

JAMESTOWN ZONING BOARD OF REVIEW

Minutes of the May 5, 2005 Meeting

A meeting of the Jamestown Zoning Board of Review was held at the Jamestown Library, 26 North Road. The Chairman called the meeting to order at 7:03 p.m. The clerk called the roll and noted the following members present:

Thomas Ginnerty
Richard Boren
Joseph Logan
David Nardolillo
Elizabeth Brazil
Dean Wagner

Also present: Brenda Hanna, Stenographer
Pat Westall, Zoning Clerk
Fred Brown, Zoning Officer
A. Lauriston Parks, Counsel

MINUTES

Minutes of the April 26, 2005 meeting.

The minutes of the April 26, 2005 meeting were deferred to the next meeting.

Town of Jamestown

A motion was made by Thomas Ginnerty and seconded by Richard Boren to continue the application of the Town of Jamestown to the May 24, 2005 meeting at the request of the applicant due to the lengthy agenda.

The motion carried by a vote of 5 – 0.

Thomas Ginnerty, Richard Boren, Joseph Logan, David Nardolillo, and Elizabeth Brazil voted in favor of the motion.

Dean Wagner was not seated and Don Wineberg and Raymond Iannetta were absent.

Cingular Wireless

A motion was made by Thomas Ginnerty and seconded by Richard Boren to continue the application of the Cingular Wireless to the May 24, 2005 meeting at the request of the applicant due to the lengthy agenda.

The motion carried by a vote of 5 – 0.

Thomas Ginnerty, Richard Boren, Joseph Logan, David Nardolillo, and Elizabeth Brazil voted in favor of the motion.

Dean Wagner was not seated and Don Wineberg and Raymond Iannetta were absent.

Warner

A motion was made by Richard Boren and seconded by Thomas Ginnerty to grant the request of George & Linda Warner, whose property is located at 4 Fowler St., and further identified as Tax Assessor's Plat 8, Lot 409 for a variance from Article 3, Table 3-2 (District Dimensional Regulations) to construct a new single-family home 15' from the front lot line which is the required 15 ft., 6 ft. from the side lot line instead of the required 7 ft., 22' from the rear lot line instead of the required 30 ft., and covering 33% of the lot instead of the required 30%.

This Board has determined that this application does satisfy the requirements of Article 6, Section 600, Section 606, and Section 607, Paragraph 2.

This motion is based on the following findings of fact:

1. Said property is located in a R8 zone and contains 4,225 sq. ft.
2. The existing house is 9'6" from the front lot line and 16' from the rear lot line.
3. The side lot line requires 7' and the proposed is 6'.
4. The house will cover 33% of the lot instead of 30%.
5. The present house can't be remediated.
6. The new home is 1096 sq. ft.
7. The height of the house will be 22 ft.
8. The relief sought is the least relief necessary.
9. There was introduced a letter from Theresa Littlefield in favor of the application.
10. No one spoke in opposition of the application.

The motion carried by a vote of 5 – 0.

Thomas Ginnerty, Richard Boren, Joseph Logan, David Nardolillo, and Elizabeth Brazil voted in favor of the motion.

Dean Wagner was not seated and Don Wineberg and Raymond Iannetta were absent.

Kules

A motion was made by Joseph Logan and seconded by David Nardolillo to grant the request of Joyce M. Kules, whose property is located at 188 Conanicus Ave., and further identified as Tax Assessor's Plat 8, Lot 501 for a variance from Article 3, Table 3-2 to construct a 2nd story addition which will be 15.1' from front property line wherein 30' is required and 6.6' from corner lot line 20' being required.

This Board has determined that this application does satisfy the requirements of Article 6, Section 600, Section 606, and Section 607, Paragraph 2.

This motion is based on the following findings of fact:

1. Said property is located in a R20 zone and contains 9,200 sq. ft.
2. The proposed renovation will occupy the same footprint as the present structure.
3. The present structure has a poor foundation, which needs to be replaced.
4. The height of the new structure will be 28 ft.
5. There were no objectors.

The motion carried by a vote of 5 – 0.

Thomas Ginnerty, Richard Boren, Joseph Logan, David Nardolillo, and Elizabeth Brazil voted in favor of the motion.

Dean Wagner was not seated and Don Wineberg and Raymond Iannetta were absent.

Gadoury

A motion was made by David Nardolillo and seconded by Richard Boren to grant the request of Thomas M. Gadoury, whose property is located at 1 Sail St., and further identified as Tax Assessor's Plat 14, Lot 394 for a use variance as required by Jamestown Ordinance 82-314C.2. (High ground water table and impervious overlay district) to allow the installation of a new individual sewage disposal system (ISDS).

This Board has determined that this application does satisfy the requirements of Article 6, Section 600, Section 606, and Section 607, Paragraph 1 and section 82-314C.2 of the Jamestown Ordinance.

This variance is granted with the following restrictions:

1. There will be no increase in impervious area.
2. The house is to be built on a slab with crushed stone flow through below.

This motion is based on the following findings of fact:

1. Said property is located in a R40 zone and contains 7,500 sq. ft.
2. The replacement of the septic (non compliant) with an Advantex system will improve the existing ground water situation.
3. It will not in any way affect the health and welfare of the community.
4. It is the least amount of disturbance to the sight.
5. It will not alter the character, in any way, of the surrounding area.
6. No further variances will be required.

The motion carried by a vote of 5 – 0.

Thomas Ginnerty, Richard Boren, Joseph Logan, David Nardolillo, and Elizabeth Brazil voted in favor of the motion.

Dean Wagner was not seated and Don Wineberg and Raymond Iannetta were absent.

Caccia

A motion was made by Elizabeth Brazil and seconded by Joseph Logan to grant the request of Christopher Caccia, whose property is located at 8 Gondola Ave., and further identified as Tax Assessor's Plat 16, Lot 113 for a variance from Article 3, Table 3-2 (District Dimensional Regulations) to construct an addition to an existing dwelling, which will be 29.93 feet from the front lot line instead of the required 40 ft.

This Board has determined that this application does satisfy the requirements of Article 6, Section 600, Section 606, and Section 607, Paragraph 2.

In particular reference to Article 6, Section 606, Paragraph 1.

This motion is based on the following findings of fact:

1. Said property is located in a R40 zone and contains 21,600 sq. ft.
2. The applicant will continue the house line with the current structure, which is within the 40' setback requirement; 30.23' existing following the grade to 29.93' to corner of the addition.
3. No one spoke in opposition to this variance request.
4. Subject to DEM approval for an alteration from two to three bedroom septic system.

The motion carried by a vote of 5 – 0.

Thomas Ginnerty, Richard Boren, Joseph Logan, David Nardolillo, and Elizabeth Brazil voted in favor of the motion.

Dean Wagner was not seated and Don Wineberg and Raymond Iannetta were absent.

Ross

A motion was made by Joseph Logan and seconded by Thomas Ginnerty to grant the request of Thomas M. Ross, Jr. and Barbara B. Ross, whose property is located at 99 Cole St., and further identified as Tax Assessor's Plat 9, Lot 455 for a variance from Article 3, Section 82-302 Table 3-2 (District Dimensional Regulations) to construct an addition twenty-two feet from the rear lot line instead of the required thirty feet.

This Board has determined that this application does satisfy the requirements of Article 6, Section 600, Section 606, and Section 607, Paragraph 2.

This motion is based on the following findings of fact:

1. Said property is located in a R20 zone and contains 10,316 +/- sq. ft.
2. The added space on the same floor level results in a total building area of 1414 sq. ft., which is not an unreasonably large house.
3. The relief sought is a rear setback, which abuts a wooded portion of the neighbor's lot and is not close to another house. The relief is just over 25% of required setback.
4. There were no objectors.

The motion carried by a vote of 5 – 0.

Thomas Ginnerty, Richard Boren, Joseph Logan, David Nardolillo, and Elizabeth Brazil voted in favor of the motion.

Dean Wagner was not seated and Don Wineberg and Raymond Iannetta were absent.

Eastward Vista, LLC

A motion was made by Thomas Ginnerty and seconded by Joseph Logan to grant in part and deny in part the request of Eastward Vista, LLC, whose property is located at 368 East Shore Rd., and further identified as Tax Assessor's Plat 4, Lot 33 for a variance from Article 3, Section 302 (table 3-2) and 306 D to erect a barn with a cupola having a height of 35' (25' allowed), and to erect a

fieldstone fence in the side yard to a height of 8'7" at the highest point (6' allowed) and to erect a gate and fieldstone piers in the front yard to a height of 8'1" at the highest point (6' allowed).

The applicant has withdrawn the request for relief regarding the variance request from Article 3, Section 302 and Table 3-2 to erect a barn with a cupola having a height of 35' where 25' is allowed.

As to the remaining relief,

1. I move that we grant the relief to erect a fieldstone fence in the side yard to a height of 8'7" at the highest point, where 6' is allowed.
2. But to deny the relief to erect a gate and fieldstone piers in the front yard to a height of 8'1" at the highest point where 6' is allowed.

This Board has determined that the provision of the application granted does satisfy the requirements of Article 6, Section 600, Section 606, and Section 607, Paragraph 2, however, as to the gate and fieldstone piers in the front yard the application does not satisfy the referenced provision.

This variance is granted with the condition that the applicant plan landscaping consistent with those described and discussed with the neighbor to the south.

This motion is based on the following findings of fact:

1. Said property is located in a RR80 zone and contains 141,922 sq. ft.
2. The proposed side yard wall would provide privacy to the applicant for use of the pool area.
3. That noise reduction from the pool use would benefit the adjacent property owners.

The motion was amended to move that in addition to what was stated earlier that we deny the application for the construction to erect a fieldstone fence in the side yard to a height of 8 feet 7 inches at the highest point where 6 feet is allowed, so that the motion should reflect that the application for a variance directed to erect a barn was withdrawn and the other two items that were requested were denied.

The motion to deny carried by a vote of 4 – 1.

Thomas Ginnerty, Joseph Logan, David Nardolillo, and Elizabeth Brazil voted in favor of the motion.

Richard Boren voted against the motion.

Dean Wagner was not seated and Don Wineberg and Raymond Iannetta were absent.

Bears

A motion was made by Thomas Ginnerty and seconded by Joseph Logan to grant the request of Lillian Bears, (Peter Ceppi, Owner), whose property is located at 28 Southwest Ave., and further identified as Tax Assessor's Plat 9, Lot 814 for a Special Use Permit from Article 6 & 7, Section 603 & 301 to place a tanning booth in Video Store.

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

This Special Use Permit is granted with the restriction that the applicant will provide a separate room at the rear of the store that separates the tanning booth from the area where the videos are displayed.

This motion is based on the following findings of fact:

1. Said property is located in a CL zone and contains 25,154 sq. ft.
2. The present use of the premises is a rental video store.
3. The requested use is compatible with the existing use.

The motion carried by a vote of 5 – 0.

Thomas Ginnerty, Richard Boren, Joseph Logan, David Nardolillo, and Elizabeth Brazil voted in favor of the motion.

Dean Wagner was not seated and Don Wineberg and Raymond Iannetta were absent.

Sheehan

A motion was made by Thomas Ginnerty and seconded by Joseph Logan to continue the request of Kerry Sheehan to the May 24, 2005 meeting to have the solicitor and the applicant research if Court Street is a paper street.

The motion carried by a vote of 5 – 0.

Thomas Ginnerty, Richard Boren, Joseph Logan, David Nardolillo, and Dean Wagner voted in favor of the motion.

Elizabeth Brazil was recused and Don Wineberg and Raymond Iannetta were absent.

ADJOURNMENT

A motion was made and seconded to adjourn at 10:32 p.m.

The motion carried unanimously.