



**i. The Broadway Group, LLC (SUP #02-17)  
1401 East State Street**

Planning Board members advised that a Site Plan (SP) application should have been filled out in addition to the Special Use Permit (SUP), and Ms. Kerper explained that Code Enforcement made the determination that only a SUP was required. Melissa Ballard introduced herself to the Planning Board and advised that she has a completed SP application and staff accepted the application to forward to Code Enforcement tomorrow and indicated that the application would be amended to include the SP.

Ms. Ballard advised that the applicant is under contract with Devin Development (owner of property) for 1.4 acres to construct a national tenant retail store. She explained they intend to install the appropriate parking, greenspace and drainage, and secure a building permit after approval. Ms. Ballard indicated they have sought approval from NYSDOT for the permitting of the driveway on East State Street, and have submitted the second stage of the approval last week for the full civil review.

In response to a question, Ms. Ballard indicated that in other areas in this region the NYSDOT review and approval process normally takes 4-6 weeks. She further explained that if any revisions are requested by the agency then she will provide the updates to all interested and involved agencies, including the City Planning Board.

Ms. Ballard advised that they have provided the SWPPP to NYSDEC for review/approval and the agency is generally quick in its review process. She noted that if they don't receive a response within 30 days then they can assume it was approved. Ms. Kerper advised that the SWPPP has been referred to DPW for review.

It was advised that the Zoning Board of Appeals approved the parking waiver to reduce the amount of parking spaces from 41 to 30, which includes 2 handicap spaces.

Ms. Ballard indicated the exterior lighting will go out after business hours, and there is no specific time when delivery trucks drop off. She explained the unloading areas is in the rear of the building so the trucks will back in and pull out after deliveries. She indicated there is one pole light in the front and wall packs on two sides of the building that will be shielded and directed downward.

Ms. Ballard advised the dumpster will be surrounded by a privacy fence and gate. There was brief discussion regarding recycling and members strongly urged the applicant to check into it.

Ms. George explained the County Planning Board reviewed the Special Use Permit and Parking Waiver referral and advised the project will have no significant countywide or inter-community impact and further advised that separate motions be made for the Special Use Permit and Parking Waiver.

Ms. Ballard indicated they will employ 8-10 full and part-time employees, and there is generally significant tax revenue from the business.

Ms. Fay referred to the aerial view provided and questioned if the tree could be saved. Ms. Ballard reviewed the property survey, and advised the tree is outside their property boundaries.

Motion to declare the Planning Board Lead Agency for an uncoordinated NYSEQRA review was made by George Pancio, seconded by Craig Polson. 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: Description: delete NY Route 243 in Rushford & replace with Rte. 417 Olean, NY; question B. g. add "NYSDEC"; question C.2 a. change to yes, question below answer no; question C.3 a. change to yes; C.3 d. answer N/A; question D.2 a. change to yes, excavation for stormwater retention area; question J. vi. change to yes; question K. change to yes; question E.1.a. add Industrial & Residential; question E.2.b. answer no; E.2.h. i., ii., iii. Change to no; E.2.h.iv. Delete "Federal Waters"; E.2.k. changes to yes. Part II: question 1 change to yes, a-h no, or small impact may occur; question 5 change to yes, a-f no, or small impact may occur; question 14 change to yes, a-d no, or small impact may occur; question 15 change to yes, a-e no, or small impact may occur.

The applicant agreed to find out the answers for the following questions of Part I: D.2. ii.-ix, (page 4); D.2. k. i.-iii. (page 7); E.2. o. was the DEC and/or US Fish and Wildlife websites used to make the determination (page 12). Concern was expressed for question D.2. E. iii. (pg. 6) regarding "excess treated runoff will discharge off-site to the southeast", and it was reiterated that a City Engineer would need to review the SWPPP and report on it.

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 (SUP #02-17), was made by Jerry Steiner, seconded by George Pancio. Voice vote, ayes all. Motion carried.

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

Jerry Steiner moved to set the public hearing for August 28, 2017 at 7:00 p.m., seconded by Craig Polson. Voice vote, ayes all. Motion carried.

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

## **5. Miscellaneous**

**i. GML Section 239-l. -m, -n Referral Exemptions – Cattaraugus County Planning Board**

Ms. George advised there is no update to report on the above-referenced item.

**6. Next Meeting Date**

The next Planning Board meeting has been scheduled for Monday, August 28, 2017.

**7. Adjournment**

Motion to adjourn was made by Jerry Steiner, seconded by Craig Polson. Voice vote, ayes all. Motion carried. The meeting ended at approximately 8:25 p.m.