

Town of Allegany Planning Board Meeting Minutes

December 12, 2011 at 7:00 PM Allegany Town Hall

Present:

Bob Phillips, Chairman
Peter Hellier
Rick Kavanagh
Frank DeFiore
Helen Larson

APPROVED January 9, 2012

Also Present:

Carol Horowitz, Town Planner; Lynette Semsel, Secretary

Chairman Phillips opened the meeting with the Pledge to the Flag at 7:00 PM.

Mr. DeFiore made a motion to accept the minutes of the Allegany Planning Board for September 12, 2011 as written. 2nd by Mr. Kavanagh. Ayes all. Carried.

New Business:

Letter from NYS DEC re Giardini gravel mine.

Mrs. Horowitz stated the NYSDEC has received an application from Giardini Brothers Construction to modify its Mined Land Permit to change the hours of operation so they will be the same year round. The DEC is requesting SEQR lead agency status. In addition, the proposal to change the hours of operation for the mine will require Planning Board approval for an amendment to both the special use permit and site plan and a public hearing will be required. Because the site includes land in the City of Olean, the Town will be required to refer any amendment to the special use permit to the Cattaraugus County Planning Board for its review and recommendation.

Mr. Kavanagh stated that he had a number of people from the area stating they were very concerned about the noise and the extra hours of operation. Mrs. Horowitz said she understood they are also concerned about the fact the DEC gave Giardini Brothers temporary permission to use the old Haul route that goes along the dike. This was not permitted in the mine land permit nor had the town's approval; however, temporary approval was given to Giardini Brothers due to the fact that the route they are supposed to use was under water in the spring. Mrs. Horowitz feels Giardini Brothers would like to use the Haul route permanently; however, the ordinance has a 500' setback from houses and the Haul road falls within that distance and would need a variance. Though the variance is not included in the current request, Mr. DeFiore questioned whether DEC will give Giardini Brothers permission to use the access along the dykes every year as that area continually floods in the spring. He felt they should build up their own access road to make it usable year round. Mr. Phillips replied that the Planning Board needs clarification on the intent of DEC in terms of the road.

Mrs. Horowitz was asked to respond to the DEC to let them know the Planning Board has no objection to them assuming the role of SEQR Lead Agency. The Planning Board also instructed Mrs. Horowitz to notify Giardini Brothers that they need to apply to the Town of Allegany Planning Board for an amendment to the special use permit, a public hearing must be held, and the Planning Board

needs to amend the resolution from 2006 to coincide with the DEC's decision. Because the site includes land in the City of Olean, the Town will be required to refer any amendment to the special use permit to the Cattaraugus County Planning Board for its review and recommendation.

Comprehensive Plan

Mrs. Horowitz informed the Planning Board that the Town Board set a public hearing for December 29, 2011, 7:00 PM here at the Town Hall. At that meeting they will probably adopt the plan.

Walmart Post Development Traffic Study

Ms. Horowitz reported that the Town Board received one bid to conduct the post-development traffic study for Walmart, and that bid was over the \$5,000 the town has available in the escrow account for this study. The Town Board declined to award a contract and asked the Planning Board to redo the scope of the proposal. The Town Board indicated that they would resubmit the proposal in January to have the work done in 2012. The escrow account is expiring in April; however, an extension of a couple of months probably could be obtained.

After discussion, the Board determined that the scope of services should be revised as follows:

Scope of Services

- 1 Review the traffic impact study conducted by SRF Associates, contained in the Draft Environmental Impact Statement (DEIS) prepared for the project and the supplemental traffic assessment, contained in Appendix I of the Final Environmental Impact Statement (letter from SRF dated May 11, 2006).
- 2 Conduct traffic counts, including turning movements, at the Dan Eaton Drive intersection with Route 417. Conduct a gap study of Route 417 in the vicinity of Dan Eaton Drive.
- 3 The most recent available data on accident reports should be provided.
- 4 Determine the impact of the Wal-Mart Supercenter on traffic operations and assess the effectiveness of the directional signage that was installed in the shopping plaza.
- 5 Determine if circumstances now warrant prohibiting left turns and/or creating an additional right turn exit from Dan Eaton Drive. If so, the Assessment should identify any physical improvements and approvals that may be required to accomplish this.
- 6 Present the results of the post-development traffic study in a written report.
- 7 The study and final report shall be completed no later than _____

Discussion on the time frame for the traffic study: Have the study soon and, if possible the weekend after St. Bonaventure's spring break when the traffic is the heaviest.

Wellhead Protection

Mr. Phillips reported that the Village is going to handle the wellhead protection area and the Town Planning Board will do the watershed area. The two entities will then get back together to go over it. The Comprehension Plan talks about doing a planning study which Mrs. Horowitz envisions as a three-page preface. She will contact the incoming supervisor in January and also see if Chris Crawford can overlay the proposed area onto a tax map to see the boundaries and which properties are involved. The Watershed topic will be discussed at the next Planning Board meeting.

Schedule for 2012

Mr. Kavanagh made a motion to approve the schedule for Planning Board meetings with the correction of September 12 to September 10. 2nd by Mr. DeFiore. Ayes all.

Training Records

The Planning Board agreed with the spreadsheet showing the hours for training.

The next meeting will be January 9, 2012.

Mr. Hellier made a motion to adjourn. 2nd by Mr. DeFiore. Ayes all. Carried.

The meeting was adjourned at 8:10.

Respectfully submitted,

Lynette Semsel
Secretary