

**MINUTES – TOWN OF ALLEGANY REGULAR BOARD MEETING AND
PUBLIC HEARINGS TO RE-ZONE OLD CASTLE PROPERTY -
TUESDAY, NOVEMBER 12, 2013 7:00 PM TOWN HALL**

PRESENT WERE: Supervisor Hare Councilman Koebelin
 Councilman O’Dell Councilman Allen
 Hwy Superintendent Moshier Attorney Tuttle
 Comptroller C. Hemphill Town Clerk M. Peck

ABSENT: Councilman Hitchcock

Also present: G.Ayers, D.Sue, H.Larson, F.DeFiore, K.Boser, R.Jonak, B.Parker, K.Mosman, B.McGee(SBU), R.Gleason, C.Rhodes, C.Horowitz, P.Desnoyers, K.Martin, B.Leahy, T.Leahy, P.Chicola,Mrs. Ford, and SBU student reporter.

Salute to the Flag at 7:00 pm opened the meeting.

Public Hearing #1 – St. Bonaventure University request for re-zoning of 94.061-1-31.3 to C-1
*****Supervisor Hare gave a summary of what this public hearing is for. Questions from the floor were – what are the plans for this property? Supervisor Hare advised that it is not known yet, but this is just to change the zoning of this property. P.Chicola- what happens in next application process? Supervisor Hare advised that SBU must apply for permits, etc. for whatever they are requesting to do on/with the property. No other questions.**

#194-MOTION TO CLOSE PUBLIC HEARING ON THE SBU RE-ZONE REQUEST

Motion by Hare to close the public hearing on the SBU re-zone request. 2nd by Koebelin. Koebelin-aye, O’Dell-aye, Allen-aye, Hare-aye. CARRIED.

This public hearing closed at 7:05 pm

Public Hearing #2 – Kinley Corp. request to re-zone 94.061-1-40.2 to R-1 and 94.061-1-31.4 to C-1
*****Supervisor Hare gave a short summary of the request by Kinley Corp. to change the zoning of two parcels. No questions from the floor.**

#195-MOTION TO CLOSE PUBLIC HEARING ON THE KINLEY CORP. RE-ZONE REQUEST

Motion by Hare to close the public hearing on the Kinley Corp. re-zone request. 2nd by Koebelin. Koebelin-aye, O’Dell-aye, Allen-aye, Hare-aye. CARRIED.

This public hearing closed at 7:08 pm.

MONTHLY REPORTS

Building & Zoning Dept.	Town Clerk
Parks & Recreation	Hwy Dept

Town Justice D. Porter – Report for October 2013 – amount of check \$11,219.35
Town Justice A. Spears – Report for October 2013 – amount of check \$11,287.00

#196-MOTION TO APPROVE MINUTES

Motion by Allen to approve the minutes from the Oct. 22, 2013 Regular Board Meeting as written. 2nd by O’Dell. Koebelin-aye, O’Dell-aye, Allen-aye, Hare-aye. CARRIED.

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#197-MOTION TO APPROVE MINUTES

Motion by O’Dell to approve the minutes from the Oct. 29, 2013 Public Hearing on 2014 Budget as written. 2nd by Allen. Koebelin-aye, O’Dell-aye, Allen-aye, Hare-aye. CARRIED.

CORRESPONDENCE

1. Notice from Time Warner Cable of Cable Internal Restructuring
2. Letter from Atty. Gary Abraham re: PSL Article 10; what it is, how it works
3. Letter of request to re-zone parcel #94.061-1-39.
4. Letter of request to re-zone parcels #94.061-1-34, 94.061-1-35, 94.061-1-36, 94.061-1-37 and 94.061-1-38
5. Letter from Planning Board Chair advising of “Guidelines for Applicants to the Town of Allegany Planning Board”
6. Letter of recommendation from Planning Board regarding re-zoning of Castle property.

NEW BUSINESS

1. Five Star Bank – Lockbox services agreement (for collection of taxes)
2. Re-appointment of Wendy Brand to Board of Assessment Review (10/1/13 – 9/30-18)
3. St. Bonaventure re-zone request
4. Kinley Corp. re-zone request
5. Re-zoning of parcels owned by Paisley Door Properties and Robert Stritof on Route 417

#198-MOTION TO APPROVE LOCKBOX SERVICES AGREEMENT WITH FIVE STAR BANK

Motion to approve the Lockbox Services Agreement with Five Star Bank which has a \$.05 increase in the cost of processing the Town and County Taxes, now will be \$.15 per bill. 2nd by Koebelin. Koebelin-aye, O’Dell-aye, Allen-aye, Hare-aye. CARRIED.

#199-MOTION TO APPOINT BOARD OF ASSESSMENT REVIEW MEMBER

Motion by Hare to appoint Wendy M. Brand to another term on the Board of Assessment Review, her new term being 10/1/13 to 9/30/18). 2nd by Allen. Koebelin-aye, O’Dell-aye, Allen-aye, Hare-aye. CARRIED.

***** Carol Horowitz described the SEQR process for the SBU re-zone request and explained the information on the SEQR forms.*****

#200-MOTION TO ADOPT THE SEQR FORM FOR SBU RE-ZONE REQUEST

Motion by Hare to adopt the SEQR form for the SBU re-zone request as recommended. 2nd by Koebelin. Koebelin-aye, O’Dell-aye, Allen-aye, Hare-aye. CARRIED.

#201-MOTION TO RE-ZONE SBU PARCEL 94.061-1-39

Motion by Hare to rezone SBU parcel 94.061-1-39 from PD district to C-1 as requested. 2nd by Koebelin. Koebelin-aye, O’Dell-aye, Allen-aye, Hare-aye. CARRIED.

#202-MOTION TO RESCIND PREVIOUS MOTION #201

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Motion by Hare to rescind the previous motion #201 as parcel Id # is incorrect. 2nd by Koebelin. Koebelin-aye, O'Dell-aye, Allen-aye, Hare-aye. CARRIED.

#203-MOTION TO RE-ZONE SBU PARCEL # 94.061-1-31.3

Motion by Hare to re-zone SBU parcel # 94.061-1-31.3 as requested from a PD district to a C-1. 2nd by Allen. Koebelin-aye, O'Dell-aye, Allen-aye, Hare-aye. CARRIED.

*****Carol Horowitz again gave a summary of the SEQR process for the two Kinley Corp. parcels that are also requesting a re-zoning.**

#204-MOTION TO ADOPT THE SEQR PROCESS FOR THE TWO KINLEY CORP. PARCELS

Motion by Hare to adopt the SEQR form for the two Kinley Corp. parcels, 94.061-1-40.2 to R-1 and 94.061-1-31.4 to C-1. 2nd by Koebelin. Koebelin-aye, O'Dell-aye, Allen-aye, Hare-aye. CARRIED.

#205-MOTION TO RE-ZONE TWO KINLEY CORP. PARCELS

Motion by Hare to re-zone parcel 94.061-1-40.2 to R-1 and a94.061-1-31.4 to C-1. 2nd by O'Dell. Koebelin-aye, O'Dell-aye, Allen-aye, Hare-aye. CARRIED.

#206-MOTION TO REFER RE-ZONE REQUEST TO TOWN PLANNING BOARD FOR REVIEW

Motion by Hare to refer parcel #94.061-1-39 (Robert Stritof) to the Town Planning Board for review. 2nd by Allen. Koebelin-aye, O'Dell-aye, Allen-aye, Hare-aye. CARRIED.

#207-MOTION TO REFER RE-ZONE REQUEST TO CATTARAUGUS COUNTY PLANNING BOARD

Motion by Hare to refer the Stritof re-zone request of parcel # 94.061-1-39 to the Cattaraugus County Planning Board for their review. 2nd by Koebelin. Koebelin-aye, O'Dell-aye, Allen-aye, Hare-aye. CARRIED.

#208-MOTION TO REFER RE-ZONE REQUEST TO TOWN PLANNING BOARD FOR REVIEW

Motion by Hare to refer Paisley Door Property request to re-zone parcels #94.061-1-34, 94.061-1-35, 94.061-1-36, 94.061-1-37 and 94.061-1-38 to the Town Planning Board for review. 2nd by O'Dell. Koebelin-aye, O'Dell-aye, Allen-aye, Hare-aye. CARRIED.

#209-MOTION TO REFER PAISLEY DOOR PROPERTY RE-ZONE REQUEST TO CATT. CO. PLANNING BOARD

Motion by Hare to refer the Paisley Door Properties re-zone request for parcels #94.061-1-34, 94.061-1-35, 94.061-1-36, 94.061-1-37 and 94.061-1-38 to the Cattaraugus County Planning Board for review. Koebelin-aye, O'Dell-aye, Allen-aye, Hare-aye. CARRIED.

#210-MOTION TO SET PUBLIC HEARING ON STRITOF RE-ZONE REQUEST

Motion by Hare to set a Public Hearing on the Stritof re-zone request of parcel #94.061-1-39 for Tuesday, November 26, 2013 at 7:00 pm at the Town Hall. 2nd by Allen. Koebelin-aye, O'Dell-aye, Allen-aye, Hare-aye. CARRIED.

#211-MOTION TO SET PUBLIC HEARING ON PAISLEY DOOR PROPERTY RE-ZONE REQUEST

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Motion by Hare to set a Public Hearing on the Paisley Door Property re-zone request for parcel #s 94.061-1-34, 94.061-1-35, 94.061-1-36, 94.061-1-37, and 94.061-1-38 for Tuesday, November 26, 2013 at 7:10 pm at the Town Hall. 2nd by Koebelin. Koebelin-aye, O’Dell-aye, Allen-aye, Hare-aye. CARRIED.

OTHER BUSINESS

1. Resolution approving court audit performed by Councilman Allen.

#212-MOTION TO APPROVE COURT AUDIT

Motion by Hare to approve the Court audit as performed by Councilman Allen. 2nd by O’Dell. Koebelin-aye, O’Dell-aye, Allen-abstain, Hare-aye. CARRIED.

COMMITTEE REPORTS

- Town of Allegany signs (Councilman O’Dell)

#213-MOTION TO AUTHORIZE THE ORDER OF FOUR TOWN OF ALLEGANY SIGNS

Motion by O’Dell to authorize Briggs Signs of Cattaraugus, NY to make four (4) signs as per agreement, where the Town will pay for them and be reimbursed for 1 by Duggan & Duggan, 2 by Kinley Corp. and 1 by Nate Smith. Each sign will have the name of the sponsor on them. 2nd by Hare. Koebelin-aye, O’Dell-aye, Allen-aye, Hare-aye. CARRIED.

#214-MOTION TO HAVE TOWN OF ALLEGANY SPONSOR A SIGN

From the floor:

Adjourn