

Jodi Peterson (applicant) explained that he is requesting the variance because according to the code he does not need seventeen spaces. He only needs one per room, and he is only having eight rooms. The downstairs was already a bar and grill prior to him taking over the property. Mr. Peterson said nothing needs to change to the variance due to no change in use. He explained he has two to three spots on his property (driveway), so he is only requesting 5-6 parking spaces. He noted his check-in time is three o'clock. He further explained West State Street has approximately twenty plus spaces in which parking is allowed from 3:00 p.m. until 3:00 a.m. and no parking 3:00 a.m. until 7:00 a.m. He further explained there is more than enough parking spaces between these blocks, plus the parking on his property, to accommodate the parking request. He further explained that he only needs one parking space for every four employees and one parking space for every 150 ft. of net space. In addition, the downstairs will only be check in similar style to an Air BNB. He may, however, have a part-time employee working in the first initial area when they come in. Jodi Peterson noted that is why he does not need the seventeen spaces that was put on the application.

Chairman Jerry Lefebvre questioned the applicant if he was requesting to change his application. Jodi Peterson responded that when Code Officer Ryan Reed wrote the application he must have had something else on his mind then what Jodi was proposing. He reiterated that when you look at the city code it only requires one parking space per unit, and he is only having eight rooms and does not need to have seventeen parking spaces. He noted that businesses that surround his property close by 5:30 p.m. during the week.

Darryl Bloom questioned Jodi Peterson as to what the total requested number of parking spots is. He responded that he would like six parking spaces.

Kelly Sweet explained this is not a matter of how many spaces he is requesting, but an equation that code enforcement uses to come up with these specific number of spaces. She questioned if it is a possibility that Ryan Reed made a mistake or if the equation is one spot per room, and there are 8 rooms, plus the potential of four employees that were mentioned which makes for twelve spaces. Jodi Peterson disagreed with Kelly Sweet and explained that it is required that one space per four employees is required, not one space for each employee.

Kelly Sweet questioned if he was only using the upper floor or first floor also. He responded that the first floor will primarily be for checking in and second floor will be for rooms.

Charlotte Hardy noted that she looked at the area around it, and at this time she does not have questions.

Thomas Enright questioned if he had three spaces on premises. Jodi Peterson responded that he could park two or three cars in the driveway on the premises depending on if they were cars or SUV's.

Thomas Enright questioned Jodi Peterson about the number of parking spaces. If he has a full house, then potentially he would need eight parking spaces for patrons, plus one space for your employee. This would mean that six spaces would need off-street parking. He questioned

him as to how he would handle the parking when West State Street and side streets would be closed when the City needs to do its business.

Jodi Peterson responded that everyone can park across the street and down side streets at that time. He noted that after 6:00 p.m. businesses are closed and parking is ample, or everyone could then park further down the road or be placed on side streets.

Jodi Peterson reiterated that check-out is 11:00 p.m. and check-in is at 3:00 p.m.

Chairman Lefeber questioned him as to how you designate which parking space goes to your customers. He responded he could have valet parking or give customers a map of the proximity of where they can park within 400 ft.

Kelly Sweet noted that it would be first come, first serve and that is what public parking regulations are.

Darryl Bloom suggested that Jodi may want to pursue a different Board to make his business run smoother for parking. Kelly suggested Common Council for parking times to be altered on the street. Jodi Peterson stated that there is plenty of parking on the side streets and would not hinder the ability of his business's success. He noted that people walking from a parking spot for an affordable hotel would not have a significant impact.

Chairman Lefeber said if he was to have two guests coming from different towns that would share a room, he now would need to have parking accommodates for two spaces for just that one room. He questioned how you would handle the additional parking space. He responded the code is only for what is required and if people wanted to fit more individuals in their rooms then it would be their business. He noted that there is plenty of parking and it would be first come, first serve.

Chairman Lefeber questioned if he would have markers for their vehicles indicating the vehicle is with the hotel. Mr. Peterson responded that it could be an option if the city granted a special waiver to him for the hours of 3:00 a.m. to 7:00 a.m. for the nights of street sweeping. He reiterated that public parking does not need a special pass.

Jodi Peterson stated he knows of a resident on South Eleventh Street that has a two bay garage and could fit six to eight cars in their driveway including the garage. He explained that they have a notarized document indicating that agreement. He stated they may need an off-street parking waiver for that location and questioned if he could address that parking option as well during this meeting.

Darryl Bloom and Thomas Enright stated that it was not on the agenda at this time and it is nice that he has a backup.

Chairman Lefeber welcomed public comment at this time.

John Filjones who owns Olean Class Cars explained that South Eleventh Street is a busy street and they get calls all the time when customers are blocking the street. They have operated a business at this location and off street parking is a big ordeal especially since they get to work

at 6:30 a.m. He explained that if there is going to be another eight or nine more cars on Eleventh Street, he feels that is going to have a big impact on his business. He noted that street sweeper nights and snow removal nights are not going to work out well either. He supports new businesses and is all for it but he just has an issue with additional cars parking on South Eleventh Street.

Chairman Lefebber stated the Board has received two letters, one from Roy Suiter and one from Peter Chicola, regarding parking. They have concerns with people parking in front of their houses and not being able to get out of their driveways. He believes that snow plowing and street cleaning can be an issue as well.

Chairman Lefebber noted that Mr. Chicola has offered a warehouse that he owns as a possible solution to the parking, and it would be up to Jodi Peterson to contact him for the specifics.

Chairman Lefebber reviewed "Findings and Decisions".

(1) Whether an undesirable change will be produced in the character of the neighborhood or a determinant to nearby properties. Yes/No?

Thomas: No,

Darryl: No, especially now that there is a modest request for six parking spaces.

Kelly noted that it is not what is requested. It is the number the Code Enforcement states is required. She questioned if they should contact Code Enforcement and make sure what is required and not requested.

Thomas read aloud Chapter 28, Section 10.3.1 (7) Motels/hotels—One space for each unit plus one space for every four employees plus one space per 150 square feet net area of restaurants and assembly rooms.

Thomas explained the hotel has eight hotel rooms (8 spaces needed), one employee (1 space needed), and one space per 150 sq. ft. (1 space needed) that is a total of 10 spaces needed. Thomas further explained that Mr. Peterson has on-site premise parking of 3 spaces (driveway) so with a full house he will need a maximum of seven spaces for off-street parking.

Jerry questioned if everyone understood what Thomas read, and that the variance is for seven spaces.

Kelly interjected and explained that nobody has measured the 150 sq. ft. and she has reservations about this application. Since there is no liaison to explain this, she feels that they cannot make a decision on what is requested but what is required.

Jodi Peterson explained the code could not go against what the code states. He further explained that when the application was initially submitted Ryan was under the impression that he was utilizing the entire downstairs for a bar and grill and open space. That is why he is saying he needs the seventeen spaces. He continued to explain he already had Ryan come down and correct it and recheck it and measured it out. Mr. Peterson stated that he can even

have self-check-in and no employees. This is just a request to utilize the upstairs and they are not talking about one hundred parking spaces. He noted Edward Jennings and Ryan Reed have been there and only eight rooms are being constructed.

Jodi Peterson stated the Board is welcome to contact Ryan themselves but that Ryan even stated that this was above his pay grade and was new to this and should not be addressing big projects like this. He reiterated that he only needs parking for the eight rooms upstairs and does not care about the bar and grill downstairs and at the end of the day he has eight rooms and codes cannot come back and state he needs that many spaces for only eight rooms.

Kelly Sweet explained the code states there is one parking space per 150 square feet net area, and that is what she believes is the ground floor assembly space, and that is why code enforcement is stating seventeen spaces. She requested clarification on the parking determination and why code enforcement did not include the driveway option on the application description. She stated she would like to table the discussion until code enforcement can give clarification. She reiterated the Board should not be granting requested number of spaces but what is required number of spaces.

Jerry stated Thomas read what was required.

Thomas stated that it is quite evident what is required of Mr. Peterson and he requires seven spaces.

Kelly Sweet explained that Mr. Peterson is requesting seven spaces, and code enforcement determined seventeen spaces based on square footage of the assembly space, and one space for each unit plus one space for every four employees.

Thomas Enright commented that most of this is moot, and the code told them that there were thirty-eight spaces available and he only needs seven if he had a full house. He reiterated it was moot and code enforcement has been in his facility and they know what he is doing.

Mr. Peterson responded that the code office and he have been going back and forth about this project for approximately a year now.

Charlotte Hardy explained that the City Code Office has the priority to explain the reason why a variance request varies from the Zoning Laws. She continued that an applicant who has been determined to need a variance then comes to the Zoning Board to either deny or grant variances. The Board would not exist if the Board members could not make decisions that sometimes vary from the codes.

Darryl Bloom questioned if the debate was over if they should approve it at seven or approve at seventeen that it is inconsistent with his usage.

Jerry responded that is the issue.

Darryl Bloom questioned if they can get the authority to change the application from seventeen to seven parking spaces since that is the usage. He noted that if legal department states they cannot change the application to seven, even though he will not ever need the

seventeen spaces then it will still achieve the required seven space requested under the seventeen required spaces.

Darryl Bloom explained that Kelly has reservations on if they have the authority to change the application to seven even though it is in line with what Thomas is stating and it seems sensible. He noted that seven seems to be a more modest request.

Jerry Lefeber agreed with Darryl and is wondering if Mr. Peterson requested seven spaces as opposed to seventeen from the Zoning Office, and if a variance would be needed after all.

Kelly Sweet responded she does not think that Mr. Peterson was requesting a number of spaces specifically. There is an equation that factors in the number of spaces that is required for a business. She continued to explain that you take into consideration employee size, occupancy load. She noted that Mr. Peterson is unlikely to utilize seventeen spaces; however, the occupancy load and the type of business requires the need for seventeen spaces. As a Board they are to determine what is required by law.

Jodi Peterson responded that Ryan Reed told him the Zoning Board holds the power to approve it and nothing or nobody else even the code office can say anything about it. He noted that he sees the Board utilizing a little bit of common sense here and he cannot fill seventeen spaces because he does not have seventeen rooms. He noted when he initially wrote this application out that Ryan was under the impression that he was going to utilize the complete downstairs as well. He reiterated that Ryan stated himself that he was over his head and was new to this and Mr. Jennings should have been addressing this application. He requested everyone to go by the code which is one parking space per room, one space for 150 sq. ft. and net use means customers coming in and using the space. He reiterated that the Board has the power to approve the seventeen spaces, and even though he would never use them it would be fine. He reminded the Board that is why they are here.

Darry Bloom responded as a safeguard they may want to limit it to seven spaces anyway. He questioned the applicant if he would feel bad if they adjourned it to consult with the attorney to approve seven spaces versus seventeen. Darryl noted he does not want to get anything wrong or create a technical issue. Jodie Peterson responded that two weeks is two weeks and he has been pushed back on this project for quite a while now to the point of frustration from the code office. He stated that they are talking about parking and not something that is detrimental to the environment.

Darryl explained that if it is not going to be harmful to your business and his inclination is to approve it. He would request that they adjourn for two weeks to verify that it is being done correctly and not rush and do it incorrectly.

A motion was made by Darryl Bloom, seconded by Kelly Sweet to table the Decision, requesting the following: (1) letter of opinion regarding the authorization of changing the application from seventeen to seven parking spaces from the legal department (2) The Code Enforcement office submit a detailed explanation of how they determined the parking space count requirements. Voice vote, ayes: Jerry Lefeber, Darryl Bloom, Thomas Enright, Charlotte Hardy and Kelly Sweet. Motion carried.

Thomas requested it to be noted that the consensus is favorable and wants to make sure what they are doing is legal, and he celebrates Mr. Peterson for his entrepreneurship and applaud what he is doing.

Darryl Bloom echoes Thomas and that for either seventeen or seven he will vote in favor.

Jerry Lefeber noted he echoes the favorable response of Thomas and Darryl and wants to make sure the number of spaces is correct.

Kelly Sweet noted that she echoes Thomas and Darryl favorable response and wants to make sure it is done correctly as well.

Chairman Lefeber requested that Kathleen Hewitt contact Zoning Office and the attorney to speak with them regarding this matter. Darryl Bloom clarified a letter of opinion would satisfy regarding the authorization of changing the application from seventeen to seven.

Kelly Sweet requested that Kathleen Hewitt contacts the Code Enforcement office and get a detailed explanation of how they determined the parking space count.

Public Hearing ended 6:25 p.m.

4. New Business

Amber Rafi (Area Variance # ZBA-2021-02) 800 Wayne Street

Thomas Enright read the application for an Area Variance from the applicant, Amber Rafi, to allow construction of eight by thirty-four ft. side deck on the North Seventh Street side. Applicant is requesting to be 2'4" from the sidewalk. If granted it will vary from the requirements of: Chapter 28, Article 6, Section 6.1 of the Zoning Law.

A motion was made by Thomas Enright to set the public hearing for February 25, 2021 at 5:35 p.m. Seconded by Kelly Sweet; Voice vote, ayes Jerry Lefeber, Darryl Bloom, Thomas Enright, Charlotte Hardy and Kelly Sweet. Motion carried.

5. Next Meeting Date

The next Zoning Board of Appeals meeting has been scheduled for Thursday, February 25, 2021 at 5:30 p.m. via zoom.

6. Adjournment

A motion to adjourn was made by Darryl Bloom, seconded by Thomas Enright. Voice vote, ayes all. Motion carried. The meeting ended at approximately 6:35 p.m.