

City of Olean
ZONING BOARD OF APPEALS

Minutes for Zoning Board
Meeting held on May 12, 2016

1. Roll Call

Chairperson LaDorna Fox called the meeting to order at 6:30p.m. Secretary Thomas Enright read the roll call. All members were present except Bob Moser who was absent.

Present:

- LaDorna Fox - Chairperson
- Mr. Thomas Enright- Secretary
- Mr. Michael Droney
- Mrs. Shayne Certo
- Mr. George Linnan
- Charlotte Hardy

Absent:

- Bob Moser

Staff:

- Kathleen Hewitt- Account Clerk Typist

Other Attendees:

Edward Jennings- Code Enforcement Supervisor

1. Old Business

Reading and approval of April 14, 2016 meeting minutes.

- Amendments to April 14, 2016 meeting minutes as followed:

Page 8 to read: “Motion to table this decision for up to 62 days from April 14, 2016”.

A motion was made by Michael Droney, seconded by Shayne Certo to approve the April 14, 2016 meeting minutes as amended. Voice vote, ayes all. Motion carried.

Thomas Enright requested point of clarification regarding the 62 days. Thomas questioned if the date can be extended if needed. LaDorna Fox responded she is unsure and never had to extend time. Edward Jennings noted the Zoning Board should follow the law and should reach a decision by the end of 62 days. Charlotte Hardy questioned if the 62 days started from when Zoning Board received last input from applicant.

550 Genesee St.

LaDorna Fox opened the discussion regarding 550 Genesee St. to the Zoning Board members only, not to include the public or applicant in attendance. LaDorna explained during the public hearing a “Findings and Decision” paper was started. She then since has spoken to the lawyer and also gathered more paperwork regarding this project. LaDorna asked for a motion to disregard the old “Findings and Decision” and start a new “Findings and Decision” paper.

A motion was made by Thomas Enright, seconded by George Linnan to start a new “Findings and Decision” paper and eliminate the old “Finding and Decision”. Voice vote, ayes all. Motion carried.

LaDorna explained during the public hearing a short SEQR was done however; a long SEQR is required, and the Zoning Board will need to decide if they are lead agency. Thomas questioned if it is (PART 2) of the long SEQR. Edward Jennings noted (PART 1). LaDorna stated she went thru it and questioned ZBA members if they read it. Shayne Certo stated she has not had a chance to read due to lot’s of paperwork was submitted. LaDorna noted the decision will be tabled tonight. LaDorna instructed the Zoning Board members to read thru the long SEQR by the next meeting to compare notes and decide if the Zoning Board should make a motion to become lead agency.

LaDorna explained she has been in touch with Chris Eastman from Albany. Thomas commented he is manager for local gov’t training. Edward questioned if he was for ZBA. Thomas responded he was. LaDorna explained she has been talking to him for days regarding this project. LaDorna explained Mr. Chris Eastman stated the definition for senior housing is not encompassing. LaDorna read Chapter 28 housing – from the Zoning Law.

LaDorna indicated the definition was not very enlightening. She explained Mr. Eastman suggested the Zoning Board speak with the Common Council for redefinition before ZBA makes a decision regarding this property. LaDorna noted she spoke with the lawyer and he stated ZBA could do that also. Edward suggested since Chapter 28 definitions are archaic and have been for ten (10) years, and then all definition should be replaced with a better language including adult homes.

LaDorna questioned if everyone read Chapter 28 description of an R1 area permitted uses. LaDorna read R1 permitted uses section aloud. LaDorna noted the article states senior citizen housing is acceptable in an R1 area. Michael Droney questioned if a duplex housing is aloud in an R1 district. LaDorna responded that is what the Use Variance is for. LaDorna noted she feels it is important to consult with the Common Council.

A motion was made by LaDorna Fox, seconded by George Linnan to have Edward Jennings address the Common Council with respect to definition changes. Voice vote, ayes all. Motion carried.

Shayne and Edward asked for clarification addressing the Common Council with respect to definition changes. LaDorna reiterated all definitions should be addressed due to definitions are behind the times. Edward noted the definitions were done in 1993 but adopted laws from 1984. He explained some of the definitions have been changed however; some definitions have not been.

Thomas discussed the document that was emailed to him from Chris Eastman. LaDorna explained she asked Chris Eastman for an interpretation of a hardship. Thomas noted he wanted to know the definition of a senior housing. , he noted the document he received is a document they are coming up with. Edward questioned who Christopher Eastma is. LaDorna responded he is the trainer from Albany. Edward questioned if he was a state employee. Thomas responded he was. Thomas stated he was emailed a handbook that has yet to be implemented throughout the state of New York but a model law for senior housing. Thomas stated it is a document that covers roofs, sewage an entire spectrum. LaDorna reiterated all the training they have received still in not enough to handle this project, and the book would be great to have. Thomas noted this project is housing versus housing and it puts them in a predicament. LaDorna implied this is grey area and needs cleared up. She reiterated this is a big step and ZBA needs to get it correct.

Charlotte Hardy questioned if the notices of the meeting were mailed to the town of Olean residents. LaDorna responded the article was in the newspaper. Edward explained the assessor's office give a list for a 250 ft radius of properties for the applicant to send letters to. Charlotte questioned even town of Olean citizens. Edward responded if they are abutting the property they should receive the letter. Charlotte questioned if there is a list of names the letters went to. Edward produced the list for Charlotte to view. LaDorna questioned Charlotte if she knew of someone that should have gotten a letter and did not. Charlotte stated she does not but noticed a property abutting. Charlotte noted her personal opinion is anyone that is going to be affected by this should be notified at least as a courtesy. LaDorna reiterated it was printed in the newspaper.

Charlotte responded not everyone reads the newspaper unfortunately. Charlotte questioned the parking. Charlotte explained she went down Seneca St. where there are numerous cars at the lower income complex; she noted she would expect the higher income complex could afford cars more readily and concerned more cars would exist. LaDorna reiterated there is going to be garages and big driveway. Charlotte explained Patio Homes said they would not use cars frequently and she does not agree with that. LaDorna reiterated the traffic is one of the problems the ZBA faces.

Thomas questioned should they review the long SEQR before the next meeting. LaDorna reiterated the ZBA is supposed to be the lead agency however; they do not want to be lead if ZBA does not agree with it.

Michael Droney questioned the hardship. LaDorna responded they are getting papers from Mr. Eastman to help the ZBA understand this project more. LaDorna noted they received Mr. Kinley papers regarding his financial. LaDorna questioned if everyone has seen Mr. Kinley's financial. Thomas read Jason Crisafulli letter allowed.

A motion was made by George Linnan, seconded by Charlotte Hardy to table the decision. Voice vote, ayes all. Motion carried. (6:54 pm)

Thomas read the application regarding 136 S. 5th St. aloud requesting an Area Variance: If granted it will vary from Article 6 Section 6.1 of the Zoning law.

Thomas motioned to set the public hearing for May 26, 2016 at 6:35 p.m. Seconded by Shayne Certo. Voice vote, ayes all. Motion carried.

Thomas read the application regarding 239 Carolina St. aloud requesting an Area Variance: If granted it will vary from Article 6 Section 6.1 of the Zoning law.

Thomas motioned to set the public hearing for May 26, 2016 at 6:45 p.m. Seconded by George Linnan. Voice vote, ayes all. Motion carried.

LaDorna requested ZBA members to review PART 2 of the long form before next meeting.

Adjournment

Motion to adjourn was made by Thomas Enright, seconded by George Linnan. Voice vote, ayes

Next Meeting Date

The next Zoning Board meeting has been scheduled for Thursday, May 26, 2016 at 6:30 p.m., Meeting adjourned at 7:24 pm.