

SPECIAL MEETING OF THE COMMON COUNCIL
DECEMBER 7, 2022
6:00 PM

PRESENT: Mayor Sandra Magiera
Council Members: John Hill, Kylee Johnson, Barry Smith
Paul Myers, Janet Koch
City Clerk: Tracy Chamberlain
Other: Jake Clark, Carmen Vecchiarella, Ari Goldberg

The meeting was called to order at 6:00 PM.

Mayor Magiera explained that the meeting is to discuss the rezoning request of Sydney Watt for 486 East State Street (corner of Central Avenue). She noted a traffic study done by NYS DOT in 2010 stated it did not warrant the need for a traffic signal. She introduced Jake Clark as part owner and Carmen Vecchiarella as Project Manager. She also noted the Council is not considering the plans of what is to be there, only if it should be rezoned as a Neighborhood Commercial property. The site plan for the project will go to the City Planning Board and County Planning for approval.

Council Member Johnson is concerned with the use of Conrath Avenue. Mr. Clark stated that will not be an access to the property. They would place the back of the building or fence along Conrath Avenue. Mr. Goldberg noted the placement will be addressed in the site plan. He stated the NYS DOT reports average traffic of 3500 vehicles per day and noted that a business there would not significantly impact the traffic that is there. They would also use the NYS DOT's recommendation for guidance on an exit.

Mr. Clark stated they would not pursue the project and waste time if it can not be rezoned. He stated they are in the process of purchasing the Central Avenue property neighboring 486 East State Street. However, the lots cannot be combined by Cattaraugus County until March of 2023.

Mayor Magiera noted that the current NYS Cannabis regulations stated dispensaries can not be within 500 feet of a school and 200 feet of a church. This property is not within the range. Council Member Myers is concerned with the distance from a school.

Council Member Hill noted he is concerned that if this is rezoned others will request rezoning for dispensary businesses. Mr. Goldberg noted that the Council decision is not for what will be on the property, but if it can be rezoned. He also stated this would not be a spot zone due to the business across the street.

Council Member Koch stated she is in favor of Sydney Watt and Jake Clark bringing millions of dollars in business to the City. She noted they have been upfront and attended meetings.

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Mr. Clark stated the plans are to have a multi-use retail building installed.

Mayor Magiera stated she wishes these were taxable businesses for City revenue and more ways for the City to benefit. She has spoken with some dispensary owners which have offered to help with funding projects for the City. It was noted that property owner Sydney Watt does donate to various events held by the City.

Council Member Koch noted she supports these owners that are willing to invest in the City. She stated she feels Code Enforcement had issues with Ms. Watt's projects, but other property owners proceed with projects. She has no financial gain from these projects. She would rather see a plaza than a shed put in next to the house.

Council Member Myers noted he likes the idea of the building but not of a dispensary close to the school.

Moved by Koch and seconded by Johnson:

RESOLVED: That we hereby adopt a Local Law for 2022 which will amend the Zoning Law of the City to change the Use District Classification of 486 East State St. TM# 73.073-4-1 from R1 Single Family Residential to B3 Neighborhood Commercial Use District, as recommended by the Planning Commission.

Adopted Ayes: Koch, Johnson
Nays: Hill, Smith, Myers

Mr. Vecchiarella stated the traffic exit will have to be on Central Avenue. Mr. Goldberg noted any development on Central Avenue will have issues with road traffic.

Council Member Koch asked if there is any way to reconsider the vote.

Mr. Clark noted their business projects are to help provide for his family and future for them. He sees the east side of the City prospering in the future.

Council Member Smith noted he is concerned with the traffic safety and possible the additional parcel could have a different outcome. He would be willing to reconsider if information is obtained from the NYS DOT.

Council Member Myers is concerned that if this is approved it will cause a domino effect for other requests.


Mayor Magiera stated she would have voted in favor of the rezoning, because this is not regarding the type of business. It was noted that if an additional Council Member is in support of the rezoning it can appear on an agenda.

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Moved by Hill and seconded by Myers:

RESOLVED: That we hereby adjourn – 7:05 PM.

Carried.



Tracy Chamberlain, City Clerk

Dated: December 15, 2022