

City of Olean
ZONING BOARD OF APPEALS

Minutes for Zoning Board
Meeting held on October 27, 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 Charlotte Hardy.

Present:

- LaDorna Fox – Chairperson
- Bob Moser-Vice Chairperson
- Thomas Enright- Secretary
- Rob DeFazio
- Shayne Certo
- Darryl Bloom

Absent:

- Charlotte Hardy

Staff:

- Kathleen Hewitt- Account Clerk Typist

Other Attendees:

- Edward Jennings- Code Enforcement supervisor

1. Old Business

Reading and approval October 13, 2016 meeting minutes.

- Amendments to October 13, 2016 meeting minutes as followed:

Page 2 to read: LaDorna questioned if there would be eaves troughs and if the garage would match the house. Leo responded yes there will be eaves troughs and the garage will match the house”

A motion was made by Thomas Enright, seconded by Bob Moser to approve the October 13, 2016 meeting minutes as amended. Voice vote, ayes all. Motion carried.

- **Public Hearings**

319 N. 8th St. - Area Variance # 014-16
(6:35 pm)

Thomas Enright read the application regarding 319 N. Eighth Street aloud requesting an Area Variance: If granted it will vary from Article 6 Section 6.1 of the Zoning law.

LaDorna questioned if John Bean was present. John Bean was present. LaDorna questioned what he would like to do with the property. John responded the existing structure was approximately 24x40 along the back of the property. He explained there is a small area to the left of the building and he would like to continue the building along the 1 ft egress. John commented the existing building was a pole barn.

LaDorna questioned if it caught fire. John responded it caught fire last 4th of July. LaDorna questioned when she went to look at the property it seemed he had already started the process of repairing the building. John responded he had already started to repair on weekends and after work. John noted only forty-five (45) percent of the structure was damaged by the fire. LaDorna question if he did the repairs before he received the permit. John responded he filed for the permit, did the work then filed for the variance. LaDorna questioned if he knew he had to get a variance. John responded yes he knew.

Bob Moser questioned if Code Enforcement stopped over and told him he needed a variance. John responded Edward Jennings told him he needed to get a variance. John noted “in nature of good commerce he fixed the damaged to his business”. Bob stated it was more than suggested to John he needed to obtain a variance. John responded he filled out the building permit it wasn’t issued and about three (3) weeks later he had done the job and he believed a \$20.00 fee was in order. Bob questioned John if he ignored Code Enforcement. John responded it was not true he did not ignore Code Enforcement. John reiterated he filled out the building permit before he started. Bob questioned if the permit was approved. LaDorna stated it was not an approved building permit because he needed to obtain an area variance due to he would be within 1 ft of the property line.

LaDorna reiterated John was not allowed to build the building without a variance. John noted this building was built in 1949. LaDorna responded it does not matter. She explained under the current Zoning Law a variance is needed. John responded the fire dept. should not have issued an Order to Remedy to demo this building since the building was salvageable. John noted he

replaced 16 roof trusses that was all that damaged from the fire. LaDorna responded he still needed a variance to do so. John noted the wall that is in question was seventy-five (75) percent intact. Bob reiterated John started construction prior to a variance and essentially ignored Code Enforcement. John responded it was not true at all and a poor articulation of the history between July and now. John explained he did not receive the check from Hedley Brook until middle of August at that point he begun the process. LaDorna noted his application is dated September 20, 2016. John responded that is not the date he has. LaDorna responded this is the date on your application. John responded his application for the building permit is dated in July. LaDorna noted it is not the date of the building permit that is in question it is the date of the Area Variance application. LaDorna explained John needed a variance to build the building. John noted he did not need to build the building the building was already there. John explained nobody told him he needed a variance. LaDorna questioned if the Code Officer told him he needed a variance. John responded Edward has been there three (3) or four (4) times. He explained Ed said job was nice, structure was well built. John stated Ed said he would need an area variance if he wanted to skirt the property line with the roof. LaDorna reiterated he does not have the right to build this without the variance. LaDorna noted she does not think they can proceed with this area variance.

Edward Jennings interjected for clarification on the matter. Edward explained John had a fire in July to the main building and received his settlement check sometime in August however; John started building prior to receiving his settlement check. Edward explained John was informed he needed a building a permit however; John held off getting the permit for some time. Edward explained he built a structure where there was never a structure even thou he was aware he needed an area variance. Edward stated John came to the Codes office on August 20, 2016 and applied for an area variance. Edward explained on September 23, 2016 John received a building permit for a portion of the building that he was allowed to build on. Edward reiterated John was not allowed to build on the portion of the property that required an area variance. John questioned if the area variance for the corner piece of the property. Edward responded the area variance is for the section of the building John already built on. John clarified the section with the roof line that is already completed.

LaDorna reiterated John should have not built on that section due to he needed an area variance. John noted his 19x20 property has two neighboring properties that their garages budding in the same fashion. John stated he should have done due diligence but he also has a business to take care of in all aspects. Bob reiterated John knew the rules and regulations and chose to ignore them. John stated he had the applications filled out and they were never issued due to they sat in Codes office for three (3) weeks. John explained Ed stopped at the property and Ed instructed John he needed to go to the Code Office. John noted he spoke to Codes and submitted \$20.00 for the area variance due to that was the hold up. John noted he understands codes office is busy however; when he wants to do something to his own property and what is pre-existing there is a grey area to some extent.

Zoning Board discussed amongst themselves.

Shayne questioned if John could be cited. Edward responded he could be cited for building without a permit. John reiterated he purchased the building from his father five (5) months before he passed and this is a generation property. John noted when the fire originally happened John

spoke to Ed and Ed verified John had an area variance and approval to build the original structure. John explain the variance is for the roof that is nineteen (19) feet under the back wall and connected into what was once a dilapidated pole barn extending the building 19 x 19 ft. LaDorna reiterated per the current Zoning Law you will need a variance to rebuild the structure. John responded two (2) years prior the Zoning Board gave a variance to John to use the land as a business. John explained on day one (1) Ed reviewed the variance and stated he was ok to rebuild the same building using this variance however; the issue is John added nineteen (19) feet to the building. John reiterated the variance is not for rebuilding the structure it is for the 19 x19 ft addition.

Thomas noted two (2) years ago reference was made because John knows the due diligence the Zoning Board takes in granting variances and he knows the procedure and nothing to do with his business going back to 1946.

LaDorna questioned if anyone from the neighborhood would like to speak regarding the property.

LaDorna reviewed: Findings and Decision.

LaDorna questioned if John has or is planning on having eaves trough. John responds he does not yet but plans on having eaves trough.

Public Hearing closed 7:01 pm

A MOTION was made by Shayne Certo, seconded by Darryl Bloom to approve the Area Variance with conditions as followed: to be inspected by Code Enforcement office & Water runoff by eaves. Voice vote, ayes four Rob, Shayne, Darryl & Thomas: nays two Bob & LaDorna. Motion carried.

2000 Constitution Ave. – Use Variance # 015-16
(7:03pm)

Thomas Enright read the application regarding 2000 Constitution Ave. aloud requesting a Use Variance: If granted it will vary from Article 4 Section 4.9.2 (a) of the Zoning law.

LaDorna questioned if Mr. Marra should be representing this application due to it being his building. Mr. Vincent Hanley; of Bond Schoeneck & King, PLLC will be representing Believers Chapel as well as Mr. Marra since it is a joint application. LaDorna questioned Vincent if he investigated all the possibilities of what can be there; she noted there are twenty-five (25). Vincent responded the property was listed with a broker and they have tried to find a buyer for any of the permitted usages aloud. LaDorna questioned if Vincent had proof showing the property being marketed. Vincent responded inside the packet it was submitted with the use variance application shows an affidavit from Pyramid Brokerage. LaDorna responded the affidavit does not show the brokerage advertising for the twenty-five permitted uses. Vincent responded the brokerage attempted to market for any of the other usage and was unsuccessful.

Vincent noted he would like to describe other points in the application. LaDorna responded the ZBA needs to address the marketing of the building first due to if it was not investigated for the twenty-five (25) usages then the applicant has not fulfilled the obligation to the permit. Vincent responded the brokerage affidavit was intended to do that. Vincent noted the affidavits are more general than what the ZBA would like however; the brokerage stated he has been unsuccessful for any of the permitted uses. Rob DeFazio questioned the time frame the property was listed for. Vincent responded he does not have that information. Paul Marra stated two (2) years. Bob Moser questioned what areas the search covered. Vincent responded brokers earn their commission based on finding buyers, so they market in a reasonable geographical distances. Bob questioned if Olean was covered in the search. Vincent responded he imagined. Thomas Enright questioned if the Broker could supply this board with a details list of search and time. Vincent responded he could supply the board with the details; however he would like to talk about grounds that suppress those issues. Dennis Pezzimenti from DBP realty stated Pyramid Brokerage contacted him regarding this property when they listed the property. Dennis explained due to the use and price of this property there is a limited amount of people that could afford this property in this area. Dennis stated in the local area he personally checked.

LaDorna read David Geuder 432 Fountain St. Olean, NY 14760 allowed: please see attached.

Vincent explained Believers Chapel is a religious operation since 2010 in the town of Allegany. Vincent noted the church has outgrown its space. Vincent introduced Sean Obergfell as the pastor of the church. Vincent explained Believers chapel is not looking to sell their existing church, but to supplement the church they have now. Vincent noted the new location will be used for Sunday services and all other events will be held at the original location. Vincent advised the board Believers Chapel entered into a contract in September on contingent to whatever variance, permits and approval will need to go thru to be operated as a church. Vincent explained there is no plans to expand the building and it will be used as the same type of purpose such as a large group gathering, so little or no impact to the neighborhood.

Vincent noted they are investigating what type of permits and approvals they will need to add additional off street parking since it is a large congregation. Vincent stated the current Zoning is an Industrial District I-3 which permits a number of uses but does not permit churches which is why they are seeking a use variance. Vincent explained they believe the owner is suffering financial hardship, Vincent noted in the packet/application he submitted for referencing and supporting documentation. Vincent stated the cost to the owner of the property is 1.5 million to acquire the site and build the facility in 2003. Vincent explained the debt is a huge burden to owner and mortgage payment is so significant now the owner barely is paying the debt surface. Vincent noted with respect to the value of the property after thirteen (13) years the current value is reflected in the cost to the church 1.2 Million which is still less than what is cost to acquire and develop the site.

Vincent reiterated the owner of the building has a financial hardship. LaDorna noted he may have a financial hardship however he has a zoning issue and must prove hardship for zoning for the ZBA to alter the zoning law. Vincent responded the owner has a tremendous hardship and denying the variance would cause him in even more of a financial hardship. Vincent reiterated the use that is being proposed would not change the neighborhood at all.

LaDorna questioned the traffic. Vincent responded the traffic would increase but only on Sundays when other businesses are closed. LaDorna noted she was on the committee that built the road, and it was built specifically for commercial business and they are hoping it stays that way for the base of the tax structure since they were losing so many houses. Vincent responded the problem is the economic downturn nationally and the changing demographics here. LaDorna commented it will not last forever. Vincent responded no it isn't however; still a serious problem for the owner and great hardship.

Vincent explained another factor that out ways the hardship factor is the church is a religious institution and when a church makes an application they are entitled to special considerations. LaDorna commented there are a lot of neighborhoods that allow churches. Vincent responded in general a religious institution is presumed beneficial to the community. LaDorna commented of course churches are beneficial. Vincent continued under New York Law the standard for considering zoning applications by a church are different from the usual standard. Vincent stated what the New York Court has said; is religious uses should be permitted unless convincing evidence that it poses a direct and immediate threat to public health, safety or welfare. LaDorna commented it is the city welfare they are worried about. Vincent responded it is a very strict standard based on the constitutional protection of free exercise of religion. Vincent reiterated it is entitled to special considerations however; there are other practicum's to consider. Vincent reiterated the improvements are designed for large group gatherings and converting it will not pose to public health and safety, and no adverse impact on the neighborhood. Vincent reiterated the traffic flow will only be on Sundays and this is a growing church. Vincent noted this is important to many people and it is true the church is except from taxes and the reason for that is the benefits set on the community.

Vincent advised the board due to the public notices for this variance it will leave the current owner in an even more financial issue if this variance is denied due to the publicity.

Sean Obergfell thanked the ZBA for the opportunity to be heard. Sean explained they are a young church and they started in their home on Virginia St. in Olean in 2009. Sean explained once they outgrew they rented out Lincoln Park for an entire summer and once winter started coming he contacted a friend to find a new location for an outside growing church. Sean explained his friend had a warehouse, once they moved into the warehouse amazing things started to happen. Sean stated his church started to grow from pregnant woman, family members of families were coming, college kids and now five hundred and fifty (550) people attend. Sean stated there are eighty to one hundred (80-100) plus children coming weekly, young married couples, older people. Sean explained they are in a warehouse and it is designed as a church however; they are out of room. Sean explained they have three (3) services 9:00, 10:45 & 12:30 and it is a busy place. Sean explained the church was looking to have Christmas at the Premier Banquet hall and it presented itself as an option to potential buy. Sean explained with hopes they would be able to get out of there cramped three (3) services into a one (1) services and possibly into two (2) services and as the future home of Believers Chapel. Sean noted he has the same board and the same staff as he had in the beginning.

LaDorna questioned first it was stated there would only be one (1) service and now there are mentions of a second (2) service and that is double the traffic. LaDorna reiterated this road is not

a big road. Sean responded services would most likely be 9:00am & 11:00am. LaDorna commented see how many cars are on Constitution Ave. at 9:00 am in the morning; that is the problem the ZBA is having with it. Vincent stated he has spoken to the city's outside council this past week and they had talked about a voluntary contribution to the city and it has been done in a form of 'host community agreement' even thou they are not obligated to pay taxes. Vincent explained he has spoken to Sean about this already and Sean would recommend it to the board for consideration. LaDorna questioned what amount of money. Vincent replied it has not even been discussed yet with the board.

LaDorna opened the floor to the public.

Daniel Gonska (1601 Walnut St.-Olean) is a member of the church for five (5) years. Dan explained when Mr. Marra hosts events in the premier hall there is traffic and the parking lot is full. He noted this is only going to be on a Sunday. LaDorna responded she is concerned about the traffic on the road. Dan explained he is a police officer and there has never been an issue where the Olean police officers had to direct traffic. Dan explained this will help the economics of the city, the church brings people to the city and church people will shop in the stores and eat in the restaurants. Dan noted he does not want his taxes to go up however; the big picture is to help the community.

John Schirmmacher (100 Inwood Dr.- Olean) John explained he has seen changes over the years and he has known the Obergfell's for years. John noted he is also a member of the church. He advised the board this is a positive change and the church has a vibrant youth group to keep the children from drinking and running around town. John noted there is a lot of traffic due to the Bona's games and the church would be respectful to the neighborhood.

Steve Gonska (1207 Promise Land Rd- Olean) Steve stated he works for the Rehabilitation Center and his shop is off Constitution Avenue. He noted he drives the road about eight hundred (800) times a month five (5) days a week. Steve explained he has been there when the Premier has shows, very seldom are there accidents. Steve noted if the church in the middle of Olean they can spend their money in the local town instead of getting on the expressway and going home. Steve noted there are more dangerous roads then Constitution Ave.

Leonard Obergfell (1804 Stardust Lane- Olean) Leonard stated he owns Good Tidings Bookstore and the church has been a huge support for them. Leonard explained this is a fastest growing church he has seen in twenty-five (25) years.

Liz Edwards (413 W. Sullivan St.-Olean) Liz explained she is the children's administration coordinator for Believers Chapel. She noted there are about eighty to one hundred and twenty (80-120) children on any given Sunday. Liz explained they are very tight on space in the church now and the new building would make parents feel comfortable leaving there children in the extra space. Liz noted as new adults come to the church they will need the space for the growth.

Lili Dirito (4721 Creek View Drive- Great Valley) Lili stated she is a member of the church. She noted she has traveled Constitution Avenue after church and there have not been any issues with traffic. Lili noted this will bring economics to the community.

Bill Lewis (1406 Steam Valley Rd- Olean) Bill is a member of the church and he is a home group leader for the church. Bill stated the church touches peoples and families and quality of life. Bill noted the church is a family atmosphere and it will be a benefit to the community.

Brendon Miller (31 N. 7th Street- Olean) Brendon noted he has been with Sean and Renee since day one (1) and is not leaving due to the church.

Gordon Scott (3456 Buffalo Street- Allegany) Gordon stated he owns a lawn and landscaping business and he like the Marra's. Gordon explained he is a business owner and understands the expenses of owning a business. He noted he is a member of the church. Gordon speaks on behalf of the Marra's and feels this is an out for a business man. Gordon noted they do not give the ten (10) year tax break for the new guys. He noted the Marra's have carried the burden and this is an opportunity for them to relieve serious debt and a new home for the church.

Matthew Kolb (3563 W. Five Mile Rd- Allegany) Matthew noted he lead a financial piece on how to spend money God's way at church. Matthew explained the church has helped multiple families with financial troubles for rent and food. Matthew noted the church has helped out lots of people.

Kim LaBella (1507 Main Street- Olean) Kim stated her and her husband own a business on Constitution Avenue. She noted with the possibility of this transaction they are talking of expanding their business hours and staff to accommodate the extra traffic that will be anticipated.

John (1120 Promise Land Rd-Olean) John stated he runs the Chamber of Commerce in Salamanca and he really wishes in the future this type of meeting should be in a private meeting. John noted Mr. Marra in his hardship will have a hard time getting business if they think his business is going to be sold. John explained the church affects all ages of children and this is the best location for this church.

Dale Rathman- Dale stated if he has been searching for property on Constitution Ave for a manufacture building. He noted if he would have known this property was available on Constitution Avenue he would have put an application with it. Dale explained he purchased the Bush plant and put two hundred and fifty thousand dollars (\$250,000) and spent four (4) years working on it. He stated they were ready to put manufacturing in there and the former mayor called and stated the mayor did not want manufacturing in that neighborhood. Dale stated they sold the property. Dale explained the traffic on Constitution Avenue is not a reason to back out. Dale noted if there were manufacturing going down there with two hundred and fifty (250) employees then you would have traffic. Dale noted you should allow them to have the building.

Public Hearing closed 7:53 pm.

Bob recommended we table this for further investigation and responses to the questions they have asked. LaDorna requested a motion to table this and investigate other questions they may have from Community Development. LaDorna explained they have up to sixty-two (62) days legally to render a decision.

Shayne Certo questioned Sean what future developments he may have for eight and a half (8 ½) acres. Sean responded at this point they are not sure what they can do after they renovate the building for the children rooms. Sean noted years down the road in phase two (2) he is unsure what they would do.

Rob questioned for the amount the church will be paying for this building has the church considered building elsewhere. Sean responded they have looked into building onto the property they already have however; it would max out all space on the property and it would not be as big of a facility as the premier. Sean noted they have the possibility of doing that however; not ideal.

Thomas encouraged council to supply them with additional financial information and prospect search information to the ZBA within the next sixty-two (62) days. Thomas stated it would be beneficial to the ZBA so they may council with that information as soon as possible.

A MOTION was made by Bob Moser, seconded by Rob DeFazio to table the Use Variance due to as followed: Pending additional information.

644 Main St. - Use Variance # 013-16
(8:01 pm)

Thomas Enright read the application regarding 644 Main St. aloud requesting a Use Variance: If granted it will vary from Article 4 Section 4.1.2 (a) of the Zoning law.

LaDorna questioned who was presenting this variance. Steve and Michelle Pancio & Dr. George Pancio were present to address the board. Steve noted he would like Eagle Crest Health Systems as a co-applicant for accurate records. He noted it is a dual application.

Michelle explained this use variance is for a modern medical facility. Michelle noted the demographics and the census have declined thirty-six (36) percent since 1960. She noted Olean's population in 1960 was twenty-two thousand (22,000). Michelle explained as of July, 2015 there are thirteen thousand eight hundred and seventy (13,870) people. Michelle noted the average income was thirty-nine thousand eight hundred seventy-six (\$39,876.00) compared to the national income of fifty one thousand seven hundred and fifty nine dollars (\$51,759.00). Michelle stated city of Olean has twenty-two point six (22.6 %) percent living in poverty, and only fifty-four point five (54.5%) percent homes are owner occupied. Michelle explained loss of manufacture job such as ACME Electric, Advance Monolithic and American Olean Tile and most of remaining economic companies are downsizing and the economic picture is not good for this city. Michelle noted a Dresser Rand personal stated in the peak of its day twenty-six hundred (2,600) people were employed and today it is down to three hundred and ten (310)

which includes office personal and another lay-off is looming. Michelle noted several schools have closed such as North Hill which is now a Christian School; IJN which is now of the tax rolls as well, North Hill closed several years ago and Boardmanville which are all tax exempt properties. Michelle commented they were fortunate enough to win the Boardmanville bid for purchasing the property. Michelle explained they are aiming to create over fifty (50) higher than minimum wage jobs and compliment Upper Allegheny Health System. Michelle noted they see this as a way to transform Olean from a dying manufacturing environment into a Medical Mecca. Michelle explained this is a place to come and receive special treatment with top notch talent.

Dr. George Pancio explained his family grew up in Olean. He noted they do not want this building to be another lost building in Olean. Dr. Pancio explained they put together an organization system called Eagle Crest Health Care System. Dr. Pancio explained the plan is to enhance the facilities that are already here. He noted Saint Francis Hospital and Salamanca hospital closed and this area continues to need these types of facilities. Dr. Pancio stated this is the number one (1) employer in this area. He explained they purchased the property about three (3) years ago and it is approximately a sixty-five thousand (65,000) sq. feet facility.. He noted the facility will be twenty- two (22) feet across the street from the dialysis center. Dr. Pancio explained they would like to look into an urgent care facility for situations such as urinary tract infection, broken bones, cold and anything that will get you in and out. Dr. Pancio noted they talked of physical therapy, and all types of rehabs, dialysis and lab services. He noted the goal is to continue medical education program and possibly include St. Bonaventure. Dr. Pancio stated it would bring back physicians and physician's assistance and nurses to the area. Dr. Pancio noted seventy-five (75) percent of his patients in Rochester come from Olean. Dr. George states his medical contacts in Buffalo and Rochester General and Cleveland clinic with medical students and physician recruitment they can work with joint ventures to keep Olean ahead of the curb and stop population declines and bring more growth with the fifty (50) jobs.

Steve noted most of the time when a neighborhood loses a school it loses its identity. Steve explained the school has been there since nineteen twenty-three (1923). He noted it is a big building and it is very hard to find a use for the building and only a matter of time before "blight" takes a hold of the building. Steve explained it is beneficial to the community to bring more improvements to the area. Steve noted his family is medical base and the family has an interest in coming to the area to raise kids. Steve explained across the street from President Fox house there were nine (9) houses torn down to make room for redevelopment of the Boardmanville area. Steve explained there were expansions done for dialysis center and surgical unit which is bringing good paying jobs to the area.

LaDorna responded it is no picnic living across the street from a medical facility and they ruin the neighborhood. Steve questioned how the neighborhood is ruined when it is for wellness of the neighborhood. LaDorna responded she has to run her TV all night due to the noise the medical facility creates. Steve responded he is not planning on having mercy flight flying all night. LaDorna responded it is not mercy flight it is the air conditioner from the facility that is noisy. Steve responded the nice thing about their location is they are not tearing down houses and there are buffers on Main Street, Oviatt Street and Hamilton Street. Steve noted when it operated as a school there was over seven hundred (700) bodies a day there. LaDorna stated schools are seasoned. Steve responded the hours of operation were 7:30- 4:00pm which is an

average work day. LaDorna stated medical facilities are twenty-four (24) hours a day. Steve responded it can be however; what they are asking for is no different then what is next door.

Steve noted the neighborhood is important to them, they grew up there. Steve explained he does not want to upset the front yard however; trees need to be removed due to diseases. Steve explained they will build a handicapped ramp due to American Disability Act in the front so traffic can drop off. Steve explained the parking lot has one hundred and eighty (180) vehicles and according to zoning there should be sixty-eight (68) spots capacity making parking ample. Steve noted they will never have the volume of traffic they had since 1923. Steve noted the traffic flow will be better then what the school has had before; he noted they will need to invest several million Dollars into the building to bring it up to requirements. Steve explained they will have to figure out the hours of operation for an urgent care facility.

LaDorna stated this is not allowed in the district and LaDorna suggested a church. Steve responded they looked into a couple from Georgia regarding a church. LaDorna questioned what about the church that was just here since a church is allowed. Steve responded since there family is in the medical field this will be a perfect fit. LaDorna stated this is going to be just like the hospital, busy all the time and this neighborhood has high standards. Steve questioned if that is the case then why the Zoning Board approved Olean General Hospital to expand. Steve stated this is frustrating because in 1990 they sold property to Dr. Kothari and Dr. Hilal and they were going to do no changes or building to the house except a ramp and ZBA stated they were changing the character of the neighborhood. He explained a few months later Olean General Hospital built a two (2) story dialysis building where they were and Zoning Board approved it. LaDorna commented it is because it is in an R-3. Steve responded it was not an R-3 district at the time it was an R-2 in 1990. LaDorna responded an R-2 begins at Oviatt St. Steve noted 1990 before the city hired Nutter and Nutter to rezone it was residential. Steve reiterated the traffic will be less then what it was in the past. LaDorna responded the hospital has been trying to go up Main Street for years. LaDorna noted the people who live across the street from her went to the hospital and offered their house to them and that is how they got the houses.

Steve reiterated the benefits the community will have are fifty (50) well paying job, keeping people here instead of traveling to Rochester, more choices and competition. Steve reiterated the benefit to the community is to have this facility not another “blighted” property. Steve stated they are paying one thousand (1,000.00) dollars a week. Steve noted companies do not want to move or stay here due to paying insurances and high property tax on a facility. Steve noted to have an opportunity to benefit everyone in surrounding areas is good. LaDorna noted to have helicopters flying in all hours of the day. Steve stated there would be growing pains, however; mercy flights flies one hundred (100) feet above their house all times twenty-four (24) hours a day and seven (7) days a week. LaDorna noted she gets the helicopter to the East. Dr. Pancio advised the helicopter issue will not change that belongs to the hospital and that is not the type of urgent care they want. LaDorna comment that is what you say now but when you have a facility things will change. Steve stated he would be willing to sign an affidavit. Dr. Pancio explained when you have an acute MI the patient is not going to stay they will go to the hospital or somewhere else. Dr Pancio explained they will not keep them in a facility that they cannot take care of them in, that would be malpractice.

Shayne questioned if they would have over night beds or urgent care in and out. Dr. Pancio responded it would be urgent care. Steve noted there will be beds there.

LaDorna questioned if the facility would do rehabilitation since the hospital is lacking. Steve advised the building has an auditorium where they can teach people about their disease, talk to them about it and educate and make quality of life better. LaDorna noted that is what the hospital does now. Steve responded the hospital has limited space.

Michelle noted when she need her mother rehabilitated the hospital rejected her and they had a hard time finding a local space. Michelle noted when her mother went to Wellsville they were short staff and her mother did not get the care she needed. Michelle explained this would be a facility to help rehabilitate anyone who had hip replacement, knee surgeries, shoulder replacement for young and old. She noted Olean General does not have enough beds.

Darryl questioned how many people would require a bed at any given time. Michelle responded there is no way to answer it due to it is a 66,000. Sq. ft facility and she will have to apply thru New York State Health Department and it is extensive process; and it would be based on the need of the community. Darryl questioned what would happen to the field behind the facility. Dr. Pancio responded they do not currently own the entire field only a certain percentage however; they won the bid and the school retracted and stated they did not want to sell it. Michelle noted there will be enough room in the rear of the property to put parking.

Steve reiterated the front of the building would only have a ramp and greenery; the parking will be behind the building (please see packet Steve handed out) to show how the medical has expanded. LaDorna noted Dr. Zuckerman was already there due to it was already a dentist office and the other building due to it was on the same lot and it was part of what he was doing.

Steve explained page 3. He noted the building has no residential housing on three (3) sides of the building. Steve noted think about when they had ice cream socials or the school had a concert with families and all the personnel. He explained the streets were completely full with over one thousand (1000) people for those events. Steve reiterated there facility will never have that many people.

LaDorna questioned if there were any other ideas to go there that is allowed. Steve responded then he would be in the same situation as Mr. Marra. LaDorna questioned if there were any churches that was available to go there. Steve responded with the renovations that the building needed and one thousand (1000) a week taxes he pays Steve reiterated the building would come off the tax rolls. Steve noted they did offer the city a no charge for the city to build a park for the neighborhood behind the facility.

LaDorna opened the floor to the public

Patricia Howden (637 Main St. - Olean) Patricia noted the Pancio's have kept the property in great shape. She noted she lives across the street and the plan seems very vague such as talks of: urgent care, physical therapy, rehabilitation, dialysis, lab services, continual education, and joint ventures. Patricia does not see a real plan. LaDorna noted like a hospital. Patricia noted they do

not have blight, the neighborhood would change. Patricia questioned the numbers Steve noted regarding the amount of children in the Boardmanville School. She noted when the school's merged traffic was a nightmare and the current mayor was meeting with the neighborhood on a regular basis. Patricia noted she wanted to purchase a house in the residential neighborhood however; when the school closed she felt relieved. Patricia is concerned it will be a heroin rehab in a few years and could be anything they would want to make it and there are too many unreturned things. Patricia questioned her quality of life and her property of life. LaDorna noted she had the hospital put up a fence across from her house on their property so they did not have to look at the parking lot, she noted when you find yourself in a situation like this you have a chance to demand certain things from the neighborhood. Patricia responded the front of the building is facing her house, how would she cover that or block the noise.

Steve responded there will be no shrubs taken out and the trees will be taken out however; new trees will be planted in their spots. Steve noted he would put a fence up if that is what it would take. Steve explained in 1970's there was double session classrooms 5:00am and 5:00pm very comment for twenty-twenty-five (20-25) kids per room. LaDorna responded when she was on the council there was like thirty thousand (30,000) people in Olean on any given day regardless of population. LaDorna continued everyone uses the hospital and there will be a lot of people from a lot of areas. Steve questioned did mercy flight file for a variance to fly 100 ft above their houses to save live. Steve reiterated he can guarantee on Main St. at no time there will be the same amount of vehicles.

Jason Taylor (679 Main St.-Olean) Jason explained he is a designer/teacher and the illustration does no show the sound and light pollution that will be caused by the renovation. He stated he is married to a medical profession and they moved from New York City to Olean and questioned why they would take away the Olean they moved here for. Steve responded moving from New York City to Olean is a big change and there is a twenty-thousand (20,000) watt light that sits across Main Street. The lights that are eight to ten (8-10) feet above ground level, the foot print would be less then it is right now. Jason responded from what they are projecting it will not be enough light to protect them from what is coming on.

Kevin Bartholomew (737 Bishop St. - Olean) Kevin explained he had a really hard time finding quality medical care. He noted he had to leave town due to not quality care or local medical care. Kevin noted quality doctors do not stay in Olean they leave to bigger city. Kevin noted he feels the parking issues can be worked out. Kevin reiterated it is about quality of life, quality of care and blight on the community.

Elwyn Clark (679 Main St) Jason noted he is the Director of the Intensive Care Unit at Olean General Hospital. He explained Olean General Hospital is in need of an updated hospital not another hospital. Elwyn questioned what services, how many beds, how are you recruiting to this area. He noted it is not easy and he does not have enough nurses to fill his own unit.

Judith Palumbo (635 Main St.-Olean) Judith explained when she is on her porch she can see the school. She noted when the school was in session they had to rotate their cars multiple times a day due to the parking. She stated she is a registered nurse in the dialysis center at Olean General Hospital and they already have a great facility and do not need another facility. She stated she would like it not to be a twenty-four (24) hour facility and would like specifics.

Adil Al-Humadi (660 Main St.-Olean) Adil noted he enjoyed the school and watching children playing. He stated he is very concerned about the parking. He questioned the specifics of the parking and do not want to see cars parking in front of his driveway. Adil welcomes any new medical facility however; he shares his concerns with his friends.

David Miller (515 Main Street- Olean) David noted he is here representing Olean General Hospital. David noted there is no sound business plan or sound services plan. He questioned where are they to draw patients from since there is a decline in population to support two (2) medical facilities.

Andrea Bliss (643 Main Street & 110 Oviatt Street- Olean) Andrea explained she is the owner of both houses and is concerned about the parking. She noted there is already traffic on the street from the hospital and cars turning around in her driveway that overshoot the hospital. Andrea is concerned about the night time noise or the ambulance noise. She noted at least the emergency center at the hospital is adjacent to her house. LaDorna commented it is across from her house. Andrea questioned the green space in the back is already used by the city for football games and she is a concern for the children safety. Andrea noted the building is not in blight. She reiterated the traffic is already bad and it is not a place for a facility like this. Andrea explained people are not going to live in this area if the zoning keeps changing. She reiterated the plan in very vague.

Gordon Baldwin (414 Prospect Ave.-Olean) Gordon noted a rehabilitation facility is very much needed in the area. He explains he has issues with some of the doctors at Olean General Hospital and the care that is offered to him. Gordon explained he has to take his mother and himself out of town to get better treatment. Gordon stated if he takes his mother out of town she gets sick.

Peter Godfrey (631 Main St. - Olean) Peter noted he agrees with everything Mrs. Howden has stated. He expressed the traffic is a concern. Peter questioned if the variance is granted; what would stop something else from creeping up. He stated parking is a huge issue. He noted he would like to preserve the front and side of the building.

Steve addressed Dr. Clark's comment and explained the quality of care is not going to be the issue; he explained competition is going to be great for the area. Steve stated they would sign an affidavits stating they would not park in the front except for the handicapped and American Disability Act that is mandatory. He noted the lighting would be low.

Dr. Pancio expressed he wanted to go on the record stating nobody said the care at Olean General is bad and the hospital does a phenomenal job for the community. He explained they want to add some assistance to the hospital as well as add new things to benefit the community. LaDorna questioned if they were talking about a privately owned facility. Dr. Pancio stated it would be privately owned facility. He explained the issue of being vague was due to they wanted the variance for zoning to get it a medical property first, so they could work with the community and would like to compliment what Olean General Hospital does.

Michelle explained she is very sorry Boardmanville closed however; it is closed and the school will not return to this Olean facility. Michelle explained they are trying to make something good come to this community. She stated they are not millionaires and the upkeep such as lawn care, snow removal, and broken windows are an issue. Michelle noted they have looked into a church however; it will be another property not on the tax rolls. LaDorna stated hospital will not be on the tax rolls. Michelle responded there facility will not be a hospital it will be privately owned and it will not be in the same jurisdiction as a hospital so it will remain on the tax rolls.

Michelle stated the natural progression that has already been started by the hospital is to make this a medical campus. She reiterated they do not want to compete with the hospital. LaDorna questioned how this works with insurances such as Medicare. Michelle responded they would have approved providers/ insurances they would take; it would be a credited facility.

Michelle stated the last thing this community needs is another adult facility/assisted living that is approved in the area. She noted she does not want anymore apartments and she is sure the neighborhood would not like any of those. She reiterated the progression has already started by the hospital.

Bob questioned if they read the requirements of the Use Variance, if so they need to furnish ZBA with the information. Bob questioned (#1) Financials evidence. Steve responded he discussed it when he addressed the one thousand (1000) dollars a week tax. Bob explained they will need to furnish that information to the board. Thomas questioned the site plan utilization; specific operational design would be helpful. He commented the fear or question of the unknown seems to be a big issue. Thomas requested specifics on those matters as well as the four (4) questions on the variance would be required for the ZBA to render a proper decision.

Shayne questioned if they were envisioning something like Cuba Hospital's rehabilitation wing. Michelle responded similar but better. Shayne questioned if it would be physical therapy only. Steve responded they have not looked into chemical addiction however; every family has those issues. Steve noted it would not be excluded; it would be what the need is in the community.

Hearing closed 9:23 pm

A MOTION was made by Shayne Cert, seconded by Bob Mosier to table the Use Variance due to as followed: Pending additional information.

Adjournment

Motion to adjourn was made by Bob Mosier, seconded by Rob DeFazio. Voice vote, ayes all, Motion carried.

Next Meeting Date

The next Zoning Board meeting has been scheduled for Thursday, December 1, 2016 at 6:30 p.m. Meeting adjourned at 9:25 pm.

I am totally opposed to allowing the banquet center to be designated as a church. After the Marras received all the EDZ benefits for taxes, utilities etc. now that the taxpayers are finally going to receive some benefits from this property, they want to dispose of it. With city, county, state, federal, board of education, Olean General Hospital and church properties, over 45% of the city is tax exempt now, We seniors are constantly struggling to survive and maintain our homes. There are presently some former church buildings being used commercially now, We cannot remove more properties from the tax rolls. Please forward this letter to the zoning board members for me, as I don't know their addresses. Thank you.

David G. Geuder
432 Fountain St.
Olean, N.Y.

David G. Geuder 10-20-16

Sworn to and subscribed before me this
20 day of October, 2016
a notary of State of New York,
County of Cattaraugus
Susan C. Mallaber
Signature of Notary Public

SUSAN C. MALLABER
Notary Public, State of New York
No. 01MA6207838
Qualified in Cattaraugus County
My Commission Expires June 15, 2017