

Olean Planning Board Meeting Minutes

**Monday, January 9, 2017
Council Chambers
Olean Municipal Building**

Attendance:

Chairman: Tom Barnes
Members: Mark Sabella
Phil Smith
George Pancio

Applicant: Matthew Kerwin, Barclay Damon for UpState Tower
Paul Gregory, Ellicott Development
Ryne Wight (Clark Patterson Lee), Matt Cold & Sean Obergfell, Believers Chapel

Staff: Mary George, Comm. Dev. Program Coordinator
Keri Kerper, Sr. Account Clerk Stenographer

Other(s): None

1. Roll Call

Chairman Tom Barnes called the meeting to order at 7:14 p.m. and requested the roll call show all members present except Scott Johns, Jerry Steiner and Craig Polson.

2. Reading and approval of the December 28, 2016 meeting minutes

A motion was made by Mark Sabella, seconded by Phil Smith to approve the December 28, 2016 meeting minutes. Voice vote, ayes all. Motion carried.

3. Old Business

- i. UpState Tower Co., LLC (SP #04-16) (SUP #02-16)
317 Front Street**

Mr. Barnes indicated comments were received from Code Enforcement advising that an Area Variance from the Zoning Board of Appeals is needed for the project for the setback requirements. Ms. George noted comments were received from Public Works; however, she advised that these comments relate to construction and the building permit process, not the Planning Board's review.

It was noted that the 30 day deadline for review has been exceeded for the County Planning Board referral since the December 2016 meeting was cancelled.

In response to Mr. Barnes' question, Mr. Kerwin explained per the Board's direction he spoke with DEC Representative Ted Meyers who indicated he would get back to him once he reviewed the information received; however, Mr. Meyers indicated on the phone that he didn't have concerns with the project. Mr. Barnes requested Mr. Kerwin forward any written comments from Mr. Meyers to CD staff when received.

Mr. Kerwin presented an aerial fall zone site plan per the request made by the Board at the previous meeting. He then explained the trigger for the variance being reviewed by the Zoning Board of Appeals. Members discussed the project timeframe and upcoming meeting dates for the Planning and Zoning Boards.

A motion was made by Phil Smith, seconded by Mark Sabella to table SP #04-16 & SUP #05-16 so the Zoning Board of Appeals may take action on the variance request. Voice vote, ayes all. Motion carried.

**ii. Ellicott Development (SP #05-16)
1616-18 West State Street**

Mr. Barnes advised that comments were received by Code Enforcement on the project, and it was noted that 31 parking spaces are required plus one per employee and 44 are provided on the site plan. Mr. Barnes questioned how many employees there would be, and Mr. Gregory advised that he was unsure and would need to get that information from the agency. Mr. Barnes explained that information would be necessary to determine if the number of parking spaces is sufficient, and if not, a variance would be required. He further explained that a variance is needed for the size of the parking spaces (9' x 18') as they don't conform to the Zoning Ordinance (9' x 20').

Members discussed screening and lack of an adequate buffer (rear and side lots should be 6') noting it should be addressed by the Zoning Board of Appeals in the variance process. It was indicated the chain link fence isn't adequate and members are unsure if the 6' vinyl fence is either. Mr. Gregory indicated the chain link has privacy slats and there are areas that have a 2-2½' buffer on the other side of the fence and landscaping could be placed on the residential side of the fence.

Mr. Barnes referred back to the memorandum from Code Enforcement and noted the 24' drive aisle width is adequate; however, a drainage plan wasn't provided and said issue

needs to be addressed. Mr. Gregory explained they discovered the drainage doesn't tie into the City's system and he will work with the appropriate City departments on an acceptable drainage plan.

It was noted a lighting plan was not provided, and Mr. Gregory indicated that he would provide a lighting plan. He explained the applicant would like to stay away from pole lights and would prefer lighting on the building.

There was discussion regarding greenspace and it was noted Mr. Jennings calculated a total of 4% greenspace for the site. Mr. Gregory explained it is a bad calculation and he went back to their engineers for a recalculation and there is indeed 12.5% greenspace. He noted he will contact Mr. Jennings regarding this issue. Mr. Barnes requested once the issue is discussed that Mr. Jennings provide the final determination in writing to the Board.

A motion was made by Mark Sabella, seconded by Phil Smith to table SP #05-16 so the Zoning Board of Appeals may take action on the variance request. Voice vote, ayes all. Motion carried.

Ms. George explained the purpose for those in the audience they do accept comments officially during the public hearing and advised that the applicant would be returning to the Planning Board after the applicant receives approval from the Zoning Board. She suggested the applicant work with the neighbors and abutting property owners who are welcome to attend the upcoming meetings. Mr. Barnes further suggested to the applicant to work with the neighbors to make the project acceptable for all parties involved.

**iii. Believers Chapel (SP #01-17)
2000 Constitution Avenue**

Mr. Barnes referred to the memorandum from Code Enforcement and noted the applicant has provided 183 parking spaces and 206 are required. Mr. Wight explained the difference in the parking calculations stemmed from fixed to non-fixed seating so it had to be calculated differently. He advised the church wanted the flexibility to move the chairs in order to hold a banquet or course.

Mr. Barnes indicated the memo states the applicant has the required handicap parking spaces, Code requires 9' x 20' parking spaces and lighting is provided on the site plan.

It was noted the comments provided by DPW aren't relevant to the Planning Board.

In response to a question, Mr. Wight reiterated they are proposing 172 fixed seats and the remaining unfixed to leave flexibility for events. It was noted that the parking requirements are determined by the seating capacity. Ms. George explained the Planning Board has the ability to approve a reduction of required parking spaces, where appropriate, without the applicant having to return to the Zoning Board of Appeals for a variance. She then read Section 10.3.1.6 of the Zoning Ordinance as follows: "Where

appropriate, the Planning Board may, upon the presentation of evidence, vary the number and circumstances of the following parking space requirements, in order that the general welfare be served and the proposed uses be equitably treated.” Ms. George indicated there may be reasons and evidence for staggering activities and church services and if 23 more parking spaces are constructed then there will be less landscaping and greenspace. Mr. Wight advised that the number of parking spaces being proposed by the church is adequate to its use. Ms. George suggested that, if the Planning Board chooses to allow the reduction of parking spaces, a condition could be placed on the project similar to the Tim Horton’s Project with respect to the Planning Board reviewing the parking situation one year from the approval date. She explained with the previous project mentioned, staff reviewed the police reports and blotter regarding any accidents that occurred at the site and the same could be done with the proposed project.

In response to a question, Mr. Wight indicated there is no plan for a dumpster as the applicant doesn’t anticipate a lot of garbage.

In response to another question, Mr. Wight advised the sign would be affixed to the building and it would be the same size and orientation. Ms. George explained the Olean Urban Renewal Agency would need to approve the sign per the design standards in the City’s Zoning Ordinance. Mr. Wight advised he would provide a sign rendering for the review.

Mr. Pancio suggested the applicant dig up greenspace and fill it in with bank run gravel for additional parking and it was expressed that it wasn’t amenable as they would lose greenspace.

A motion was made by George Pancio, seconded by Phil Smith to approve SP #01-17 as it exists with the current number of parking spaces (183) with the following conditions:

- Lighting shall be shielded and directed downward.
- Applicant shall receive approval from the Olean Urban Renewal Agency regarding sign standards as outlined in the City’s Zoning Ordinance.

Voice vote, ayes all. Motion carried.

4. New Business

There was no new business at this time.

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, January 23, 2017, if there is business.

7. Adjournment

Motion to adjourn was made by Phil Smith, seconded by Mark Sabella. Voice vote, ayes all. Motion carried. The meeting ended at approximately 8:00 p.m.