

Olean Planning Board Meeting Minutes

Monday, November 9, 2020

Room 119

Zoom

Olean Municipal Building

Attendance via Zoom:	Chairman:	Tom Barnes (via telephone)
	Members:	Chris Chapman
		Mary Fay
		Reed McElfresh
		Jerry Steiner (in person)
	Applicant(s):	Jaeson Shaner, Jim's Park & Shop
	Staff:	Keri Kerper, CD Program Coordinator
		Kathleen Monroe, Sr. Account Clerk Typist
	Other(s):	Bob Clark, Olean Times Herald
		Vernon Robinson, Jr., Alderman

1. Roll Call

Recognizing a quorum, Chairman Tom Barnes called the meeting to order at 6:32 p.m. and requested the roll call show all members present except Craig Polson and Mark Sabella.

2. Reading and approval of the October 19, 2020 public hearing and meeting minutes

A motion was made by Mary Fay, seconded by Chris Chapman to approve the October 19, 2020 (DBP Development, LLC) SP #06-20 public hearing minutes. Voice vote, ayes: Mary Fay, Chris Chapman, Reed McElfresh and Jerry Steiner. Abstaining: Tom Barnes. Motion carried.

A motion was made by Chris Chapman, seconded by Reed McElfresh to approve the October 19, 2020 (Olean Community Theatre) SP #07-20 public hearing minutes. Voice vote, ayes: Chris Chapman, Reed McElfresh, Mary Fay and Jerry Steiner. Abstaining: Tom Barnes. Motion carried.

A motion was made by Jerry Steiner, seconded by Chris Chapman to approve the October 19, 2020 meeting minutes. Voice vote, ayes: Jerry Steiner, Chris Chapman, Mary Fay and Reed McElfresh. Abstaining: Tom Barnes. Motion carried.

3. Old Business

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

Ms. Kerper advised she has compiled information based on the Board's comments, Code Enforcement Supervisor Jennings' memorandum and the comments received from the Department of Public Works Divisions that may become conditions upon approval. She explained the list includes the compliance of the three required ADA parking spaces, hours and days of operation, tent safety, placement of the produce stand and grilling station and the mitigation of smoke.

Mr. Shaner indicated the parking spaces including the three handicap parking spaces would be shifted over one space to create the room necessary for the project.

Mr. Barnes suggested including a condition limiting the amount of seating to fifteen. Mr. Shaner asked for clarification on whether the maximum seating capacity is in fact fifteen or twenty to not be classified as a restaurant or required to provide restroom facilities. Ms. Kerper advised that according to New York State Code, the occupant load of fifteen or fewer is not classified as a restaurant, thus no bathroom facilities would be required. She noted a copy of the Code has been placed in the file. Mr. Barnes advised if the applicant chooses to increase the seating capacity, a new Site Plan application may be submitted to Code Enforcement to operate as a restaurant for Planning Board review.

In response to Mr. Chapman's inquiry about the setback requirements, Ms. Kerper advised the area is zoned Commercial and there are no setback requirements.

Ms. Kerper referred to Code Enforcement Supervisor Jennings' October 13, 2020 memorandum and advised the means of ingress and egress, drainage and greenspace are adequate. She noted there would be no change to the exterior lighting.

Mr. McElfresh asked if the application had been amended to read "outdoor produce stand and separate grilling station", and Ms. Kerper advised that it had.

Mr. Steiner asked whether the proposed condition on hours and days of operation may slow down or halt the operation during advantageous weather outside of the months of May through October. Ms. Kerper advised the applicant may seek approval from Code Enforcement of its desire to operate outside of the months outlined to increase its days/times of operation.

A motion was made by Chris Chapman, seconded by Reed McElfresh to approve Jim's Park & Shop amended (SP# 08-20) with the following conditions:

- Handicap parking shall meet ADA requirements and Code Enforcement's satisfaction.
- Operations shall be seasonal from the months of May through October.
- The hours of operation shall be 11 a.m. until sold out Friday, Saturday and Sunday with the option to increase days/times with prior notification to and signoff from Code Enforcement.

- The applicant shall take all measures to mitigate smoke from the grilling station, and if smoke from the grilling station causes physical distress to neighbors, Code Enforcement shall have the ability to cease outdoor cooking operations.
- Tents shall meet fire safety regulations and be properly secured.
- Tents, cooker and produce stand shall be placed to Code Enforcement's satisfaction in conformity with the site plan submitted and approved.
- The maximum seating shall be fifteen customers with an option to increase seating by means of submitting a new site plan application to operate as a restaurant for review by the Planning Board.

Voice vote, ayes: Chris Chapman, Reed McElfresh, Mary Fay and Jerry Steiner. Abstaining: Tom Barnes. Motion carried.

Mr. Barnes thanked the applicant for investing in the City and wished them a successful operation.

Ms. Kerper advised the applicant would receive the approval notice with the conditions via email by Wednesday morning, and may follow up with Code Enforcement regarding permits for the project.

4. New Business

There was no new business at this time.

5. Miscellaneous

Mr. Barnes noted that Southern Tier West has upcoming webinars available for members to complete the annual four-hour training requirement.

Craig Polson entered the meeting via Zoom at 6:50 p.m.

Mr. Barnes asked if Alderman Robinson had any questions or comments. Mr. Robinson indicated he attended the meeting to learn more about the process. Mr. Barnes briefly explained the Board performs its review of a submitted site plan and/or special use permit application, conducts an environmental review according to SEQRA, sets a public hearing to discuss the information received and then it makes a decision on the application. He noted the Board occasionally receives a request to issue an advisory opinion on a project. Mr. Barnes explained the Board's review is consistent with the City of Olean Zoning Ordinance. Mr. Robinson thanked Mr. Barnes for the information.

Mr. Barnes questioned if staff anticipated the Board receiving a site plan application for review prior to the fourth Monday of November, and Ms. Kerper advised an architect is working on a plan set for Intandem so an application may be forthcoming.

Mr. Barnes wished attendees a Happy Thanksgiving, if there is no business prior to the holiday.

6. Next Meeting Date

The next Planning Board meeting has been scheduled for Monday, November 23, 2020 at 6:30 p.m., if there is business.

7. Adjournment

A motion to adjourn was made by Mary Fay, seconded by Chris Chapman. Voice vote, ayes: Mary Fay, Chris Chapman, Reed McElfresh, Craig Polson and Jerry Steiner. Abstaining: Tom Barnes. Motion carried. The meeting ended at approximately 6:55 p.m.