

JAMESTOWN ZONING BOARD OF REVIEW

Minutes of the January 23, 2007 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 7:07 p.m. The clerk called the roll and noted the following members present:

Thomas Ginnerty
Don Wineberg
Richard Boren
Joseph Logan
David Nardolillo
Dean Wagner
Richard Cribb
Richard Allphin

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

The Chairman welcomed newly appointed Richard Allphin.

MINUTES

Minutes of the December 19, 2006 meeting.

A motion was made by Thomas Ginnerty and seconded by Don Wineberg to accept the minutes of the December 19, 2006 meeting as presented.

The motion carried by a vote of 5 - 0.

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

Dean Wagner, Richard Cribb, and Richard Allphin were not seated.

CORRESPONDENCE

All correspondence was in reference to the applications and will be read with the applications.

NEW BUSINESS

Lavalle

A motion was made by Thomas Ginnerty and seconded by Don Wineberg to continue the application of Roger & Maryjane Lavallee to the February 27, 2007 meeting due to a notice discrepancy.

The motion carried by a vote of 5 - 0.

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

Dean Wagner, Richard Cribb, and Richard Allphin were not seated.

Omnipoint

A motion was made by Don Wineberg and seconded by Joseph Logan to grant the request of Omnipoint Communications, Inc. a wholly owned subsidiary of T-Mobile, USA, Inc. (Town of Jamestown, property 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 to install a wireless communications facility on said property pursuant to Article III, Section 82-301 and Article VI of the Town of Jamestown Zoning Ordinance, and, to the extent necessary, Dimensional Variances to exceed the height limitation and to install appurtenant radio equipment with a 5.9' rear yard setback, pursuant to Article III, Section 82-302 and Article VI of said ordinance.

Regarding this request, 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.

Omnipoint cont.

This Variance is granted with the following restrictions:

1. The applicant shall erect a seven foot high wood stockade fence, not a chain link fence, within the leased property and shall plant a vegetative buffer on the north, west, and south sides of the fence, using at least 6 ft. arborvitaes planted 3' on center.
2. The project shall be constructed in accordance with the plans.

This motion is based on the following findings of fact:

1. Said property is located in a Public Zone and contains approximately 0.52 acres.
2. There is no generator, so the noise should be minimal, particularly with the stockade fence and vegetation.
3. No one spoke in opposition to the application.

The motion carried by a vote of 5 - 0.

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

Dean Wagner, Richard Cribb, and Richard Allphin were not seated.

Kilroy

A motion was made by Don Wineberg and seconded by Thomas Ginnerty to continue the application of Patrick Kilroy to the March 27, 2007 meeting due to the late hour and amount of testimony still to be heard.

The motion carried by a vote of 5 - 0.

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

Dean Wagner, Richard Cribb, and Richard Allphin were not seated.

Evangelista

A motion was made by Thomas Ginnerty and seconded by Richard Boran to deny request of Patricia A. Evangelista whose property is located at 28 Coulter Street, and further identified as Tax Assessor's Plat 7, Lot 34 for a variance from Article 3, Section 82-302 (District Dimensional Regulations) to construct a garage five feet from the side lot line instead of the required ten feet.

This Board has determined that this application does not 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 R40 zone and contains 19,875 sq. ft.
2. That the relief sought is not the least relief necessary.
3. That there are reasonable alternative locations to place the proposed garage without zoning relief.

The motion carried by a vote of 4 - 1.

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

Don Wineberg voted against the motion.

Dean Wagner, Richard Cribb, and Richard Allphin were not seated.

ADJOURNMENT

A motion was made and seconded to adjourn at 10:40 p.m.

The motion carried unanimously.