

AGENDA

MEETING OF THE TOWN OF ALLEGANY PLANNING BOARD

**Monday, October 5, 2015
at 7:00 p.m.
Allegany Town Hall
52 W. Main Street, Allegany, NY**

Salute to the Flag

Minutes

September 15, 2015

Old Business

None

New Business

Michael Droney (#112-15): Site Plan Review
Restaurant

Other Business

Zoning ordinance update:

Review of comments from public hearing of September 15, 2015

Correspondence

None

**Next Planning Board Meeting:
Monday, November 9, 2015**

Town of Allegany Planning Board
Meeting Minutes
Monday, **October 5, 2015** at 7:00 p.m.
Allegany Town Hall, 52 W. Main Street, Allegany NY

APPROVED

Present:

Frank R. DeFiore, Chair
John Sayegh

Helen Larson
Peter Hellier

Absent: Rick Kavanagh

Also Present:

Carol Horowitz, Town Planner
Michael Droney for Olean Physical Therapy
Townspeople

Chairman Frank R. DeFiore opened the meeting with the Pledge to the Flag at 7:00 p.m.

Minutes: Chairman DeFiore asks Board members for any comments to the minutes of September 15, 2015 public hearing. Move to accept the minutes by Chairman DeFiore and 2nd by John Sayegh with one correction of typographical error of board members last name. Ayes all. Carried.

New Business:

Planning Board has received Application # 112-15 Request for Site Plan Review Application by Michael Droney for his business located at 3132 NYS Route 417 which he would propose to perform interior renovations of his existing building to add a sports bar/family style restaurant on the Willard Street side of his Olean Physical Therapy Building. His proposed restaurant side of the business would be open Sunday through Thursday 11:00 a.m. through 10:00 p.m. and Friday and Saturday hours would be 11:00 a.m. through 11:00 p.m.

A Staff Report on the proposed project dated September 28, 2015 by Town Planner Carol Horowitz was reviewed.

Discussion was had regarding the completeness of Mr. Droney's application regarding the pedestrian sidewalk hooking the business to State Route 417. Ms. Horowitz stated that the sidewalk was shown on the approved 2014 site plan, to comply with the requirement for pedestrian access in the corridor overlay district. The sidewalk has not yet been constructed. Much discussion was had regarding sidewalk access to the business now that it will be a "restaurant" as well. Ms. Horowitz stated that the Planning Board had no authority to remove this requirement, and Mr. Droney's option, if he felt that the sidewalk was not feasible, was to apply to the Zoning Board of Appeals for a variance to remove that requirement.

The Board would like an accurate description of the existing trees on the property along with the areas where Mr. Droney will be planting trees in the Spring of 2016; clarification of the proposed “grassy” area; and where dumpster(s) would be located. Ms. Horowitz noted that Mr. Droney presented a letter, dated October 5, 2015, committing to plant two trees as required by the Planning Board's amendment to the site plan approval on August 17, 2015. Discussion was had regarding whether or not there needs to be fencing or curbing on the property lines at the rear of the Willard Street properties, and whether headlights from clients may impact the Willard Street residents. Mr. Droney stated that the site work on his property created a 5 ft high dirt embankment which he said eliminates this issue and does away with the need for the fence shown on his site plan approved in 2014. . Chairman DeFiore will personally review the area for potential issues regarding vehicle lights.

Discussion of the buildings signage was regarding conformity to the zoning ordinance.

Also discussed was necessity of a “public hearing” pursuant to Section 9.06(B)(1) of the Zoning Ordinance.

Chairman DeFiore made a motion to waive the need for a public hearing on the proposed restaurant at the Olean Physical Therapy location, 2nd by H. Larson. Ayes: F. DeFiore, H. Larson, J. Sayegh. Dissenting to Motion is P. Hellier. Carried.

Board members review Part 1 of the SEAF (Short Environmental Assessment form) line by line for the proposed restaurant at Olean Physical Therapy location. Code Enforcement Officer for Town is asked to view #9 as to whether “...proposed action meets or exceeds the state energy code requirements.” #12(b) of form incorrectly listed as “no” and “no” when in actuality the location of the business is identified on the New York state Department of Environmental Conservation database as an archeological sensitive area. However, no impact will be had by the addition of the restaurant at this location, based on the letter on file from an archaeologist.

At this time, board members with a Motion by Chairman DeFiore agree to table action on this proposed restaurant until the next board meeting so that various inspections by Town Code Enforcement Officer and by Chairman DeFiore may be performed. Motion 2nd by John Sayegh. Ayes: Chairman DeFiore, H. Larson, J. Sayegh, and P. Hellier.

Old Business:

Proposed Zoning Ordinance update. Following the September 15th Public Hearing Town Planner Carol Horowitz summarizes the issues of concerns in the proposed updated zoning ordinances through her zoning ordinance memo to the Board dated October 1, 2015. Sections discussed in the memo and during meeting are as follows: 5.07(B) Minimum Lot Area (changes found acceptable); Section 5.10 Home Occupation (no further changes made); Section 5.12 (E)(4)(b) Directional Signs (changes found acceptable); Section 5.12 (4)(c) (changes found acceptable); Section 5.13 Off-Street Parking Regulations and areas where they (pre-exist the zoning ordinance); Section 5.20 Mining; Section 5.25 Commercial Wind Energy Conversion systems; Section 9.08 (C)(1) Letter of Certification for Site Plans.

In reference to Section 5.25 on Commercial Wind Energy, the Board received an email dated September 15, 2015 from Mary Burns, Doris Kelly and Cecilia Ladd, property owners on the Chipmonk Road area. These three individuals wished to express their appreciation to the Board for its consideration of the modifications to the Town's WECS law and to state their support of all of the recommendations requested in a September 5, 2015 letter to the Board by the Concerned Citizens of Cattaraugus County. The Board goes through the September 5, 2015 letter. Board goes through each requested change in the letter and Town Planner expands the discussion with zoning law which would indicate a needed change in the proposed ordinance or to leave the ordinance as is.

Board indicated it would discuss the issues raised in Gary Abraham's letter of September 22, 2015 at the next Planning Board meeting.

Other Business: None.

Correspondence: None other than as discussed under zoning board changes as listed above.

Motion to adjourn meeting by John Sayegh and 2nd by Pete Hellier at 9:44 p.m. Ayes: Helen Larson, Pete Hellier, John Sayegh, Chairman DeFiore. Carried.

Next Meeting November 9th, 2015.

Respectfully Submitted:

Donna G. Stady, Secretary to Planning Board