

# **AGENDA**

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

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

### **Salute to the Flag**

#### **Minutes**

August 12, 2013  
September 9, 2013

#### **Old Business**

None

#### **New Business**

Casadent LLC Dental Office: Request for amendment to site plan

NYSDEC Request for Lead Agency Status: Nichols Run Stone Pit

#### **Other Business**

Stormwater Conference and training requirements

Finalize "Guidelines for Applicants"

Zoning ordinance update:

- Section 5.14 Landscaping Regulations
- Section 5.15 Performance Standards
- Section 5.22 Telecommunications Facilities
- Article II: Definitions (time permitting)

#### **Correspondence**

None received

**Town of Allegany Planning Board  
Meeting Minutes**

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

**APPROVED November 4, 2013**

**Present:**

Frank DeFiore, Chairman  
Pete Hellier  
Rick Kavanagh  
Helen Larson  
John Sayegh

**Also Present:**

Carol Horowitz, Town Planner; Lynette Semsel, Secretary; Dr. Nick Porcello, Casadent LLC Dental Office; Karen Mosman, Mary Burns, Cecilia Kelly Ladd

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Chairman DeFiore opened the meeting at 7:02 PM with the Pledge to the Flag. The first items on the agenda were the minutes of the August 12, 2013 and the September 9, 2013 meetings.

***Mr. DeFiore made a motion to approve the minutes of the August 12, 2013 meeting. 2<sup>nd</sup> by Mr. Hellier. Mr. Kavanagh – aye; Mr. Hellier – aye; Mrs. Larson – aye; Mr. Sayegh – aye; Mr. DeFiore – aye. Carried.***

***Mr. Kavanagh made a motion to approve the minutes of the September 9, 2013 meeting. 2<sup>nd</sup> by Mr. Sayegh.***

**New Business**

***Casadent LLC Dental Office: Request for amendment to site plan***

Dr. Nick Porcello requested an amendment to the site plan for the Dentist Office on Buffalo Road.

*The approved site plan:*

1. *Had an unfinished basement.* The applicant has now finished the basement having added a garage, a private office with bathroom, drywall, flooring, lighting and electric service.
2. *Required any garbage dumpster to be on a concrete pan and fenced.* The applicant has stated the dumpster is small and is not visible from Buffalo Road or by his patients and is located on a gravel surface. The dumpster will not be used for medical waste.
3. *Had a total of 18 parking spaces, 7 in front of the building, 8 in the rear and 3 on the east side of the driveway.* The three spaces to the east were never provided. The Zoning Ordinance, Section 5.16(C) establishes a minimum parking standard. Using that standard, Mrs. Horowitz refigured the square footage of floor space including the finished basement. The result is a minimum requirement of 14 parking spaces. The applicant still

meets the minimum without the extra three spaces.

***Mr. Kavanagh made a motion that the proposal for Site Plan Amendment for Casadent LLC (Valley View Dental Office) is a de minimus amendment to the site plan and, therefore, a public hearing and referral to the Cattaraugus County Planning Board are not required. 2<sup>nd</sup> by Mr. Sayegh. Mr. Kavanagh – aye; Mr. Hellier – aye; Mrs. Larson – aye; Mr. Sayegh – aye; Mr. DeFiore - aye. Carried.***

***Mr. DeFiore made a motion to approve amendments to the Site Plan for the Valley View Dental Office, as follows:***

- a. The floor plan is modified to include the floor plan for the finished basement, including the office and bathroom.***
- b. The site plan is modified to eliminate the three parking spaces located on the east side of the entrance driveway, which were shown on the September 9, 2011 approved Site Plan.***
- c. The site plan is modified to remove condition of Approval #3, which required fencing around the garbage dumpster, and***
- d. The site plan is modified to remove the requirement for the dumpster to be located on a concrete pad, which was shown on the September 9, 2011 approved Site Plan. Instead, the dumpster shall be located in the graveled parking area at the rear of the building.***

***This action is subject to the following conditions of approval:***

- 1. The site shall be maintained as required by the stormwater and drainage plan that was approved in 2011, including periodic mowing as required, and reseeding of areas as needed.***
- 2. The foundation planting in front of the building shall be maintained and replaced as needed.***
- 3. The property owner shall work with the code enforcement officer to address outstanding building code issues, if any.***
- 4. The building, including the basement, shall be continued to be used only as a dental office, which includes the ancillary basement office space for administration of the practice, and storage and other ancillary activities associated with a dentist office. Any other use or change in use may require an application to the Planning Board for an amendment to the Special Use Permit issued in 2011 and/or an amendment to the Site Plan.***

***2<sup>nd</sup> by Mr. Sayegh. Mr. Kavanagh – aye; Mr. Hellier – aye; Mrs. Larson – aye; Mr. Sayegh – aye; Mr. DeFiore - aye. Carried.***

#### NYSDEC Request for Lead Agency Status: Nichols Run Stone Pit

NYSDEC has provided information about an application for a sandstone mine and they are requesting concurrence with their assuming Lead Agency status for SEQR review. They also requested identification of the Town of Allegany Planning Board's jurisdiction and any issues of concern to be addressed in the SEQR review and permitting process.

Mrs. Horowitz contacted Mike Meyers, NYSDEC. Mr. Meyers informed her that the pit site is located in a natural bowl which will contain all runoff and is located on oil and gas lease land. The stone will be extracted by mechanical equipment, as described in the Mined Land Use

Plan. The applicants intend to use the stone for roads and drill pads on their lease land and the stone will not be sold.

In addition, Mrs. Horowitz stated that, pursuant to Section 5.13 of the Town of Allegany Zoning Ordinance, the mine will require a Special Use Permit. The Special Use Permit requires a public hearing.

Mr. Hellier asked if there was a possibility the stone could be used in the windmill plan. Mrs. Horowitz stated she understood the permit would allow for the stone to be used solely by the applicant and will not be sold; however, she said she would confirm that with the DEC.

***Mr. DeFiore moved to send a letter to NYSDEC, signed by the Planning Board Chair, concurring with NYSDEC assuming Lead Agency status for SEQOR, letting them know that the mine will require a Special Use Permit issued by the Town of Allegany Planning Board, and asking them to consider the following in their review of project impacts and permitting:***

- 1. limiting the hours of operation to 7 AM to 4 PM, Monday through Friday;***
- 2. any mitigations for impacts of dust, noise and the effects on nearby residents;***
- 3. identification of public roads to be used by vehicles;***
- 4. a more detailed reclamation plan;***
- 5. an updated and signed Environmental Assessment Form to resolve inconsistencies with the Application.***

***2<sup>nd</sup> by Mr. Hellier. Mr. Kavanagh – aye; Mr. Hellier – aye; Mrs. Larson – aye; Mr. Sayegh – aye; Mr. DeFiore - aye. Carried.***

### **Other Business**

#### ***Fall Planning & Zoning Conference and training requirements***

Mr. DeFiore reminded the Board they each need four hours of training per year and there will be a Southern Tier West conference in November. Mrs. Horowitz also mentioned to the Board that they need to turn in any certificates for training to the office so they can be recorded.

#### ***Finalize "Guidelines for Applicants"***

The *Guidelines for Applicants* information and checklist is designed to facilitate the process for development or re-development. At a pre-application meeting, the applicant will meet with those officials who will be involved in the project and be given a complete list of the items necessary to make their presentation to the Planning Board. The hope is that this checklist will allow projects to be approved in a more timely manner.

The Board thanked those who worked on the checklist.

***Mr. Hellier made a motion to approve the Guidelines for Applicants as a good guide to hand out to perspective builders. 2<sup>nd</sup> by Mr. Kavanagh. Mr. Kavanagh – aye; Mr. Hellier – aye; Mrs. Larson – aye; Mr. Sayegh – aye; Mr. DeFiore - aye. Carried.***

#### ***Concerns of guests at meeting***

Mr. DeFiore then addressed the three guests to the meeting and asked if they had a concern they wanted to bring up. Mrs. Mosman asked, in light of what Mr. Hellier said about the possibility of the stone from the Nichols Run Pit being used for the windmills, if the Planning

Board has heard anything new on the status of the wind farm. Mr. DeFiore and members of the Board stated they had not. Mr. DeFiore assured Mrs. Mosman that they will be notified if anything gets submitted on the wind turbine project. Mrs. Horowitz has a “wind agenda” email list to contact if there is anything on the agenda regarding the project. She also assured them she would let them know when the Public Hearing will be for Nichols Run Sand Pit.

***Zoning ordinance update:***

The following items in the Zoning Ordinance were discussed:

***Section 5.14 Landscaping***

There was discussion on the use of “may” and “shall.” The Board decided to use the word “may” in many instances as it allows them the opportunity to make a decision based on individual cases; i.e. dumpsters may or may not need to be fenced or on concrete slabs depending on their location and visibility.

***Section 5.15 Performance Standards for Commercial and Industrial Uses***

(B) The Board deemed these standards, (air and water pollution, smoke, etc.) were more DEC regulatory, Mrs. Horowitz will reexamine this section and rewrite it to make it less heavy-handed.

***Section 5.22 Telecommunications Facilities***

(B)(2)(c) Mrs. Horowitz will reword this section to get rid of the size restriction.

(B)(2) Exemptions: Possibly add “antennas lower than 50’ high on an existing tower” as the intent is to regulate something that is over 50’ high, over tree height, that could potentially become a visual eyesore.

The Board will continue the discussion on this section at the next meeting.

***Mr. Hellier made a motion to adjourn. 2<sup>nd</sup> by Mrs. Larson. Mr. Kavanagh – aye; Mr. Hellier – aye; Mrs. Larson – aye; Mr. Sayegh – aye; Mr. DeFiore - aye. Carried***

The meeting was adjourned at 9:06 p.m.

Respectfully submitted,



Lynette K. Semsel  
Secretary