

AGENDA

MEETING OF THE TOWN OF ALLEGANY PLANNING BOARD

**Monday, January 13, 2014
at 7:00 p.m.
Allegany Town Hall
52 W. Main Street, Allegany, NY**

Salute to the Flag

Public Hearing

7:00 P.M. Tracy Karl-Lebrenz (#85-13)

Application for Special Use Permit for Home Occupation (Vintage clothing)

Minutes

December 9, 2013

Old Business

Tracy Karl-Lebrenz (#85-13):

Application for Special Use Permit for Home Occupation (Vintage clothing)

Carol Ozzella (#68-13):

Application for Special Use Permit for Home Occupation (Beauty Shop)

New Business

Ellicott Development (#89-13)

Site Plan Review and Special Use Permit: Redevelopment of DeSoto Motel property

Other Business

Zoning ordinance update:

Article II: Definitions (time permitting)

Correspondence

Letter from Jerry Dzuroff, CEO re 3292 W. River Road, Nov. 15, 2013; Reply letter from D. DeRose, Dec. 10, 2013

**Next Planning Board Meeting:
Monday, February 10, 2014**

**Town of Allegany Planning Board
Meeting Minutes**

Monday, **January 13, 2014** at 7:00 P.M.
Allegany Town Hall, 52 W. Main Street, Allegany, NY

APPROVED February 10, 2014

Present:

Frank DeFiore, Chairman
Pete Hellier
Helen Larson
John Sayegh

Also Present:

Wendy Tuttle, Town Attorney; Carol Horowitz, Town Planner; Lynette Semsel, Secretary; Brian Lebrez; Tracy Lebrez; Carol Ozzella; Don Sue

Chairman DeFiore opened the meeting with the Pledge to the Flag at 7:00 PM. He called the Public Hearing to order on Tracy Karl-Lebrez Application #85-13 for Special Use Permit for Home Occupation (Vintage clothing), 2371 Five Mile Rd. Since there was no discussion from the public, he called for a motion to close the public hearing.

Mr. Hellier made a motion to close the public hearing. 2nd by Mrs. Larson. Mr. Hellier – aye; Mrs. Larson – aye; Mr. Sayegh – aye; Mr. DeFiore – aye. Carried.

Mr. DeFiore opened the January 13, 2014 meeting and stated the first item on the agenda is the approval of the minutes of December 9, 2013.

Mr. DeFIORE made a motion to accept the minutes of December 9, 2013 as written. 2nd by Mr. Hellier. Mr. Hellier – aye; Mrs. Larson – aye; Mr. Sayegh – aye; Mr. DeFiore – aye. Carried.

OLD BUSINESS

Tracy Karl-Lebrez (#85-13):

Application for Special Use Permit for Home Occupation (Vintage clothing)

Mrs. Horowitz stated she was recommending approval with a few basic conditions which mirror the criteria in the Zoning Ordinance. The three conditions are:

1. There shall be no more than one employee, in addition to the residents of the house.
2. All customer parking must be accommodated on-site.
3. Any future business sign shall comply with the provisions of Section 5.15 (C)(11) of the Zoning Ordinance, which restricts signage for home occupation to one sign not to exceed eight square feet in area.

Mr. DeFiore made a motion to approve the application for a Special Use Permit for a Home Occupation for Tracy Karl-Lebrenz, #85-13. 2nd by Mr. Sayegh. Mr. Hellier – aye; Mrs. Larson – aye; Mr. Sayegh – aye; Mr. DeFiore – aye. Carried.

Carol Ozzella (#68-13):

Application for Special Use Permit for Home Occupation (Beauty Shop)

Mr. DeFiore restated the Planning Board cannot deal with Mrs. Ozzella's application until the rescission of the Special Use Permit for the Motor Vehicle Repair Shop has been resolved; therefore, in order to provide the current Board with more accurate information regarding the size of the buildings, he went to the site and measured each. As a result, it was determined that the previous information was erroneous as the extent of the garage used for the auto repair business was overestimated and the size of the house was underestimated.

Mrs. Horowitz stated some of the suggestions the Planning Board made in 2009, such as moving the parking lot and a new entrance off Five Mile Rd., have been done. The vehicles are no longer stored on the Chapin Cross Road side of the lot.

Ms. Tuttle, Mrs. Horowitz, Mr. DeFiore and Mr. Dzurroff, Code Enforcement Officer, met to discuss the wording of the Zoning Ordinance which pertains to the 25% of the floor area. After a significant amount of discussion, it was determined that 25% of the floor area of the house is the appropriate comparison for the square footage of the home occupation. In this instance, 25% of the size of the house is 867 sq. ft.; therefore, each of the home occupations meets the criteria for size. Based on this information, the Planning Board could rescind the rescission or reinstate the Special Use Permit.

It is the Town Attorney's recommendation that the Planning Board set one public hearing for the Board's February meeting on both (1) the issue of whether the special use permit for the motor vehicle repair shop should be reinstated and (2) on the application for the special permit for the beauty shop.

Mr. DeFiore made a motion to set a public hearing for Carol Ozzella's Application for Special Use Permit for Home Occupation, #68-13 for February 10, 2014 at 7:00 PM. 2nd by Mrs. Larson. Mr. Hellier – aye; Mrs. Larson – aye; Mr. Sayegh – aye; Mr. DeFiore – aye. Carried.

Mrs. Horowitz has prepared a draft resolution to reinstate Mr. Dave Ozzella's permit and she will forward it to the Board for their consideration of the conditions. There was some discussion on how to handle the vehicles with the mechanic's lien on them. No junk vehicles shall be stored on site; however, this prohibition shall not apply to vehicles on which the business owner is trying to obtain a mechanic's lien pursuant to Motor Vehicle Law.

New Business

Ellicott Development (#89-13)

Site Plan Review and Special Use Permit: Redevelopment of DeSoto Motel property

Ellicott Development did not attend this meeting as they need some time to prepare responses to the items the Board still requires.

The Board discussed the following items:

1. The location of the Laundromat.
2. Adequacy of number of parking spaces for the rental use.
3. Retail space as yet to be determined – depending on what the retail is will determine how many parking spaces are needed.
4. Existing sign and planter will be used according to the Site Plan; however, there is no information on the face sign.
5. Lighting plan needs to be provided.
6. Utility plan for the water and sewer are needed.
7. Smoke testing to see what fixtures are connected to the sanitary sewer must be done.
8. Garbage dumpsters need to be addressed.

In his email, Mr. Wohlers identified several concerns that relate to the proper decommissioning of septic tank and private well, and the proposed decommissioning of the pool. His concerns can be addressed as conditions of any approval.

Mrs. Horowitz stated, as there are no modifications to the existing footprint of the building, the applicant is exempt from referral to the Cattaraugus County Planning Board, pursuant to Item #8 of the Referral Exemption Agreement between the County and the Town. The Board decided not to make a decision regarding the SEQR classification at this time.

OTHER BUSINESS

Horsley Property/Beichner Waste Services 3292 W. River Rd.; Tax Map Parcel 103.001-1-1.5

On November 15, 2013, Jerry Dzuroff, Town Code Enforcement Officer, sent a letter to Mr. Horsley regarding the Beichner Waste Services business on his property which is located in the Agricultural-Forestry Zoning District. Since Waste management is not an allowable use in that district, they need a Special Use Permit issued by the Planning Board. Mr. Dzuroff requested a Letter of Intent describing the current and proposed use of the property. A letter was received from Mr. Dan DeRose who represents Mr. Horsley. Mr. DeRose states in his letter that the previous business was an auto repair shop and Beichner is only leasing a small section of the building for an office and he also parks vehicles in the parking lot. None of the vehicles contains any waste materials, solid or otherwise.

Since the Zoning Ordinance states that, if there is a change in use, the business must come back to the Planning Board and apply for the Special Use Permit; therefore, Mr. DeFiore has drafted a letter to be sent to Mr. Horsley with a copy to Beichner Waste Services and Mr. Dan DeRose, requesting him to contact the Planning Board to resolve the issue.

Appointment of Vice Chair for 2014

Mr. DeFiore made a motion to appoint Mrs. Helen Larson as Vice Chair for 2014. 2nd Mr. Sayegh; Mr. Hellier – aye, Mrs. Larson – abstained; Mr. Sayegh – aye; Mr. DeFiore – aye.

Walkable Streets Update

Mr. DeFiore informed the Board that he has been attending meetings with the Village of Allegany regarding Walkable Streets and that more information will soon be on the Town's website. This project is through Cooperative Extension. A walkability assessment was done and the next step will be working up a policy. A list of projects will be decided on, forwarded to the DOT and they will then work them in with their current projects.

Zoning Ordinance update

The Planning Board continued their work on updating the definitions for the Zoning Ordinance:

The meeting was adjourned at 9:05 p.m.

Respectfully submitted,



Lynette K. Semsel
Secretary