

City of Olean

Zoning Board of Appeals

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

A G E N D A

Zoning Board meeting to be held on Wednesday, October 22, 2025 at 5:45 pm in the City of Olean Municipal Building Room 119.

I. Meeting

1. Roll Call
2. Reading and approval of the August 27, 2025 meeting minutes.
3. New Business –
 - 138 N. 17th Street (Area Variance 2025218)

II. Miscellaneous/Communications

III. Adjournment

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**

O. Tertinek 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 Bachman – 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 the 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

DRAFT

City of Olean
Department of Fire, Buildings, & Emergency Services
Code Enforcement Division

Olean Municipal Building, Rm. 212
P.O. Box 668, 101 E. State Street
Olean, NY 14760
716-376-5683, 716-376-5707 (fax)

Area Variance Application

Date: 10/3/2025

For Office Use Only
Application #: 2025 370
Hearing Date/Time: _____

To: The Zoning Board of Appeals

I HARVARD C. J. FENNER
(owner/applicant)

I _____
(applicant, if different from owner)

(relationship to owner)

hereby make application to the Zoning Board of Appeals for the City of Olean, New York for an Area Variance to permit the premises known as 138 N 17th st

(location)

to vary from the lot area, lot width, yard, height, lot coverage or other dimensional requirement of the Zoning Law.

Detailed description of request: 72" Vinyl fencing 32" from sidewalk +
1 ft 7" off public right of way. Vary from front yard requirements of corner lot per 28-6.2.

Variance request will vary from the requirement(s) of:

Article 28 Section 10.7.5 of the Zoning Law.
Article _____ Section _____ of the Zoning Law.

In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making determination the Board shall also consider:

- (1.) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
- (2.) whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
- (3.) whether the requested area variance is substantial;
- (4.) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district
- (5.) whether the alleged difficulty was self-created which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.

It is the responsibility of the applicant to present evidence sufficient to satisfy the Zoning Board of Appeals that the benefit to the applicant does not outweigh the detriment to the community or neighborhood.

[Signature]
(owner's signature)

Cody [Signature]
(applicant's signature)

10/3/2025
(date)

9-29-25
(date)

City of Olean
Department of Fire, Buildings, & Emergency Services
Code Enforcement Division

Olean Municipal Building, Rm. 212

P.O. Box 668, 101 E. State Street

Olean, NY 14760

716-376-5683, 716-376-5707 (fax)

www.cityofolean.org

codes@cityofolean.org

Zoning Permit Application

To Code Enforcement:

Date: 9-29-25

I hereby apply for a zoning permit pursuant to the Olean Zoning Ordinance to construct or alter a structure as setforth. This Application may be used in conjunction with any variance applications. Please provide a separate application for each construction project. Please print in ink.

Regarding Address: 138 N 17th St

Owner: Harvard Hitchcock

Applicant: Suburban fence

E-mail: Suburbanfence@gmail.com

E-mail: Suburbanfence18@gmail.com

Addr: 138 N 17th St

Addr: 30 Gilbert Ln

Olean NY

Bradford PA 16701

Phone: 716 378 4154 (h) _____ (w) _____

Phone: 814 596 2344 (h) _____ (w) _____

If you are applying for a change of use, please complete questions #1 & 6 and continue onto page 2. New construction requires full completion of this application.

1.) Please check one:

- ☒ a single-family dwelling
☐ a dbl-family dwelling
☐ a multi-family dwelling, number of units? _____
☐ currently, vacant land
☐ other (business) Please describe: _____

1.) Lot size: Width 40 Depth 105 Area 4200 sq. ft.

2.) List all of the structures currently on the lot:

(1)	(2)	(3)	(4)
(principal bldg)	(describe structure)	(describe structure)	(describe structure)
w) _____ l) _____ h) _____	w) _____ l) _____ h) _____	w) _____ l) _____ h) _____	w) _____ l) _____ h) _____

4.) Are you applying for a New structure OR An addition (Please circle one)

5.) Proposal's dimensions: w) _____ l) 149' h) 72" Stories) _____ Total sq.ft.) _____

6.) Describe proposal: 6' Vinyl fencing / 32" from side walk / 1ft 7in off public right of way. Vary from front yard requirements of corner lot per 28-6.2.

7.) Provide minimum distances from the new construction to the property lines. These measurements should conform to the measurements drawn on the plot plan located on pg. 3. For additions, write the initial "A" where the addition will be attached to the existing structure.

Right distance: _____ ft., Left: _____ ft., Both sides total: _____ ft.

Front distance: _____ ft., Rear: _____ ft. to the property line.

If this application is denied, I (owner & applicant) understand that only the appropriate board has the authority to grant permission to vary from the requirements of the City of Olean Zoning Ordinance and NO work will commence until Code Enforcement has issued the permit.

I believe that the statements herein contained on this application (pages 1 – 3) are true to the best of my knowledge.

Owner:

(print)

(signature)

(date)

Applicant:

(print)

(signature)

(date)

Applicant representing business of:

Code Enforcement Action

This application of Building Zoning received on 10/3/2025 for
The construction site of 138 N 17th Zoned: R3 according to the City
Ordinance is hereby **APPROVED** or **DENIED**

If denied, the reason for denial is:

Fence over height regulation (SW)

The following indicated applications and approvals are required prior to any issuance of permits:

Area Variance

Use Variance

Home Occupation

Special Use

Site Plan

Other

Code Enforcement Officer:

Shawn Wing

Date:

10/3/2025

Comments:

n/a (SW)

City of Olean
Department of Fire, Buildings & Emergency Services
Code Enforcement Division

Olean Municipal Building
P.O. Box 668, 101 E. State Street
Olean, NY 14760

Fence Permit Application

Date: 9-29-25 ☐ Commercial ☒ Residential

Address of operation: 138 N. 17th St.

Owner: Harvard Hitchcock Phone: 716-378-4154

Contractor: Suburban Fence Phone: 814-596-2344

Height of Fence: Front 6' Side 6' Rear 6'

Linear Footage: 144 Is there an easement of the property? X

Valuation \$ _____

Please submit the following items with application:

____ Survey with plot plan ____ Contractor's Estimate ____ Proof of Insurance

- Fence may be up to property line
- Maximum height in front yard is 4'
- Maximum height within 8' of driveway is 2½'
- Clear vision of 30' on corner lots

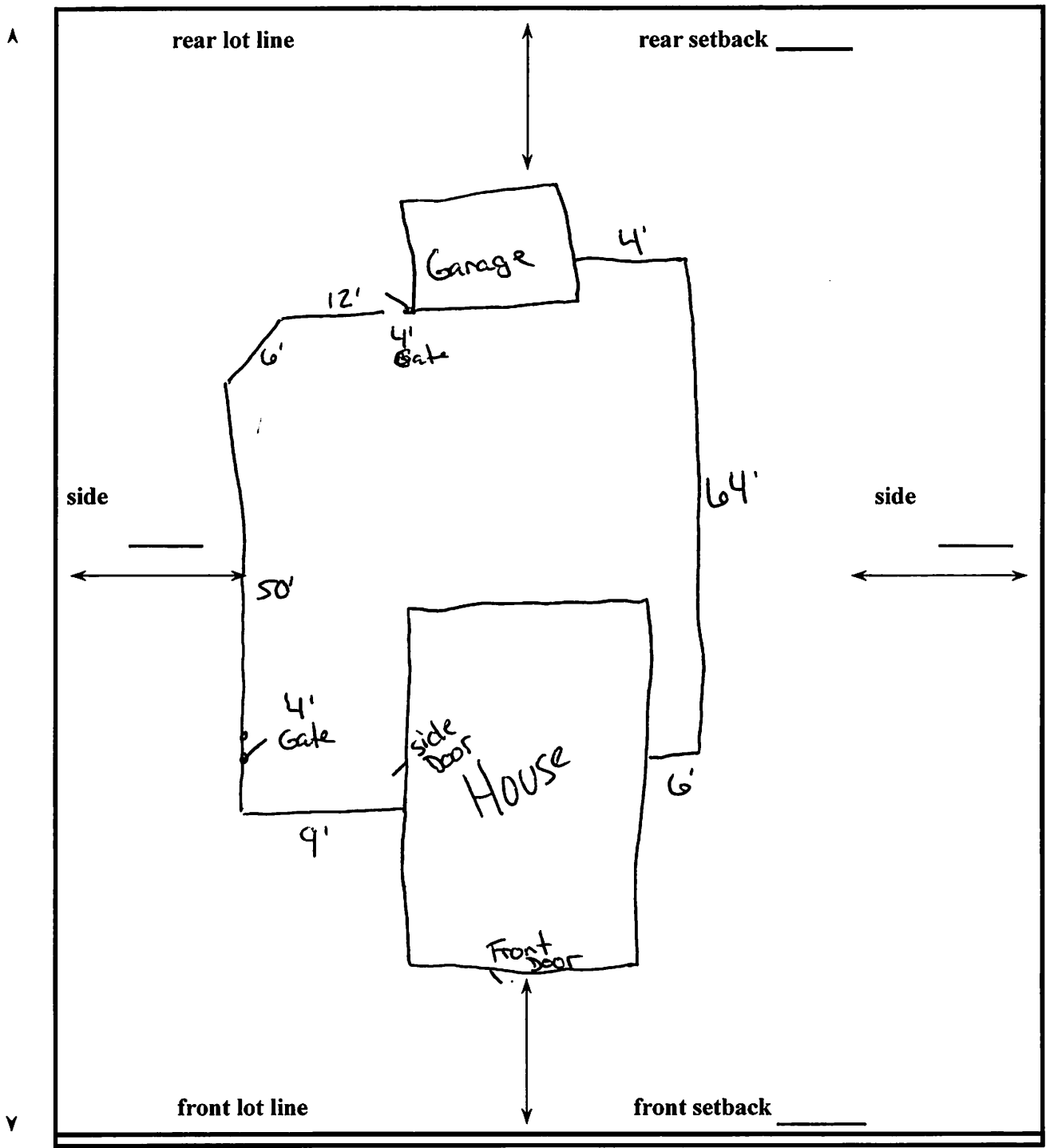
All work must be in strict compliance with the worker's compensation and disability laws for the State of New York.

The undersigned certifies that the plans and specification as filed in accordance with the regulations of the City of Olean and agrees that all work and material shall be in strict conformity with laws governing construction in the City of Olean and the laws of the State of New York.

Applicant: _____ Date _____

Fee: \$ 45

PLOT PLAN
lot width



lot width _____ lot depth _____ lot area _____ bldg. area _____

Sec 6.1

City of Olean Zoning Law – Density Control Table

Use District	Minimum Lot Area (sq. ft.)	Minimum Lot Width (ft.)	Minimum Yard Requirements (ft.)			Maximum Lot Coverage			Maximum Building Height (Feet\Storys)	Minimum Building Separation on Same Lot (ft.)
			Front	Side	Rear	Principal Use (%)	Garage Use (%)	Accessory Use (%)		
R1	9,000	60	25	4*	35	25	7	2	40 3	5
R2	6,000	50	20	4**	20	30	10	2	40 3	5
R3	4,000	40	15	4**	10	35	12	5	40 3	5
RT	4,000	40	15	4**	10	50	12	10	40 3	0
CC	2,000	30	0	0	0	50	12	10	75 3	0
GC	2,000	30	0	0	0	50	12	10	40 3	0
WC	4,000	40	15	4**	10	35	12	5	40 3	5
I	N/A	N/A	50	N/A	N/A	50	12	10	75 N/A	0
I2	N/A	N/A	50	N/A	N/A	50	12	10	75 N/A	0***
I3	N/A	N/A	50	20****	10****	50	12	10	75 N/A	0***
PR	10,000	100	40	20	10	25	10	10	30 2	5
PB	N/A	N/A	N/A	N/A	N/A	25	10	10	40 3	5

* The minimum width required for a side yard is 4 feet on any side, with both sides together totaling a minimum of 25 feet.

** The minimum width required for a side yard is 4 feet on any side, with both sides together totaling a minimum of 14 feet.

*** See Section 10.22 for minimum separation distance requirements between adult uses and other specific uses.

**** These setbacks shall be doubled for any parcel that is adjacent to a residentially zoned area.

Short Environmental Assessment Form

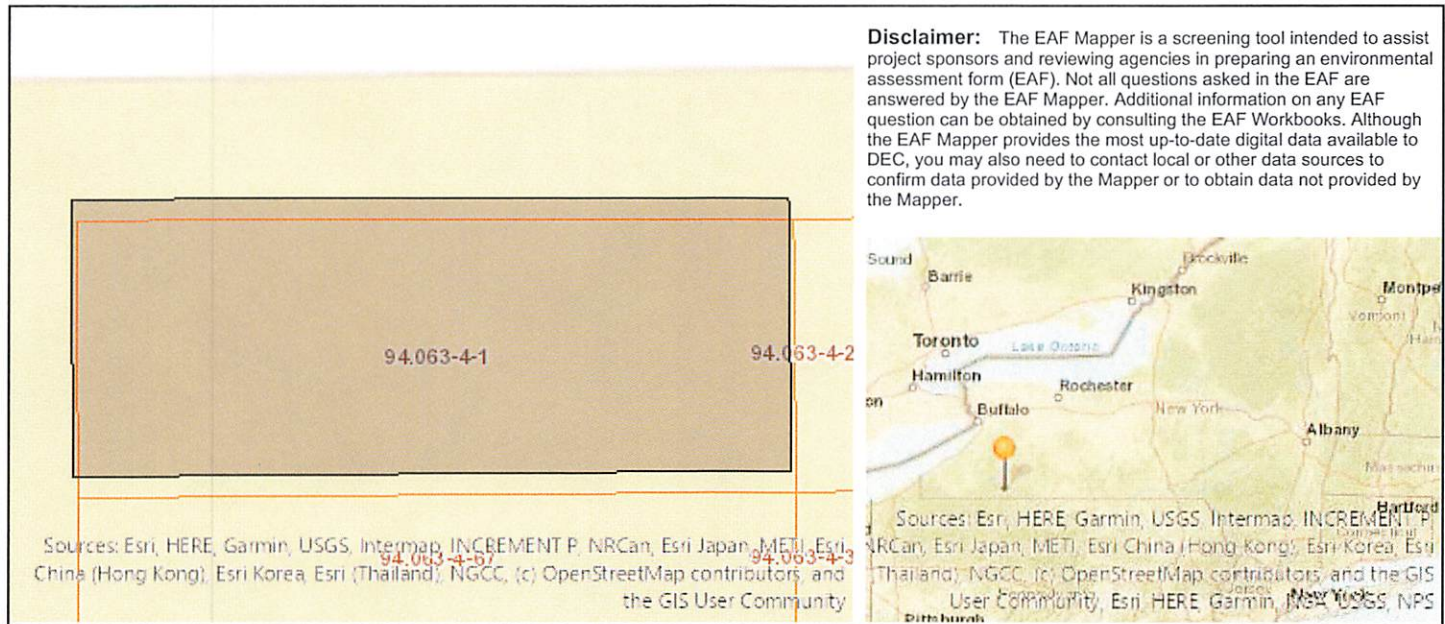
Part 1 - Project Information

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: Hitchcock Fence			
Project Location (describe, and attach a location map): 138 N 17th St, Olean, NY 14760			
Brief Description of Proposed Action: Install 144' of fencing			
Name of Applicant or Sponsor: Harvard Hitchcock		Telephone: 7163784154	
		E-Mail:	
Address: 138 N 17th St			
City/PO: Olean		State: NY	Zip Code: 14760
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? 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.			NO ☐
			YES ☐
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Zoning Board of Appeals & Code Enforcement			NO ☐
			YES ☒
3. a. Total acreage of the site of the proposed action? .09 acres b. Total acreage to be physically disturbed? .01 acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? .09 acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☒ Residential (suburban) ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify): ☐ Parkland			



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
Part 1 / Question 20 [Remediation Site]	No

Project: 2025370

Date:

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?	☐	☐
2. Will the proposed action result in a change in the use or intensity of use of land?	☐	☐
3. Will the proposed action impair the character or quality of the existing community?	☐	☐
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	☐	☐
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?	☐	☐
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?	☐	☐
7. Will the proposed action impact existing:	☐	☐
a. public / private water supplies?	☐	☐
b. public / private wastewater treatment utilities?	☐	☐
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	☐	☐
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	☐	☐
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	☐	☐
11. Will the proposed action create a hazard to environmental resources or human health?	☐	☐

Project: 2025370

Date:

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.

- ☐ 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.
- ☐ 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.

 Name of Lead Agency

 Date

 Print or Type Name of Responsible Officer in Lead Agency

 Title of Responsible Officer

 Signature of Responsible Officer in Lead Agency

 Signature of Preparer (if different from Responsible Officer)