

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, July 23, 2025

Olean Municipal Building Council Chambers

Present: Kelly Sweet, Steve Rogers, Jim Rucinski, Bill Eaton, O. Tertinek, T. Enright,
J. Dwaileebe

Staff: Shawn Wing, Jacob Herbert

Other: Scott Whiteman, Lindsay Green, Vernon Robinson

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 July 9, 2025

K. Sweet noted the SEQR results for the Fountain Street variance should be a Type II listed action, the E. State Street variance should show that the code is varying from Section 10.5.1.3(a).1, and that B. Eaton seconded the motion declaring the application complete.

B. Eaton also brought up that the public hearing should state that it was scheduled for July 23.

B. Eaton made a motion, seconded by S. Rogers, to accept the minutes as amended. Voice vote, ayes all. Motion carried.

OLD BUSINESS

- **361 Fountain Street (Area Variance – #2025199)**

T. Enright read the application from Scott Whiteman, requesting an area variance to build a garage 10 feet off the public right away deviating from the required 20 feet. This request will vary from the requirements of Article 28, Section 4.1.3 of the City of Olean Zoning Law.

The public hearing opened at 5:50 pm.

- Scott Whiteman of 361 Fountain Street

Applicant S. Whiteman explained that he is asking for the variance because his driveway is at a grade and that further back there is a significant drop-off that would make building expensive. He went on the state that his porch is currently 10 feet off the public right of way and so the garage would line up with that.

The public hearing closed at 5:52 pm.

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

B. Eaton made a motion to grant the variance as submitted, seconded by J. Dwaileebe. Voice vote, ayes all. Motion carried.

- **825 E. State Street (Area Variance - #2025236)**

T. Enright read the application from John Petruzzi of Petruzzi Properties, requesting an area variance to build a small storage shed on or near the rear property line. This request will vary from the requirements of Article 28, Section 10.5.1.3(a).1 of the City of Olean Zoning Law.

The public hearing opened and closed at 6:01 pm.

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

T. Enright made a motion to approve the variance with the condition that it be built no less than one foot from the property line, seconded by J. Rucinski. Voice vote, ayes from S. Rogers, J. Rucinski, B. Eaton, O. Tertinek, T. Enright. Nays from K. Sweet and J. Dwaileebe. Motion carried.

- **1502 W. Henley (Use Variance - #2025218)**

T. Enright read the application from Wade Green, requesting a use variance to allow for an auto detailing business on the property. This request will vary from the requirements of Article 28, Section 4.2.2 of the City of Olean Zoning Law.

The Board had previously tabled the application based on the question of whether or not a Use variance or a Home Occupation is more appropriate for the applicant's request. K. Sweet stated that she spoke to the city attorney and was informed that the Board has the ability to alter an application given to them by Code Enforcement.

Per General City Law section 81(b)2 K. Sweet made a motion to amend the application from a Use variance to a Home Occupation Voice vote, ayes all. Motion carried.

The Board previously determined it to be an unlisted action.

S. Rogers questioned whether the application is complete noting that they received letters of support from the applicant but failed to receive documentation for complaints opened against the

property. T. Enright and O. Tertinek noted that the public hearing would give opportunity for residents to voice their support or opposition to the application.

T. Enright made a motion to declare a complete application, seconded by O. Tertinek. Voice vote, ayes from T. Enright, O. Tertinek, B. Eaton, J. Rucinski and K. Sweet. Nays from S. Rogers and J. Dwaileebe. Motion carried.

T. Enright made a motion to set a public hearing for August 13, 2025 at 5:47 pm, seconded by J. Dwaileebe. Voice vote, ayes all. Motion carried.

ADJOURNMENT

B. Eaton made a motion, seconded by J. Rucinski, to adjourn the meeting at 6:36 pm. Voice vote, all ayes. Motion carried.

Respectfully submitted,
Jacob Herbert