

City of Olean
ZONING BOARD OF APPEALS

Minutes for Zoning Board
Meeting held on February 22, 2018

1. Roll Call

Shayne Certo called the meeting to order at 5:30p.m. Thomas Enright read the roll call. All members were present except Darryl Bloom.

Present:

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

Absent:

- Darryl Bloom

Staff:

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

1. Old Business

- **Reading and approval February 8, 2018 meeting minutes.**

A MOTION was made by Bob Moser, seconded by Michael Padlo to approve the meeting minutes as is: Voice vote, ayes all. Motion carried.

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

Shayne stated they have received the lease, tax id number and the charter and questioned Edward Jennings if an inspection had been performed yet. Edward responded an inspection had not been performed as of yet due to the applicants does not want Edward to perform the inspection and Fire Chief Bob Bell and Code Officer Tracy Veno are on vacation this week and no other officers were available to perform the inspection. Edward continued they have a new person Ryan Reed and he is trying to make contact with Mr. Lounsbury to set up an inspection with him.

Thomas stated it is really irritating to him that this is the third time they have all come together and they are just flapping their lips about 121 & 121 ½ N. 10th Street. He continued they were told at least two meetings ago that all communications would be done between attorney's Mr. Polin and Mr. DiCerbo. Thomas further explained he is assuming that communication has gone on between these two people and his frustration is that the ZBA is out of it and they are not being informed by their legal counsel. He stated everything is moot at this point because they are not the voice yet of this project Mr. Polin and Mr. DiCerbo are. Thomas strongly advised that either by motion or appeal that they make a statement to have a sit down meeting with Mr. DiCerbo and have him clarify where they stand since next month is the 62 days limit. He noted it does not matter if it is in an open meeting setting or an executive session meeting. Edward stated the city attorney has advised him that the applicant wants another inspector to do the inspection and Nick would like to go that route. He continued Nick has gotten all the information that he believes the board has requested from Mr. Polin. Edward stated Nick at this time has not given any kind of direction and they have nothing to go on except to get the inspection for safety factor.

Bob stated Edward is the chief of the code enforcement office and he does not mind if Edward is heading the inspection despite what they think as long as there is a witness. He continued Edward knows the rules and can site every one of them. Bob noted this is ludicrous and wants the inspection done. Charlotte stated she does not know who Ryan is and questions if he is up to codes as well as Edward. Edward explained Ryan would have direction from him on what would need to be done.

Thomas questioned if that is designated as a traditional family home would Edward have to do an inspection. Edward responded he would for maximum occupancy. He further explained there have been questions raised about people living in an attic space of this residential home. Thomas questioned Edward if he could put his children in his attic. Edward responded if it is designated

as a bedroom they would site him or unless proper rescue windows and some modifications are met such as egress.

Charlotte reiterated she would like to hear from Mr. DiCerbo.

Thomas stated Mr. DiCerbo can inform them either by email, letter and/or sit down.

Charlotte questioned if the lease they requested was from the inhabitation to the Oxford House or the lease from inhabitation to the Lounsbury's. Charlotte is most concerned with the lease between the inhabitation and the Oxford House. She questioned the income of the Oxford House specifically \$6,000,000.00 in revenue.

Bob questioned if there is a set of rules that they have to follow. Thomas responded Amanda explained that each person has to pay rent and he is assuming that the Lounsbury's get a cut and the Oxford House get's a cut and that is how they generate \$ 6,000,000.00. Bob noted not to forget that the house can revolve with people and he feels he would not hang his hat on something that is revolving around. Charlotte reiterated she was not happy with what she has received as far a lease and would like to see the lease between the inhabitation and the Oxford House. Thomas reiterated they need to sit down with Mr. DiCerbo he has all that information.

Otto questioned if they are talking about one or two houses since this is a duplex. He stated Oxford House is located at 121 N. 10th St. then who is occupying 121 ½ N. 10th St. He questioned if it is a separate house and if it is a separate dealing or are they both combined. Otto stated according to the information that he has found on the website they have one central kitchen for everyone and in this case there are two central kitchens. He reiterated he would like to know if it is a one or two place and if it is a two place then is a separate charter required.

Charlotte questioned if it is still a provisional charter that ended February 15, 2018 or is it a permanent charter now.

Edward noted the city attorney is aware that it is a duplex and he will push him harder for answers.

A MOTION was made by Thomas Enright, seconded Otto Tertinek to table the meeting until a meeting is held with the city attorney for additional information and inspection of property has been conducted. Voice vote, ayes all. Motion carried.

2. New Business:

Thomas Enright read the application for 212 Laurens Street aloud requesting to construct a 2.5' x 3.5' non-illuminated sign in an R3 district: If granted it will vary from Chapter 28 Article 11 Section 11.1.1 of the Zoning law.

A MOTION was made by Thomas Enright, seconded by Michael Padlo to set the public hearing for March 15, 2018 at 5:35 p.m. Voice vote, ayes all. Motion carried.

117 S. 4th Street- Primo Limousine/ Empire Coach Line.

Shayne distributed a letter she received from Jennifer Vincent in regards to the issue she is having with Primo Limousine. Edward responded he spoke with the city attorney and he has instructed him to speak with Mr. Carucci in regards to these issues. Otto questioned why she has not contacted the police department and make complaints.

Adjournment

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

Next Meeting Date

The next Zoning Board meeting has been scheduled for Thursday, March 15, 2018 at 5:30 p.m. located in Room 119. Meeting adjourned at 5:55 pm.