

City of Olean

Zoning Board of Appeals

P.O. Box 668, 101 East State Street, Room 212

Olean, New York 14760

(716) 376-5683, (716) 376-5707 (fax)

Minutes for Zoning Board meeting held on Thursday, January 12, 2012

Present: LaDorna Fox, Charlotte Hardy, Thomas Enright, Mike Droney and George Linnan

Absent: Jeff Gursky and Bob Moser

Staff: Kelly Sweet, Stenographer

Other: Kristan and David Maiolo of 308 Laurel Ave (applicants); Paula Snyder of 1116 West Henley St; Kelly Patrone of 2320 Gile Hollow; Dennis Pezzimenti of 106 Fairview; Tom and Pamela Stephens of 122 York St (applicants)

NEW BUSINESS:

A) Reorganization

A nomination was made by Mike Droney for LaDorna Fox as Chairman; Bob Moser as Vice Chairman and Jeff Gursky as Secretary.

A motion to close nominations was made by Tom Enright, seconded by Mike Droney. Voice vote, ayes all. Motion carried. Nominations were closed

Voice vote on the three nominations as stated, ayes all. Motion carried.

OLD BUSINESS:

A. Approval of the minutes from the Thursday, December 22, 2011 meeting

A motion was made by Mike Droney to accept the meeting minutes of December 22, 2011, seconded by George Linnan. Voice vote, ayes all. Motion carried.

PUBLIC HEARING:

Ms. Fox called the public hearing regarding the request for the Home Occupation to order at approximately 6:35 p.m. and asked that the acting secretary please read the application.

Mr. Enright read the application for the Home Occupation.

A. 308 Laurel Avenue – Home Occupation, Kristan & David Maiolo, owners of said property are requesting a Home Occupation Special Use to allow for a photography business in the home. This Special Use if granted will vary from the requirements of Article 4 Section 4.2.2 (c) (1) of the Zoning Law.

Mrs. Maiolo explained that she is a stay-at-home mom and having this home occupation would allow her to be at home with her youngest children. She mentioned that she had been taking photos for years but has only been serious about it for the last several years.

Ms. Fox asked about the room for the photography studio and Mrs. Maiolo explained that it is a spare room and there are props and lighting.

Ms. Fox asked if Mrs. Maiolo would be doing her own developing and Mrs. Maiolo responded that she would not. She would be editing the photos and then sending them out for development. In responding to a concern about large delivery trucks Mrs. Maiolo stated that the finished product would be delivered by FedEx.

Ms. Fox then asked about parking and Mrs. Maiolo stated that there are two driveways available. She added that there would only be one appointment at a time.

In response to a question about the hours of operation Mrs. Maiolo stated that she would only be operating between 9:00 a.m. and 5:00 p.m.

Ms. Fox asked about advertising and noted that signage is very limited to two square feet of non-illuminated signage. Mrs. Maiolo stated that she is aware of the restrictions and had received documents from Code Enforcement stating the same.

Ms. Hardy stated that she had gone through the house and was very impressed on how well the room was set up.

Ms. Fox mentioned that even though Mr. Gursky could not be in attendance this evening that she wanted the Board to be aware that he had no concerns with this proposal. He is also a neighbor.

Ms. Fox closed the public hearing at approximately 6:40 p.m.

Motion made by Mike Droney to grant the Home Occupation, seconded by Charlotte Hardy. Voice vote, ayes all. Motion carried.

Ms. Fox called the public hearing regarding the request for the Use Variance to order at approximately 6:45 p.m. and asked that the acting secretary please read the application.

Mr. Enright read the application for the Use Variance.

B. 114 South 10th Street – Use Variance, Thomas & Pamela Stephens, owners of said property are requesting a Use Variance to convert a residence to allow for a Family Counseling Office. This request will vary from Article 4, Section 4.2 of the City of Olean Zoning Law.

Ms. Fox asked what price the house originally was purchased for and Mr. Pezzimenti responded the sale was \$14,000. As requested he further explained that the house was purchased for the owner's son. He is disabled and his mother lived next door. The house allowed him some independence. She has since moved and due to Mr. Knight's handicap he moved as well.

Ms. Fox stated that there needs to be proof of hardship; documents of mortgage and the like. She mentioned a letter she had received from Mary George of Community Development explaining that the burden of hardship falls on the owner not the applicant. There are many vacant commercial properties and to keep allowing the residential properties to be used as commercial is keeping those buildings vacant.

Mr. Pezzimenti explained that the cost of the commercial properties is too high. Mr. Stephens is a tenant and is constantly being forced to change locations within the building and even to move to a new building. The cost of relocating is becoming quite cumbersome. This constant moving is also very difficult for his clients. Mr. Pezzimenti then presented a list of commercial properties.

After a brief discussion regarding the process on provided the proof of the hardship burdens the Board suggested tabling the matter to allow the owner of the property to produce the documentation requested.

A motion to table the Use Variance application until January 26, 2012, was made by Mike Droney, seconded by George Linnan. Voice vote, ayes all. Motion carried.

A motion to adjourn was made by Mike Droney, seconded by George Linnan. Voice vote, ayes all. Motion carried. Meeting adjourned at approximately 7:10 p.m.