

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, November 12, 2025 **Olean Municipal Building – Council Chambers**

Present: Otto Tertinek, Steve Rogers, Bill Eaton, Jim Dwaileebe

Absent: Kelly Sweet, Thomas Enright, Jim Rucinski

Staff: Shawn Wing, Jacob Herbert

Other: Jackie Hitchcock

CALL TO ORDER

Recognizing a quorum, O. Tertinek called the meeting to order at 5:45 p.m.

ROLL CALL

O. Tertinek read roll call. J. Rucinski, K. Sweet, and T. Enright were absent.

READING AND APPROVAL OF THE MINUTES FROM October 22, 2025

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

NEW BUSINESS

- **515 Main Street (Area Variance #2025403)**

O. Tertinek read the area variance application from Olean General Hospital to build an addition less than eight feet from the right of way. They also are requesting an area variance to expand their parking lot into the front lawn with 10% green space. These requests if granted will vary from Article 4 Section 4.2.3, Article 4 Section 4.2.4, and Article 6 Section 6.1 of the City of Olean Zoning Law.

O. Tertinek noted that they received an incomplete SEQR and therefore they are unable to set a public hearing date. He noted that an uncoordinated review would allow the Planning Board to complete their own SEQR. He also noted that the applicant is requesting a one-year start date.

O. Tertinek made a motion to table the application until it can be completed, seconded by S. Rogers. Voice vote, ayes all. Motion carried.

OLD BUSINESS

- **138 N. 17th Street (Area Variance #2025370)**

O. Tertinek read the area variance application from Harvard Hitchcock to request the construction of a six-foot high vinyl fence 32 inches from the sidewalk. This request will vary from the front yard requirements of a corner lot per Article 28, Section 10.7.5 of the City of Olean Zoning Law.

J. Dwaileebe asked for clarification in regard to the requested fence height. O. Tertinek explained that the Zoning Law limits the height to four feet and the applicant is requesting six. He also explained that corner lots need thirty feet of unobstructed view.

- **Jackie Hitchcock of 138 N. 17th Street**

J. Hitchcock explained she was there in representation of the applicant, her father. She states that she is the resident that resides there. She would like to have an enclosed space for her three dogs. She also explained that she lives on a busy street and is looking for privacy for her seven year old daughter and herself to enjoy the outdoors without being bothered.

O. Tertinek asked where the fence would be situated in relation to the concrete pad on the side of the house. J. Hitchcock explained it would enclose the concrete pad and would be accessed by a gate. It was clarified that the fence would end more than thirty feet from the corner of N. 17th Street.

O. Tertinek stated that the height of the fence would be an issue, as the proposed area to be fenced in is considered a front yard. J. Hitchcock argued that the address is N. 17th Street and that her garbage isn't picked up when left on Washington Street. Therefore, she doesn't understand why the proposed fenced in area isn't considered her backyard.

O. Tertinek explained that the Zoning Law reads "that on corner lots, wherever a side or rear yard is adjacent to a street, side yards are to be considered front yards and that front yard standards shall apply."

B. Eaton asked if she would consider a four-foot fence or a chain link fence for better safety and visibility. J. Hitchcock explained that her dogs would be able to jump that fence and that the point of the fence is privacy.

J. Hitchcock brought up other properties with taller vinyl fences. S. Rogers explained the Board can't speak on other properties only what's in front of them and that they are simply trying to address the concern of obstructed viewpoints. J. Hitchcock argued that the large tree on the corner of N. 17th and Washington is likely more of an obstruction than the proposed fence. O. Tertinek explained that their hands are tied in regard to the Zoning ordinances and that four feet is required.

It was brought up that a variance was recently approved on N. 14th Street with a similar requested height. O. Tertinek stated that if the fence is thirty feet from N. 17th Street and there is plenty of view from the driveway that they could allow a variance from four feet to six feet.

S. Rogers made a motion to grant the variance, seconded by J. Dwaileebe. Voice vote, all ayes. Motion carried.

ADJOURNMENT

B. Eaton made a motion to adjourn at 6:07 pm, seconded by J. Dwaileebe. Voice vote, all ayes. Motion carried.

Respectfully submitted,
Jacob Herbert