

City of Olean

Zoning Board of Appeals

P.O. Box 668, 101 E. State Street, room 212

Olean, New York 14760

(716) 376-5683

AGENDA

Zoning Board meeting to be held on Wednesday, June 24, 2026 at 5:45 pm in the City of Olean Municipal Building Council Chambers.

I. Meeting

1. Roll Call
2. Reading and approval of the May 13, 2026 meeting minutes.
3. Old Business –
 - 311 Irving Street
 - Use Variance #2026113

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, June 10th, 2026 **Olean Municipal Building – Council Chambers**

Present: Kelly Sweet, Steve Rogers, Bill Eaton, Jim Rucinski, Otto Tertinek

Absent: Tom Enright, Linda Edstrom

Staff: Shawn Wing, Jacob Herbert

Other: Kyle Higley, Larry Dupere, Stacy McCready

CALL TO ORDER

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

ROLL CALL

O. Tertinek read roll call. T. Enright and L. Edstrom was absent.

READING AND APPROVAL OF THE MINUTES FROM May 27th, 2026

K. Sweet brought forward a change needed in the language around the SEQR classification. K. Sweet made a motion to approve the minutes as amended, seconded by O. Tertinek. Voice vote, all ayes. Motion carried.

OLD BUSINESS

- **517 N. 6th Street Area Variance #2026136**

O. Tertinek read the application from Kyle Higley to Street to increase the size of a garage by exceeding 10% of the lot size as well as varying from the 6' setback requirements. This request if granted will vary from the Article 10, Section 10.5 and Article 6, Section 6.1 of the City of Olean Zoning Law.

- **Larry Dupere (contractor)**

L. Dupere explained the applicants desire to expand the size of their garage for it to be able to fit two cars. He explained that they would to push the walls of the north and east outward into the yard.

- **Stacy McCready – 515 N. 6th Street**

S. McCready wants to ensure a 6-foot easement. She is concerned with how close they will be to her fence in the case of a fire as well as water run-off.

L. Dupere explained the construction would be going in the opposite direction of her property line.

The public hearing closed at 5:56 pm.

The Board reviewed the findings. The Board determined that the benefit to the applicant outweighs the detriment to the neighborhood. B. Eaton made a motion to approve the variance as submitted, seconded by S. Rogers. Voice vote, all ayes. Motion carried.

- **104 N. 18th Street Area Variances #2026098(a)(b)**

Applicant was not present. It was noted that the public hearing letters were not retrieved or sent for the second time.

K. Sweet made a motion to table the application indefinitely, seconded by S. Rogers. Voice vote, all ayes. Motion carried.

NEW BUSINESS

- **311 Irving Street**

O. Tertinek read the application from the Genesis House of Olean to use the premises as a shelter space for families with children.

K. Sweet questioned the lack of building or zoning permit applications to show a denial that would trigger a variance request. S. Wing explained as nothing is being constructed there would be no need for either permits. Noted the variance application itself notes that a code is being requested to be varied from.

Dennis Pezzimenti, who is selling the property, stated that the property has been on the market since April 22, 2026. There have been seven clients without any offers. Noted there are foundation issues that the Genesis House is willing to repair. He states that sale price would be \$55 – 65k after discussing the cost of repairs.

S. Rogers asked if the property was in working condition other than the foundation. D. Pezzimenti said that while it is in working condition the Genesis House has to follow standards set by New York State and will still have to make changes.

The Board reviewed the SEQR. K. Sweet made a motion to classify it as an unlisted action and to make a negative declaration, seconded by O. Tertinek. O. Tertinek made a motion to declare the application as complete pending the submission of the real estate agreement, seconded by K. Sweet. Voice vote, all ayes. Motion carried.

O. Tertinek made a motion to set a public hearing date for June 24th, 2026 at 5:47 pm, seconded by S. Rogers. Voice vote, all ayes. Motion carried.

- **1821 Buffalo Street**

The Board noted that the application did not include documentation of evidence of hardship.

K. Sweet a motion to table the application until further documentation is retrieved, seconded by S. Rogers. Voice vote, all ayes. Motion carried.

ADJOURNMENT

K. Sweet made a motion, seconded by O. Tertinek, to adjourn the meeting at 6:30 pm.

Respectfully submitted,
Jacob Herbert


Zoning Board of Appeals
City of Olean, New York

In the matter of a Use Variance request for: Genesis House of Olean

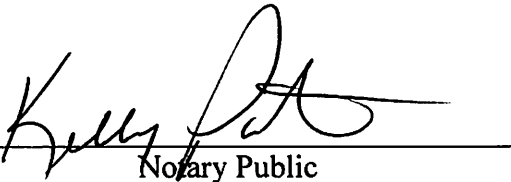
Regarding address: *311 Irving Street*
Hearing date: *June 24, 2026*
Hearing time: *5:48 p.m.*

I, Dennis B. Pezzin hereby certify that we have sent notification by letter to each of the owners/occupants of all the lands within a radius of two hundred and fifty (250) feet from any part of the premises known as 311 Irving Street Olean, New York 14760 by placing the public notice in a properly sealed stamped envelope in an official depository of the United States Post Office at least ten (10) days prior to the date of such public hearing, as in accordance with Article 14, Section 14.0.5 of the Zoning Ordinance of the City of Olean, New York.

Attached herewith is a list of the owners or occupants served.


Applicant's signature

Sworn to before me this 12th day of June, 2026.


Notary Public

KELLY A. PATRONE
Notary Public, State of New York
No. 01PA6151275
Qualified in Cattaraugus County
Commission Expires 8/14/2026

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

Use Variance Application

For Office Use Only

Application #: _____

Hearing Date/Time: _____

Date: May 5, 2026

To: The Zoning Board of Appeals

I Genesis House of Olean, Inc.
(owner/applicant)

I Melissa Yaworsky
(applicant, if different from owner)

Executive Director
(relationship to owner)

hereby make application to the Zoning Board of Appeals for the City of Olean, New York for an Use Variance to permit the premises known as 311 Irving St.
(location)

to vary from the use requirements of the Zoning Law.

Detailed description of request:

Genesis House of Olean would like to use the duplex located at this address as shelter space for homeless families with children. Please see additional information, attached.

This variance, if granted, will vary from the requirement(s) of:

Article 4 Section 2.2 of the Zoning Law.
Article _____ Section _____ of the Zoning Law.

In making its determination, the Zoning Board of Appeals shall take into consideration showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate and the Zoning Board of Appeals shall find that:

- (1.) Under the applicable regulations of this Law the applicant is deprived of all reasonable economic use or benefit from the property in question, which deprivation must be established by competent financial evidence; and
- (2.) That the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood; and
- (3.) That the requested use variance, if granted, will not alter the essential character of the neighborhood; and
- (4.) That the alleged hardship has not been self-created.

It is the responsibility of the applicant to present evidence sufficient to satisfy the Zoning Board of Appeals that the above standards proving unnecessary hardship have been met.

Kenrick Samuelson
dotloop verified
05/05/26 1:35 PM EDT
PBUQ-QVBL-AW8E-WIDD

(owner's signature)

(date)

Melissa Yaworsky
(applicant's signature)

5-5-2026

(date)

There is a large need for more shelter space for families in Olean. The current shelter space for families at 112 S. Second St. in Olean is consistently full and the department of social services has had to place families with children in motels. This is a hardship for families as they frequently have to move motels weekly and a motel room is no place to raise a family. It is difficult to keep a job and live as a family. It is traumatic for the parents as well as the children, who need more stability.

Genesis House wishes to purchase 311 Irving St., a duplex, and use it for family shelter space.

The variance to use the property as shelter space would not change the character of the neighborhood. The building is a duplex, and Genesis House proposes using the building for that purpose. Each apartment would be used to house one homeless family at a time. The size of each apartment will determine the family size we will be able to house. This will be based on the requirements of the New York State Office of Temporary and Disability Assistance, which require 60 square feet of bedroom space per person to avoid overcrowding. Each family housed at the location will be a homeless family with minor children or a homeless family expecting a child(ren) referred by the Cattaraugus County department of social services. Each family will be assigned a case manager who will enter said apartment at least weekly. Case managers work with families to set goals and find appropriate permanent housing.

Only families will be served at this location. This location is within a few blocks of our current family shelter so it will be convenient for staff to provide case management and supportive services to residents during their stay. Most of the families we serve are from Olean and have children enrolled in the Olean City School District, so this will be a convenient location for them as well.

This location will be subject to annual program and physical plant inspections necessary to maintain our state certification by the New York State Office of Temporary Disability Assistance and to comply with regulations set by the department of social services.

A majority of our clients do not have vehicles, so there is no expectation that this will significantly increase traffic patterns in the vicinity. School buses from neighboring school districts may need to pick up and drop off children at the location while school is in session.

It is our understanding that we could operate housing at this location and, because our length of stay is generally over 30 days, the units could be considered short-term rentals. While it is rare that we have issues with families that escalate to the point of having to ask them to leave, it does happen. Being able to utilize a use variance instead of calling this a

short-term rental will allow the applicant agency to more closely monitor and be more responsive to the behaviors of the clients and correct any infractions in policy quickly, rather than wait for lengthy and expensive eviction proceedings. Because of this, we are hoping to avoid unnecessary hardship by being proactive in asking for a use variance so that we are able to operate this family shelter in the same way we operate the other family shelter units.

To prevent completing a purchase and subsequently applying for a use permit, Genesis House is applying in advance of the purchase so as to avoid the self-created hardship. Families belong in residential areas, and the city needs more shelter space for families. Granting a use variance to allow Genesis House to use 311 Irving St. as shelter space will accomplish that without impacting the neighborhood.

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: Duplex Shelter			
Project Location (describe, and attach a location map): 311 Irving St Olean NY 14760			
Brief Description of Proposed Action: Use existing duplex as a shelter for un-housed individuals, typically longer than 30 days.			
Name of Applicant or Sponsor: Genesis House		Telephone: 716-373-3354	
Address: 107 S Barry		E-Mail: ghexecdiretor@gmail.com	
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 <input type="checkbox"/>
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: City of Olean Code Enforcement - Rental Occupancy Permit			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ .11 acres b. Total acreage to be physically disturbed? _____ 0 acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ .11 acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? Bluebreast Darter, Northern...	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<input type="checkbox"/>	<input type="checkbox"/>

18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>

19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>

20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>Melissa Yaworsky / Genesis House</u> Date: <u>5-5-2026</u>		
Signature: <u>Melissa Yaworsky</u> Title: <u>Executive Director</u>		

