

**AGENDA**

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

**Monday, July 14, 2014  
at 7:00 p.m.  
Allegany Town Hall  
52 W. Main Street, Allegany, NY**

**Salute to the Flag**

**Minutes**

June 16, 2014

June 30, 2014

**Old Business**

None

**New Business**

None

**Other Business**

Zoning ordinance update:

Revised Article II, Definitions

Revised Article V, Supplemental Regulations

Revised Article IV, District Regulations

**Correspondence**

None

**Next Planning Board Meeting:  
Monday, August 11, 2014**

**Town of Allegany Planning Board**  
**Meeting Minutes**  
Monday, **July 14, 2014** at 7:00 P.M.  
Allegany Town Hall, 52 W. Main Street, Allegany, NY

**APPROVED August 11, 2014**

**Present:**

Frank DeFiore, Chairman  
Pete Hellier  
Rick Kavanagh  
Helen Larson  
John Sayegh

**Also Present:**

John Hare, Town Supervisor; Richard Burt, Brett Fisk, Community Bank; Kyle Duggan, Duggan & Duggan; Tom McElheny, Clark Patterson Lee; Carol Horowitz, Town Planner; Lynette Semsel, Secretary

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

**Minutes**

Chairman DeFiore asked for corrections, additions, deletions to the June 16, 2014 Planning Board Meeting and the June 30, 2014 Public Hearings and Planning Board Meeting.

*Mr. Sayegh made the motion to approve the minutes of the June 16, 2014 meeting as written. 2<sup>nd</sup> by Mrs. Larson. Mr. Kavanagh – aye; Mr. Hellier – aye; Mrs. Larson – aye; Mr. Sayegh – aye; Mr. DeFiore – aye. Carried.*

*Mr. Kavanagh made the motion to approve the minutes of the June 30, 2014 Public Hearings and meeting as written. 2<sup>nd</sup> by Mr. Sayegh. Mr. Kavanagh – aye; Mrs. Larson – aye; Mr. Sayegh – aye; Mr. DeFiore – aye. Mr. Hellier – abstained. Carried.*

**Community Bank/Duggan & Duggan Project**

Mr. McElheny, engineer for the project, along with representatives from the bank and Kyle Duggan, asked to speak to the Board due to some concerns they have come across in the project. He said that the amount of cut material is larger than they had anticipated, and this has affected some of the trees they had wanted to save toward the rear of the property. Also, the Town's Water & Sewer Superintendent, John Moshier, will not allow the developer to put any fill on top of the Town's sanitary sewer easement that runs through the property, since that line is already quite deep. Mr. McElheny said they are going to ask him if they could dish it a little bit, put a "little belly" in it. The DEC no longer wants the manholes flush with the ground as that can lead to infiltration. Due to the age of the sewer, Mr. McElheny believes there is infiltration now; if they dish it out a little and let the manholes stick up 5 or 6 inches, it would eliminate the opportunity for infiltration.

Mr. McElheny said the area along Castle Drive has been filled and finish graded. It is approximately four feet high allowing the residents to still have a scenic view across to St. Bonaventure. This is the grade that they anticipate for the rest of the site. Also, an agreement with St. Bonaventure to gain about an acre of land that is low has been reached; therefore, some extra fill can be used there and the acre will be graded.

There were five trees north of the sanitary sewer easement that they had planned to save, which were shown on the landscaping plan that was approved by the Planning Board; however, the cherry tree was split and the two ash trees were stripped by the ash borer. These three trees were taken down and removed. The other two trees are mature oak; one 20' and the other 30'. The larger oak tree has a lot of dead in it. They could try to protect it by putting a tree well around it, but it would be quite deep and most likely would hold a lot of water. Mr. McElheny would like to take the two trees out and then work out a landscaping plan to replant trees on the property. In response to a question, he stated that the lines of trees that abut the property line will be left as screening. This proposed change concerns trees in the middle of the property.

Mr. Hare stated that oak trees do not like their roots wet which would happen if a tree well was placed around it and his opinion was that the tree would probably die in a few years. Mr. Kavanagh agreed, stating the tree is also close to the sewer line.

Mr. Duggan stated the discussion and decision of what types of trees to be planted should be between the bank and the Planning Board. The bank representatives said they are open to whatever would benefit the town and the neighbors. They would plant semi-mature trees, not seedlings.

Mr. Sayegh said he is for restoring trees but he has no problem with cutting down the two oaks as long as the developer pledges to plant other trees.

Mr. DeFiore was concerned the oak would be an historic tree due to its size. He stated that he has a large oak on his property and was told he could not cut it down; therefore, he was concerned about the Board approving removal of these two oaks. He contacted DEC to see if there are any regulations about cutting the oaks down. He said they didn't state they would not allow it but they did discourage it.

Mrs. Horowitz was concerned about the possibility of runoff onto adjacent properties on Castle Drive due to the amount of fill in the area. Mr. McElheny said, even with the amount of rain we have had, there has been no runoff onto those properties; however, if they need to, he said they could go out there with a surveyor and make sure to grade that toe.

The Board and the applicant discussed the possibility of runoff onto other property and the landscaping, including trees and whether grass or wildflowers might be sown at the rear of the property. Mr. DeFiore suggested that the Bank come up with a landscaping plan showing types and placement of vegetation, the trees that will be planted as mitigation for the oaks that will be removed, etc. and present it to the Planning Board for its review as an amendment to the site plan. The Planning Board will also send the revised plan to the special engineer, Steve Mountain, for his review about the appropriateness of the proposed ground cover in the rear of the parcel. The Planning Board will also inform Mr. Mountain of their concern of any runoff.

Mr. McElheny said he would get their landscape architect to come up with a plan and get it to Mr. Mountain and the Board. Since the applicant wants to occupy the bank facilities by October, Mr. McElheny suggested the trees should be planted this fall. The bank representatives agreed saying they were not averse to doing it earlier rather than later. Ms. Larson stated that fall is a good time to plant trees.

Mr. McElheny said the grading contractor indicated, if he has three good weeks, he would have the earthwork done at both the bank and the physical therapy.

Mr. DeFiore asked if they will be able to retain all the dirt on site. Mr. Duggan said, with the Bonaventure piece in the mix now, he didn't think it was going to be a problem. The grading deal with St. Bonaventure is less than an acre on the university property. It is a low area and the fill will be used to taper it off. Since the property is not in the 100 year flood zone and less than an acre is involved, there is no DEC involvement for a SWPPP. Since the grading is not associated with any construction but just dirt pushed over onto the property to fill in what amounts to as a hole, the Planning Board does not need to address the issue either. Mr. Hellier was concerned about the runoff on this specific piece and suggested the Planning Board or Town Board keep tabs on it. Mrs. Horowitz stated there is nothing in the Zoning Ordinance that triggers Planning Board or Town Board involvement.

***Mr. DeFiore made a motion to allow Community Bank to remove the two oak trees that are in that aforementioned area on the site plan but, before any other changes are enacted, that they come back to the Board to get approval of the site plan. 2<sup>nd</sup> by Mr. Hellier. Mr. Kavanagh – aye; Mr. Hellier – aye; Mrs. Larson – aye; Mr. Sayegh – aye; Mr. DeFiore – aye. Carried.***

Mr. McElheny mentioned they are having trouble getting permission from the State DOT to use the two current curb cuts. The State DOT wants one moved so it is across from DeSoto Lane. They also want any of the curb cuts presently on the parcel, which will not be used, to be taken out and seeded.

The Planning Board agreed that these changes did not represent a "substantial change" in the site plan, which would require an amendment.

Mr. McElheny will see that the Planning Board gets an "as built" drawing showing the shifts in the curb cuts. The driveway cut is the only permit that is outstanding.

## **Other Business**

### **Pre-meetings for new projects:**

There was some discussion on the new "pre-meetings" that the Board has been using to promote expediting projects. Since these meetings are not open to the public and only one or two of the Planning Board are in attendance, Mr. Kavanagh asked if it would be possible for some type of minutes to be taken that can be given to the other members of the Planning Board. The object of the "pre-meeting" is to inform the applicant of the documents and information they need to present to the Board; however, there may be times when other information is shared that would be valuable for the complete Board to know in making a decision. Mrs. Larson agreed that it would be helpful knowing what was previously discussed at those meetings. Mrs. Horowitz said she could take notes and type them up for the Board. Copies of what was given to the applicant would also be distributed with the notes.

### **Zoning ordinance update:**

Revised Article II, Definitions

Revised Article V, Supplemental Regulations

Revised Article IV, District Regulations

The Board continued going over the sign regulations. Mrs. Horowitz has drawn pictures of the different signs to be added to the text of the Zoning Ordinance for each category of sign. This will allow easier identification. The Board agreed the pictures will be helpful and thanked her for her work in drawing the signs.

Mrs. Horowitz presented the new Article II, Definitions, Article V, Supplemental Regulations and the Schedule A Use Table. The definitions and Schedule A Use Table are in the new format to be used. She asked the Board to read all the documents through during the next month and present any questions, changes or corrections they have at the August meeting.

***Mr. Hellier made the motion to close the meeting. 2<sup>nd</sup> by Mr. Kavanagh. Mr. Kavanagh – aye; Mr. Hellier – aye; Mrs. Larson – aye; Mr. Sayegh – aye; Mr. DeFiore – aye. Carried.***

The meeting was adjourned at 8:45 p.m.

Respectfully submitted,

  
Lynette K. Semsel  
Secretary