

AGENDA

MEETING OF THE TOWN OF ALLEGANY PLANNING BOARD

**Monday, May 11, 2015
at 7:00 p.m.
Allegany Town Hall
52 W. Main Street, Allegany, NY**

Salute to the Flag

Minutes

April 13, 2015

Old Business

None

New Business

Horvath Communications: Telecommunications Tower
Special Use Permit and Site Plan Review

Nolan: Agricultural Use (Keeping of horses) in an R-1 District (26-15)
Special Use Permit

Other Business

Brunner: Agricultural Use (Keeping of horses) in an R-1 District
Special Use Permit

Aspen Dental: status update

Zoning ordinance update:

Section 4.13 and 4.14, Corridor Overlay Districts (dated April 13, 2015)
Section 5.12, Sign Regulations
Alternative energy facilities: definitions and use table

Correspondence

None

**Next Planning Board Meeting:
Monday, June 8, 2015**

Town of Allegany Planning Board
Meeting Minutes
Monday, **May 11, 2015** at 7:00 p.m.
Allegany Town Hall, 52 W. Main Street, Allegany NY

APPROVED June 8, 2015

Present:

Frank R. DeFiore, Chair
Peter Hellier

Helen Larson
John Sayegh

Absent: Rick Kavanagh

Also Present:

Carol Horowitz, Town Planner
(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 April 13, 2015 Planning Board Minutes.

Mr. DeFiore made the motion to approve the minutes of the April 13, 2015 meeting as written. Seconded by Peter Hellier. Ayes: Mr. DeFiore, Mr. Hellier, Mrs. Larson, Mr. Sayegh. Carried.

Old Business:

None

New Business:

Horvath/Verizon Cell Tower - Special Use Permit and Site Plan Review:

Steven F. Lingard, Wireless Site Manager for Smartlink requests permission to construct a 195 foot tall, lattice, self-supporting telecommunications tower located on the West Five Mile Road. The "tower" would be owned by Horvath Communications and Verizon Wireless is the proposed anchor tenant. The majority of Mr. Lingard 's project for the tower was displayed for the Planning Board during the April 13, 2015 meeting. Mr. Lingard stated that application items that were missing at the April 13, 2015 meeting have been provided in the revised application.

Ms. Horowitz stated that since the site abuts I-86 a referral to the County Planning Board was required. At their meeting on April 30, 2015, the County Planning Board determined that the project did “not” have any countywide or intercommunity impacts.

Mercy Flight was contacted by Carol Horowitz, Town Planner, for their views and impact such a tower would have on their medical transport business. The Chief Pilot said that they would prefer lighting on the tower and would like a single red light on the towers immediate top. Mercy Flight will send a letter to the Board with this request. Town Planner also contacts Town Engineer Tom McElheny (at Clark Patterson) Mr. McElheny needs to receive and review the SWPPP for this project before he can prepare his report to the Board.

Mr. Lingard advised that his engineer is working on the SWPPP and he expects to have it soon. Ms. Horowitz stated that Mr. McElheny preferred to receive a pdf of the SWPPP. She asked Mr. Lingard to provide one paper copy of the SWPPP to the Town for the file and email the SWPPP whenever it is available. She will distribute the pdf to Mr. McElheny and to the Planning Board.

Mr. McElheny also advised that the Planning Board should request a visual analysis of the Tower. After discussion the Board determined that photosimulations and other visual analyses would not be required.

There was discussion regarding whether or not the Board would set a public hearing since the SWPPP is still lacking from the application. Mr. Lingard stated that he would be amenable to waiving the deadline for making a decision on the application if necessary because the SWPPP was late. Deadline set for receiving of SWPPP is May 26, 2015.

Chairman DeFiore noted that the Zoning Board of Appeals has set a public hearing on the height variance for the tower for June 1, 2015.

Chairman Frank DeFiore motions to have a public hearing on the Horvath Communications application for a Telecommunications Facility and “tower” construction being set for June 8, 2015 at 7:01 p.m. at the Allegany Town Hall. Seconded by Helen Larson. Ayes: Frank DeFiore, Helen Larson, John Sayegh, Peter Hellier. Carried.

Nolan Special Use Permit:

Valerie Nolan requests a special permit for her property located at 2585 Five Mile Road in the Town of Allegany to allow an agricultural use in the R-1 Zoning District. Ms. Nolan would like to house miniature horses and two standard size horses. There was a discussion regarding the location of the manure pile and its proximity to the water well for the house. Ms. Nolan stated that the manure would be removed from site when needed.

Pursuant to Staff Report performed by Town Planner, Carol Horowitz, although this site is located on Five Mile Road, the application is exempt from referral to the Cattaraugus County Planning Board because this is an agricultural use.

Motion by Chairman DeFiore that the application is a Type II SEQR action pursuant to Section 617.5(c)(3) of NY SEQRA regulations. No SEQR review is required. Seconded Peter Hellier. Ayes: Helen Larson, John Sayegh, Peter Hellier, Frank DeFiore.

Motion by Chairman DeFiore to set a public meeting for June 8, 2015 at 7:10 p.m. Seconded by John Sayegh. Ayes, Frank DeFiore, Peter Hellier, John Sayegh, Helen Larson.

Aspen Dental Continuing Discussions:

Discussion regarding Aspen Dental and that their project was slated to begin construction shortly. Ms. Horowitz advised that the three easements regarding access and storm water run-off have not yet been recorded, but that is expected to occur soon. The property has just been transferred to Quattro Development. She will follow-up with the Board at the next meeting.

Zoning Ordinance Update:

Section 4.13 and 4.14 Corridor Overlay Districts revisions dated April 13, 2015

Ms. Horowitz reported that she had researched the driveway separation issue after the Board's last discussion. NYSDOT minimum standards state that driveways (entrance/exitways) should allow for 75 feet between driveway entrance/exit ways. Board discusses whether the standard in the Ordinance should use that figure or retain the current language which requires a larger separation. The Board directed Ms. Horowitz to research standards based on traffic speed.

Peter Hellier Motions to ad back in (3) (b)...”During the Site Plan Review process the Planning Board may waive the minimum front yard setback requirements to allow structures to be closer to the front property line that that which would ordinarily be allowed in order to accomplish the goals and objectives of the Planning and Zoning Board.” Seconded by John Sayegh. Ayes, Peter Hellier, John Sayegh, Helen Larson. Opposed: Chairman Frank DeFiore.

Correspondence:

The Board also received a request from Dorothy Brunner for a special use permit. The property upon which Ms. Brunner requests the action for is not under her ownership at this time. Ms. Brunner has been advised to re-apply when paperwork is in order

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