

City of Olean

ZONING BOARD OF APPEALS

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

Minutes for Zoning Board Meeting held Wednesday, June 25, 2025

Olean Municipal Building Council Chambers

Present: Kelly Sweet, Otto Tertinek, Tom Enright, Steve Rogers, James Dwaileebe, Jim Rucinski, Bill Eaton

Staff: Dave Bauer, Jacob Herbert

Other: Kevin Dougherty, Caroline Nagle

CALL TO ORDER

K. Sweet called the meeting to order at 5:45 p.m.

ROLL CALL

T. Enright read roll call. All members present.

READING AND APPROVAL OF THE MINUTES FROM June 11, 2025

J. Rucinski made a motion, seconded by B. Eaton, to accept the minutes as presented. Voice vote, all ayes.

OLD BUSINESS

- **PUBLIC HEARING – 111 N. Fourteenth St. (Area Variance – #2025148)**

T. Enright read the application from contractor Kevin Dougherty, to build a six-foot tall privacy fence along the southern property line, up to sidewalk. This request will vary from the requirements of Article 28, Section 10.7.5 of the City of Olean Zoning Law. Application signed by owner Caroline P. Nagle.

- Kevin Dougherty – 615 W. Sullivan Street

K. Dougherty, contractor, explained that due to frequent criminal activity in this area C. Nagle wishes to construct a 6-foot tall privacy fence that ends at the sidewalk on the southern portion of the property. He explained that the driveway is on the opposite of her home so it would not obstruct the view while using the driveway. He went on to say that the commercial property on the other side of the proposed fence would be permitted to the same height fence up to the sidewalk and that this would just be on the other side of that line.

K. Sweet noted there is currently a fence in place that is not a privacy fence. She asked if they would be opposed to building the privacy fence up to where the current first post is now as opposed

to going up to the sidewalk. C. Nagle stated that because of the commercial property driving through her yard she wants it to the sidewalk.

B. Eaton asked if she would be willing to lower the fence height from 6 to 4 feet between the first post and the sidewalk. C. Nagle stated that she wants it uniform height. K. Dougherty added the goal is to keep people from looking over it. C. Nagle noted that she wants the privacy because she lives alone.

K. Sweet brought up her concerns with having clear view of the parking lot and the safety of people walking on the sidewalk. T. Enright states that he feels that there are no need for concessions, as they would be for hypothetical issues that may or may not happen. He continued that, considering the ongoing issues that the applicant is experiencing, the privacy and benefit to them is definite.

The public hearing closed at 6:04 pm.

The Board reviewed the findings. The Board found that the benefit to the applicant outweighed the detriment to the neighborhood.

K. Sweet brought up the possibility of conditions to account for the parking lot on the neighboring property and pedestrian safety. T. Enright, O. Tertinek, and J. Rucinski expressed that they do not find conditions necessary. B. Eaton proposed a 1-foot setback from the sidewalk to give space for pedestrians as well as any possible future repair to the sidewalk.

J. Dwaileebe made a motion, seconded by B. Eaton, to approve the variance with the condition of the fence being 1-foot from the sidewalk closest to house. Voice vote, all ayes. Motion carried.

ADJOURNMENT

O. Tertinek made a motion, seconded by T. Enright, to adjourn the meeting at 6:24 pm. Voice vote, all ayes. Motion carried.

Respectfully submitted,
Jacob Herbert