

**CITY OF OLEAN**  
**DEPT. OF COMMUNITY DEVELOPMENT**



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**Olean Planning Board Meeting Minutes**

**Revised**

**Monday, January 14, 2019**  
**Council Chambers**  
**Olean Municipal Building**

**Attendance:**           **Chairman:** Tom Barnes  
                                  **Members:** Chris Chapman  
                                                          Mary Fay  
                                                          Gabrielle Kyser  
                                                          Mark Sabella

**Applicants:** Peter Krog, HK Olean Hotel, LLC  
                                                          Chris Ortloff, HK Olean Hotel, LLC

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

**Other(s):** Bob Clark, Olean Times Herald

**1. Roll Call**

Recognizing a quorum, Chairman Tom Barnes called the meeting to order at 7:00 p.m. and requested the roll call show all members present except Craig Polson and Jerry Steiner.

**2. Reading and approval of the July 23, 2018 meeting minutes**

A motion was made by Mary Fay, seconded by Chris Chapman to approve the July 23, 2018 meeting minutes. Voice vote, ayes all. Motion carried.

**3. Old Business**

There was no old business at this time.

**4. New Business**

**i. Luke Wenke (SP#06-18)  
303 West State Street**

Ms. Kerper advised the applicant is not in attendance and indicated the site plan application was received by Code Enforcement in December. She explained the applicant is proposing the development of the Mt. Herman Pole Dojo at 303 West State Street, and noted the project is described as a place for individuals and groups to workout in a supervised environment.

Mr. Barnes questioned the previous use of the building and Ms. Kerper indicated the building housed a vapor store thus triggering the change in use and review by the Board.

In response to Mr. Barnes' question, Ms. Kerper explained Code Enforcement determined under the City's Zoning it is a permitted use in that district. She advised the Public Works Divisions have reviewed the project and there are no comments or concerns.

Mr. Barnes explained the project lies within the downtown area and is subject to the City's Form Based Code therefore, parking restrictions are not in effect.

Mr. Barnes indicated the site is previously disturbed and according to the site plan it appears there are no proposed changes in greenspace or exterior lighting proposed. Ms. Kerper explained she consulted with Code Enforcement Officials and was advised to their knowledge no exterior lighting is planned for the building. There was brief discussion regarding signage and Mr. Barnes advised the applicant should forward any plans to the Board to include in its review. Ms. Kerper indicated she would follow up with the applicant on lighting and signage.

A motion to declare the Planning Board Lead Agency for an uncoordinated NYSEQRA review was made by Mark Sabella, 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 4. add "Residential (suburban)"; question 12b. change to "yes"; question 14. add "Suburban"; question 16. mark "no"; question 17a. change to "yes"; question 17b. change to "yes". Mr. Barnes suggested in order to follow protocol staff should follow up with the applicant to confirm the NYSDEC website was consulted even though the site was previously disturbed. 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#06-18), was made by Chris Chapman seconded by Mark Sabella. Voice vote, ayes all. Motion carried.

A motion to certify the application complete was made by Chris Chapman, 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, January 28, 2019 at 7:00 p.m. Voice vote, ayes all. Motion carried.

Ms. Kerper advised she will contact the applicant tomorrow and explain the public hearing process and provide him with the public hearing packet materials.

**ii. HK Olean Hotel, LLC (SP#01-19)  
1404 Buffalo Street**

Mr. Barnes advised the Board previously approved the project and extensions were granted; however, the applicant has proposed to subdivide the larger parcel into several smaller parcels with the hotel project contemplated for immediate build. He further explained as a consequence of the subdivision the project has been referred to the Common Council for its review and approval. Ms. Kerper indicated the subdivision request has been placed on the Common Council's Agenda for the meeting scheduled on January 15, 2019. Mr. Barnes advised the Planning Board's previous approval of the project is no longer operative due to the fact it is now a different project on a smaller parcel of land on the previously disturbed site.

Ms. Fay questioned if the Board previously approved the smaller footprint of the hotel, and Ms. Kerper responded the Board granted extensions on the project and during its review of one of the extensions it also approved the smaller footprint alteration/reduction to 90 rooms.

Ms. Kerper referred to the January 11, 2019 letter received from Code Enforcement Supervisor Jennings noting various parts of the project to be in accordance with the City's Zoning Ordinance. She indicated the greenspace is sufficient, the dumpster is properly stored by fencing and exterior signage is satisfactory. Ms. Kerper noted the means of ingress/egress are appropriate, storm drainage and lighting plans are adequate, and there are more than the required number of handicap and regular parking spaces with the correct dimensions and signage. In response to Mr. Barnes' question regarding changes to exterior lighting, Ms. Kerper explained lighting around the building will be shielded and directed downward and Code Enforcement will follow up on the proper illumination.

Mr. Barnes advised the applicant in its original project submission completed a Long Environmental Assessment Form (EAF) to the Planning Board for its review. He explained the applicant satisfactorily addressed questions that were raised at that time thus the Planning Board issued a Negative Declaration which has been included in member's packets. Mr. Barnes explained the City Attorney advised the Short EAF would be sufficient for this project as opposed to the Long EAF in terms of compliance with the New York State Environmental Quality Review Act. Mr. Barnes noted a Short EAF has also been submitted to the Common Council for the subdivision.

Mr. Barnes explained the project lies within 500 feet of an interstate/highway and County owned property (County Building) thus triggering a statutory referral to the Cattaraugus County Planning Board. He noted the item has been placed on the County's January 31, 2019 meeting for review. Mr. Barnes indicated the County Planning Board had no comments on the previous referral and the Board anticipates a similar response.

A motion to declare the Planning Board Lead Agency for an uncoordinated NYSEQRA review was made by Mary Fay, 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 2. add “Statutory Referral to County Planning Board”; In response to Mr. Barnes question why New York State Office of Community Renewal (OCR) is listed on question 2, Ms. Kerper advised the City is making application to the OCR under the Community Development Block Grant Economic Development Program on behalf of HK Olean Hotel, LLC towards the costs of furnishings and fixtures; question 5. add “Urban”; question 14. add “Urban”; Mr. Barnes suggested the Board place a condition on the project that it take into account the advisory from the County Planning Board from its review of the project. In response to Mr. Barnes’ question, Mr. Krog advised the project lies within the Northwest Quadrant (Brownfield Opportunity Area) which received approval through the Brownfield Cleanup Program and indicated they will continue to follow procedures outlined in the Work Plan including during construction. There was discussion concerning question 17. and Mr. Krog indicated all sheet and roof runoff will be directed to a basin on an adjacent site within the subdivision which percolates and discharges any overflow to the municipal sewer system on Buffalo Street. Mr. Barnes suggested the Board set a condition for approval requiring the owner(s) of the parcel where the basin lies have a storm water easement in place and agree in perpetuity to accept storm water discharge and Mr. Krog indicated the details of such an agreement are being worked out. Mr. Barnes indicated the project has a previously approved Storm Water Pollution Prevention Plan (SWPPP) and Ms. Kerper explained former DPW Director Windus reviewed the plan in detail and noted the SWPPP was sufficient for the project. 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#01-19), was made by Chris Chapman, seconded by Mary Fay. Voice vote, ayes all. Motion carried. A motion to certify the application complete was made by Mary Fay, seconded by Mark Sabella. Voice vote, ayes all. Motion carried

A motion was made by Mark Sabella, seconded by Chris Chapman to set a public hearing for Monday, January 28, 2019 at 7:01 p.m. Voice vote, ayes all. Motion carried.

Mr. Barnes explained the public hearing process to the applicant and the public hearing packet was then provided to the applicant with directions for distribution.

Mr. Barnes thanked the applicant for investing in the City of Olean and expressed the City is excited to have been chosen for the development.

## **5. Miscellaneous**

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

Mr. Barnes referred to the draft agreement between the Cattaraugus County Planning Board and the City of Olean for Referral Exemptions and explained while some projects necessitate a statutory referral or advisory review, many projects that come before the Board consist of a local action and have no Countywide impact. He further explained the agreement helps to streamline the process and the County reserves the right to open back up the agreement, if it feels necessary.

Ms. Kerper advised she worked closely with Code Enforcement and the City Attorney on drafting the language of the agreement consistent with State and local laws.

After discussion, a motion was made by Mark Sabella, seconded by Mary Fay to approve the language of the draft agreement Referral Exemptions between the Cattaraugus County Planning Board and the City of Olean and make recommendation to the Common Council or Mayor, as appropriate, to enter into said agreement. Voice vote, ayes all. Motion Carried.

**ii. Sexual Harassment Prevention Policy**

Ms. Kerper advised she forwarded to members via email the Sexual Harassment Prevention Policy recently adopted by the City for member's review and files. She explained per guideline changes recently made by New York State all City employees, volunteers, interns, non-employees, etc. in the workplace are required to receive the policy information and complete training. Ms. Kerper advised the City has until October 2019 to be in compliance with New York State for adoption and training. She requested members sign the prepared memorandum acknowledging receipt of the Sexual Harassment Prevention Policy materials.

Ms. Kerper explained the City will be providing training in the near future and the training information will be forthcoming. She further explained the City is currently looking into various training options.

Mr. Barnes commented, though there have been no issues with the Board, he is glad that New York State made changes to the law and is moving forward.

Ms. Fay explained the City's policy is lacking language prohibiting romantic relationships between supervisors and subordinates. Ms. Kerper indicated the Mayor and City Attorney chose not to include such language in the City's Sexual Harassment Prevention Policy at this time.

Mr. Barnes requested an update on the Forest Hills subdivision Project. Ms. Kerper explained that to her knowledge the applicant has not provided an Environmental Impact Statement to the Common Council, as previously requested. She advised she will update members when any new information becomes available.

Mr. Barnes explained he recently participated in NYCOM training and requested staff forward the webinar materials along with the notes he prepared to members and appropriate City Officials for their review on SEQRA form changes and other pertinent information.

**6. Next Meeting Date**

The next Planning Board meeting has been scheduled for Monday, January 28, 2019 at 7:00 p.m.

**7. Adjournment**

A motion to adjourn was made by Mary Fay, seconded by Chris Chapman. Voice vote, ayes all. Motion carried. The meeting ended at approximately 7:50 p.m.