

**City of Olean**  
**ZONING BOARD OF APPEALS**

**Minutes for Zoning Board**  
**Meeting held on May 26, 2016**

**1. Roll Call**

Chairperson LaDorna Fox called the meeting to order at 6:30p.m. Acting Secretary Shayne Certo read the roll call. All members were present except Thomas Enright and Charlotte Hardy who was absent.

**Present:**

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

**Absent:**

- Charlotte Hardy
- Thomas Enright

**Staff:**

- Kathleen Hewitt- Account Clerk Typist

**Other Attendees:**

Edward Jennings- Code Enforcement Supervisor

## **1. Old Business**

### **Reading and approval of May 12, 2016 meeting minutes.**

A motion was made by Michael Droney, seconded by George Linnan to approve the May 12, 2016 meeting minutes as is. Voice vote, ayes all. Motion carried.

## **2. Public Hearings:**

**(6:35 pm)**

### **239 Carolina St. Area Variance**

Shayne Certo read application 239 Carolina Street allowed:

LaDorna questioned who is representing this project. David Bennett was present. David stated his property already has a variance and he is now requesting another variance for his addition. David passed out a diagram to the ZBA members and explained where the additions (1) one and (2) are on the diagram. LaDorna questioned if the house will have the same siding. David stated there will be all new siding.

Public Hearing closed 6:38 pm

LaDorna reviewed "Finding and Decision".

A MOTION was made by Bob Moser, seconded by Shayne Certo to approve the Area Variance without conditions:

Voice vote, ayes all. Motion carried

**(6:45pm)**

### **136 S. Fifth St. Area Variance**

Shayne Certo read application allowed:

LaDorna questioned who is represented this project. Tim Tait stated he was representing the project. LaDorna questioned a brief description of the project. Tim explained the sunroof will be on the back half of the house. Tim stated it will be 11 ft. out and 18 ft. across. LaDorna questioned if there is a building located behind the fence. Tim responded there is no building behind the fence. Tim passed out drawings of the sunroom. Bob questioned if the windows open up. Tim responded all window open.

Public Hearing closed at 6:49 pm.

LaDorna reviewed “Findings and Decision”.

A MOTION was made by Michael Droney, seconded by Shayne Certo to approve the Area Variance without conditions:

### **550 Genesee St. – discussion**

LaDorna questioned if the ZBA has reviewed the Long SEQR form Part 2.

1. IMPACT ON LAND- all agreed with SEQRA
2. IMPACT ON SURFACE WATER- all agreed with SEQRA
3. IMPACTS ON SURFACE WATER- all agreed with SEQRA
4. IMPACT ON GROUND WATER-all agreed with SEQRA
5. IMPACT ON FLOODING-all agreed with SEQRA
6. IMPACTS ON AIR-all agreed with SEQRA
7. IMPACTS ON PLANTS AND ANIMALS-
  - LaDorna noted she disagreed w/ SEQRA.
8. IMPACTS ON AGRICULTURAL RESOURCES-all agreed with SEQRA
9. IMPACT ON AESTHETIC RESOURCES-
  - LaDorna explained she wrote under “other impacts” exclusive housing impacted.
10. IMPACT ON HISTORIC AND ARCHEOLOGICAL RESOURCES-all agreed with SEQRA
11. IMPACTS ON OPEN SPACE AND RECREATION
  - Bob questioned if there is anything in the comprehensive plan. LaDorna questioned if they should look thru the comprehensive plan. LaDorna Questioned Edward Jennings if there is anything in the comprehensive plan. Edward responded the city has no plans.
  - **ZBA members agreed to keep # 11 as written.**
12. IMPACT ON CRITICAL ENVIORNMENTAL AREAS-all agreed with SEQRA
13. IMPACTS ON TRANSPORTATION.
  - Bob explained if all lots are a single home/dwelling you might get the same results.
  - LaDorna commented it would be a distinct possibility it would not be different.
14. IMPACT ON ENERGY-all agreed with SEQRA
15. IMPACT ON NOISE,ODOR, AND LIGHT-all members agreed with SEQRA
16. IMPACT ON HUMAN HEALTH-all members agreed with SEQRA
17. CONSISTENCY WITH COMMUNITY PLANS-all members agreed with SEQRA
  - 17 (a) LaDorna disagreed w/ 17 (a) LaDorna checked “moderate to large impact”
  - 17 (c) LaDorna disagreed w/ 17 (c) LaDorna checked “moderate to large impact”
18. CONSISTENCY WITH COMMUNITY CHARACTER

Bob indicated the ZBA should discuss the disagreement within the SEQRA. LaDorna stated the ZBA needs to discuss “Lead Agency”. Bob questioned Ed if the ZBA should be “Lead Agency”. Ed responded the ZBA Board members should discuss amongst the board any changes and come to a decision together.

LaDorna explained they need to discuss # 7, # 9 (g) and # 17 section (a) and (c). of Part 2 SEQRA.

## # 7 IMPACTS ON PLANTS AND ANIMALS- Part 2 SEQRA

LaDorna reiterated she believes it is going to be an impact to the plants and animals. Bob explained he feels this project will only remove small amount however; if the project goes forward ZBA can always make conditions. Shayne Certo noted a lot has already been cleared away so it would not be clear cutting. Shayne questioned if any endangered species has been identified. LaDorna responded nothing has been identified they are only assuming because she played there as a kid however; it does not mean it is still there. Shayne advised nothing has been listed with New York State.

Part 2 SEQRA # 7 Impacts on Plants and Animals will remain as it was submitted “no”

## # 9 (g) IMPACT ON AESTHETIC RESOURCES- Part 2 SEQRA

LaDorna reiterated exclusive housing impacted. Bob responded that they would have to qualify that. LaDorna explained “exclusive” meaning Single family home versus double family homes. Bob explained he would look at it as money also. LaDorna responded R-1 area is the highest form and most expensive homes we have. LaDorna reiterated it could be physical and financial. Bob noted it could be size as well. Bob questioned Ed if “exclusive” would be a \$100,000. - \$200,000 homes due to it would be the higher priced real estate in the city. Ed responded that is the question you would have to raise. LaDorna explained she looked at the folder and reviewed the cost total \$1470.00 a month. Bob commented if you times that by two (2). LaDorna reiterated it is not cheap, and most of the senior citizens could not afford it.

Bob explained they would have to change #9 “no” to “yes”.

## # 17 CONSISTENCY WITH COMMUNITY PLANS

### **Section (a) and (c )**

LaDorna noted Part (c ) is not consistent now however; that is the purpose of the variance and it would not be if they granted the variance. LaDorna questioned if it is small or large. Shayne noted a single family unit versus double family home is the question. Bob commented the footprint any single or double must meet sq. footage and setbacks. Ed explained what they propose meets setback requirements and side requirements.

ZBA members agreed to leave the part 2 Section ( a) and ( c) SEQRA as it was written “no or small impact may occur”.

A MOTION was made by Shayne Certo, seconded Bob Moser to take lead agency if the variance is granted. Voice vote, ayes all. Motion carried

Shayne Certo the application regarding 2216 W. State St. aloud requesting an Use Variance:  
If granted it will vary from Article 4 Section 4.2.2 (a) of the Zoning law.

Shayne Certo motioned to set the public hearing for June 9, 2016 at 6:35 p.m.  
Seconded by George Linnan. Voice vote, ayes all. Motion carried.

Shayne Certo the application regarding 113 N. 10<sup>th</sup> St. aloud requesting an Area Variance:  
If granted it will vary from Article 6 Section 6.1 of the Zoning law.

Shayne Certo motioned to set the public hearing for June 9, 2016 at 6:45 p.m.  
Seconded by Michael Droney. Voice vote, ayes all. Motion carried.

### **Adjournment**

Motion to adjourn was made by Michael Droney, seconded by Shayne Certo. Voice vote, ayes

### **Next Meeting Date**

The next Zoning Board meeting has been scheduled for Thursday, June 9, 2016 at 6:30 p.m.,  
Meeting adjourned at 7:28 pm.