

Town of Allegany Planning Board
Public Hearing/Meeting Minutes
Monday, **April 12, 2021** at 7:00 P.M.
Birch Run Facility 3790 Birch Run Rd., Allegany, NY

APPROVED

Present:

Pete Hellier, Chairman
Mike Higgins
Joe Chamberlain
Kari Dugan, Secretary

Absent:

Rick Kavanagh
Allyson Krieger

Also Present:

Jim Hitchcock-Town Supervisor, Kathy Martin-Town Board Member, Craig McGuire-Town Board Member, Jerry Dzuroff-Town CEO, Ryne Wight-CPL, Andrew Kosa-CPL, Janet Hellier, Matthew Farwell, Charles Eddy, Angela Eddy, Teslin Farwell, and Bill Giardini

Chairman Hellier opened the Public Hearing with the Pledge to the Flag at 7:07 PM.

Public Hearing – Special Use Permit - Matthew Farwell – 4240 NYS Route 417, Allegany, NY 14706

This is an application for a Special Use Permit to allow for a multiple dwelling residence located at 4240 NYS Route 417, Allegany, NY 14706.

The letter of intent, written by Matthew Farwell, presented to the Town of Allegany Planning Board reads as follows:

“My name is Matthew Farwell. I am seeking approval to construct a modest apartment within the 7500 sq ft structure located at 4240 Route 417. Currently within the structure is a two bedroom 2 bath apartment located on the south end of the structure where my in-laws reside. My wife and I hope to construct an apartment in the north end of the building as our personal residence. Our proposed alteration to the structure is a 1400 sq ft non load-bearing apartment, 3 bedrooms 1 bath. My wife and I would like for our daughter, and next child (we are expecting a baby May 22nd) to live near grandparents, who live in the south apartment. The grandparents also desire to live near their grandchildren. We have submitted plans for review, and have also contacted Elijah Rust with the health department. Mr. Rust has approved the existing septic and water as sufficient to support an additional apartment that we are proposing. The additional apartment will add no square footage to the existing footprint of building.”

Chairman Hellier: This is a Public Hearing for Matthew Farwell to construct a multi dwelling residence at 4240 Route 417. Would you like to tell us more about that?

Matthew Farwell: Our plan is to build an apartment on the north end of the primary structure that already exists. It will be a three bedroom, one bath all within the structure.

Chairman Hellier: The sketch that I saw had the existing has home, with a gap in the middle, and the second home. What is going in the gap in the middle?

Matthew Farwell: Nothing as of right now.

Charles Eddy: We really aren't sure, maybe a work space, maybe something called a create space, or just storage for right now. My wife and I just moved in around Thanksgiving, we moved from Olean down there. We built an apartment in the south end of the 7500 sq. ft. warehouse.

Chairman Hellier: Do we have adequate parking for two families, Jerry?

Jerry Dzuroff: Yes.

Chairman Hellier: Sewer and water?

Jerry Dzuroff: I received a letter from the Health Department that it should be adequate. If there are any modifications, they would make the modifications. If they needed a new tank. It is a new system there now.

Charles Eddy: We have a 1250 gallon septic and leech field that was there. Eli Rust from the County wanted us to add another tank and leech field. From an email, he thinks that this will suffice. It is just an email, but I can get a hard copy later. He had spoken with his superior, and they feel the tank is adequate, they want 10 more feet added to the leech field. It is currently 12 x 25, he would like 10 more feet added with new gravel, and all that.

Jerry Dzuroff: Then, you will be in compliance with the Health Department?

Charles Eddy: Yes.

Chairman Hellier: Do we have anything else?

Jerry Dzuroff: As far as the square footage of the entire building, and splitting it into two single family dwellings, a Special Use Permit as the town does not allow for 2 dwellings per parcel. However, it would be allowed with a Special Use Permit, based on the Town of Allegany Zoning Ordinance with this Public Hearing.

Chairman Hellier: Do we have a Site Plan Approval for them?

Jerry Dzuroff: It would require a Special Use Permit, approval from the Planning Board to allow two single family dwellings on one parcel of property. That is with having adequate space, adequate parking, off street parking.

Chairman Hellier: Are there any comments or questions from up here?

Joe Chamberlain: The only one I can think of, have there been any changes since the scrape yard was there? It looked like a fort with barbed wire, and high six foot banks around the building. I was just wondering if it was going to stay like that?

Charles Eddy: There is a lot of money in fencing, naturally we don't love the imposing look of it, but it does offer some sound projection from the road, and the traffic going by. At this point we were going to just leave the berm and the fencing up.

Joe Chamberlain: Is there anything with that, Jerry?

Jerry Dzuroff: We don't regulate the fencing.

Joe Chamberlain: You can't even see the building from the road.

Jerry Dzuroff: No, you can't. There is nothing in the ordinance that says they can not have that. Dave Nolan, when he had the scrape yard, he did it for security reasons.

Joe Chamberlain: Well, that was trying to cover up the unsightliness.

Jerry Dzurhoff: It was mainly for security because he had all the copper and brass down there. That was the main thing, they had a lot of valuables there.

Chairman Hellier: Any other questions from up here? Anybody in the audience have any questions?

Bill Giardini: Is that zoned for Light Industrial?

Jerry Dzurhoff: Yes, correct.

Bill Giardini: I know when we changed all the zoning in the town, we could just fit Light Industrial down in that area down there on 417. Will there have to be additional Light Industrial found some place else if this is going Residential?

Chairman Hellier: You mean as a trade off?

Bill Giardini: Right.

Chairman Hellier: We do not have that in our ordinance.

Bill Giardini: Don't have what?

Chairman Hellier: A trade off, if we convert a piece in Light Industrial to effectively Residential in an Industrial site, it is still zoned Industrial.

Bill Giardini: I know before we could just get the minimal acreage for Light Industrial, this won't affect that? 20 acres Light Industrial in the town, if we take some of that out for Residential, does it have to be placed somewhere else?

Chairman Hellier: No.

Joe Chamberlain: It is still Light Industrial.

Chairman Hellier: It is Light Industrial, just a building with two occupants in it.

Joe Chamberlain: A person could eventually buy that building as Light Industrial and just take out the apartments.

Bill Giardini: And the septic systems will be okayed by the Health Department?

Chairman Hellier: Correct.

Bill Giardini: Down the road, will there ever be an application for tax exemption for religious purposes?

Charles Eddy: I'll answer that now. We came from the corner of State and 17th St., where we had our church and parsonage. We sold the parsonage last fall and the church is under contract for sale now. But to answer the gentleman's question, right now we are paying taxes on it. Our board is up in the air, leaning toward just forgetting about the tax exemption part, feeling that, in the not too distant future, people may raise a fuss about tax exemption status, and it is not worth the hassle to us. We have already found that the tax base in Allegany is surprisingly a little less than in Olean. So, we are paying taxes on it now. I have copies of the one that went out in January, and that is my candid answer. We are a legitimate 501c3, and we are paying taxes. We are leaning toward saying forget it. Just be regular folk, and not ask for a religious exemption. That is to the best of my knowledge at this point.

Bill Giardini: My last question would be, since there will be two residencies there, is that reappraised? Reassessed?

Supervisor Hitchcock: Yes, yes that would be. Being a two family residential, that would have to go through the Assessor's Office.

Jerry Dzurhoff: Right now, I believe it on the tax roll as a warehouse, after March 1st for this taxable status, they would add a residence, a pole barn and a second residence. That would all be through the Assessor's Office.

Supervisor Hitchcock: The question I have, is when we are talking about septic, is there any special requirement for a well, for two family?

Joe Chamberlain: No, not really Jim. Septic is based off the number of bedrooms, so that is how that would be accounted, in my experience, anyway.

Jerry Dzurhoff: That would all be through Eli Rust, at Cattaraugus County, he does all the water and sewer. They will have to have approval from that department.

Chairman Hellier: Are there any other questions? None?

Chairman Hellier closed the Public Hearing.

New Business

Special Use Permit - Matthew Farwell – 4240 NYS Route 417, Allegany, NY 14706

Discussions were had regarding the adequacy of the parking and lighting along the existing building. The residents will need to follow up with the Cattaraugus County Health Department to confirm their sewer and water are acceptable and in accordance with the requirements. The residents were informed should they look to expand beyond this additional apartment, they would be required to come before the board again, on a separate application.

Mr. Chamberlain made the motion to approve Matthew Farwell's Special Use Permit, with the following condition:

- *Granting of Special Use Permit allows for a maximum of two residences within the existing building.*

2nd by Mr. Higgins. Chairman Hellier – aye; Mr. Chamberlain – aye; Mr. Higgins – aye. Carried.

Old Business

Allegany Crossings – Site Plan Approval and Special Use Permit – 3864 NYS Route 417, Allegany, NY 14706

Ryne Wight and Andrew Kosa of Clark Patterson Lee, introduced their remote development team members, Barry Sherman and Brian Brogan as well as, Tim and Curtis from Houser Architects. Their team has confirmed the finalized sale of the parcel (93.002-1-14.2). The team is looking for 'Phase 1' approval, through this application. Phase 1 solely involves the renovations to the existing building, these are to include, indoor storage, one or two lease spaces, as well as some exterior storage.

Barry Brogan addressed the board, stating the team's goals are to bring the property back to life.

Andrew Kosa provided an update on the Civil Engineering processes, Part 1 of SEQR is complete. Traffic studies are nearing completion. Geological and Archeological studies are also near completion. Preliminary Geotech and field work has been completed. Septic onsite is to be tested.

Allegany Crossings will provide full submittal and sign permit applications at the May Planning Board meeting.

Mr. Higgins made the motion to request declaration from the Town Board, for the Town of Allegany Planning Board to be Lead Agent for the purposed Allegany Crossings project. 2nd Mr. Chamberlain. Chairman Hellier – aye; Mr. Higgins – aye; Mr. Chamberlain – aye. Carried.

Mr. Higgins made the motion to adjourn the meeting. 2nd by Mr. Chamberlain. Chairman Hellier – aye; Mr. Higgins – aye; Mr. Chamberlain – aye. Carried.

The meeting was adjourned at 8:07 p.m.

Next Planning Board Meeting May 10, 2021 7 P.M.

Respectfully submitted by:

Kari Dugan, Planning Board Secretary