

Olean Planning Board Meeting Minutes

Revised

**Monday, March 26, 2018
Council Chambers
Olean Municipal Building**

Attendance:

Chairman: Tom Barnes
Members: Craig Polson
Jerry Steiner
Mark Sabella
Mary Fay

Applicants: Adnan Rafi
John Lydon, Carubba Collision
Robert Bencini, Carubba Collision
Eric Biscaro, Forest Hills
Raquel Martin, Forest Hills

Staff: Keri Kerper, CD Program Coordinator
Kathleen Monroe, Sr. Account Clerk Typist

Other(s): Ed Jennings, Code Enforcement Supervisor
Bob Clark, Olean Times Herald

1. Roll Call

Recognizing a quorum, Chairman Tom Barnes called the meeting to order at 7:02 p.m. and requested the roll call show all members present except Chris Chapman.

2. Reading and approval of the February 26, 2018 public hearing & meeting minutes

A motion was made by Mary Fay, seconded by Jerry Steiner to approve the February 26, 2018 public hearing minutes. Voice vote, ayes all. Motion carried.

A motion was made by Jerry Steiner, seconded by Mary Fay to approve the February 26, 2018 meeting minutes. Voice vote, ayes all. Motion carried.

3. Old Business

There was no old business to discuss at this time.

4. New Business

i. Adnan Rafi (SP#02-18) 1024 North Union Street

Adnan Rafi introduced himself to the Board and explained he is the owner of the property. Mr. Rafi explained the proposed project exterior modifications include new siding, directional security lighting, a walk up deck on the front of the building and a paved rear parking lot consisting of 5 spaces. He further explained his plan to renovate the residence into a deli and convenience store, which is next door to his restaurant that would serve local residents. Ms. Kerper advised the project is zoned Commercial.

Mr. Barnes questioned the hours of operation, and if the lighting would spill onto the nearby residential homes. Mr. Rafi advised that the business would be open until 10:00 p.m. He then referred to the site plan and showed the location of one proposed shielded light pole explaining it would be directed downward. He also noted the proposed placement of a handicap accessible ramp on the East Water Street side of the building.

Mr. Barnes informed the applicant the Zoning Ordinance requires 9' x 20' parking spaces including one handicap space with a striped loading/unloading zone.

In response to Mr. Polson's question, Code Enforcement Supervisor Jennings advised the parking requirements call for one handicap space which could be located in the front of the business on North Union Street with Common Council approval. He further explained the handicap space is usually required to be the closest to the door. Mr. Barnes advised the applicant to contact his Alderman if he proposes moving the handicap space to the street. Ms. Kerper informed the applicant his Alderman is Brian George and staff will provide him with the contact information. Mr. Barnes advised either location for the handicap space should have striping on the pavement and signage.

In response to Mr. Barnes' question, Mr. Rafi advised there would be signage on the front of the building and no free standing sign would be erected. Mr. Barnes explained if a

free standing sign is added in the future, the applicant would be required to submit a separate permit application to Code Enforcement.

In response to Mr. Barnes' question, Ms. Kerper advised the project meets the green space requirements.

A motion to declare the Planning Board Lead Agency for an uncoordinated NYSEQRA review was made by Craig Polson, seconded by Mark Sabella. Voice vote, ayes all. Motion carried.

The Planning Board reviewed Parts I & II of the Short Environmental Assessment Form prepared for the project and made the following changes to Part I: question 4. add "Urban"; question 8c. change to "yes"; question 9. change to "yes"; question 12b. change to "yes"; question 14. add "Urban and Suburban"; question 16. In response to Mr. Barnes' question, Ms. Kerper advised the action does not require a Storm Water Pollution Prevention Plan. No changes were made to Part II. After brief discussion, a motion indicating that the Planning Board made a finding that the project would have no significant impacts, and that the Planning Board therefore issues a Negative Declaration for (SP#02-18), was made by Craig Polson, seconded by Jerry Steiner. Voice vote, ayes all. Motion carried.

A motion to certify the application complete was made by Craig Polson, seconded by Mark Sabella. Voice vote, ayes all. Motion carried

A motion was made by Mark Sabella, seconded by Mary Fay to set a public hearing for Monday, April 9, 2018 at 7:00 p.m. Voice vote, ayes all. Motion carried.

Mr. Barnes explained the public hearing process to the applicant and advised the materials would be available from Community Development on Wednesday morning. He thanked the applicant for investing in the City of Olean.

ii. Carubba Collision (SP#03-18)
921 North Fourth Street

John Lydon introduced himself to the Board and advised he is the project architect for Carubba Collision. He explained the company is proposing opening a location in the City of Olean and has chosen the North Fourth Street property which contains 21,000 square feet of warehouse space and 4,000 square feet of office space. He further explained the applicant is currently working with Code Enforcement Supervisor Jennings on the project's interior alterations, noting the warehouse space would be utilized for staging and auto body repairs and the office space would remain as office space for their employees.

In response to Mr. Barnes' question, Mr. Lydon advised there are no exterior modifications proposed and signage would be addressed in the future as they have not yet discussed signage. He further advised the company will submit all necessary sign permits when a sign decision has been made.

Robert Bencini introduced himself to the Board and explained the history of Carubba Collision noting the company is in the auto repair business and an advertiser for the Buffalo Sabres and Buffalo Bills. He further explained the company is driven by insurance partners who feel there is a void in the area for additional collision business and this location will be their 20th in New York State. Mr. Bencini noted the company is family-owned and operated originating in Buffalo with a good reputation throughout New York State. Mr. Barnes informed the applicant the City is happy they are investing in Olean and will be adding to the local workforce. He further explained they are here to help applicants reach their goal while keeping in compliance with City Zoning Ordinance, and not to put obstacles in anyone's way.

Mr. Lydon referred to the aerial view of the property noting the parking lot from the edge of the building to the office door is paved and the remaining lot is stone. In response to Mr. Barnes' question, Mr. Lydon indicated the owner's intention is to keep the stone driveway the way it is, however, they will comply with any conditions set on the project. Ms. Fay commented she visited the proposed location and noticed large ruts and grassy areas in the parking lot and lawn area.

Mr. Barnes advised the area experiences severe winter weather and the applicant may want to consider paving the lot for plowing purposes and to protect the cars driven on the stone.

Mr. Lydon referred to the plan noting bumpers presently outlining the parking lot and the additional driveways making their way around the back of the structure. He further explained the collision work area of the building is large enough that all customer vehicles may be parked indoors. Mr. Bencini indicated most of the locations the company has acquired had existing infrastructure and this location is a new venture for the company.

Mr. Barnes advised the applicant 1 handicap space for every 25 employees is required and inquired where that space will be located. Mr. Lydon indicated there is an existing door at grade level in the paved area containing one stall that would be marked as handicap. Mr. Barnes informed the applicant the handicap space will require a 9' x 20' parking area with a striped loading/unloading zone. He advised striping both the loading and handicap space along with erecting a handicap pole sign.

Mr. Barnes explained the Board will evaluate and approve the plan as submitted; however, if they decide to pave the lot in the future the applicant will need to come back for approval. Mr. Barnes noted there are no green space or lighting issues.

A motion to declare the Planning Board Lead Agency for an uncoordinated NYSEQRA review was made by Mary Fay, seconded by Craig. Voice vote, ayes all. Motion carried.

The Planning Board reviewed Parts I & II of the Long Environmental Assessment Form prepared for the project and made the following changes to Part I: Section A. change “Rotina” to “Rontina”; question C.2.a. change to “yes” and add “yes”; question C.2.b. change to “yes” and add “Brownfield Opportunity Area Northwest Quadrant”; question D.2.g. In response to Mr. Barnes’ question, Mr. Lydon advised the sprayers are self contained and therefore will not require a NY State Air Registration permit; question D.2.r. change to “yes”; In response to Mr. Barnes’ question, Mr. Bencini informed the scrap metal and car parts will be removed weekly by the company’s current recycler used by their Jamestown site; question D.2.r.i. Construction: add “0 tons”; question D.2.r.i. Operation: add “1 tons per week”; question D.2.r.ii. Operation: add “Recycle metal parts weekly”; question D.2.r.iii. Operation: add “Recycle or landfill, as appropriate”; question E.1.a. add “Railroad”; E.1.d. change to “yes”; question E.1.d.i. add “St. John’s School”; question E.2.a. add “N/A”; question E.2.f. add “100% ”; question E.2.k. change to “yes”; question E.2.l. change to “yes”; question E.2.l.i. add “Olean Aquifer”; E.2.m. change to “Birds and Squirrels”; question E.3.g. change to “yes”; question E.3.g.i. add “The entire City of Olean is considered archeologically sensitive”; Part II: question 1. change to “no”. After brief discussion, a motion indicating that the Planning Board made a finding that the project would have no significant impacts, and that the Planning Board therefore issues a Negative Declaration for (SP#03-18), was made by Craig Polson, seconded by Mary Fay. Voice vote, ayes all. Motion carried.

Mr. Bencini advised the sale of the property is contingent upon site plan approval. Mr. Barnes indicated, depending upon the comments received at the Public Hearing, a decision could be made by the Board as early as April 9, 2018.

A motion to certify the application complete was made by Mark Sabella, seconded by Mary Fay. Voice vote, ayes all. Motion carried

A motion was made by Mark Sabella, seconded by Mary Fay to set a public hearing for Monday, April 9, 2018 at 7:02 p.m. Voice vote, ayes all. Motion carried.

Mr. Barnes explained the public hearing process to the applicant and advised the materials would be available from Community Development on Wednesday morning.

5. Miscellaneous

A motion was made by Mary Fay, seconded by Jerry Steiner to reverse the first two miscellaneous items on the agenda. Voice vote, ayes all. Motion carried.

i. Forest Hills Subdivision SEQR Referral

Mr. Barnes recused himself from the SEQR discussion, noting the project is located in his neighborhood and he believes the project would negatively impact him financially. He advised he normally reads the questions and voices his opinion; however, with Board approval he will read the questions and not participate in the discussion and encouraged the members to please speak up if an answer is to be modified.

Mr. Barnes advised during a previous meeting the Board concurred with the Common Council serving as Lead Agency for a coordinated SEQR review.

In response to Mr. Biscaro's comment, Ms. Kerper advised this is a new project and a new SEQR was recently completed and submitted by Ms. Martin noting the previous SEQR was submitted for duplexes to the Zoning Board of Appeals.

In response to Mr. Polson's question, Ms. Kerper referred to the correspondence received from Philips Lytle on March 20th containing the law firm's opinion of what occurred, deficiencies they outlined, update on the covenant and background information on an environmental review previously submitted to the Zoning Board of Appeals advising the correspondence does not make tonight's SEQR review before them a moot point. She further advised the Planning Board can't take the covenant into account only the new SEQR before the Board may be reviewed for comment per the Common Council's SEQR referral.

Mr. Barnes inquired whether the applicant lost in the Judicial decision regarding the covenant issue. Mr. Biscaro stated the process is in place for an appeal on that decision and should not be an issue in tonight's discussion. Mr. Barnes questioned what exactly was overturned by Judicial decision. Ms. Martin noted the covenant issue is irrelevant and offered to discuss the covenant issue separately at a different time as members of the community. Mr. Polson stated it is his understanding the subdivision is set by lot lines under the original covenant. Mr. Biscaro responded there is no "lot lines" language.

Ms. Keper reiterated the covenant issue is not before the Board.

The Planning Board reviewed Parts I & II of the Long Environmental Assessment Form prepared for the project and made the following changes to Part I: question C.2.a. change to "yes"; question C.2.a. suggestion mark "yes"; question D.1.e.ii. change to "2018"; Mr. Barnes questioned the City Council's approval covering the anticipated completion date of the final phase taking eight years. He noted pursuant to the City of Olean Sections 9.0.2 and 9.1.10 of Chapter 28, Special Use Permits and Site Plan Approvals may last up to one year. Beyond that time, pursuant to Sections 9.0.2 and 9.1.10 of the Code, an extension must be requested in writing prior to expiration of the approvals. Mr. Biscaro advised the phases are financial phases and construction will commence and continue until the last home is complete; question D.1.f. change to "yes" question D.1.f. suggestion add "55" One Family; question D.2.c. change to "yes"; In response to a question, Mr. Biscaro informed all municipal water distribution lines have been installed. In response to Ms. Fay's question, Mr. Biscaro advised Forest Hills Subdivision was already approved for a larger amount of usage and the new lot lines would decrease the

water and sewer going through the lines by 20%. Ms. Fay questioned if what was before the Board tonight was a new SEQR. Ms. Kerper reiterated the SEQR being discussed is a new updated SEQR compared to the original that was submitted to the ZBA when it was a duplex project; question D.2.c.i. add "12,650"; question D.2.c.ii. mark to "yes"; D.2.c.ii.1. add "DPW to answer"; question D.2.c.ii.2. mark "yes"; question D.2.c.ii.3. mark "yes"; question D.2.c.ii.4. mark "no"; question D.2.c.ii.5. mark "yes"; question D.2.iii. mark "no"; question D.2.c.iv. mark "no"; question D.2.d. change to "yes"; question D.2.d.i. add "12,650"; question D.2.d.ii. add "Sanitary waste water"; question D.2.d.iii. mark "yes"; question D.2.d.iii.1. add "City Waste Water Treatment Plant"; question D.2.d.iii.2. add "DPW to answer"; question D.2.d.iii.3. mark "yes"; question D.2.d.iii.4. mark "yes"; question D.2.d.iii.5. mark "no"; question D.2.d.iii.6. mark "yes"; question D.2.d.iii.7. mark "no"; question D.2.d.iv. mark "no"; question D.2.d.vi. add "N/A"; question D.2.e. change to "yes"; Mr. Barnes suggested the applicant install siltation fencing during construction. He noted the acreage is hilly and there will be a lot of runoff. Mr. Biscaro advised currently the stormwater runoff is directed onto adjacent property consisting of wetland. Mr. Barnes informed the action is building 51 homes not constructing one home at a time and that action will disturb more than one acre. Mr. Biscaro disagreed as only one acre at a time will be disturbed noting each home will be constructed separately and as one home is completed another home will start construction. Mr. Polson noted the SEQR states during construction or post construction. Mr. Barnes suggested the City Council add the condition of siltation fencing be used during construction. Ms. Kerper advised returning comments back to the SEQR before them and not siltation fencing; question D.2.e.i. add "3 acres"; question D.2.e.i. suggestion add "22 acres"; question D.2.e.ii. add "Driveway, ditches, curbs, gutters, and road"; D.2.e.iii. add "Adjacent property (wetland)"; question D.2.e.iii. second suggestion mark "yes"; question D.2.e.iv. mark "no"; question D.2.j. change to "yes"; Ms. Fay indicated building 51 new homes would increase traffic in the area significantly. Mr. Biscaro advised the Subdivision was previously approved for traffic, therefore an increase in traffic should not be an issue. Mr. Barnes informed the applicant the interruptions were delaying the Board from completing the review. In response to Mr. Barnes' question, Mr. Biscaro explained it will be a private road maintained by the applicant with a 15 mph speed limit with primarily only visitors and residents driving on the road; question D.2.j.i. mark "Randomly between hours of 8:00 a.m. to 6:00 p.m.";

Mr. Sabella informed the Board of a family medical issue which required his immediate attention and asked to be excused from the meeting.

Mr. Barnes questioned the applicant if he was able to return on April 9th to complete the review due to this unexpected medical issue. Mr. Biscaro agreed to table the SEQR review and return in two weeks to complete the process. Mr. Barnes thanked the applicant for patience and understanding and apologized for the delay.

Mr. Biscaro questioned the number of voting members present for a quorum noting the amount of individuals at the discussion table. Ms. Kerper informed the applicant staff are not voting members and advised with Mr. Sabella leaving there will no longer be four voting members, and the Board will need to table the SEQR review.

A motion was made by Mary Fay, seconded by Jerry Steiner to table the review of Parts I & II of the Long Environmental Assessment Form. Voice vote, ayes all. Motion carried.

Mr. Sabella left the meeting at 9:20 p.m..

ii. 101 North Union Street SEQR Referral

Ms. Kerper advised although the 30 day SEQR referral comment period has expired, she would still appreciate the Board's comments. In response to Ms. Fay's question, Ms. Kerper advised the SEQR action is for the disposition of the property and parking requirements, impact on energy and increased traffic would be addressed when an applicant submits to the City a Site Plan and SEQR for the construction/development. Ms. Fay suggested adding Universal Primary Care, Southern Tier Healthcare Systems, John Ash Community Center and Foundations for Change to question E.d.

After a brief discussion, members advised the Board has no comments for the Olean Urban Renewal Agency regarding the 101 North Union Street SEQR Referral.

iii. GML Section 239-1.-m,-n Referral exemptions – Cattaraugus County Planning Board

Ms. Kerper advised there is no update on the above-referenced item.

Ms. Kerper referred to a pamphlet distributed to members noting Southern Tier West's Annual Government Conference will be held at Houghton College on May 9, 2018. She advised staff can register members and the City will pay for those who would like to participate. Mr. Barnes advised the training will satisfy the Planning Board members' annual training requirement and certain classes are targeted directly toward Planning and Zoning Board members and suggested contacting the staff if they wish to attend.

6. Next Meeting Date

The next Planning Board meeting has been scheduled for Monday, April 9, 2018 at 7:00 p.m.

7. Adjournment

A motion to adjourn was made by Mary Fay, seconded by Jerry Steiner. Voice vote, ayes all. Motion carried. The meeting ended at approximately 9:35 p.m.

