

City of Olean
ZONING BOARD OF APPEALS

Minutes for Zoning Board
Meeting held on July 27, 2017

1. Roll Call

Vice-Chairperson Bob Moser called the meeting to order at 5:30p.m. Secretary Thomas Enright read the roll call. All members were present except Rob DeFazio and Darryl Bloom.

Present:

- Otto Tertinek
- Shayne Certo
- Charlotte Hardy
- Thomas Enright
- Bob Moser

Absent:

- Rob DeFazio
- Darryl Bloom

Staff:

- Kathleen Hewitt- Account Clerk Typist

1. Old Business

Reading and approval July 13, 2017 meeting minutes.

A motion was made by Shayne Certo, seconded by Charlotte Hardy to approve the July 13, 2017 meeting minutes as is. Voice vote, ayes all. Motion carried.

231 & 251 Homer Street– Homeridae LLC Photovoltaic Solar System

Bob explained 231 & 251 Homer Street– Homeridae LLC Photovoltaic Solar System is seeking an extension on their area variance from a previous variance. Kim Nason was present to represent the area variance extension request. She explained that they were in previously with the Brownfield cleanup, since then it has been completed however; they have run into a situation with the interconnection with National Grid. She explained they are stuck in the queue and trying

to do everything they can but with the interconnection backup they cannot start the project until the interconnection is done. She further explained the other issue is with the communication provider. They are having trouble trying to get interconnect to the provider and the nature of the system is intermittent – so the system needs to be able to communicate with the grid to tell them when they are producing energy and when they are not. She continued due to PSC requirements they have to be hardwired connected and not wireless communication. She noted Verizon has the ability to install it for them however; the design is not yet complete and they are waiting for them to complete it. Kim requested a six (6) months extension to commence construction.

Bob questioned if they should extend more than six (6) month and what do they think they would need to finish the project. Kim responded she would not request more than one (1) year but if they would grant a few months past that. Bob questioned if any member would have an issue with granting more than six (6) month but not a full year, He suggested eight (8) months. Thomas questioned if the eighth (8) month request would be from the meeting date or the August 11, 2016 date from which the variance was granted from. Bob responded from August 11, 2016 meeting date.

A MOTION was made by Thomas Enright, seconded by Otto Tertinek to grant the Area Variance with conditions as followed: Extension until April 11, 2018. Voice vote, ayes all, Motion carried

2. Public Hearing

1401 E. State St. - Area Variance # 009-17 (5:44pm)

Thomas Enright read the application regarding 1401 E. State St. aloud requesting a Parking Waiver for 30 spots instead of required 41 spots: If granted it will vary from Chapter 28 Article 10 Section 3.2-9 of the Zoning law.

Bob opened the public hearing at 5:44 pm.

Melissa Ballard was representing the parking variance for a retail store.

Stanley Westley (*1306 Seneca Ave.*) questioned where the parking lot and the lighting would be located and if there would be a buffer for noise and lighting. Melissa showed a visual and explained where the parking lot and lighting would be located and explained the lighting is shut off lighting once the store is closed and the lights would be pointed downwards so no buffer would be needed. Stanley questioned about the deliveries. Melissa responded there is one (1) delivery a week during business hours and smaller deliveries such as Pepsi during business hours as well.

Richard Weber (*290 Clark St.*) He explained he worked at AVX and knows of the trichloroethylene problem that exists extremely in that area and it could be under their houses since they have not tested yet. He explained they tested completely in that area and they are in

big trouble even though they are planning on leaving by December, there is still a 77 million dollar cleanup for trichloroethylene. He continued in the 80's they never told the people it was a carcinogenic because they did not know it was. He further explained in the 90's MDS forms came out from the government and trichloroethylene is one of the highest carcinogenic in the world, and it is in the ground all over the area and in our city aquifers. He further explained ALCAS and the Tile Plant at that time were all using trichloroethylene and were all burying. He noted it is his understanding that this has moved underground 300 ft pass the tracks towards that store. He questioned if the property had been tested. Melissa responded they have tested the portion they are buying and it was clean. Richard questioned if it would move to the property they are building on.

Otto commented that he worked as an investigator for the DEC on hazardous waste sites for twenty-eight (28) years. He continued he is aware of the AVX problem and it is completely off site and has no bearing on this issue. He further commented the only things that are buried on this site is waste ceramics from Tile Plant, and when they applied for their permit it was very specific they needed to provide a landfill for ceramic pieces. Anything that might happen with AVX will be addressed by AVX and any remediation that would be needed beyond the parameters would be AVX issue to resolve.

Shayne Certo questioned what the hours were and if it would be food service. Melissa responded it would generally be from 7:00 am-10:00 pm seven (7) days a week and the food would be packaged, frozen goods, clothing items, milk bread.

Charlotte Hardy questioned the name of the store that is being proposed in this location. Melissa responded that information has not been disclosed yet.

Shayne questioned if traffic would be an issue or is it far enough from the light. Otto responded he does not feel it would be an issue.

Dan Brown (*111 N. Clark St.*) questioned if turning left would the blind spot be an issue and if the property would be fenced in. Melissa responded there engineers have cleared the site distance and have not filed the formal request yet however; they have approval of the preliminary site layout from DOT. She also stated the property would not be fenced in.

Charlotte Hardy questioned when is the completion of the project going to be. Melissa responded approximately 120 days from the point of receiving a building permit.

Bob closed the Public Hearing at 5:59 pm.

Motion to close the public hearing at 5:47 p.m was made by Charlotte Hardy, seconded by Darryl Bloom. Voice vote, ayes all, Motion carried.

Bob reviewed Findings and Decision.

A MOTION was made by Otto Tertinek, seconded by Thomas Enright to grant the Parking Variance without conditions: Voice vote, ayes all, Motion carried

Adjournment

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

Next Meeting Date

The next Zoning Board meeting has been scheduled for Thursday, August 10, 2017 at 5:30 p.m. located in room 119. Meeting adjourned at 6:12 pm.