

AGENDA

SPECIAL MEETING OF THE TOWN OF ALLEGANY PLANNING BOARD

**Monday, June 30, 2014
at 7:00 p.m.
Allegany Town Hall
52 W. Main Street, Allegany, NY**

Salute to the Flag

Public Hearings

7:00 P.M. J. Scott Brook o/b/o Kay Palmer (# 54-14)
Special Use Permit to keep horses in an R-1 Zoning District

7:05 P.M. E. Peter Hellier (#55-14)
Special Use Permit for a home occupation in an R-1 Zoning District

Old Business

J. Scott Brook o/b/o Kay Palmer (# 54-14)
Special Use Permit to keep horses in an R-1 Zoning District

E. Peter Hellier (#55-14)
Special Use Permit for a home occupation in an R-1 Zoning District

New Business

None

Other Business

Zoning ordinance update:
Section 5.12: Sign Regulations

Correspondence

None

**Next Planning Board Meeting:
Monday, July 14, 2014**

Town of Allegany Planning Board
Public Hearings and Meeting Minutes
Monday, **June 30, 2014** at 7:00 P.M.
Allegany Town Hall, 52 W. Main Street, Allegany, NY

APPROVED July 14, 2014

Present:

Frank DeFiore, Chairman
Rick Kavanagh
Helen Larson
John Sayegh

Also Present:

Carol Horowitz, Town Planner; Lynette Semsel, Secretary; Donald Sue, William Palmer, Kay Palmer, Kyle Brook, Christie Brook, Scott Brook, Mark Printz, Town Residents

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

PUBLIC HEARING

J. Scott Brook o/b/o Kay Palmer (# 54-14)

Special Use Permit to keep horses in an R-1 Zoning District

This is an application for a special use permit to allow an agricultural use (keeping of horses) in an R-1 Zoning District. Mr. Brook is the intended purchaser of the property; he is applying on behalf of the current property owners, Mr. & Mrs. Palmer.

Mr. DeFiore read a letter dated June 27, 2014 from Mrs. Kay O. Palmer, 2149 Klice Cross Road, Allegany, NY 14706 as follows:

“To Whom It May Concern: Scott Brook recently signed an application for a special use permit to allow horses in a R-1 Zoning District on my behalf. I was out of town at the time and therefore was unavailable to sign the application.”

Since the property is still in Mrs. Palmer’s name and the special use permit goes with the property, Mrs. Palmer needed to give Mr. Brook permission to act on her behalf and proceed with the permit application.

Per the request of William G. and Mary Jo Sliger, 4017 South Nine Mile Rd., Allegany, NY 14706, Chairman DeFiore read their letter dated June 20, 2014:

“To the members of The Town of Allegany Planning Board: Frank DeFiore, Pete Hellier, John Sayegh, Rick Kavanagh and Helen Larson

To Be Read at the Public Hearing Monday, June 30, 2014

A previously scheduled vacation does not allow us to be present for the Public Hearing this evening. In our absence, we submit this letter for the Board’s consideration.

This letter is in regard to the application (#54-14) submitted by J. Scott Brook for a Special Use Permit to allow the keeping of horses in the R-1 Single Family Zoning District. We have several questions and concerns due to the fact that two sides of our property at 4017 South Nine Mile Road border the parcel of land in this application.

We have an in-ground swimming pool that is approximately 50 feet from the edge of where our property abuts the land in question. One concern we have is how close the horses would be to our pool. How much of the property does Mr. Brook intend to fence? Would the horses have access to the portion of the field directly behind our house and pool? What limitations would be set as to the number of horses Mr. Brook would be allowed to pasture on the property? What guarantees do we have that other farm animals would not be permitted? Where is the barn that will be built going to be located? Each of these issues would adversely affect the value of our property.

We trust that any decision rendered by the Planning Board will consider our interest in maintaining the integrity of our property. Sincerely, William G. and Mary Jo Sliger”

Currently Mr. Brook has three horses and would like the permit to allow for up to 5. He will have a barn, a run-in shelter, a small manure area and fencing. His present plans would be to have half the current planting area fenced off in two sections. The half toward the South Nine Mile would probably continue to be used for hay growth with the plan to eventually fence in this area.

Mr. Brook had indicated in an email to Mrs. Horowitz that they have no intention to board horses; however, if they have visitors who bring their horses, can the horses be pastured without limitation? They have friends and family who own horses and would like to be able to allow them to come and ride and stay for visits.

Chairman DeFiore then asked for comments from the audience.

Mark Printz: *I live at 4012 South Nine Mile Rd., directly across the street from the land that you are doing. In fact, it is land that was associated with my house way back in the 1850s when it was purchased from the Holland Land Company. I stand in full support of them doing this. I think it would be great agricultural use of this land. It has been basically just handed from farmer to farmer over the years. To see it have a permanent use would be great. We tout farming in this area; we have it on our sign for the Town. We might as well preserve this farmland. We have seen a lot of it disappear. I don't see any problems with these folks having horses there. I am also the farm manager of Canticle Farms. Right next to us we have another farm, Rich Doran, who has 10 to 12 horses. So I am a neighbor to a horse farm and I find nothing displeasing about it. In fact, it is the opposite. There are no bad smells or anything. We actually have a lot of our customers who like to go over and look at the horses. If anything, I would think it would add to your land value because what are folks looking for out in this area but the countryside. I think we need to preserve that. What better way than to put some livestock on it.*

Bill Palmer: *I have talked to, I think, eight people around the area here. All of them, except two, have been supportive. Four of them really want the horses. The others said they have no problem; that it's fine with us.*

Scott Brook: *As you know, we maintain three family horses now and I have four neighbors that directly border the pasture. I had them sign something that stated, not only has there been no problems, but they are actually going to miss them if we are able to do this. (He then submitted copies of the signed statement to the Board.)*

There were no other comments from the audience.

Mr. Kavanagh made the motion to close the public hearing on J. Scott Brook o/b/o Kay Palmer (# 54-14) application for Special Use Permit to keep horses in an R-1 Zoning District at 7:22 PM. 2nd by Mr. Sayegh. Mr. Kavanagh – aye; Mrs. Larson – aye; Mr. Sayegh – aye; Mr. DeFiore – aye. Carried.

PUBLIC HEARING

E. Peter Hellier (#55-14)

Special Use Permit for a home occupation in an R-1 Zoning District

This is an application for a special use permit to allow a home occupation (Resident Professional Office) to be conducted from the applicant's residence. The 59-acre parcel is located in both the R-1 and A-F zoning districts but the house is situated in the R-1 frontage area; therefore, a special use permit is required. The home occupation will be a Professional Office, which will primarily consist of designing homes using a computer-based AutoCAD system.

The applicant has stated that no clients will come to the office. The office will not occupy more than 25% of the floor area of the home. There will be no signage.

Chairman DeFiore called for comments from the floor and there were none.

Mr. Kavanagh made the motion to close the public hearing on E. Peter Hellier (#55-14) request for Special Use Permit for a home occupation in an R-1 Zoning District at 7:24 PM. 2nd by Mrs. Larson. Mr. Kavanagh – aye; Mrs. Larson – aye; Mr. Sayegh – aye; Mr. DeFiore – aye. Carried.

Chairman DeFiore then opened the regular meeting at 7:25 PM.

OLD BUSINESS

J. Scott Brook o/b/o Kay Palmer (# 54-14)

Special Use Permit to keep horses in an R-1 Zoning District

The Board went over the staff report on the conditions of approval for the special use permit. Mr. Brook requested the following changes:

1. to allow them to have occasional visitors bring their horses;
2. the five permitted animals to allow for horses and possibly donkeys;
3. the size of the barn.

The Board changed the first two conditions to read:

1. No more than a total of five (5) horses, donkeys, mules and/or ponies, *in any combination*, belonging to the occupant of the house, or occasional (30 day maximum) visitors, shall be permitted. No boarding of horses owned by others is allowed.

2. Farm animals or livestock other than horses, donkeys, mules and/or ponies are not permitted.

In case it should come up in the future, Mr. Kavanagh asked if it would be allowable for the applicant to raise an animal (i.e. pig or calf) to take to the Fair to be judged, such as 4-H. Mrs. Horowitz answered they would have to come back to the Board for a Special Use amendment.

The board approved the setbacks of a minimum of 35 feet from all abutting property lines for the barn and manure storage. Mrs. Brooks mentioned they have very little manure stored on the property as they have partnered with the Food Pantry which takes it for their farm.

Mr. Brooks said they have not yet picked a plan for the size and shape of the barn. He is concerned that limiting it to 30 by 36 feet might be difficult. They have looked at one that is 20 by 32; however, they want to have the preapproved size to be sufficient for their needs so they do not have to come back to the Board to get an amendment. The proposed site of the barn is ½ mile from the neighbor who has concerns. The board decided to use square footage in the condition to read:

4. The barn shall be no more than 1500 (one thousand five hundred) square feet on the first floor.

Since Mr. Brook has not yet sold his house and the purchase of the Palmer property and subsequent special use hinge on the sale, he asked if the required actions have to be done within twelve months. If so, what happens if it takes longer? Mrs. Horowitz indicated the Planning Board cannot extend the time limit of the Special Use Permit but the applicant can request an extension at the end of the year per the Zoning Ordinance Section 8.05(E) which reads “A *Special Use Permit shall be deemed to authorize only one (1) particular special use and shall expire if the Special Use shall cease for more than one (1) year for any reason, or if work has not been commenced within one year of the date of approval. Extension may be granted only by the Planning Board.*”

Since the permit goes with the property, Mr. Palmer asked if they would have to reapply for the permit after twelve months if, at that time, someone other than Mr. Brooks purchases the property and that buyer wanted to keep horses. Mrs. Horowitz said they would only have to apply for an extension. She also reiterated the permit goes with the property, not the landowner, as long as the use meets the Special Use Permit.

Mr. Sayegh made the motion that the Planning Board has determined this is a Type II SEQR action, pursuant to Section 617.5(c)(3), which exempts "agricultural farm management practices, including construction ...and land use changes consistent with generally accepted principles of farming; therefore, no SEQR review is required on J. Scott Brook o/b/o Kay Palmer Application #54-14.

2nd by Mr. Kavanagh. Mr. Kavanagh – aye; Mrs. Larson – aye; Mr. Sayegh – aye; Mr. DeFiore – aye. Carried.

Mr. Kavanagh moved to approve the application for a Special Use Permit to allow the keeping of horses on tax map parcel #93.002-4-14, as described in the application, with the following conditions of approval:

1. *No more than a total of five (5) horses, donkeys, mules and/or ponies, in any combination, belonging to the occupant of the house, or occasional (30 day maximum) visitors, shall be permitted. No boarding of horses owned by others is allowed.*
2. *Farm animals or livestock other than horses, donkeys, mules and/or ponies are not permitted.*
3. *The barn and manure storage shall be sited in the locations shown on the site plan. The manure storage area and barn shall be set back a minimum of 35 feet from all abutting property lines.*
4. *The barn shall be no more than 1500 (one thousand five hundred) square feet on the first floor.*
5. *The area to be fenced in for horses can include the entire area now used for planting (shown as penciled-in rectangles on the site plan), except that the fence shall be set back a minimum of 35 feet from the rear property lines of the abutting residential properties. The area to be fenced may be initially smaller than the entire area shown on the site plan and can be expanded over time.*
6. *The area in which the horses will be kept shall be completely enclosed. The fence shall be constructed such that it is adequate to keep the horses inside the enclosure.*
7. *The site plan appears to show a buffer of trees on the subject property along the property line with the abutting residential properties on the South Nine Mile Road and Klice Cross Road. If the trees are located on the Palmer property, they shall be maintained in order to provide a buffer to the abutters.*

2nd by Mrs. Larson. Mr. Kavanagh – aye; Mrs. Larson – aye; Mr. Sayegh – aye; Mr. DeFiore – aye. Carried.

E. Peter Hellier (#55-14)

Special Use Permit for a home occupation in an R-1 Zoning District

Mr. Sayegh made the motion that the Planning Board has determined this is a Type II SEQR Action, pursuant to Section 617(c)(10), which states: construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds, or other buildings not changing land use or density; therefore, no SEQR review is required on E. Peter Hellier Application #55-14.

2nd by Mr. Kavanagh. Mr. Kavanagh – aye; Mrs. Larson – aye; Mr. Sayegh – aye; Mr. DeFiore – aye. Carried.

Mr. Kavanagh moved to approve the application by E. Peter Hellier for a Special Use Permit to allow a home occupation for a professional office at 3560 Five Mile Road.

2nd by Mr. Sayegh. Mr. Kavanagh – aye; Mrs. Larson – aye; Mr. Sayegh – aye; Mr. DeFiore – aye. Carried.

OTHER BUSINESS

Zoning ordinance update:

Section 5.12: Sign Regulations

The Board continued their updating of the zoning ordinance sign regulations.

Mrs. Horowitz presented a sample chart showing types of freestanding signs. If the Board finds the sample useful, there would be charts for all the types of signs. Each chart would allow for the dimensions and types for each zoning district to be listed and will also allow for the possibility of pictures of current signs that fit each category. The Board agreed such charts would be very helpful and easier to read.

Mrs. Horowitz presented a number of possible ways of computing area of wall signs. Of the three possibilities, the Board approved using Option 2 which allows for larger signs depending on the area of the building frontage.

Billboards (f): Change wording to read: *A billboard can be an electronic graphic sign with a special use permit.*

Digital Displays (1): New: *Video Display Signs are not permitted in the Town of Allegany.*

(2) Many of these regulations are recommended by the National Highway Traffic Safety Administration (NHTSA)

Mr. Kavanagh made the motion to close the meeting. 2nd by Mrs. Larson. Mr. Kavanagh – aye; Mr. Sayegh – aye; Mr. DeFiore – aye. Carried.

The meeting was adjourned at 8:55 p.m.

Respectfully submitted,



Lynette K. Semsel
Secretary