

Olean Planning Board Meeting Minutes

Monday, June 24, 2019
Council Chambers
Olean Municipal Building

Attendance: Acting Chairman: Craig Polson
Members: Chris Chapman
Mary Fay
Mark Sabella
Jerry Steiner

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

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

Other(s): Bob Clark, Olean Times Herald

1. Roll Call

Recognizing a quorum, Acting Chairman Craig Polson called the meeting to order at 6:33 p.m. and requested the roll call show all members present except Gabrielle Kyser and Tom Barnes.

2. Reading and approval of the May 13, 2019 meeting minutes

A motion was made by Mary Fay, seconded by Chris Chapman to approve the May 13, 2019 meeting minutes. Voice vote, ayes all. Motion carried.

3. Old Business

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

Ms. Stephen advised the Full Environmental Form (EAF) was sent to all Interested & Involved Agencies and the Board received the following responses: The County Planning Board took action on May 30, 2019 and found no significant countywide or inter-community impact and the referred matter is consistent with the Planning & Design Guidebooks that were adopted by the Cattaraugus County Legislature. Homes & Community Renewal (HCR) sent correspondence on 5/15/19 concurring with the Lead Agency Designation and stated that in the event that HCR makes a future funding award, it would require submission of a copy of the final impact determination letter from the NYS Office of Parks, Recreation and Historic Preservation, copies of a State Pollutant Discharge Elimination System (SPDES) General Storm Water Permit and Storm Water Pollution Prevention Plan (SWPPP) that demonstrates that no discharge will result to adjacent waterbodies, a copy of a Phase I Environmental Assessment report, a copy of all floodplain and wetland permits, along with an elevation certificate if the project is located within a Special Flood Hazard Area and evidence to support compliance with the NYS Smart Growth Public Infrastructure Policy Act. NYS Department of Environmental Conservation (NYSDEC) sent correspondence on 5/21/2019 advising since project activities will involve land disturbance of 1 acre or more, the project sponsor, owner or operator is required to obtain a SPDES General Permit for storm water discharge from construction activity. The SWPPP is to be prepared prior to filing a Notice of Intent and prior to commencement of the project. On 6/17/2019 the NYSDEC sent correspondence concurring with the City of Olean Planning Board acting as Lead Agency, as the proposal is primarily of local significance. NYS Division for Historic Preservation responded that based upon its review, the New York SHPO has determined that no historic properties will be affected by this undertaking. Cattaraugus County Health Department (CCHD) responded on 5/15/19 that the developer indicated there are no identified impacts on human health from exposure to new or existing sources of contaminants. CCHD questioned the review or approval authority CCHD would have over the proposed development. CCHD also questioned whether the developer or their consultants have conducted a thorough environmental audit of the property and whether the structure has been declared free of any asbestos or lead paint. Mr. Keith advised that asbestos and lead based paint were found at the location and will be abated per NYS regulations. Ms. Stephen indicated she responded to the CCHD on 5/20/19 and advised it was listed as an Interested Agency during the Planning Board meeting held on 5/13/19, and no approval role is being sought on the overall project. A request was sent to the CDS Housing team to advise whether a thorough environmental audit of the property was completed and the results of said audit. The Olean Housing Authority (OHA) responded it is unclear as to its designation as an "Approving Agency" or "Lead Agency Status", and there has been little to no interaction with CDS Housing or Mr. Wetherbee between OHA aside from an initial conversation regarding the possibility of duplication of services. OHA indicated it would need further clarification as to the above mentioned designation. Ms. Stephen noted no response was received from Southern Tier West Regional Planning or the NYS Department of Transportation.

Ms. Stephen referred to DPW Director Ring's June 21, 2019 comments on his review of the revised site plan that read as follows: I have no major issues or comments with the SWPPP at 422 East State Street. The site disturbance of the project is roughly 2.5 acres and the increase in impervious surface is 0.1 acres, which is a minimal impact to drainage. Because of the limited

open area around the site, an underground retention system is in place at the low point of the proposed parking area. Hunt Engineers walked me through the design of the retention system – Following a general review of the system, I do not have any issues with its design. Outfall drainage is towards the southeast corner of the 422 East State Street property. There is no infrastructure impacted by directing the drainage this way as the neighboring property consists of green space and NYSDEC flood control lands. Ms. Stephen noted all DPW Division comments from the May 24, 2019 memo with its original review were properly addressed in the revised site plan submittal and the only remaining DPW issue is the traffic study.

Mr. Keith advised the revised site plan submittal changes include shielded and directed downward lighting to prevent spillage onto adjacent properties, the sidewalk will be moved back to tie in line with the existing sidewalk which would allow increased site distance for pedestrian safety, the addition of one ADA parking space for a total of six and the Storm Water Management Facility has been shifted closer to the building to allow the adjacent residential property owner access during construction activities. He explained the revised site plan submittal does not include an access road on the east side of the building due to the fact there is not enough room, therefore, the applicant may be required by Code Enforcement to supply water to the back area of the building via fire hydrant or stand pipe. It was noted the applicant is working with Code Enforcement on said issue.

Mr. Wetherbee advised the entire building including the exempt areas and attic space will be equipped with a sprinkler system. He explained the applicant is continuing to work with Code Enforcement officials on fire access to the building.

Mr. Kent advised the Fulton Street “ingress only” has been altered to include egress. He explained the Fulton Street entrance is 24’ wide thus allowing adequate space for ingress and egress.

Mr. Wetherbee explained the GAP Study targeted left turns exiting the site onto East State Street with the primary analysis showing a need to restrict left turns out of the East State Street egress. He explained the trip generation analysis of 46 units shows 19 residents leaving the site during the a.m. peak hours and 10 people exiting the site during the p.m. peak hours. Mr. Wetherbee explained that the study found restricting the amount of traffic turning left onto East State Street based on existing traffic will not be detrimental to local residents. He indicated as drivers start learning traffic patterns, they may choose the more convenient route of Front Street to Interstate 86 and avoid the downtown area. He advised the applicant is still working with DPW Director Ring on final approval.

Ms. Fay asked if due to the population the applicant is serving and the proximity to local establishments, if the applicant anticipates utilizing the parking spaces proposed. Mr. Wetherbee indicated the applicant chose the site due to its walkability to City Hall, shopping, local amenities, etc. and stated the proposed parking spaces are required per HCR and City Code regulations; however, due to the residents they will be serving they anticipate more bike activity and will be installing bicycle racks.

Mr. Wetherbee advised 10% of the units are set aside for special needs residents and CDS Housing has partnered with Directions in Independent Living to serve as on-site case managers to supply services and assist residents to ensure they can live independently.

He explained the applicant is applying for funding from the Office for People with Developmental Disabilities (OPWDD) to help fund operational costs of the project to ensure residents have the support they need to live successful independent lives.

Mr. Sabella questioned where the applicant is in the OPWDD funding application process, and Mr. Wetherbee indicated the applicant plans to apply in December 2019 with a shovel ready project. He advised award announcements are expected in May 2020. Mr. Wetherbee noted the applicant may close and start construction on the project in October 2020. He explained the market study performed shows a need for affordable and accessible housing in the Olean area which hasn't seen a new development in over fifteen years.

Ms. Fay questioned what impact the lack of response from Southern Tier West Regional Planning would have on the SEQR review, and Ms. Stephen advised the 30 day comment period has expired and no response typically indicates the agency is in agreement with the Lead Agency designation.

A motion to declare the Planning Board Lead Agency for a coordinated NYSEQRA review was made by Jerry Steiner, seconded by Chris Chapman. 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: question C.3.a. add "Residential"; question C.4.a. change to "Olean City School District"; question C.4.b. add "Cattaraugus County Sheriff's Office and NYS Police"; question C.4.d. add "Chamberlain Park and Lincoln Park"; question E.1.d. change to "yes" and add "John J. Ash Community Center and Genesis House"; Mr. Polson questioned if the applicant was aware of what type of materials are listed in the NYSDEC spills database, and Mr. Auerbach replied that two very small localized gasoline spills were identified which were not originally included in the NYS spills database. He explained the applicant became aware of the spills from the environmental site assessment and informed the NYSDEC to achieve full disclosure. Ms. Stephen advised the updated SEQR was forwarded to all Interested & Involved Agencies and the Board; question E.2.c. line 2 remove "Chenango"; question E.2.h.iv. Streams: change to "Olean Creek"; question E.2.o.i. change to "Olean Creek"; question E.2.p.i. change to "Olean Creek"; question E.2.q. change to "yes"; Part II: question 9. mark "no"; question 15. change to "yes"; question 15.a. mark "No, or small impact may occur"; question 15.b. mark "No, or small impact may occur"; question 15.c. mark "No, or small impact may occur"; question 15.d. mark "No, or small impact may occur"; question 15.e. mark "No, or small impact may occur"; question 17. mark "no"; question 18. mark "yes"; question 18.a. mark "No, or small impact may occur"; question 18.b. mark "No, or small impact may occur"; question 18.c. mark "No, or small impact may occur"; question 18.d. mark "No, or small impact may occur"; question 18.e. mark "No, or small impact may occur"; question 18.f. mark "No, or small impact may occur"; question 18.g. add "Density of multiple units higher than existing" and mark "No, or small impact may occur". After brief discussion, a motion indicating that the Planning Board made a finding that the project based on the revised Environmental Assessment

Form would have no significant impacts, and that the Planning Board therefore issues a Negative Declaration for (SP#04-19), was made by Mary Fay seconded by Jerry Steiner. Voice vote, ayes all. Motion carried.

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

Ms. Stephen advised the applicant has requested the Public Hearing be held on July 22, 2019 to allow time for completion of the GAP study and provide adequate time for DPW and Code Enforcement to review the study. She indicated the public hearing date would also allow for final Code Enforcement approval regarding water access to the building in lieu of a fire access road.

She thanked the applicant and noted the Board appreciates the open line of communication which has been very helpful with the site plan review process.

A motion was made by Craig Polson, seconded by Chris Chapman to set the public hearing for Monday, July 22, 2019 at 6:30 p.m. Voice vote, ayes all. Motion carried.

Ms. Stephen explained the public hearing process to the applicant, and advised the materials would be available from Community Development on Wednesday morning.

4. New Business

There was no new business at this time.

5. Miscellaneous

Ms. Stephen referred to the Planning Board's May 16, 2019 correspondence to Code Enforcement Supervisor Jennings and advised Mr. McNamara appeared in court and is working to get into compliance with a majority of the noncompliance issues brought forward. She explained the cooker has been moved to the front of the location where it was originally proposed and approved, striping of the parking lot has been resolved and the dumpster has been moved to the approved enclosed location.

Ms. Stephen further explained that during a previous Planning Board meeting, McNamara assured the Board he would cook off-site if the smoke became an issue and now is refusing to do so.

Ms. Stephen advised the next noncompliance issue Code Enforcement will be working on is the seating. She indicated Code Enforcement Supervisor Jennings will relay to Mr. McNamara that on-site seating changes the use of the property and must be removed or submit a new Site Plan application to Code Enforcement Officials and appear before the Planning Board for review to operate as a restaurant.

Ms. Stephen advised there was no condition for cooking off-site placed on the project. She indicated the Board may use this experience as a learning to place a condition on the site plan approval in order to ensure compliance.

Mr. Chapman questioned if the smoke issue may fall under the public nuisance law, and Ms. Stephen indicated she will relay this question to Code Enforcement Officials for research and report back to the Board. He explained the Board does not want to prevent anyone from doing business in the City, but would like to address the noncompliance issues brought forward.

Mr. Polson asked if there were County Health Department Code regulations relating to the amount of smoke that may be generated. Ms. Stephen advised she had a conversation with Chairman Barnes and Mr. Wohlers from the County Health Department regarding the smoke, and she will also relay the question to Code Enforcement Officials for further research and update the Board with any findings.

Mr. Polson suggested Code Enforcement request Mr. McNamara pull the tables from the site if the applicant chooses not to submit a site plan application for review and approval to operate as a restaurant.

Ms. Stephen reminded members that have yet to complete the Sexual harassment Prevention training there are only a few days left until the June 30, 2019 deadline. She explained the directions were previously emailed to members and requested members provide proof of completion.

6. Next Meeting Date

The next Planning Board meeting has been scheduled for Monday, July 8, 2019 at 6:30 p.m., if there is business.

7. Adjournment

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