

AGENDA

MEETING OF THE TOWN OF ALLEGANY PLANNING BOARD

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

Salute to the Flag

Minutes

June 8, 2015

Old Business

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

Olean Physical Therapy: Review of Conditions of Approval

New Business

Palmer: Request for extension of special Use Permit

St. Bonaventure University: Pre-application conference
Campus Ministries Building

Other Business

Aspen Dental: status update

Zoning ordinance update: start review of revised document (June 2015)

Correspondence

None

**Next Planning Board Meeting:
Monday, August 17, 2015
(3rd Monday of the month)**

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

APPROVED

Present:

Frank R. DeFiore, Chair
Rick Kavanagh

Helen Larson
Peter Hellier

Absent: John Sayegh

Also Present:

Carol Horowitz, Town Planner
Tim Maness & Nikki Mendinsky with Derck & Edson Associates
Phil Winger on behalf of St. Bonaventure University
Ryne Wight on behalf of Clark Patterson Lee, Town Engineer
Michael Droney for Olean Physical Therapy

Chairman Frank R. DeFiore opened the meeting with the Pledge to the Flag at 7:02 p.m.

Before the meeting begins, Chairman DeFiore advises that we will stray from the Agenda due to the nature of presentations that will be made and for guests in the audience.

Chairman DeFiore read the following statement, thanking the Board for their service and continued work for the Town of Allegany:

I would like to say Thank You to the members of this Board for the hard work they put into encouraging growth in the Town of Allegany. Many applicants and townspeople are not aware of the numerous Federal, State, County and Town laws and ordinances we must follow. Some people do not realize that in an effort to assist us sometimes we have to hire consultants. There is not a single person who can keep up with all of the laws & ordinances we have to adhere to. In an effort to keep everyone current we are required to keep up with annual trainings. Allegations have been made, in the past, threatening this and other Town Boards from following these laws and ordinances. Comments have even been made that we have not encouraged and worked with applicants. In spite of all of these comments and threats I am proud to be a member of a Town Board that does not treat any applicant with favor over any other in reviewing applications for the betterment of the Town of Allegany. Thank you to ALL members of the various Town Boards and in particular to this the Town of Allegany Planning Board.

Old Business:

Chairman DeFiore noted that the Application for a special use permit to allow an agricultural use of housing horses on property located in an R-1 Zoned District by applicant Valerie Nolan has been withdrawn.

Olean Physical Therapy, appearing by Michael Droney, for continued review of conditions of approval for his site plan approval. Conditions for the approval for Olean Physical Therapy were that "if air conditioning units or any other mechanical equipment will be located on the roof, the rooftop parapet wall shall be high enough to shield such equipment from view pursuant to Section 4.14(E)(2)(k) of the Town's Zoning Ordinance. In order to accomplish this screening, the building height may be higher than that shown on the approval plans." Mr. Droney presented a letter from Mazza Sheet Metal dated July 13, 2015 which recommends that no painting be done to the units or the warranty will be voided and paint may also damage the internal components necessary for proper operation of the units. Chairman DeFiore asks Board for any ideas regarding for obscuring the five HVAC equipment units on the rooftop of Olean Physical Therapy Building. Board member Kavanagh suggests vinyl/aluminum framing screening perhaps but advises that it may be cost prohibitive. Suggestions were made by Board for screening in the HVAC systems, planting trees or shrubbery on some of the grounds at its west view, if permissible and cost effective.

Ryne Wight from Clark Patterson Lee advised that their firm does not handle much screening for this type of issue. He mentions screening (slat system) and or construction of a wall and both proposals would be costly and then the issue comes in of snow load on the building's roof and whether the roof could support the additional weight. Clark Patterson Lee is not the lead general contractor on the Olean Physical Therapy Building.

Following discussion, Board members indicated that screening on the roof may be counterproductive, since the screening would be bigger in size than the HVAC units. Mr. DeFiore mentioned that the screening requirement only applies to the addition.

Chairman DeFiore requests that Town Planner, Carol Horowitz, draft a motion incorporating the Boards' discussion for this matter, noting that Mr. Droney can get his temporary certificate of occupancy. He also asked her to discuss the feasibility of additional tree planting with John Moshier, based on the location of utility lines in the front of the site.

New Business:

Kay Palmer requests that her Special Use Permit allowing keeping of horses in an R-1 Zoning District, specifically 2149 Klice Crossroads (Tax Map 93.002-4-14) be renewed. Applicants had an emergency situation and could not attend hearing today. Applicants ask that their request be considered today without their presence. Chairman DeFiore asks if there are any issues.

Town Planner, C. Horowitz, has spoken with Town Attorney and advises this is an administrative action and the Board is permitted to extend the approval that they granted last year for one year. She noted that the applicant has not yet started the use that was approved almost a year ago, and therefore the Special Use Permit will expire.

Motion is made by Rick Kavanagh and 2nd by Pete Hellier to Extend the Special Use Permit granted on June 30, 2014 to allow Keeping of Horses in the R-1 Zoning District at 2149 Klice Cross Road (Tax Map no. 93.002-4-14) for a period of one year. Ayes: Chairman DeFiore, P. Hellier, H. Larson, R. Kavanagh. Carried.

St. Bonaventure University Pre-Application presentation for a Campus Ministry project to take down the old campus ministry building and rebuild on the same site another "Campus Ministries Building". Said building will be a 36% increase in size from its original size. A tentative out-to-bid date for contractors to construct building is proposed for September 16, 2015. The project will require site plan approval from the Planning Board, prior to the issuance of a building permit.

Of note, Town Code Office Jerry Dzuroff, Town Planner Carol Horowitz, and Chairman DeFiore met with members of Derck & Edson prior to tonight's meeting in an effort to assist them in preparation for their pre-application meeting. Audience and Board members were able to view a proposed site plan schematic of the proposed building. Per St. Bonaventure the building will have 24 hour access and have camera controlled surveillance system.

Other Business: Recorded easements for Aspen Dental were finally received by Town Planner. The Aspen Dental matter is now completed.

Discussion was held among Board members regarding the Zoning ordinance updates. The Board would propose to have a public hearing in September for the Zoning ordinance updates and hopefully to have the proposed updates to the Town Board before the end of the year for their review and approval, so the updated Zoning ordinance would be in effect beginning 2016.

The Board reviewed the revised versions of Articles I, II and III, and started review of changes to Schedule A, District Use Regulations.

Minutes: Chairman DeFiore asks Board members for any comments to the minutes of June 8, 2015 meeting. Move to accept the minutes by Chairman DeFiore and 2nd by Pete Hellier with two corrections of a duplicate sentence on page 2 section (B) and on last page granted should read recorded. Ayes all. Carried.

Correspondence: None

Motion to adjourn meeting at 9:01 p.m. made by Chairman DeFiore and 2nd by Rick Kavanagh. Ayes: Helen Larson, Pete Hellier, Rick Kavanagh, and Chairman DeFiore. Carried.

Respectfully Submitted:

Donna G. Stady, Secretary to Planning Board