

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

**Monday, June 10, 2013
at 7:00 p.m.
Allegany Town Hall
52 W. Main Street, Allegany, NY**

AGENDA

Salute to the Flag

Minutes

April 8, 2013
May 13, 2013

Old Business

None

New Business

St. Bonaventure University
Request for amendment to site plan approval (public safety building)

Other Business

Zoning ordinance update:

- Brief review of changes to items discussed last month (Sections 5.09, 5.10, 5.11)
- Section 5.16 Sanitation
- Section 5.17 Junkyards and Storage of Junk
- Section 5.18 Subsurface Rights
- Section 5.19 Oil and Gas Production Facilities
- Section 5.20 Control of Excavation
- Section 5.23 State Environmental Quality Review (SEQR)
- Article II: Definitions (time permitting)

Correspondence

None received

**Next Planning Board meeting:
Monday, July 8, 2013**

**Town of Allegany Planning Board
Meeting Minutes**

Monday, June 10, 2013 at 7:00 P.M.
Allegany Town Hall, 52 W. Main Street, Allegany, NY

APPROVED July 8, 2013

Present:

Frank DeFiore, Chairman
Pete Hellier
Rick Kavanagh
John Sayegh

Also Present:

Phil Winger, St. Bonaventure University; Daniel Spitzer, Esq. Charles Malcomb, Esq.; Carol Horowitz, Town Planner; Lynette Semsel, Secretary

Chairman DeFiore opened the meeting with the Pledge to the Flag at 7:00 PM.

Mr. Kavanagh made a motion to approve the minutes of the April 8, 2013 meeting. 2nd by Mr. DeFiore. Mr. Kavanagh – aye; Mr. Hellier – aye; Mr. DeFiore – aye; Mr. Sayegh – absent.

Mr. Kavanagh made a motion to approve the minutes of the May 10, 2013 meeting. 2nd by Mr. Hellier. Mr. Kavanagh – aye; Mr. Hellier – aye; Mr. DeFiore – aye; Mr. Sayegh – absent.

New Business

Mr. Winger stated St. Bonaventure had revised the landscaping during construction of the public safety building. Their decision was based on a number of factors:

1. The shrubs around the parking area would probably not survive the winter due to the snow removal that would be necessary.
2. The campus has a master landscaping plan the University has been following. Mr. Winger presented part of a power point showing how a walk through the campus transitions from a view of the hills and the forest in the outer areas to the more formal landscaping in the center of the campus. There actually is very little formal landscaping on campus.

The location of the public safety building is in the area where the landscaping is tame and yet not formal, therefore, they decided to keep the landscaping the same as the surrounding area and planted only two trees on the southeastern side of the building. Mr. Winger said they now realize the landscaping was part of the site plan approval and apologized for misunderstanding and not following the procedure to apply for site plan amendment. He is asking the Board to approve the change in site plan from the original bushes to allow the landscaping around the building to be in keeping with the surrounding area of trees. They also plan on replacing one tree that needed to be removed on the northwestern side plus they will also address the drainage/ponding issue behind the building to the dike area.

Mr. Hellier made the motion to determine this is a de minimus amendment to the approved site plan and therefore will not require referral to the Cattaraugus County Planning Board or a public hearing. 2nd by Mr. Kavanagh. Mr. Kavanagh – aye; Mr. Hellier – aye; Mr. DeFiore – aye; Mr. Sayegh – aye.

Mr. Hellier made the motion to amend the approved site plan to replace the approved landscaping plan with the sketch Mr. Winger provided. 2nd by Mr. Kavanagh. Mr. Kavanagh – aye; Mr. Hellier – aye; Mr. DeFiore – aye; Mr. Sayegh – aye.

At 7:15, Mr. DeFiore temporarily closed the regular part of the Planning Board meeting so as to hold an Attorney Client Session to discuss litigation. At 8:10, Mr. DeFiore brought the Board back into regular session.

***Zoning ordinance update:
Section 5.17 Junkyards and Storage of Junk***

Mrs. Horowitz stated that currently junkyards and junk are regulated through the Zoning Ordinance. However, some towns regulate these through a stand-alone local law, which would require a junkyard owner to obtain a license issued by the Town Board, instead of a special use permit issued by the Planning Board. The licensing process has some advantages over the special use permit process, such as the ability to require the license to be issued annually and the ability to look at the applicant's fitness to run such a business. In addition, uses that are governed by zoning are grandfathered, while there is no such requirement for licenses. There are currently no permitted junkyards in the Town.

Board members discussed this and decided that retaining the current special use permit process was preferable to a licensing process. The Board determined that special use permits for junkyards should be issued for a limited period, such as 2 years, and would be renewable as long as all standards and conditions were met.

The Board also reviewed the definitions associated with junk. Mrs. Horowitz stated that currently "junk" and "junkyard" include "three or more junk motor vehicles." However, the NYS Property Maintenance Code only allows one junk motor vehicle on a property, and the CEO is required to enforce the stricter standard. The Board agreed that it made sense to change the definition in the Zoning Ordinance so that it is the same as the Property Maintenance Code, so these definitions will now read "two or more junk motor vehicles."

Mr. Hellier moved to adjourn. 2nd by Mr. Kavanagh. Ayes All. Carried.

The meeting was adjourned at 9:00 p.m.

Respectfully submitted,



Lynette K. Semsel
Secretary