they are considering going with two smaller units. In order to meet the noise standard in the Bonaventure Square P-D District, they have to demonstrate a noise increase at the property line of no greater than 3dBA from background. Background study results were 45 dBA during nighttime and 52 daytime. They have proposed mitigation measures to meet that 3 dB limit through a series of mufflers and parapet walls and barriers. The primary concern is that the location of the facility, even though it has been moved, if it is built and it is not in compliance and there are post construction concerns, it will be difficult to get that facility up into compliance. We need to be sensitive to the property line and also to the residents that are located in close proximity. Then the Town will be put into a position of shutting it down or issuing a variance.

The other issue is the code relative to the property lines. We have some concerns about the actual second story of the residential home. The residential structures should be afforded the same protection in line of sight as what was established on the rest of the property line. The residential structures that are around there should be identified as additional receptors for evaluation, primarily at the second story level. The assessment is currently at 5½ feet.

These concerns need to be added to what they currently have. The primary concern is the post-construction. They need to include receptors at the residential homes at the second story level. The Board needs to establish the background noise level for daytime and nighttime for both the property line and resident structures. Once the sports arena is built, that will provide shielding and will change the background under post construction. It will provide protection of the noise from Route 417 as it will be a shield to the residents.

Mr. Hellier: Is it also going to act as a rebound?

Mr. Britton: The building itself is insulated and has block walls. We don't anticipate a lot of rebound because the building is soundproof.

Mr. Hellier: Will it reflect the energy building noise off the sportsplex headed back toward the residents?

Mr. Britton: Not necessarily. I don't believe you will get a lot of rebound effect off this facility. We should have a post construction confirmatory test noise assessment done after the facility is constructed to make sure they are in compliance. If you have any concerns or comments from the residents, you have a study that they are in compliance. Under a post construction scenario, the building changes the background.

Mr. Phillips: I see two concerns: there should be a second story receptor at the homes and post construction noise assessment.

Mr. Britton: More important would be the breakout noise assessment and also a tonal assessment. Sometimes it is not necessarily the increase in noise but the tone that is produced.

Mr. Kavanagh: What did you think about the stack height? It is based on 40'. If you look at the elevation of the plan by where the buildings are going to be, the actual level is over 6' higher than back where the energy plant is going to be. You are already building a 45' building and with the stack height, somewhere you are going to get rebound. If the stack height is too short, it has solid surfaces, not that it is going to be very noisy, you are setting up a tonal ring. The energy site is at the lowest part of the property. If you look at the site now, standing on Rt. 417, looking to your left, you can see where the old maintenance building was, and that is an 8' wall, it's below all that.

Mr. Britton: Then rebound should be considered in the assessment. The CADNA model that they generate will ultimately have to take into account the topography of the stack height and those sort of things, absorption factors, proposed facilities being into play. If the rebound occurs, it will be included into the model. The assessment itself is inaccurate and I believe it needs to be updated to reflect current conditions. The mitigation is appropriate; what they have identified is appropriate.

Mr. Phillips: What needs to be updated?

Mr. Britton: Ultimately their assessment, their report to reflect current conditions, actual equipment, those sort of things. The mitigation they proposed, the muffler, the parapets, using those types of techniques can meet code. We want to make sure they comply. Now they have moved it, it will be a lot easier to comply. If this site were right in the middle, I would have no issues at all. It is the location, the proximity to the homes and property lines.

Mr. Phillips: Based on the data you have received already, prior to moving it, you are saying moving it would make the data come out better, but you need to see that data.

Mr. Britton: Yes, ultimately, yes.

Mr. Hellier (to Craig Marlatt): Are you close to specifying the equipment needed?

Mr. Marlatt: No, we are not even close. That is a one hundred thousand dollar effort for us to comply with what is being asked for.

Mr. Phillips: For the noise and air quality, if they adjust their figures, they have to get the information to you (CRA) because you are the one we are depending upon to tell us okay.

Mr. Britton: From a SEQR standpoint, by moving the site farther away from the residential properties, I am comfortable with what is being proposed but ultimately we are going to still want to see the final design.

Mr. Kavanagh: That brings up a question for me on the actual background noise. You stated we will get shielding from the noise from Route 417, so we need to take that into consideration.

Mrs. Horowitz: I think David is saying you set the background level as part of SEQR or during site plan review so they have the target they know they are aiming for. I do want to point out that the standard that the Town Board gave you is at the property line; so, while it is true that where they

moved it is further away from residences, the standard hasn't changed any so it is still as close to the property line in the proposed location now as it was before.

Mr. Hellier: We just change the property lines. If they can meet the property line, we can still put one of the criteria on the closest house. Can't we do what he is saying and require a second story receptor on the closest two houses—one to the east and one to the north?

Mr. Phillips: When they did the noise assessment initially, they have taken into account all those structures assuming they were already built. That is built into the assessment.

Mr. Britton: They made certain the functions were where the noise would be coming from, whether outside, radiator, and then turn the equipment inside. Actually they assumed the equipment inside was not going to go seep through the wall. That is why I asked for breakout. They basically said using these techniques we can, in order to meet the property line threshold of 3dB across, we need a 17dB silencer on a muffler. Ultimately they may need something greater. The reason I wanted to incorporate something on the residence side is because of the height. What if the 2' parapet wall really isn't high enough to be able to shield from that second story home?

Mr. Phillips: That is why you are saying you want to see a second story receptor at the homes to verify the fact that the sound will meet it at that level—the threshold.

Mr. Britton: This way, the building is designed with a 4' appropriate parapet wall height instead of going out afterward and trying to modify parapet walls to try to meet it, which may be more difficult. It is probably more appropriate as a design item so it doesn't become a post-construction issue.

Mr. Hellier: What about air quality?

Mr. Britton: We looked at the air assessment. We have some minor comments. An air permit will be required by DEC. If they comply with the air emissions, which the equipment at the facilities can comply with, there won't be any impact on air.

Mr. Hellier: My concern would be downdraft again to the closest house. We are putting a lot of mufflers in which slow the velocity down; we have a short stack, I envision this coming out the stack and dropping.

Mr. Britton: The emissions have to meet a threshold set by DEC.

Mr. Hellier: I am worried about stink even though it is natural gas.

Mr. Britton: We don't anticipate any air issues at all, or any air impacts; and, if their equipment meets emission and DEC issues a permit, there has to be a stack testing done as part of that permit.

Mr. Hellier: That's NO and CO, correct?

Mr. Britton: Correct.

Mrs. Horowitz: They give you a minimum exit velocity in the air study on page 5. 8000 FPMs under full load.

Mr. Britton: There are a series of slow velocity emissions, a host of parameters, they are required to meet.

Mr. Hellier: Is this system forced draft, induced draft?

Bona Rep: No. It is just a discharge from the reciprocating engine, pistons, and the velocity pressure off the cylinders that would be sufficient to maintain the air flow requirements.

Mr. Hellier: Forced draft to the machine?

Bona Rep: It depends on the machine that you select. You may have a supercharged style or a turbo-charged style but, for the most part, the velocity is quite sufficient. You do get good travel of the combustion airs. The mufflers, if you see the size of them, you can see that really what they do is using space and capacity in order to be able to handle the noise. They are not necessarily restrictive for the obvious reasons being restricted they impact the efficiencies in the system. They are actually designed not to impact that.

Mr. Phillips: We have three things for David: the second story receptors, post-construction noise assessment and the breakout tone assessment.

Mr. Britton: Those are two separate items. One is called breakout noise assessment and the second being a tone noise assessment.

Mr. Kavanagh: Basically there you are considering harmonics in pitch. You can get a high pitch.

Mr. Hellier: Can this particular aspect of what you are asking for here, this additional study, be done during the site plan review and not the SEQR for the building so they can keep going. Once they have some finite numbers, they only do that study once?

Mr. Britton: Yes.

Mr. Hellier: In your opinion, they have enough of the bases covered so that we could approve the SEQR?

Mr. Britton: Yes, the SEQR is there to assess the potential adverse impacts. I believe the mitigation measures are there, especially with the relocation of the building, I feel more comfortable. Yes, to answer your question.

Mr. Phillips: You are saying, in terms of the SEQR, not the whole site plan, you are satisfied they have shown the appropriate mitigation to satisfy the SEQR portion?

Mr. Britton: Yes.

Mr. Phillips: Mark Alianello has concerns also.

Mr. Alianello: We had an opportunity to go over the drawings that were submitted that were marked Preliminary. I met with Rodney Gleason and Carol Horowitz and we discussed them in general and, since that meeting, we went through them in more detail in terms of the water, sewer and drainage. The drawings we received this time had a much greater level of detail than what we had before. I think many of the issues that I have identified in my markup of the drawing set are detailed to the engineering that we can work out with the designers. I am not sure they need to be a burden to the Planning Board's approval. There are some issues that fall into the category of impacting the long term maintenance problems, impacting the feasibility of the project in general. I wanted to bring those out in my memo for you to discuss as part of your review.

The Right of Way is 50' in width, a road with two 12' travel lanes, two 4' shoulders, ditches, storm drains, public water lines, sanitary sewer lines, landscaping plantings, in some areas retaining walls and privacy fencing. That results in a fairly crowded ROW.

Mrs. Horowitz: I would also add there are light posts in there too.

Mr. Alianello: The drawings are not complete as the public utilities are not shown in detail. That will also occupy the ROW. We found a number of conflicts between water lines, sewer lines and storm sewers that can be resolved but they are there. The landscaping plan shows proposals for trees to be planted along the highway ditches, which will make the ditches difficult to maintain. The trees are on top of the water lines in a number of locations. Some of these things need to be fully investigated so we don't have an approved site plan that we can't make work. One alternate would be to widen the ROW but that blows the whole thing. We really need to think about the landscaping plan.

There is extensive drainage infrastructure, roadside ditches, catch basins, etc., for ultimate groundwater recharge to be used for disposal of runoff from the site. Overall, I think the plan is workable and everything seems to fit together. The concern I have is there is a mixture of responsibilities on what is public and what is private. There is drainage infrastructure within the public road ROW that discharges into private property, into private storm pipes, in manholes, and ultimately is disposed of in a privately owned disposal facility. The disposal facility they are proposing is underground retention groundwater recharge. They have 2000' of 96" diameter

corrugated metal pipe in the one and somewhat less of 60" corrugated pipe in the other. Those are expensive structures to build and they do not have an infinite life. At some point, they are going to need to be replaced. The Town is putting sand and salt on the road which will be draining into the corrugated pipe and may have an effect on the life of the pipe. There are crossovers in legal responsibilities and potential liabilities.

The drawings call for retaining walls and privacy fences within the proposed ROW at several locations. The retaining walls are relatively short and the highway superintendent is not interested in retaining those. I do not recommend you take over the responsibility for maintaining retaining walls and privacy fences. If we try to press an arrangement with the developer and say, "we're not going to maintain that infrastructure, you have to agree to maintain it," who is the "you" in the long term. What if they are not properly maintained, who is responsible?

The landscaping plan doesn't address the retaining walls. Along the east property line, the demolition plan shows a number of significant mature trees within a foot of the property line but on the other person's property. The retaining wall they detail on the plan appears to be right at the property line and is the type of wall you have to dig some behind it to put the proper drainage in. Are the mature trees going to be damaged? I think the way it is drawn now, they will be. As you move the retaining wall out, it is crowding the ditch and the other utilities there. It is important that we determine whether they are going to be able to build that wall without encroaching on private property. If they are, we need to make sure they can demonstrate they have obtained the legal right to do so from the adjacent property owner. The demolition plan talks about some existing trees remaining and some to be removed but some of them are not mentioned. I think it is something that you need to give consideration to because if it is going to kill trees on a neighboring property, you might hear about it later.

The town road specification calls for a centerline radius of no shorter than 250'. If you look at the site plan, coming in on the east entrance, we have curves of 138', 138', 51', 41' and 87', none of which come close to the Town road specs; however, the Town Board knew that and have given them preliminary approvals that imply this is acceptable. The Highway Superintendent and I both feel that we can do things to this plan to improve the maneuverability around these curves. My suggestions are to make the radius of the curves a little bit longer, super elevate the pavement, and widen the travel lanes. Rodney would like to see this road striped with a double yellow line so we have to get them around the corners while staying in their own lanes. I am recommending that you ask them to use AutoTurn or some similar software that can model a vehicle going around these curves and we can know for certain that emergency vehicles and delivery vehicles can actually use this ring road without creating safety concerns for others since it is going to be a Town road. The Town is assuming responsibility and liability for a safe travel way.

Other points I did not put in the memo include the fact that the stacking of the entrance is very abbreviated. There is probably room for two vehicles before back up starts. Some communication from St. Bonaventure made the suggestion of having the parking area in front of the apartments be one way from west to east. That way we would not have people coming from that whole area and creating more stacking. There is a lot more room to stack in the east entrance. That is a good mitigation idea that might be incorporated in your approval. That section is private, not Town road. There may be some ways that modifications could be made to mitigate that stacking problem as much as possible but I still see it as a significant issue that will be a long term toothache on this project.

Another point is that they are relocating an existing public sewer and building a lot of sewer that is going to ultimately become public sewer owned by the Town Sewer District. All the plans for that are subject to approval by NYSDEC. Once the Town is satisfied, then the Town will sign the

application to DEC on behalf of the district and ask DEC to proceed with their review. The DEC is going to ask is there downstream capacity for this development. The previous paperwork on the development basically cited the total flow going from Allegany to Olean is less than the contract, Olean is practically obligated to receive from Allegany. On the Tanglewood subdivision, that did not fly with DEC. We had to go into more detail and present a detailed downstream capacity analysis and justify a 14 lot subdivision so this will probably require that. That is a DEC requirement.

The waterlines being proposed are publically owned waterlines so Cattaraugus Health Department will have to review the plans for that.

Regarding the fire flow issue, one of the earlier approvals that was granted said the applicant would use the computer model of the town's water system to demonstrate they could provide adequate fire protection. The computer model is not available. We did go out with the water department personnel and flow test a few of the hydrants and provided that information to the design engineer. It looks like there is a lot of fire flow available there. We do not know what the needed fire flow for the buildings they are proposing is. I believe they are still developing those. At some point the two will have to be compared to each other. We might be able to get 2500 gallons a minute but they need to provide the information to us as to how much they need.

The only other thing I wanted to mention is the pavement. The Town road spec is for a triple surface treatment of oil and chip and the applicant has not proposed that. They have proposed two different types of pavement: heavy duty pavement for the Town road portion and a lighter duty portion for the rest. It looks reasonable to Rodney and to me. The plans don't match right now, but when it does, it will be fine.

Mr. Kavanagh: In the AutoTurn program basically for the two curves in the back, I would also include the turn from Cranberry to the actual emergency intake and exit (the old Castle Drive) and it should be based on the largest firefighting vehicle that could possibly go on this site. When you were talking about raising the pavement, that's all well and good until you bring in an 80,000 gallon water tank on a fire truck.

Mr. Alianello: I think we can make it work.

Mr. Kavanagh: I didn't see any parapet walls that were actually close enough to the curbs where it would be impedance even if there were snow. I think they still could get the vehicles in there.

Mr. Hellier: These are all site plan issues. We are still aiming at trying to get this SEQR for the building included, the power house?

Mrs. Horowitz: They are two different issues. They are still missing a few items of the site plan application, like a complete set of elevations for the buildings. There are partial elevations: all four sides of the bookstore, two sides of the entertainment complex, one side of the apartment complex. Nothing on the hotel or the district energy plant. That is a site plan issue because, when you grant an approval, they have to meet the requirements of the corridor. You also have to verify the height although they have given us everything but the height of the hotel. The aesthetics is the one that is the most critical. The corridor overlay district states you are supposed to look at all four sides of the building, not just one elevation. They have done a lot of work on the lighting plan. To do that, you have to know what the height is and what type of fixture; however, they did not provide us with any detail that shows what that is.

If you feel you have enough information to support a negative declaration on the SEQR for the District Energy Plant, then you can ask Dave and me to draft something for you to look at the next meeting so we can incorporate all of the additional studies that Dave was talking about. .

Mr. Phillips: Mark, you said it is doable but the conflicts with water and sewer lines in the infrastructure need to be resolved.

Mr. Alianello: I think that they should because the ROW is crowded. Once you approve the site plan, there is nothing but 50' left to work with. I think we need to take it one step further to make sure it's doable. I have talked with the design engineer and we will sit down and go through the plans and the issues. Rodney will be involved.

Mr. Phillips: You said there is a need to identify everyone's responsibility for every little thing you mentioned. Spell out where does one responsibility end and somebody else picks it up.

Mrs. Horowitz: There are lots of those. Rodney, Mark and I talked about that when we had the meeting. There are management and ownership issues that need to be worked out at some point. At the moment there are three parcels that are owned by two different entities. Craig was talking about each individual building having its own ownership.

Mr. Docherty: The way it is set now is it will be common ownership of everything except the sportsplex. Two groups of ownership: one for the sportsplex and one for the remainder of the project. That is the way it is planned now.

Mrs. Horowitz: That makes it somewhat easier to deal with but then there are a host of little picky things that need to be worked out. This is a really complicated project so it is not as though we could come up with a list of 5000 conditions of approval on these plans.

Mr. Alianello: I would not be uncomfortable with the Planning Board finalizing their site plan approval while there is conflict between a water line and a storm sewer or something like that still dangling out there. You could put a condition on there that ultimately the engineer approves that so we could work those things out as we go. Some of them, however, those within the ROW--so many utilities and so many things conflicting, we need to make sure we can work those out. We need to be diligent about working on this to try to resolve that to make sure it is not a problem

Mr. Phillips: You mentioned some trees may be directly over a water line or a sewer line; I feel either move the tree or shrub or delete it.

Mr. Alianello: There are two diverging interests here: one is you want nice landscaping so it is not an eyesore and the other is because it is a Town road, you want to make sure you can maintain all the utilities and clean the ditches. As you review the landscaping plan, you need to pay attention to it.

Mr. Hellier: Could the elevation that requires the need for retaining walls alongside the road, can the road be actually elevated so that the retaining wall is no longer needed. That would eliminate the problem around the trees.

Mr. Alianello: The retaining walls are not monumental edifices, so there may be a way to tweak the grading to accomplish that. I am uncomfortable with retaining walls in the ROW anyway. Rodney doesn't want to maintain that retaining wall and the fence. I see that as creating some problems if we are going to have it in the Town ROW and someone else is responsible for it, how do you make that binding in the long run. I think Carol had in her staff report that she would encourage you to have a hold harmless that doesn't come back on the Town.

Mr. Hellier: What is the significance of the need to make that a Town road?

Mr. Eaton: It is part of a grant application. They have to meet the town specs. I am not speaking for the Town Board, but if Rodney is comfortable with everything that happens and he says it is good to go, he's got my vote and that's all I am looking for. Make sure it is legal.

Mrs. Horowitz: I have a couple of other things I would like to throw in: The development plan the Town approved set a maximum number of parking spaces of 643. I counted the spaces and there are 528 in surface lots and 250 in the sportsplex which gives them a total of 778. They are over parked by 135 spaces. It doesn't do anything to deal with the question of the ring road, but it does give them the ability to provide more pedestrian plaza space or more buffering.

Another landscaping issue is the parking lot that sits in the part of the road that is not dedicated to the Town. There is now a double row of parking spaces that comes into 10' of the front property line along 417. When you are looking at that, you should pay attention and look in the overlay district about buffering and see whether you are comfortable with that. They are proposing some low growing shrubs along that edge of parking. They probably wouldn't hide vehicles.

Mr. Hellier: There are no side setbacks?

Mrs. Horowitz: The Town Board established setbacks when they approved the plan development district so it has different setbacks in other parts of the town. Ten feet complies. The setback for buildings from the exterior property lines is 50'. The setback from the ring road for all buildings is 10' and the corner of the sportsplex just makes that. The setback from the exterior property line and from the ring road for the district energy facility shall be 10' and the setback from the property line for parking lots is 8'.

Mr. Hellier: Why is there a section of the road around the sportsplex that is not going to be Town road?

Mrs. Horowitz: Because they need to put parking there and you can't park on the Town ROW.

Mr. Alianello: If you made that road one way, you could make that parking diagonal which would narrow that parking and also discourage people from going the wrong way.

Mrs. Horowitz: That's a good idea. If you made it one way, you could gain 10'. The Town Board specifically approved 24' feet aisle width for parking lots.

Mr. Phillips: In the middle of the parking lot, you have a structure and green space. Parking above is for the residents and parking below is for the residents. In other words, it is one big parking lot with a building in the middle of it.

Mrs. Horowitz: They are showing an 8' privacy fence around the perimeter of the site. The development plan requires fencing around the perimeter. Some of the existing trees are so close to the property line, if they comply with the condition that the Town Board imposed, then potentially the trees have to be taken down. They show on the demolition plan cutting down some trees. It doesn't make a lot of sense to cut down full mature trees to put up a fence but the Town Board's ruling doesn't allow for any leeway.

Mr. Alianello: The tree may be a more desirable buffer than an 8' privacy fence but I don't know if there is a way around that.

Mr. Hellier: Can we petition the Town Board to make an exception?

Mrs. Horowitz: When they did the approval, there was no landscaping plan; everything was more abstract than when you see what the actual consequences are. They might have a different opinion now.

In general, the pedestrian access seems to be decent. In a couple of places they need striped crosswalks. The development plan has an open space requirement of 35%, so they need to demonstrate that they meet that. They show on the site plan where the emergency access is going to be at the end of Castle Drive to be provided by the Fire Chief, so we still need to work with him.

Regarding gating, Jerry would like something with a key that people could open.

At some point before they get a building permit, they still have to do the subdivision approval. We don't have any information on signage.

If you think you have some conclusion about the SEQR, then the next question is, in terms of the information that they are missing (the elevations, the lighting plans), whether you want to give them an opportunity to provide that as we go through reviewing the plans and if you want to think about setting up a public hearing. My one concern is that, once you set a public hearing, you only have 62 days to make a decision. If we are missing critical pieces, that creates a problem.

Mr. Phillips: They can agree to an extension of the 62 days if we ask them.

Mrs. Horowitz: You still don't have building elevations for the district energy plant and that was one of the county's concerns. What about the stack, how tall is it going to be, where is it going to be located.

Mr. Kavanagh: Would it be feasible of having that meeting resolving a lot of the utility issues and then having a special meeting to get those issues out of the way and get the SEQR done. I don't feel completely comfortable with doing it with what we have.

Mr. Hellier: What is the timing on the funding?

Bona Rep: Government has a hold on funding right now. Primary critical time line is for the bookstore and apartments to be ready for the 2012 school year.

Mr. Phillips: What information does this board need to be comfortable to set a public hearing? The referral from the Town Board to us about amending the approved P-D Development Plan dealing with the elevation was in front of us before; therefore, this is a re-submission of the same thing which means we could just give our recommendation tonight.

Mr. Kavanagh: We need the information from the meeting of Mark and Rodney determining who is going to take care of what regarding the utilities for the ROW.

Mr. Alianello: You are scheduling a public hearing which will be held a couple of weeks out and, with 62 days after it gives about 90 days to work things out.

Mrs. Horowitz: I am still concerned with some of the buffering landscaping issues and the Board will only get a sense of that from the public hearing. .

Mr. Kavanagh: In the PD district, because the sports arena is actually a second phase, not in the original buildout, in the ordinance the way it reads now, the big block wall would have to be broken up so it would look odd.

Mrs. Horowitz: There is some flexibility if the intent is that at some point that is going to be an interior wall that nobody is going to see. You don't have to design features that they will eventually have to destroy. We could have a condition that, if phase 2 doesn't occur, they have to go back and address that.

Mr. Kavanagh made a motion for a public hearing to be held on Wednesday, June 8, 2011 at 7 PM at the Allegany Senior Center on the site plan application for the Bonaventure Square Project and it may be a joint meeting between the Town Board and the Planning Board. 2nd by Mrs. Larson. Ayes all. Carried.

Mr. Hellier: At that point, on the 8th, would we have enough information to do the SEQR?

Mrs. Horowitz: We can shoot for that.

Mr. Hellier made a motion to recommend to the Town Board that the requested height amendment in the PD district should be approved and to request the Town Board to revisit Performance Standard 6C, that requires fencing around the PD district, to provide more flexibility for the Planning Board while reviewing the site plan application, or to allow this to be adjusted with the written consent of the property owner. 2nd by Mrs. Larson. Ayes all. Carried.

NEW BUSINESS

Mr. Kavanagh made a motion that the referral from the Town Board regarding the Wind Energy Overlay District be tabled until June 13, 2011. 2nd by Mrs. Larson. Ayes all. Carried.

Correspondence-Letter from Obergfell, Believer's Chapel

Mr. Phillips: I went into the parking lot to see the bollards. There were five on the approved site plan but there were only four installed.

Mr. Kavanagh: Even though the bollards are there, have they pushed dirt in the flood way or is it still in the flood plain.

Mrs. Horowitz: They can only park up to the creek if they do an engineering study. Sean Obergfell still has the application pending for a revised site plan.

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

The meeting adjourned at 9:35 PM.