

Town of Allegany Planning Board Meeting Minutes

March 12, 2012 at 7:00 PM Allegany Town Hall

Present:

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

APPROVED April 9, 2012

Also Present:

Carol Horowitz, Town Planner; Lynette Semsel, Secretary

Mr. DeFiore opened the meeting with the Pledge to the Flag at 7:00 PM. He then welcomed John Sayegh to the Planning Board.

Mr. DeFiore asked if there were any corrections or changes to the minutes of February 13, 2012. Mr. Hellier asked if the headings in the minutes should identify the project, i.e. Bona Square. This could help in the future when researching the minutes for a particular project.

Mr. Hellier made a motion to approve the minutes of the February 13, 2012 meeting with minor changes. 2nd by Mr. Kavanagh. Ayes all. Carried.

Mr. Kavanagh made a motion to recommend to the Allegany Town Board to appoint Mr. Frank DeFiore as Chair of the Planning Board. 2nd by Mrs. Larson. Ayes all. Carried.

Other Business

Wellhead Protection Plan

Changes to the Wellhead Protection Plan draft presented to the Board at the last meeting included a few typographical errors which were corrected. Other changes included the following: Page 4, paragraph 5: delete the word dairy and add Ext. after Maple Avenue.

Mr. Kavanagh did have a question on whether the town can enforce the zoning if it differs from the DEC. Mrs. Horowitz stated there are provisions in the zoning ordinance in case of conflict with other laws. The plan is to prevent any conflict from the DEC regulations by simplifying the models that Chris Crawford (Cattaraugus County Health Department) provided. The idea is not to duplicate and not to conflict; however, the stricter regulation would apply. In theory, the board could impose more stringent regulations that what the DEC would require.

Wellhead Protection Overlay District

Mrs. Horowitz presented Section 4.16 Wellhead Protection (WHP) Overlay District which will be part of Article IV. Referring to the map, she stated the pink fingers were Zone A: Principal Wellhead Protection Area; and the yellow in between was Zone B: Tributary Watershed Protection Area.

The last paragraph of section (B) Applicability describes how the overlay areas were generated and provides the procedure for requesting to have a property removed.

Permitted Uses (C) essentially states whatever is in the ordinance now for the underlying zoning district will apply for both permitted conditional uses and accessory uses unless they are

modified in this section.

Bulk and Coverage Requirements (D) states the same thing for the dimensional requirements.

Prohibited Land Uses and Activities in Zone A & Special Permitted Uses in Zone A (E & F) are being worked on by the Village.

Prohibited Land Uses and Activities in Zone B (G) numbers 1 through 5 are all land uses except for the dumping of snow.

Special Permitted Uses in Zone B (H) sets up extra conditional uses such as industrial or commercial that discharge process waters on site. This is probably regulated by the DEC for any use involving hazardous waste or hazardous substances.

Exemptions (I) indicate the land uses and activities that do not apply.

Discussion on (7) regarding oil and gas wells: Mrs. Horowitz said that there have been towns in New York that have banned hydrofracking, oil and gas well drilling. The Town of Dryden local law banning drilling was upheld. The court decision indicated that it is not considered regulation under the terms of the law for a town to use zoning powers to control location of the drilling, whether by putting it within one certain zoning district and not another, or completely excluding it from the town. The decision will most likely be appealed. Sometime in the future the oil and gas wells exemption in our document may have to be revisited; however, for now, the DEC's position would remain that local regulation is pre-empted by New York State.

Performance standards (J) are a special set of standards. Change page 4, (7) to read: A stormwater management plan shall be developed for all new construction. The plan will provide that the post-development runoff shall not exceed that of the pre-development run-off. This standard shall apply to all developments, other than single family homes, that otherwise require a discretionary permit from the Town of Allegany, regardless of the amount of land that is disturbed.

There were a few minor changes that were also made.

The next steps would be to provide these documents to the Village of Allegany and get theirs and then set up a joint meeting to discuss. Mrs. Horowitz stated the regulations and the definitions will be the key parts of the ordinance with the rest as boilerplate. Chris Crawford agrees they would like the language in the regulations and the definitions to be the same for both the Town and the Village. Then, when a draft of the zoning amendments is ready, the plan part with the amendments would be sent to our Town Board as an entire package. At that time, possibly the Village would be ready to make their recommendation to the Village Board of Trustees using the similar language.

The idea is to do the overlay plan and overlay district amendments to the zoning ordinance first, and then ask the Town Board permission to work on the zoning law itself. That would require a special meeting night a month.

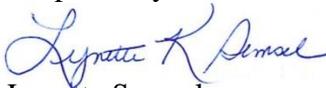
Training Requirement and Record

The training record for the board was addressed and the members were advised of the training possibilities for 2012.

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

The meeting was adjourned at 8:05 PM.

Respectfully submitted,



Lynette Semsel
Secretary