

Town of Allegany Planning Board
Meeting Minutes for Public Hearing
Monday, January 14, 2019
Allegany Town Hall, 52 W. Main Street, Allegany NY

APPROVED

Present:

Rick Kavanagh

Peter Hellier

Joe Chamberlain

Guest: Clint Brewer- Kinley Corp., Joe Keller- Subway Restaurant. Matt Keller- Subway Restaurant

Absent: Frank R. DeFiore, Chairperson

Also Present: Michelle Bednar, Diane Hettrick, Patty Wright Tilly, Todd Tilly, Bill Hettrick, Mark Capobianco, Mykal Karl, Kathy Martin, Nicholas DiCerbo, Michael Rubino

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

Minutes

Acting Chairman Rick Kavanagh asks the board if they see any issues with the minutes from December 4, 2018. Joe Chamberlain makes a motion to accept the minutes as written from last meeting, Pete Hellier 2nd (ayes Rick, Pete, Joe)

New Business/Discussions:

Rick Kavanagh opens the Public Hearing meeting discussing the approval of the Drive thru at the new Subway building at 3015 West State Street. He stated to the public that it went in front of the County Planning Board on December 27, 2018 and it was decided that there were no significant problems foreseen by them. The County Planning Board approved the 239-m referral. Rick discussed that the new drive thru would be state of the art, eliminating excessive time spent at the ordering station along with not having to deal with loud speakers.

Michael Rubino, expresses concerns with the traffic that he foresees will accumulate on 417 with the Drive Thru.

Rick Kavanagh explains that the busiest hours will be from roughly 12-1 p.m. and 5-7 p.m. with an estimated 90 seconds per car from past customers.

Bill Hettrick expresses concerns with there being one lane going east and two lanes going west on 417 and the narrow streets that would have to be maneuvered through. He expressed concerns with emergency vehicles being able to get through to answer calls.

Kavanagh explained that there are two districts in that area that have to be taken in to consideration. Hettrick expressed her main concern is the amount of traffic that the drive thru is going to bring to the already congested streets and area, that the vehicles are going to spill out into the residential area.

Todd Tilly also had concerns about the lights on the building and the rodent problem rising from the dumpsters on Subway property. It was stated that the building lights will no longer shine out, they will be leaned in toward the building. Also, that Matt Keller will put up fencing and/or screening around the dumpster to eliminate rodents going into the Tilly's yard.

Mykal Karl had concerns with the sidewalk and that the traffic could produce problems with safety. She recommended that the DOT or Town color the sidewalks to prevent the traffic from Subway to cause safety issues. She believes that people coming out of the Subway are going to have blind spots and signage would help.

Matt Keller stated that it was projected the drive thru would bring in 30% of customers but that 15% of those would have come in anyway, regardless of the drive thru and that there will be an influx at the opening of the new Subway. It was stated again that the foundation would be the same and the curb cuts will remain the same.

Hettricks says that the County Planning Board stated during the meeting that the information provided about an anticipated 30 cars a day was understated and the residents around the area feel that as well. They believe when the traffic from the drive thru starts to back up its going to cause large congested traffic problems.

Kavanagh states that we should recommend to the Town that DOT strips the roads to make it very clear to the public.

Mykal Karl stated that she did not get a notice of the Public Hearing. It was said it would be looked into and a copy of who was notified would be in the Building and Zoning Office for the public to see.

Pete Hellier made a motion to close the Public Hearing (ayes: Rick, Joe, Pete)

Hettrick says that it should be looked into further because of the special use permit applied for. Kavanagh explained that we are on a 62-day timeline to approve or deny. Furthermore, explained that the drive thru does not change the characteristics of the neighborhood, there are two similar businesses within 75 yards. It is CO1 in the overlay district on Subway property. Rick stated that if there are any more questions that they can bring them to Jerry Dzuroff and if need be they can be brought back to the Planning Board at a later date but that the Public Hearing has already been closed.

The board then looks at part 3 of the 239 M referral, we put into the County Planning board on December 10, 18 they acted on December 27, 18. They marked no significant county wide or inner community impact as their decision. Rick talked to Jim Hitchcock about the fact that it has been a commercial property thus far and the drive thru is not changing the character of the neighborhood. Pete made a motion to accept the County Planning Board 239 M referral 2nd Joe (ayes Rick, Joe, Pete)

Pete made a motion to accept the special use permit from Subway with the conditions in place. Joe Chamberlain 2nd (ayes Pete, Rick, Joe) Further discussed were the conditions of the approval that were given to Mr. Keller as follows

Matt Keller would have to ensure that there was a fence and/or screen put up around the dumpsters that would prevent the rodents from going into the neighbor's yard. Also, a recommendation was said to be made by the Planning Board to the Town Board to put up caution signs along the sidewalks for pedestrians and also to the DOT to strip the roads on 417 to get the wide shoulder for the public use.

It was stated that the exits and entrances would be the same that they were before, no change to them regarding the new drive thru.

Kathy Martin stated that the new Planning Board member would be Allyson Krieger.

The Town Board during their December meeting, approved Franks new term for 5 years and approved him to be the Chairman for The Planning Board, which was voted on in November's meeting by the Planning Board.

During this meeting Kavanaugh is Acting Chairmen to be able to sign part 3 of the document that has to be sent to the County Planning Board giving the decision on the Planning Board after this Hearing.

Kavanugh motioned that we table the Vice Chairmanship until there is a full board 2nd Joe (aye Pete, Rick, Joe)

Pete states that he would like to see hard copies of anything that we get for the board.

Kavanugh makes a motion for the site plan review, listed as unlisted action SEQR and will be a Negative Declaration as far as environmental concerns 2nd Pete (aye Pete, Rick, Joe)

It was stated that we would discuss the procedures for the Solar meetings in February meeting.

Pete made a motion to have Rick Kanaugh sign the part 3 of the 239-M referral and send to the County Planning Board 2nd Joe (aye Rick, Joe, Pete)

Pete made a motion to adjourn the meeting 2nd Joe (aye Rick, Pete, Joe)

Next Meeting – February 11, 2019

Respectfully Submitted:

Heather L. Giardini, Secretary to Planning Board