

City of Olean
ZONING BOARD OF APPEALS

Minutes for Zoning Board
Meeting held on July 11, 2019

1. Roll Call

Shayne Certo called the meeting to order at 5:36p.m. Thomas Enright read the roll call. All members were present except Darryl Bloom.

Present:

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

Present:

- Darryl Bloom

Staff:

- Kathleen Hewitt- Account Clerk Typist

1. Old Business:

Reading and approval June 13, 2019 meeting minutes.

A Motion was made by Tom Enright, seconded by Jerry Lefebber to approve the June 13, 2019 meeting minutes as is. Voice vote, ayes all. Motion carried.

2. Public Hearing:

635 Edgewood Ave- Area Variance

Thomas Enright read the application for 635 Edgewood Avenue. The applicant is requesting to construct a small entrance on the front of the house 6 ft. wide by 4 ft deep and 10 ft high. If granted it will vary from the requirements of: Chapter 28, Article 6, Section 6.1 of the Zoning Law.

Shayne opened the public hearing at 5:37 pm.

No comments

Shayne closed the hearing at 5:37 pm.

Charlotte noted it would be fine.

Shayne reviewed Findings and Decision.

A MOTION was made by Shayne Certo, seconded by Charlotte Hardy to grant the Area Variance without conditions: Voice vote, ayes all. Motion carried.

3. New Business:

Shayne reviewed the SEQRA for 127 South Barry Street.

Thomas Enright read the application for 127 S. Barry Street. The applicant is requesting to convert existing synagogue to a community theater. If granted it will vary from the requirements of: Chapter 28, Article 4.2, Section 4 and Article 4.14 Section 4 of the Zoning Law.

A MOTION was made by Jerry Lefeber to set the public hearing for August 8, 2019 at 5:35p.m. Seconded by Charlotte Hardy; Voice vote, ayes all. Motion carried.

Shayne stated the building is on the New York State Historical Registry. She requested that Mr. Jennings reach out to the board for any input or obligations.

Adjournment

A MOTION to adjourn was made by Jerry Lefeber, seconded by Tom Enright. Voice vote, ayes all, Motion carried.

Next Meeting Date

The next Zoning Board meeting has been scheduled for Thursday, August 8, 2019 at 5:54 p.m. located in the Council Chambers. Meeting adjourned at 6:22 pm.

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project: <i>Olean Community Theatre</i>			
Project Location (describe, and attach a location map): <i>127 South Barry St. Olean, NY 14760</i>			
Brief Description of Proposed Action: <i>To convert interior of existing Synagogue to a performance arts theater/space, in keeping with the historic nature of the building.</i>			
Name of Applicant or Sponsor: <i>Olean Community Theatre</i>		Telephone: <i>585-301-8022</i>	
Address: <i>PO Box 100</i>		E-Mail: <i>Benjamin@hollambagency.com</i>	
City/PO: <i>Olean, NY 14760</i>		State: <i>NY</i>	Zip Code: <i>14760</i>
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO YES
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<input checked="" type="checkbox"/> <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency?			NO YES
If Yes, list agency(s) name and permit or approval: <i>Olean Zoning Board</i>			<input type="checkbox"/> <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		<i>0.132</i> acres	
b. Total acreage to be physically disturbed?		<i>0.0</i> acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<i>0.0</i> acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	N/A <input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
8. a. Will the proposed action result in a substantial increase in traffic above present levels?		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
b. Are public transportation service(s) available at or near the site of the proposed action?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
b. Is the proposed action located in an archeological sensitive area?		<input checked="" type="checkbox"/>	<input type="checkbox"/>
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
16. Is the project site located in the 100 year flood plain?		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____		<input type="checkbox"/> NO <input type="checkbox"/> YES	

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>Olean Community Theatre</u> Date: <u>6/20/19</u>		
Signature: <u>[Signature]</u>		

Agency Use Only [If applicable]

Project:

Date:

7/11/19

Short Environmental Assessment Form Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PRINT FORM

Agency Use Only [If applicable]

Project:

Date:

7/11/19

Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input checked="" type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
Zoning Board of Appeals	7-11-19
Name of Lead Agency	Date
Shayne Certo	Chairman
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Shayne Certo	
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT FORM

City of Olean
Zoning Board of Appeals
Area Variance Findings & Decision

Applicant: Joann Quinn-Hoffman
635 Edgewood Avenue
Olean, NY 14760
(716) 307-1134

Variance No: ZBA-2019-03
Zoning District: R2
Published Notice on: Jun. 17, 2019
Notice to County Sent on: _____
Hearing Held on: Jul. 11, 2019

Property Location: 635 Edgewood Ave. Olean, NY 14760
Requirement for which Variance is requested: to put a small entrance on the front of the house
6 ft wide by 4 ft deep and 10 ft. high.
Applicable Section of City Zoning Ordinance: Article 28 Section 6.1 of the Zoning Law

FACTORS CONSIDERED:

1. Whether an undesirable change would be produced in the character of the neighborhood, or a detriment to nearby properties: ☐ Yes ☒ No

Reasons: Front addition to applicant's home will
add to her neighborhood aesthetically.

2. Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance: ☐ Yes ☒ No

Reasons: Applicant is simply adding a covered
porch to the front of her home.

3. Whether the requested variance is substantial: ☐ Yes ☒ No

Reasons: The porch size is small.

4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: ☐ Yes ☒ No

Reasons: there will be little to no impact
environmentally.

5. Whether the alleged difficulty was self-created: ☐ Yes ☒ No

Reasons: Applicant simply wishes to
enhance her home's use and appearance.

• **DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS:**

The ZBA, after taking into consideration the above five factors, finds that:

☐ The benefit to the applicant DOES NOT outweigh the detriment to the neighborhood or community and therefore the variance request is denied.

☒ The benefit to the applicant DOES outweigh the detriment to the neighborhood or community.

Reasons: The front porch additions proposed by the applicant will enhance the appearance of the neighborhood

The ZBA further finds that a variance of 635 Edgewood Ave from Article 28 Section 6.1 of the Zoning Code is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety, and welfare of the community because: the appearance of the home and the neighborhood will be enhanced.

CONDITIONS: The ZBA finds that the following conditions are necessary in order to minimize adverse impacts upon the neighborhood or community, for the reasons following:

Condition No. 1: _____

Adverse impact to be minimized: _____

Condition No. 2: _____

Adverse impact to be minimized: _____

Shayne Certo
Chairman, Zoning Board of Appeals

7-11-19
Date

RECORD OF VOTE

		AYE	NAY
Chair	<u>Shayne Certo</u>	<u>✓</u>	
Member	<u>Tom Enright</u>	<u>✓</u>	
Member	<u>Jerry Lefebvre</u>	<u>✓</u>	
Member	<u>Darryl Bloom</u>		
Member	<u>Charlotte Hardy</u>	<u>✓</u>	
Member	<u>Otto Tertnek</u>	<u>✓</u>	
Member			