

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

**Minutes for Zoning Board**  
**Meeting held on October 12, 2017**

**1. Roll Call**

Bob Moser called the meeting to order at 5:33p.m. Acting secretary Shayne Certo read the roll call. All members were present except Thomas Enright.

**Present:**

- Charlotte Hardy
- Otto Tertinek
- Darryl Bloom
- Shayne Certo
- Bob Moser

**Absent:**

- Thomas Enright

**Staff:**

- Kathleen Hewitt- Account Clerk Typist
- Edward Jennings- Code Enforcement Supervisor

**1. Old Business**

**Reading and approval September 28, 2017 meeting minutes.**

A MOTION was made by Shayne Certo, seconded by Otto Tertinek to suspend approval of the September 28, 2017 meeting minutes due to extensive time needed to read. Voice vote, ayes all. Motion carried.

## **2. New Business**

Shayne Certo read the application regarding 607 & 609 S. Union Street- Sign Variance # 001-17. To place a “39”(L) x 14”(H) full colored RGB programmable led sign with scrolling message display for P10 Fully outdoor use led display. Sign will be placed on the York Street side of the building. If granted it will vary from Chapter 28 Article 28 Section 6.1 of the Zoning law.

A MOTION was made by Darryl Bloom, Seconded by Charlotte Hardy to set the public hearing for October 26, 2017 at 5:35 p.m.; Voice vote, ayes all. Motion carried.

## **3. Discussion**

117 South 4<sup>th</sup> Street – David Carucci discussion.

Bob Moser noted he received the bus schedule and questioned if the board received schedule as well.

Otto noted there were 31 arrivals and departures between 11pm-7am in the month of September which is about 1 a day. He questioned since he cannot adjust his bus schedule why he cannot park overnight buses on S. Union Street property since he is still listed as the owner of the property.

Shayne Certo noted Mr. Carucci created an LLC that ties back to his Seneca Avenue address. Shayne questioned if it was a land contract situation.

Charlotte Hardy stated she was concerned there is no financial evidence since he claimed it would be a financially impossible to go somewhere else. Charlotte stated she would like to see his contract with the bank, how much he pays a month for the building and his tax returns for the last two years to see if there is a proven financial hardship.

Otto explained he feels an installation of a drainage system with an oil separator inside the building is a must so that it can be hooked into the sanitary sewages system due to you cannot discharge oily water into the storm drains.

Darryl Bloom questioned Edward Jennings what material would be approved for sound proofing of the building to assist with the noise. Edward responded he could use a foam board with fire proof material with a type X drywall over the material which in fact would be a costly project however; Mr. Carucci was going to present the board with another option. He noted at this time the office has not received any option from him as of yet.

Bob Moser is requesting the reports of DEC and OSHA for review.

Shayne explained the neighbor straight across from Mr. Carucci's building has bedrooms on the 5<sup>th</sup> street side in which they do not have issue with the noise or lights however; the neighbors directly adjacent, A women on IJN side and the women who is doing all the videotaping all has issue with the noise and lights.

Bob stated he would like to see a ventilation system that would ventilate into the air to help with the smell. Otto commented that he cannot see why Mr. Carucci couldn't put an exhaust ventilation system thru the roof.

Charlotte reiterated that she would more information on 201 S. Union Street.

Bob noted that he does not believe the size of that location will handle it. Charlotte responded she feels maybe he can park the overnight buses there.

Shayne noted she would like to see Mr. Carucci purchase both properties between his building and Elaine's interiors' and demolish them creating open space to pull around on while eliminate any backing up noise. She felt it was lofty but was willing to meet with Mr. Carucci and talk about that idea. Otto noted that idea would help him with parking for his employees; Otto stated he drove on 4<sup>th</sup> Street 3x this afternoon and vehicles were parking on the subway all day.

Bob requested Mr. Carucci explore the sound in reverse noise with the rule makers for that requirement.

Darryl questioned how far Mr. Carucci willing to work with the neighborhood.

Shayne noted the Saturday after the last zoning board meeting dated Sept. 30, 2017 the neighbors were complaining they were all up every hour on the hour with buses however; Mr. Carucci's electronic logs shows different activity.

Charlotte noted she was troubled by his October 10, 2017 letter. She feels the flaggers should not be whenever possible, but rather it should be absolute. Bob questioned if you have spotters would you have to have beepers. Edward responded the beepers are mandated and cannot be shut off.

Shayne questioned Edward Jennings how many parking spaces Mr. Carucci is required to have for the amount of employees he has per code. Edward responded without the actual calculations in front of him, he estimates approximately 20 spaces.

Charlotte questioned Edward if this was to be temporary while 201 S. Union St. was being renovated. Edward responded it was to be temporary and he was clear in his opinion with Mr. Carucci that if the use of the building changed he would be required to obtain a new use variance.

Bob suggested that the board generate a request of information list to Mr. Carucci. Please see attached letter generated by the zoning board of Appeals for Mr. Carucci.

A MOTION was made by Darryl Bloom, seconded by Shayne Certo to table the meeting due to requesting of addition information. Voice vote, ayes all. Motion carried

### **Adjournment**

A MOTION to adjourn was made by Charlotte Hardy, seconded by Shayne Certo. Voice vote, ayes all, Motion carried.

### **Next Meeting Date**

The next Zoning Board meeting has been scheduled for Thursday, October 26, 2017 at 5:30 p.m. located in room 119. Meeting adjourned at 6:18 pm.

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

October 13, 2017

Mr. Carucci,

During last night's meeting with the Zoning Board of Appeals there was a discussion regarding your Use Variance. The Zoning Board is requesting the following information prior to next meeting scheduled October 26, 2017 as to assist them to render an appropriate decision. Please see the following:

- Financials- proof of hardship: Contract with bank, Mortgage payment, tax return for last 2 years.
- South Union Street, property sale information.
- DEC & OSHA report.
- Sound proofing plans.
- Drainage information needs submitted for interior floor drain with oil separator.
- Plans for an exhaust system- funneled thru the roof.
- Flaggers for buses for safety plan.
- Means of filtering headlights information
- Trees planted in subway for diffusing light.
- Adequate plans for parking for your employees.
- No parking on the subway.

Please submit all information to the City of Olean Code Enforcement office at your earliest convenience. If you have any questions, please contact the Code Enforcement office for clarification and or proper building code requirements.

Respectfully,

**Zoning Board of Appeals**