

JAMESTOWN ZONING BOARD OF REVIEW

Minutes of the July 22, 2008 Meeting

A regular meeting of the Jamestown Zoning Board of Review was held at the Jamestown Town Hall, 93 Narragansett Avenue. 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
Richard Boren
Joseph Logan
David Nardolillo
Richard Allphin

Also present: Brenda Hanna, Stenographer
Pat Westall, Zoning Clerk
Fred Brown, Zoning Officer
Wyatt Brochu, Counsel

PLANNING BOARD OF APPEAL

1. The Zoning Board of Review sitting as the Planning Board of Appeal will consider the following appeal:

1. V.P Enterprises, LLC appeal of decision of Planning Board.

A letter from Joseph R. Palumbo, Jr., attorney for the applicant was received requesting a continuance to the next regular meeting due to the fact that some of their witnesses were not available.

A motion was made by Thomas Ginnerty and seconded by Joseph Logan to continue the appeal of V.P. Enterprises to the August 26, 2008 meeting.

The motion carried by a vote of 5 -0.

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

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

The Board adjourned as Planning Board of Appeal and reconvened as The Zoning Board of Review.

Zoning Board of Review

The clerk called the roll and noted the following members present:

Thomas Ginnerty
Richard Boren
Joseph Logan
David Nardolillo
Richard Allphin

Also present: Brenda Hanna, Stenographer
Pat Westall, Zoning Clerk
Fred Brown, Zoning Officer
Wyatt Brochu, Counsel

MINUTES

Minutes of June 24, 2008

A motion was made by Thomas Ginnerty and seconded by David Nardolillo to accept the minutes of the June 24, 2008 meeting as presented.

The motion carried by a vote of 5 -0.

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

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

OLD BUSINESS

Bard

A motion was made by Thomas Ginnerty and seconded by Richard Allphin to continue the request of Mark A. Bard to the August 26, 2008 meeting due to lack of a quorum for this application.

The motion carried by a vote of 5 -0.

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

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

NEW BUSINESS

Village Hearth Bakery

A motion was made by Richard Boren and seconded by Thomas Ginnerty to grant the request of Village Hearth Bakery, (Doriana Carella & Andrea Colognese, owners), whose property is located at 2 Watson Ave., and further identified as Tax Assessor's Plat 8, Lot 774, for a variance from Article 3, Table 3-2 (District Dimensional Regulations) to change the use from a customary home occupation (bakery) to a cafe' with 36 seats which requires the following relief, lot size: 20,000 sq. ft. required, 7,000 sq. ft. proposed, building lot coverage: 25% required, 33% proposed, minimum yards: 27' front, (30' required), 15' corner, (30' required), west side 14' (30' required), north side 7' (30' required), and also relief from the Minimum Off Street Parking requirements (82-1203) 8 spaces required, 1 being provided.

This Board has determined that this application does satisfy the requirements of ARTICLE 6, SECTION 600, SECTION 606, and SECTION 607, PARAGRAPH 2.

This Variance is granted with the following restrictions /conditions:

1. This project must be constructed in strict accordance with the site and building plans duly approved by this Board.
2. All hours of operation for the café service shall end at 8:00 p.m.
3. Whether the seating is inside or outside on the deck, seating shall be limited to 36 seats in total.

This motion is based on the following findings of fact:

1. Said property is located in a CL zone and contains 7,000+ sq. ft.
2. The footprint of the building has not been expanded.
3. The wrap around deck is the only extension.
4. The applicant's have worked extensively with the Planning Commission regarding parking.

5. At the 6/6/08 Planning meeting the Commission unanimously granted preliminary approval with certain conditions that are incorporated into this motion.
6. To ease parking, the applicants will be offering home delivery of pizza.
7. The 33% lot coverage includes the wrap around deck.
8. The Planning Commission prefers that the applicants not utilize the existing parking spaces by backing out into Watson Ave., but park on Watson Ave., as it is the future plan of the town to install sidewalks on Watson Avenue.
9. Testimony that the staff will not be waiting on tables, and only 2 staff plus the applicants will probably be working at any given time.

The motion carried by a vote of 5 -0.

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

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

E.P.I.

A motion was made by Joseph Logan and seconded by Thomas Ginnerty to grant the request of Victor Bell EPI Real Estate Holdings LLC whose property is located at 41 Narragansett Ave., and further identified as Tax Assessor's Plat 9, Lot 211 for

- a. A special use permit under Article 3, Section 82-301, Uses & districts, I. Residential 10. Mixed Use, in order to replace the existing single-family residence on this lot with a 2-story office building while maintaining the mixed-use building fronting on Narragansett Avenue.
- b. A variance from Article 12, Section 1203 Parking Requirements that requires a total of 23 parking spaces where 17 are proposed.
- c. A variance from the Zoning Ordinance, Article 12, Parking Regulations, Section 1202, Location, that requires that "no parking facility... shall be located within 5 feet of a sidewalk or abutting property line" so as to create off street parking for seven cars in a lot that abuts our neighbor's parking lot to the east and Clinton Ave. to the west.

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.

This Variance is granted with the following restrictions:

1. This project must be constructed in strict accordance with the site and building plans duly approved by this Board.
2. The basement area will be used only for storage.
3. Approval from the Sewer & Water Board is granted.
4. Duly recorded Easement for parking turnaround shared with abutter to the south according to the testimony by John Murphy.

This motion is based on the following findings of fact:

1. Said property is located in a CD zone and contains 10,210 sq. ft.
2. The basement square footage is used in calculating parking spaces required but the applicant will use it only for storage: without this area, the applicant could meet the requirement.
3. Mixed use is consistent with past use.
4. Separate building design is consistent with the community desire for energy efficiency and to eliminate the need for a large structure.
5. Planning approved this application unanimously.

The motion carried by a vote of 5 -0.

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

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

Condon

A motion was made by Richard Allphin and seconded by Richard Boren to grant the request of Creighton and Anne Condon, whose property is located at 255 Hull Cove Farm Rd., and further identified as Tax Assessor's Plat 12, Lot 26, for a variance from Article 3, Section 3-2 (District Dimensional Regulations) to build a second story on an existing house that is 21 feet from the east side lot line, instead of the required 30 feet, and to extend a porch 4 feet south that is 23.75 feet from the side lot line (east), instead of the required 30 ft.

This Board has determined that this application does satisfy the requirements of ARTICLE 6, SECTION 600, SECTION 606, and SECTION 607, PARAGRAPH 2.

This project must be constructed in strict accordance with the site and building plans duly approved by this Board.

This motion is based on the following findings of fact:

1. Said property is located in a RR80 zone and contains 1.43 acres.
2. The footprint of the house will remain as currently exists.
3. An addition to a porch will require an additional encroachment into the side (east) lot line of 3 inches.
4. The porch is architecturally in keeping with the rest of the design and will enhance the building.

The motion carried by a vote of 5 -0.

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

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

Piccoli

A motion was made by Thomas Ginnerty and seconded by Richard Allphin to continue the request of David Piccoli to the August 26, 2008 meeting due to the lengthy agenda.

The motion carried by a vote of 5 -0.

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

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

Solicitor's Report

Nothing at this time.

EXECUTIVE SESSION

Nothing at this time.

ADJOURNMENT

A motion was made and seconded to adjourn at 9:58 p.m.

The motion carried unanimously.