

**City of Olean
ZONING BOARD OF APPEALS**

**Minutes for Zoning Board
Meeting held on June 9, 2016**

1. Roll Call

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

Present:

- LaDorna Fox – Chairperson
- Thomas Enright- Secretary
- Michael Droney
- Shayne Certo

Absent:

- Bob Moser
- Charlotte Hardy
- George Linnan

Staff:

- Kathleen Hewitt- Account Clerk Typist

Other Attendees:

Edward Jennings- Code Enforcement Supervisor

1. Old Business

Reading and approval of May 26, 2016 meeting minutes.

A motion was made by Michael Droney, seconded by Shayne Certo to approve the May 26, 2016 meeting minutes as is. Voice vote, ayes all. Motion carried.

LaDorna explained the ZBA does not have a full board tonight and feels it is an important decision to make for the city and also it would be unfair to the applicant if they proceeded without a full board.

A MOTION was made by LaDorna Fox, seconded by Thomas Enright to delay the vote until next meeting June 23, 2016 when there is a full ZBA board. Voice vote, ayes all. Motion carried.

LaDorna noted this will be listed under old business (6:35p.m)

2. Public Hearings:

(6:35 pm)

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

LaDorna questioned who was representing this property. Jimmy Dwaileebe was present. Jimmy noted he was the selling agent for this property and Tina Bailey owner of the property gave him permission to speak on behalf of the property in her absent. Jimmy explained he has listed this property for approximately four (4) years. He noted this is the first real offer and Tina will be selling the property for \$80,000.00 less then what she originally purchased the property for. Jimmy explained she built the office for \$270,000.00 in 1995 and will except an offer \$157,000.00. Jimmy explained the sale was about to go thru when it was discovered the front of the parcel is zoned commercial and the back half is zoned residential by the City of Olean. LaDorna questioned what the property will be used for. Jimmy responded he was not sure, he only represents the seller.

LaDorna noted this is a Use Variance and Tina has to prove a financial hardship. Jimmy responded she has had a hard time finding a buyer and this is her first bit in 4-5 years.

Sara P. of 108 N. 21st St. questioned what this purchase would do to surrounding property values, if children safety would be an issue and is noise going to be an issue for the neighborhood. Jimmy responded he is not sure how trucks will affect neighborhood kids coming in and out. Jimmy mentioned that a commercial building is next door Dr. Dougherty office.

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Mr. Kitner explained he is a virtual reality company; with about 5-6 employees and work Mon-Fri unless they are filming from California He explained the idea is to put a storage building in the back end of the property for assembling of parts, they are union controlled and are low traffic. They will not be working all hours of the night. Mr Kitner noted he would like to keep the business local but if this cannot be done he will move to Jamestown or other surrounding town.

Mr. Kitner noted he would make the buildings look nice, reface the buildings to match. He explained it would look high grade especially since people from Hollywood would be coming out and will not tolerate a low grade quality experience.

Shayne Certo questioned if he could enclosed part of the property to protect the children. Mr. Kitner responded Dr. Dougherty owns part of the property all the way to the back and Dr. Dougherty may not like him to boarder the property. Jimmy advised the ZBA Sara's property does not boarder Tina Bailey's property so there should not be an issue.

LaDorna advised the ZBA she will have to do a short SEQRA.

Motion for negative declaration and to be lead agency was made by Michael Droney, seconded by Thomas Enright. Voice vote, ayes

LaDorna reviewed "Findings and Decision"

Public Hearing closed 6:50 pm.

A MOTION was made by Thomas Enright, seconded by Shayne Certo to approve the Use Variance without conditions:

Voice vote, ayes all. Motion carried

(7:01 pm)

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

LaDorna questioned who is representing this property. Property owner Romy Knittel was present. Romy explained she is proposing to extend the roof at the same angle of the existing porch roof 12 ft and add matching posts. LaDorna questioned how far from the neighboring property would the posts be. Romy responded 3-4 ft from the neighboring property. LaDorna questioned how the water drainage from the roof would be addressed. Romy responded gutters will divert the water from neighboring property.

Cheryl Anderson 116 N. 10th St. requested pictures of the roof and carport. Cheryl noted Romy is an impeccable neighbor, and the project sounds classy. Romy stated she will have a concrete pad to park on as well.

Public Hearing closed 7:04 pm

LaDorna reviewed “Findings and Decision”

A MOTION was made by Shayne Certo, seconded by Michael Droney to approve the Area Variance with conditions: Water must be diverted to own property.

Voice vote, ayes all. Motion carried

3. New Buisness

Thomas Enright read the application regarding 407 Alder St. aloud requesting a Use Variance: If granted it will vary from Article 4 Section 4.2.2.(a) of the Zoning law.

Thomas Enright motioned to set the public hearing for June 23, 2016 following regular business. Seconded by Michael Droney. Voice vote, ayes all. Motion carried.

LaDorna advised the ZBA that JR Bennion of 519 Front St. is setting his porta potties out-front of his property on two trucks. LaDorna commented that he has not done what he was asked to do in order to have them displayed out-front. Michael questioned if the porta potties were going to the Saint Mary’s Festival. Thomas questioned how long have they been there. LaDorna is questioning if JR is using the trucks now to display and park them out front. LaDorna requested Ed Jennings the Code Office Supervisor to investigate why the porta potties are out-front of his business. LaDorna requested this issue to be documented in the minutes. Ed Jennings responded he would look into it for the Zoning Board.

Adjournment

Motion to adjourn was made by Michael Droney, seconded by Thomas Enright. Voice vote, ayes

Next Meeting Date

The next Zoning Board meeting has been scheduled for Thursday, June 23, 2016 at 6:30 p.m., Meeting adjourned at 7:16 pm.