

Olean Planning Board Meeting Minutes

Monday, September 23, 2019

Council Chambers

Olean Municipal Building

Attendance:	Chairman:	Tom Barnes
	Members:	Mary Fay
		Mark Sabella
		Jerry Steiner
	Applicant(s):	Deon Gayton, Go To Meals, LLC
		Mike Martello, JCC
		Don Hoefler, PE (LaBella representing JCC)
	Staff:	Keri Stephen, CD Program Coordinator
		Kathleen Monroe, Sr. Account Clerk Typist
	Other(s):	None

1. Roll Call

Recognizing a quorum, Tom Barnes called the meeting to order at 6:40 p.m. and requested the roll call show all members present except Craig Polson and Chris Chapman. .

2. Reading and approval of the August 12, 2019 public hearing and meeting minutes

A motion was made by Jerry Steiner, seconded by Mary Fay to approve the August 12, 2019 public hearing minutes. Voice vote, ayes all. Motion carried.

A motion was made by Mary Fay, seconded by Mark Sabella to approve the August 12, 2019 meeting minutes. Voice vote, ayes all. Motion carried.

3. Old Business

There was no old business at this time.

4. New Business

i. Go To Meals, LLC (SP#05-19) 801 West State Street

Mr. Gayton advised that he is proposing to add an on-site kitchen in the west side of the building. He explained a wall will be removed in the garage area to construct the kitchen. Mr. Gayton indicated there will be seating; however, he will be operating as a retail food store and not a restaurant. He explained that customers may choose to heat their purchase on-site but the business will not be selling meals for immediate consumption as a restaurant. Mr. Barnes advised that if the business does operate as a restaurant they may be ticketed for running an unpermitted operation.

Mr. Barnes referred to Code Enforcement Officer Ryan Reed's September 23, 2019 correspondence outlining the site plan review and advised there will be no changes to the lighting or signage and a dumpster is not necessary. He noted the parking and greenspace requirements have been met and the stormwater drainage is adequate.

In response to a question, Mr. Gayton advised the business is licensed through the NYS Department of Agriculture & Markets as a Food Processing Establishment and per the Division of Food Safety and Inspection it does not meet the threshold of a restaurant.

In response to Mr. Barnes' question, Mr. Gayton advised the business will apply for a County Health Department permit when the kitchen has been completed.

There was discussion regarding the definition of a food processing establishment, and Ms. Stephen advised she will research the NYS Agriculture & Markets Food Processing Establishment guidelines and update the Board with the findings.

A motion to declare the Planning Board Lead Agency for an uncoordinated NYSEQRA review was made by Jerry Steiner, seconded by Mary Fay. 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 1. change to "no"; question 2. add "County Health Department and NY Agriculture & Markets; question 3.a. add "less than .5"; question 4. add "Urban"; question 5.b. change to "yes"; question 13.b. mark "no"; question 14. add "Urban and Suburban"; question 17. change to "yes"; question 17.b. change to "yes". 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#05-19), was made by Mary Fay seconded by Jerry Steiner. Voice vote, ayes all. Motion carried.

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

Ms. Stephen advised the City Municipal Building will be closed on Monday, October 14, 2019 in observance of Columbus Day. Mr. Barnes suggested the Board schedule the public hearing on Monday, October 7, 2019 to allow for construction to commence on both projects being presented.

After brief discussion, a motion was made by Mary Fay, seconded by Mark Sabella to set the public hearing for Monday, October 7, 2019 at 6:30 p.m. Voice vote, ayes all. Motion carried.

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

**ii. Jamestown Community College – Olean (SP#06-19)
260 North Union Street**

Mr. Martello introduced himself to the Board and advised that the college is proposing to create access in and out of the parking lot off of the small roundabout located at the end of North Barry Street. He indicated the applicant will be cutting curbs to create a driveway that will not require the survey of utilities.

Mr. Martello questioned the need for site plan review for the project, and Ms. Stephen advised the Olean Urban Renewal Agency (OURA) helped with the demolition and relocation of the homes generating City interest in the property. She referred to the 2001 and 2005 site plan applications for which the projects triggered site plan review outlined in the Zoning Ordinance. Mr. Martello indicated that approximately 8 parking spaces will be eliminated. Ms. Stephen advised the JCC Campus was incorporated into the Form Based Code therefore, there are no longer parking requirements.

Ms. Stephen advised the small roundabout is privately owned by JCC and maintained by the City. She explained the City required a right-of-way to install the bus shelter that sits in the roundabout and paid for by the City with NYS Department of Transportation (NYSDOT) funds. She indicated if the bus shelter was removed, JCC would need to reimburse the NYSDOT. Mr. Barnes advised that the privately owned site will not require the applicant to submit an application for the curb cuts.

Ms. Stephen advised the Olean Area Transit System (OATS) is required to follow Federal ADA guidelines. She explained Federal ADA guidelines require a certain amount of footage in front of and behind the bus to safely load and unload passengers. Ms. Stephen advised the OATS buses are 35' long with a 10' wide platform for the ADA ramp. She questioned the egress and ingress distance of the drive aisles, and Mr. Hoefler responded it may be approximately 45'.

Ms. Stephen suggested the applicant consider "ingress only" on North Barry Street and continue ingress and egress on North Clinton Street. Mr. Martello indicated the plan submitted is the applicant's preferred choice and most convenient. Ms. Fay advised that Clinton Street is currently the only access to the parking lot and exiting onto Clinton Street does not provide favorable access to East State Street. Ms. Stephen indicated traffic may exit onto Clinton Street, turn onto Tompkins Street to Barry Street and exit onto East State Street to access the traffic signal.

Mr. Steiner questioned the length of buffers necessary for the front and back of the bus, and Ms. Stephen advised she spoke with the First Transit General Manager Tom Donnarumma who was unsure, therefore she will be contacting the Federal Transit Administration to seek guidance on the exact amount of footage necessary to comply with Federal regulations. Ms. Stephen advised she will contact NYSDOT, follow up with Mr. Donnarumma and provide the required information to the applicant and Board.

Ms. Stephen explained the City was involved in a recent lawsuit claiming the OATS bus was obstructing the line of sight causing an accident to occur. She explained although the OATS bus was not involved in the accident and was not moving at the time but idling on private property, the City was named in the lawsuit and she wants JCC Officials to be aware they are opening themselves up to a potential similar situation.

Mr. Barnes questioned the location of the crosswalks and access to the bus shelter. Ms. Stephen advised DPW Director Ring has suggested the sidewalk along the south side of the roundabout be extended east to provide access to the bus shelter. She explained the DPW Director has also requested curb ramps, detectable warnings and crosswalks at each driveway crossing. Mr. Hoefler referred to the site plan and showed the location of the ramps and indicated that detectable warnings will be included at the bottom of each ramp. He explained the sidewalk shown will be extended in a loop that is not clearly visible on the site plan provided for pedestrian safety.

Ms. Stephen explained the bus shelter was custom made to walk through as requested by JCC to be pedestrian friendly to the parking lot. Mr. Hoefler indicated the sidewalk may be extended to provide access to the rear of the shelter.

Mr. Hoefler advised he will forward a detailed site plan including ramps and sidewalk revisions to Code Enforcement and the Department of Public Works for review prior to the public hearing.

A motion to declare the Planning Board Lead Agency for an uncoordinated NYSEQRA review was made by Jerry Steiner, seconded by Mary Fay. 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 9. change to “yes”; question 10. change to “yes”; question 11. change to “yes”; question 12.b. change to “yes”; question 14. add “Suburban”; question 15. change to “yes” and add “Wavy-rayed Lampmussel, Northern Riffleshell, and Rayed Bean”. 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#06-19), was made by Jerry Steiner seconded by Mary Fay. Voice vote, ayes all. Motion carried.

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 Jerry Steiner to set the public hearing for Monday, October 7, 2019 at 6:33 p.m. Voice vote, ayes all. Motion carried.

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

Miscellaneous

Ms. Stephen indicated the department is continuing to research training options for board members and noted one member has registered for the November 6, 2019 Southern Tier West Planning/Zoning Training to be held at the Olean JCC Campus. She advised that staff will forward the upcoming 2019 NYCOM Planning & Zoning webinar information when it becomes available.

Ms. Stephen explained there is no update on Mr. McNamara except that she left a voice message for Mr. McNamara advising him of tonight's Planning Board meeting and explaining a new site plan application has not been received by the City therefore he is not included on the September 23, 2019 agenda.

Ms. Stephen explained Code Enforcement Supervisor Jennings has been out on medical leave and the Code secretary has been working at the central fire station leaving the office under staffed. Mr. Barnes requested Code Officials continue to ticket Mr. McNamara for each day that he is in violation

5. Next Meeting Date

The next Planning Board meeting has been scheduled for Monday, October 7, 2019 at 6:30 p.m.

6. 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 7:40 p.m.