

AGENDA

MEETING OF THE TOWN OF ALLEGANY PLANNING BOARD

**Tuesday, September 15, 2015
at 7:00 p.m.
Allegany Senior Center
3790 Birch Run Road, Allegany, NY**

Salute to the Flag

Public Hearing

7:00 Draft Zoning Ordinance Map and Text

- Presentation on proposed changes to the Ordinance and the amendment process
- Open hearing for comments and questions
- Close public hearing

Minutes

August 17, 2015

Other Business

Zoning ordinance update: Planning Board discussion

Old Business

None

New Business

None

Correspondence

None

**Next Planning Board Meeting:
Monday, October 5, 2015
(1st Monday of the month)**

Town of Allegany Planning Board
Meeting Minutes
Tuesday, **September 15, 2015** at 7:00 p.m.
Allegany Senior Center, 3790 Birch Run Rd, Allegany NY

APPROVED

Present:

Frank R. DeFiore, Chairman
Peter Hellier
Absent: Rick Kavanagh

Helen Larson
John Sayegh

Also Present:

Carol Horowitz, Town Planner
Don Sue, Allegany Town Zoning Board
Wendy Tuttle, Town Attorney
John Hare, Town Supervisor
David Koebelin, Town Board
David O'Dell, Town Board
James Hitchcock, Town Board
Townpeople

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

PUBLIC HEARING:

Chairman DeFiore announces: This is a public hearing on the proposed zoning ordinance draft and text. So that townspeople are aware, the Planning Board have been working on this document for the last couple of years. The Planning Board does not make the law. All that the Planning Board does is put the documents together, get the input necessary, revise the documents and then they make a recommendation to the Town Board. The Town Board looks at the document and then will have a public hearing. You will see another public hearing in the future by the Town Board that will actually adopt the final zoning ordinance. Today's document draft is available online on the Town's website so that you can look at it chapter by chapter and it is also available at the Town Clerk's office. Individuals wishing to speak tonight may come sign the sheet by our secretary, Donna, so that she knows who got up and said what and please limit your comments to three minutes or less. We want to try to make sure that everybody has an opportunity and then we can go from there.

Chairman DeFiore further announces the Planning Board will not be making a final decision on the document tonight. The community's input will be taken into consideration and the document will be discussed several times over the next few weeks. The Planning Board will hold their monthly meeting for October on October 5, 2015, which is the first Monday of the month.

Chairman DeFiore advises that in order to explain some of the differences between the current zoning ordinance and the proposed zoning ordinance, Town Planner, Ms. Horowitz will be doing a brief summary as to what those changes are and there is a short slide show presentation exhibiting the town tax map and the zoning districts. Ms. Horowitz advises, that the current zoning ordinance was adopted in 2000 and it hasn't been comprehensively updated since then so it is about 15 years old now. Ms. Horowitz explains that the ordinance consists of (two) parts. There is a text which is approximately 150 pages long and a zoning map. The ordinance establishes the zoning districts that are mapped and then there is a text that goes with it. Ms. Horowitz points out areas on the zoning map that are proposed to be rezoned and summarizes proposed changes to the text. Chairman DeFiore reiterates need for zoning ordinance update and offers for audience to ask any questions.

Guest, Phil Winger, Associate Vice President of Facilities at St. Bonaventure University has two comments in detail. 1) About the sign regulations/permits the University has a large number of directional signs for buildings here and there and they would like to go ahead and update the whole system. It looks like the way the funding is that the updates will be done a little bit at a time. It seems to Mr. Winger that it would be a burden upon St. Bonaventure University and the code enforcement offer for St. Bonaventure to get a permit every time they replace a sign or make an improvement. St. Bonaventure would like to put their signs on light poles to identify the parking lots and that appears that it may require a permit for that. Mr. Winger's suggestion is that within the communities' facilities district and at some distance from a publically maintained road at 100 feet or so that the requirement to have a permit for signs should be waived. The University is a good custodian of the values of the community and do not feel they need to run every sign through the planning or zoning boards. 2) Mr. Winger's other comment is about the parking regulations. There is definition of parking lots that require a space of 18 feet long and an aisle of 25 feet wide for a total of 61 feet for the whole parking space. On campus there are a number of parking lots which are a little tighter than that and the University finds (with some national guidelines) that they are successful at 55 feet instead of 65 feet for the total width of the aisle. The regulations require perpendicular parking instead of diagonal parking although it allows if you are part of the site plan review the Planning Board can revise that but it seems that both of those are not a problem for new construction or a new parking lot however, if they try to coordinate additional parking spaces into an area that is already confined by existing construction that it is a little bit restrictive and he would suggest a little more leniency on diagonal parking and possibly reducing the total width from 61 to 55 feet and agree with a wider area when it fits.

Guest, Mr. Gattuso speaks about his concerns regarding the old zoning codes and the new zoning codes on home occupations. Mr. Gattuso advises that he has written multiple emails, letters and grievances and requests more than three minutes to speak but will make a few points. Chairman DeFiore again stresses to audience that townspeople have the ability to write-in regarding the new zoning changes and that the Planning Board would like to receive questions or comments at least two weeks before the next meeting so that they can review them.

Mr. Gattuso states that there is a problem understanding what a "home occupation" is or how it is interpreted. Mr. Gattuso would like to know how the board can monitor a home occupation and make it not in violation of the ordinance.

Attorney Wendy Tuttle speaks to Mr. Gattuso regarding enforceability of the size of a home occupation. Mr. Gattuso speaks of his displeasure with the ordinance and complains that the board is not enforcing the ordinances.

Chairman DeFiore asks that Mr. Gattuso address his concerns in a letter format to the Planning Board. Attorney Wendy Tuttle advises that Mr. Gattuso probably should have received a response.

Chairman DeFiore closes public hearing at 7:44 p.m. on the draft of the zoning ordinance.

Chairman DeFiore thanks audience member Kathy Boser for a letter from the CCCC (*attached) directed to the Planning Board and a brief intermission is held while guests exit the senior center. Regular Planning Board Meeting begins at 7:46 p.m.

Minutes:

Chairman DeFiore asks if there are any comments on the August 17, 2015 minutes. Motion to accept the minutes as read by Pete Hellier and seconded by John Sayegh. Ayes: Chairman DeFiore, H. Larson, P. Hellier, J. Sayegh. Motion carried.

Other Business:

Following the public hearing discussion was held re: concerns regarding the zoning updates.

1) Phil Winger's concern about the directional signage in a CF which is a university, cemetery, and golf course areas. St. Bonaventure is always trying to update their signage to stay current and they soon will be remodeling their campus ministry building and erecting new signage on that building. Mr. Winger's concern was that we re-address the section of the proposed zoning ordinance dealing with permits for said signage. The board holds discussion regarding Mr. Winger's concerns and suggestions. Board agrees that "directional signs more than 100 feet from Route 417 within a CF district" will be exempt from Section 5.12(E)(4)(b) Directional signs.

Regarding Mr. Winger's comments on diagonal parking, Board members stated they needed more information and to get a better understanding of what Mr. Winger's concerns consists of. Town Planner, Ms. Horowitz, will check into the standards for diagonal parking. Chairman DeFiore will meet with Mr. Winger before the October 5th meeting, if possible.

2) Board discusses concerns of a citizen with complaints regarding enforcement of the zoning ordinances.

3) Discussion continues on focus of Planning Board meeting regarding the changes to the zoning ordinances, maps, and texts. Ms. Horowitz emphasizes that the proposed changes are all listed online and perhaps that is the reason for the small turn-out of guests. She further advised that she had sent out various emails to local and commonly used contractors in the Town or living within the Town and she did receive various thank you emails for the notice of proposed changes from those contractors.

Board stresses fact that they are trying to make this new update to the ordinances easier to understand and easier for contractors.

Further discussions were held regarding lot size reduction if you are on town water or sewer systems (Section 5.07) regarding eliminating or clarifying the provisions for a reduction in the yard dimensions. The Board indicated that this sentence should be changed to make it clear that if a lot size is reduced by 25%, the minimum yard (setback) requirements can be reduced by 20%.

The intent of "the applicant shall be responsible for protection of such excavation "during excavation for sand and gravel excavation was discussed. Ms. Horowitz stated she would speak with Town Attorney, Wendy Tuttle, regarding this provision.

A review of the site plan chapter re: 9.08(c) letter of certification requirements was read by Planning Board members to determine if we they should require this aspect as a condition of approval.

In this regard, Chairman DeFiore makes a motion to eliminate passage “. . . complicated large scale” for this certification purposes and Motion is seconded by John Sayegh. Ayes: Chairman DeFiore and J. Sayegh. Dissenting to motion are H. Larson and P. Hellier.

Town Planner, Ms. Horowitz, will discuss this specific area with Town Attorney.

Town Planner advises page specific changes of what was discussed during today’s Planning Board meeting will be produced.

Chairman DeFiore reminds Board that next Meeting is Monday, October 5, 2015.

Old Business:

None

Correspondence:

None

Motion to close meeting at 8:55 p.m. by Pete Hellier and seconded by John Sayegh. Ayes: Chairman DeFiore, H. Larson, P. Hellier, and J. Sayegh.

Respectfully submitted:

Donna G. Stady
Secretary to Planning Board