

**Town of Allegany Planning Board
Meeting Minutes**

Wednesday, November 5, 2012 at 7:00 P.M.
Allegany Town Hall, 52 W. Main Street, Allegany, NY

APPROVED December 10, 2012

Present:

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

Also Present:

Ed Allen, Town Board; Carol Horowitz, Town Planner; Kinley Corporation Representatives:
Jason Crisafulli, J. L. Kinley, Mike Giardini, Jimmy Kinley; Steve Teuscher, Vineyard Group;
Donald Sue; Lynette Semsel, Secretary

Chairman DeFiore opened the meeting with the Pledge to the Flag at 7:00 PM and welcomed everyone. He then asked if there were any corrections or changes to the minutes of October 15, 2012 and the minutes of October 25, 2012.

Mr. Hellier made a motion to approve the minutes of the October 15, 2012 meeting. 2nd by Mrs. Larson. Ayes all. Carried.

Mrs. Larson made a motion to approve the minutes of the October 24, 2012 meeting. 2nd by Mr. Kavanagh. Ayes all. Carried.

New Business

Bonaventure Square Update

Mr. DeFiore invited Mr. Crisafulli to bring the board up to date on Bonaventure Square. Mr. Crisafulli stated they had asked to speak to the Board for some clarifications on the project. They are looking at different large chain hotels for placement in the project. The chain hotels have specific designs they require for their exterior look and Kinley would be bound by their design. The number of rooms and floors would remain the same; however, the design would differ from the original plans for Bona Square. Mr. Crisafulli asked the Board if they see any problem with this issue.

Mr. DeFiore reminded Mr. Crisafulli that the board cannot make any decisions at the moment. Mrs. Horowitz stated, when the Planning Board issued its Site Plan approval, architectural drawings for each component of the project were approved. If there is a substantial difference now, it would need some kind of amendment by the Board which is not necessarily a problem per se. The property is in the Corridor Overlay District and one of the Town Board's conditions of approval was that the project has to comply with the requirements of the Overlay District for roof design: a variety of roof types, heights and gable styles in proportion to building

size is encouraged. Extensive use of flat, very low, or very steeply pitched roofs generally shall be avoided. Walmart's roof is basically flat; however, they have the parapet with different elevations. Mr. Crisafulli stated the design for the hotel would be similar to the Iroquois Building in Allegany. Mrs. Horowitz reminded him that, in terms of the materials the hotel people might want to use, there is a requirement that all the buildings are supposed to be coherent in terms of design and materials. This might mean changes in some of the other buildings to keep the architecture consistent. The Planning Board would have to determine if the roof line and the type of brick fit the parameters.

Mr. Crisafulli also had a question on the total square footage. Mrs. Horowitz stated the Town Board's approval, the P-D Zoning District, is the overriding criteria. The document reads: up to 100 room Hotel, not to exceed 90,000 gross sq. ft. The Planning Board approved 60,000 sq. ft. which indicated Kinley has some flexibility to go up to 90,000 which is what was in the Town Board's approval. The Planning Board has no ability to vary the height limit the Town has set.

Mr. Teuscher, Vineyard Group, had questions on the definition of retail and also on the total square footage. The Town Board's approval shows 35,000 sq. ft. of retail space and 52,000 sq. ft. of entertainment/ restaurant space. The Planning Board's approval has 12,000 sq. ft. bookstore and a 70,921 sq. ft. retail/restaurant/entertainment/office complex. The total square footage of the Town Board's approval is 87,000 and the total of the Planning Board's approval is 82,921. Mrs. Horowitz said the discrepancy is due to an issue of a walk through space which was determined as essentially negligible. Otherwise it would have gone over the allowable figure. About a year ago, she and the Town Attorney, Wendy Tuttle, had a conversation about and agreed that the 35,000 sq. ft. of retail could be lumped with the 52,000 sq. ft. of entertainment/restaurant. The difference in the figures of the Town Board and the Planning Board is the entrance way that went from the clock tower feature back to the sportsplex. The opinion of the Planning Board is that, as long as Kinley does not exceed the threshold, there is no problem.

Mrs. Horowitz stated, if Kinley changes the footprints around, that would affect the site plan; therefore, what is the change that is increasing the square footage? Mr. Teuscher said there is no change in footprint. They wanted clarification of the two figures.

Mr. Hellier asked, if Kinley is under the figure the Town Board approved but over the figure the Planning Board approved, do they have to come back and get the approval from the Planning Board. Mrs. Horowitz stated, yes; however, the Planning Board has the ability to approve anything as long as it is within the parameters of the Town Board's approval.

The University has decided not to pursue the bookstore. Mr. Teuscher said Kinley has a tenant identified for that particular building. The 12,000 sq. ft. works well with their current plans; however, the tenant asked Kinley what the requirements would be if they wanted to expand in the future. Mr. DeFiore asked if the square footage would remain the same or would the expansion change the footprint of the building. Mr. Teuscher answered the footprint would remain the same; they were looking at a mezzanine floor for storage. Mrs. Horowitz said the site is very constrained in terms of parking; therefore, if the second floor was to be used for storage only, then that would not affect the parking. The Town Board approval just talks about square feet, there is no gross or net differentiation in the square footage of what the Town Board approved as might occur in some zoning ordinances; therefore, their figure would be the maximum. There is the possibility they could expand but that depends on how much space is being taken up by the other retail. Mr. Teuscher said the tenant was planning on putting up a one

story building with the possibility of a second story in the future. A second story would need approval by the Planning Board, however, Mr. Hellier said they could give a Phase 1/Phase 2 plan to cover that possibility. If the sportsplex is never built, Kinley would have more flexibility on what is built on the site. Mr. Crisafulli asked if they would have to include square footage for a basement if one was put in just for storage. Mrs. Horowitz thought a basement that would not be habitable would not need to be added in the square footage the Town Board imposed.

Mr. DeFiore asked Mr. Crisafulli if the bowling alley would still have 24 lanes. Mr. Crisafulli answered there will be 20 lanes. Comment was made by Mr. Kavanagh that the original idea was to have the ability to have tournaments. By taking out the 4 lanes, they are limiting that ability and the whole idea was to make it a tourist destination place.

Other Business

Zoning ordinance update:

Continued discussion of Schedule A: Commercial land uses and Definitions
The Planning Board went over the Zoning Map and continued discussion on the definitions and land uses.

Mr. Hellier moved to adjourn. 2nd by Mrs. Larson. Ayes all. Carried.

The meeting was adjourned at 8:55 p.m.

Respectfully submitted,



Lynette K. Semsel
Secretary