

Town of Allegany Planning Board
Meeting Minutes
Monday, May 8, 2017
Allegany Town Hall, 52 W. Main Street, Allegany NY

APPROVED

Present:

Frank R. DeFiore, Chairperson
Joseph Chamberlain
Rick Kavanagh

Peter Hellier
John Sayegh

Also Present:

Kyle Duggan - (Countryside Properties LLC);
Tony Burgess (Allegany Beverage)
Ann Burgess
David J. Wylier, RA of Wylier & Assoc.
Mike Droney
Joe Roosa
John Hare, Allegany Town Supervisor

Ryne Wight of Clark Patterson Lee
Kari Jones
Jerry Dzurhoff
Theresa Kavanagh
Ming Xlinging
Donald Sue

Meeting is opened with a pledge to the flag at 7:00 p.m.

Minutes: Chairman DeFiore asks Board members for any comments to the minutes of April 10, 2017. Motion to accept the minutes as written by Frank DeFiore and 2nd by Joe Chamberlain. Ayes: J. Chamberlain, R. Kavanagh, John Sayegh and Chairman DeFiore.

Old Business:

Tastee Twirl Café Application and the re-design of the restaurant with reference to seating. Seating for the proposed re-design of the restaurant has been modified and now meets with the Town's requirements. The County Planning Board did not find any significant issues with the proposed plan. County made note that the applicant be reminded that it must confirm to the Town of Allegany's RT 417 East overlay district requirements; ensure lighting at rear of building doesn't interfere with the residence on that roadway and that the signage conforms to the Town's requirements.

Site plan changes were previously distributed to the Planning Board Members. Mr. Wylier of Wylier & Associates explains the parking spot changes made in front of the building as well sidewalk installation.

A Point of Order is called by Supervisor Hare and he expresses his opinion regarding the sidewalk installation and the need to keep the sidewalk construction consistent with the existing sidewalks. Mr. Hare felt that the discussed construction was able to be performed.

Allegany Code Enforcement officer, Jerry Dzurhoff, explains the proper location of the sidewalk in that area in reference to existing sidewalks and further discussions are had.

Chairman DeFiore discussed with the board members the SEQR requirements and that this matter would be classified as an Unlisted Action. The Short Environmental Assessment form was reviewed with the Board. Chairman DeFiore discusses with the Board the conditions of approval which will follow in a Motion in these minutes.

Further, Supervisor John Hare explains the Town of Allegany right-of-way in reference to the Department of Environmental and the previous uses of the subject roadway that abuts the applicant's property. A condition of Site Plan Approval has been drafted by the Town Attorney and submitted by the Town of Allegany to be given to the applicant for signature and filing of record.

Board member R. Kavanagh makes a Motion that there are no negative declarations with the proposed renovations at 3143 NYS Route 417 in the Town of Allegany, motion is 2nd by Member J. Sayegh. Ayes: R. Kavanagh, J. Sayegh, J. Chamberlain, Chairman DeFiore. Abstaining from vote is member P. Hellier (as he was not present for the beginning of the Planning Board meeting).

Chairman DeFiore then makes the following motion:

Having reviewed the information submitted to the Town of Allegany Planning Board at: (1) Pre-Meeting, (2) April 10, 2017 & (3) May 8, 2017 meetings I would make the following motion:

That considering the forms submitted to the Planning Board:

(1) A-1	Floor Plan	4/25/2017
(2) A-2	Proposed Elevations	3/20/2017
(3) C-1	Site Plans & Details	4/25/2017
(4) C-2	Drainage Plan	3/28/2017
(5) C-3	Landscape Plan	3/28/2017
(6)	Lighting Direct Wall Lights	3/30/2017
(7)	Letter of Intent	3/30/2017
(8)	Employee/Seating Information	4/25/2017
(9)	Site Plan-Aura Consulting	2/24/2017

The location of said parcel is listed as Tax Map #94.061-3-3 and postal address as 3143 NYS Rt. #417, Olean, NY 14760, (Town of Allegany).

The said application is in approval with the Town of Allegany Comprehensive Plan as well as Zoning Ordinance – 3, Article 9 and all fees have been paid.

In an effort to work with the applicant, Tastee Twirl Café, to prepare for the upcoming submission of the applicant to the Planning Board a pre-meeting was held to discuss the

application. In attendance were Mr. Jerry Dzuroff, CEO.; Mr. John Hare, Town Supervisor; Mr. John Moshier, Highway Supr.; and Mr. Frank R. DeFiore, Planning Board – Town of Allegany Chairperson. The standard Town of Allegany Form, (Guidelines for Applicants to the Planning Board), was reviewed. No decisions or promises were made at this meeting that would require review by the Planning Board, Art 9 Sec 9.06(A)

In accordance with the Zoning Ordinance – 3 an application was forwarded to the Cattaraugus County Planning Board, due to requirements in 239-m of General Municipal Law. This application was reviewed by the County Planning Board at the April 27, 2017 meeting. The decision was that there was *no significant countywide or inter-community impact*. The 3 advisories were discussed at the Town of Allegany Planning Board Meeting of May 08, 2017.

On April 10, 2017, the Town of Allegany Planning Board heard the application of the Site Plan. At this meeting it was determined that a Zoning Board variance would be required for the number of parking spaces and seating.

Since there would be no requirements effecting the neighborhood, no SWPPP would be required and no other reason for a public hearing would be held on this application. Art 9 Sec 9.06(B).

In accordance with the aforementioned items I will make a motion to approve the Site Plan application submitted for the Tastee Twirl Cafe application with the following approvals:

- (1) Signage Plan to be approved by the CEO prior to construction
- (2) Location, Design and construction materials
- (3) Development schedule with estimated start and completion dates
All of the above conditions are per Art 9 Sec 9.04 to be submitted
To the Code Enforcement Officer
- (4) 5' pedestrian sidewalk in accordance with Site Plan of Aura
Consulting application
- (5) Hold Harmless Form to be approved by the Town of Allegany Board (This document is in possession of the Planning & Zoning Board offices.)

If construction of approval is not commenced within 1 year from the date of this Site Plan approval, that approval shall expire and shall be deemed revoked, per Art 9 Sec 09.06(E)(1) of Zoning Ordinance – 3.

Motion is 2nd by Member P. Hellier. Ayes: R. Kavanagh, J. Sayegh, Hellier, J. Chamberlain, Chairman DeFiore.

Application is approval.

New Business:

(1) Allegany Redemption Center application submitted by Tony Burgess.
Ryne Wight of Clark Patterson Lee explains Mr. Burgess' proposed project of replacing the Allegany Beverage building and constructing a new building. Site plans are displayed to the

audience and the Board. The construction is discussed with regarding to parking, setbacks, square footage of existing building to new building, its storage and sales areas in the building; lighting of the building and signage. Construction is scheduled to start in August of 2017. Discussion regarding public safety while the new building is under construction were also discussed. There will be two phases of construction while constructing new building and also de-construction of the existing building.

Board member J. Sayegh makes a Motion that there are no negative declarations with the proposed construction of the new building for Allegany Beverage in the Town of Allegany, motion is 2nd by member R. Kavanagh. Ayes: R. Kavanagh, J. Sayegh, J. Chamberlain, P. Hellier and Chairman DeFiore.

Chairman DeFiore advises that this applicant must present his plans to the County Planning Board. The Short Environmental Assessment form is them completed.

(2) Duggan and Duggan Project. Ryne Wight of Clark Patterson & Lee exhibits the proposed plans for modifying and increasing the size of the Duggan and Duggan building to create additional office spaces. Drainage and septic system revisions are discussed. Currently the Department of Health is involved with regard to the existing septic system at the building.

This matter will also need to be submitted to the County. No SEQR review is necessary. This matter will be an unlisted action and no public hearing would be required.

Board member P. Hellier makes a Motion that there are no negative declarations with the proposed remodel of the existing building for Duggan & Duggan in the Town of Allegany, motion is 2nd by member R. Kavanagh. Ayes: R. Kavanagh, J. Sayegh, J. Chamberlain, P. Hellier and Chairman DeFiore.

Board Member J. Sayegh recommends a roll-call vote on the SEQR. Chairman DeFiore does a roll-call vote on Part II of the SEQR and it is determined that based on the information and analysis of the Duggan and Duggan project and its supporting documentation, that the proposed action will not result in any significant adverse environmental impact.

Other Business: None.

Miscellaneous: None.

Motion to adjourn meeting at 8:15 p.m. by Chairman DeFiore and 2nd by Pete Hellier. Ayes: R. Kavanagh, P. Hellier, J. Chamberlain and Chairman DeFiore. Carried.

Next Meeting – June 12, 2017.

Respectfully Submitted:
Donna G. Stady, Secretary to Planning Board