

Town of Allegany Planning Board
Meeting Minutes
Monday, April 10, 2017
Allegany Town Hall, 52 W. Main Street, Allegany NY

APPROVED

Present:

Frank R. DeFiore, Chairperson
Joseph Chamberlain
Rick Kavanagh

Peter Hellier
John Sayegh (Absent)

Also Present:

David Kazmierczak, architect
David J. Wylier, RA - Wylier & Associates
Ming Xingling & guest
Helen Larsen
Donald Sue
Teresa Kavanagh

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 March 13, 2017. Member Kavanagh corrects the word “negligent” to “negative” in the minutes and a Motion to accept the minutes by Frank DeFiore and 2nd by Peter Hellier. Ayes: J. Chamberlain, R. Kavanagh, P. Hellier and Chairman DeFiore.

Old Business:

Old HiteBuilding project. The Aura Consulting application was forwarded to the County of Cattaraugus Planning Board on April 4, 2017. Their two advisories were (1) that the Town ensure that it conforms to the requirements to the Town’s 417 east overlay district and (2) that the Town require the applicant to display details on signage to be certain that they comply with the Town’s ordinances.

The Chairman’s report I on Aura Consulting was reviewed along with the attachments. Member Kavanagh discusses the Town’s 417 overlay district requirements regarding curb cuts, grassy areas and sidewalks.

Chairman DeFiore discusses Aura will be installing a 5 foot wide sidewalk and as further applicants build in that area they will connect the sidewalks to businesses being built in that area.

Chairman DeFiore makes a Motion as follows:

I make the following Motion regarding the Site Plan application submitted to the Town of Allegany Code Enforcement Office on February 24, 2017. In accordance with Zoning Ordinance -3 of the Town of Allegany Site Plan Review the following forms were also submitted for review:

- (1) Drainage map Dated: 2/23/17 B2017-1
- (2) 1st Floor map Dated: 02/06/17 A -1
- (3) 2nd Floor map Dated: 02/06/17 A -2
- (4) Building Section Dated: 02/06/17 A -3
- (5) Building Section Dated: 02/06/17 A -4
- (6) Site Plan map Dated: 02/20/17 SP-1
- (7) TOPO Survey map Dated: 02/9/17
- (8) Boundary Survey map Date: 05/25/16 D14-744
- (9) SEQR – Part 1 Dated: 02/24/17

The location of said parcel is listed as Tax Map #: 94.061-3-2.1 and postal addressed as 3153 West State Street, Olean, New York 14760, and located in the Town of Allegany.

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

In an effort to work with the applicant to assist, Aura Consulting LLC, to prepare for the upcoming submission of the application to the planning Board a pre-meeting was held to discuss the application. In attendance, there was Mr. Jerry Dzuroff, CEO; Mr. John Hare, Supervisor and Mr. Frank R. DeFiore, Chair, Planning Board – Town of Allegany. 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. The Cattaraugus County Planning Board will reviewed this application at the March 23, 2017 meeting.

On March 13th, 2017 the Planning Board of the Town of Allegany heard the application of the Site Plan Review application. At this meeting, it was determined that there was a complete application submitted. The SEQR was classified as an Unlisted action. A short SEQR form Sections 2 & 3 were reviewed and results were submitted into the permanent record. Having completed the SEQR it was determined that the application should be classified as a negative declaration and this was voted upon and entered into the permanent record. Since there would be no requirements effecting the neighborhood, no SWPPP would be required and no other reason for a public hearing to be conducted it was determined that no public hearing would be held on this application. Art 9 Sec 9.06(B)

In accordance with the afore mentioned items I would make a motion to approve the application submitted for the 3153 West State St., site plan with the following conditions of approval:

- (1) Proposed water supply plan
 - (2) Proposed sewerage disposal system
 - (3) Lighting Plan with photometric
 - (4) Signage Plan
 - (5) Location, design and construction materials
 - (6) Development schedule with estimated start and completion dates
- All of the above Conditions are per Art 9 Section 9.04 to be submitted to the Code Enforcement Office.

If construction of approval has not commenced within (1) year from the date of Site Plan approval, that approval shall expire and shall be deemed revoked. Art 9 Sec 9.06(E)(1) of the Zoning Ordinance -3.

and 2nd by Pete Hellier. Ayes: J. Chamberlain, R. Kavanagh, P. Hellier and Chairman DeFiore.

There is no commencement date as of yet as they are waiting for the approvals but intend to commence remodeling construction as soon as possible.

Other Business:

Tasty Twirl Café at 3143 Route 417. Chairman DeFiore advises that a pre-meeting was held discussing this remodeling with Town Supervisor (John Hare), Highway Superintendent (John Moshier), Jerry Dzurhoff (Town Code Enforcement Officer) and Chairman DeFiore. Plans are provide to the Board to explain the applicant will be remodeling the former Tasty Freeze into a self-serve type restaurant adding 18% more green space, handicap access and a gravel parking area. There will be no dumpster they are utilizing large trash bins within the restaurant. Flood lights will be wall-mounted and facing downward. The entrance will be off of the current DeSoto lane. The establishment will be proposed to have 60-66 seats available for patrons. There appears to be a parking lot issue. Also, the restaurant will be open year round.

Discussions concerning the grassy areas and development of the area are discussed. Chairman DeFiore advises that the Town Attorney is reviewing the matter with reference to parking and parking lot right-of-ways. Member Kavanagh suggests the Planning Board send a letter to the Town Board regarding the side yard setback.

No public hearing will be required on Tasty Twirl project as the building footprint remains the same. As the application is not complete at this time due to the need for the plan in reference to parking being presented to the Zoning Board of Appeals, no further action is taken on this application.

Miscellaneous:

Credit hours for board members were discussed. The Town Supervisor may be doing a list of websites available for training for the members to be able to complete their service hours.

Motion to adjourn meeting at 8:04 p.m. by Chairman DeFiore and 2nd by Pete Hellier. Ayes: R. Kavanagh, P. Hellier, J. Chamberlain and Chairman DeFiore. Carried.

Next Meeting – May 8, 2017.

Respectfully Submitted:

Donna G. Stady, Secretary to Planning Board