

AGENDA

MEETING OF THE TOWN OF ALLEGANY PLANNING BOARD

**Wednesday, May 12, 2014
at 7:00 p.m.
Allegany Town Hall
52 W. Main Street, Allegany, NY**

Salute to the Flag

Public Hearings

7:00 P.M. Community Bank (#21-14): Site Plan Review

7:10 P.M. Olean Physical Therapy (#22-14): Site Plan Review

Minutes

April 7, 2014

April 23, 2014

Old Business

Community Bank (#21-14)

Site Plan Review for Office Building

Olean Physical Therapy (#22-14)

Site Plan Review for expansion to existing building

New Business

None

Other Business

Zoning ordinance update:

Section 5.12: Sign Regulations

Updated Training records

Correspondence

None

**Next Planning Board Meeting:
Monday, June 16, 2014**

**Town of Allegany Planning Board
Meeting Minutes**

Monday, **May 12, 2014** at 7:00 P.M.
Allegany Town Hall, 52 W. Main Street, Allegany, NY

APPROVED June 16, 2014

Present:

Frank DeFiore, Chairman
Pete Hellier
Rick Kavanagh
Helen Larson
John Sayegh

Also Present:

John Hare, Town Supervisor; David Koebelin, Robert Parker, Town Board Members; Carol Horowitz, Town Planner; Steven Mountain, Town Engineer; John Moshier, Town Highway Superintendent; Don Sue; Tom McElheny, Clark Patterson Lee Associates; Brett Fisk, Allison Krieger, Community Bank; Kyle Duggan, Duggan & Duggan; Mike Droney, Olean Physical Therapy; Philip Winger, St. Bonaventure University; Robert Torrey, I. D. Booth; Lynette Semsel, Secretary; Town Residents

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

PUBLIC HEARING

Community Bank (21-14) Site Plan Approval for Office Building

The Community Bank project #21-14 is for a new facility to be built on the old Castle property on Route 417. The facility will be for storage and processing of papers. There will be no customer interaction at the location. Chairman DeFiore then opened the Public Hearing and asked for comments from the public. Since there were none, the Public Hearing was closed.

Mr. DeFiore made a motion to close the Public Hearing on Community Bank Site Plan Approval for Office Building at 7:09 PM. 2nd by Mr. Hellier. Mr. Kavanagh – aye; Mr. Hellier – aye; Mrs. Larson – aye; Mr. Sayegh – aye; Mr. DeFiore – aye. Carried.

PUBLIC HEARING

Olean Physical Therapy (22-14) Site Plan Approval for expansion to existing building

The Olean Physical Therapy 12,500 sq. ft. addition will be to the west of the present building on the corner of Willard Street and Route 417. Mr. Droney stated 6,000 sq. ft. of the total will be an expansion of his physical therapy practice. A 2-story section to the rear will house a Health Club that will be open to the public 24 hours a day. Chairman DeFiore then opened the Public Hearing at 7:10 PM and asked for comments from the public. Since there were none, the Public Hearing was closed.

Mr. DeFiore made a motion to close the Public Hearing on the Olean Physical Therapy expansion site plan at 7:12 PM. 2nd by Mr. Kavanagh. Mr. Kavanagh – aye; Mr. Hellier – aye; Mrs. Larson – aye; Mr. Sayegh – aye; Mr. DeFiore – aye. Carried.

Minutes

Chairman DeFiore asked for corrections, additions, deletions to the April 7, 2014 Planning Board Meeting and the April 23, 2014 Special Planning Board Meeting. There were none on either sets of minutes.

Chairman DeFiore made the motion to accept the minutes of the April 7, 2014 meeting as written. 2nd by Mrs. Larson. Mr. Kavanagh – aye; Mr. Hellier – aye; Mrs. Larson – aye; Mr. Sayegh – aye; Mr. DeFiore – aye. Carried.

Chairman DeFiore made the motion to accept the minutes of the April 23, 2014 special meeting as written. 2nd by Mrs. Larson. Mr. Kavanagh – aye; Mr. Hellier – aye; Mrs. Larson – aye; Mr. Sayegh – aye; Mr. DeFiore – aye. Carried.

Old Business

Community Bank (21-14) Site Plan Approval for Office Building

Mrs. Horowitz highlighted the following items from her staff report regarding the Community Bank building:

1. The project was referred to the County Planning Board as required. Their advisory was that “Pedestrian access be provided to the facility from the public sidewalk along NYS Route 417.” That was already planned by the applicant. The most recent site plan presented to the Board does show that sidewalk.
2. The lighting plan shows ten lights on poles in an arc along the driveway and rear of the parking lot; and wall lighting on the building. It is a very minimal amount of lighting. The light levels drop off almost to zero at the property lines except for the property line with Olean Physical Therapy where the lighting serves to illuminate a portion of the OPT parking lot. All lights are high efficiency LED lighting and use dark sky compliant cut-off fixtures which are encouraged in Section 9.05(A)(5).
3. The site plan shows a 6 foot high chain link fence along the stormwater infiltration basin. Since the basin will be dry most of the time, it does not seem to be needed for safety purposes and the NYS DEC does not require a fence. These types of fences usually accumulate plastic bags and other paper debris. Mrs. Horowitz felt the fencing is not required and the bank representative have agreed and opted to remove the fence; however, they will monitor it in case it appears to be an unexpected problem down the road. Mr. Mountain, Town Engineer for this project, stated the pond is a dry pond and any water that accumulates during a storm would percolate into the ground about 2 inches an hour. There will be gravel at the bottom and there are requirements that it will need to be cleaned out periodically.

Part 1 of the SEQR form has already been filled out by the applicant and Chairman DeFiore went over the following with the Planning Board:

Part 2 – Impact Assessment.

1. *Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?* **NO**
2. *Will the proposed action result in a change in the use or intensity of use of land?* **NO**
3. *Will the proposed action impair the character or quality of the existing community?* **NO**

4. *Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area?* **NO**
5. *Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?* **NO**
6. *Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?* **NO**
7. *Will the proposed action impact existing:*
 - a. *public/private water supplies?* **NO**
 - b. *public/private wastewater treatment utilities?* **NO**
8. *Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?* **NO**
9. *Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?* **NO**
10. *Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?* **NO**
11. *Will the proposed action create a hazard to environmental resources or human health?* **NO**

Part 3 – Determination of significance.

The action will result in a change in the use of the property from vacant to office building. However, the site was previously completely developed as a motel, restaurant, and movie theatre, and the site is located in a commercially zoned area, so the proposed development will not result in a change in the character of the area. The proposal is consistent with the Town's Comprehensive Plan and Zoning Ordinance.

Access to the site is from NYS Route 417, a heavily travelled state highway. Initially about 200 vehicle trips per day are anticipated (100 in the morning and 100 in the afternoon). At full occupancy, the facility could accommodate as many as 150 employees, which could result in as many as 300 vehicle trips per day. However, the additional trips are well within the capacity of the road. In addition, the site is served by NYS Bicycle Route 17 and by local bus service. A sidewalk along NYS Route 417 also promotes walking to work. These other transportation modes have the potential to reduce vehicular traffic. Therefore, no adverse impact to vehicular or other transportation modes is anticipated.

The site is served by public water and sewer systems, which served the prior developments on the property. The public systems have adequate capacity to serve the site.

Although the site is identified by NYSDEC's database as being located in an area with the potential for archaeological resources, the site has been severely disturbed over time, as acknowledged by a professional archaeologist. (Letter from Robert L. Dean, April 8, 2010, attached). Therefore, no impact to archaeological resources is anticipated.

Mr. Hellier moved the proposed action will not result in any significant adverse environmental impacts and, therefore, the Planning Board Chair is directed to so indicate a negative declaration on the Short Environmental Assessment Form, sign and date. 2nd by Mr. Sayegh. Mr. Kavanagh – aye; Mr. Hellier – aye; Mrs. Larson – aye; Mr. Sayegh – aye; Mr. DeFiore – aye. Carried.

Mrs. Horowitz went over the conditions of approval for the site plan:

Condition #1, the Planning Board decided to add the statement "Fencing around the

stormwater infiltration basin is optional;” therefore, if the bank decides the fencing will be needed for any reason such as safety concerns, they will not need to come before the Board for site plan amendment.

Condition #2, curb cuts are already established and the bank will be using those.

Condition #3 stresses the new Section 9.08(C) of the Town’s Zoning Ordinance that, prior to the issuance of a Certificate of Occupancy, the applicant shall provide a letter from a licensed professional engineer, surveyor, or architect to the Town’s Code Enforcement Officer that the project substantially complies with the approved plans. Also included is a provision for “As-built” drawings of the site layout features and the underground facilities to be provided with the professional Certification.

Condition #5 allows for minor adjustments of the lot line between the Community Bank project and the Olean Physical Therapy expansion prior to the transfer of the property.

Condition #7 allows for minor adjustments in the locations of the light poles.

Condition #9 “The lot split shown on the Site Layout Plan shall be finalized and recorded prior to the issuance of a Certificate of Occupancy for the building” was added per the Planning Board request.

Chairman DeFiore moved to approve the Site Plan for the Community Bank Operations Center, with the following conditions:

1. The approval consists of the following plans and documents:

- ***Site Layout Plan, prepared by Clark Patterson Lee, Design Professionals, revision date of 5/1/14***
- ***Grading and Construction Erosion Control Plan, prepared by Clark Patterson Lee, Design Professionals, revision date of 5/1/14***
- ***Utility Plan, prepared by Clark Patterson Lee, Design Professionals, revision date of 5/1/14***
- ***Planting (Landscaping) Plan, prepared by Clark Patterson Lee, Design Professionals, revision date of 5/1/14***
- ***Site Lighting Plan, prepared by Clark Patterson Lee, Design Professionals, dated May 2, 2014***
- ***Elevations Community Bank, prepared by Clark Patterson Lee, Design Professionals, dated April 11, 2014***
- ***Rendering of Community Bank, prepared by Clark Patterson Lee, Design Professionals, dated April 23, 2014***

All construction shall be in substantial accordance with these approved plans. During construction, minor, non-substantial changes to the utility, grading and other plans may be approved by the Town's Special Engineer and/or Town Highway, Sewer and Water Superintendent, in order to allow minor adjustments that may become necessary as site work progresses. Any other change, whether during construction or post-construction to the approved plans, whether by the project sponsor or by a subsequent owner, will require application to and approval by the Planning Board as amendments to this approved site plan. Fencing around the stormwater infiltration basin is optional.

2. NYSDOT approval shall be obtained for any work in the Route 417 right-of-way. If any significant changes are required by NYSDOT to the configuration and/or location of the driveways, an amendment to this site plan approval will be required.

3. *Pursuant to Section 9.08(C) of the Town's Zoning Ordinance, prior to the issuance of a Certificate of Occupancy for the building, the applicant shall provide a letter to the Town's Code Enforcement Officer from a licensed professional engineer, surveyor, or architect, stating that the project, as built, substantially complies with the approved plans for the project. If the timing of the building's construction does not allow completion of all landscaping during a suitable planting season, the Town's CEO may issue the Certificate of Occupancy and defer the professional's Certification letter of compliance with the Planting Plan, until the following spring/summer, provided that Certification is received for all other site features. "As-built" drawings of the site layout features and the underground facilities shall be provided along with the professional Certification.*
4. *The rooftop parapet wall shall be high enough to shield from view the air conditioning units and any other rooftop equipment, pursuant to Section 4.14(E)(2)(k) of the Town's Zoning Ordinance. In order to accomplish this screening, the building height may be higher than that shown on the approved plans.*
5. *The Site Layout Plan shows a proposed lot line between the Community Bank and Olean Physical Therapy (OPT) properties. Minor adjustments of this lot line may be made prior to the transfer of the property, provided that no lot line adjustment results in a change that would make any aspect of either lot out of compliance with the dimensional requirements (setbacks, minimum lot width, etc.) of Schedule B of the Town's Zoning Ordinance. Any major change in the proposed lot lines that would result in a transfer of lot features (such as stormwater features, etc.) from one lot to the other lot, in whole or in part, shall require an amendment to this Site Plan approval.*
6. *The proposed wall sign over the main building entrance shall comply with the size standards in the Town's Zoning Ordinance. If in the future any signage other than that shown on the building facade is proposed, the property owners shall apply to the Planning Board for an amendment to this site plan, for that signage.*
7. *Installed lighting shall comply with lighting levels shown on the Site Lighting (photometric) Plan at the side and rear property lines. Minor adjustments in the locations of the light poles are permissible.*
8. *A deed covenant shall be placed on the property deed for this parcel that requires the operation and maintenance of the storm water systems to be in accordance with the approved Storm Water Pollution Prevention Plan (SWPPP).*
9. *The lot split shown on the Site Layout Plan shall be finalized and recorded prior to the issuance of a Certificate of Occupancy for the building.*

In taking this action the Planning Board finds that the proposal meets all applicable standards in the Town of Allegany Zoning Ordinance.

2nd by Mr. Sayegh. Mr. Kavanagh – aye; Mr. Hellier – aye; Mrs. Larson – aye; Mr. Sayegh – aye; Mr. DeFiore – aye. Carried.

Olean Physical Therapy (22-14) Site Plan Approval for expansion to existing building

This is a construction of a 12,000 sq. ft. addition with approximately 54 new parking spaces. Part 1 of the SEQR form has already been filled out by the applicant and Chairman DeFiore went over the following with the Planning Board:

Part 2 – Impact Assessment.

1. *Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?* **NO**
2. *Will the proposed action result in a change in the use or intensity of use of land?* **NO**
3. *Will the proposed action impair the character or quality of the existing community?* **NO**
4. *Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area?* **NO**
5. *Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?* **NO**
6. *Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?* **NO**
7. *Will the proposed action impact existing:*
 - a. *public/private water supplies?* **NO**
 - b. *public/private wastewater treatment utilities?* **NO**
8. *Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?* **NO**
9. *Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?* **NO**
10. *Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?* **NO**
11. *Will the proposed action create a hazard to environmental resources or human health?* **NO**

Part 3 – Determination of significance.

The action is the expansion of an existing Physical Therapy office. The expansion will not result in a change in the character of the area. The proposal is consistent with the Town's Comprehensive Plan and Zoning Ordinance.

Although the site of the expansion is identified by NYSDEC's database as being located in an area with the potential for archaeological resources, the site has been severely disturbed over time, as acknowledged by a professional archaeologist. (Letter from Robert L. Dean, April 8, 2010, attached). Therefore, no impact to archaeological resources is anticipated.

Mr. Hellier moved the proposed action will not result in any significant adverse environmental impacts and, therefore, the Planning Board Chair is directed to so indicate a negative declaration on the Short Environmental Assessment Form, sign and date. 2nd by Mr. Kavanagh. Mr. Kavanagh – aye; Mr. Hellier – aye; Mrs. Larson – aye; Mr. Sayegh – aye; Mr. DeFiore – aye. Carried.

Mrs. Horowitz's staff report states the building expansion complies with the 50 foot front yard setback; it is 57 feet from the right-of-way line at its closest point; however, the parking lot in front of the building expansion does not comply as it is eight feet from the front property line at its closest point. In 2005 the Town did not require a variance for the parking that was in front of the building, because this was considered to be an existing condition. However, the current proposal is an expansion of a non-conforming situation. As was discussed at the April 23, 2014 Planning Board meeting, due to the nature of this business, parking near the entrance is a necessity.

Section 4.14 (E)(3)(b) of the Town's Zoning Ordinance allows the Planning Board, during the Site Plan Review process, to waive the minimum front yard setback requirement to allow structures, including parking lots, to be closer to the front property line than that which would ordinarily be allowed. With the Town Attorney, Wendy Tuttle, having agreed with the wording of the waiver, it was put to a vote:

Chairman DeFiore moved,

WHEREAS, the parking area, including parking spaces and drive aisle, on the Route 417 frontage of the proposed expansion of the Olean Physical Therapy office building is within eight feet of the front property line, at its closest point, and

WHEREAS, the Town's Zoning Ordinance requires a 50 foot front yard setback, and

WHEREAS, Section 4.14 (E)(3), Route 417 East Corridor Overlay (CO-1) District, of the Town's Zoning Ordinance provides that "During the Site Plan Review process the Planning Board may waive the minimum front yard setback requirement to allow structures to be closer to the front property line than that which would ordinarily be allowed, in order to accomplish the goals and objectives of this Zoning Ordinance II and the intent of the Route 417 Corridor Management Plan. Any such waiver shall clearly state the reasons for the waiver, and shall state the goals and objectives of this Zoning Ordinance and/or the intent of the Route 417 Corridor Management Plan that support the waiver."

NOW THEREFORE BE IT RESOLVED THAT the Town of Allegany Planning Board hereby waives the front yard setback requirement for the Olean Physical Therapy office building to allow the parking area in front of the building to come to within eight feet, at its closest point, to the front property line, as shown on the site plan prepared by Clark, Patterson, Lee, with a revision date of 5/1/14, for the following reasons:

- 1. The parking area that is the subject of this waiver is located in front of a proposed addition to an existing building and is a continuation of the parking area in front of that building. Because the right-of-way of Route 417 curves, the proposed parking is closer to the front property line than the existing parking.*
- 2. The right-of-way of Route 417 is quite wide in this location. There is approximately 20 feet of lawn area in the right-of-way between the front property line and the sidewalk, and a total of 28 feet of lawn area, at its narrowest point, between the edge of the parking area and the sidewalk. This is a substantial green area.*
- 3. The primary intended use of the building is for a physical therapy office and doctor's office. Patients and clients of these offices are generally infirm and therefore this use requires more close-in parking than would be required for retail or other types of office uses.*

In taking this action the Planning Board finds that this waiver is supported by the Intent, Purpose and Objectives of the Town's Zoning Ordinance II, which incorporates the land use-related goals of the Route 417 Corridor Management Plan. This waiver is supported by the following goals of the Route 417 Corridor Management Plan, which are contained in Section 1.06(A), Intent, of the Zoning Ordinance:

- #1: Improve pedestrian conditions*
- #2: Improve visual attractiveness*
- #4: Enhance the Town's tax base.*

This waiver is also supported by the following Objectives contained in Section 1.06(D) of the Town's Zoning Ordinance:

#4: "...to facilitate the adequate provision of transportation circulation and off-street parking facilities...."

#8: "To preserve and promote the general attractiveness of the community and to assure that structures and land use arrangements are functionally and aesthetically harmonious with nearby structures and land uses."

2nd by Mr. Sayegh. Mr. Kavanagh – aye; Mr. Hellier – aye; Mrs. Larson – aye; Mr. Sayegh – aye; Mr. DeFiore – aye. Carried.

The application was referred to the Cattaraugus County Planning Board for their review and recommendation. The County Planning Board considered this referral on Thursday, April 24, 2014 and recommended approval with one advisory, which is that "Pedestrian access be provided to the facility from the public sidewalk along NYS Route 417." The revised Site Layout Plan shows a sidewalk on the eastern side of the lot.

Specifically noted in Mrs. Horowitz's staff report, seven parking spaces are located in the right-of-way of Willard Street on the side of the building. This parking area was shown as green space on the site plan that was approved by the Planning Board in 2005, so this parking was added at some time after that approval. John Moshier, Highway Superintendent, was consulted about this encroachment. He indicated that he was not concerned because it does not interfere with plowing or street sweeping. The parking spaces do not stick out into the travel lane. Each space is independently accessible from Willard Street, which is a configuration that the Planning Board typically would not approve, since vehicles are backing out directly into the right-of-way. However, Willard is a low volume road. The proposed plan also contains more than adequate parking to meet the town's parking standards, even if those seven spaces were to be converted back to greenspace. However, this facility serves people who have mobility and other health issues, so parking close to the building entrance is important. Also, with the additional property that is being acquired, the parcel has an increased amount of open space.

A new 6 foot board on board fence is proposed along the eastern property line, where the parking lot will abut residences.

The engineer for the expansion project is asking the Planning Board to approve an above-grade stormwater infiltration basin that may be substituted for the below ground detention system shown on the present plans. Either plan was approved by Mr. Mountain, the Town engineer on this project. The above grade basin is easier to keep clean and would be less expensive. The Planning Board agreed to add this request to the conditions of approval.

Chairman DeFiore moved to approve the Site Plan for Olean Physical Therapy, with the following conditions:

1. This approval consists of the following plans and documents:

- Site Layout Plan, prepared by Clark Patterson Lee, Design Professionals, revision date of 5/1/14*
- Grading and Construction Erosion Control Plan, prepared by Clark Patterson Lee, Design Professionals, revision date of 5/1/14*

- *Utility Plan, prepared by Clark Patterson Lee, Design Professionals, revision date of 5/1/14*
- *Planting (Landscaping) Plan, prepared by Clark Patterson Lee, Design Professionals, revision date of 5/1/14*
- *Site Lighting Plan, prepared by Clark Patterson Lee, Design Professionals, dated May 2, 2014*
- *Elevations for Olean Physical Therapy, prepared by Clark Patterson Lee, Design Professionals, dated April 11, 2014*
- *Rendering of Olean Physical Therapy, prepared by Clark Patterson Lee, Design Professionals, dated April 23, 2014*

All construction shall be in substantial accordance with these approved plans. During construction, minor, non-substantial changes to the utility, grading and other plans may be approved by the Town's Special Engineer and/or Town Highway, Sewer and Water Superintendent, in order to allow minor adjustments that may become necessary as site work progresses. Any other change, whether during construction or post-construction to the approved plans, whether by the project sponsor or by a subsequent owner, will require application to and approval by the Planning Board as amendments to this approved site plan.

2. *Pursuant to Section 9.08(C) of the Town's Zoning Ordinance, prior to the issuance of a Certificate of Occupancy for the building, the applicant shall provide a letter to the Town's Code Enforcement Officer from a licensed professional engineer, surveyor, or architect, stating that the project, as built, substantially complies with the approved plans for the project. If the timing of the building's construction does not allow completion of all landscaping during a suitable planting season, the Town's CEO may issue the Certificate of Occupancy and defer the professional's Certification letter of compliance with the Planting Plan, until the following spring/summer, provided that Certification is received for all other site features. "As-built" drawings of the site layout features and the underground facilities shall be provided along with the professional Certification.*
3. *If air conditioning units or any other mechanical equipment will be located on the roof, the rooftop parapet wall shall be high enough to shield such equipment from view pursuant to Section 4.14(E)(2)(k) of the Town's Zoning Ordinance. In order to accomplish this screening, the building height may be higher than that shown on the approved plans.*
4. *The Site Layout Plan shows a proposed lot line between the Community Bank and Olean Physical Therapy (OPT) properties. Minor adjustments of this lot line may be made prior to the transfer of the property, provided that no lot line adjustment results in a change that would make any aspect of either lot out of compliance with the dimensional requirements (setbacks, minimum lot width, etc.) of Schedule B of the Town's Zoning Ordinance. Any major change in the proposed lot lines that would result in a transfer of lot features (such as stormwater features, etc.) from one lot to the other lot, in whole or in part, shall require an amendment to this Site Plan approval.*
5. *The proposed wall sign over the main building entrance shall comply with the size standards in the Town's Zoning Ordinance. If in the future any signage other than that shown on the building facade is proposed, the property owners shall apply to the Planning Board for an amendment to this site plan, for that signage.*

6. *Installed lighting shall comply with lighting levels shown on the Site Lighting (photometric) Plan at the property lines. Minor adjustments in the locations of the light poles are permissible.*
7. *A deed covenant shall be placed on the property deed for this parcel that requires the operation and maintenance of the storm water systems to be in accordance with the approved Storm Water Pollution Prevention Plan (SWPPP).*
8. *An above grade stormwater infiltration basin may be substituted for the below ground detention system shown on the Utility Plan, Site Layout Plan and other drawings, subject to the review and approval of the Town's Special Engineer. The above ground system shall be set back a minimum of five feet from the rear lot line of the abutting residential properties. If this option is used, the fence shown on the Site Layout Plan shall be extended to the end of the infiltration basin.*
9. *The lot split shown on the Site Layout Plan shall be finalized and recorded prior to the issuance of a Certificate of Occupancy for the new portion of the building.*

In taking this action the Planning Board finds that the proposal meets all applicable standards in the Town of Allegany Zoning Ordinance.

2nd by Mr. Sayegh. Mr. Kavanagh – aye; Mr. Hellier – aye; Mrs. Larson – aye; Mr. Sayegh – aye; Mr. DeFiore – aye. Carried.

Other Business

Supervisor Hare asked to speak and indicated the Town Board is considering referring to the Planning Board the possibility of the rolling back of the special zoning that was created for the windmill farm area. They are not planning on eliminating the provision in our wind law that allows for creation of these special overlay districts. They only want to have the Planning Board review a zoning map amendment. Mr. Hare has had communications with Chris Shears, Everpower. It is not quite clear what they are going to do but they are evaluating going Article X. They did indicate they are looking at other vendors for the wind equipment which could possibly change the number of turbines.

Mrs. Horowitz brought up the St. Bonaventure split of the property re the zoning ordinance. Creating three lots is a minor subdivision; creating five lots is a major subdivision. The sale of the land to Community Bank only creates two lots with Community Bank obtaining 10 acres and St. Bonaventure retaining the rest. Community Bank is splitting off their 10 acres with three acres to an existing parcel. If St. Bonaventure sells off another two lots within five years, they will be creating a subdivision. They would then have to get approval for a subdivision. Mrs. Horowitz stated Phil Winger at St. Bonaventure is aware of this possibility.

Mrs. Horowitz informed the Board she is on the committee to update the Cattaraugus County Comprehensive Plan. There is a survey on the County website that the committee hopes people will use to give their input.

Zoning ordinance update:

Section 5.12 Sign Regulations

The Board continued their discussion on signs, in particular, portable signs that are being used in lieu of permanent signs.

Chairman DeFiore made the motion to close the meeting. 2nd by Mr. Sayegh. Mr. Kavanagh – aye; Mr. Hellier – aye; Mrs. Larson – aye; Mr. Sayegh – aye; Mr. DeFiore – aye. Carried.

The meeting was adjourned at 9:00 p.m.

Respectfully submitted,

A handwritten signature in blue ink that reads "Lynette K. Semsel". The signature is written in a cursive style with a large initial "L".

Lynette K. Semsel
Secretary