

Town of Allegany Planning Board Meeting Minutes

January 9, 2012 at 7:00 PM Allegany Town Hall

Present:

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

APPROVED 2/13/2012

Also Present:

Carol Horowitz, Town Planner; Lynette Semsel, Secretary; Daniel Green, Cannon Design; Lowell Dewey, C&S Engineers; Phil Winger; St. Bonaventure University; Bill Giardini, Sr., Bill Giardini, Jr., Dave Giardini, Giardini Brothers Gravel; Jeffrey Levy, DDR; John Crisafulli

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

Mr. Hellier made a motion to approve the minutes of the December 12, 2011 meeting, with the correction on page 1, 2nd paragraph under new business to correct the spelling of Haul Road in two places and change the sentence to read “however, the ordinance has a 500’ setback from houses and the Haul Rd. falls within that distance and would need a variance. 2nd by Mr. DeFiore. Ayes all. Carried.

New Business

Giardini Gravel Mine: Request for amendment to Special Use Permit/Site Plan #24-06

Dave Giardini, representing Giardini Brothers, stated he had written a letter to Mr. Jerry Dzuroff requesting a change in the operating hours for the mine. The current hours are 6 AM to 6 PM in the summer and 8 AM to 4:30 PM in the winter. They would like the hours to be the same year round in order to operate more profitably during the winter as the weather permits. He also mentioned the Town of Allegany highway department starts at 6 AM and often calls at 6:30 AM for sand to haul. With current hours, the highway department has to wait until 8 AM before their trucks are able to be loaded.

Mrs. Horowitz said this is an amendment to the special use permit and site plan approval that the Planning Board granted a few years ago and requires a public hearing. It also needs to be referred to the Cattaraugus County Planning Board.

Mr. Giardini stated he had received a letter from Mary George of the City of Olean indicating the City has no objection to the DEC assuming the role of SEQR; however, they would like to be notified of the DEC’s ruling so they can amend their paperwork in house.

Mr. Kavanagh made a motion to set a public hearing for the change of operations for the Giardini Brothers Gravel Pit at 7 PM on February 13, 2012 here at the Town Hall. 2nd by Mr. Hellier. Ayes all. Carried.

Cannon Design/SBU: Site Plan Review: School of Business

Mr. Green, Cannon Design, and Mr. Dewey, C&S Engineers, presented the site plan for the new SBU School of Business, along with full sets of plans. It will be a two-story, 26,000 sq. ft. building. There will be classrooms, offices, lecture halls and large corridors for students to gather. The main feature inside the building will be the business center which will be situated near the front entry. This area will have a live ticker for the stock market. The height of the building will be 36' to the peak of the roof. There will be a new plaza outside the building.

Mr. DeFiore asked if there will be emergency phones for students. Mr. Winger stated there has not been a decision on it; however, he also said most students have cell phones and the direction is away from installing emergency phones.

There will be a small enclosure for two garbage totes. There will not be a dumpster. The present 9-11 monument will be relocated. Mr. Green also went over the grading plan. It will follow the existing contours. The drain will go into the existing sewer. There will be a silt fence to keep the silt under control during construction.

Mrs. Horowitz stated the project needs to be referred to the County Planning Board. The SEQR can be done at this meeting; however, other action will have to be tabled until after hearing back from the County.

The Board then went over the SEQR as follows:

1. *Will the Proposed Action result in a physical change to the project site?* **Yes**
 - *Any construction on slopes of 15% or greater.* **No**
 - *Construction on land where the depth to the water table is less than 3 feet.* **No**
 - *Construction of paved parking area for 1,000 or more vehicles.* **No**
 - *Construction on land where bedrock is exposed or generally within 3 feet of existing ground surface.* **No**
 - *Construction that will continue for more than 1 year or involve more than one phase or stage.* **Yes¹**
 - *Excavation for mining purposes that would remove more than 1,000 tons of natural material.* **No**
 - *Construction or expansion of a sanitary landfill.* **No**
 - *Construction in a designated floodway.* **No**
 - *Other impacts.* **No**
2. *Will there be an effect to any unique or unusual land forms found on the site?* **No**
3. *Will Proposed Action affect any water body designated as protected?* **No**
4. *Will Proposed Action affect any non-protected existing or new body of water?* **No**
5. *Will Proposed Action affect surface or groundwater quality or quantity?* **No**
6. *Will Proposed Action alter drainage flow or patterns, or surface water runoff?* **Yes²**
7. *Will Proposed Action affect air quality?* **No**
8. *Will Proposed Action affect any threatened or endangered species?* **No**

¹ Impact to land was determined to be a small to moderate impact because construction would continue for more than one year.

² The board determined that runoff will increase because lawn area is being converted to a building, but this is a small to moderate impact because the footprint of the building in relation to the open area around the site is small. In addition, any potential impact from erosion and sedimentation during construction will be mitigated by following appropriate erosion control measures.

9. Will Proposed Action substantially affect non-threatened or non-endangered species? **No**³
10. Will the Proposed Action affect agricultural land resources? **No**
11. Will Proposed Action affect aesthetic resources? **No**
12. Will Proposed Action impact any site or structure of historic, prehistoric or paleontological importance? **No**⁴
13. Will Proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities? **No**
14. Will Proposed Action impact the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6 NYCRR 617.14 (g)? **No**
15. Will there be an effect to existing transportation systems? **No**
16. Will Proposed Action affect the community's sources of fuel or energy supply? **No**
17. Will there be objectionable odors, noise or vibration as a result of the Proposed Action? **No**
18. Will Proposed Action affect public health and safety? **No**
19. Will Proposed Action affect the character of the existing community? **No**
20. Is there, or is there likely to be, public controversy related to potential adverse environmental impacts? **No**

Mr. Hellier moved the project will not result in any large or important impacts and, therefore, is one which will not have a significant impact on the environment, and therefore a negative declaration will be prepared. 2nd by Mr. Kavanagh. Ayes all. Carried.

Mrs. Horowitz will get a copy of the plans to Tom McElheny, the town engineer. She also informed the board that the Zoning Ordinance allows the Planning Board the right to determine if a public hearing on the application is desirable.

Mr. Hellier moved that a public hearing is not required. 2nd by Mr. DeFiore. Ayes all. Carried.

John Crisafulli: Special Use Permit and Site Plan #139-11: Apartment

At the 1971 Four Mile building, Mr. Crisafulli proposes to construct an apartment over the current office of the present shop. It will be built to code with a fire wall completely through the entire building. A septic system and well are on site. The apartment will be 16' x 45'. The apartment will only be above the current office and not over any equipment. Since the proposed project is in a commercial zoning district and will be a mixed occupancy building, the project must fit in with the zoning ordinance. After much discussion, the decision was the project does not require a special use permit or any Planning Board approval as it is an acceptable use according to Schedule A of the Zoning Ordinance, by definition of a dwelling-single family. If the building meets all the code requirements, Mr. Crisafulli can be issued a building permit.

When the Zoning Ordinance is updated, Mr. Hellier would like the district use regulations, schedule A, be clarified.

³ Mary Hohmann, local DEC office, informed Mrs. Horowitz that the endangered species were all in the Allegheny River and she agreed that, if proper sedimentation control was done during construction, the habitat should not be affected. She also stated that applicants typically get a sign-off letter from the Division of the Department of Environmental Conservation. Mrs. Horowitz then stated the answer to the question should be no based on the letter they receive from Fish, Wildlife and Marine Resources Division.

⁴ Mrs. Horowitz indicated the project did do a phase I, A and B, archeological study and has a sign-off letter from the state.

Mr. Hellier moved to allow Mrs. Horowitz to talk to the Code Enforcement Officer with the idea that Mr. Crisafulli's project is a permitted use. 2nd by Mr. Kavanagh. Ayes all. Carried.

DDR: Proposed Car Sale - Walmart Parking Lot

Ms. Horowitz stated that one of the variances granted to the Walmart Expansion Project was to reduce the required number of parking spaces for a building that size. One of the mitigation measures that was folded into the SEQR determination of significance was for the ZBA, in their variance determination, to make sure there was adequate parking by not allowing outdoor or tent sales on the property. In the past, DDR has allowed events in the Wal-Mart lease area. There is currently a proposal for automobile sales event, which has been moved over to BJ's because of the restriction on the Wal-mart portion of the property.

Jeff Levy is asking for permission to put the events on the property in other locations to benefit the flow; however, he stated these events would not be held when the parking is needed. He felt these events are good for the tenants during the down times for sales such as January when they would bring customers into the parking lot. They would use approximately 100 parking spaces and utilize the area of the parking lot to fit the event, i.e. Joyful Rescues near the ladies' clothing store that promotes the organization. The request is for an amendment to the site plan to modify the condition of approval that prohibits tent and outdoor sales on the property and allow them from January 15 to November 15. Mrs. Horowitz suggested the Planning Board take the memorandum from Mr. Levy as a letter of application and have him fill out an application for an amendment to the site plan approval. The request also needs to be referred to the Cattaraugus County Planning Board. The Board would then follow the same process for any other amendment to a site plan and look at the SEQR Determination of Significance to see whether any change would fit into the parameters of the plan.

OLD BUSINESS

The Comprehensive Plan has been approved by the Town Board and will be printed. The Planning Board would like their copies three-ring punched and in a binder.

Mrs. Horowitz and Mr. Phillips had a meeting with the new town supervisor, John Hare, to discuss what the Planning Board wants to accomplish in the 2012 fiscal year. The Wellhead Protection Overlay District will be tackled first, before the Zoning Ordinance. A three to four page Wellhead Protection Plan will be presented to the Planning Board at the regular meeting in February. Revisions to the other sections then would be done for the March meeting. The Town still needs to get together with the Village to compare notes.

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

The meeting was adjourned at 8:50 PM.

Respectfully submitted,



Lynette Semsel
Secretary