

## **Olean Planning Board Meeting Minutes**

**Monday, October 5, 2020**  
**Council Chambers**  
**Olean Municipal Building**

<b>Attendance:</b>	<b>Chairman:</b>	Tom Barnes (via telephone)
	<b>Members:</b>	Chris Chapman
		Reed McElfresh
		Craig Polson (via Go To Meeting)
		Mark Sabella
		Jerry Steiner
	<b>Applicant(s):</b>	Dennis Pezzimenti, DBP Development, LLC
		Benjamin Hollamby, Olean Community Theatre
		Jaeson Shaner, Jim's Park & Shop
	<b>Staff:</b>	Keri Kerper, CD Program Coordinator
		Kathleen Monroe, Sr. Account Clerk Typist
	<b>Other(s):</b>	None

### **1. Roll Call**

Recognizing a quorum, Chairman Tom Barnes called the meeting to order at 6:35 p.m. and requested the roll call show all members present except Craig Polson and Mary Fay.

### **2. Reading and approval of the September 14, 2020 public hearing and meeting minutes**

A motion was made by Chris Chapman, seconded by Jerry Steiner to approve the September 14, 2020 public hearing minutes. Voice vote, ayes: Chris Chapman, Jerry Steiner, Reed McElfresh and Mark Sabella. Abstaining: Tom Barnes. Motion carried.

A motion was made by Mark Sabella, seconded by Reed McElfresh to approve the September 14, 2020 meeting minutes. Voice vote, ayes: Mark Sabella, Reed McElfresh, Chris Chapman and Jerry Steiner. Abstaining: Tom Barnes. Motion carried.

### **3. Old Business**

There was no old business at this time.

### **4. New Business**

#### **i. DBP Development, LLC (SP #06-20) 202 Main Street**

Mr. Pezzimenti advised he is proposing to renovate the interior of the building located at the site to accommodate an independent pharmacy owned by Lisa and Tom Worth. He indicated there would also be aesthetic improvements to the façade of the building.

Mr. Pezzimenti explained that due to the Walkable Olean Phase II Project, there would no longer be parking in front of the building and the decreased frontage to the property would become greenspace. He indicated the handicap accessible main entrance would be located on the west (Higgins Avenue) side of the building with a second entrance at the back of the building.

In response to Mr. Barnes' question, Mr. Pezzimenti explained the left portion of the building would not be part of the proposed pharmacy; however, there would be façade changes to the entire building.

Mr. Pezzimenti referred to the site plan and explained the proposed parking lot contains three handicap parking spaces. Mr. Barnes noted the 9' x 20' parking spaces require striping to meet Code requirements. He suggested attaching signs to the building to identify the handicap parking spaces and loading/unloading zone, and the applicant agreed. Mr. Barnes indicated the Code Enforcement review will determine the required amount of parking spaces prior to the next meeting. Mr. Pezzimenti explained that Code Enforcement Supervisor Jennings advised the project is located in the City Center and included in the Form Based Code, therefore, there is no required amount of parking spaces.

Ms. Kerper referred to the comments received from the Department of Public Works on the project and advised the Water Administration is requiring the installation of a backflow preventer. She noted that DPW Director Ring spoke with the property owner regarding the impact of the Walkable Olean Phase II Project eliminating parking in front of the building. Ms. Kerper explained that the attachment to the Water Administration comment referenced is a Department of Public Works application for a backflow preventer.

Craig Polson entered the meeting at 6:48 p.m. via Go To Meeting.

A motion to declare the Planning Board Lead Agency for an uncoordinated NYSEQRA review was made by Chris Chapman, seconded by Reed McElfresh. Voice vote, ayes: Chris Chapman, Reed McElfresh, Craig Polson, Mark Sabella and Jerry Steiner. Abstaining: Tom Barnes. 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 2. add "City of Olean Planning Board"; question 4. add "Residential"; question 9. change to "yes"; question 13.a. change to "no"; question 14. add "Suburban". In response to Mr. Barnes' inquiry, Ms. Kerper explained she believes the Walkable Olean Phase II Project design addressed the concern that storm water runoff drain properly. She advised she would follow up with DPW Director Ring on the matter. 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 #06-20), was made by Chris Jerry Steiner seconded by Chris Chapman. Voice vote, ayes: Jerry Steiner, Chris Chapman, Reed McElfresh, Mark Sabella and Craig Polson. Abstaining: Tom Barnes. Motion carried.

A motion to certify the application complete was made by Chris Chapman, seconded by Reed McElfresh. Voice vote, ayes: Chris Chapman, Reed McElfresh, Craig Polson, Mark Sabella and Jerry Steiner. Abstaining: Tom Barnes. Motion carried.

After brief discussion, a motion was made by Mark Sabella, seconded by Jerry Steiner to set the public hearing for Monday, October 19, 2020 at 6:30 p.m. Voice vote, ayes: Mark Sabella, Jerry Steiner, Chris Chapman, Craig Polson and Jerry Steiner. Abstaining: Tom Barnes. Motion carried.

Ms. Kerper explained the public hearing process to the applicant, and advised the materials would be emailed from the Department of Community Development on Wednesday morning.

**ii. Olean Community Theatre (SP #07-20)**  
**127 South Barry Street**

Mr. Hollamby introduced himself to the Board and advised he is a Board member of the Olean Community Theatre. He explained the applicant is proposing to upgrade the sidewalk on the left side of the building that would lead to a three-level lift. Mr. Hollamby indicated the lift would provide access to the building at the basement, ground and theatre levels. He explained the enclosed lift would sit 42" above the ground and provide handicap accessibility to the building. Mr. Hollamby further explained there would be a small addition located at the front of the lift that would wrap around the building allowing performers access from the basement to the theatre level without exiting the building.

Mr. Hollamby advised there are no exterior lighting changes planned for the project. He indicated signage may consist of two banners wrapped around the front columns of the building promoting upcoming events with the possibility of lighting. Ms. Kerper advised the lighting would be required to be shielded and directed downward. She explained the sign permit would be a separate permit process through Code Enforcement.

Mr. Hollamby advised the applicant has a signed parking agreement with the Episcopal Church and Community Bank N.A. and on-street parking is also available. Ms. Kerper noted there are no changes to the greenspace.

Mr. Sabella inquired about the New York State Historic Preservation Office (SHPO) approval on the project, and Ms. Kerper explained SHPO requested additional information on the project. She advised the applicant provided the information and received the final sign-off on the project.

Mr. Barnes explained the Zoning Board of Appeals (ZBOA) is acting as Lead Agency on the project and the Planning Board is an Interested Agency in the SQERA process. Ms. Kerper advised the Planning Board previously reviewed the Long Environmental Assessment Form for the project, and provided comments to the ZBOA. Mr. Barnes suggested the Board place a condition on the approval to include the issuance of a Negative Declaration by the ZBOA.

A motion to certify the application complete was made by Jerry Steiner, seconded by Mark Sabella. Voice vote, ayes: Jerry Steiner, Mark Sabella, Chris Chapman, Reed McElfresh and Craig Polson. Abstaining: Tom Barnes. Motion carried.

A motion was made by Chris Chapman seconded by Reed McElfresh to set the public hearing for Monday, October 19, 2020 at 6:32 p.m. Voice vote, ayes: Chris Chapman, Reed McElfresh, Craig Polson, Mark Sabella and Jerry Steiner. Abstaining: Tom Barnes. Motion carried.

Ms. Kerper explained the public hearing process to the applicant, and advised the materials would be emailed from the Department of Community Development on Wednesday morning.

**iii. Jim's Park & Shop (SP #08-20)**  
**1014 Front Street**

Mr. Shaner introduced himself to the Board and advised the applicant is proposing a produce stand and separate grilling station located by the main entrance to the business. He indicated there would be two separate tented areas selling seasonal goods. Mr. Shaner referred to the site plan submitted for the project and noted the location of the tents.

Mr. Barnes explained the Board has encountered issues from another previously approved chicken barbeque operation and would like to prevent any potential issues with the project being proposed. He advised that due to previous complaints received by the Board regarding health concerns and smoke, the Board may condition the project such that if it causes physical distress to neighbors, the Board may deny the applicant the ability to continue the operation at the location.

Mr. Barnes advised that if the operation is providing seating for on-site consumption, the business is considered a restaurant and must provide restroom facilities. Mr. Shaner explained Code Enforcement advised him that if the business provides seating for fifteen customers or less, it is not required to provide restroom facilities. Ms. Kerper advised she would confirm the seating requirements and report to the Board.

Mr. Barnes referred to the site plan submitted for the project and expressed concern about the produce stand being located where there are currently handicap parking spaces. Mr. Shaner indicated one handicap parking space would be moved three spaces down to allow for the addition of the stand; however, he would consult with the owner regarding the location of the tent.

Mr. Barnes inquired about the payment of goods, and Mr. Shaner advised customers would pay for their purchases inside the building.

Mr. Shaner indicated the outdoor barbeque would operate Friday, Saturday and Sunday seasonally, May through October from 11 a.m. until sold out. He explained that if the project is successful, they may consider expanding the days of operation.

Mr. Steiner questioned the type of grilling station, and Mr. Shaner explained it would be a charcoal open flame grill that is approximately 4' x 5' in an area located away from customers.

Mr. Chapman inquired about the proximity of the tents to Front Street. Mr. Shaner explained he is unsure of the exact setback distance due to the current Walkable Olean Phase II Project construction. Ms. Kerper advised she would research the setback requirements for the district and report back to the Board.

A motion to declare the Planning Board Lead Agency for an uncoordinated NYSEQRA review was made by Jerry Steiner, seconded by Reed McElfresh. Voice vote, ayes: Jerry Steiner, Reed McElfresh, Chris Chapman, Craig Polson and Mark Sabella. Abstaining: Tom Barnes. Motion carried.

Mr. Polson exited the meeting at 7:34 p.m.

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 2. change to “yes” and add “City of Olean Planning Board”; question 3.b. add “less than”; question 3.c. add “less than”; question 4. add “Urban, Residential, Other and Hospital, Medical Group and Waterfront Conservation”; question 9. change to “yes”; question 12.b. change to “yes”; Mr. Barnes noted the entire City is designated as archaeologically sensitive and the project would have no ground disturbance; question 13.a. change to “yes”; question 13.b. add “Olean Creek. No alterations contemplated”; question 14. add “Urban and Suburban”; question 15. change to “yes” and add “Wavy Rayed Lampmussel, Longhead Darter and Rayed Bean”. Mr. Barnes noted the endangered species listed may be found in creek beds and not on the project site. 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 #08-20), was made by Reed McElfresh, seconded by Chris Chapman. Voice vote, ayes: Reed McElfresh, Chris Chapman, Mark Sabella and Jerry Steiner. Abstaining: Tom Barnes. Motion carried.

A motion to certify the application complete was made by Mark Sabella, seconded by Reed McElfresh. Voice vote, ayes: Mark Sabella, Reed McElfresh, Chris Chapman and Jerry Steiner. Abstaining: Tom Barnes. Motion carried.

A motion was made by Chris Chapman, seconded by Reed McElfresh to set the public hearing for Monday, October 19, 2020 at 6:34 p.m. Voice vote, ayes: Chris Chapman, Reed McElfresh, Mark Sabella and Jerry Steiner. Abstaining: Tom Barnes. Motion carried.

Ms. Kerper explained the public hearing process to the applicant, and advised the materials would be emailed from the Department of Community Development on Wednesday morning.

## **5. Miscellaneous**

Mr. Barnes noted that Southern Tier West would be holding a SEQR Basics & New Regulations training webinar on October 7, 2020 that would provide 2 credit hours towards the annual four-hour training requirement for members.

Mr. Chapman requested Planning Board packets be electronically sent via email to members in lieu of paper copies sent via USPS. Ms. Kerper advised members may choose which method they would like to receive meeting materials.

## **6. Next Meeting Date**

Mr. Barnes advised that due to the Columbus Day Holiday, a Planning Board meeting would not be held on Monday, October 12, 2020.

The next Planning Board meeting has been scheduled for Monday, October 19, 2020 at 6:30 p.m.

## **7. Adjournment**

A motion to adjourn was made by Mark Sabella, seconded by Chris Chapman. Voice vote, ayes: Mark Sabella, Chris Chapman, Reed McElfresh and Jerry Steiner. Abstaining: Tom Barnes. Motion carried. The meeting ended at approximately 7:50 p.m.