

City of Olean
ZONING BOARD OF APPEALS

Minutes for Zoning Board
Meeting held on August 9, 2018

1. Roll Call

Shayne Certo called the meeting to order at 5:34p.m. Thomas Enright read the roll call. All members were present.

Present:

- Shayne Certo
- Charlotte Hardy
- Otto Tertinek
- Darryl Bloom
- Thomas Enright

Absent:

- Michael Padlo

Staff:

- Kathleen Hewitt- Account Clerk Typist

1. New Business:

Reading and approval July 26, 2018 meeting minutes.

A Motion was made by Shayne Certo, seconded by Otto Tertinek to table the approval of the July 26, 2018 meeting minutes until August 23, 2018 due to incomplete minutes. Voice vote, ayes all. Motion carried.

Thomas Enright read the application 1603 Main Street aloud. The applicant is requesting a Use Variance for installation of multi-use off-street parking area and recreational area to support additional church growth, eliminate safety concerns and improve neighborhood aesthetics: If granted it will vary from Chapter 28 Article 4 Section 4.1.2 (b) of the Zoning law.

Thomas Enright motioned to set the public hearing for August 23, 2018 at 5:35 p.m. Seconded by Darryl Bloom; Voice vote, ayes all. Motion carried.

Shayne noted the property is not an adjacent property; it is across the street from the church.

Thomas Enright read the application 2223 W. State Street aloud. The applicant is requesting a Sign Variance for installation of a 8' tall x 10' wide ground illuminated sign: If granted it will vary from Chapter 28 Article 11 Section 11.2.4 of the Zoning law.

Thomas Enright motioned to set the public hearing for August 23, 2018 at 5:40 p.m.
Seconded by Darryl Bloom; Voice vote, ayes all. Motion carried.

2. Old Business:

921-933 and 943 North Union Street- exemption to the variance process.

Otto questioned if the Genesis House was taking possession for \$1.00. Thomas responded that was not true, that St. Johns will take ownership of the property and he misspoke at a previous meeting. Otto questioned why they need the exemption for the entire property and not just the convent and if the facility was for women and children or women, children and men since the application has changed a few times. Thomas clarified that women and children/families is an inclusive term used for years and on very rare occasions to his knowledge it does not include the husband unless it breaks up the family. He explained the address 921-933 and 943 North Union Street is for the incorporation and all the Genesis House is interested is 943 N. Union Street convent. Otto stated if this exemption gets approved then the exemption would only pertain to 943 N. Union Street.

Charlotte stated she has trouble with St. John's selling artifacts and is unsure how St. John's will be able to financially support the shelter since artifacts are being sold.

Shayne stated her concern is if St. John's gets approval for the shelter it would open the door for every other church to fulfill their mission. She stated she is unable to get an answer from anyone.

Charlotte commented that she heard a rumor that St. Johns will soon be combining with St. Marys of the Angels and is questioning if St. Johns will continue to support them if the merge does happen.

Darryl Bloom explained the law is clear and this is legitimate religious purpose. He feels he was persuaded by the testimonies and the Genesis House is good stewards of the community, and the testimonies indicated the neighborhood was peaceful and it actually enhanced the neighborhood. He stated the law is very clear and they have a duty to uphold the law/religious law. He noted this will be a benefit to the community.

Charlotte feels this is a wonderful project however; she feels this may not be the right place for it and feels it would be a real burden to the community.

Thomas stated that he knows nobody whether it is father Melfi or anyone would be foolish enough to pursue a project like this, with the anticipation that they would be financially strapped.

He continued to explain the Genesis House solely rests financially on grants, donations, fundraiser and generosity of the supporting congregations in which there is a dozen located in this community. He does not see a financial issue. Charlotte responded in their paperwork St. Johns stated they are selling their artifacts to support their missions, and this will be one of their missions and questions the financial stability for the shelter. Tom stated this is not where the ZBA should be with regards to financial but with the legality.

Otto Stated the matter before the board is to only interpreting Zoning Laws, and that is their job. He questioned if a higher court should make the decision.

Charlotte explained their decision affects all the people around the St. Johns shelter, and feels it is there job to look at that as well. Thomas responded almost all of the concerns that were brought out were from individuals who were basing their information on rumor and speculation, in which they cleared up during the public hearing.

Charlotte questioned if Shayne received her demographic study that she asked for. Shayne responded she received only a breakdown of each zoning district.

Thomas questioned, if anyone had any outstanding questions that was brought up two weeks ago. Shayne responded the layout of the project or how many bathrooms has yet to be answered. Thomas stated that is not their issue. He reminded the ZBA they are not here to grant a variance but to waive the variance.

Thomas questioned what the term “integrity of the neighborhood” means since he keeps hearing it referenced. Charlotte responded people are concerned with the property value of their homes, and they are not sure if a shelter is appropriate for their neighborhood since it is doing great right where they are currently. Thomas responded North Olean is a diverse neighborhood; they have 2 private ethnic clubs, Catholic Church, center of Lebanese community, machine shop, martial arts center, Indian restaurant, Christian school and a bar that caters to a wide range of social backgrounds of people. He stated this would only add to the neighborhood legally however; North Olean is not a pristine gated community.

A MOTION to table the application pending conversation with the city attorney was made by Charlotte Hardy, seconded by Otto Tertinek. Voice vote, ayes all, Motion carried.

Adjournment

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

Next Meeting Date

The next Zoning Board meeting has been scheduled for Thursday, August 23, 2018 at 5:30 p.m. located in the Council Chambers. Meeting adjourned at 6:23 pm.