

Town of Allegany Planning Board
Meeting Minutes
June 13, 2011 at 7:00 PM Allegany Senior Center

Present:

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

APPROVED July 11, 2011

Also Present:

Carol Horowitz, Town Planner; Lynette Semsel, Secretary; Phil Winger, St. Bonaventure; Craig Marlatt; Robert Docherty, Ross Wilson & Associates; St. Bonaventure Representatives; Kevin Sheen, EverPower Representative; Townspeople from Allegany and Olean.

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

Motion to approve the minutes of May 9, 2011 as written was made by Frank DeFiore. 2nd by Peter Hellier. Ayes all.

Old Business

Allegany Wind, LLC

A special meeting on Wednesday, June 29, 2011, 7 PM, at the Allegany Senior Center, Birch Run will be set up depending upon whether certain information needed from Kevin Sheen to the attorney and CRA is received by this Friday, June 17, no later than 4 PM. If Chairman Phillips gets word that they do not have the information by 4 PM Friday, June 27, 2011, he will cancel the meeting.

Chairman Phillips made a motion to have a special meeting on Wednesday, June 29, 2011, 7 PM, at the Allegany Senior Center, Birch Run for the purpose of looking at Allegany Wind Project. 2nd by Frank DeFiore. Ayes all. Carried.

Bonaventure Square

SEQR Review: Chairman Phillips went through the Negative Declaration and highlighted the following items:

1. The SEQR determination also stated that, at such time as the District Energy Plant was proposed as a formal component of the project, the Negative Declaration would be amended to consider potential impacts of the Plant. This document has been prepared as an amendment to the Planning Board's SEQR determination for Bonaventure Square. This determination is intended to supplement, not supersede, the June 2010 Negative Declaration, which is appended to this document. "We are not doing a new one—we are just adding on."

2. Some of the equipment needed for the co-generation process will be located outside of the enclosed building, in a courtyard that will be attached to the building and enclosed by a barrier wall. The barrier wall shall be considered to be a part of the building and shall maintain the same setback as required for the building. "I want to make sure that is clear."

3. There will not be any windows. "The only thing I saw in the one elevation of the plan is that there is an overhead door. Is that going to be insulated?" (Mr. Docherty answered yes.)

4. The building will have air inlet and exhaust venting. The venting will be located on the roof. The parapet wall will provide both sound suppression and will also serve an aesthetic purpose in masking the view of the roof vents. A 16 foot tall cooling tower will be located in the courtyard, which will be enclosed on three sides by an 18 foot high barrier wall. "I am assuming the fourth side will be the building."

5. The project will also include an exhaust stack, which the RWDI air quality assessment has indicated would be approximately 35 feet in height from finished grade. A remote radiator is a third exterior component of the project. This unit will either be located on the rooftop, at a height not to exceed the parapet wall height or it will be located in the area enclosed by the barrier wall.

6. It is noted that if the Plant is not built, each building in the Bonaventure Square development will be supplied with gas, electric, heating and cooling from traditional sources, which may include a boiler in each building.

7. The RWDI assessment included modeling of expected emissions including nitrogen dioxide, carbon monoxide, sulfur dioxide, and particulate matter. The assessment concluded that concentrations of possible contaminants were less than the National Ambient Air Quality Standards at all receptors that were modeled.

8. The Plant will be required to obtain a Minor Source Permit from DEC. Provided the Plant obtains a permit from DEC and complies with the conditions of that permit, if any, the Action is not expected to have a significant adverse impact on air quality.

9. Odor - The Plant is not expected to cause unpleasant odors.

10. Noise - An assessment of the Plant's possible noise impacts was provided by RWDI. This assessment made certain assumptions. The proposed equipment has been modified to provide for a smaller generating capacity, and the building location has changed since the assessment was conducted. The sound from the Plant cannot be greater than 48 dBA during the night or greater than 55 dBA during the day. There is a concern that the sound level at the second stories of abutting residences may be higher than that predicted by the model. The DEC's Noise Guidance document, Assessing and Mitigating Noise Impacts, recommends that an upward adjustment to the sound level should be assessed under certain circumstances, including tonality, to account for the annoying quality of the sound. The Planning Board concurs with RWDI's assessment to take into account changes that the project sponsor has made to the equipment and to the building location and to demonstrate that adequate specific noise mitigation techniques will be incorporated into this project design, prior to Site Plan approval for the District Energy Plant, the applicant shall provide a revised noise impact assessment. At a minimum the revised noise Assessment shall address the following: The Assessment shall be based on configuration that is currently proposed; the Assessment shall detail all assumptions; the Assessment shall take into account any rebound of noise; the Assessment shall detail the assumptions that are used in the CADNA/A model; the Assessment shall respond to "Noise Assessment Comments 1 through 12." In particular the assessment shall include the predicted noise level at the second story of nearby residents; the predicted noise level at the property line; breakout noise assessment; and the tonal noise assessment. A post construction noise monitoring study shall be conducted, at the expense of the applicant. Post construction noise assessment shall be completed within six months of the energy plant commissioning.

If necessary to meet the noise standards, the Planning Board shall require the property owner and/or Plant operator to provide additional noise mitigation at their expense.

Mr. DeFiore asked if the chillers are going to be outside and was told that only the cooling tower will be outside.

Mrs. Horowitz stated that what is being done is setting the noise standard based on what is in the Planned Development zoning district the Town Board adopted, which is no more than 3 decibels increase. RWDI conducted a noise assessment where they actually measured the noise and came up with some figures. CRA approved that as it seemed reasonable. It takes the daytime and nighttime averages and adds 3 decibels to set the standard.

Mr. Kavanagh is concerned about the letter from Matt & Bobbie Joe Shawley regarding the power plant and how close it is to their backyard. Mrs. Horowitz stated the letter mentioned radiation from the facility. She spoke with Dave Britton, CRA, and there will be no radiation from the facility. Mr. Kavanagh said emissions would be a better word but still felt we could make room for an air assessment post construction to make sure. Mrs. Horowitz stated that, before they can get a permit from DEC, they are going to have to do additional testing.

Motion by Frank DeFiore to determine that, based on the information and analysis in the negative declaration, the Bonaventure Square District Energy Plant will not result in any significant adverse environmental impacts. 2nd by Helen Larson. Ayes all. Carried.

Site Plan Review

Cattaraugus County Planning Board had four advisories:

No. 1 – Consider reducing parking and adding more open space or gathering places such patios, gazebos, benches, and mini parks.

Ms. Horowitz stated that there is a tension between parking and open space the Planned Development approval sets a maximum number of parking spaces and does not address minimums. The parking analysis done in March, 2010, states they need 532 parking spaces to meet demand for the elements included in Phase 1. After phase 2 construction, they will need a minimum of 626 or a maximum of 643 spaces. That does not include event parking at the sportsplex, which will be at the off-site location on Constitution Avenue. Since they have the footprint of the sportsplex, they could use that temporarily for parking in phase 1. At the northwest corner, where the walking path is, there are 6 additional parking spaces. .

Mrs. Larson was concerned that people will not use the off-site parking for events and Mrs. Horowitz answered that there will be conditions put on BonaSquare to address the issue during the site plan review for the sportsplex.

There was discussion on straightening the road that runs along the Olean Physical Therapy. Mr. Blood stated that two trees would have to be cut down in order to straighten the road, and that the road location was to prevent stormwater from flowing onto OPT's property. Ms. Horowitz noted that two or three parking spaces would be lost if the road were straightened, and that the drainage plan is not very detailed at this area.

Ms. Horowitz noted that the pedestrian plaza is considered open space.

Mr., Kavanagh suggested to add a few benches where the walkway is at the northern corner. Mrs. Horowitz said that walkway is only needed to access the offsite parking; therefore, it shouldn't be a phase 1 feature. The feature, which is the walkway and the landscaping as well as the trail, will be a phase 2 or 3 component.

No. 2 – Review landscaping along Rte. 417 to ensure it is of sufficient height to screen parked cars from view from Rte. 417.

Mr. Blood stated that the proposal along the parking lot is a combination of evergreen shrub, a juniper, and a native flowering rose which will provide a little bit of color. The mature height of

these is in the neighborhood of three feet which is what is typically used to get above the headlights and hoods on most passenger cars. It is not a screen but a buffer. The shrubs do handle salt well. Mr. DeFiore felt this is sufficient as it will be above the headlights of a car and still let people know there is something behind it. Board members concurred that this proposed landscaping in front of the parking area was adequate.

Mr. Hellier asked the reason for all the stop signs on the turns on the northern side of the road. Mrs. Horowitz answered that it is a proposal to make it easier to navigate around the curves since radii of the curves do not meet town board standards. The idea is to have people stop before the curves to prevent cars from sliding into the other lane. It is laid out more like a T intersection. The road will be posted for 15-20 mph. Mr. Hellier still feels the necessity of fixing the turns so people do not have to make jackknife turns. The location of the crosswalk has been changed so it coincides with one of the stop signs.

No. 3 - Ensure the main entrance is adequate so there is no back up on Rte. 417 when they are entering BonaSquare.

Ms. Horowitz stated that the length of the main entrance is constrained by other site features and the building locations. In order to mitigate this short "throat", it is proposed that the stretch of road immediately to the right of the entrance would be one way. The current draft plan does include this one-way designation; however, to reinforce the one-way designation, the parking in the one-way area should be angled. Since the "throat" is virtually impossible to make any deeper, the one-way road and angled parking could mitigate the problem of the traffic flow. Angled parking will make it more difficult for people to back out and go the wrong way.

No. 4 – Rather than eight foot high white fence encircling the property on three sides, consider using landscaping, existing and new, that will allow the project to blend in better with the surrounding neighborhood.

Ms. Horowitz reported that the Town approved the change on Thursday allowing the landowner to choose landscaping instead of fencing. The property owner can petition or the Planning Board, when it looks at the demolition plan versus the landscaping plan, will have the option to save a clump of trees if beneficial and the property owner then can be contacted to get their opinion. The Town Board was concerned that everything should go through the Planning Board as opposed to the property owners negotiating directly with the applicant.

Mr. DeFiore asked if the Planning Board is supposed to act as a liaison and talk with the property owners on what their preference would be. In other words, the Planning Board would act as an advocate to the owners before they start having complaints. Mrs. Horowitz said this should occur before the final landscaping plan is approved.

Mrs. Larson asked if there would be some consistency in fencing so as to avoid looking like a patchwork quilt. She felt they should be given specific choices. Mr. Blood asked if the Board would allow them to make recommendations and then have the owners react to it. The Board said that made sense.

Mr. Blood stated that the actual fence will be six feet and vinyl. The drawings show a shadowbox fence and the detail will be changed to make it look like the fence they will actually use. This fence is a 3-rail and is much more durable, especially when snow is pushed up against it. It would be less likely to be knocked or blown down.

Mr. Kavanagh felt a letter should be sent to the owners to get a consensus on what they are thinking. The Board might get a better idea of what they want if they write back rather than talking with them. Mrs. Horowitz said it might be premature to send a letter until the drainage grading plan is done and the Board sees how it fits altogether. Mr. DeFiore felt a better picture of the type of fence

should be sent as the current picture doesn't show clearly what it would look like.

Mr. Blood said they could have the revised drawings before the end of the month.

Ms. Horowitz noted that the Planning Board has 62 days after the public hearing to make a decision and that would be on August 8, the date of the regular Planning Board meeting. The site plan still needs to be fleshed out and, once revisions are submitted, Mrs. Horowitz can meet with Mark Alianello to review them.

Mrs. Horowitz pointed out, if the district energy plant is a phase 1 proponent, which it is now, the additional noise study needs to be done before site plan approval of phase 1. Mr. Marlatt said the timing of that might be difficult for them as they feel it is not cost effective to do the noise study right now. They are on the edge of the coin on whether they will build it at all. The real key will be on how the energy plant relates to the sportsplex.

Mrs. Horowitz suggested taking the district energy plan out of phase 1 and put it in phase 2. .

Mr. DeFiore asked if they want the energy plant as a separate phase all to itself. Mrs. Horowitz said they could have as many phases as they wanted.

Mr. Marlett questioned whether they would have to have an amendment to the Negative Declaration for the district energy plant to include the noise testing. Ms. Horowitz said no amendment is needed, as the noise testing is now a requirement for site plan approval for the district energy plant.

Mr. Phillips reminded Mr. Marlatt that he needs to provide a full set of plans two weeks prior to the July 11 meeting, which would be June 27 or earlier.

Other Business

Well Head Protection Plan:

Mrs. Horowitz has been in contact with Chris Crawford who would like to move the wellhead amendments zoning ordinance along. Chris would like to set up a working group which would include a couple of Planning Board members, Mrs. Horowitz, Chris, Rodney Gleason and a couple of Village Planning Board. It was decided to put this off until fall.

Post Construction Traffic Study for Walmart:

Ms. Horowitz stated there is money in an escrow account for the study. The study is limited to looking at Dan Eaton Drive. She asked the Planning Board when that study should be conducted. The Board determined that the study should be done late November-early December. The Board directed Ms. Horowitz to write a letter to the Town Board, requesting them to retain a traffic firm to conduct this study this year.

Correspondence

Believer's Chapel/Sean Obergfell:

The letter from Sean Obergfell stated that the bollards were put in; however, there is still an application pending for an amendment to the site plan and the letter does not withdraw that application. It is not clear whether Sean Obergfell wants to pursue the revisions of the site plan or if he wants to withdraw the application. The CEO will get the measurements to see if the elevation was changed. Mrs. Horowitz will contact Sean Obergfell to find out his intention.

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

The meeting was adjourned at 8:35 PM.