AGENDA
MEETING OF THE
TOWN OF ALLEGANY PLANNING BOARD

Monday, February 08, 2016
at 7:00 p.m.
Allegany Town Hall
52 W. Main Street, Allegany, NY

Salute to the Flag

Public Hearing:
Shults Auto Group – Special Use Permit

Minutes:
January 11, 2016

Old Business:
Shults Auto Group Special Use Permit 137-15

New Business:

Other Business:

Correspondence:

Next Planning Board Meeting:
March 14, 2016
Chairman Frank DeFiore opened the meeting with the Pledge to the Flag at 7:00 p.m.

PUBLIC HEARING:

Chairman Frank DeFiore announces: This is a public hearing on the proposed Shults Auto Group application for a special use permit (application #137-15). Each board member has for review a letter from Town of Allegany’s Code Enforcement Officer dated February 8, 2016. Chairman DeFiore asks any audience members if they would like to speak in reference to the Shults Auto Group application. No requests to speak are made by the audience. Board member Peter Hellier asks if paving the property is in question at this time. Audience member Matthew Kahm advises “no” in response to Board member Hellier’s question. As there are no further comments made, Chairman Frank DeFiore motions to close the Public Hearing at 7:04 p.m. and 2nd by John Sayegh. Ayes: J. Sayegh, R. Kavanagh, P. Hellier and Chairman DeFiore.

Minutes: Chairman DeFiore asks Board members for any comments to the Planning Board minutes of January 11, 2016. Move to accept the minutes as written by John Sayegh and 2nd by P. Hellier. Ayes: J. Sayegh, R. Kavanagh, P. Hellier, Chairman DeFiore. Motion carried.

Old Business:

Chairman DeFiore discusses application for Shults Auto Group and their ownership of the property now in question. Chairman DeFiore advises he has been in contact with the DEC regarding the property’s location near Two Mile Creek. Discussion of floodway and floodplain explored. If Shults Auto Group decides to make changes to the area of the floodway various recommendations will need to be explored along with and applications to proper entities would need to take place.
However, as long as Shults Auto Group follows their original application those items would be moot.
Chairman DeFiore also advised that he spoke with Town Engineer Tom McElheny and advises that should Shults Auto Group wish to change the surface of the flood plain area that a topographical survey will need to be completed.
Chairman DeFiore also discussed this matter with the County of Cattaraugus Planner, Paul Bishop, and advised that they did not need to see the application at this time but advised that if the application deals with an area that is 500 feet of another municipality that the municipality be notified of the application. Therefore the City of Olean has been advised of the Shults Auto Group Application. No comments or calls have been received from the City of Olean regarding this application.

Board member Rick Kavanagh questions if Two Mile Creek is considered a tributary to the Allegheny River so if any surface change is made the Army Corps of Engineers would need to be notified.

Chairman DeFiore makes a Motion to approve the application (#137-15) by Shults Auto Group for a Special Use Permit and Site Plan Review to allow a vehicle sales and storage lot to be located on tax map parcel 94.062-1-5.1, as shown on the site plan dated 6/30/15 with the following conditions:

(1) No change of surface is allowed without following updated conditions and approval of application of the same by the Town of Allegany Code Enforcement Officer.
   (a) A Floodway Development Study shall be prepared following NYSDEC regulations or the regulations in effect at the time the lot is proposed to be modified.
   (b) The Floodway Development Study shall be provided to the Town of Allegany Code Enforcement Officer (CEO) as part of the application to the CEO for the permit to hard surface the lot. No change of surface is allowed without approval of the application by the CEO.
(2) Should the lot be hard surfaced, the property owner will provide to the Town of Allegany CEO a topographical survey that demonstrates that the elevation of the property is not higher than the baseline study completed in 2001, or the baseline elevation as shown on the floodplain Development Study, if applicable.
(3) No lighting will be allowed without submitting plans and gaining approval by the Town of Allegany Zoning Ordinance.
(4) Any future change of use will be require the owner to return to apply to the Town of Allegany Planning Board for an amendment to the site plan approval and/or special permit approval prior to initiation of the same.
(5) No parking or storing of vehicles shall be allowed in the required setbacks which are shown on the approved site plan. The required setbacks shall be delineated by bumper blocks or other means acceptable to the Planning Board.
(6) The required setbacks shall be maintained as vegetated open space.
(7) Army Corps of Engineers shall be informed if changes are to be made to the surface anytime in the future.
Motion was 2nd by Peter Hellier. Ayes: Rick Kavanagh, Peter Hellier, John Sayegh and Chairman DeFiore. Motion passed.

Motion to close meeting at 7:23 p.m. is made by Pete Hellier and 2nd by Rick Kavanagh. Ayes: Chairman DeFiore, Pete Hellier, John Sayegh and Rick Kavanagh.

Next Meeting – March 14, 2016.

Respectfully Submitted:

Donna G. Stady, Secretary to Planning Board