

City of Olean
ZONING BOARD OF APPEALS

Minutes for Zoning Board
Meeting held on August 23, 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.

Present:

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

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 Darryl Bloom to approve the July 26, 2018 meeting minutes as is. Voice vote, ayes all. Motion carried.

A Motion was made by Shayne Certo, seconded by Darryl Bloom to approve the Aug. 9, 2018 meeting minutes as is. Voice vote, ayes all. Motion carried.

2. Old Business:

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

Otto stated with absence of advice from our city attorney, he stated Charlotte and himself met with Father Pat Melfi on Wednesday August 22, 2018. He explained that St. Johns initiated the meeting with Genesis House about the shelter, and it is not the idea of Genesis House to infringe on St. Johns. He noted therefore it is a church function and outside the parameters of the code

enforcement because church functions are excluded/exempt and he feels this is the church mission to shelter the homeless.

Charlotte noted the city has always been concerned with the homeless. She continued in 2015 the common council established an exemption for shelters PL114-15 in which grants the exemption for shelters to be located in general commercial or industrial to accommodate the needs for people who are homeless. She explained she did visit with Father Melfi and he explained the entire staff would be Genesis House employees which is a nonprofit organization.

A Motion was made by Thomas Enright, seconded by Darryl Bloom to grant the exemption to the variance process. Voice vote, ayes Otto, Tom, Darryl nays Shayne, Charlotte Motion denied.

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.

Jeremy Lons presented a power point of the project. He explained their church service is growing and parking is an issue due to growth. Both sides of the street are filled with cars and patrons and some walk between ¼ and ½ mile to get to church. He explained the church would like to move the main entrance to the side door on Delaware Avenue so the children's ministry will be more secure and prevent adults from walking thru. He explained the church is currently growing with new members and without proper parking the hardship would be contributions made to the church.

Shayne opened the public hearing at 5:49 p.m.

Nate Pleakis (1617 Main Street & 1014 Main Street) he stated the neighborhood is zoned non commercial, and he is concerned of parking lots bringing loitering. His property borders the proposed parking lot and headlights would shine into the bedrooms. He noted the proposed parking lot will be made of crushed stone and snow plowing would then cause an issue with rocks. His concerns with the crosswalk that it is proposed on Delaware Ave. which is next to a controlled highway on Route 16 and the sidewalk would be beyond the sign that states no pedestrians allowed. He noted Main Street is the widest street and the cars do not park all the way to the end on any Sunday. He stated the hardship cannot be self created and the church has decreased its parking spots at the current church parking lot and it would change the dynamics of the neighborhood by adding a parking lot.

Steven Ownes (324 W. Highland Ave.) stated pushing a baby buggy down the street during the winter has its difficulties. He stated this proposal would get them into church a little more safely.

Edward Pleakis (*1022 Main Street & 1617 Main Street*) he stated he has spoken to a lot of the neighbors who are in close proximity to the church and they are mostly opposed and feel that the current parking situation is adequate. He stated there is a letter from Tom Windus that states they can only park parallel in front of the church and not perpendicular due to the gas company put in new lines. He reiterated that Main St is the widest street and there is plenty of room for fire trucks, ambulances and it is legal to park cars on both side of the street. He stated he personally measured 9x20 ft parking spaces per code and there are at least 60 parking spots within walking distance to the church from various roads. Recently they decreased the number of spaces by 20 % at the church parking lot with all the new construction. He noted there is a city sewer line located at the proposed parking lot site to be aware of.

Emily Sullivan (*Route 16*) she stated the church changed and saved her life and she cannot predict the future of the church but can predict good things from the church.

Eber Kinne (*3638 Morgan Hollow Rd & family pastor at the church*) He has spoken to many people about lack of parking or parking issues. He has concerns of safety for the children in the children area and would like to redirects the adults to another entrance. He noted there are blind spots on the corner when cars are backing out of parking spots or driving that create dangerous situations for families getting to and from cars. The parking lot will free up some of the congestion on the street. He noted the plan is to make it very beautiful.

Charlie Bliss (*9193 E. Centerville Rd. Rushford*) He looked at our zoning laws and in an R2 district a church and a private parking lot is allowed in the district with a special use permit. He noted safety issues seem to be a concern and it is eminently safer for a parking lot then street parking. He explained since it is not in a commercial district it is a private parking lot, and it can be controlled with ticketing and towing. He commented that has attended a lot of zoning board meetings with his job within New York and municipality parking seems to be an issue a lot. He continued since the lot is across the street from the church they should be looking at the lot as parking to meet the regulations of parking requirements for that building. He noted if the ZBA turns this down then they are denying them the opportunity to be in compliance with the current zoning regulations.

Adam Jeffrey (*306 S. 8th Street*) Cross Town Alliance has saved his life and marriage and people need to be close to the church to attend the church. He stated the close proximity of Route 16 is not changing; all that is changing is grass to gravel.

Becky Price (*126 Arland Ave*) has gone house to house questioning if neighbors have issues with the parking lot and the neighbors she has spoken to are in favor of it.

Sarah Roof (*1617 Main St. & 1014 Main St.*) She stated there are 2 separate masses and not at one time are there 240-280 people. She noted the dead end is mostly empty of cars. She explained there are cars parking on the grass already when there is parking available on the street and she has never complained about the cars parking on the street. She questioned if it would affect the value of their home.

Mark Beckwith (120 N. 12th Street) He explained it would be crushed limestone and would be packed nicely and not unusable. He explained his math and reasoning regarding parking spaces. He noted they clearly need the parking spaces.

Kyle Roosa (3398 Buffalo Rd) stated they are already are parking in the grassy lot, and parking on the dead end section on Main Street and already crossing the road without a crosswalk. He noted the reason the rear lot on the church has been reduced in size is because of the handicapped ramp and access to that door because they are losing the parking in the front of the church.

Annette Sybert (Portville) she is questioned why they cannot keep the parking lot closed off until they are using it. She commented they will not always have a gravel parking lot they would like to have a paved parking lot.

Anthony Labella (1507 Main St.) has a good relationship with both the church and neighborhood.

Charlotte questioned how long it will take to implement designs for the parking lot. Jeremy responded he would like it done by winter.

Otto questioned the location of the crosswalk. Jeremy responded he would address it.

Public Hearing Closed 6:31 p.m.

Shayne reviewed the Short Environmental SEQRA.

Shayne provided Jeremy Lons with a copy of the four criteria and what was expected. She noted without the documentation this application cannot move forward at this time.

Shayne Certo motioned to table the application pending submission of documentation of the four criteria. Seconded by Charlotte Hardy; Voice vote, ayes all. Motion carried.

2223 W. State Street-(Sign Variance # 003-18)

Thomas Enright read the application 2223 W. State Street aloud. The applicant is requesting a Sign Variance for installation of an 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.

Dave Miller was present to represent the application and handed out an image of the new proposed sign. He stated currently there is a 3x 9 sign and they would like to replace it with a sign that is 8 ft from sidewalk, and placed behind current side for zoning purposes. The cabinet 10 x 8 ft and placed between two 6x6 posts. The purpose of the sign is to allow the tenants to advertise consistently instead of misc. signs in the yard.

Shayne opened the public hearing 6:43pm.

Thomas questioned if there would be illumination on the side. Dave responded it would be non-illuminated due to the cost of illumination.

Otto feels the new sign would improve the location.

Shayne closed the public hearing 6:44pm.

Darryl Bloom motioned to approve the sign variance, without conditions. Seconded by Thomas Enright; Voice vote, ayes all. Motion carried.

Charlotte questioned if they could get their training in the month of October.

Adjournment

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

Next Meeting Date

The next Zoning Board meeting has been scheduled for Thursday, September 13, 2018 at 5:30 p.m. located in the Council Chambers. Meeting adjourned at 6:47 pm.