

Town of Allegany Planning Board
Public Hearing/Meeting Minutes
Monday, **April 11, 2022** at 7:00 P.M.
Town Hall, 52 W. Main St., Allegany, NY

APPROVED

Present:

Pete Hellier, Chairman
Jason Crisafulli
Jim Finch
Dawn Snyder
Kari Faulkner, Secretary

Also Present:

Mike Higgins, Town Supervisor; Jerry Dzurhoff, Town CEO; John Krist, Town CEO; Jeremy Wassel, Ellicott Development; Vicki Blessing, Ellicott Development; Carol Shaffer; Grif Jones, Clean Choice Energy; Janet Hellier

Chairman Hellier opened the Public Hearing at 7:00 PM.

Public Hearing – Proposed Solar Energy Local Law of the Town of Allegany revisions

Town of Allegany Town Board and Planning Board have worked diligently to revise the Solar Energy Local Law of the Town of Allegany. With a proposed law completed, the Town has opened the floor to all citizens for input regarding the revisions.

Chairman Hellier asked if there was any questions or comments from the audience.

Grif Jones, of Clean Choice Energy introduced himself. His questions regarded zoning, where solar is or isn't allowed. As well as, glare studies, encouraging the town to use industry standard software, as there are concerns with how other glare studies could be looked at. Concern regarding determining ahead of time that every solar project would have a significant environmental impact, as a SEQR Type 1. He does not believe that can be determined prior to a project being presented.

Jerry Dzuoff, Town CEO stated if it was a listed action, it would be required to be a Type 1.

Chairman Hellier clarified, that Tier 3 Solar Systems are a listed action and would automatically be a Type 1. Requiring a FEAF Part 1, Part 2 and Part 3.

Mr. Jones was concerned that the Town would automatically require a FEAF.

Chairman Hellier stated as a municipality, we can require anything in addition to what the state requirements are, and the Town has decided a FEAF would be required for all Tier 3 systems.

There were no further comments from the public.

*Mr. Crisafulli made the motion to close the Public Hearing. 2nd by Ms. Synder.
Chairman Hellier – aye; Mr. Crisafulli – aye; Mr. Finch – aye; Ms. Snyder – aye. Carried.*

Chairman Hellier opened the second Public Hearing at 7:15 PM.

Public Hearing – Special Use Permit and Site Plan Approval - Ellicott Development/9154 Group – 3139 West State St.

This is an application for a Site Plan Approval and Special Use Permit for Ellicott Development/9154 Group located at 3139 West State St. Olean, NY 14760, within the Town of Allegany.

Project developer, Jeremy Wassel of Ellicott Development, detailed the intentions to construct a 10-unit, 2-story apartment building directly behind Harbor Freight, sharing the same parking lot. Mr. Wassel provided a proposed site plan, also discussed the appearance of the building, as well as the availability of handicap parking. Mr. Wassel also provided a current lease their company uses with other rental properties, to allow the audience insight into the verbiage used to deter excessive noise from the units. Mr. Wassel stated there is a guard, on call 24/7 to handle all complaints and issues, locally. Also, neighboring property owners will be provided a number to report issues. Mr. Wassel also discussed the green space and landscaping plans.

Mr. Wassel asked if there were any questions from the audience.

Mr. Dzurhoff inquired what the size of the trees will be. Mr. Wassel informed him they will be 4-6 ft. minimum height when planted.

Carol Shaffer: Are you aware of the sewage pumping station near the dykes? The back patios will may be only be usable a couple hours a day. There is a very unpleasant odor.

Vicki Blessing: Is the odor really that bad?

Ms. Shaffer: Yes, it is, really that bad. It has to do with the way the wind is blowing. Your tenants are going to experience it, a very unpleasant odor.

Mr. Wassel: Yes, but that is really out of our control.

Mr. Hellier: Where is the pump station located?

Mr. Wassel: Right near the dykes, if I remember correctly.

Mr. Dzurhoff: In the southwest corner.

Mr. Wassel discussed increasing the existing berm on site, to help shield the neighboring properties from the headlights of customers of Harbor Freight. To also provide more coverage, the intention is to relocate the shrubs towards the DeSoto side of the property.

Ms. Snyder inquired about the traffic flow.

Mr. Wassel advised all entrances and exits for the residential building will be from DeSoto Lane.

Supervisor Higgins inquired what the view was from DeSoto Lane.

Mr. Wassel stated all windows will face north and south, there will be no windows facing DeSoto Lane.

There were no further comments from the public.

*Mr. Crisafulli made the motion to close the Public Hearing. 2nd by Mr. Finch.
Chairman Hellier – aye; Mr. Crisafulli – aye; Mr. Finch – aye; Ms. Snyder – aye. Carried.*

Chairman Hellier opened the regular Planning Board Meeting with the Pledge to the Flag at 7:30 PM.

Minutes

Mr. Crisafulli made the motion to approve the minutes of the March 14, 2022 Planning Board Meeting, with minor verbiage changes. 2nd by Mr. Finch. Chairman Hellier – aye; Mr. Crisafulli – aye; Mr. Finch – aye; Ms. Snyder – aye. Carried.

Old Business

9154 Group – Ellicott Development – Site Plan Approval and Special Use Permit – 3193 West State St.

Planning Board members thoroughly reviewed Part 1 FEAF, and completed Part 2 and Part 3. Discussion was had regarding the proposed construction of a 10-unit, two story-apartment building directly behind Harbor Freight. Construction is slated to last approximately 10-12 months. More specific details discussed included lighting and parking. The board is in agreeance this proposal is in line with the character of the community in this particular location.

Mr. Crisafulli made the motion to accept 9154 Group/Ellicott Development's FEAF as complete, and declared as a negative declaration. 2nd by Mr. Finch. Chairman Hellier – aye; Mr. Crisafulli – aye; Ms. Snyder – aye; Mr. Finch – aye. Carried.

Ms. Snyder made the motion to approve the Special Use Permit for 9154 Group/Ellicott Development. 2nd Mr. Crisafulli. Chairman Hellier – aye; Mr. Crisafulli – aye; Ms. Snyder – aye. Mr. Finch abstained from the vote. Carried.

Mr. Finch made the motion to approve the Site Plan as reviewed. 2nd by Mr. Crisafulli. Chairman Hellier – aye; Mr. Crisafulli – aye; Ms. Snyder – aye; Mr. Finch – aye. Carried.

Proposed Solar Energy Local Law of the Town of Allegany

Chairman Hellier and board members discussed the ongoing revisions to the Solar Energy Local Law of the Town of Allegany, all are in agreeance this proposal is ready to proceed forward.

Ms. Snyder made the motion to set a Public Hearing for the proposed Solar Energy Local Law of the Town of Allegany on April 11, 2022. 2nd by Mr. Finch. Chairman Hellier – aye; Mr. Crisafulli – aye; Mr. Finch – aye; Ms. Snyder – aye. Carried.

Correspondence

Southern Tier West training opportunity available at Houghton College, June 9, 2022

Capanelli and Associates, advertisement regarding local ordinance guidance for 5G towers within our jurisdiction.

Correspondence addressed the Town of Allegany Town Board was received for review and discussion. The communication originated from Young & Sommer's LLC, on behalf of Edwin Becker and Clean Choice Energy, regarding a request for consideration of amendments to the solar law, as well as the proposed use of Edwin Becker's property, located off the Buffalo Road.

After review of the correspondence, the board discussed the proposed amendments and possible options Mr. Becker and Clean Choice Energy could pursue moving forward.

(a) Spot Zoning is frowned on, as it only benefits one owner. Chairman Hellier recommended turning down the request to re-zone the Becker property. All members were in agreeance.

(b) Overlay district for commercial solar. Town wide, would negate the Town's Comprehensive Plan, as well as the Zoning Ordinance.

(c) Application to the Zoning Board of Appeals for a Use Variance. Applicants would need to prove hardship, without a doubt.

Ms. Snyder made the motion to submit a written recommendation to the Town Board, detailing the Planning Board's consideration of said correspondence. 2nd Mr. Crisafulli. Chairman Hellier – aye; Mr. Finch – aye; Mr. Crisafulli – aye; Ms. Snyder – aye. Carried.

Unified Solar Permit

After careful review, and consideration of a proposed Unified Solar Permit, regarding Tier 1 and 2 solar applications, the board determined this document would be an excellent checklist for permitting within the Town of Allegany.

Chairman Hellier made the motion to recommend Code Enforcement utilize the proposed Unified Solar Permit, as a checklist to assist with permitting. 2nd by Mr. Finch. Chairman Hellier – aye; Mr. Finch – aye; Mr. Crisafulli – aye; Ms. Snyder – aye. Carried.

Ms. Snyder made the motion to adjourn the meeting. 2nd by Mr. Finch. Chairman Hellier – aye; Mr. Finch – aye; Mr. Crisafulli – aye. Ms. Snyder – aye. Carried.

The meeting was adjourned at 8:54 p.m.

Next Planning Board Meeting April 19, 2022 6 P.M.

Respectfully submitted by:

Kari Faulkner, Planning Board Secretary