

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, August 27, 2025

Olean Municipal Building Council Chambers

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

Absent: Jim Rucinski

Staff: Shawn Wing, Jacob Herbert

Other: Charles Richardson, Mike Bachman, Mary Dutkiewicz, Vernon Robinson, Mary Kay Ash, Peter Ash, Kevin Dougherty, Lindsey Green, Wade Green, Deb Locker, Tom Locker, Lynneesa Mitchell

CALL TO ORDER

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

ROLL CALL

T. Enright read roll call. J. Rucinski was absent.

READING AND APPROVAL OF THE MINUTES FROM August 13, 2025

B. Eaton made a motion to approve the minutes as presented, seconded by K. Sweet. Voice vote, all ayes. Motion carried.

OLD BUSINESS

- **1502 W. Henley (Home Occupation Permit #2025218) – PUBLIC HEARING**

T. Enright read the application from Wade and Lindsey Green, requesting a special use home occupation permit 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.

K. Sweet called the public hearing open at 5:47 pm.

- **Charles Richardson of 108 S. 14th Street**

C. Richardson says he has some concern about the difficulty of turning onto the street from the Henley Street side due to a storm drain issue. He also notes that parking in the street can be difficult, due to other businesses that are on the street or other residents having visitors, though he notes that the fire department and National Grid trucks do not have any issues navigating the street. He states that he spends a majority of his time on his porch and

says that the washer they use is no more of a nuisance than someone mowing their lawn. He feels that the variance should be approved.

- **Mike Bokman – Employer**

M. Bachman wanted to make it clear that this would only be a small part time gig for the applicant as he employs him five days a week from 8am to 5pm therefore he wouldn't be detailing cars all day with multiple cars taking up space in the street. He also noted that the equipment they use in the industry is far quieter than it used to be. He hopes the variance can be approved so the applicant can support his family.

- **Mary Dutkiewicz of 127 S. 14th Street**

M. Dutkiewicz states that she lives across the street from the applicant's garage. She states that he does not produce a lot of noise and she can spend time on her porch without any issues. She states many of the residents on the street park in the street but the applicant is careful with his cars to leave enough room to turn onto the street. She says they are good neighbors and supports the approval of their variance.

- **Vernon Robinson – Ward 6 Councilman**

V. Robinson states he is there to speak on behalf of some residents that could not make the hearing and to give background information.

He states that on 10/22/2020 he first received an email about a business being run followed by an email from then Code Enforcement supervisor Ed Jennings that they would be fined on the next violation. On 10/28/2020, E. Jennings stated no one witnessed any activity. No further emails were sent from 2021 to 2023.

On 11/23/2024, social media advertisements were shared to prove they were operating. On 12/2/2024 a cease and desist letter was sent to the applicants. In February 2025, a resident expressed their support for the applicants to V. Robinson. In March 2025, he explained that he received videos showing the applicants detailing vehicles. He explained however that they were the applicants' personal vehicles, which is allowed.

Since the applicants have submitted their application to the zoning board, he says he has received phone calls also in support of the variance. V. Robinson says he supports the applicant making an honest living and if there are any nuisances to the neighborhood, they should be handled by the police.

- **Mary Kay Ash of 1410 W. Henley**

M. Ash says that they live about 60 feet from the applicant's driveway and states they cannot use their deck in the summertime due to the noise. She says they are great neighbors but feels it is not a good location for their business.

- **Kevin Dougherty – owner of 1412 W. Henley**

K. Dougherty, who has a rental property across the street, says it is a nice neighborhood. His tenants say that the Greens are good neighbors, and while can understand the points made by M. Ash, he believes it should be ones constitutional right to do what they want to

do on their property especially if it is to help feed ones family. He supports the approval of the variance.

- **Peter Ash of 1410 W. Henley**

P. Ash says the applicants are a good family and he supports what they are doing however, he feels the power washer is noisy. He asks that if the variance were to be approved that some restrictions are put in place.

- **Lindsey Green – applicant**

L. Green explained that she and her husband started doing this during COVID to help make ends meet before it took off. She explained that they are by appointment only and that they leave no vehicles in the street at any point other than their own. All work is done within the driveway or garage. She noted the support they have from members of the community siting the ten letters of support sent to the Board as well as a 100-member petition. She stated that they are committed to addressing concerns as they have already fixed their garage doors to reduce noise. She emphasized that this would not be a full time business, with cars only being washed between 5 pm and 9 pm, as her husband works full time.

J. Dwaileebe questioned the possibility of them getting increased business. L. Green responded that they have no plans to expand and should they ever consider it they would explore other locations.

The public hearing closed at 6:08 pm.

The Board discussed factors to consider. The Board found that the benefit to the applicant outweighs the detriment to the neighborhood.

The Board discussed possible conditions to place.

T. Enright noted that after listening to the applicants he finds that they are responsive and mindful in addressing any concerns that may arise with their neighbors and so does not see any issue.

K. Sweet was in support of placing a time restriction of 9 pm.

It was brought up that any resident is allowed to run a power washer within the time frame of the city noise ordinance as is.

J. Dwaileebe stated that he feels residents deserve the right to the quiet enjoyment of their property.

S. Rogers stated that he feels that placing conditions would be operating in a gray space as they do not control the parking on the street or what people can do privately on their property and therefore would not be easily enforceable.

K. Sweet made a motion to approve the variance as submitted, seconded by O. Tertinek. Voice vote:

Ayes from O. Tertinek, T. Enright, K. Sweet.

Nays from S. Rogers, B. Eaton, J. Dwaileebe.

No majority vote. Variance was denied.

- **129 N. 3rd Street (Home Occupation Permit #2025265) – PUBLIC HEARING**

O. Tertinek read the special use application from Lynneesa Mitchell to allow for a secondary use of the residence as a non-profit animal shelter. This request will vary from the requirements of Article 28, Section 4.2.2 of the City of Olean Zoning Law.

K. Sweet opened the public hearing at 6:30 pm.

- **Lynneesa Mitchell – applicant**

L. Mitchell explained she started to rescue cats during the past winter due to subzero temperatures and has since made a point to try to help reduce the stray cat population. She has now officially become a non-profit and has, since the previous meeting, found a location for a permanent shelter. She states her mission is to spay/neuter and improve the overall welfare of the local cat population and to try to address the overpopulation in the area.

- **Deb Locker of 135 N. 3rd Street**

D. Locker expressed her concern that an animal shelter is ambiguous as to what animals are included. She is concerned that if her animals roam the neighborhood that they could spread infectious disease. She noted that the applicant had advertised that she was sheltering 60% more cats than the maximum number she stated that she keeps at the previous meeting on August 13. She noted that the applicant's social media page states that she is open twelve hours a day, seven days a week, and feels that it more than one person can handle. She also states that she has been unable to enjoy sitting in her back yard due to having to clean up cat waste. D. Locker feels this is better suited for a commercial neighborhood.

L. Mitchell clarified that none of her animals are outdoor animals. She also explained that the hours of operation displayed on her social media page are default settings, as she has never set her hours of operation. She clarified that she only operates by appointment for adoptions.

- **Tom Locker of 135 N. 3rd Street**

T. Locker explained that the applicant's house is small and does not feel the dwelling is appropriate for the necessary care for cats. He is also concerned for the health safety of the neighborhood as well as what this may do for property values in the area.

The public hearing closed at 6:40 pm.

The Board discussed factors to consider. The Board found that the detriment to the neighborhood outweighed the benefit to the applicant.

K. Sweet made a motion to deny the variance, seconded by S. Rogers. Voice vote. Ayes all. Motion carried.

ADJOURNMENT

S. Rogers made a motion to adjourn at 6:52 pm, seconded by B. Eaton. Voice vote, all ayes.
Motion carried.

Respectfully submitted,
Jacob Herbert