

June 15, 2016

Zoning Board of Appeals

Proceedings by Authority

State of New York,
City of Jamestown, ss:
Council Chambers

The regular meeting of the Zoning Board of Appeals of the City of Jamestown, New York, was held on Wednesday, June 15, 2016 at 3:30 p.m.

Members Present: Ellen Ditonto, Richard Hanson, Sally Martinez, Judith Sandson, Patricia Calanni

Members Absent: Dave Daversa, Robert Karbacka

Others Present: Vince DeJoy III, Bill Rice

Mrs. Ditonto called the meeting to order.

Mrs. Ditonto: Thank you very much for rescheduling with us today. A couple of housekeeping items before we get started. When your petition is called, if you are representing the petitioner, please come to the microphone in the center. Someone could come also to my left or your right. You must state your name, home address and then you can state the name of the company you're with and if there's a different corporate address. Each time you speak, you must restate your name because we digitally record these and we must have that information in order to get the transcription correct. If you are a member of the public and you wish to speak either for or against a petition, you would go to the microphone to your right. Again, state your name, home address and then you limit your comments to five minutes or less. We have five members here today. You need four affirmative votes in order to get a variance approved. We have two petitions on the agenda today.

**MOONLIGHT PROPERTIES JAMESTOWN, LLC 1080-1082 EAST SECOND STREET
371.13-5-53**

The petition of Moonlight Properties Jamestown, LLC 3741 North Main Street Ext., Jamestown, New York 14701 for an area variance to allow for a reduced green space from 15' to 5', on parcel 371.13-5-53, adjacent to 1080-1082 East Second Street, owned by Moonlight Properties Jamestown, LLC 3741 North Main Street Ext., Jamestown, New York 14701 in an C-M Zone. (Section 300-0502 Design and Layout Standards: The required front, side and rear setbacks for automotive use areas in the C-M District is 15', proposed is 5'. (The paving contractor installed the parking area without first obtaining a parking lot permit from the Department of Public Works)).

Mrs. Ditonto: Thank you. Is there someone representing the petition? Please come forward. Again, state your name, home address and the name of the business that you're representing.

June 15, 2016

Mr. Swanson: Brad Swanson, co-owner of Moonlight Properties of Jamestown. My home address is 950 Kiantone Road, Jamestown, New York and Moonlight Properties address; 1080 East Second Street, Jamestown, New York 14701.

Mrs. Ditonto: Thank you Mr. Swanson. Would you please elaborate a little bit on your request for the variance and if you could speak to the area variance requirements; the things that we have to look at in terms of the variance. Thank you.

Mr. Swanson: We recently purchased 1080 and 1082 East Second Street. That is our new business location for Moonlight Properties of Jamestown as well as Moonlight Electric of Jamestown that we own. The parking lot area here was existing. It was just a dirt parking lot; we did no clearing or anything like that. We hired S. Tabone Construction to come in and just level everything out before the fence went in; which there was a permit for the fence. S. Tabone put some millings down, they were instructed to call Jeffrey Lehman to set up after a meeting with myself and Larry Scalise. He apparently did not, which is what raised the questions on everything. After meetings with them, everything was fine with the parking lot itself, except for the fifteen feet of green space that's in question. We don't have any problem doing that landscaping or any decorative or aesthetics. Our issue is the fifteen feet of green space in that small parking lot is going to make that not usable for a parking lot. It's so small as it is already. So we were looking for a reduction in that. For the five feet all the way around and do whatever is required in that five feet, but we don't believe we'll even be able to turn a vehicle around, or a couple vehicles around in that parking area.

Mrs. Ditonto: In going past the property, you have some larger vehicles. Do you want to tell us a little bit about the size of those vehicles that will be parked there?

Mr. Swanson: Yes our commercial vehicles; the largest we have is a service van, just a typical, like you'd see a Time Warner van going down the road with an extension ladder. We have our largest vehicle is a bucket truck, but it's not large like a BPU bucket truck, again it's smaller like a Windstream one that looks like a regular pickup truck. That would be the largest vehicle that we have. The current parking space is about 48' x 48' with the fence as it is. So you can imagine coming in it's 15' and 15', now you're cut down pretty close.

Mrs. Ditonto: Okay. Is there anything else you'd like to add before we open it to the board for questions?

Mr. Swanson: No. I believe that's it.

Mrs. Ditonto: Are there questions from members of the board?

Ms. Sandson: When I went by – is there lighting there?

Mr. Swanson: Not currently. There is, it's already been proposed; lighting and signage that's been submitted to Larry Scalise.

Ms. Sandson: Okay because I went around and around and didn't notice the lighting.

June 15, 2016

Mr. Swanson: We submitted lighting and signage for approval to Larry Scalise and we haven't heard back either way on that, but there will be as long as it's approved.

Ms. Sandson: And the house that is next door to it, I couldn't bring my tape measure, but is it actually ten feet away from the property line?

Mr. Swanson: I can't tell you exactly, but I believe it's more. It looks close, but I believe it's more than that. I believe all that was asked, like I said, the fence that did go up, we applied for a permit and all that came up during the permitting process with Larry Scalise and that was ultimately approved.

Mrs. Ditonto: Other questions?

Ms. Martinez: Will the lights be freestanding or on the building?

Mr. Swanson: No they will be on the building themselves if it's approved as we've submitted.

Ms. Martinez: Alright. So they'll be facing into the house next door?

Mr. Swanson: They'll be a downward light with shields on them.

Ms. Martinez: And that will still give you enough light for the whole place?

Mr. Swanson: Oh yes. Absolutely.

Mrs. Ditonto: What would you propose to do in the five feet of green space if you're permitted to do that?

Mr. Swanson: Honestly anything that's requested. I'm not asking for any special favors on what would normally be asked within that fifteen feet of greenspace; just a reduction in the size. So whatever's normally requested, whether it's mulch – we had talked, Jeff Lehman and Larry Scalise about hedges, some small bushes, stuff like that on the street side and probably on the neighboring side as well on the outside of that fence so you don't actually see what's on the other side of the fence. But again, whatever is requested in that fifteen feet, we're not looking to get out of that, just a reduction in size. So whatever's requested we'd be happy to do.

Mrs. Ditonto: Any other questions?

Mr. Hanson: The only entrance to that parking lot is off of Second Street is that correct?

Mr. Swanson: Yes sir.

Mr. Hanson: Okay. You can't very well have shrubbery all across Second Street and still access that lot.

June 15, 2016

Mr. Swanson: No we would – just not in front of the gate, in front of the entrance would be the only spot that we would not have the shrubbery so you could get in and out of that. The other sides are landlocked, two sides by residential houses and the third side is actually our building itself.

Mr. Hanson: Okay. Thank you.

Ms. Martinez: Do you propose to improve the lot behind it as well?

Mr. Swanson: Not at this time, no. The lot behind it, if you're speaking to the residential lot, that's not owned by us.

Ms. Martinez: No the one that's right behind your paved lot.

Mr. Swanson: No we don't plan on doing anything to that. In fact, when we talked to the DPW, Jeff Lehman, he preferred that it stay as is for drainage purposes with the grass so it would stay as it is.

Ms. Martinez: But you'll clean it up a little.

Mr. Swanson: Yes.

Mrs. Ditonto: Any other questions for members of the board? Seeing none it's time, if there's anyone in the public who would like to speak for or against the petition, you need to go to the microphone to my extreme left, state your name and address and limit your comments to five minutes or less. One last time. Anyone else who would like to speak for or against this petition, please go the microphone to my left. Okay, seeing no public comment, are there any correspondence pieces?

Mr. Olson: No.

Mrs. Ditonto: Okay. Thank you. Any further questions from members of the board? Seeing none, I'd be looking for a motion on the area variance request to reduce the green space to five feet along the property on East Second Street that's now owned by Moonlight Properties.

Ms. Martinez: I'd make that motion, but I'd like to add that there should be hedges and they should be the height of the fence and to be sure that the lighting is properly set so that it doesn't bother people in the next house.

Ms. Sandson: I would second that motion.

Mrs. Ditonto: Thank you. Again, for clarification, the motion is that it be allowed to be reduced from fifteen to five feet for green space with hedges at the height of the fence and that the lighting be turned down so that it doesn't impact the property on the other side.

Ms. Martinez: I want the hedges all the way around. Not just on Second Street.

Mrs. Ditonto: The green space, except for where the gate is.

June 15, 2016

Mr. Swanson: The Second Street side, the house that borders the neighbor on Second Street and the rear, there's actually a fence there from the property owner on the other side so that side we would not be able to, but the other two sides correct.

Mrs. Ditonto: Does anyone need any clarification on the motion?

Carried: 5 – 0

Mrs. Ditonto: You've been approved. Please work with Larry Scalise to make sure that we've got everything in order.

Mr. Swanson: Okay we will. Thank you for your time.

SHULTS REAL ESTATE, LLC 255 FLUVANNA AVE., 370.10-1-5

The petition of Shults Real Estate LLC, 181 East Fairmount Ave., Lakewood, New York 14750 for a use variance to allow for a light manufacturing or distribution services business, on parcel 370.10-1-5, 255 Fluvanna Ave., owned by Shults Real Estate LLC 181 East Fairmount Ave., Lakewood, New York 14750 in an C-M Zone. (Section 300-0312 C-M Service and Highway Commercial District: Light manufacturing is not a permitted use in the C-M District. The first zone where light manufacturing is permitted is the L-M Light Manufacturing).

Mrs. Ditonto: Okay. If someone from the petition would please come to the front, state your name, home address, who you represent and again that address if it's different. You can take both the microphones, thank you.

Mr. Johnson: My name is Clark Johnson. My home address is 77 Canfield Hollow, Elder, Pennsylvania. I'm representing Kessel Construction Inc., 345 High Street, Bradford Pennsylvania.

Mr. Senske: My name is Jason Senske, 15 Wildwood Avenue. I am representing myself.

Mrs. Ditonto: Thank you. At this time, we'd like you to go into a little more detail about the request. This is a use variance. If you could please speak to the tenants that we have to look at in terms of why a use variance would be approved.

Mr. Johnson: The tentative plan right now is for a use variance for light manufacturing. Right now the customer is in the process of being secured. I don't know if you want to go into a little bit Jason what they do?

Mr. Senske: They do very light manufacturing. There is no heavy equipment. The tools that they use, I believe, are air powered. They'll have a few hand tools, battery operated, stuff like that. As far as heavy duty gas powered, massive equipment, they will not be using that. It's basically assembly. It's bringing in parts from other factories and assembling them at this location.

Mr. Johnson: Light parts assembly is what we've been told.

June 15, 2016

- Mrs. Ditonto: Okay. Questions from members of the board?
- Ms. Sandson: What would the hours of operation be? Is it three shifts, is there a third shift?
- Mr. Senske: As of right now there is just one shift. I believe it's probably 9:00 to 5:30.
- Ms. Sandson: Just 9:00 to 5:30.
- Mr. Senske: As of right now they told us they've planned one shift.
- Ms. Martinez: What if that manufacturer falls through? What else will you be looking for for that building?
- Mr. Johnson: I think at this point, well we're hoping that doesn't happen, number one. Number two, we would still want the flexibility for light manufacturing.
- Ms. Martinez: And that's because you're not going to use all the space?
- Mr. Johnson: That's correct. Basically two thirds of the space is going to be utilized for this client.
- Mrs. Ditonto: Other questions? Judy did you have a question?
- Ms. Sandson: No.
- Mrs. Ditonto: I have a question on vehicles, the number of vehicles in and out. Are there going to be large trucks dropping off items?
- Mr. Senske: They will be using semis. For the most part they will be parked out back. They'll be loading and offloading and they'll be there sitting there for a while so that they can continue loading. There is space for that around the back and there is accessibility to allow the driver drive all the way around the building so traffic flow is not a problem. Parking spaces I believe they asked for fifty, but that will all stay as it is. Right now there are a couple hundred parking spots there for them.
- Ms. Martinez: What will their employment be?
- Mr. Johnson: What will they be doing or how ...
- Ms. Martinez: No. What will their employment be and do they hope to grow as well; the number of employees.
- Mr. Johnson: Do we know that?
- Mr. Senske: I believe...

June 15, 2016

Mrs. Ditonto: Carol you'll have to come up here. You can come up here, you just have to state your name and address.

Mr. Olson: She can go to that microphone right there.

Mrs. Ditonto: Right where you just passed; You can go to the microphone with the stand. Name and address please.

Ms. Rasmussen: Carol Rasmussen. I live at 20 Newland in Jamestown, New York. I'm here representing the County of Chautauqua Industrial Development Agency. I'm here to speak on Shults Real Estate LLC and the Fluvanna property. Although it's confidential at this point, that's why there's not too much – the company is confidential for other benefit incentives they may be approaching. Although it is confidential it is pretty much, surely, they're doing contract negotiations now for the light manufacturing to come in to that area. We know it's been vacant for a long time so this really is a good opportunity. There will be forty employees. As we know it, there will be one shift and there will be definitely light manufacturing, putting parts together. There will be the renovation of the square footage that they're going to use. As soon as they have their product on the truck, it goes right up to 86. There will probably be forty employees at the most right now. We're looking at a lease contract and hopefully this company will stay for a while. It's out of state. It's a great opportunity for Jamestown. Nothing will be disturbed on the outside. Just on the inside will be renovations and they're an excellent company to work with and they picked that spot. They toured many spots, north, south county and this fit them; and it just fits. It's the right thing for them.

Ms. Martinez: Do they supply products to local manufacturers here?

Ms. Rasmussen: That's a good question. They don't supply the products to the manufacturers here, however, they may pull off some of the manufacturers here because during the interviews there's certain, welding and such that they need done and so they weld. So they're going to introduce the manufacturers here and hopefully they'll pull off that. They're also pulling off WCA services for their testing of their employees. They're involved with WIB. it's pretty much totally committed.

Ms. Calanni: Decent paying jobs?

Ms. Rasmussen: Excellent paying jobs.

Ms. Sandson: Wonderful.

Mrs. Ditonto: Maybe Mr. Johnson you could tell us a timeframe for this.

Mr. Johnson: Right now if lease negotiations go the way we think, it's going to happen pretty quickly. I would say within the next month.

Ms. Rasmussen: They need to start production in November.

Mrs. Ditonto: Any other questions from members of the board? At this point we would look to the public. If there's anyone who would like to speak for or against the petition, now is the time you

June 15, 2016

would go to the microphone to my right. Seeing no one who would like to speak is there any correspondence?

Mr. Olson: No.

Mrs. Ditonto: Okay. Thank you. At this point then we would be looking for a motion on the use variance that's been requested by Shults Real Estate for the property at 255 Fluvanna Avenue in Jamestown so that they can do light manufacturing in a zone that is a C-M zone.

Ms. Calanni made the motion to accept the petition. Seconded by Mr. Hanson.

Mrs. Ditonto: Any questions or clarification needed on the motion?

Ms. Sandson: If possible, make it contingent based on if they're going to be adding second and third shifts to that?

Mrs. Ditonto: That's a question I would have to ask. I don't know if that's a contingency that we can put on.

Mr. Olson: I don't believe so. I can't really answer that.

Ms. Martinez: I wouldn't do that because of where it's located.

Ms. Sandson: It's not going to really affect...

Mrs. Ditonto: It's in a C-M zone and it's not close to residential property and I'd hate to see if the business wanted to expand that we would limit it because it is in a...

Ms. Martinez: And I suspect that Shults would have bought it a long time ago if it wasn't vacant for this much time.

Mrs. Ditonto: The motion's been made and seconded. Again, any other questions?

Carried: 5 – 0

Mrs. Ditonto: Your motion has been approved. Please move forward. Thank you.

There being no further business, the meeting was adjourned.

James N. Olson, Secretary
Zoning Board of Appeals