

Journal of Proceedings

OF THE COMMON COUNCIL OF THE CITY OF OLEAN, N.Y.

January 13, 2026

COUNCIL CHAMBERS COUNTY OF CATTARAUGUS STATE OF NEW YORK

A Regular Meeting of the Olean Common Council of the City of Olean was held on Tuesday, January 13, 2026 at 6:35 p.m.

PRESENT: *Aldermen Robinson, Bennion, Keary, Forney, McCall, Crawford, and Anastasia*

ABSENT: *None*

OFFICIALS: *Mayor Amy Sherburne; Frank Caputo, City Clerk; Lens Martial, City Auditor; James Sprague, Director of Public Works; Keri Kerper, Community Development Program Coordinator, and Tiffany Taylor, Managerial Confidential Administrative Secretary*

At this time a prayer was given by Mr. Caputo, followed by a salute to the flag.

READING, CORRECTING, AND APPROVAL OF THE MINUTES OF THE PREVIOUS REGULAR MEETING

A motion to approve the minutes of the December 16, 2025 Regular Meeting was made by Alderman Robinson, seconded by Alderman Bennion. Voice vote, ayes all. Motion carried.

COMMITTEE REPORTS & UNFINISHED COUNCIL BUSINESS

Report from Committee of the Whole on PL #01-26, to determine pursuant to the State Environmental Quality Review Act that the proposed acquisition by the City of Olean pursuant to Eminent Domain Procedure Law of certain property rights and/or interests with regard to the real property located at 400, 420, and 450 North Union Street in the City of Olean, County of Cattaraugus, will not have a potential significant adverse impact on the environment. Committee recommends approval. Referred to City Attorney for Resolution.

Report from Committee of the Whole on PL #02-26, to authorize the adoption by the City of Olean Common Council of the Determination and Findings and publication of the Brief Synopsis of the same, pursuant to Section 204 of the New York Eminent Domain Procedure Law concerning the Proposed Condemnation of certain real property rights and/or interests consisting approximately of the Narrow Proposed Interests of the Narrowed Interest holders all in connection with the Project (as such capitalized terms are defined in the Determinations and Findings). Committee recommends approval. Referred to City Attorney for Resolution.

Report from Committee of the Whole on PL #03-26, to request the State Legislature enact special legislation authorizing the Olean City Assessor to accept a retroactive application for a real property tax exemption under RPTL §420-a from OWH Properties, Inc. (Operation Warm Hearts). Committee recommends approval. Referred to City Attorney for Resolution.

COMMUNICATIONS FROM THE MAYOR

Mayor Sherburne explained President Seneca has reached out for a meeting on January 20, 2026, which she will attend with Director Sprague and Mr. Camp.

Director Sprague explained regarding the Consent Order, the consulting firm has

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nearly completed their fieldwork for the I&I study after collecting 90 days of data. He explained they will be compiling an engineering report and we expect to receive that towards the end of March.

Special Proclamation for Martin Luther King Jr. Day

MISCELLANEOUS COMMUNICATIONS

Application for a Liquor License – Union Tea Café, Inc. d/b/a The Old Library Restaurant – 116 South Union Street, Olean

CITY OFFICIAL REPORTS

Monthly Report of the City Auditor – month ended December 2025

Financial Summary Report as of December 31, 2025

PROPOSED LEGISLATION AND REFERRALS

PL #01-26: (Sherburne) To determine pursuant to the State Environmental Quality Review Act that the proposed acquisition by the City of Olean pursuant to Eminent Domain Procedure Law of certain property rights and/or interests with regard to the real property located at 400, 420, and 450 North Union Street in the City of Olean, County of Cattaraugus, will not have a potential significant adverse impact on the environment. Referred to Committee of the Whole Tuesday, January 13, 2026 by Council President.

PL #02-26: (Sherburne) To authorize the adoption by the City of Olean Common Council of the Determination and Findings and publication of the Brief Synopsis of same, pursuant to Section 204 of the New York Eminent Domain Procedure Law concerning the Proposed Condemnation of certain real property rights and/or interests consisting approximately of the Narrow Proposed Interests of the Narrowed Interest holders all in connection with the Project (as such capitalized terms are defined in the Determinations and Findings). Referred to Committee of the Whole Tuesday, January 13, 2026 by Council President.

PL #03-26: (Sherburne) To request the State Legislature enact special legislation authorizing the Olean City Assessor to accept a retroactive application for a real property tax exemption under RPTL §420-a from OWH Properties, Inc. (Operation Warm Hearts). Referred to Committee of the Whole Tuesday, January 13, 2026 by Council President.

PL #04-06: (Crawford) To amend the City of Olean Code of Ordinances Section 24-135 to prohibit parking on the southeast corner of North 9th Street at its intersection with Washington Street for a distance of 20 feet north. Referred to Public Safety Committee by Council President.

PUBLIC COMMENT/INPUT

Alderman McCall explained the downtown shops on Union Street have come together and will be collecting cereal and peanut butter for the food pantry until February 12, 2026. She explained at that time, the business who collects the most will be crowned the king or queen of cereal and peanut butter. She asked the public to donate to this cause, and explained afterwards there will be a ladies night for downtown businesses to have extended hours.

Robert Kennedy of 917 Seneca Avenue asked how to file a complaint against a police officer. He explained he feels he was assaulted by an officer. He explained he is

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waiting for FOIL requests to be filled that he submitted two weeks ago.

FINANCE / BILLS

None

RESOLUTIONS

RESOLUTION #02-26

PL #01-26

By Alderman Robinson, Seconded by Alderman Crawford

RESOLUTION DETERMINING PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT THAT THE PROPOSED ACQUISITION BY THE CITY OF OLEAN PURSUANT TO THE EMINENT DOMAIN PROCEDURE LAW OF CERTAIN PROPERTY RIGHTS AND/OR INTERESTS WITH REGARD TO THE REAL PROPERTY LOCATED AT 400, 420 AND 450 N. UNION STREET IN THE CITY OF OLEAN, COUNTY OF CATTARAUGUS, WILL NOT HAVE A POTENTIAL SIGNIFICANT ADVERSE IMPACT ON THE ENVIRONMENT.

WHEREAS, by New York General City Law Section 20(2), the City of Olean (the "City") is vested with the power of eminent domain; and

WHEREAS, Olean Town Centre LLC, a New York limited liability company, and/or its affiliates (herein, together with their respective successors, assigns, and/or designees, the "Company"), is the owner of certain "real property" (as such term is defined in the Eminent Domain Procedure Law ("EDPL")) located in the City of Olean, Cattaraugus County, New York, that, in part, generally comprise the predominantly vacant and deteriorating shopping center known as the Olean Center Mall and adjoining and/or nearby parking fields and related improvements located at 400 N. Union Street, 420 N. Union Street, and 450 N. Union Street (collectively, the "Mall Facility"), which is more fully described in the transcript of City's Public Hearing (as defined below and which transcript is incorporated herein by reference) (collectively referred to herein as the "Project Site"); and

WHEREAS, the Company has certain lease agreements with respect to certain portions of the Mall Facility, namely with: (1) J.C. Penney Corporation (or, "JCPenney"), with regard to a portion of the improvements and adjoining parking fields located at 400 N. Union Street, for use as a JCPenney department store adjoining the southwestern end of the Mall Facility and related uses (collectively, the "JCPenney Space"); (2) Kohl's Illinois, Inc. (or, "Kohl's"), with regard to a portion of the improvements and adjoining parking fields located at 420 N. Union Street, for use as a Kohl's department store adjoining the southern center portion of the Mall Facility and related uses (collectively, the "Kohl's Space"); and (3) KeyBank of NY, N.A./KeyCorp/KeyBank National Association (or, "KeyBank"), with regard to the land and adjoining parking fields located at 450 N. Union Street, for use as KeyBank branch building near to and northwest of the Mall Facility and related uses (collectively, the "KeyBank Space") (JCPenney, Kohl's and/or KeyBank, or any of their respective successors and/or assigns, are collectively referred to herein as the "Originally Designated Interest Holders," and their leases are collectively referred to herein as the "Tenant Leases",

WHEREAS, the Company requested, among other things, for the City Council to further assist in a certain project consisting of the "acquisition" (as such quoted term is defined under the EDPL; hereinafter referred to as the "Acquisition") by the City of certain "real property" (as such quoted term is defined under the EDPL) rights/interests of the Originally Designated Interest Holders as identified in the transcript of the Public Hearing consisting of (collectively, the "Project") under any and all leases, instruments or agreements, including, without limitation, any and all operating covenant agreements

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(or similar agreements), reciprocal easement agreements (or similar agreements), and leases (or similar agreements), whether or not recorded (all as further described in the transcript of the Public Hearing and collectively referred to herein as the “Proposed Interests”), all as may be needed in order to facilitate and in connection with the productive reuse, redevelopment, and overall enhancement, as the case may be, by the Company of the vacant and/or underutilized portions of the Project Site and any and all related parking realignments, parking improvements, infrastructure or site improvements or modifications necessary therefor at the Project Site, contemporaneously or in stages pursuant to the EDPL, to redevelop and enhance, as the case may be, the Project Site for use as a multi-purpose mixed use facility to attract and accommodate new and diverse tenant(s) and/or end user(s) to the Project Site and to enhance and/or complement the surrounding area and existing businesses (including, but not limited to, those at the JCPenney Space, Kohl’s Space, and KeyBank Space), all to further the public purpose of advancing the general prosperity and economic and social welfare of the residents of Cattaraugus County (the “County”) by returning the vacant and/or underutilized portions of the Project Site to productive use by, among other things, attracting new and/or expanded business or other commercial activity thereby promoting economic revitalization, employment, less development on previously undisturbed locations, increasing the property tax base and sales tax revenues within the City and the County and alleviating the negative impacts associated with large vacant, underutilized and deteriorating buildings within the City and the County, and, as appropriate, may include, but not limited to, complimenting and/or advancing any public purpose contemplated by the City’s Comprehensive Development Plan, the City’s Downtown Olean Form-Based Zoning Code, the Cattaraugus County “Vision 2025 Comprehensive Plan,” and as outlined by the City in its submissions to New York State’s Downtown Revitalization Initiative; and

***WHEREAS**, the City conducted a duly noticed public hearing on May 15, 2025, at 10:00 a.m. at the City Municipal Building, Conference Room 119, located at 101 East State Street, in the City of Olean, for the purpose of informing the public of the public use, benefit, or purpose to be served by the Project, the proposed location of the Project, and its general effect on the environment and the residents of the locality where the Project is proposed, and at the public hearing the public was provided an opportunity to provide any comments, and written comments were accepted by the City through the conclusion of the public hearing (collectively, the “Public Hearing”); and*

***WHEREAS**, subsequent to the Public Hearing, KeyBank and Company negotiated an amendment to the KeyBank lease, which obviated the need to acquire by eminent domain the portions of the Proposed Interests owned by KeyBank (the Proposed Interests, as modified to exclude those owned by KeyBank are herein referred to as the “Narrowed Proposed Interests”; the Originally Designated Interest Holders, as modified to exclude KeyBank are herein referred to as the “Narrowed Interest Holders”); and*

***WHEREAS**, it will be necessary for the City to exercise its power of eminent domain as to the Narrowed Proposed Interests (i.e., those owned by the Narrowed Interest Holders, i.e., JCPenney and Kohl’s, only, and as further narrowed per the City’s forthcoming Determination and Findings); and*

***WHEREAS**, in accordance with the EDPL and pursuant to the State Environmental Quality Review Act, Article 8 of the New York State Environmental Conservation Law and the regulations adopted pursuant thereto at 6 N.Y.C.R.R. Part 617.1 et seq., as amended (collectively referred to as “SEQRA”), the City must satisfy the applicable requirements set forth in SEQRA, as applicable, prior to making a final determination whether to undertake the Project; and*

***WHEREAS**, the scope of the Project available for review under SEQRA is limited to the acquisition by condemnation of the Narrowed Proposed Interests as may be needed to facilitate the potential future productive reuse and redevelopment of the Project Site as described above; and*

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***WHEREAS**, the City Council has identified the Project as an Unlisted Action under SEQRA, and has caused to be prepared, including based on the input of its counsel, a Full Environmental Assessment Form (“EAF”) for the Project, including preparation of Parts 1, 2, and 3 of the Full EAF, as well as other information relating to the Project and its potential environmental impacts; and*

***WHEREAS**, the City Council has considered the potential impacts on the environment of the Project as set forth in more detail below by undertaking a thorough review of conditions and issues associated with the Project, and the City’s review and analysis of the potential impacts of the Project includes review and examination of: (i) the completed Full EAF, including Parts 1, 2 and 3, and the EAF Mapper results for the Project and applicable database results; and (ii) other supporting information and material available concerning the Project; and*

***WHEREAS**, based on the information contained in the completed Full EAF, the Public Hearing and any and all comments submitted during or in connection with the Public Hearing, the other information summarized above and herein comprising the administrative record in this matter, and the determination of negative declaration made herein, the City Council determines that the Project does not present a significant adverse impact to the environment as specified below:*

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE COMMON COUNCIL OF THE CITY OF OLEAN AS FOLLOWS:

***Section 1.** The Project is classified as an Unlisted Action under SEQRA as that term is defined by 6 NYCRR §617.2(al), and each of the Whereas Clauses in this Resolution is incorporated by reference as specific findings of this Resolution and shall have the same effect as the other findings herein.*

***Section 2.** The City Council has considered the Project pursuant to the parameters and criteria set forth in applicable law and regulations, including but not limited to those set forth in 6 NYCRR §§617.1 and 617.3.*

***Section 3.** The City Council has considered the significance of the potential environmental impacts of the Project by: (i) carefully reviewing and examining the responses to the Full EAF, including the information in Part 1 of the Full EAF and the EAF Mapper results, and completing the analyses for Parts 2 and 3 of the EAF for the Project, together with examining other available supporting information and documents concerning the Project to identify the relevant areas of environmental concern with respect to potential impacts to land, geological features, surface water, groundwater, flooding, air, plants and animals, agricultural resources, aesthetic resources, historic and archeological resources, open space and recreation, critical environmental areas, transportation, energy, noise, odor, light, human health, consistency with community plans, consistency with community character, cumulative impacts, if any, and other potential impacts as required by applicable regulation; (ii) considering the criteria set forth in 6 NYCRR § 617.7(c); and (iii) thoroughly analyzing the identified areas of relevant environmental concern.*

***Section 4.** Based upon a thorough and comprehensive review by the City Council of the Full EAF, the EAF Mapper and pertinent documents from various databases assessing impacts and potential impacts from the Project, documents on file with the City of Olean Planning Board, and the County of Cattaraugus Industrial Development Agency, and any other documents concerning the Project, the City Council hereby finds that the Project will result in no potential significant adverse environmental impacts requiring the preparation of an environmental impact statement for the Project.*

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The approval of the acquisition by condemnation of the Narrowed Proposed Interests will not result in any physical impacts to the Project Site, including construction, development or other activities, and is intended to facilitate the future redevelopment of the Project Site, in accordance with any permits or approvals previously granted, or that may be granted, by any state or local government body. The City, having conducted an uncoordinated review of the Project pursuant to SEQRA, thus issues a Negative Declaration for the action pursuant to 6 NYCRR 617.7.

Section 5. *The Project concerns only the acquisition by condemnation of the Narrowed Proposed Interests as may be needed to facilitate the future productive reuse and redevelopment of the Project Site as a multi-purpose mixed use facility in order to attract and accommodate new and diverse tenant(s), and/or end user(s). Under no circumstances shall the Project constitute authorization for development or redevelopment of the Project Site other than as may be authorized under current law, including SEQRA, applicable zoning and land use laws, or existing approvals.*

The City Council is aware that the Company (and/or its affiliates) has identified potential future uses for the Mall Facility in applications: (a) to the Cattaraugus County Industrial Development Agency ("CCIDA"), for certain financial assistance and/or tax incentives; and (b) to the City of Olean Planning Board ("Planning Board") for site plan approval, all which relate to future potential redevelopment efforts at the Project Site.

CCIDA, as lead agency, conducted a detailed coordinated review of future potential redevelopment,¹ classified the full scope of such potential redevelopment as a Type 1 action,² and retained an engineering consultant, LaBella Associates, to assist with its review pursuant to SEQRA. CCIDA's review included LaBella's preparation of Parts 1, 2 and 3 of a Full EAF, and multiple rounds of comments and questions from Labella to the Company, and the Company's counsel's responses thereto. In August 2024, CCIDA

¹ Although the City Council was identified as an involved agency for purposes of CCIDA's environmental review, the Company had not yet requested the City's assistance in condemning the Originally Proposed Interests.

² The "proposed action" for purposes of CCIDA's coordinated environmental review was the:

Proposed redevelopment of [the] site . . . comprising the existing Olean Mall Property, through (1) enhancement of the site for an existing building (4,700+/- sf), (2&3) -3,000 sf quick serve restaurants with associated improvements, [2] demolition of portions of the former Bon Ton department store building (approx. 50k sf to be demolished), with upgrades being a new entrance, with inline tenant space (approx. 20k sf to remain and be enhanced); [3] improvements to the remaining mall structure, including building exterior and facade, roof replacement, and substantial interior renovations; [4] addition of approximately 35,000 sf building (podium style construction) at the south end of the mall[; and 5] development of an outparcel in the northwesterly site area as a multi-story housing development containing 60 apartment units.

Part 1 of FEAF completed by Labella Associates on behalf of the CCIDA.

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adopted a resolution determining that the proposed potential redevelopment will not have a significant adverse impact on the environment. In the Company's responses to LaBella's comments, it noted that the "proposed action" under review by the lead agency was intended to be the "'maximum' development possible" of the Mall Facility, but that redevelopment "will be dependent on tenants and market driven demand."

Also in August 2024, the Planning Board, which was identified as an involved agency in CCIDA's coordinated environmental review, approved, with conditions, two site plan applications related to proposed redevelopment efforts at the Mall Facility (SP # 2024-279 and SP #2024-180). Both applications concerned a potential 60-unit multi-story housing development to be constructed on a new 1.8 acre parcel that would be located in the northwesterly portion of the Project Site. One of the conditions imposed by the Planning Board in its approval of SP # 2024-280 was that the applicant must return to the Planning Board for site plan review and action for any proposed new buildings on the outparcels.

The Project under review by the City Council is nonetheless limited to the acquisition of the Narrowed Proposed Interests as necessary to facilitate the ultimate redevelopment of the Project Site as a multi-purpose mixed use facility, so that it may attract and accommodate new and diverse tenant(s), and/or end user(s), regardless of the specific tenants or end-users that future market conditions may allow for. The Project is not tied to any previously proposed potential redevelopment plan, or any specific future plan. Rather, the Project is designed to provide the foundational property control necessary to support a range of potential future redevelopment options that may deviate from a traditional retail mall.

Section 6. *The City approves, adopts and incorporates by reference the responses to the Full EAF and finds that the Project will not present any significant adverse impact on the environment for the following reasons:*

A. **Impact on Land** (Full EAF Form, Part 2, Section 1). *The Project will not have a significant adverse environmental impact on land. The Project does not involve construction on, or physical alteration of, the land surface of the Project Site, such as grading, clearing, filling, excavation or construction activities. The proposed action is limited to the acquisition by condemnation of the Narrowed Proposed Interests as may be needed to facilitate the future productive reuse and redevelopment of the Project Site. The Project does not propose any other action to be taken concerning the Project Site. Upon completing the condemnation, the Project shall be complete. Acquisition of the Narrowed Proposed Interests will not result in any physical change to the Project Site.*

B. **Impact on Geological Features** (Full EAF Part 2, Section 2). *The Project will not have a significant adverse environmental impact on geological features, and no unique geological features were identified at the Project Site.*

C. **Impacts to Surface Water** (Full EAF Form, Part 2, Section 3). *The Project will not have a significant adverse impact on surface water. The Project does not involve any change to the Project Site but only involves the City's acquisition by condemnation of the Narrowed Proposed Interests. While the Project Site is in proximity to the Olean Creek, the proposed action does not involve activities that would disturb the land such as removing vegetation, increasing or decreasing the size of a water body, creating new water bodies, or grading, clearing, filling or excavating within or adjoining a waterbody. The proposed action also will not cause erosion, withdraw water, discharge wastes into a water body, or*

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degrade water quality. The City Council anticipates that, at such time as specific future development is proposed, the Company will obtain, as applicable, coverage under the SPDES General Permit for Stormwater Discharges from Construction Activity and prepare a SWPPP pursuant to New York State Department of Environmental Conservation ("NYSDEC") regulations that will implement construction and post-construction practices necessary to address any potential stormwater runoff.

D. Impact on Groundwater (Full EAF Form, Part 2, Section 4). The Project will not have a significant adverse environmental impact on groundwater. Because the proposed action is limited to the City's potential acquisition by condemnation of the Narrowed Proposed Interests, current water usage will remain unchanged. The Project will not create a new or additional demand for water and no potable water source will be added or impacted by the proposed action.

E. Impact on Flooding (Full EAF Form, Part 2, Section 5). The Project will not have a significant adverse environmental impact on flooding. According to the FEMA Flood Map Service Center, the Project Site is located within a 100-year flood zone. However, the proposed action is limited to the City's potential acquisition by condemnation of the Narrowed Proposed Interests, and thus no disturbance or construction will take place in any 100-year floodplain.

F. Impact on Air (Full EAF Part 2, Section 6). The Project will not have a significant adverse environmental impact on air. There will be no change in air quality upon the City's acquisition by condemnation of the Narrowed Proposed Interests.

G. Impact on Plants and Animals (Full EAF Part 2, Section 7). The Project will not have a significant adverse environmental impact on plants and animals. As detailed in the Full EAF, there will be no change of use with respect to the Project Site, and no development or other action will be authorized or taken pursuant to the Project beyond the City's proposed acquisition by condemnation of the Narrowed Proposed Interests. The proposed acquisition will result in no impact to threatened or endangered species or their habitats. While the public databases identify certain species, because there is no physical change proposed as part of the Project, which consists of the acquisition of the Narrowed Proposed Interests, there will be no significant adverse impact to such species.

H. Impact on Agricultural Resources (Full EAF Form, Part 2, Section 8). The Project will not have a significant adverse environmental impact on agricultural resources. The Project Site is not currently engaged in an agricultural use.

I. Impact on Aesthetic Resources (Full EAF Form, Part 2, Section 9). The Project will not have a significant adverse environmental impact on aesthetic resources. The Project consists of the acquisition of the Narrowed Proposed Interests, which will not introduce land uses or a level or kind of activity in the area different from what currently exists. No scenic

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or aesthetic resources were identified in proximity to the Project Site according to Part 1 of the Full EAF.

J. Impact on Historic and Archeological Resources (Full EAF Part 2, Section 10). The Project will not have a significant adverse environmental impact on historic and archeological resources. Although Part 1 of the Full EAF indicated that the Project Site or a portion of it is located near a property eligible for historic preservation designation, 214 North Barry Street, that property is not adjacent to the Project Site and, in fact, is not visible from the Project Site.

K. Impact on Open Space and Recreation (Full EAF Part 2, Section 11). The Project will not have a significant adverse environmental impact on open space and recreation. The acquisition of the Narrowed Proposed Interests will not create a loss of recreational opportunities or a reduction in an open space resource as designated in any adopted municipal open space plan, and in any event the uses associated with the Project Site will not change as a result of the Project. Although no specific future development is within the scope of the Project currently under review, the City Council notes that the housing development encompassed within CCIDA's environmental review which resulted in CCIDA's issuance of a negative declaration in August 2024, contemplates addition of green space.

L. Impact on Critical Environmental Areas (Full EAF Part 2, Section 12). The Project will not have a significant adverse environmental impact on critical environmental areas. The proposed action will not be located within or adjacent to a critical environmental area.

M. Impact on Transportation (Full EAF Part 2, Section 13). The Project will not have a significant adverse environmental impact on transportation. As discussed, the Project involves the acquisition of the Narrowed Proposed Interests and thus will not result in a significant adverse impact on traffic or transportation systems, including pedestrian and vehicular traffic, parking, or traffic congestion. The acquisition of the Narrowed Proposed Interests will not significantly impact available on-site parking for patrons of the Mall Facility or other portions of the Project Site. The City's acquisition of the Narrowed Proposed Interests will have no foreseeable impact on traffic or transportation systems.

Although no specific future development is within the scope of the Project currently under review, the City Council notes that the proposed housing complex which was considered as part of the "proposed action" encompassed within CCIDA's environmental review, which resulted in CCIDA's issuance of a negative declaration in August 2024, contemplates changes to the layout that will result in improved connectivity to North Union Street and Olean Creek. Further, as noted by the Company's counsel in its response to comments during that review, it is extremely unlikely that trips generated by the future mixed-use redevelopment of the Mall Facility will exceed previous trips generated by a fully occupied mall.

N. Impact on Energy (Full EAF Part 2, Section 14). The Project will not have a significant adverse environmental impact on energy. Because the Project is limited to the City's acquisition of the Narrowed Proposed Interests as may be needed to facilitate the potential future

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productive reuse and redevelopment of the Project Site, the proposed action will not increase the use of any form of energy or increase energy demand. The creation or extension of an energy transmission or supply system is not required for the acquisition of the Narrowed Proposed Interests.

O. Impact on Noise, Odor and Light (Full EAF Part 3, Section 15). The Project will not have a significant adverse environmental impact on noise, odor and light. No odors, noise or light impacts will be generated through the City's acquisition of the Narrowed Proposed Interests. The proposed action will not result in routine odors, light shining onto adjoining properties, or lighting creating sky-glow brighter than existing area conditions.

P. Impact on Human Health (Full EAF Part 3, Section 16). The Project will not have a significant adverse environmental impact on human health. Part 1 of the Full EAF indicates that the Project Site is not within 2,000 feet of any NYSDEC Remediation Sites. Because the proposed action is limited to the acquisition of the Narrowed Proposed Interests, the Project will not otherwise disturb any solid or hazardous waste related to those identified sites.

*Q. Consistency with Community Plan (Full EAF Part 2, Section 17). The Project is consistent with adopted land use plans. The Project consists of the acquisition of the Narrowed Proposed Interests to facilitate the potential future productive reuse and redevelopment of the Project Site, for future economic development, thereby promoting economic revitalization, increased employment opportunities, and increased tax base within the City, which will result in positive effects within the City and surrounding community. The City's Comprehensive Development Plan (2025-2045) (herein the "Comprehensive Plan")³ identifies the revitalization of the Mall Facility as one of the City's economic development focuses, with the goal of improving shopping options, restaurants, and attractions, enhancing parking areas, and "repurposing [the Project Site] if necessary to attract popular chains and local businesses." See Comprehensive Plan at 21. It identifies Olean Mall Campus Improvements as the first action item for promoting optimal and efficient land use strategies, policies and projects. *Id.* at 60. In 2015, the City adopted its Downtown Olean Form-based Zoning Code (the "Code"),⁴ a pilot project to enable and encourage mixed-use development of the core of a new "City Center" zoning district, which encompasses the Project Site. Included among the goals identified by the Plan for the City Center district are*

³ CITY OF OLEAN COMPREHENSIVE DEVELOPMENT PLAN (2025-2045), available at https://cdn.townweb.com/cityofolean.org/wp-content/uploads/2025/01/CDP_Plan_Adopted_FINAL.pdf (last visited December 23, 2025).

⁴ DOWNTOWN OLEAN FORM-BASED ZONING CODE (December 30, 2015), available at <https://storage.googleapis.com/juniper-media-library/301/2025/09/Olean-FBC-2015-12-30.pdf> (last visited December 23, 2025) (previously at <https://cityofolean.org/wp-content/uploads/2022/02/Olean-FBC-2015-12-30.pdf>).

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“promot[ing] an orderly, compatible, and varied mix of uses,” and “allow[ing] for adaptive reuse . . . and contextually-responsive infill development” (Code, at 1-1). Further, the Olean Strategic Investment Plan (the “Strategic Investment Plan”),⁵ prepared in connection with the City’s receipt of a grant from New York State’s Downtown Revitalization Initiative, identifies the vast parking fields within the Project Site as “underutilized due to the declining retail presence at the [Project Site]” (Strategic Investment Plan at 30).

R. Consistency with Community Character (Full EAF Form, Part 2, Section 18). *The Project is consistent with community character and will have a positive effect on the community. The Project involves the acquisition of the Narrowed Proposed Interests to facilitate the productive reuse and redevelopment of the Project Site for future economic development projects, which will have a positive impact on the community as such redevelopment will broaden the tax base, increase jobs, and thus a better standard of living for City residents. However, such redevelopment cannot occur without acquisition of the Narrowed Proposed Interests because, until those interests are extinguished, redevelopment of the Project Site cannot deviate from a traditional retail mall, which in the current market environment is not feasible.*

S. Cumulative Impacts and Subsequent Review. *There will be no significant adverse environmental impacts associated with any potential cumulative impact. The City has considered cumulative impacts, including other prior, simultaneous or subsequent actions which are included in any long-range plans of which the Project under consideration is a part; likely to be undertaken as a result of the Project; or dependent on the Project. There is no improper segmentation associated with the Project because the proposed acquisition of the Narrowed Proposed Interests is a necessary step to facilitate the proposed redevelopment of the Mall Facility. Nothing additional, more specific, or different from the potential redevelopment plans previously identified by the Company in its application to CCIDA (and thus encompassed in the “proposed action” for purposes of CCIDA’s coordinated environmental review), is currently known, and therefore any assessment of such potential impacts would be speculative at this time. When additional specific details concerning the previously identified potential redevelopment options are proposed, such as reuse of outparcels, or new or modified development plans are proposed, such future applications and proposals for permits or approvals necessary for such efforts will be subject to zoning, land use, and other applicable laws, including SEQRA, and such review will be protective of the environment in accordance with applicable SEQRA requirements.*

Section 7: *This Resolution has been prepared by the City Council, with offices located at 101 East State Street, Olean, New York 14760, in accordance with Article 8 of the Environmental Conservation Law of New York, and in consultation with counsel.*

⁵ OLEAN STRATEGIC INVESTMENT PLAN, New York Downtown Revitalization Initiative (March 2018), available at https://www.ny.gov/sites/default/files/atoms/files/Olean_DRI_Plan.pdf (last visited December 23, 2025).

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Section 8: *The City Council and/or the persons whom it may designate or has designated for such purpose are authorized to file the Negative Declaration in accordance with applicable provisions of the law and this Resolution shall constitute a Notice of Negative Declaration. The requirements of SEQRA are satisfied.*

Section 9. *The members, officers, employees and agents of the City are hereby authorized and directed for and in the name and on behalf of the City to do all acts and things required and to execute and deliver all certificates, instruments and documents, to pay all fees, charges and expenses and to do all further acts and things as may be necessary or, in the opinion of the member, officer, employee or agent of the City, desirable and proper to effectuate the purposes of the foregoing resolutions and to cause compliance by the City with all of the terms, covenants and provisions of any documents executed for and on behalf of the City for purposes of effectuating any of the foregoing.*

Section 10. *This Resolution shall take effect immediately.*
ROLL CALL, AYES ALL. MOTION CARRIED.

Alderman Bennion explained after listening to all sides of things, Alderman Crawford brings up a good point about the greater good. He explained he does not trust everyone at the table, but he does trust the Community Development office. He explained with that, he will support the project with the narrowed scope being only removing certain lease rights. He explained there were a lot of conversations back and forth and he is glad there were narrowed rights to ensure that just that is done. He explained he is really appreciative of the Planning Board, Zoning Board, DPW, Community Development, and all those who will have a hand in making sure this project is not railroaded with blanket approvals.

Alderman McCall explained Ms. Kerper does an amazing job, and perhaps the previous administration was not as transparent as it needed to be. She explained we definitely need to do something with the mall and agrees this will benefit everyone. She explained her “no” vote earlier was really regarding issues about how we got this this place. Alderman Bennion explained in the future, he does not feel publication in the Olean Times Herald is sufficient for notice and we need to look at something better for that, as well as holding hearings when the public and the Aldermen can be present, not at 10:00 a.m.

RESOLUTION #03-2026 **PL #02-26**

By Alderman Anastasia, Seconded by Alderman Keary

RESOLUTION AUTHORIZING THE ADOPTION BY THE CITY OF OLEAN COMMON COUNCIL OF THE DETERMINATION AND FINDINGS (AS DEFINED BELOW) AND PUBLICATION OF THE BRIEF SYNOPSIS OF SAME, PURSUANT TO SECTION 204 OF THE NEW YORK EMINENT DOMAIN PROCEDURE LAW CONCERNING THE PROPOSED CONDEMNATION OF CERTAIN REAL PROPERTY RIGHTS AND/OR INTERESTS CONSISTING APPROXIMATELY OF THE NARROWED PROPOSED INTERESTS OF THE NARROWED INTEREST HOLDERS ALL IN CONNECTION WITH THE PROJECT (AS SUCH CAPITALIZED TERMS ARE DEFINED IN THE DETERMINATION AND FINDINGS).

WHEREAS, by New York General City Law Section 20(2), the City is vested with the power of eminent domain; and

WHEREAS, Olean Town Centre LLC, a New York limited liability company, and/or its affiliates (herein, together with their respective successors, assigns, and/or designees, the “Company”), is the owner of certain “real property” (as such term is defined in the Eminent Domain Procedure Law (“EDPL”)) located in the City of Olean, Cattaraugus County, New York, that, in part, generally comprise the predominantly vacant and deteriorating shopping center known as the Olean Center Mall and adjoining and/or nearby parking fields and related improvements located at 400 N. Union Street, 420 N. Union Street, and 450 N. Union Street (collectively, the “Mall Facility”), which is more

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fully described in the transcript of the City's Public Hearing (as defined below and which transcript is incorporated herein by reference) (collectively referred to herein as the "Project Site"); and

***WHEREAS**, the Company has certain lease agreements with respect to certain portions of the Mall Facility, namely with: (1) J.C. Penney Corporation (or, "JCPenney"), with regard to a portion of the improvements and adjoining parking fields located at 400 N. Union Street, for use as a JCPenney department store adjoining the southwestern end of the Mall Facility and related uses (collectively, the "JCPenney Space"); (2) Kohl's Illinois, Inc. (or, "Kohl's"), with regard to a portion of the improvements and adjoining parking fields located at 420 N. Union Street, for use as a Kohl's department store adjoining the southern center portion of the Mall Facility and related uses (collectively, the "Kohl's Space"); and (3) KeyBank of NY, N.A./KeyCorp/KeyBank National Association (or, "KeyBank"), with regard to the land and adjoining parking fields located at 450 N. Union Street, for use as a KeyBank branch building near to and northwest of the Mall Facility and related uses (collectively, the "KeyBank Space") (JCPenney, Kohl's, and/or KeyBank, or any of their respective successors and/or assigns, are collectively referred to herein as the "Designated Interest Holders," and their leases are collectively referred to herein as the "Tenant Leases"),*

***WHEREAS**, the City desires to exercise its power of eminent domain for the "acquisition" of certain "real property" (as such quoted terms are defined in the EDPL) rights and/or interests consisting approximately of all or a portion of the Narrowed Proposed Interests of the Narrowed Interest Holders (each as defined in the Determination and Findings), all in connection with the Project (as defined in the Determination and Findings); and*

***WHEREAS**, in accordance with the EDPL, the City conducted a duly noticed public hearing on May 15, 2025, at 10:00 a.m., to inform the public and to review the public use, benefit, or purpose to be served by the Project, the proposed location of the Project, and its general effect on the environment and the residents of the locality where the Project is proposed to be constructed, and at the public hearing, the public was provided an opportunity to provide any comments (collectively, the "Public Hearing"); and*

***WHEREAS**, by resolution adopted prior hereto on January 13, 2026, the City, in accordance with the EDPL and pursuant to the New York State Environmental Quality Review Act, Article 8 of the New York Environmental Conservation Law and the regulations adopted pursuant thereto at 6 N.Y.C.R.R. Part 617.1 et seq., as amended (collectively referred to as "SEQRA"), issued a Negative Declaration (as that term is defined under SEQRA) determining that the Project will not result in any significant adverse impact to the environment, thereby satisfying the applicable requirements set forth in SEQRA, as necessary; and*

***WHEREAS**, the City, having considered the foregoing, now desires to adopt and publish the Determination and Findings in accordance with the EDPL and any applicable laws, rules or regulations.*

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE COMMON COUNCIL OF THE CITY OF OLEAN AS FOLLOWS:

Section 1. The City, pursuant to Section 204 of the EDPL, hereby (i) adopts the determination and findings in the form presented at this meeting with such changes as approved by counsel to the City (the "Determination and Findings") as more fully set forth in Exhibit A annexed hereto and made a part hereof, and (ii) authorizes its members, officers, employees and agents of the City (including counsel to the City) to (A) publish a brief synopsis of the Determination and Findings, (B) mail notice of such brief synopsis to owner(s) of the Narrowed Proposed Interests (and/or their attorney(s) of record), and (C) take all steps appropriate to comply with applicable provisions of the EDPL and all other

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applicable laws, rules or regulations to implement this Resolution.

Section 2. *This Resolution shall take effect immediately.*
ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTION #04-26

PL #03-26

By Alderman McCall, Seconded by Alderman Robinson

***TO REQUEST THE STATE LEGISLATURE ENACT SPECIAL LEGISLATION AUTHORIZING
THE OLEAN CITY ASSESSOR TO ACCEPT A RETROACTIVE APPLICATION FOR A REAL
PROPERTY TAX EXEMPTION UNDER RPTL §420-A FROM OWH PROPERTIES, INC.
(OPERATION WARM HEARTS)***

WHEREAS, OWH Properties, Inc. (Operation Warm Hearts) submitted an application for an exemption from real property taxes pursuant to Section 420-A of the Real Property Tax Law on October 28, 2025 for the 2026 general tax year and the 2025-2026 school tax year assessment rolls for the properties located at 908 North 4th Street (s/b/l 94.049-1-70) and 920 North 4th Street (s/n/l 94.049-1-73); and

WHEREAS, the City of Olean Common Council supports such application and requests the State of New York review and accept said application, and authorize the Assessor of the City of Olean to accept the application for exemption for the 2026 general tax year and the 2025-2026 school tax year assessment rolls;

NOW, THEREFORE, BE IT RESOLVED, that the Common Council requests the State Legislature enacts special legislation authorizing the Olean City Assessor to accept a retroactive application for a real property tax exemption under RPTL §420-a from OWH Properties, Inc. (Operation Warm Hearts) for the 2026 general tax year and the 2025-2026 school tax year assessment rolls for the properties located at 908 North 4th Street (s/b/l 94.049-1-70) and 920 North 4th Street (s/n/l 94.049-1-73).

RESOLVED, that this Resolution is hereby effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

ADJOURNMENT

*Motion to adjourn was made by Alderman Robinson, seconded by Alderman Bennion.
Voice vote, ayes all. Motion carried. Meeting adjourned at approximately 7:00 p.m.*

Frank Caputo, City Clerk

Mayor Amy Sherburne

*Vernon Robinson, Jr., Council
President*

I hereby approve the foregoing minutes

Dated: ____/____/____

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STATE OF NEW YORK
COUNTY OF CATTARAUGUS
CITY OF OLEAN

I, Frank Caputo, City Clerk of the City of Olean, do hereby certify that the foregoing minutes of the Common Council of the City of Olean is the true and correct copy of the whole thereof.

Frank Caputo, City Clerk