

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

**Minutes for Zoning Board**  
**Meeting held on April 13, 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 except Shayne Certo and Darryl Bloom.

**Present:**

- Rob DeFazio- Chairperson
- Bob Moser-Vice Chairperson
- Thomas Enright- Secretary
- Otto Tertinek
- Charlotte Hardy

**Absent:**

- Shayne Certo
- Darryl Bloom

**Staff:**

- Kathleen Hewitt- Account Clerk Typist

**Reading and approval March 23, 2017 meeting minutes.**

A motion was made by Bob Moser, seconded by Otto Tertinek to approve the March 23, 2017 meeting minutes as is. Voice vote, ayes all. Motion carried.

**1. Old Business**

**105 Fairview Ave - Area Variance # 002-17**

Rob DeFazio reminded everyone this meeting is strictly for the board members only to discuss since the public hearing has been closed in the prior meeting.

Rob questioned if all member had an opportunity to review the information. He further explained he has a conversation with code enforcement officer Edward Jennings for clarification on a few things such as the front section of the roof line is approximately 6 inches off the neighboring property line and upon the completion it is approximately 2 to 3 feet from neighboring property. He continued the garage is built at an angle and the original garage did not need a variance due to there was no zoning laws at that time. Rob noted some of the concerns from the prior meeting was where would the water runoff would go, if it were to look cohesive, if it would affect the neighboring property either astatically or water runoff issue and the stove concerns.

Rob further explained during the conversation with Ed Jennings he stated the stove in the garage was safe, structurally sound, no code violations, and no fire hazard and if the stove has to be removed the garage would have to be removed also.

Charlotte Hardy questioned if they would remove the stove and install a kerosene heater since it did not appear that he used it that often and maybe the neighbor would withdraw some of her complaints.

Otto Tertinek noted his first inclination is that the baker's have been in violation of the pool, deck and the expansion of the garage was to tear it down however; in retrospect that would create an undue hardship on them. He further noted possibly adding a reasonable amount of vegetation would be a possible solution.

Thomas Enright explained he felt provoked that this process was not done the way it should have been done. He agreed with Otto that tearing down the building would create a hardship. He stated if the variance was to be given he suggested strict conditions such the drip line being addressed, modifications such as roof extension eliminated and eaves budded up to the building and divert water to the rear of the property, the structure be sided so it is consistent and vegetation for a more astatically pleasing look. He also suggested strict time tables no later than end of the summer or faces consequence of citing property owner and then it will become a court and financial issue.

Rob DeFazio agreed with Thomas that cutting the overhang back, gutter be placed along the entire building and divert water on their own property, the siding should be uniform with both buildings, new building needs to have skirting to match property and a strict time line for completion.

Bob Moser commented that further like action should be serious ramification.

Charlotte Hardy personal feeling and would like to postpone for another 2 weeks so the neighbors can come to a compromise. She feels she does not like what is happening to the neighbor however; inside the garage is very nice.

Rob explained he spoke to Capt. Jennings and the stove is a separate issue and a separate permit. Thomas responded he has a problem separating the stove from the structure. He continued the stove has its own code and he does not know if an agreement on a stove can be reached. He

further explained ideally for the neighbor the stove should go however; the owner has an investment there and this board basis its decision on the structure and not the structure contents.

Charlotte noted if she approves this structure then the neighbor would have years of torment. Rob responded if this was 2 years ago and he was seeking a variance this stove would not have been something this board would have voted on, it would have been just the structure.

Otto suggested tabling the variance and having neighbors compromise on the conditions. Rob responded the neighbors want different things and it is up to the board to either grant the variance with conditions or deny it. Bob noted they could limit the time frame of the usage of the stove. Rob responded he does not think they could do that.

Rob reviewed Findings and Decision.

A MOTION was made by Bob Moser, seconded by Otto Tertinek to approve the Area Variance with conditions as followed: uniform siding, eaves flush to the structure, eliminate roof overhang, skirting along the base to be installed, water drainage to the rear of structure, obtain proper permits from code, roof must be consistent throughout the structure, based on approval of code enforcement-stove operation limited to winter months only (Nov, Dec, Jan, Feb.)  
Voice vote, ayes: Rob, Bob, Otto, Tom. Nays: Charlotte. Motion carried.

## **2. New Business**

Thomas Enright read the application regarding 2100 Constitution Ave. aloud requesting an Area Variance: If granted it will vary from Chapter 28 Article 10 Section 10.3.4 of the Zoning law.

Thomas motioned to set the public hearing for April 27, 2017 at 6:35 p.m.  
Seconded by Bob Moser; Voice vote, ayes all. Motion carried.

Thomas Enright read the application regarding 1237 Goodrich Ave. aloud requesting an Area Variance: If granted it will vary from Chapter 28 Article 6 Section 6.1 of the Zoning law.

Thomas motioned to set the public hearing for April 27, 2017 at 6:45 p.m.  
Seconded by Charlotte Hardy; Voice vote, ayes all. Motion carried.

## **Adjournment**

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

## **Next Meeting Date**

The next Zoning Board meeting has been scheduled for Thursday, April 27, 2017 at 6:30 p.m. located in room 119. Meeting adjourned at 7:35 pm.