

Town of Allegany Planning Board Meeting Minutes

September 12, 2011 at 7:00 PM Allegany Town Hall

Present:

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

APPROVED December 12, 2011

Also Present:

Carol Horowitz, Town Planner; Lynette Semsel, Secretary; Kyle Duggan, Duggan & Duggan; Robert Ratzel, Cindy Ratzel

Chairman Phillips opened the meeting with the Pledge to the Flag at 7:00 PM. He called the Public Hearing to order on Applications #85-11 and #87-11 Duggan & Duggan Medical Office Building, 3065 Buffalo Road. He then asked Kyle Duggan to give a brief explanation of the plan who stated it is a single story, handicap accessible, 24,000 sq. foot medical office building with a full basement, on a two acre parcel of property. Parking for staff will be in the rear with patient/visitor parking in front.

Mr. Phillips then asked for comments from the public. Mr. Robert Ratzel stated he lives across from the proposed project and he is concerned about the traffic issue on Buffalo Road. He said it would be better if the building entrance was off Seventh Street. Ms. Cindy Ratzel stated it appears as though their driveway is directly across from the driveway of the proposed building which will cause problems for them exiting their property. She is also concerned about the dust and noise from the construction. Ms. Ratzel also suggested a survey be done on the amount of traffic and speed of the cars on Buffalo Road during different hours of the day. There were no other comments.

Mr. Kavanagh moved to close the Public Hearing on Applications #85-11 and #87-11 Duggan & Duggan Medical Office Building, 3065 Buffalo Road. 2nd by Mr. DeFiore. Ayes all. Carried.

Mr. Phillips called the regular board meeting to order.

Mr. DeFiore made a motion to approve the minutes of the May 16, 2011 Public Hearing on the Allegany Wind, LLC application. 2nd by Mrs. Larson. Ayes all. Carried.

Mr. DeFiore made a motion to approve the minutes of the August 8, 2011 regular board meeting. 2nd by Mrs. Larson. Ayes all. Carried.

Mr. DeFiore made a motion to approve the minutes of the August 22, 2011 Public Hearing and Special meeting on Bonaventure Square. 2nd by Mrs. Larson. Ayes all. Carried.

OLD BUSINESS

Special Use and Site Plan: Applications #85-11 and #87-11 Duggan & Duggan Medical Office Building, 3065 Buffalo Road.

Referencing Ms. Ratzel's concerns about the positioning of the driveway, Mr. Phillips asked Kyle Duggan if it would be possible to move the building closer to the Olean side. Mr. Duggan said the owner wants the building as close as possible to Seventh Street. There was discussion on the feasibility of changing the position of the building and/or the parking lot. Mrs. Horowitz stated the building is on the highest part of the site and, since it drops off on the Olean side, the grading plan would have to be redesigned if the building were moved. One of Tom McElheny's original concerns was that the first floor elevation of the building was lower than the parking area and that all the runoff would go into the building. The board's decision was there might be a problem if the parking lot were moved and, since there would not be a lot of traffic coming in and out of the medical building, the plans will be left as is.

Mrs. Horowitz stated the whole site drains from the northwest corner down to the southeast corner and ultimately goes off onto Duggan & Duggan property. If this were a bigger building that disturbed more than one acre, they would not be able to do so under DEC SPDES regulations. Tom McElheny is a little concerned the proposed building is the first in a series of commercial subdivisions. If that should happen, the Planning Board would then have to take a look at the drainage in terms of more retention on other properties; however, right now it is only creating a problem for Duggan & Duggan. Another concern is the absorption and flow of rainwater. Mrs. Horowitz specifically asked Mr. McElheny if weeds and goldenrod were adequate. Since this is a two acre piece that is being proposed, it would be a huge amount of grass to mow; however, Mr. McElheny was adamant that the entire parcel must be grass. The landscape plan reads "all disturbed areas shall be topsoiled and seeded at the completion of the work. Front of building to be properly landscaped with mature shrubs."

In the most recent iteration, Duggan & Duggan created more backup space in the rear and this now complies with the setbacks. The driveway also has been widened. They have not disclosed where the leach field will be located. This will be determined by the County Health Department. Mrs. Horowitz said Eric Wohlers from the Health Department was not concerned about being able to site a leach field.

Mr. DeFiore asked Kyle Duggan if there were plans to enclose the garbage dumpster. Since it is a medical building, there is the potential for people to rummage through the garbage or for animals to get into it. Mr. Duggan didn't know if there would be a dumpster. Mr. Phillips stated a third point should be added that, if dumpster is constructed, it will be enclosed with fencing.

The Planning board sent over the Short Environmental Assessment Form, Part 2:

- A. *Does action exceed any type I threshold in 6 NYCRR, Part 617.4?* **No**
- B. *Will action receive coordinated review as provided for unlisted actions in 6 NYCRR, Part 617.6?* **No**
- C. *Could Action Result in any adverse effects associated with the following:*
 - C1. *Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patter, solid waste production or disposal, potential for erosion, drainage or flooding problems?* **Entire property will be landscaped to prohibit erosion.**
 - C2. *Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character?* **No**

- C3. Vegetation or fauna, fish shellfish or wildlife species, significant habitats, or threatened or endangered species? **No**
- C4. A community's existing plans or goals as official adopted, or a change in use or intensity of use of land or other natural resources? **No**
- C5. Growth, subsequent development or related activities likely to be induced by the proposed action? **No**
- C6. Long term, short term, cumulative, or other effects not identified in C1-C5? **No**
- C7. Other impacts (including changes in use of either quantity or type of energy)? **No**
- D. Will the project have an impact on the environmental characteristics that caused the establishment of a critical environmental area? **No**
- E. Is there, or is there likely to be, controversy related to potential adverse environmental impacts? **No**

Mr. DeFiore made a motion to approve a negative declaration for the Applications #85-11 and #87-11 Duggan & Duggan Medical Office Building, 3065 Buffalo Road project. 2nd by Rick Kavanagh. Ayes all. Carried.

Site Plan

Mr. DeFiore made a motion to approve the special use permit and the site plan for Applications #85-11 and #87-11 Duggan & Duggan Medical Office Building, 3065 Buffalo Road, as shown in the revised site plan and grading/erosion control plan, dated September 9, 2011, with the following conditions:

- 1. All areas of the site that are not devoted to the building footprint, driveway, and parking areas shall be landscaped. Areas of the site that are not devoted to foundation plantings and other decorative planting shall be planted in grass in order to achieve runoff reduction. Landscaping shall be maintained and grass areas shall be mowed periodically.**
- 2. Water well and septic system shall be approved by the Cattaraugus County Health department prior to the issuance of a Certificate of Occupancy for the building.**
- 3. If a garbage dumpster is constructed on the site, it will be enclosed with fencing.**

2nd by Rick Kavanagh. Ayes all. Carried.

Other Business

2012 Budget Request

The Board discussed the 2012 budget request, to be sent to the Town Board.

Decision for budget: Budget for 21 planning board meetings as it would be better to come in under budget than over. Make the 2012 figure for the Secretary \$1575 (based on 21 meetings)

The Planning CE line request will be \$16,000.

Meeting with Village of Allegany Planning Board

Linda Dunn, chairman of the Planning Board, wants to set up a meeting of the Village and Town Planning Boards to address the wellhead protection ordinance. Mr. Phillips asked Mrs. Horowitz to try to set the meeting up for Wednesday, September 28th at 7 PM.

Bonaventure Square Update

Mr. Kavanagh mentioned that St. Bonaventure is not planning on putting a bookstore in the Bonaventure Square project and asked what that does to the plan as the Planning Board approved a bookstore. Mrs. Horowitz stated they probably could use the footprint of that building for any kind of retail as the plan lists retail, entertainment and a number of other things that could include a bookstore. Mr. Phillips stated everything was presented as a bookstore/school bookstore. Mrs. Horowitz said, if the Planning Board feels it is a significant change, she will send Jerry Dzurhoff a memo to grant no building permit for the stand-alone building unless it is a bookstore. Mr. Phillips spoke with Carolyn Hemphill and the applicant has not paid the escrow account and, until that is brought up to date, he will not sign off on the Final Plat. Mrs. Horowitz also stated that Mr. Phillips cannot sign until Ross Wilson & Associates owns the property and, as far as we know, they do not yet own the property.

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

The meeting was adjourned at 8:05.

Respectfully submitted,

Lynette Semsel
Secretary