

## **Olean Planning Board Meeting Minutes**

**Monday, February 13, 2017**  
**Council Chambers**  
**Olean Municipal Building**

**Attendance: Acting Chairman:** Phil Smith  
**Members:** George Pancio  
Craig Polson  
Mark Sabella  
Jerry Steiner

**Applicant:** Matthew Kerwin, Barclay Damon for UpState Tower  
Paul Gregory, Ellicott Development  
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**

Acting Chairman Phil Smith called the meeting to order at 7:00 p.m. and requested the roll call show all members present except Tom Barnes.

### **2. Reading and approval of the January 9, 2017 public hearings & meeting minutes**

A motion was made by Mark Sabella, seconded by Jerry Steiner to approve the January 9, 2017 public hearing minutes for SP #04-16 SUP #02-16. Voice vote, ayes all. Motion carried.

A motion was made by Mark Sabella, seconded by Jerry Steiner to approve the January 9, 2017 public hearing minutes for SP #05-16. Voice vote, ayes all. Motion carried.

A motion was made by Mark Sabella, seconded by Jerry Steiner to approve the January 9, 2017 public hearing minutes for SP #01-17. Voice vote, ayes all. Motion carried.

A motion was made by Mark Sabella, seconded by Jerry Steiner to approve the January 9, 2017 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**

Ms. George explained that the County Planning Board has advised that the project is consistent with the Planning and Design Guidebooks and it will have no significant countywide or inter-community impact. She advised that the Zoning Board of Appeals (ZBA) granted the Area Variance with the condition that the applicant consider a more aesthetic (yet secure) fencing plan.

In response to a question, Mr. Kerwin advised that the ZBA's condition was prompted by member(s) of the neighboring church during the public hearing. He explained for security purposes they are proposing a 6 ft. chain link fence and 1 ft. of barbed wire. Mr. Kerwin indicated that he explained to the ZBA they didn't propose landscaping because it would end up being outside their property boundary and on the neighboring property. He advised that they could put fabric inserts in the chain link noting a vinyl fence wouldn't look appropriate for the facility or be secure. Mr. Sabella pointed out from the site plan that the church would see a small portion of the fence given the location.

In response to Mr. Pancio's question, Mr. Kerwin explained that the access to the tower would be through the parking lot. He then pointed out the gravel areas on the site plan.

In response to another question, Mr. Kerwin advised that they would install geotextile then 3 inches of compact crusher run and top it with 3 inches of #57 stone.

A motion was made by George Pancio, seconded by Mark Sabella to approve SP #04-16 & SUP #05-16 as submitted. Voice vote, ayes all. Motion carried.

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

Ms. George explained that the County Planning Board has advised that the project is consistent with the Planning and Design Guidebooks and it will have no significant countywide or inter-community impact. She advised that the Zoning Board of Appeals (ZBA) granted the Area Variance for the variance in parking size dimensions (9' x 18') and side setbacks to allow for parking on both sides of the drive aisle. Ms. George indicated that members and the applicant received a memorandum from Code Enforcement Supervisor Jennings advising that the storm water drainage plan is not

complete and the drainage needs to be addressed. Mr. Gregory explained that they have been working with Mr. Jennings on the issue and determining whether to tie into the existing sewers or on site. He noted that there is one catch basin; however, it doesn't tie into the City's system and they may need one or two more. He explained that it could be done one site or a system that weeps the storm water in the ground. Mr. Gregory advised this will be determined once the perk test results come back.

Mr. Smith commented he saw work has begun at the site, and Mr. Gregory explained they have removed the metal siding to expose the brick. He indicated they plan to install a decorative cornice at the top of the building and some type of canopy at the entrance.

There was brief discussion regarding the future plans of the property next door, and Mr. Gregory advised it is not part of this project; however, they plan to repair the wall that is in need of repair (noting it is not a load bearing wall) and will most likely demolish the white building on the corner.

Ms. George advised that Code Enforcement is in agreement the project has 12%+ greenspace as shown on the site plan.

Mr. Gregory explained the agency requires 43 parking spaces and with the size proposed it will allow for 42 spaces plus 2 handicap spaces.

There was detailed discussion regarding a buffer at the rear of the property. Mr. Gregory referred to the site plan and showed the locations of the chain link fence (with privacy slats) and the vinyl fencing. Mr. Gregory advised they have no plans to move or change the fencing and will do additional landscaping, if the neighbors request it.

Mr. Polson advised that the site used to be a VW dealership and the property next door was also a car dealership at one point in the past.

A motion was made by George Pancio, seconded by Craig Polson to approve SP #05-16 with the following condition:

- Applicant shall work with City staff to develop and implement a satisfactory storm water drainage plan.

Voice vote, ayes all. Motion carried.

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

Ms. George explained the applicant is requesting the site plan be amended to approve the change in the parking lot surface from asphalt to crushed limestone.

In response to Mr. Pancio's question, Mr. Cold advised that a swale separates the church property from Tractor Supply Company and he believes it helps drain Constitution

Avenue. Ms. George referred to the correspondence members received from Mr. Windus advising that he has no issue with crusher run limestone and he recommends either grading the property to keep storm water from flowing to neighbors or install some form of collection system to collect the storm water runoff and take it to an appropriate facility. Mr. Cold responded he doesn't believe the property needs to be graded and that to the north the water goes back towards the tracks. He explained that on the east side, if the water flowed, they would make sure it doesn't go back to the building.

Mr. Steiner questioned how the applicant would stripe the limestone, and Mr. Cold advised that he doesn't know how that could be done and stay and he hasn't heard of doing that before. Ms. Kerper advised that Richard Peck Construction stripes the crushed limestone parking lot at the church on Homer Street on an annual basis. Mr. Obergfell advised that they have parking lot attendants at every service directing cars to park so that they are straight and he doesn't see lines being necessary.

A motion was made by Jerry Steiner, seconded by George Pancio to approve the site plan application amendment for the new additional parking to be crusher run limestone instead of asphalt. 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.

Mr. Polson explained that he understands there was no case to be able to not approve the Believers Chapel project; however, he disagrees with the use on Industrial land. He gave the history of how Premier Banquet Center was approved and at that time there was Industrial land available; however, at this time two solar farms have taken prime Industrial land (that support zero jobs). The Olean Gateway Project is retail (60 acres) and hotel (20 acres) neither of which will provide higher paying jobs except for possibly management positions. Mr. Polson advised two members of the Planning Board that could not be present during the vote of the Believers Chapel project would have voted against it. He explained that this is setting precedence. He indicated that Tractor Supply took approximately 9 acres of Industrial land and Premier Banquet took approximately 8 acres of land and that combined land could have had an Industrial use. Mr. Polson explained that the City needs to maintain as much Industrial land as possible and suggested the Common Council target zone for the types of businesses that should be in Industrial zones. Mr. Sabella advised that he was at the ZBA meeting for the project and it is a State law and ruling, so the Board didn't have a choice. Mr. Polson explained he believes the law was narrowly interpreted by the attorneys and the law was meant for

larger populated areas and NYC and it should be challenged in smaller towns. He advised that he read the poorly written ZBA minutes and there was nothing in them stating the project met the criteria. There was concern expressed for the minutes not reflecting what they should for the record and the lack of professionalism being an embarrassment to the City especially due to their being published online. Members discussed that some of the ZBA members asked to table the Believers Chapel application to obtain more information on the project; however, the majority decided they wanted to vote instead and ultimately that occurred. There was brief discussion regarding other locations where the church could have gone.

**6. Next Meeting Date**

The next Planning Board meeting has been scheduled for Monday, February 27, 2017, if there is business.

**7. Adjournment**

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