

City of Olean
ZONING BOARD OF APPEALS

Minutes for Zoning Board
Meeting held on January 12, 2017

1. Roll Call

Chairperson Rob DeFazio called the meeting to order at 6:30p.m. Thomas Enright read the roll call. All members were present.

Present:

- Rob DeFazio-Chairperson
- Bob Moser-Vice Chairperson
- Thomas Enright- Secretary
- Otto Tertinek
- Shayne Certo
- Darryl Bloom
- Charlotte Hardy

Staff:

- Kathleen Hewitt- Account Clerk Typist

Reading and approval December 8, 2016 meeting minutes.

A motion was made by Bob Moser, seconded by Darryl Bloom to approve the December 8, 2016 meeting minutes as is. Voice vote, ayes all. Motion carried.

- **New Business**

(317 Front St. - Area Variance # 016-16)

Thomas Enright read the application regarding 317 Front Street aloud requesting an Area Variance: If granted it will vary from Chapter 28 Article 10 Section 24.2(2) of the Zoning law.

Thomas motioned to set the public hearing for January 26, 2017 at 6:35 p.m.
Seconded by Bob Moser; Voice vote, ayes all. Motion carried.

(1616-1618 W. State St - Area Variance # 001-17)

Thomas Enright read the application regarding 1616-1618 W. State Street aloud requesting an Area Variance: If granted it will vary from Chapter 28 Article 10 Section 10.3.1(3) and Article 10 Section 10.3.5.2b of the Zoning law.

Thomas motioned to set the public hearing for January 26, 2017 at 6:45 p.m.
Seconded by Charlotte Hardy; Voice vote, ayes all. Motion carried.

1. Old Business

(644 Main St. – Use Variance # 013-16)

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.

Rob addressed the room and stated tonight's meeting is not open for the public to speak. He further explained it is a discussion for the Zoning Board members and Mr. Pancio if they have any questions for him to answer.

Thomas commented Steve did a thorough job addressing concerns of the neighborhood. He further noted Steve addressed many times in the minutes the concerns of ambulances, traffic and drug rehabilitation.

Charlotte Hardy noted she walked thru the facility with Steve. She further explained the building is well constructed, beautiful rooms, large upgraded elevator system, handicapped bathrooms and she stated Steve has plans for new floors.

Otto Tertinek noted he read previous minutes and is questioning if chemical addiction is included or excluded from his proposal.

Steve responded he has no intentions of a heroin facility and is willing to put it into writing. He noted they talked of alcohol; however, if the board prefers the exclusion he would exclude all opiates.

Otto questioned his presented plot plan regarding the 70 ft setback on either side of the building and if he was planning on tearing down some of the building. He further noted according to the survey map there is an offset of 1.5 ft on Oviatt Street side.

Steve responded the field in the back he has ingress and egress for initial parking on Hamilton Avenue side. He further explained the parking would be 250 ft behind the school itself with nothing torn down.

Rob commented on the landscaping of the building and how nice it looked. He questioned if Steve would be open to using a different entrance so not to disturb the landscaping with a driveway for handicapped accessibility.

Steve responded they have ground level handicapped accessibility on Hamilton Street currently. He further explained they prefer to keep the green space as is in the front and install a handicapped ramp so cars can drive up flush to the building, so people do not have to go up and down stairs to enter the building. Steve reiterated they would like to not have parking in the front of the building.

Steve addressed the light pollution issue from the public hearing. He reiterated to diffuse the light he would be willing to put up lamp post to shine the light in a downward direction. Rob questioned if the school already has a pre existing light on the school. Steve responded there is currently a light that lights the entire front of the building now.

Bob Moser questioned if the ZBA received his business plan. He noted he has reviewed what has been submitted.

Steve responded he has submitted his plan as of right now to the ZBA. He further explained he has a firm from Rochester that will head up the medical portion of the building once the variance is granted.

Thomas questioned Steve if he has a copy of the letter Mr. Finan. Steve responded he has a copy of the letter and he has no concerns, and Rochester will be handling all the issues.

Rob reviewed the Short Environmental Assessment Form:

Bob questioned if Steve has attempted to utilize the property as Zoning requires. Steve responded he has and expressed his interest in education. He further noted he has had conversation with Thomas Reed regarding homeless Veterans program; however; this proposed plan is a better fit.

Bob questioned if the lighting is going to be an issue. Rob responded he feels since it is preexisting it will be adequate.

Rob questioned if the Board would like any additional information at this time.

Rob reviewed Finding and Decision:

#1 The Applicant cannot realize a reasonable return, as shown by competent financial evidence. The lack of return must be substantial: Yes

#2 The alleged hardship relating to the property is unique. (The hardship may not apply to a substantial portion of the Zoning district or neighborhood: Yes

3 The requested Use Variance, if granted, will not alter the essential character of the neighborhood: Yes

4 The alleged hardship has been self-created: No

A MOTION was made by Thomas Enright, seconded by Charlotte Hardy to grant the Use Variance with conditions as followed: Not to be used as a drug or alcohol rehabilitation center, not to be used as a critical care facility.

Adjournment

Motion to adjourn was made by Darryl Bloom, seconded by Thomas Enright. Voice vote, ayes all, Motion carried.

Next Meeting Date

The next Zoning Board meeting has been scheduled for Thursday, January 26, 2017 at 6:30 p.m. in the city Court Room. Meeting adjourned at 7:14 pm.