

City of Olean

ZONING BOARD OF APPEALS

**P.O. Box 668, 101 East State Street, Room 212
Olean, New York 14760 (716) 376-5683, (716) 376-5707 (fax)**

Minutes for Zoning Board Meeting held August 12, 2021

Present: Jerry leFeber, Arnim Alexander, Darryl Bloom, Thomas Enright, Otto Tertinek,
Kelly Sweet

By Phone: Charlotte Hardy

Staff: Michiko McElfresh, Mayor's Secretary

Call to Order

Chairperson Jerry leFeber called the meeting to order at 5:34 pm. Thomas Enright read roll call.

Roll Call

Thomas Enright read roll call. All members present except Charlotte Hardy who was there by phone.

Reading and Approval of the July 22, 2021

A motion was made by Kelly Sweet, seconded by Thomas Enright to change the word **she** to **he** on the last page, second paragraph. Voice Vote, All Ayes, Motioned Carried

A motion was made by Darryl Bloom, seconded by Otto Tertinek to accept the minutes with the change. Voice Vote, All Ayes, Motioned Carried.

Public Hearing

1803 West State Street (Area Variance #2021-13)

Mr. Enright read the application for an area variance from the applicant to allow 7.5 parking spaces and declared the public hearing open.

Mr. Pezzimenti addressed the Board and asked if ZBA members had any questions for him.

Ms. Sweet asked if they were still going for 5 ½ spaces or if the 7 ½ spaces is preferred.

Mr. Pezzimenti said that option 2 was preferable.

Mr. Tertinek asked about the property west of the structure with a crushed stone driveway. He asked if that was available to use for parking. And asked if the residence that owns the property has any interest in selling the property.

Mr. Pezzimenti said that the owner of the property is not interested in selling the property. He added that they are not requesting reserved spots, just places on the street.

Ms. Sweet asked if there was parking on the west side of the South 17th Street. Mr. Pezzimenti said that is no parking on one side of the street and parking on the other. He said that it is like the other streets, except it has a designated handicap parking place. Ms. Sweet said a specific handicap parking place would have had to been approved by the Common Council. It was determined that it had been approved by the Common Council as there is a sign designating it as handicapped parking.

Jerry leFeber asked how many cars generally park on the street at this time. An audience member said that there are 11 cars that park on the street.

Mr. Enright said that he does not know anything about real estate, but mentioned the “Buyer Beware” adage and should not the buyer be aware that there is no parking for the building.

Mr. Pezzimenti agreed that it is a downside when no off street parking exists.

Mr. Pezzimenti mentioned the property across the Street known as Stein Dentistry. He said that Stein a parking lot around the building. He said that that could be a viable solution.

There were no further questions for Mr. Pezzimenti.

Dan Carpenter, 125 South 17th Street

Mr. Carpenter had the following questions:

1. How did the church get converted into a residential property?
2. How many apartments are in the building?

He said that he does not have an issue with those questions but when he came to the meeting 11 vehicles were parked on the street. He said that the majority of the residents on the East side of the street have off street parking. The west side because of the lot sizes do not generally have off street parking. He said that there were three cars from the apartments parked on the street when he came to the meeting. He said that there are several cars closer to West Henley Street.

He said that City Cod 10.3.4 stipulates parking sizes. And that permanent parking should be 2 feet by 9 feet. Which means that they would need 180 feet for 7 ½ spaces and the lot size of 140 X 75’. He also mentioned that the street has many elderly people who require emergency vehicles and it is difficult to get large vehicles down the street as it is already very congested.

Charles Eddy of 4240 Route 417 Allegany.

Mr. Eddy said that he is the pastor of Just Life. He said that he is a career builder. He said he formed a nonprofit and did repairs. He said that it became a residence because he wanted to do more than preach the gospel. He sympathized with his neighbors and had successful stories. He said that the building was originally a church and parsonage. The footprint did have parking as part of the parsonage. But it was easier to sell the house (parsonage) and the driveway. He said the new owners of the house are not interested in selling the driveway back to the church. He said that the handicapped sign is not specific to the church but to the general public. He said that the church will never be a well-functioning church. And they had to find a solution for the building

Denise Carpenter of 103 South 17th Street

Mrs. Carpenter said that it is a high curb and it is hard to get out of the driveway with cars parked on the street

Mr. Enright asked Mr. Pezzimenti if renters have to vie for on-street parking if no off street parking is available. Mr. Pezzimenti agreed. Mr. Enright said that he lives in a cul de sac and he counted 19 cars that are owned by the neighbors in the cul de sac. He said that it is a conundrum.

A MOTION was made by Kelly Sweet, seconded by Otto Tertinek to close the public hearing. Voice vote, ayes all. Motion carried.

Ms. Sweet said that the conversion from church to apartment building should have gone to the planning board as site plan approvals would have been necessary. She said it is important to protect the people that are living in the apartment.

Mr. leFeber said that he spoke to Codes and said that it was okay as it is zoned R-3. He said the ZBA's consideration is to vote on the parking first.

The Board went through the factors considered.

- Would an undesirable change be produced in the neighborhood? The Board majority answered NO as on street parking is already part of the neighborhood.
- Is there a feasible alternative to the variance? The Board majority answered NO as no other parking is available
- Is the requested variance substantial? The Board majority answered NO as it is with the requirement of the proposed project.
- Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood? The board majority answered NO as it only involves on-street parking of vehicles.

- Is the difficulty self-created? The Board majority answered NO as the former church has not parking lots.

The ZBA, after taking into consideration the above five factors, finds that the benefit to the applicant DOES outweigh the detriment to the neighborhood or community.

There were no conditions.

A motion to accept the ZBA finding was made by Darryl Bloom, seconded by Otto Tertineck.
Roll Call Vote:

Ayes: J. leFeber, O. Tertinek, A. Alexander, C. Hardy, D. Bloom and T. Enright

Nay: K. Sweet

The ZBA members made a special note to thank Kathy Hewitt for her service to the Board. Her work was truly appreciated.

Adjournment

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

Meeting adjourned at approximately 6:15 pm.