

JAMESTOWN ZONING BOARD OF REVIEW

Minutes of the February 4, 2003 Meeting

A special meeting of the Jamestown Zoning Board of Review was held at the Jamestown Library, 26 North Road. The meeting was called to order by the Chairman at 7:04 p.m. The clerk called the roll and noted the following members present:

Richard Allphin
Thomas Ginnerty
Don Wineberg
Richard Boren
Joseph Logan
Kathleen Managhan

Also present: Brenda Hanna, Stenographer
Pat Westall, Zoning Clerk
Fred Brown, Zoning Officer
Bruce Leach, Counsel

OLD BUSINESS

Seated: Richard A., Don, Richard B., Joseph, and Kathleen

Cellco

A motion was made by Don Wineberg and seconded by Joseph Logan to grant the request Cellco Partnership d/b/a Verizon Wireless, applicant and Town of Jamestown, Owner, whose property is located at 96 Howland Ave., and further identified as Tax Assessor's Plat 9, Lot 152 for a Special Use Permit from Article 6, Section 601 relating to existing public utility structure and applicable sections to allow installation of additional tele-communications antennas, related equipment and accessory structure as set forth on submitted plans.

This Board has determined that this application does satisfy the requirements of Article 6, Section 600 and 602.

Cellco cont.

This Special Use Permit is granted with the following restrictions:

1. The maximum nighttime projected sound level shall not exceed 41 db at any residence under corresponding ambient conditions.
2. The maximum projected generator sound level shall not exceed 48 db at any residence under corresponding ambient conditions.
3. The applicant shall plant trees in accordance with the plans submitted, plus shall plant 10' American arborvitae between the existing trees on the southern edge of the property from the southern corner to the existing AT&T shelter.
4. The lights on the shelter shall be motion sensitive so they are not on all night.
5. The generator may only be exercised between the hours of 10 am to 4 pm Tuesday through Friday and for no more than one hour per week.
6. The building shall be 12'x 30' not 12'x 32'.
7. The applicant shall replace any dead arborvitae on the property.

This motion is based on the following findings of fact:

1. Said property is located in a Public zone and contains 22,638 +/- sq. ft.
2. The applicant made extensive efforts to address the landscaping and noise concerns of the neighbors.
3. The design of the structure should fit more closely with the neighborhood than the existing structure on the property.
4. The noise levels should be consistent with the quiet residential character of the neighborhood.
5. The applicant presented persuasive evidence that both the ambient noise levels in the vicinity and the noise to be added by the project would be minimal and unobtrusive to the immediate neighbors.
6. One neighbor spoke and asked for more organized landscaping maintenance on the parcel but did not object to the project as proposed.
7. That they have agreed to replace any dead trees for 1 year after planting.

The motion carried by a vote of 5 – 0.

A motion was made by Don Wineberg and seconded by Richard Allphin to request the Chairman to write a letter to the Town Council that in future contracts that something be put in about landscaping contracts.

The motion carried by a vote of 5 – 0.

NEW BUSINESS

Seated: Richard A., Don, Richard B., Joseph, and Tom

Seadish

A motion was made by Richard Boren and seconded by Don Wineberg to grant the request of SeaDish, Ltd., d/b/a Tricia's Tropigrille (Lessee) and Narragansett Avenue LLC (Lessor), whose property is located at 14 Narragansett Avenue, and further identified as Lot 168 on Tax Assessor's Plat 8, for:

- a) a Dimensional Variance from Article 12, Section 1203, to permit the operation of a restaurant without the requisite parking spaces;
- b) a Special Use Permit, as required by Article 3, Section 301, to permit the operation of a restaurant serving alcoholic beverages, with licensed premises consistent with the Class BV Liquor License issued August 22, 2002.

This Board has determined that this application does satisfy the requirements of Article 6, Section 600.

Regarding the request for a Variance, this Board has determined that this application does satisfy the requirements of Article 6, Section 606, Paragraphs 1 through 4, and Section 607, Paragraph 2.

Regarding the request for a Special Use Permit, this Board has determined that this application does satisfy the requirements of Article 6, Section 602.

SeaDish cont.

This motion is based on the following findings of fact:

1. Said property is located in the CD zone, and contains 5,000 sq. ft.
2. For at least 18 years, a restaurant has been located and using this property without parking
3. It is clear from photographs marked as exhibits that there has been no curb cut for parking for many years and a fully established tree is in the area where a driveway would have been.
4. The landlord and owner of the property are in favor of the relief sought.
5. The only adjoining landowner objecting to the relief sought has entered into a letter agreement with the applicant and the property owner, which letter agreement is marked Exhibit #7 and incorporated by reference into this Decision.
6. The relief sought is compatible with the surrounding property and will have no negative impact or nuisance to the neighborhood.
7. If the outdoor parking was utilized, only 2 or 3 spaces would be available, which is deminimus.

8. This is a unique situation not brought about by the applicant and not the result of any prior action by the applicant.
9. The granting of this application would not alter the character of the neighborhood.
10. The relief sought is the least relief necessary and in fact the only relief possible.
11. The Building Official looks favorably upon the applicant based upon the history of the property and his findings of fact marked Exhibits # 1 & 3.
12. The Town of Jamestown had granted the applicant licenses for the serving of liquor and food for a maximum total of 134 seats, which include 58 seats outside.

The motion carried by a vote of 5 – 0.

Tournas

The Appeal of George Tournas was not heard because an agreement was reached between Tournas and SeaDish et al.

Seadish Appeal

The Appeal of SeaDish, Ltd., lessee, and 14 Narragansett Avenue, LLC, owner was not heard because SeaDish's request was granted.

ADJOURNMENT

A motion was made and seconded to adjourn at 10:05 p.m.

The motion carried unanimously.