

AGENDA

MEETING OF THE TOWN OF ALLEGANY PLANNING BOARD

**Monday, April 13, 2015
at 7:00 p.m.
Allegany Town Hall
52 W. Main Street, Allegany, NY**

Salute to the Flag

Minutes

March 16, 2015

Old Business

None

New Business

None

Other Business

Horvath Communications: Pre-application meeting
new cell tower

Aspen Dental: Review of revised Photometric Plan

Zoning ordinance update:

Article X, Enforcement

Article VI, Non-Conforming Uses

Section 4.13 and 4.14, Corridor Overlay Districts

Section 5.12, Sign Regulations

Correspondence

None

**Next Planning Board Meeting:
Monday, May 11, 2015**

Town of Allegany Planning Board
Meeting Minutes
Monday, **April 13, 2015** at 7:00 p.m.
Allegany Town Hall, 52 W. Main Street, Allegany NY

APPROVED May 11, 2015

Present:

Frank R. DeFiore, Chair
Rick Kavanagh
Peter Hellier

Helen Larson
John Sayegh

Also Present:

Carol Horowitz, Town Planner
Gerard Dzurhoff, Town Code Enforcement Officer
(Don Sue, Allegany Town Zoning Board member)
Steven Lingard, Wireless Site Manager, Smartlink

Chair Mr. Frank R. DeFiore opened the meeting with the Pledge to the Flag at 7:01 p.m.

Minutes:

Mr. DeFiore asked if there were any comments on the March 16, 2015 Planning Board Minutes.

Mr. DeFiore made the motion to approve the minutes of the March 16, 2015 meeting as written with one correction:

- a) On the 2nd page of the minutes at "Other Business" the number (4) should be removed from Section 5.25(C)(2)(a).

Seconded by Mrs. Larson. Ayes: Mrs. Larson, Mr. Sayegh, Mr. DeFiore, Carried.

Old Business:

None

New Business:

None

Other Business:

Horvath/Verizon Cell Tower: Pre-application meeting

Steven F. Lingard, Wireless Site Manager for Smartlink requests permission to have a preliminary discussion with the Planning Board regarding his anticipated application for a Special Use Permit and Site Plan Review. Request was granted by Chairman DeFiore. Mr. Lingard indicates his intentions to erect a 195 foot tall lattice, self-supporting, tower for 4G cell phone coverage/internet use. Verizon wireless will be the tenant.

Mr. Lingard explains his plans and introduces three ring binders to the Board for review of his anticipated application. As Mr. Lingard explains the uses for the lattice tower, he offers that there is also space at 140 feet or below for any public safety entity to use the tower for service at a low rental cost of approximately \$1.00 per calendar year. The proposed location of the lattice tower is on the West Five Mile Road, Allegany, New York with an extensive access road being created on property owned by Charles and Bonita Straub. Construction of the lattice tower consist of a foundation and 40 foot high lattice tower sections being hauled on the access road for construction to hopefully begin in June or July of 2015. The property being accessed abuts I-86 . Also noted is the fact that the lighting could become an issue as the lattice tower is 195 feet high. Town Planner, Carol Horowitz, suggest Mercy Flight be contacted for input into the need for lighting of the tower. Of note, Town Planner, Carol Horowitz notes that a parcel on the proposed construction area is not labeled correctly. Noted by Carol Horowitz that she will provide the information submitted to date to the Town Engineer for his review, although she was in need of a completed site plan. Also needing notification is Town Highway Superintendent John Moshier due to the access road being created on West Five Mile property which will require his approval for the driveway connection to the Town road.

Suggestion is made by Town Planner, Carol Horowitz that Mr. Lingard supply a PDF format to her attention for submission to the County Planning Board for the required 239-m referral.

Mr. Lingard relays his intent to file his application for a Special Use Permit and Site Plan Review expeditiously and will correct a few typographical errors contained in his proposed plans and initial letter to the Planning Board. He will also apply to the Zoning Board of Appeals for the height variance to allow the tower to be taller than the 175 foot maximum set in the zoning ordinance.

The Board determined that a short SEQR Environmental Assessment Form was sufficient for this application. Ms. Horowitz noted that the application was also missing the permission of the property owner on which the road would be constructed.

Mr. Lingard thanked the Planning Board for their time and looks forward to meeting again with both the planning board and zoning board in the very near future. It is noted by Chairman DeFiore and other board members that Mr. Lingard will also be in need of Zoning Board approval as well as the Cattaraugus County Planning Board approval.

Chairman Frank DeFiore will speak with Zoning Board Chairman, John James, regarding a possible joint “public hearing.”

Aspen Dental: Review of Revised Photometric Plan

Discussion regarding Aspen Dental's photometrics. Chairman DeFiore reported that he and Town Planner Carol Horowitz reviewed the revised photometric plan submitted for the Aspen Dental. The Photometric Plan was also sent to Robin DeRue, a lighting expert from Clark Patterson Associates, the Town's Engineering firm for her review. Ms. Horowitz distributed an email from Ms. DeRue, which pointed out that the lighting levels both behind the house to the west and at the drive-through lane to the east are higher than the levels approved by the Planning Board. She indicated that the light levels shown on the photometric did not include the wall packs on the building, so the lighting levels would be higher. In addition, it appears that the pole height is 28 feet, not the 25 feet that was approved. It is expressed by the Board that no fixtures erected will exceed 25 feet in height from final grade level to top of lens. The Board members questioned if lightening of Aspen Dental is 24 hours a day 7 days a week or is the building only lit during the weekdays and not on weekends.

Motion made by Chairman DeFiore and seconded by Pete Hellier regarding the Aspen Dental site plan that the pole height of the LED fixtures cannot exceed 25 feet from ground level to the top of the lense, that light levels do not exceed 1.3 footcandles on the east, and that light shields shall be installed on the rear parking lot light to reduce the light levels in the rear yard of the house on the west. Ayes: Mr. Hellier, Mr. Kavanagh, Mrs. Larson, Mr. Sayegh, Mr. DeFiore. Carried.

Mr. DeFiore asked Ms. Horowitz to draft a letter for his signature to be sent to Aspen Dental regarding this issue.

Community Bank

"Discussion was held among Board regarding Community Bank's HVAC roof equipment. It will be painted in the very near future. The Planning Board determined that painting the equipment to make it less visible would comply with the criteria in the Zoning Ordinance for screening and was also acceptable for compliance with the Board's condition of approval for screening of these elements. Town Planner, Carol Horowitz to check with Town Attorney, Wendy Tuttle, to discuss if an amendment is needed to the Boards' initial approval for Community Bank regarding the screening issue."

Change in Meeting Date

Motion made by Chairman DeFiore and seconded by Rick Kavanagh to change the date for the August planning board to meeting to **August 17, 2015**. Ayes: Mr. Kavanagh, Mrs. Larson, Mr. Sayegh, Mr. DeFiore, Mr. Hellier. Carried.

Zoning Ordinance Update

Discussion was had regarding Article "X" Enforcement, Penalties and Other Remedies. Corrections/revisions were made by Carol Horowitz. All corrections and revisions are in bold print with the deletions being noted.

Discussion was had regarding Article "VI". Question posed, "...Does the Board want to include a new provision that would permit any updated singlewide mobile home to replace an existing non-conforming singlewide if they are in an R1 District. At the present time, this replacement is not allowed. After discussion, the Board agreed that this was a good idea.

Correspondence:

None.

Motion to adjourn meeting at 9:00 p.m. by Chairman Mr. DeFiore, 2nd by Mr. Hellier. Ayes: Mr. Hellier, Mrs. Larson, Mr. Sayegh, Mr. Kavanagh, Mr. DeFiore.

Carried.

Respectfully submitted:

Donna G. Stady, Secretary to Planning Board