

City of Olean
ZONING BOARD OF APPEALS

Minutes for Zoning Board
Meeting held on April 14, 2016

1. Roll Call

Chairperson LaDorna Fox called the meeting to order at 6:31p.m. Secretary Thomas Enright read the roll call. All members were present except Charlotte Hardy who was absent.

Present:

- LaDorna Fox - Chairperson
- Bob Moser – Vice Chairperson
- Mr. Thomas Enright- Secretary
- Mr. Michael Droney
- Mrs. Shayne Certo
- Mr. George Linnan

Absent:

- Charlotte Hardy

Staff:

- Kathleen Hewitt- Account Clerk Typist

Other Attendees:

- Jason Crisafulli – President of Kinley Corporation
- Eric Biscaro – Applicant
- Raquel Martin- Applicant

1. Old Business

Reading and approval of March 24, 2016 meeting minutes.

A motion was made by Michael Droney, seconded by George Linnan to approve the March 24, 2016 meeting minutes as is. Voice vote, ayes all. Motion carried.

2. Public Hearing (6:35 p.m.)

550 Genesee St. Eric Biscaro & Raquel Martin: Patio Homes Development - Use Variance.

Thomas Enright read the application aloud requesting a Use Variance:
If granted it will vary from Article 4 Section 4.0.2(a) of the Zoning law.

LaDorna questioned who is speaking on behalf of Patio Homes Development. Eric Biscaro stated he is one of the applicants and Raquel Martin is the other applicants both are present. Eric noted Jason Crisafulli is present and representing owner of the land.

Eric stated the proposal is for a 64 unit Patio Homes Development. He explained they are double homes for seniors. He stated the homes are not government or subsidized funded, and will not receive any money from the City of Olean or State or New York. Eric noted they are unique in upstate New York, and in order to see a development like this you would have to go to Buffalo New York or Rochester area. Eric explained currently the land has individual plots and he would like to purchase the lots as a whole so nobody else can come forward and build a unit in any random plots. Eric stated that they would have a major development, it will sustain for a long time. Eric noted the neighborhood is already nice and safe however; Patio Homes Development would be the largest invested in the area and would be in tuned to keeping it in great shape.

LaDorna questioned if the project would interfere with the woods. Eric responded they would remove approx. 50-75 ft along the back side of the lot Hillcrest Ave. side. Eric noted that Patio Hills will only remove what they need. LaDorna questioned if endangered species living in the woods or any endangered trees. Eric responded he could not answer if there were endangered trees or species. Eric reiterated that he would preserve as many trees as he could and only take the trees that were needed for the homes.

Eric stated Kinley has been paying taxes on \$170,000 property and only five (5) lots sold in the past five (5) years. Eric noted the lots that were sold were to existing homes that wanted to expand their own property. Eric noted the sale is great for people who wanted to expand their own lot size however; it will not help the city tax base. Eric mentioned there has been Zero (0) homes built in the neighborhood in the past Five (5) years. Eric stated Kinley Co. has invested in infrastructure of excessive amount of \$600,000.00 originally. Kinley Co. listed it with real estate agent for the past four (4) years at \$460,000.00 with no interested buyer. Eric stated the hardship is a tremendous amount of money and not able to do anything with it. Eric noted it is not the neighborhood or anyone's fault it's just the way the economy has evolved in this city and also other towns. Eric explained Olean is not growing and every census regarding Olean shows it is getting a bit smaller. Eric explained when Kinley Corp. purchased the land Olean was not experiencing a declining in population or economy downfall. Eric explained this is a big part of the hardship Kinley Corp. is experiencing. Eric reiterated no demand for new structure in the City of Olean since the decline in population. He noted a few new houses were built in this area however; it is located in the town of Olean and other surrounding areas. Eric reiterated it does not help the City of Olean taxes when properties are outside the city limits.

Eric explained his first development was in Batavia, New York. He noted when he had the original open house at the Batavia location he had approximately 80 applicants to move in. He stated Olean has the same type of appeal Batavia had. He explained Olean has a lot of subsidized senior housing. Eric explained Olean does not have non-subsidized housing. Eric explained an individual may have big beautiful houses however; unable to take care of the house, the yard and it becomes a burden to them due to they are getting older or incapable. Eric reiterated this is why these houses will be a great alternative. He stated his company goes out of the way to make houses senior accessible. Eric explained the driveway and sidewalk will be built so the sidewalk and driveway goes right up to the level of the house so no steps to worry about. Eric noted the back deck will have 1 step off the deck on one side and a ramp on the other side. Eric noted these types of houses needs to be in a quiet and safe neighborhood, which is why this location is desirable; it is already a quiet and safe neighborhood. Eric reiterated that having these houses adds to the city tax base and also economic development for the local merchants and keep individuals living in Olean.

Eric explained purchasing the 40 lots is a much better purchasing price then purchasing individual lots. He noted they are going to put double housing on the lot which cuts the lot cost in half. Eric noted he owns Armour Building Supplies on Constitution Ave. He stated Armour Building supplies have showrooms in all six (6) locations and his showrooms are high end items. Eric indicated usually high end items would not be in a development like this however; they would be included in the new Patio Homes. Eric stated they are experienced General Contractors and he is their own General Contractor and will not charge this fee ahead of time. Eric noted he will take from the profits after they are established. Eric indicated they will be the owner of it; He is experienced at this type of project and has been doing properties for over 30 years which include the Batavia location.

Eric explained they would like to request the city not pay for the installation of the road so Patio Homes will resume full responsibility for installing the road. Eric noted usually a city is asked to pay for 1/3 of the road and it could get very expensive however; Patio Homes willing to pay entire cost. They would own the road and pay to maintain it. Eric explained the city will not have to maintain it, plow it or anything. Eric advised by doing it, this will keep the traffic to a minimum if the city does not maintain it or bare the expense.

LaDorna stated this location is a R1 area and a double house does not fit the criteria. She noted without the Zoning Board approval you will not be able to do it. Eric responded this is why he is seeking a Use Variance.

Eric welcomed the Zoning Board and the public to visit Batavia's location for a visual and a sense of traffic flow.

Eric explained the double housing will be a bit different from the houses that reside there now however; the quality of building will be as high dollar amount as 5-6 house's that already reside there. Eric advised the design will be a bit different since the houses will be catered to seniors and will not be 3 ft from the ground. Eric stated the houses will have radiant heat, insulated very well; average bill for last year's water and heat on a 1200 sq. ft. was \$50.00 and temperature approximately 75 degrees. Eric explained the homes are built energy efficient, air conditioned, ranch style, own yard, garage and the lighting in the neighborhood will be similar to the existing lighting already there. He stated no on street parking; each unit will have own 2-4 car driveway and one (1) space garage to use. Eric advised the driveways are double wide driveways in case someone wants to visit.

Eric advised the board a traffic development has already been done for these location years ago and approved when the city was counting on traffic increasing. Eric explained with this development the traffic will be fewer cars then the city initially anticipated due to 25 % senior citizens do not have a car, remaining seniors only generally have One (1) car and usually goes out a few times a week. Eric stated the noise will be considerably less with senior citizens, then with single family homes.

Eric reiterated Kinley Co. hardship is Kinley bought and operated as intended for years until changing of times and circumstances in Olean brought development to a halt. Eric noted Kinley Co. pays the taxes on this land and is tired of paying taxes on land they cannot seem to do anything with. Eric advised the Zoning Board Kinley Co. will be taking a financial loss when it is sold. Eric noted that both Patio Homes and Jason Crisafulli came to an agreement, even thou Kinley Co. will be taking a substantial loss.

LaDorna stated the Zoning Board will ask questions now.

Michael Droney questioned if the properties are for sale or rent. Eric responded the houses will be for rent approximately \$1,250.00 a month. Eric noted renting will allow the applicants to keep their money from selling their home or savings and will not put their own money into a Patio Home. Eric noted what a typical person is spending in taxes for their house and upkeep, they are already affording it. Eric reiterated for a nonsubsidized housing for senior citizens there

are no other options for that particular client in the Olean area. Eric stated when an \$18,000.00 roof goes bad or a \$5,000.00 furnace goes bad the stress for money or peace of mind is not the burden of the client. Eric reiterated the cost of the new roof, furnace replacement or new carpet from a water leak will be the responsibility of Patio Homes to replace within a few days not the client.

George Linnan questioned what would happen to his house when he tried to sell it and it will not sell. Eric responded it will be up to the owner of the house to sell his own house or put it in the real estate hands. George questioned about the people already up there with high dollar homes and Patio Homes will bring in cheaper homes. Eric reiterated Patio Homes will have the same average dollar value as some of the houses already residing there. Eric reiterated there are some houses that are \$200,000.00 or \$300,000.00 however; not all houses hold a value that high. Eric reiterated Patio Homes will not decrease the value of current homes however; he feels it will increase the value of existing homes due to they will take the land lots of the market and if any other buyers want to live in the nice neighborhood it will be more exclusive they will have to purchase one of the existing homes already there and not a Patio Homes. Eric reiterated they are not low income properties.

LaDorna questioned if they looked into the sewer issue. Eric responded all new sewer lines and water lines. He noted they are operating and they factored in the new homes when both line were installed.

Thomas Enright questioned if these are the original land plots or was they downsized in anyway. Eric responded they are 1200 ft per unit and each building is 2880 sq. ft with the garage which is two (2) patio homes. Thomas questioned if a cluster affect might happen. Eric responded everyone is welcome to go to Batavia and look for themselves at the already established Patio Homes and speak with the clients or view the book he brought. Eric noted these homes will not be closer than any regular single family house. Eric noted they will go with the same layout as they see in the pictures since the water and sewer already exists.

Shayne Certo questioned the time phases in which he is planning to build the homes. Eric responded they will build six (6) buildings, twelve (12) units every two (2) years. Eric noted the reason for this process will be the need to slowly fill the homes and it will take a little while for the idea to catch on and for people to sell their homes. Eric noted by the time the third (3) phases he will stop advertising and it will fill with the friends that already exist there. Shayne questioned if the properties are not filling up like planned would he stop building the homes. Eric responded they would slow the process of building if need be. Eric reiterated the need for this type of development in Olean. He noted phase one (1) will be the toughest one, getting people adjusted to this idea since it is new to the area.

Bob Moser questioned what his lease structure will be. Eric responded it would be a two (2) year lease. He noted having people move in and out is not the idea. Bob questioned the average stay time a client will live in a Patio Home. Eric responded there is a client that has lived in Batavia location for 15 years. Eric noted typically a client will move out due to going into a nursing home or catastrophic event in their personal life.

Eric stated he did his own market study and he discovered Batavia and Olean is comparable to the same situation. Eric noted he did the same type of study when he put Armour Building supply on Constitution Ave.

Shayne questioned who will take over the business when Eric retires. Eric responded his daughter, Eric's brother and Eric's nephew are all in a partnership. Shayne questioned what would happen to the property if he decides to sell. Eric stated it could not be sold individually it would have to be sold as whole.

LaDorna stated that the public may now ask questions: (46.10)

Mark Langenhan 106 Woodview Ave. stated he is an officer of the neighborhood association, and the president is out of town. Mark stated the neighborhood bought into the community for number of reasons. He stated first (1) Covenant issues. Mark noted the Zoning Board would have nothing to do with this it is an independent issue. Mark questioned the Zoning Board if the Use Variance will change from an R1 to an R3. LaDorna stated it would not change into an R3 zoning it would just be a Use Variance. Mark explained the neighborhood feels this project is a large deviation from the integrity of the neighborhood; R1 district is suppose to protect neighborhood from projects like this. LaDorna stated she is aware of the agreement that exists with the neighborhood for one of another however; Zoning Board supersedes that agreement. Mark stated the covenants are on file with Cattaraugus County, and understands this meeting is legality. Mark requested the meeting being tabled tonight so the neighborhood may prepare more. LaDorna stated the meeting would be tabled tonight however; this will be the only time for public to speak. Mark acknowledged this is the only time to speak however; he wants to express his concern of property value dropping, water and sewer lines the city installed being adequate to accommodate this project. Mark expressed concerned of number of taps that were installed, density situation, sewage. LaDorna noted what about traffic. Mark agreed and a traffic study would be good to see. Mark questioned if Tom Windus could speak on behalf of the water and sewer at some point. Mark reiterated if the six (6) inch sewer main is enough for 66 more houses. Edward Jennings responded he spoke with Tom Windus it is an eight (8) inch water line and is it sufficient for that area even with added homes. Edward explained the sewer lines would have to be completed when the structures goes up.

Karen Callahan 760 Genesee St. & 2075 Hillcrest Ave. Karen questioned how the woods behind her new home 2075 Hillcrest Ave. would be affected. Eric responded some of the woods will still remain. Karen questioned if her parents moved into one of the Patio Homes how much would the taxes be. Eric responded since your parents would rent the property they would not pay taxes.

John Monahan 7 Woodview Crt. questioned if Patio Homes sells the homes would the waiver go with the property. Eric responded they would not sell individual plots, it is a development and it would have to stay together.

Barb Langenhan 106 Woodview Ave. Barb questioned Eric on his statement regarding the traffic not being affected. Eric reiterated the traffic will be affected from what it is now however; it will be far less traffic than what is projected from single family homes that were originally going to be built on the plots. Eric noted that twenty-five (25) percent of citizens will not have vehicle, Remaining citizens with cars ninety (90) percent will only have one (1) vehicle and citizens are generally only out two (2), three (3) times a week. Eric reiterated the traffic will be far less than what is projected for single family homes however; more traffic than what is currently happening. Barb questioned the trees. Eric stated the trees are a development issue. He reiterated at some point and time someone will purchase a plot and want a big backyard or maybe hate trees, and they will remove more trees than what Patio Homes will. Eric reiterated Patio Homes want a backyard but not a big back yard. Eric explained they will also be removing all the big unsafe trees and there are unsafe trees.

Earl Elfresh 750 Genesee St. Earl questioned if the population of Olean is declining, why is there a need for this development. Earl questioned the traffic increase. Earl noted when BOCES went into their neighborhood they were told the traffic would not change and it did. Earl also questioned the terrain for the elderly. He stated it is a really nice idea however; another location would be more suitable for them. LaDorna commented Earl's point of declining population is something to consider since Olean is a different city than it used to be. Earl stated he is not concerned about the trees due to there is lots of trees, just not a lot of people. Earl reiterated he is concerned about the terrain.

Tahir Chauhdry 304 Woodview Ave. Tahir stated the idea is a wonderful idea however; he does not want it in his back yard. Tahir stated he was the last one to purchase a lot and build from Jason Crissafulli. Tahir explained when he built his home he is second (2) or third (3) on the tax burden of this town. Tahir stated before he built his home he asked point blank "is there going to be a neighbor who can build a shack or small home". Tahir explained the answer was "nobody was going to build anything like that". Tahir noted that was about eight (8) years ago. Tahir explained he believes his family would be affected the most by this development. Tahir explained their house would be budding heads with it. Tahir stated he does not agree with the statement regarding the traffic, he feels the traffic will go up. Tahir advised the Zoning Board he has kids and his kids like to play at night. Tahir indicated elderly people go to bed early and will not want to hear his kids at night playing. Tahir advised the Zoning Board during the summer they have BBQ and use their pool or play basketball and he does not have the worry of keeping the noise level down. Tahir explained it is a wonderful idea but it is a privacy issue for him. Tahir stated he will not support this development.

Josh Dynda 206 Inwood Dr. Josh questioned the five (5) phases of construction. Eric stated two (2) years per phase of construction. Josh noted that is a long time to have construction.

Eric reiterated the traffic flow will increase from what it is now however; not what a single family house will be if the plots are purchased individually. Eric invited everyone to visit Batavia location.

Barb Langenhan 106 Woodview Ave. Barb stated she will not support the Patio Homes Development project. Barb questioned with all the vacant houses in Olean, how id Eric going to get people to pay \$1250.00 a month for rent from Patio Homes. Eric responded the vacant houses in Olean are not an option for the people who will move into a Patio Home. Eric reiterated other houses have steps and elderly are use to beautiful property however; there house is a burden or unable to maintain them now. Eric reiterated Patio Homes is a great alternative option. Barb explained the neighborhood has big beautiful homes in a nice quiet neighborhood and Barb does not want Patio Homes there.

LaDorna closed the Public Hearing at 7:49 p.m.

LaDorna reviewed a short SEQR.

LaDorna asked for a negative declaration. Motion was made by Michael Droney and Seconded by Bob Mosier. Voice Vote, Ayes all Motion carried for negative declaration.

LaDorna is requested physical evidence and not hearsay. LaDorna stated Kinley will have to produce the tax bills.

LaDorna questioned who would make a motion to table this until further study.

Bob interjected and questioned Edward Jennings if Code Enforcement has reviewed the Long Form application. Edward responded he has read thru the Long Form and stated it appears adequate to him however; the board needs to review and approve it. Ed stated Tom Windus also read thru the Long Form and agreed it appears fine but advised the Zoning Board to review and approve. LaDorna requested Ed to send Zoning Board a letter stating it was validated. LaDorna stated the Zoning Board cannot make a decision tonight. She explained they need more evidence for the hardship.

LaDorna questioned who would like to make a motion to table this meeting. Motion was made by Michael Droney, seconded by George Linnan. Voice vote, ayes all. Motion carried to table this decision for up to 62 days From April 14, 2016. LaDorna instructed Eric to bring all evidence to the Code Enforcement office to be submitted. LaDorna mentioned Eric cannot develop until this issue is resolved.

Next Meeting Date

The next Zoning Board meeting has been scheduled for Thursday, April 28, 2016 at 6:30 p.m., pending any business.

1. Adjournment

Motion to adjourn was made by Thomas Enright, seconded by Shayne Certo. Voice vote, ayes all. Motion carried. Meeting ended at approximately 7:58 p.m.

