

# **AGENDA**

## **MEETING OF THE TOWN OF ALLEGANY PLANNING BOARD**

**Monday, August 17, 2015  
at 7:00 p.m.  
Allegany Town Hall  
52 W. Main Street, Allegany, NY**

### **Salute to the Flag**

#### **Minutes**

July 13, 2015

August 10, 2015

#### **Old Business**

Olean Physical Therapy: Review of Conditions of Approval

#### **New Business**

None

#### **Other Business**

Zoning ordinance update:

1. continue review of draft document dated June 2015
  - size of Home Occupation signs [Section 5.12(E)(4)(a)]
  - Zoning Map
  - Section 4.13 and 4.14, Corridor Overlay District regulations regarding minimum lot width, driveway separation, prohibited uses in CO-2 district, etc.
  - Section 4.02 District Use Regulations, Schedule A, and Article II, Definitions for: Electric Vehicle Charging Stations and Individual Solar Energy Systems
  - Other changes to Section 4.02, Schedule A
  - Other changes from memo dated June 30, 2015
2. Set public hearing on draft Zoning Ordinance

#### **Correspondence**

None

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

**Town of Allegany Planning Board**  
**Meeting Minutes**  
Monday, **August 17, 2015** at 7:00 p.m.  
Allegany Town Hall, 52 W. Main Street, Allegany NY

APPROVED September 15, 2015

**Present:**

Frank R. DeFiore, Chair  
Peter Hellier  
Rick Kavanagh

Helen Larson  
John Sayegh

**Also Present:**

Carol Horowitz, Town Planner  
Don Sue, Allegany Town Zoning Board member  
Town Supervisor, John Hare

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

**Minutes:**

Chairman DeFiore asked if there were any comments on the July 13, 2015 Planning Board Minutes.

Chairman DeFiore made the motion to approve the minutes of the July 13, 2015 Planning Board Meeting with the one correction. Jerry Dzuroff (should be J not G). Seconded by John Sayegh. Ayes: Chairman DeFiore, H. Larson, P. Hellier, J. Sayegh. Carried.

Chairman DeFiore asked if there were any comments on the August 10, 2015 special Planning Board Meeting minutes.

John Sayegh made motion to approve the minutes of the August 10, 2015 Planning Board Minutes and seconded by Helen Larson. Ayes: Chairman DeFiore, H. Larson, P. Hellier, J. Sayegh. Carried.

**Old Business:**

Olean Physical Therapy – Review of Conditions of Approval.

Carol Horowitz, John Moshier, Town Highway, Water and Sewer Superintendent, Jerry Dzuroff, Frank DeFiore and Ryne Wight from Clark Patterson Lee, Town Engineer had meeting with Mike Dronney outside of the Olean Physical Therapy building to scan the area to help assist him in meeting his conditions of approval.

The Board discussed the constraints associated with this site. Mr. Sayegh noted that this site was unique and therefore modifying the condition of approval would not be setting a precedent.

Motion to adopt a resolution to modify the conditions of approval was made by Chairman Frank DeFiore and second by John Sayegh.

WHEREAS, on May 12, 2014 the Town of Allegany Planning Board granted Site Plan approval for an addition to Olean Physical Therapy (application #22-14). The approval included a condition of approval (#3), which required the parapet wall to be high enough to shield rooftop HVAC and other equipment from public view, in order to ensure compliance with Section 4.14(E)(2)(k) of the Town's Zoning Ordinance, and

WHEREAS, although a parapet wall was constructed, the wall is not high enough to entirely screen the rooftop equipment, especially from NYS Route 417, and

WHEREAS, two street trees, which had existed on the site before construction and which were relied upon by the Planning Board to show compliance with the requirement for planting of street trees in Section 4.14(E)(8)(d) of the Town's Zoning Ordinance, were removed during the construction process, and

WHEREAS, after research and consideration, the Town of Allegany Planning Board finds that:

1. The topography at the location of Olean Physical Therapy is unique in the Route 417 East Corridor Overlay Zoning District in that the building site is substantially lower in elevation than NYS Route 417. Because of this topographic feature, an approximately nine (9) foot high parapet wall would be needed to totally screen the rooftop equipment from Route 417. A parapet of this height is impractical, due to the cost involved, and would also create a visual wall adjacent to Route 417 that would not be aesthetically pleasing.
2. The installation of roof equipment screens is not practical, due to the potential for increased weight on the roof due to snow loading. In addition, the Board finds that the roof screening would be counterproductive, since the screening would be substantially larger and thus more visible than the rooftop units.
3. Based on a letter from the HVAC equipment supplier, dated July 13, 2015, painting the HVAC and other equipment may void the warranty for that equipment. This proposed mitigation may also be impractical for visual screening.
4. Based on a site reconnaissance conducted by Town officials, there is adequate space between the sidewalk and the parking lot for Olean Physical Therapy to plant at least two street trees, despite the constraints in this area due to utility lines, including water and gas lines, and the slope of the area.

THEREFORE BE IT RESOLVED, the Planning Board hereby determines, based on the analysis above, that the project proponent has done everything that is technically feasible to comply with the Zoning Ordinance requirement for screening of rooftop equipment. The Planning Board therefore modifies Condition #3 of the site plan approval for Olean Physical Therapy to require the property owner to plant a minimum of two deciduous trees along Route 417 in the vicinity of the trees that were removed during construction. Trees 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. The Planning Board acknowledges that the trees will need to be shorter species with a smaller canopy, due to constraints resulting from the proximity to the water line.

Ayes: H. Larson, J. Sayegh, Chairman DeFiore. Motion Carried.

(Board Member Rick Kavanagh enters meeting)

**New Business:**

None

**Other Business:**

Continuation of Zoning Ordinances updates:

- Section 5.12 (E) On-Premises Signs Allowed with a Sign Permit. Discussion is had over the 8 sq. feet permitted sign size for Home Occupation signs. Board's consensus is to leave the proposed 8 sq. ft sign limit.
- Zoning map discussion was held. Carol Horowitz displays for comparison the former zoning map compared with the proposed zoning map. The proposal here is to eliminate the R-2 District and convert the area in an R-1 District. The majority of the areas will remain the same District as they are in currently.

(Board Member Pete Hellier enters the meeting)

- Section 4.13 and 4.14 Corridor Overlay District regulations regarding lot width, driveway separation and prohibited uses in the districts. Discussion on various topics in this area such as free flowing traffic leaving commercial areas and discussed NYS DOT minimum standards and Carol Horowitz's research documentation was read. Further, discussion was had on prohibited business uses within the district was widely discussed by board members. Discussed utilities available and what development was discouraged and what was encouraged. Discussion was had on 417 West Corridor Overlay District and minimum lot width and driveway separation.
- Section 4.02 District Use Regulations, Schedule A and Article II definitions. Discussion of use table was had. Microbrewery and Micro distilleries were discussed and where they would be permitted.

Ms. Horowitz noted other changes that the Board had directed to be made.

Discussion of scheduling Public Hearing for Zoning Ordinance updates.

Motion by Chairman DeFiore to change the September meeting from September 14, 2015 to September 15, 2015 at 7pm at the Birch Run Allegany Senior Center, seconded by Pete Hellier.

Ayes: P. Hellier, H. Larson, J. Sayegh, R. Kavanagh, Chairman DeFiore. Motion Carried.

Motion by Chairman DeFiore to hold a public hearing on the current draft revisions for the zoning ordinance on September 15, 2015 at 7pm at the Birch Run Senior Center in conjunction with the planning board meeting, second by John Sayegh.

Ayes: P. Hellier, H. Larson, J. Sayegh, R. Kavanagh, Chairman DeFiore. Motion Carried.

**Correspondence: None**

Motion to adjourn meeting at 9:30 p.m. by Peter Hellier, 2<sup>nd</sup> by John Sayegh. Ayes: P. Hellier, H. Larson, J. Sayegh, R. Kavanagh, Chairman DeFiore. Motion Carried.

Respectfully submitted:

Donna G. Stady, Secretary to Planning Board