

STRATEGIC PLANNING

Tuesday, May 1, 2018 – 5:30 p.m.

Police Training Room – Olean Municipal Building

Present: Members: Chairman Gonzalez, Vice Chairman Andreano, Alderman Witte, Alderman Crawford, and Alderman Smith. Others: Nicholas DiCerbo, Jr., City Attorney; Bob Ring, Director of Public Works, and Tiffany Taylor, Managerial Confidential Administrative Secretary.

1. Roll Call

Alderman Gonzalez called the meeting to order at 5:30 p.m. and asked that the record show that all committee members were present.

2. Approval of Minutes of the Previous Committee Meetings (Tuesday, April 17, 2018)

A motion to approve the minutes of the April 17, 2018 committee meeting was made by Alderman Gonzalez, seconded by Alderman Smith. Voice vote, ayes all. Motion carried.

3. Unfinished Business

- a. PL #32-18: (Aiello) To authorize the City of Olean Common Council to act as Lead Agency under New York State Environmental Quality Review Regulations in connection with the proposed Forest Hills Subdivision.

Alderman Gonzalez began by explaining that the committee has a tremendous amount of information to cover tonight, and no public comment session will be held.

He continued that the reason that we are here is to review the full Environmental Assessment Forms (FEAF) Parts I and II with supplemental information from the Olean City Planning Board (OCPB), the Department of Environmental Conservation (DEC), and the Cattaraugus County Health Department (CCHD) for the proposed Forest Hills Subdivision Project. Alderman Gonzalez explained that the Committee will need to go through the forms line by line in order to make a determination on the environmental significance of the project, and in turn, make a recommendation to the Common Council.

Alderman Gonzalez explained that each agency's reply indicated that they concur with the Common Council acting as Lead Agency in terms of the SEQR process.

A motion to declare the Common Council Lead Agency for the State Environmental Quality Review process for the proposed Forest Hills Subdivision was made by Alderman Gonzalez, seconded by Alderman Witte. Voice vote, ayes all. Motion carried.

Ms. Taylor explained that the Cattaraugus County Planning Board contacted the Common Council office to verbally indicate that they concur with the Common Council serving as Lead Agency, and that they had no additional comments.

Alderman Gonzalez began by reviewing Page 1 of the FEAF Part I, which entails no changes. Page 2 B.e. change “No” to “Yes”, under column one list “Cattaraugus County Health Department per NYS Public Health Law”; B.g. Change “No” to “Yes”, under column one list “Sate Pollutant Discharge Elimination System General Permit (GP-0-15-002) as recommended by the CCHD and DEC. Page 2, C.2.a. change “No” to “Yes”; following question “Yes” per recommendation of the OCPB. In response to a question, Mr. Ring explained that the City has a land use plan which details how much percentage of development should be residential, commercial, and industrial.

Page 3 D.1.b.b. Change total acreage to be physically disturbed from 3 to 8 per recommendation of CCHD; D.1.e.ii. Anticipated commencement date of phase 1 (including demolition) from 2020 to 2018 per recommendation of the OCPB. Ms. Biscaro mentioned that this was a typo and she concurs with the change.

Page 4 D.1.f. Change “No” to “Yes”, at completion date of all phases, one family, “55” per recommendation of the OCPB. Alderman Smith questioned why this was originally checked “no”, and Mr. Biscaro stated that this is already a subdivision approved for residential use. This is how they filled out SEQR Part 1. It seems that, through this process, they have found that agencies have treated this SEQR as if there is nothing on or approved for the parcel. It seems to be a difference in interpretations. D.2.b. Change “No” to “Yes”, D.2.b.ii. identity of wetlands to be “National Wetlands Inventory Attribute PF01E & PEM1/SS1E per CCHD recommendation.

Page 5 D.2.b.ii. add “increased sediment load during construction from storm water runoff, increased runoff coefficient expected from development of impervious surface and decrease in vegetative land coverage, increased pollution from storm water runoff expected from leaky cars, improper storage / protection of household chemicals, herbicides, pesticides and lawn fertilizers”; D.2.b.iii. “No”; D.2.b.iv. “No” per CCHD recommendation. D.2.c. change “No” to “Yes”; D.2.c.i. add 12,650; D.2.c.ii. “Yes”; D.2.c.iii. City of Olean Water District (per Mr. Ring), “Yes”, “Yes”, “No”, “Yes”. D.2.c.iii. “No”; D.2.c.iv. “No” per CCHD and OCPB.

Alderman Crawford asked if the increased usage will create undue stress on the City’s water and sewer plants, and Mr. Ring responded that it would not cause an issue.

D.2.d. change “No” to “Yes”; D.2.c.i. add “12,650”; D.2.c.ii. “sanitary, wastewater”; D.2.d.iii. “Yes”, City Wastewater Treatment Plant, City of Olean Sewer District, “Yes”, “Yes”, “No” per OCPB and CCHD.

Page 6 D.2.d.iii. (continued) "Yes", "No". D.2.d.iv. "No". D.2.e. change "No" to "Yes"; D.2.e.i. add "3" for impervious surface acres, :22" for parcel size acres; D.2.e.ii. "driveway, ditches, curbs, gutters, road, roofs"; D.2.e.iii. "adjacent property "wetland", "Yes"; D.2.e.iv. "No" per recommendations by CCHD and OCPB.

Page 7 D.2.j change "No" to "Yes", D.2.j.i. "Randomly between hours of 8:00 a.m. to 6:00 p.m."; D.2.j.iv. "No"; D.2.j.vi. "No"; D.2.j.vii. "No"; D.2.j.viii. "No" per recommendation of the CCHD and OCPB.

Page 8 D.2.m. change "No" to "Yes"; D.2.m.i. "7 a.m. to 5 p.m. cement truck and equipment"; D.2.m.ii."Yes", "removal of approximately 10' of trees; trees will remain to act as a barrier (50'" per recommendation of the OCPB.

Page 9 E.1.a. check "Urban" and "Forest" per recommendation of the CCHD and OCPB.

Alderman Smith questioned how the developer responds to the wetlands issue. He noted that the DEC states that this development will affect the wetlands, while the developer claims that it will not. Mr. Biscaro stated that there will be driveways and roofs that will create hard surfaces where water will run off. The project, however, has an 80% green space which is much more than any other lot in the area. For 22 acres, there is a small amount of buildings being put in. The grounds are mostly bare, and they will be lawn by the time the project is finished. Mr. Biscaro stated that this will cause better filtration than what is currently there. He stated that they have dealt with the DEC before and are familiar with concerns such as these. Developing the area in phases will also aid with these concerns.

Page 10, no changes.

Page 11 E.2.c. the Department of Environmental Conservation recommends that various hydric soils may exist on the property. The committee, per the DEC, recommends that the project sponsor contact the U.S. Army Corps of Engineers (COE), Buffalo District Office, regarding that agency's jurisdiction. If Federal Wetlands are involved, the COW may require the project sponsor to obtain Water Quality Certification. E.2.d. change to "110" feet per Mr. Ring.

Page 12 E.2.p the CCHD notes:

"If the project or action is within a location displayed in the Rare Plants and Rare Animals or Significant Natural Communities data layer, or is close enough to a location that off-site effects are possible (such as surface water runoff, soil erosion, downstream water quality changes, or access road construction); and if the project or action requires a review under the State Environmental Quality Review Act (SEQRA), or requires review by NYSDEC for possible permits, please submit a request for project screening to the NY

Natural Heritage Program, or to your local Regional DEC Division of Environmental Permits office for the county in which the project is located. More information on requesting a project screening from NY Natural Heritage is available at How to Request NYNHP Data. Note that in many cases this more detailed project screening will determine that there are no concerns regarding possible impacts from your project on rare species or significant natural communities.”

Alderman Crawford stated that he is surprised that the CCHD commented on this, but that the DEC is not, to which Alderman Gonzalez agreed. Mr. Biscaro stated that the DEC will be involved with the project. The committee noted that they would like the developer to consider this comment moving forward.

Page 13, no changes.

Alderman Gonzalez noted that The Department of Environmental Conservation recommends that Part 1 of the Full Environmental Assessment Form be corrected and resubmitted. It appears to contain a number of omissions, including recognition of various required approvals shown in Table B of Page 3. The FEAR should be generated using NYSDEC’s EAF mapper. Alderman Gonzalez stated that this reaffirms what we just went through, with corrections and changes in the Part 1 form.

The committee then moved onto Part 2 – Identification of Potential Project Impacts.

Page 1 1.e. change “No” to “Yes”; 1.f. change “No” to “Yes” per COPB and CCHD recommendations.

Page 2 3.e. change “No” to “Yes” per recommendation from Mr. Ring; 3.h. change “No” to “Yes” per recommendation by the CCHD.

Ms. Martin expressed concern that items that were commented on by the Health Department but not the Department of Environmental Conservation were issues that the DEC should have been concerned with if there was an impact. Alderman Witte replied that the Health Department has an environmental division that would review the proposed project and make recommendations such as these.

Page 3, no changes.

Page 4 7. change “No” to “Yes”. 7.a. “No, or small impact may occur”; 7.b. “No, or small impact may occur”, 7.c. “Moderate to large impact may occur”; 7.d. “Moderate to large impact may occur” per CCHD recommendations. Mr. Ring stated that he believes that the concern is raised because of an endangered bat that may be found in the area, that requires trees to be cut

down only during certain seasons. Ms. Martin stated that she had checked the DEC website and this was not located on this parcel.

Alderman Smith stated that he does not agree with the recommendation. Alderman Crawford stated that he agrees with Alderman Smith regarding the impact on flora and fauna. Alderman Gonzalez stated that the CCHD states that “specific attention should be given to the impact which may occur to the rare plant or animal in which the NYSDEC resource mapper is zoned for. He questioned if Alderman Smith feels that specific attention should not be given to the impact, and Alderman Smith stated that he feels that no endangered animals will be found on that parcel. Ms. Taylor stated that if the Council chose to consider this to be a potential “Moderate to large environmental impact”, the developer could present to the Council, along with their Environmental Impact Statement (if required), the NYSDEC Resource Mapper which shows that there are no endangered or threatened plants or animals of concern.

Page 5 7.e. “No, or small impact may occur”; 7.f. “No, or small impact may occur”; 7.g. “No, or small impact may occur”; 7.h. “No, or small impact may occur”; 7.f. “No, or small impact may occur” per CCHD recommendations.

Page 6 10. change “No” to “Yes”; 10.a. “No, or small impact may occur”; 10.b. “No, or small impact may occur”; 10.c. “No, or small impact may occur” per OCPB and DEC recommendations.

Page 7, no changes.

Page 8 13. change “No” to “Yes”; 13.a. “No, or small impact may occur”; 13.b. “No, or small impact may occur”; 13.c. “No, or small impact may occur”; 13.d. “No, or small impact may occur”; 13.e. “No, or small impact may occur”; 13.f. add “Traffic volume will increase”, “Moderate to large impact may occur” per COPB and CCHD recommendations. 14. change “No” to “Yes”; 14.a. “No, or small impact may occur”; 14.b. “No, or small impact may occur”; 14.c. “No, or small impact may occur”; 14.d. “No, or small impact may occur” per COPB and CCHD recommendations.

Page 9, no changes.

Page 10 18. change “No” to “Yes”; 18a. “No, or small impact may occur”; 18b. “Moderate to large impact may occur”; 18.c. “No, or small impact may occur”; 18.d. “No, or small impact may occur”; 18.e. “Moderate to large impact may occur”; 18.f. “No, or small impact may occur” per COPB and CCHD recommendations.

A motion to adopt the recommendations and revisions as detailed on Parts 1 and 2 of the Full Environmental Assessment Form was made by Alderman Gonzalez, seconded by Alderman Smith. Voice vote, ayes all. Motion carried.

The committee then transferred any change marked "Moderate to large impact may occur" to Part 2, Evaluation of the Magnitude and Importance of Project Impacts and Determination of Significance.

Part 2.1.e. This project will involve construction that will continue for more than one year, in four phases.

Part 2.1.f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal. Mr. Ring stated that the developer will want to provide a storm water pollution prevention plan and erosion control. During construction, they will want to ensure the use of silt fence around perimeter of project, and make sure following erosion control regulation and parameters are followed.

Part 2.3.e. and h. The proposed action may create turbidity in a water body, either from upland erosion, runoff or by disturbing bottom sediments and the proposed action may cause soil erosion, or otherwise create a source of storm water discharge that may lead to siltation or other degradation of receiving water bodies. Mr. Ring stated that this follows along with his previous recommendations, and that erosion control plans should prevent issues from occurring.

Alderman Witte questioned if the development is located uphill from homes on Grandview Avenue or the top part of Prospect Avenue, and if this project will cause any water issues for these existing homes. Mr. Ring stated that this should be addressed with the developer's storm water prevention plan.

Part 2.7.c. & d. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site, and the proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government. Alderman Andreano requested that it be noted that the developer has agreed to use the NYSDEC tools to determine this significance. Alderman Gonzalez suggested mirroring the CCHD's recommendation in the statement, which states that the developer should pay specific attention which may occur".

Mr. Biscaro noted that all required Department of Environmental Conservation approvals and permits will be obtained once the subdivision is approved.

Part 2.13.f. The proposed action will cause traffic volume to increase. Alderman Witte stated that the Planning Board minutes had indicated that the subdivision had originally involved plans for two traffic openings, where the presented plan shows one.

Part 2.18.b. The proposed action may create a demand for additional community services. Alderman Andreano stated that there will be an increase to police and fire service due to the increase in population. There will not be an increased demand for the local school systems, due to the proposed age of the population.

Part 2.18.e. The proposed action is inconsistent with the predominant architectural scale and character. Alderman Andreano stated that the character of the neighborhood would be altered by the proposed project. Alderman Crawford questioned if she is referring to the existing owner occupied homes versus the proposed rentals and the existing two story homes versus the smaller one story homes, and Alderman Andreano responded that she is referring to the structural differences. Ms. Taylor noted that although the proposed homes are substantially different from what is currently in the developed portion of the subdivision, that the committee needs to consider potential environmental impacts that this may have rather than aesthetic concerns.

Alderman Andreano questioned if Ms. Taylor was referring to Planning Board minutes, and Ms. Taylor responded that she was referring to the Part 2 Environmental Assessment Form which states, "Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur."

Alderman Witte stated that she is also concerned regarding the condition of the street, with the large construction trucks that will be traveling through the area. She questioned if the streets are scheduled to be repaved anytime soon. Mr. Ring stated that the plan is to do Genesee Street this year, but nothing is planned for the remainder of the development. Alderman Witte stated that if there is a lot of wear and tear, we may need to plan on redoing these streets in the near future.

Alderman Smith stated that he feels that this project will change the character of the neighborhood, and this is a grave concern of his. He does not feel that the proposed project is consistent with the character of the neighborhood.

Alderman Witte stated that she feels that not only will this affect the character of the neighborhood; she feels that it will affect the City as a whole. She is concerned that the neighbors in the area will request reassessment of their homes when the new homes are built, which could reduce tax revenue. It could have a long term financial affect on the City.

Alderman Andreano stated that she feels that the Council's job right now is to look at impacts solely based on the SEQR. Based on this, she feels that there are three major impacts: she feels that it will change the character of the neighborhood, it will increase traffic flow, and there are potential drainage and runoff issues.

Alderman Crawford stated that, although he can appreciate a capital investment in the City of Olean, it is the Council's job to take into account the character of the neighborhood. He is concerned that going from 41 lots to 55 lots would be too much on the neighborhood.

Alderman Gonzalez agreed that when you look at this project from an environmental impact, all of the concerns present are valid.

A motion determining that the project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts was made by Alderman Gonzalez, seconded by Alderman Andreano. Voice vote, ayes all. Motion carried.

A motion to recommend the issuance of a positive declaration to the Common Council was made by Alderman Gonzalez, seconded by Alderman Crawford. Voice vote, ayes all. Motion carried. Accordingly, the committee will recommend that the Common Council issue a positive declaration.

Alderman Andreano questioned if there is a timeline for what's next for this project. Ms. Taylor explained that if the Council approves the Positive Declaration, then the developer would be instructed to prepare an Environmental Impact Statement. Mr. DiCerbo added that the Council will need to provide for the developer a list of the issues which to address in the Environmental Impact Statement. Ms. Taylor stated that Part 3 would be completed and presented to the developer. The developer would then provide a draft Environmental Impact Statement to the Council, which they would then have a chance to review and hold a public hearing for comment and input. Then, a finalized Environmental Impact Statement is prepared, and after it is filed with the necessary agencies, discussions would continue for approval or denial of the project.

Alderman Andreano questioned if there would be a Resolution on the next Council agenda for vote, and Ms. Taylor stated that there would be a Resolution for a Positive Declaration, which would then prompt the developer to being the creation of an environmental impact statement.

A motion to refer PL #32-18 to the Committee of the Whole was made by Alderman Gonzalez, seconded by Alderman Witte. Voice vote, ayes all. Motion carried.

4. New Referrals for Consideration

None

5. Approval of Committee Reports

None

6. Adjournment

A motion to adjourn was made by Alderman Gonzalez, seconded by Alderman Crawford. Voice vote, ayes all. Motion carried. Meeting adjourned at approximately 7:15 p.m.