

AGENDA

MEETING OF THE TOWN OF ALLEGANY PLANNING BOARD

**Monday, November 9, 2015
at 7:00 p.m.
Allegany Town Hall
52 W. Main Street, Allegany, NY**

Salute to the Flag

Minutes

October 5, 2015

Old Business

Michael Droney (#112-15): Restaurant
Site Plan Review

New Business

St. Bonaventure University: Campus Ministries Building (#127-15)
Site Plan Review

Other Business

Zoning ordinance update:
Review of comments from public hearing of September 15, 2015
Review Zoning Map

Correspondence

None

**Next Planning Board Meeting:
Monday, December 14, 2015**

Town of Allegany Planning Board
Meeting Minutes
Monday, **November 9, 2015** at 7:00 p.m.
Allegany Town Hall, 52 W. Main Street, Allegany NY

APPROVED December 14, 2015

Present:

Frank R. DeFiore, Chair
John Sayegh

Helen Larson
Peter Hellier

Absent: Rick Kavanagh

Also Present:

Carol Horowitz, Town Planner
Michael Droney for Olean Physical Therapy/proposed Restaurant
Philip Winger, St. Bonaventure University
Tim Maness of Derck & Edson/St. Bonaventure University
Gary Abraham

Chairman Frank R. DeFiore opened the meeting with the Pledge to the Flag at 7:00 p.m.

Minutes: Chairman DeFiore asks Board members for any comments to the minutes of October 5, 2015 meeting. Move to accept the minutes by John Sayegh and 2nd by Pete Hellier. Ayes all. Motion carried.

Old Business:

Michael Droney's Olean Physical Therapy Building with an addition of a Restaurant. Staff Report by Town Planner C. Horowitz dated November 6, 2015 was received by Board Members and reviewed. With reference to the proposed Restaurant at this same location, discussion was had regarding Olean Physical Therapy Building's site plans to "tidy up" matters before proceeding ahead with the proposed Restaurant.

Issues discussed with regard to the Restaurant are headlights from customers' vehicles and traffic to the proposed restaurant. Points of discussions were parking spaces, pedestrian walkways, drainage, buffering of lights from vehicles entering and exiting the business, landscaping, tree removal and replanting, signage and garbage dumpster.

A revised site plan regarding the proposed Olean Physical Therapy building was received by Town Planner Horowitz at this evening's meeting. The site plan is reviewed and still a few areas may require corrections such as there is still the issue of the sidewalk which would need to meet ADA requirements. Also showing is a concrete curb between the parking lot and the berm. No curb has

been constructed and there are no plans for any concrete curb in the future. There is also one missing tree which needs replanted and trees are being planted in the summer months of 2016.

Of note, Town Planner, Carol Horowitz and Planning Board Chairman Frank DeFiore have both viewed site with reference to the berm which in effect shields lights from reflecting on neighboring homes. Ms. Horowitz presented photos showing the berm in relationship to vehicles. After discussion, the consensus of the Board is that the earthen berm is adequate to substitute for the fence shown on the 2014 site plan, and the fence will not be required. Also, the concrete curbing in this area of the parking lot will not be required and can be removed from the site plan.

Michael Droney is directed to the Allegany Town Zoning Board to request a variance to remove the sidewalk requirement, if he so desires.

Board members complete Part 2 of the SEAF (Short Environmental Assessment Form) during the meeting. Following the completion of the form Chairman DeFiore makes a Motion that: "It has been determined that based on the information and analysis as discussed, along with any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts. Motion 2nd by John Sayegh. Ayes all. Motion carried.

Town Planner will complete Part 3 of the SEAF for Chairman DeFiore to sign.

Discussion resumes with reference to the on hand site plan application. Town Planner suggests that the application be approved, with the condition that a revised site plan is submitted by Michael Droney and with several other conditions, which discussed by the Board.

Chairman DeFiore makes a motion to approved the Site Plan application to allow a restaurant, as described in the application, to be located in the Olean Physical Therapy building, with the following conditions of approval:

1. **Prior to the issuance of a building permit, or the commencement of operations if a building permit is not required,** the applicant shall provide to the Chair of the Planning Board a to-scale, readable site plan, at a minimum size of 11 x 17 inches, in two paper copies and in pdf format, that shows:
 - (a) a sidewalk between the building and the existing sidewalk on Route 417.
 - (b) five (5) street trees along the Route 417 frontage.
 - (c) all areas of the site not otherwise paved shall be designated as "grassed area."
 - (d) remove the notation of "new grassy area" in the location where the current paved area will remain
 - (e) garbage dumpster location

2. **Prior to the issuance of a building permit, or the commencement of operations if a building permit is not required,** the applicant shall provide to the Chair of the Planning Board a letter committing to install the following site features and stating the timing for such installation, which shall not exceed the 2016 construction season:
 - (a) a sidewalk between the building and the existing sidewalk on Route 417

- (b) three (3) street trees along the Route 417 frontage. (this number includes the two trees required by the Planning Board's August 17, 2015 determination).
- (c) grassed area

If the property owner believes that the construction of the sidewalk is not feasible, he may apply to the Town of Allegany Zoning Board of Appeals for a variance from the requirements of Section 4.14(E)(7)(b) of the Town's zoning ordinance. If a variance is not obtained, the sidewalk must be installed no later than September 30, 2016.

3. The street trees to be planted shall meet the size standards in Section 4.14(E)(8) of the Town's Zoning Ordinance. The exact location of the trees is to be determined in consultation with the Town's Highway, Water and Sewer Superintendent.
4. All signs (wall signs and freestanding signs) shall conform to the size standards and other sign regulations in the Town's zoning ordinance.
5. The property owner shall comply with all conditions of the Board's May 12, 2014 approval for the expansion of the Olean Physical Therapy building, except as modified by the Board on August 17, 2015 and in this approval.
6. Any future change in use of the property shall require application to the Planning Board for site plan review, and may also require the grant of a special use permit.

. 2nd by John Sayegh. Ayes all. Motion carried.

New Business:

St. Bonaventure University Campus Ministries. Representative from St. Bonaventure goes over the updated site plan. The current building will be demolished and a new building will be constructed. Town Planner, Carol Horowitz, passes out revised Erosion and Sedimentation Control Plan for the Board Members' review. She noted that this revision had been requested by the Town's Engineer, who had reviewed this version and approved the revision. Town Planner, Carol Horowitz, provides her Staff Report dated November 6, 2015.

The County of Cattaraugus Planning Board has been contacted and no county-wide or intercommunity impact was found.

Chairman DeFiore makes a Motion to waive a public hearing for this proposed plan as this building is in the middle of the St. Bonaventure Campus, it doesn't have any impact on any neighbors or neighborhood character. Motion is 2nd by John Sayegh. Ayes all. Motion carried.

Board members review and complete the SEAF Part 2 (Short Environmental Assessment Form). Notation is made that this area is a previously disturbed area regarding archeological significance. Also this area is a significant distance away from the Allegheny River and thereby having no impact there.

Chairman DeFiore makes a motion to determine, based on the information and analysis as discussed, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts. Motion 2nd by John Sayegh. Ayes by all. Motion carried.

The Board finds that the site plan is consistent with the intent, objectives and specific requirements of this Article including the standards contained in Section 9.05 and with all other applicable provisions of this Zoning Ordinance, the site plan is consistent with the intent and objectives of the Town of Allegany's Comprehensive Plan and further that the site plan indicates adequate services and utilities prior to occupancy and the site plan will not be detrimental to the public health, safety and welfare of the community.

Motion made by Chairman DeFiore to move to approve the site plan application (#127-15) by St. Bonaventure University for a new Campus Ministries Building, as described in the application with no conditions. This approval consists of the following drawings:

C-001, Cover Sheet prepared by Derck & Edson and Spillman Farmer, dated 10/6/2015;

C-101, Existing Conditions Plan, prepared by Derck & Edson and Spillman Farmer, dated 10/6/2015;

C-102 Demolition Plan prepared by Derck & Edson and Spillman Farmer dated 10/6/2015;

C-103 Layout Plan prepared by Derck & Edson and Spillman Farmer, dated 10/6/2015;

C-104 Grading Plan prepared by Derck & Edson and Spillman Farmer, dated 10/6/2015;

C-105 Utilities Plan prepared by Derck & Edson and Spillman Farmer dated 10/6/2015;

C-106 Landscape Plan prepared by Derck & Edson and Spillman Farmer dated 10/6/2015;

C-501 Details prepared by Derck & Edson and Spillman Farmer dated 10/6/2015;

C-502 Details prepared by Derck & Edson and Spillman Farmer dated 10/6/2015;

C-701 Erosion and Sedimentation Control Plan, prepared by Derck & Edson and Spillman Farmer revised 10/29/2015;

C-702 Erosion and Sedimentation Notes & Details prepared by Derck & Edson and Spillman Farmer dated 10/6/2015;

A1.00 Architectural Floor Plan, prepared by Spillman Farmer dated 10/6/2015;

A2.00 Architectural Elevations prepared by Spillman Farm, dated 7/31/2015.

All construction shall be completed in substantial accordance with the approved plans. During construction, minor, non-substantial changes to the utility, grading and other plans may be approved by the Town Highway, Sewer and Water Superintendent, in order to allow minor adjustments that may become necessary as site work progresses. In addition, plant species designated on the Landscaping plan may be swapped for other species.

Motion 2nd by Helen Larson. All ayes. Motion carried.

Other Business: Zoning Ordinance. Board reviews and addresses letter dated September 22, 2015 by Attorney Gary Abraham. Mr. Abraham's letter specifically addresses Section 5.25 of the proposed ordinance regarding wind energy projects and low frequency sound emissions. Audible noise standards, low frequency noise were discussed. Town Planner Horowitz advises that the Town hired a noise expert in the past, and he worked with the Town when the standards that are now proposed for Section 5.25 were drafted.

Mr. Abraham advises of his opinion that the Town's potential zoning ordinance is not enforceable.

*Mr. Abraham's letter will become a part of the Town's file on this hearing board date.

Mr. Hellier noted that no one on the Board is a noise expert.

Town Planner Carol Horowitz suggested that the board could recommend the ordinance to the Town Board and further recommend that the Town Board may want to consider having a noise expert look at this particular section of the ordinance based on the comments that the planning board has received in reference to 5.25 (b) and (c) 2.

Also discussed was shadow flicker and if residence meant/means year round residence or seasonal residence. The section was changed to reference year round residence. Article IX was discussed with the proposed changes to section 9.08 Letter of Certification. The Board accepted the proposed changes. Also reviewed was the proposed Zoning Map and adding Hawthorn Lane on the map.

Chairman DeFiore moved that the Planning Board recommends the proposed Zoning ordinance to the Town Board with the changes outlined tonight and further recommends that the Town Board consider hiring a noise consultant to assess the comments received on Section 5.25. Said motion is 2nd by John Sayegh. Ayes by all. Motion carried.

Correspondence: None other than as discussed under zoning board changes hereinabove.

Motion to adjourn meeting by Pete Hellier and 2nd by John Sayegh at 9:14 p.m. Ayes: Helen Larson, Pete Hellier, John Sayegh, Chairman DeFiore. Carried.

Next Meeting December 14, 2015.

Respectfully Submitted:

Donna G. Stady, Secretary to Planning Board