

AGENDA
MEETING OF THE
TOWN OF ALLEGANY PLANNING BOARD

Monday, January 12, 2015
at 7:00 p.m.
Allegany Town Hall
52 W. Main Street, Allegany, NY

Salute to the Flag

Minutes

December 8, 2014

Old Business

Aspen Dental: Site Plan Review

New Business

None

Other Business

Zoning ordinance update:

Article IV, District Regulations

Section 4.11 Floodplain Overlay District

Section 4.13 Route 417 East Corridor Overlay district

Section 4.14 Route 417 West Corridor Overlay District

Zoning Map

Article VIII, Special use permit

Article IX, Site Plan Review

Article VII, Administration (starting at Section 7.07 ZBA)

Correspondence

None

Next Planning Board Meeting:
Monday, February 9, 2015

**Town of Allegany Planning Board
Meeting Minutes**

Monday, **January 12, 2015** at 7:00 P.M.
Allegany Town Hall, 52 W. Main Street, Allegany, NY

APPROVED February 9, 2015

Present:

Helen Larson, Vice Chair
Pete Hellier
Rick Kavanagh

Also Present:

Carol Horowitz, Town Planner; Lynette Semsel, Secretary, Michael Haigh, Quattro Development; Joe Chamberlain, Chamberlain Realty

Vice Chair Mrs. Larson opened the meeting with the Pledge to the Flag at 7:00 PM.

Minutes

Mrs. Larson asked if there were any comments on the December 8, 2014 Planning Board Meeting.

Mr. Hellier made the motion to approve the minutes of the December 8, 2014 meeting as written. 2nd by Mr. Kavanagh. Mr. Kavanagh – aye; Mr. Hellier – aye; Mrs. Larson – aye; Carried.

Old Business

Aspen Dental Application (#116-14)

Mrs. Horowitz stated two items that were still lacking from the applicant were the Easements; one between Quattro Olean LLC and Living Waters Church; the second and more important agreement between Tim Donut U.S. Limited, Quattro Olean LLC and Living Waters Church. Draft agreements of these easements were received today. During the day, Town Attorney Wendy Tuttle was available to read through the draft “Declaration of Reciprocal Easements” and “Amended and Restated Grant of Easement” agreements. Her opinion was that these documents were adequate and, if they choose to do so, the Planning Board could make a decision on this application at this meeting. Prior to the issuance of a building permit, she will review and comment on the draft “Declaration of Reciprocal Easements” and “Amended and Restated Grant of Easement” agreements.

Since Quattro does not yet own the property, the change “*Quattro is or will become the owner*” will be made on both documents when they are recorded.

The County Planning Board has determined this project has no significant county wide or community impact. They did include an advisory to both the Zoning Board of Appeals and to

the Planning Board that the Town ask the applicant to “limit egress from the facility on to ‘West Main Street’ to be westbound only. Eastbound traffic should exit to the rear and use the Tim Horton’s drive to ‘Constitution Avenue’.” The Zoning Board of Appeals met and granted the rear property line variance for the parking lot. They included as part of that approval a condition that more or less incorporated the County’s advisory in that they asked the applicant to consider signage in the parking lot to route eastbound traffic to exit onto Independence Dr. In the revised site plan, there are two signs with that advisory. The ZBA did not require them to post a sign indicating no left turn onto West State St.

There was some discussion on the traffic exiting onto West State. Mr. Kavanagh would prefer it to be an “enter only” from West State with all traffic exiting to Independence Dr. Mr. Haigh said that would significantly impact their site and the tenant would be upset if they have constrictions that no one else in that area of the road has. He is fine with the advisory signs to assist people who want to exit toward the traffic light. Mrs. Horowitz reminded Mr. Haigh that they will need to contact the NYSDOT to get a highway work permit from them for the driveway. The DOT will control the driveway and they have never come back with any recommendations that the Town restrict left turn movements. Mr. Hellier and Mrs. Larson indicated they were in favor of the advisory signs instead of restricting the traffic exiting onto West State.

The parapet wall on the west elevation will be shorter than the arched parapet on the east elevation so it will be visible. Mrs. Horowitz questioned whether the applicant should be asked to paint it a matching color. Mr. Haigh said it would not really be visible due to the height but it would be a neutral color.

The landscaping plan shows four honey locust trees along the frontage. They appear to be in the NYSDOT right-of-way and would then require DOT approval. If so, that would have to be part of the DOT permit. Mr. Haigh said they could easily move the trees back and the Board agreed it would be better not to have them so close to the road. Since there are multiple easements for water, sewer, and gas lines that need to be taken into account, Mr. Hellier said to make a condition of approval that the applicant must coordinate the positioning of the trees with the Town Highway, Water & Sewer Superintendent.

Mrs. Horowitz also noted the information regarding the noise from the roof mounted mechanical equipment indicates that the sound level will be 55 decibels, measured at 30 feet from the equipment. NYS DEC’s noise table indicates that a sound level of 50-55 decibels is “quiet.” Mr. Kavanagh’s opinion is the screening provided will drop the noise level of the mechanical equipment down to virtually nothing.

The Board went over the lighting plan in some detail. There will be four 25-foot high light poles; however, the luminaire specifications provided in the December 23, 2014 submittal were different from the original photometric luminaires. The Board would like a new photometric using the light fixtures the applicant is proposing. The light levels shall be similar and shall not exceed 0.2 footcandles within five feet of the house located to the west of the site. This will be a condition of approval.

Town Engineer Tom Swift, Clark Patterson, sent a memo to Mrs. Horowitz stating they have a concern about the roof drainage from the proposed new building. This drainage is being directed to an outlet in the curb at the rear of the building and then would flow across the surface of the rear parking lot. This could create a hazardous condition in the winter months by promoting the development of ice on the pavement surface. They are recommending the roof drainage be directed under the parking area and discharged into the storm piping north of the

parking area. Mrs. Horowitz told the Board this will need to be addressed and will be a condition of approval. However, she also mentioned that if the applicant does direct the drainage onto the property of Living Waters, it would need to be added to the easement agreement. Mr. Haigh said they will have their engineer contact Tom Swift to come up with an acceptable plan.

The signage plan does show plain awnings; however, there are signs in the windows. Mrs. Horowitz asked Mr. Haigh if that is typical. His opinion was that these are placed on certain windows that may need something to keep them from being truly transparent; possibly in areas where some privacy would be preferred or to block too much light from coming through. The Board was fine with this.

Mr. Kavanagh would prefer that no monument sign be placed in front as his opinion is that they have sufficient signage on the building itself.

SEQR REVIEW

The applicant provided the Short Environmental Assessment Form as part of their original application. They used the DEC Environmental Mapper which will generate yes answers to some of the questions and then give a printout that indicates what should be looked at. Regarding No. 12, Mrs. Horowitz said the site is in an archeological sensitive area since it is so close to the Allegheny River and to the Two Mile Creek. Since there previously had been two turn of the century houses on the site, the Board can say the area has been disturbed over a significant period of time. Question No. 13, regarding any portion of the site containing wetland or other waterbodies regulated by a federal, state or local agency, automatically answered yes due to the fact that Two Mile Creek is classified as a creek. Since the site does not actually abut the creek, the Board can safely conclude there is no impact.

The Board then went over the Short Environmental Assessment Form Part 2:

1. *Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?* **NO**
2. *Will the proposed action result in a change in the use or intensity of use of land?* **NO**
3. *Will the proposed action impair the character or quality of the existing community?* **NO**
4. *Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area?* **NO**
5. *Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?* **NO**
6. *Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?* **NO**
7. *Will the proposed action impact existing:*
 - a. *public/private water supplies?* **NO**
 - b. *public/private wastewater treatment utilities?* **NO**
8. *Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?* **NO**
9. *Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?* **NO**
10. *Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?* **NO**
11. *Will the proposed action create a hazard to environmental resources or human health?* **NO**

Part 3 – Determination of significance.

Since we have determined, based on the information and analysis in Part 2 of the Short Environmental Assessment Form, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts, Mr. Hellier made the motion to direct the Vice Chair, Mrs. Larson, to check the appropriate box and sign as the Responsible Officer in Lead Agency. 2nd by Mr. Kavanagh. Mr. Kavanagh – aye; Mr. Hellier – aye; Mrs. Larson – aye. Carried.

Mrs. Horowitz said she will do a narrative about the Two Mile Creek and the archeological issues.

Mr. Hellier made the motion to approve the site plan application (File #116-14) by Quattro Development for a dental office, as described in the application, with the following conditions of approval:

- 1. Roof drainage, as shown on Sheet C.3, preliminary utility plan, is proposed to be directed to an outlet in the curb at the rear of the building, where it will flow across the rear parking lot, which will create a hazardous condition in the winter. This component of the stormwater system shall be redesigned such that the roof drainage will not flow across parking areas or sidewalks, but rather is tied into the underground storm drainage system. The redesigned roof drainage plan shall be approved by the Town Engineer prior to the issuance of a building permit. If the drainage system ties into the off-site system on the Living Waters Church property, an easement agreement between Quattro Development and Living Waters Church shall be provided to the Town, which gives Quattro the right to use that system. That agreement shall be provided prior to the issuance of a building permit.*
- 2. Prior to the issuance of a building permit, the Town Attorney shall review and comment on the draft “Declaration of Reciprocal Easements” and “Amended and Restated Grant of Easement” agreements. Subsequently, and prior to the issuance of a building permit, the applicant shall provide copies of the executed and recorded “Declaration of Reciprocal Easements” and “Amended and Restated Grant of Easement” agreements, and the instrument filing number(s), to the Chair of the Planning Board.*
- 3. Connections to the Town’s water and sanitary sewer systems shall be approved by the Town’s Highway, Water and Sewer Superintendent, prior to start of construction.*
- 4. The two wall signs shall not exceed the maximum size permitted in the zoning ordinance for each façade. No lettering and/or images are permitted on the window awnings.*
- 5. The applicant shall obtain a Highway Work permit from NYSDOT for any work in the right-of-way of Route 417.*
- 6. The four trees shown on the landscaping plan to be placed along the frontage of the property can be relocated to the lawn area in front of the building, outside of utility easements. The final location of the trees shall be determined by the Town’s Highway, Water and Sewer Superintendent, prior to planting.*

7. *Prior to the issuance of a building permit, the applicant shall provide a revised photometric plan for the light fixtures that will be used. The light levels shall be similar to those shown on Sheet PXP, Photometrics, prepared by Excel Engineering, dated October 24, 2014; light levels shall not exceed 0.2 footcandles within five feet of the house located to the west of the site. Prior to the issuance of a Building Permit, the revised photometric shall be reviewed by the Town Planner and/or Town Engineer to ensure that this standard is met.*
8. *This approval includes the following plans and drawings, as modified herein. All work shall be constructed in substantial conformance to these drawings, unless an application is made to the Planning Board for an amendment to this Site Plan approval.*

Sheet C1.0, Site Plan, prepared by Larson Engineering, revision dated 12.17.14
Sheet C2.0, Preliminary Drainage & Grading Plan, prepared by Larson Engineering, revision dated 12.17.14

Sheet C3.0, Preliminary Utility Plan, prepared by Larson Engineering, Revision dated 12.17.14

Sheet A1.1, floor plan, prepared by Excel Engineering, Revision dated Dec. 19, 2014

Sheets A2.0, A2.1, and A2.3, building elevations and renderings, prepared by Excel Engineering, Revision dated Dec. 19, 2014

Sheet 11.0(L) Landscape Plan, prepared by Excel Engineering, dated October 24, 2014

Sheet A0.1(L) Detail sheet with dumpster plan, prepared by Excel Engineering, dated October 24, 2014

Sheet PXP, Photometrics, prepared by Excel Engineering, dated October 24, 2014

Wall Signage Plan, 10 sheets, prepared by Chandler Signs, dated 11-20-14

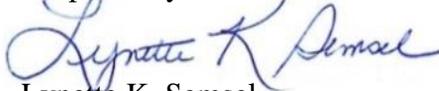
Monument sign sketch, prepared by Access sign, dated 2013-09-03

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

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

The meeting was adjourned at 8:25 p.m.

Respectfully submitted,



Lynette K. Semsel
Secretary