

JAMESTOWN ZONING BOARD OF REVIEW

Minutes of the August 22, 2006 Meeting

A regular 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 7:08 p.m. The clerk called the roll and noted the following members present:

Thomas Ginnerty
Raymond Iannetta
Joseph Logan
David Nardolillo
Richard Cribb

Also present: Brenda Hanna, Stenographer
Pat Westall, Zoning Clerk
Fred Brown, Zoning Officer
J. William W. Harsch, Counsel

MINUTES

Minutes of the July 25, 2006 meeting.

A motion was made by Thomas Ginnerty and seconded by Raymond Iannetta to accept the minutes of the July 25, 2006 meeting as presented.

The motion carried by a vote of 5 - 0.

Thomas Ginnerty, Raymond Iannetta, Joseph Logan, David Nardolillo, and Richard Cribb voted in favor of the motion.

Don Wineberg, Richard Boren, and Dean Wagner were absent.

NEW BUSINESS

Elaine Enterprises

A motion was made by David Nardolillo and seconded by Thomas Ginnerty to **deny** the request of Elaine Enterprises Inc., whose property is located at Prospect Ave. & North Main Rd., and further identified as Tax Assessor's Plat 1, Lots 52 & 53 for a Special Use Permit from Article 3, Section 82-314, High Ground Water Table and Impervious Layer Overlay District, and a Variance from Article 3, Table 3-2, District Dimensional Regulations, to construct a 26 ft. x 52 ft. 3 bedroom single family residence within the High Ground Water Table and Impervious Layer Overlay District with less than the required yard set backs.

Regarding this request, this Board has determined that this application does not satisfy the requirements of ARTICLE 6, SECTION 600

Regarding the request for a Variance, this Board has determined that this application does not 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 not satisfy the requirements of ARTICLE 6, SECTION 602.

In particular reference to ARTICLE 6, SECTION 82.602, PARAGRAPH A, and SECTION 82.606, PARAGRAPH 4.

This motion is based on the following findings of fact:

1. Said property is located in a RR80 zone and contains 15,338 sq. ft.
2. The plans presented do not follow the recommendation of the Planning Board minutes of June 7, 2006 of reducing the plans from three bedrooms to two bedrooms.
3. The site plan does not present the least amount of relief required. It's possible that the plans can be changed requiring less relief.
4. There were two abutters opposed, one of which was invalid, and none in favor.
5. The engineer testified that the drainage swales would retain the amount of run off required but did not have any factual basis.

The motion to deny did not carry by a vote of 3 - 2.

Thomas Ginnerty, David Nardolillo, and Richard Cribb voted in favor of the motion.

Raymond Iannetta and Joseph Logan voted against the motion.

Don Wineberg, Richard Boren, and Dean Wagner were absent.

Petit

A motion was made by Thomas Ginnerty and seconded by Raymond Iannetta to continue the application of Brian & Darien Petit to the September 26, 2006 meeting to have the application reviewed by the newly hired town engineer.

The motion carried by a vote of 4 -1.

Thomas Ginnerty, Raymond Iannetta, David Nardolillo, and Richard Cribb voted in favor of the motion.

Joseph Logan voted against the motion.

Don Wineberg, Richard Boren, and Dean Wagner were absent.

Kitts

A motion was made by Richard Cribb and seconded by Thomas Ginnerty to grant the request of Virginia Kitts, whose property is located at 17 Plymouth Rd., and further identified at Tax Assessor's Plat 8, Lot 469 for a variance from Article 3, Table 3-2, District Dimensional Regulations, to replace existing structure 2 ft. from front lot line (Fowler St.) 15 ft. being required, and 5 ft. from the side lot line (north), 7 ft. 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 R8 zone and contains 6,461 sq. ft.

2. The applicant is seeking to replace an existing structure making it 1' wider to the non-encroaching area of the property.
3. The applicant is seeking to replace an existing structure.
4. There is no further enlargement of the encroachment.
5. There were no objectors to the proposal.

The motion carried by a vote of 5 - 0.

Thomas Ginnerty, Raymond Iannetta, Joseph Logan, David Nardolillo, and Richard Cribb voted in favor of the motion.

Don Wineberg, Richard Boren, and Dean Wagner were absent.

Donnelly

A motion was made by Thomas Ginnerty and seconded by Raymond Iannetta to continue the application of James and Patricia Donnelly to the September 26, 2006 meeting to have the application reviewed by the newly hired town engineer.

The motion carried by a vote of 4 -1.

Thomas Ginnerty, Raymond Iannetta, David Nardolillo, and Richard Cribb voted in favor of the motion.

Joseph Logan voted against the motion.

Don Wineberg, Richard Boren, and Dean Wagner were absent.

ADJOURNMENT

A motion was made and seconded to adjourn at 10:30 p.m.

The motion carried unanimously.