

Town of Allegany Planning Board Meeting Minutes

July 11, 2011 at 7:00 PM Allegany Senior Center – Birch Run Rd.

Present:

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

APPROVED August 8, 2011

Also Present:

Carol Horowitz, Town Planner; Lynette Semsel, Secretary; John Hare, Patrick Eaton, Supervisor; Ray Jonak; Camie McGraw, CRA; Daniel Spitzer, Esq.; Charles Malcolm, Esq.; Rodney Gleason, Highway Superintendent; Mark Alianello, P.E.; Jason Crisafulli, Mike Giardini, Kinley Corp; Bonaventure Square Representatives; Phil Winger, St. Bonaventure; Everpower Representatives; Town People

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

Mr. DeFiore made a motion to accept the minutes of the Joint Special Meeting of the Allegany Town Board and the Planning Board for June 8, 2011 as written. 2nd by Mr. Hellier. Ayes all. Carried.

Mr. DeFiore made a motion to accept the minutes of the Allegany Planning Board for June 13, 2011 as written. 2nd by Mr. Hellier. Ayes all. Carried.

Mr. DeFiore made a motion to accept the minutes of the Allegany Planning Board for June 29, 2011 as written. 2nd by Mr. Hellier. Ayes all. Carried.

Allegany Wind, LLC.

Mr. Phillips stated the Board has gone through the SEQRA process, looked at everything and now is going to move this to the Town Board.

Mr. Phillips made a motion that we accept Resolution Adopting Statement of Findings and Decision, Issuing a Special Use Permit, and Approving the Site Plan.

WHEREAS, Allegany Wind, LLC, on behalf of the Allegany Wind Power Project (the "Applicant"), has submitted an application to the Town of Allegany (the "Town") for the necessary permits and approvals to construct and operate a wind energy generating facility and related collection and road access infrastructure in the Town (the "Project"); and

WHEREAS, the Town of Allegany Planning Board (the "Planning Board") has reviewed applications for a Special Use Permit and Site Plan approval in accordance with Town of Allegany Zoning Ordinance II; and

WHEREAS, the Applicant submitted an application for a rezoning to the Town, requesting that the Town Board create a Wind Energy Overlay Zone; and

WHEREAS, the Town Board referred the rezoning application to the Planning Board, in accordance with Section 12.02 of Zoning Ordinance II; and

WHEREAS, the Planning Board, acting as Lead Agency pursuant to the State Environmental Quality Review Act (“SEQRA”), issued a Positive Declaration of Environmental Significance for the Project and directed the Applicant to prepare a Draft Environmental Impact Statement (“DEIS”); and

WHEREAS, the Planning Board, after review of the DEIS, accepted the DEIS as complete, established a public comment period for the DEIS, filed and circulated the Notice of Completion of the DEIS to the Environmental Notice Bulletin and appropriate parties, and filed the DEIS with the appropriate parties pursuant to SEQRA; and

WHEREAS, a public hearing and public comment period were held for the purpose of receiving comments on the DEIS; and

WHEREAS, following the public comment period on the DEIS, the Planning Board, with its consultants and experts, prepared a Final Environmental Impact Statement (“FEIS”), which was issued; and

WHEREAS, the Notice of Completion of the FEIS was filed and circulated to the Environmental Notice Bulletin and appropriate parties, and the FEIS was filed with the appropriate parties pursuant to SEQRA; and

WHEREAS, the Planning Board held a public hearing on the applications for a Special Use Permit and Site Plan approval, jointly with the Town Board’s public hearing on the Applicant’s rezoning application; and

WHEREAS, as required by Section 239-m of General Municipal Law, the Planning Board referred the applications for Special Use Permit and Site Plan to the Cattaraugus County Planning Board for its review and recommendation, and the County Board considered the referrals and recommended that the Project should be approved; and

WHEREAS, the Planning Board is required to make a written elaboration for its determination in connection with the FEIS and the requested action; and

NOW THEREFORE BE IT RESOLVED, by the Town of Allegany Planning Board as follows:

1. **The attached Statement of Findings and Decision, including the certifications required by 6 N.Y.C.R.R. § 617.11(d), which is incorporated and made part of this resolution, is adopted.**
2. **The attached Special Use Permit is hereby issued and the attached Site Plan is hereby approved, with conditions.**
3. **The Planning Board recommends to the Town Board that the Applicant’s rezoning application be approved.**
4. **This resolution shall be effective immediately.**

2nd by Mr. Kavanagh.

Mr. Phillips called for a roll call vote.

Helen Larson: Aye

Frank DeFiore: Nay

Peter Hellier: Nay

Rick Kavanagh: Aye

Robert Phillips: Aye

Carried.

Mr. Spitzer stated this concludes the Planning Board's portion of the Wind Power application. Mr. Phillips thanked Mr. Spitzer, Mr. Malcolm, CRA, the applicant, and all the townspeople who came and gave comments.

Bonaventure Square Site Plan Application

Mrs. Horowitz indicated in her staff report that the applicant's most recent submittal was received by the town on Wednesday, July 6, well after the deadline for items to be considered at the Board's July meeting and, therefore, there has not been adequate time to complete a substantive review of those documents. She also reported the following items:

Land uses, maximum building bulk and building height: Since the district energy plant is now a future Phase 3 part of the plan, the land uses they are proposing in Phase 1 deals with the apartments, the entertainment complex, the bookstore, the hotel and the associated parking and the utilities. The land uses are consistent with the Development Plan. The applicant needs to provide the number of rooms of hotel/apartments and the square footage of the proposed buildings to be able to determine compliance with the building bulk standards. The building elevations demonstrate that building heights comply with the recent amendments. Site layout complies and is not an issue. The applicant needs to provide a graphic that shows what they are including in the 35% open space to demonstrate that this standard is met.

Utilities: Mark Alianello and Rodney Gleason will meet and discuss where the utility lines will be placed and will then meet with the applicant. Also the applicant needs to provide data on the actual required fire flow for each building and compare that requirement with the available fire flow on site.

Architectural Standards: Proposed elevations appear to comply to standards of Section 4.14 of zoning ordinance, with the exception of the rear wall of entertainment complex; however, this will be attached to the sportsplex in phase 2 of the development.

Mr. Blood stated that the windows that will be in the rear wall are temporary, until the sportsplex is built and are intended to add some interest to that side of the building.

Ms. Horowitz stated that the garbage dumpster enclosure showed two different heights for the fence. The Board asked to change the fence height to 8' and it should match the beige color of the rest of the fencing.

Vehicular Circulation: Mr. Alianello referred to his May 9, 2011 memo to the Board where he recommended the curves be corrected to make the radius as long as possible, super elevate the pavement, widen the travel lanes if necessary, and other possible mitigations. His only question now is are the stop lines far enough back to allow a tractor trailer to turn the corners without a car being in its way. Mr. Marlett stated he did not think tractor trailers would be on the road; deliveries would be made by box truck. Mr. Alianello said this will be a town road and he doesn't know if the town can or will post it. The auto turn program is needed and the applicant has been asked to run the program and provide the results. Where the road has been changed to be one-way, the stop signs that were originally planned are no longer needed.

Pedestrian Circulation: The crosswalk on the plan is on the apartment side of Francis Drive. On earlier plans there were crosswalks on both sides. The Board was satisfied with one crosswalk.

On Site Parking: Mrs. Horowitz will ask the Town CEO to determine if the handicapped parking complies with the ADA.

Emergency Vehicle Access: Mrs. Horowitz stated there was discussion between Rodney Gleason, Jerry Dzuroff and the Fire Chief and their preference is for a sliding gate that is operated by a remote. A list of the number of remotes needed will be provided, i.e. fire department, highway department (for road maintenance and snow plowing.)

Subdivision Approval: Prior to the issuance of a building permit, the applicant must get subdivision approval from the Planning Board. Mrs. Horowitz spoke with Wendy Tuttle and Bob Docherty and they should have an application for the August meeting.

Buffering and Landscaping: There was a lot of discussion re the fencing around the site. To avoid a "mish-mash" effect, it should be the same all the way down the line--either fence or hedge. The Board then looked at various fence segments and directed Mrs. Horowitz to contact some abutters regarding their opinion. Kathy Martin was present at the meeting and requested a fence and a berm. Mike Droney asked that he have no fence by his property. Decision was made to make all the fencing 8'.

Mr. Alianello brought up issues that he felt needed resolution before the finalization of the project.

1. The right-of-way is crowded and the applicant has proposed resolving that by moving water and sewer into the pavement. This needs to be checked into before approval.
2. The mix of public and private on the drainage infrastructure: a proposed town road with the water going into private drainage facilities and ultimately disposed of in private infiltration basins has not been addressed.
3. Who is going to own and maintain the fences as the fence is on the property line between the town and the private property line. The fence is not on the developer's property.
4. The radius of the roads and proving that necessary vehicles can get around the tight curves still needs to be resolved. The stop lines might need to be placed back a little. The tightest turn is at the hotel and the radius could be lengthened.

Rodney Gleason, Mark Alianello and Carol Horowitz will meet Monday, July 18 at 9:00 AM to discuss the issues that need to be resolved. Representatives from Kinley and Bonaventure Square will meet with them later in the morning, with the hope to have everything resolved for the August 8, 2011 Planning Board meeting.

Believer's Chapel Update

ZBA refused to grant a rear or side variance. It appears the parking area exceeds that which was approved in 2009. The applicant was notified the size of the parking lot should be restored to what was approved, whether or not it is his intention to pursue the amendment to the approved site plan. Mrs. Horowitz stated they went ahead and put in the gravel to extend the parking lot without paying any attention to the site plan or the setbacks. The parking lot doesn't comply with the site plan, therefore, they need to do what is necessary to bring it in to compliance and restore the site. Then, if they want to, they can come before the Board to amend the site plan. They apparently have gravel over the septic system, and it is not clear that the bollards are in the correct location to protect the septic system.

The Board asked Mrs. Horowitz to notify the applicant that the parking lot should be restored to the approved August, 2009 dimensions, ask him to inform us what he intends to do in reference to the parking, and the position of the bollards need to be clarified.

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

The meeting was adjourned at 10:00 PM.