

City of Olean
ZONING BOARD OF APPEALS

Minutes for Zoning Board
Meeting held on January 11, 2018

1. Roll Call

Shayne Certo called the meeting to order at 5:36p.m. Thomas Enright read the roll call. All members were present.

Present:

- Charlotte Hardy
- Otto Tertinek
- Darryl Bloom
- Shayne Certo
- Bob Moser
- Michael Padlo
- Thomas Enright

Staff:

- Kathleen Hewitt- Account Clerk Typist
- Nick DiCerbo- City of Olean Attorney
- Edward Jennings- Code Enforcement Supervisor

1. Old Business

- **Reading and approval December 14, 2017 meeting minutes.**

A MOTION was made by Thomas Enright, seconded by Darryl Bloom to approve the meeting minutes as is: Voice vote, ayes all. Motion carried.

Shayne noted this is a public meeting and not a public Hearing

1. Old Business

121 and 121 ½ North 10th Street – Review Reasonable Accommodation Request

Thomas read letter aloud dated November 28, 2017 from Steven G. Polin.

Thomas read letter aloud dated January 5, 2018 from Code Officer Jennings to Nick DiCerbo.

Charlotte Hardy stated according to the assessor's office 121 N. 10th Street is owned by John and Linore Lounsbury. She questioned how the Lounsbury became involved with Oxford house. Nick DiCerbo responded Oxford House is leasing the property and if the board would like to question the applicant Amanda Slagter is in attendance.

Charlotte stated the Common Council approved definitions in local law # 97-2015 on December 22, 2015 in which the definition of a "shelter" is only permitted in a General Use or Industrial Use district. She noted this property is definitely not in a General or Industrial Use district and questioned if that was what was being asked this evening. Shayne responded Edward Jennings classified 121 N. 10th Street as a "boarding house" and, the board will need to decide if they agree/disagree with Ed Jennings determination of a "boarding house, and if the board will accept them as a "family" in an R-3 district and give them reasonable accommodations.

Shayne questioned Amanda Slagter the house coordinator/applicant if the lease is leased to her personally or the Oxford house. Amanda responded Oxford house have specific guideline to leasing houses. She continued the first 2 men that are moving into the house have to sign the lease. She noted she cannot sign the lease due to it is a men's Oxford house.

Amanda commented nobody has asked her for documentation however; she would be happy to provide any documentation needed. Shayne responded she would like a copy of the lease, or anything that would document this is an official Oxford house.

Otto questioned why as of January 1, 2018 the only house listed on the Oxford website was Bishop 1. Amanda responded the website has been updated since then. She stated once you move to another location a lot of documentation is required and she has submitted all documentation, as of now it is all updated with correct information. Nick questioned if the house name is still Bishop 1. Amanda replied the name is still the same however; the address has been moved to N. 10th St.

Amanda explained the first 2 men to move into the house have the lease in their name. She explained they started on Bishop Street and after a few months at that location the property on North 10th St. became available and it was better suited for them so they moved.

Amanda explained she is not a manager; she collects money for her expenses such as gas for her vehicle since she transports them to DSS, appointments, chapter meetings until they are connected. She explained she saves all of her receipts and her taxes will reflect. She further explained the house is democratically run; and she does not have a vote in the house meetings or make decisions on the operations of the house. Amanda explained in the beginning Oxford recommended her to be involved in the house meetings. She was to be a teacher and teach the manual and how the Oxford house was to be utilized such as consistency, commitment and structure. She noted the house is stable now and has stepped away.

Shayne questioned how many individuals are living in the house now. Amanda responded they have 5 currently living there. The charter states not to exceed 10 however; on Bishop St. they had 10 due to the house setup, and the house accommodations. She noted some of the men shared rooms and some individual had their own room. She explained the policy of the Oxford house is new members are to share a room with senior member's to prevent relapse. She noted they have never exceeded 8 on 10th Street and never will exceed 8 due to they do not want to cram them in there.

Amanda explained the loft space has only 2 men living there. She continued the senior member lives in the loft area and the new member would have to share the space. Otto questioned if the loft space was an attic. Amanda responded it was completely remodeled, carpeted, heated. She noted it was a finished attic.

Darryl questioned if Amanda would be open to Capt. Jennings doing an inspection for safety codes and compliance, and if the house does not meet code compliance would the owners be willing to bring the house into compliance. John Lounsbury noted they have carbon monoxide detectors, Smoke detectors and fire extinguishers' on every floor. John and Amanda stated they would both be open to a safety inspection.

Shayne questioned if the people in the loft would be able to exit if there was an emergency. Charlotte questioned if there were 2 exits in the event one was blocked for escape during an emergency. Amanda responded there are multiple windows in the loft, stairwell, and the loft will evacuate onto 2 roofs if needed and an open porch.

Shayne questioned if the property was a duplex and if there was shared kitchens. Amanda explained the house is a duplex; one side has 3 bedrooms, 1 kitchen, 1 dining room and 1 living room and the other side has 3 bedrooms, 1 loft space, 1 living room, 1 dining room and 1 kitchen. She further explained everyone has keys to both sides and all individuals are able to go to either side at any time. Shayne clarified the number of individuals are 8 collectively on both sides of the duplex and not just one side.

Charlotte reiterated she does not feel this is not in a general use district according to our law and feels this does not conform to a traditional family. Charlotte read the definition allowed.

Darryl sought advice from the city attorney Nick DiCerbo.

A MOTION to adjourn into executive session at 6:08 pm was made by Darryl Bloom, seconded by Michael Padlo. Voice vote, ayes all, Motion carried.

Return from executive session at 6:46 pm.

A MOTION was made by Charlotte Hardy, seconded by Otto Tertinek to accept Ed Jennings determination that it is a Boarding House: Voice vote, ayes all. Motion carried.

Nick DiCerbo clarified the board is voting to upholding or denying Code Enforcement's classification of the premises as a boarding house and it is his understanding the board would like additional information to assist with whether or not the premises is entitled to reasonable accommodation under the ADA.

A MOTION was made by Charlotte Hardy, seconded by Otto Tertinek to except Ed Jennings determination that it is a Boarding House: Voice vote, ayes all. Motion carried.

Shayne explained prior to voting there is additional documentation that is being requested.

1. Copy of the lease
2. Copy of the charter application
3. Proof that they have applied for federal tax ID #
4. Open to inspection for Code Compliance

Amanda noted she would be open to the inspection however; she would like a second party to accommodate Edward Jennings such as Bob Bell or someone else. Edward Jennings commented that he can send another officer to do the inspection. Amanda replied she has no issue with Ed doing the inspection but feels the letter he wrote has a lot of speculation and she would prefer another person to accompany him.

Bob Moser noted the board may request more information at a later time if needed.

Darryl questioned if 8 being the cap as Amanda has stated would 8 be a number that Amanda would commit to in that house. Amanda responded she would commit to the number 8 living in the house.

Charlotte requested a list of Oxford houses that have closed due to circumstances. Amanda responded charter's get pulled all the time. Nick questioned if there was a procedure for closing an Oxford house. Amanda explained they were once apart of Buffalo chapter. She continued other houses have opened up in Jamestown, which allowed them to form their own chapter last month, and they are now a part of Jamestown chapter. She noted they had their first meeting last month however; she is still in contact with Buffalo chapter.

Amanda explained chapter's can get revoked if people are using drug or alcohol in a house, not paying bills, not paying dues and multiple complaints to Oxford Inc. She explained they would send an outreach worker however; New York State does not have an outreach worker contract like other states. Amanda further explained she would act as the outreach worker. Amanda noted the chapter in Buffalo has their own outreach worker because they pay for the worker. If the house is in crisis then they would send an outreach worker to get the house under control, evaluate issues, evict individuals and start the house over if needed. Amanda explained in order to get the charter back you would have to jump thru lots of hoops with Oxford Inc.

Charlotte questioned if the house is self monitoring for drugs/alcohol. Amanda explained her role is to be very involved with this house approximately 1 year until it stabilizes, And probably somewhat after. She reiterated it is democratically run however; she is unofficially over seeing it as an outreach worker until it is stable. Amanda reiterated she cannot vote or make decisions.

Amanda explained in order to live in the house an application will be required, followed by a meeting with all the men living in the house. The meeting will entail a series of questions in regards to how serious the individual is to recovery and change. She further explained at that point the member's will decide and an 80% vote will be needed in order to live in the house. She explained that a person can also get voted out of the house due to behaviors, starting fights, disturbance or not jiving.

Amanda continued there is a no use or drinking policy. She randomly conducts drug tests. Once the drug test is administered there are 2 men that will watch 1 man so there is no manipulation to the test. Amanda stated she cannot monitor men performing test. She noted she has called an entire house drug test and if someone receives a pass to go home, or overnight stays or see family it is an automatic immediate drug test upon returning.

Amanda explained if someone used/drank then they will be asked to leave the house, they will help them get into treatment and get reengaged into recovery. She noted if the house votes, they could save the bed until the person get reengaged into treatment so he may return.

Amanda reiterated for now she is very much involved with the house even thou it is democratically ran however; if there is something that is going on that will affect the house in a negative way she will then call Oxford house themselves for advisement.

A MOTION was made by Michael Padlo, seconded Darryl Bloom to table the meeting until additional information from Amanda Slaughter can be obtained for reasonable accommodations prior to the next meeting dated January 25, 2018: Voice vote, ayes all. Motion carried.

Nick stated the charter that was submitted to the board was "conditionally valid" until February 15, 2018. Nick questioned when the house will be a permanent chartered. Amanda responded they have a probation period until February 2018. If Oxford house feels they have met the requirements then it becomes permanent.

2. New Business

212 Laurens Street – Use Variance # 001-18 to allow for general business offices in an R-3 district.

Shayne stated upon reviewing the application it was determined that government offices are permitted in an R-3 district. Edward Jennings verified government offices are allowed in an R-3 district.

Shayne stated the Zoning Board will overturn Code Officer Tracy Veno determination for a Use Variance for Cattaraugus County to renovate the offices.

A MOTION was made by Thomas Enright, seconded by Michael Padlo to overturn the Use Variance determination due to government offices are allowed in an R-3 district: Voice vote, ayes all. Motion carried.

Adjournment

A MOTION to adjourn was made by Thomas Enright, seconded by Michael Padlo. Voice vote, ayes all, Motion carried.

Next Meeting Date

The next Zoning Board meeting has been scheduled for Thursday, January 25, 2018 at 5:30 p.m. located in Council Chambers. Meeting adjourned at 7:16 pm.