

Olean Planning Board Meeting Minutes

Monday, May 13, 2019
Council Chambers
Olean Municipal Building

Attendance:

Chairman: Tom Barnes

Members: Chris Chapman
Mary Fay
Craig Polson
Jerry Steiner

Applicants: Ray Wetherbee, CDS Housing
Ben Gustafson, PE (Hunt)
Michael Keith, PE (Hunt)
Corey Auerbach, Attorney

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

Other(s): Bob Clark, Olean Times Herald
Larry Sorokes, Olean Business Development
Deborah Kolasinski, 108 North Eighth Street
Marge Henkel, 910 West Henley Street

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 Gabrielle Kyser and Mark Sabella.

2. Reading and approval of the March 25, 2019 public hearing & meeting minutes

A motion was made by Jerry Steiner, seconded by Mary Fay to approve the March 25, 2019 public hearing minutes. Voice vote, ayes all. Motion carried.

A motion was made by Chris Chapman, seconded by Jerry Steiner to approve the March 25, 2019 meeting minutes. Voice vote, ayes all. Motion carried.

3. Old Business

There was no old business at this time.

4. New Business

- i. CDS Housing (SP#04-19)
422 East State Street

Mr. Gustafson introduced himself and the CDS Housing team to the Board and explained the applicant is proposing converting an existing manufacturing warehouse located at 422 East State Street into a multi-family use with associated parking, stormwater, landscaping, lighting and utilities. He referred to the site plan and explained the building will remain intact except for a small portion of the northeast corner of the building will be removed. Mr. Gustafson advised the existing house located at 115 Fulton Street would be demolished to provide the required parking for the project. He explained CDS Housing has a Purchase Agreement and Development Rights for the properties. Mr. Gustafson advised they are proposing a partial two story 46 unit structure that is approximately 35,000 square feet covering 31% of the 2.37 acre lot. He indicated the project will include 22 one bedroom and 24 two bedroom units that are elevator accessible.

Mr. Gustafson advised the parking lot will be asphalt where there is existing gravel and noted the gravel road will be removed and re-stabilized as grass. He referred to the site plan noting the location of a concrete courtyard and a family playground area.

Mr. Gustafson indicated Fulton Street, which is a one way street, as the means of “ingress only” and a 20’ wide egress “exit only” onto East State Street.

Mr. Barnes questioned the increased traffic based on filling 46 units and increasing parking to accommodate 81 spaces and what effect it would have on East State Street. Mr. Gustafson advised a traffic study will be performed for the project and provided to the Board.

Mr. Barnes expressed concern regarding the site distance for the egress onto East State Street. Mr. Gustafson advised the applicant is proposing a stop sign to be placed at the sidewalk egress on East State Street. He suggested relocating the existing sidewalk toward the road for adequate site distance.

Mr. Barnes suggested the applicant coordinate with the Department of Public Works concerning the City right-of-way.

Mr. Gustafson advised the parking lot will include 76 (9' x 20') Code compliant parking spaces and 5 ADA compliant handicap parking spaces with a code compliant drive aisle. He indicated a handicap ramp will be installed on the west side of the building leading to the parking lot.

Mr. Gustafson noted the project team plans to continue an open line of communication with all City departments.

Mr. Gustafson referred to the site plan locations for lighting and explained the preliminary exterior lighting plan will include night sky LED low night time lighting with motion sensors that will illuminate fully when motion is detected. He noted one light pole will be placed in the rear of the side parking lot shielded and directed toward the center of the lot. Mr. Gustafson further noted two light poles will be shielded and directed downward and building wall packs will be placed on the west side of the building.

There was discussion regarding fire access, and Mr. Barnes suggested the Board seek comment from the Fire Chief regarding access to the back road on the east side of the property.

Mr. Gustafson referred to the site plan and showed the location of the enclosed dumpster area which includes a chain link fence and concrete pad. He explained the dumpster would not be viewable from the main entrance or neighboring residents.

Mr. Wetherbee advised CDS Housing has partnered with Directions in Independent Living for on-site supportive services. He explained there will not be 24/7 resident care, rather a case manager will be assigned to each high functioning resident on a case by case basis. Mr. Wetherbee noted all units will be visitable with eight ADA certified residential units and 5% adaptive units for the hearing and visually impaired. He explained there will be common areas, a community room, computer area and laundry facilities as well as on-site offices for case managers.

In response to Mr. Steiner's question, Mr. Gustafson advised there will be a permanent gravel access easement to the adjacent residential parcel so the owner may access their garage.

Mr. Gustafson indicated there will be 26.4% of greenspace not including the courtyard and playground area which exceeds the minimum requirements.

Mr. Barnes questioned fencing for the project, and Mr. Wetherbee advised a chain link fence will surround the playground area.

Mr. Gustafson advised the sanitary sewer connection will connect to the smaller line and not trunk an adjacent line.

Mr. Gustafson showed the proposed location of the water basin on the site plan. He explained the storm water retention system consists of an underground chamber of pipe which flows and connects into the City's combined existing connection from the site. Ms. Kerper advised she will follow up with Public Works Director Ring.

Ms. Kerper questioned the status of the Storm Water Pollution Prevention Plan (SWPPP), and Mr. Gustafson advised there is a proposed draft which the applicant would like to receive feedback on prior to preparing a full SWPPP. He indicated the completed SWPPP will be forwarded to the Board and City Divisions for review.

Mr. Wetherbee advised exterior façade improvements planned for the project include cleaning the existing brick that is in good condition, replacement of windows and doors, new roof and installation of door entrance systems. He explained CDS Housing is working with New York State as a partial funding source and improvements will be guided by State Energy Efficiency Building Standards.

Mr. Wetherbee indicated a 60" x 48" free standing sign will be erected at the main entrance on Fulton Street. Mr. Barnes questioned if it meets City Code size regulations and site distance, and suggested the applicant work with Code Enforcement to ensure the exterior signage is Code compliant.

There was discussion regarding access to the neighboring properties during construction, and Mr. Wetherbee advised a 10' access way will be provided so adjoining property owners may access their properties.

Mr. Barnes advised that per New York State law a coordinated review would need to be done with other involved agencies and they would have to concur with the Planning Board seeking Lead Agency status in the environmental review process. He explained the environmental review process and noted the project has been determined to be a Type I Action. Mr. Barnes further noted that per law the other involved agencies have 30 days to respond to the Planning Board's Lead Agency status request.

A motion was made by Jerry Steiner, seconded by Chris Chapman that the Planning Board seek designation as Lead Agency for a coordinated NYSEQRA review. Voice vote, ayes all. Motion carried.

There was discussion regarding the list of Interested & Involved Agencies that the SEQR documentation would be sent to by staff. Mr. Gustafson requested New York State Homes and Community Renewal be added to the list of Involved Agencies. Ms. Kerper advised that staff would get the information sent out right away along with a form that the agencies can send back indicating if they concur with the designation. She explained that the application would be referred to the County Planning Board for review at its next scheduled meeting.

Mr. Barnes explained the Board may set a public hearing to occur after the 30 day time period runs for the coordinated SEQR review. He indicated a tentative schedule for SEQR review may be June 24, 2019 and a public hearing may be scheduled for July 8, 2019.

Mr. Gustafson advised a revised site plan will be submitted for City and Planning Board review prior to the next meeting date.

Mr. Wetherbee explained CDS Monarch is a mission based non-profit that aids families with members needing assistance. He advised a market study has been performed to support the project. Mr. Wetherbee noted this accessible and supportive housing unit will be its first in Cattaraugus County.

Mr. Barnes thanked the CDS Housing team and indicated the Board is looking forward to hearing more about the proposed plan.

5. Miscellaneous

Mr. Barnes asked for an update on the Forest Hills Subdivision, and Ms. Kerper replied no additional information has been submitted by the applicant or received to provide to the Board at this time.

Ms. Kerper read Code Enforcement Supervisor Jennings' March 8, 2019 correspondence outlining the findings relating to the Code noncompliance issues and complaints received for McNamara Sales located at 904 West State Street, which stated:

As you are aware, our office has received complaints that Mr. McNamara is violating the approved use of the above-referenced property. I inspected the property and found a few issues I felt the Planning Board should be aware of and, if necessary order him to meet with the Board. In response to the complaint, I have ticketed Mr. McNamara for City Code violations and will be in court with him on the 23rd of May.

What I found is the following;

- The cooker he is using is on the corner of the property where parking spaces were outlined and in violation of the location as stated in the meeting and on the site plan.
- The cooker is also blocking the clear view of pedestrian and motorist traffic which is a violation of City Code, which I am currently addressing.
- The handicap parking space is not a proper handicap space as it has no signage or unloading zone.
- He stated in the meeting that if the smoke was an issue he would cook chickens off site and he is now refusing to do that.
- There is currently public seating in front of the building where the cooker should have been located and the seating was never brought up to the Planning Board or approved.

After my initial meeting at this property, I did meet with Mr. McNamara at this location again today to discuss the violations that existed. After a conversation and review of the Code Mr. McNamara agreed on some issues. The following is what he agreed to do this week to comply with my requests:

- He will be moving the cooker to the west corner so that the cooker is not an obstruction to the public clear vision.
- The handicap signage will be completed.

- The cooker will be started very early in the morning to avoid large smoke issues and they are aware the smoke is a complaint and will clean the cooker the best they can in between operations.
- The seating he has there will be minimized (removal of one table) and not encroach upon the line of view but he still proposes some seating.

I am bringing this to your attention for your review and ask that if you have any comments or suggest a direction on this matter I would appreciate it. I will await any response you have. Thank you.

After detailed discussion the Board drafted the following response to Code Enforcement Supervisor Jennings:

- The applicant has indicated to you that he would start the cooker earlier in the morning; however, it would have no impact as to the amount of smoke that is being generated.
- The on-site cooker has proved to be problematic to the area. As captured in previous meeting minutes, Mr. McNamara assured the Planning Board that he would cook off-site if the smoke became an issue. The Board is pressing that Code Enforcement relay to the applicant to keep his word to the Board and his neighbors in order to remove the odor from the site and surrounding neighborhood. Further, the Board would like to press Code Enforcement's ability to enforce Mr. McNamara's declaration to cook off-site.
- The site plan application was approved as a take-out chicken operation and the business should not be serving food for on premise consumption. The seating at the location should be removed immediately as it was not on the original site plan that was reviewed and approved. If the business desires to have seating on-site for dining, then the applicant should submit a new application to include on-site consumption as a restaurant and appear before the Board for review to include restroom facilities, adequacy as to the required number of parking spaces, etc.
- Code Enforcement should contact the County Health Department to verify if the business is in violation of its current permit due to the fact that it is operating as a restaurant instead of a takeout location and it could be lacking adequate restroom facilities as required or be in violation of other items under its jurisdiction.
- The handicap parking space is not Code compliant. It is lacking a loading zone and should be striped appropriately as conditioned in the original approval.
- The Board would like to request Code Enforcement ticket Mr. McNamara for each day that he is in violation of the City Zoning Ordinance.

Ms. Kolasinski advised the applicant has since striped the handicap parking space, cleaned the site and is starting the cooker around 9:00 a.m.; however, the smoke continues to be an issue.

Ms. Kerper reminded members of the upcoming June 30, 2019 deadline to complete the required Sexual Harassment Prevention Training. She explained the compliance information/directions through the Employee Assistance Program were previously emailed to members and if preferred, the training may take place at the Municipal Building by contacting staff for scheduling. Ms. Kerper requested members provide proof of completion once training has been completed.

6. Next Meeting Date

The next Planning Board meeting has been scheduled for Monday, June 10, 2019 at 7:00 p.m., if there is business.

7. Adjournment

A motion to adjourn was made by Jerry Steiner, seconded by Mary Fay. Voice vote, ayes all. Motion carried. The meeting ended at approximately 8:30 p.m.