Town of Allegany Planning Board Meeting Minutes

August 8, 2011 at 7:00PM Allegany Town Hall

Present:

Bob Phillips, Chairman Peter Hellier Rick Kavanagh Frank DeFiore Helen Larson APPROVED September 12, 2011

Also Present:

Carol Horowitz, Town Planner; Lynette Semsel, Secretary; Kinley Corporation: Mike Giardini, Jason Crisafulli, Don Wilcox; Lauer-Manguso: Robert Blood, Mike Terranova; Bonaventure Square Representatives: Robert Docherty, Craig Marlett; Phil Winger, St. Bonaventure; Kate Sager, Olean Times Herald; Duggan & Duggan: Mel Duggan, Kyle Duggan; Kathy Boser, Townspeople.

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

Mr. Hellier made a motion to accept the minutes of the Allegany Planning Board for July 11, 2011 as written. 2nd by Mrs. Larson. Ayes all. Carried.

Bonaventure Square Site Plan Application

Mr. Phillips stated, per the Staff Report, that all procedural items have been completed, and the revised application submitted on July 29, 2011 meets the standards for approval with conditions. He then asked Mrs. Horowitz to go over the 26 conditions.

Since the Chair provided the applicant with additional time to submit the drawings, Mrs. Horowitz and Mark Alianello had only a short time to review them. Ms. Horowitz stated that there are several small items that still need to be fixed on the drawings, but these changes do not seem to rise to the standard of doing the drawings over before the Board's approval; they can be included in conditions of approval. The Board has three things to look at in terms of meeting criteria: 1) the Development Plan the Town Board approved and amended; 2) the Site Plan and Article 9 of the Zoning Ordinance; and 3) the Route 417 East Corridor Overlay District.

Mrs. Horowitz then went over the items listed in the staff report:

Building bulk: In terms of the retail entertainment complex, the development plan doesn't distinguish between net square footage and gross square footage. Net would be space that is actively used for offices, retail, bowling alley, etc. The floor plan includes an additional approximate 5,300 sq. ft. "common space" area, which is essentially a hallway that provides access to the future sportsplex and to tenants in the building. The corridor has no effect on parking and the project must meet the 35% open space standard, so it appears reasonable to exclude the "common area" and use the net square footage for this building. The Board concurred.

Building height: Nothing has changed so it complies with the amended development plan. **Coverage:** A Coverage Calculation table demonstrates that the 35% open space standard is met. **Setbacks:** Mrs. Horowitz did spot check measurements and they complied with the setbacks.

Landscaping and buffering: Mrs. Horowitz contacted the abutters per the Planning Board's request to talk with them about their preference. Those who had a strong opinion favored the fencing over the landscaping. Others did not seem to have a preference at all. This direction was given to the applicant. The plans now show perimeter fencing all around the site except where it abuts Olean Physical Therapy. The fencing will be white as opposed to the tan and 6' high except for the area to the rear of parking area #6 where it will be 8' high. Since the tan fencing is substantially more expensive than the white, the board concurred it would be all right to allow the applicant to save some expense on the fencing. The buildings do have white accents; therefore, the white fencing would be complementary. The applicant beefed up the landscaping plan to make it clearer where the lawn areas are.

Vehicular circulation: The applicant did provide the auto-turn analysis which was reviewed by the Town Engineer and the Highway Superintendent. They felt it adequately demonstrated trucks could make the turn on the two back corners. The stop signs were adjusted to allow more room for larger vehicles as they would cross over into the other lane while turning. Mr. Alianello informed the applicant's engineer that stop signs are missing at the main entrance on Route 417 and also the parking area next to the apartments. The project engineer needs to develop a design speed for the roadway and then post speed limit signs in various places.

On site parking: In Phase I there will be 484 permanent parking spaces in lots 1-6. An additional 50 temporary spaces in the footprint of the Sportsplex brings them up to a total of 534 parking spaces. There is no minimum number of parking spaces that was established by the Town Board in the Development Plan; only a maximum of 643 spaces at full buildout. The Shared Parking Analysis prepared by SRF Associates recommends a minimum of 532 parking spaces for the Phase I components; therefore, the applicant does meet that. They still need to provide somewhere between 626 and 643 at buildout. Since there is not adequate space for a surface lot containing the needed 95 parking spaces, these spaces will have to be provided in the footprint of the sportsplex. A condition of approval is proposed to address this.

Parking lot design: A three year time limit should be set for the paving of the temporary parking area. If they need longer, the applicant can ask for an extension/amendment to the site plan. **Emergency vehicle access:** The ground clearance for the sliding emergency gate should be higher. The detail of the gate should be decided by the CEO, the Highway Superintendent, the Fire Department, and local police.

Site lighting: The height of the lights on the loop road was reduced from 25' to 15', a more reasonable height for the project. According to the revised photometric drawings, there are areas of the site where the standard of light levels not exceeding 0.2 footcandles is not met. The lighting plan should be tweaked in these areas. Mrs. Horowitz proposed for the Planning Board to set a standard in the conditions and let the applicant figure how to meet them. Mr. Blood will check on the reason the illumination of some lights is higher than others.

Signage: All the signage should be uniform or consistent internally. If the applicant is going to put all the signs that show on the plans, they will need a variance from the ZBA. Pole signs will not be allowed other than one at the main entrance where there is an information kiosk

Utilities, *stormwater and road issues*: Mark Alianello notified Mrs. Horowitz that he felt the applicant had provided enough information about fire flow demand to make him comfortable to state they had met the standard in the Development Plan.

Mrs. Horowitz concluded that in her opinion, with the proposed conditions of approval, the site plan application meets the standards for approval. The Planning Board reviewed the draft conditions of approval and made modifications.

Mr. Kavanagh made a motion to approve the Bonaventure Square Phase I Site Plan with conditions:

- 1. Pursuant to the Development Plan for Bonaventure Square, no building permits will be issued until the project sponsor receives subdivision approval from the Town's Planning Board to re-aggregate into one parcel all the tax map parcels that comprise the project site. This is necessary because the site layout has buildings and roads crossing parcel lines. If components of the project are subsequently sold off to other entities in the future, that subdivision will also require subdivision approval; at the time of any such approval appropriate agreements for cross easements for items such as access and drainage will be required.
- 2. Applicant shall file a Notice of Intent (NOI) with NYSDEC and the necessary waiting period shall have transpired before any site work can begin.
- 3. Before site work can begin, the applicant shall submit revised grading plans, stormwater plans and SWPPP phasing sheets for review and final approval by the Town's Consulting Engineer.
- 4. Prior to relocating the sanitary sewer line and installing any new sanitary sewer lines, the project sponsor shall prepare an application to NYS Department of Environmental conservation on behalf of the Town. No work can be conducted until approval has been obtained from NYSDEC and the approved plans have been provided to the Town Engineer and Town Sewer Superintendent.
- 5. Prior to installation of new water lines, the project sponsor shall prepare an application to the Cattaraugus County Health Department (CCHD) on behalf of the Town. No work can be conducted until approval has been obtained from CCHD, and the approved plans have been provided to the Town Engineer and Town Water Superintendent. Final design plans that are submitted to the town shall resolve the conflict between the water lines and the lighting for the loop road.
- 6. Prior to start of work on any infrastructure proposed to be dedicated to the Town of Allegany or any town of Allegany Special District, the project sponsor will obtained a Public Improvement Permit (PIP) from the Town Board.
- 7. Prior to the issuance of a Certificate of Occupancy for any building, the Town Board shall be offered and shall accept dedication of water lines and sanitary sewer lines, and the appropriate easements for these facilities. The offer of dedication shall be accompanied by a map and by a legal description of the easements.

- 8. This site plan approval is for Phase 1 only of the Bonaventure Square development. Subsequent phases of development, which include the sportsplex, District Energy Plant, and associated parking, shall require site plan review and approval from the Town of Allegany Planning Board.
- 9. Prior to performing any work within the right-of-way (ROW) of NYS Route 417, the project sponsor shall apply for and obtain a Highway work permit from NYS Department of Transportation for curb cuts, pedestrian crossing signs, crosswalk striping, landscaping that may be included within the ROW, and any other features intended to be included in the ROW. A copy of the Highway Work Permit shall be provided to the Town of Allegany Code Enforcement Officer (CEO).
- 10. The loop road is not proposed to be dedicated at this time, but if the project sponsor intends to pursue an offer of dedication in the future, provided legal issues surrounding location of privately-owned site features in a public right-of-way can be resolved, the project sponsor may want to obtain a PIP for the road as well. If a PIP for the road is not obtained, the Town Board will not have adequate assurances that the road was constructed to town standards, and therefore could not accept dedication, if it were to be offered in the future.
- 11. The project sponsor shall apply to the Town Board to obtain an abandonment of the right-of-way of that portion of the cul-de-sac of Castle Drive which encroaches onto the loop road and adjacent area.
- 12. In order to ensure that the site features are constructed as shown on the approved plans, prior to the issuance of a Certificate of Occupancy for any building, the project sponsor shall provide a signed, stamped Letter of Certification from a licensed professional engineer, surveyor, landscape architect and/or architect stating that the project (or that portion of the project associated with a particular building), as built, complies with the approved plans. This certification shall include all non-public and non-structural features, such as landscaping, fencing, lighting, sidewalks and pedestrian paths, pedestrian plaza, storm sewers and drainage features and parking. The Certification shall include as-built drawings of the site. The Certification shall include the loop road, unless a PIP is obtained for that site element.
- 13. The project sponsor and any subsequent owners shall permanently maintain all landscaping and fencing to the same or greater level as shown on the approved landscaping plans. This includes the perimeter fencing and landscaping that provides a buffer to abutting property owners, as well as landscaping that is interior to the site. Fencing and plants shall be replaced as necessary. If landscaping and/or fencing is not adequately maintained, the project will be in violation of the approved site plan and the Planning Board will take action to rescind the site plan approval, which will result in a rescinding of one or more Certificates of Occupancy for buildings on the site.
- 14. Signage. Signage on all buildings shall be similar in terms of design, materials, and colors. All signs on buildings must comply with the provisions of Section 5.15 of Zoning Ordinance II, including restrictions on the number and size of signs, unless a variance is obtained from

- the town's Zoning Board of Appeals. Except for the informational kiosk in the pedestrian plaza, no pole, ground or freestanding signs are allowed.
- 15. The project sponsor (applicant) shall obtain any approvals that may be needed from abutters in order to remove and replace fencing and/or existing trees and shrubbery. Prior to any construction or activities on an abutting property, the project sponsor shall provide documentation to the Town's Code Enforcement Officer of permission for such activities.
- 16. Pursuant to Performance Standard 8e of the Development Plan for Bonaventure Square, prior to the issuance of a building permit for any building on the site, the project sponsor will post in an escrow account an amount to be mutually determined by the Town of Allegany and by Ross Wilson & Associates, but which amount will be adequate to conduct a post-development traffic assessment. The purpose of the assessment is to determine if a traffic signal at the main entrance onto Route 417 is warranted. The traffic assessment will be conducted within one year of full development of the site. The traffic study will be presented to NYSDOT. Any traffic control devices which are recommended by the traffic assessment and approved by NYSDOT shall be provided at the expense of the current property owner(s) of Bonaventure Square.
- 17. The project sponsor shall calculate the design speed of the loop road and shall post speed limit signs. Appropriate speed limit signs shall be posted prior to the issuance of the first Certificate of Occupancy on the site. Speed limit signs shall be included in the certification required in Condition #12.
- 18. If construction of the sportsplex is not started within three years, the rear wall of the entertainment complex shall be brought into compliance with the architectural standards of the Corridor Overlay District, by adding pilasters or other architectural elements to the rear wall of the building.
- 19. Temporary parking area #8 is approved for three years from the date of this approval. After three years, a paved parking area that can accommodate 50 cars on site shall be provided.
- 20. In order to provide adequate on-site parking for complete buildout of the development, a minimum of 95 additional permanent parking spaces shall be provided.
- 21. At a minimum, all plantings shall conform in size to the schedule contained in Section 4.14(E)(8) of Zoning Ordinance.
- 22. At the property line, light levels cannot exceed 0.2 footcandles; the frontage along Route 417 is exempt.
- 23. The final design of the sliding emergency access gate on Castle Drive shall be developed in consultation with input from the CEO, Highway Superintendent, Fire Department and Village of Allegany Police Department. The gate will be provided at the expense of the project sponsor (applicant).

- 24. Timing of installation of landscaping and other site improvements:
 - a. Prior to the issuance of a certificate of occupancy for the apartment building, the following features shall be completed and installed:
 - parking areas 1 and 2
 - Landscaping surrounding the apartment building
 - all landscaping along the frontage of Route 417 east of the main entrance
 - all site lighting associated with the apartment building, including temporary lighting to the rear of parking area 2.
 - b. Prior to the issuance of a certificate of occupancy for the Entertainment complex, the following features shall be completed and installed:
 - parking areas 4 and 5
 - pedestrian plaza
 - pedestrian access between the apartment building and pedestrian plaza
 - pedestrian crosswalk across Route 417 (unless this feature is not permitted by NYSDOT)
 - all landscaping along the frontage of Route 417 west of the main entrance
 - all site lighting associated with the entertainment complex and pedestrian plaza
 - c. Prior to the issuance of a certificate of occupancy for the hotel, the following features shall be completed and installed:
 - Parking area 6
 - Pedestrian walkway between parking area 6 and the hotel, and between the hotel and the entertainment complex.
 - Landscaping associated with the hotel and with parking area 6
 - d. All perimeter fencing and associated landscaping between the loop road and the property line shall be completed prior to the issuance of the certificate of occupancy for the final building in Phase I.
 - e. Prior to the issuance of the certificate of occupancy for the final building in Phase 1, the temporary parking lot (#8) in the sportsplex footprint shall be completed. The remaining footprint of the sportsplex and parking area #7 shall be stabilized, graded such that there are no piles of topsoil or other materials, and planted in grass. These areas shall be properly maintained.

However, if the weather or season of the year prevents landscaping and/or other amenities from being installed timely, the CEO may issue a temporary Certificate of Occupancy, for up to one year, to allow time for landscaping to be properly completed.

- 25. This approval consists of the drawings and documents submitted on July 29, 2011, as modified below:
 - a. Master Land Use Plan, Drawing C-MP, prepared by Lauer-Manguso & Associates, Architects, July 29, 2011 shall be revised to
 - remove "50" wide notation from Jonathan Lane (3 places) and substitute 24 feet wide.
 - b. Overall Site Layout Plan, Drawing C-1.0, prepared by Lauer-Manguso & Associates, Architects, July 29, 2011 shall be revised to
 - show stop signs at the main exit (across from Francis Drive) and at the south exit from parking area #2

- show the revised location of perimeter site lighting
- speed limit signs
- c. All plans shall be revised to delete the notation "50" wide easement to town", which appears several times in the loop road under "Jonathan way." Instead, Sheet C-1.0, Overall Site Layout Plan and the utility plans shall contain the following notation:

"An Utility Easement is to be granted to the Town of Allegany following the private loop road to be known as Jonathan Way. This easement shall be 50 feet in width or as otherwise shown on this plan and shall provide the Town of Allegany with the rights to ingress and egress on the private roadway to gain access to the publically owned sanitary sewer mains and the publically owned water lines, and shall provide the rights to construct, reconstruct, operate, and maintain the sewer lines, water lines and appurtenances including valves and hydrants."

d. privacy fence detail on sheet C-7.1 states fence color as tan; this should be changed to white.

All work shall be conducted pursuant to these drawings and documents, except that the Town Highway, Water, and Sewer Superintendent and/or Town Engineer may approve minor changes to the plans for water supply, sanitary sewer, drainage, road, utilities, and similar site features in order to resolve technical issues that may arise during detail design work and/or construction.

2nd by Mr. DeFiore. Ayes all.

Bonaventure Square Subdivision Application

Mrs. Horowitz stated this is a technical item. All subdivision applications require a public hearing. The applicant needs to get subdivision approval for re-aggregating the lots before they can get a building permit; however, the lots will be not be in one ownership until they actually close on the property. To get around the catch-22, the Town Attorney, Wendy Tuttle, set up a process whereby there are agreements to sell and purchase from the two different property owners that are involved: St. Bonaventure which owns the bigger portion of the property and Kinley Corporation owning two parcels in the footprint of Bonaventure Square. The Board will be issuing a conditional approval, subject to the land actually getting transferred into one ownership. The final plat can then be signed. The Board will take action to approve the subdivision to re-aggregate everything into one lot and that approval will be able to trigger the release of the building permit. The final plat isn't going to be filed until the ownership actually transfers and the map is signed. Mrs. Horowitz recommends that the Board assume the SEQRA was included in the SEQRA review they did for the Bonaventure Square project. She does have some concerns with the current map showing more than is necessary and would prefer one that just has the outside boundary of what is shown on the Phase I map. The applicant will have the map redone.

Mr. DeFiore made a motion to have a public hearing August 22, 2011 at 7:00 PM at the Town Hall for the Bonaventure Square subdivision application. 2nd by Mrs. Larson. Ayes all.

Mr. Phillips asked Mrs. Horowitz to have the conditional approval wording for the Board's review at the public hearing.

(Due to a recent illness and hospitalization, Mr. DeFiore had to leave the meeting at this point.)

Public Hearing Transcript – May 16, 2011

The Public Hearing minutes on the Wind Energy Project was never formally adopted as they had a number of typos/errors. Mr. Phillips asked Mrs. Horowitz to get Dan Spitzer's legal opinion on how to handle at this point.

Duggan & Duggan Medical Office

Kyle Duggan, Duggan & Duggan, presented a new project for a new 2,300 sq. ft., single story doctor's office building on the corner of North 7th and Buffalo Road. Parking will be in the front for patients; staff parking in the back. There will be a water well and septic system. The applicant has talked with the Health Department and some testing has been done. Frontage will be 300 feet to go with the 2 acre piece. Approximately .95 acre will be used for the building and parking with the other acre of land used more or less as a buffer. There will be a full basement open in the back for storage. The area is zoned light industrial and this would be a commercial use building so the applicant has filled out a special use permit. According to the zoning ordinance, a doctor's office is considered a professional office and activities and it is a special permitted use in the I-1 zone.

Since it is a county road, the project has to go to the County Planning Board. They meet on August 25, 2011; therefore, their referral should be back in time for the regular Planning Board meeting of September 12.

Special Use Application also needs a Site Plan Application which Mr. Duggan will fill out.

Mr. Kavanagh made a motion to have the public hearing for the Special Use Permit for the Duggan & Duggan medical office Project on September 12, 2011, the regular Planning Board meeting date, at 7:00 PM at the Town Hall. 2^{nd} Mrs. Larson. Ayes: 4-0

St. Bonaventure Business School

Cannon Design sent plans for a new Business School to Mr. Phillips; however, they have not sent any other copies.

Mr. Hellier made a motion to adjourn the meeting. 2^{nd} by Mrs. Larson. Ayes: 4 - 0

Meeting was adjourned at 9:10 PM.