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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, October 7, 2015 at 3:30 p.m.

Members Present: Ellen Ditonto, Richard Hanson, Sally Martinez, Dave Daversa, Robert Karbacka, Patricia Calanni

Members Absent: Judith Sandson

Others Present: Larry Scalise

Mrs. Ditonto called the meeting to order.

Mrs. Ditonto: This afternoon we have three petitions on the agenda. A couple of housekeeping items first: Once the petition is read, anyone who is representing the petitioner needs to come to one of these two microphones right in front of me. Each time you speak you must say your name and home address please. Because we are recording this, it's important that you sit close to the microphone so that we can do the proper recording. If you are here to speak for or against a petition, you have the right to do that. When I ask for public comment there is a microphone to my left and to your right. You must again state your name and home address and your comments can be five minutes or less; you must speak only to the petition, either for or against it. I think we are ready to begin; we have six of us here today. You need four votes to have your petition request approved.

James Erie Livengood 185 Clyde Ave. 370.16-1-12

The petition of James Eric Livengood 185 Clyde Ave., Jamestown, New York 14701, for an area variance to erect a 12'x16' deck, 2'9" from the north property line at 185 Clyde Ave., on parcel 370.16-1-12 owned by James E. and Julie Livengood in an R-1 Zone. (Section 300-0305 R-1 Single Family Residential District: The required side yard setback is 10% of the lot width or 6'2", the proposed is 2'9").

Mrs. Ditonto: Mr. Livengood if you would please come to the microphone. State your name and home address and tell us a little bit more about your request for the petition for the area variance.

Mr. Livengood: Thank you. My name is James Eric Livengood; my home address is 185 Clyde Avenue, Jamestown. Last year I purchased a strip of property 12' wide from the neighbor behind me for the purpose of putting a deck behind our house. I have a letter from her stating that she has no objection to the project. In fact, she knew what we wanted to do when she sold us the property. The setback from our property line to the house was 2'9". We bought 12'. We're proposing a 12' deck which would mean

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our property line setback is remaining approximately what it was prior to the purchase and the addition of the deck.

Mrs. Ditonto: Okay. Are there questions from members of the Board? I think that it's important that we have that letter written into the record. Do you have a copy that you can give to us?

Mr. Livengood: I have two copies. I have a copy from her. I also have a copy from my neighbor on the other side. I'm on a corner so I really only have two immediate neighbors. Her name is Jill Jackson. She also has no objection.

Ms. Martinez: Well since I live in the neighborhood and see it all the time, I know the property well.

Mrs. Ditonto: What we'll do is read that into the record, both of those if that's okay with you.

Mr. Olson: My name is Shirley Dillon and I reside and own the property at 99 Hotchkiss Street directly behind Eric and Julie Livengood. Last year I sold a 12' strip of my property to the Livengoods with the understanding that they would be building a deck behind their house on this property. I'm writing to the Zoning Board to state that I have no objection to the project and encourage you to approve their building permit. Thank you. Best regards, Shirley Dillon.

My name is Jill Jackson and I reside at 179 Clyde Avenue, the property directly beside/behind Eric and Julie Livengood. I'm writing to the Zoning Board to say that I have no objection to the project and encourage you to approve their building permit. Thank you. Best regards, Jill Jackson.

Mrs. Ditonto: Thank you. Any questions from the Board on those two letters? Seeing none, at this time I will ask if there's anyone in the public who would like to speak either for or against the petition at 185 Clyde Avenue to have a deck built on the backside of that property? I don't see anyone in the public arena so at this point I'm going to assume that no one wants to speak for or against it and at this time we would entertain any other questions or a motion to approve the petition request for an area variance to erect a 12'x16' deck with a 2'9" property line section on the back of that property.

Mrs. Martinez moved, seconded by Mr. Daversa to approve the petition.

Carried 6-0

Suit-Kote Corporation 153 Jones and Gifford Ave. 387.05-2-19

The petition of Suit-Kote Corporation 1911 Lorings Crossing Road, Cortland, NY 13045, for an use variance to construct a 113'x135' Vehicle Maintenance Garage/Office Building at 153 Jones and Gifford Avenue, on parcel 387.05-2-19 owned by Suit-Kote Corporation in an L-M Zone. (Section 300-0313 L-M Light Manufacturing District: The proposed expansion is not a permitted use in the L-M District. The next permitted district is the M District (Manufacturing)).

Mrs. Ditonto: Thank you. Please state your name, home address and you can tell us a little bit more about this request.

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Mr. Risley: Okay. My name is Gary Risley, I'm the general manager for Suit-Kote Corporation Western New York. My home address is 3069 Old Chautauqua Road, Sinclairville, New York. We have over the last 12 years that I've been at Suit-Kote, bought some properties. We've started out at Lister Street and worked our way across and purchased properties all the way over to what used to be the Goodman property, the property that we're discussing today. We've expanded our workforce and crews to the extent that our garage facility that we have today does not suffice for the size of equipment and the amount of equipment that we have. So we're looking at – we've torn down the old office building which used to be AVM. It was pretty much bottomed out. We got that removed; if anybody's been by and seen it I think it's improved the looks of the property. We plan to put this garage facility right on where the old building sat. We hope to maintain all the greenery out front. It was always a nice looking property back in the day. We want to keep the circular driveway, all the lawns, bushes, trees and try to keep the building set back from the road so it sets just about where the old office building sat. I guess that's all I have unless you have questions.

Mrs. Ditonto: And today you did bring, or we got, a couple more drawings from C & R Construction.

Mr. Risley: We're really trying to dial the building in. We met with Larry and Bill a month and a half ago and gave them some preliminary plans as to what we were looking at, but like any structure, you decide to tweak it here and there. We do plan to use C & R Construction if we do construction we're going to try to use locals as much as we can. I don't have a site plan for you today. Our plan is to – actually I spoke with RGR Engineers who did the engineering site plan back when you were dealing with Goodman on the property. They've already done a site plan so they've located a lot of facilities there. It made sense to use them to move forward as far as geological surveys as far as footings and that type of thing if you do allow us to put up a building. Those are our next steps. Hope to have a site plan together in the near future.

Mrs. Ditonto: Can you tell me the project construction dates in terms of what you're targeting?

Mr. Risley: We're actually working through our capital. We're a large company all across New York state and Pennsylvania. We have nine or ten branches. We employ 720 employees in the heat of the season so we have a lot of facilities that have needs. Right now they're working their way through the capital. I'm being told by operations that they do plan to move forward with this. It's really just a matter of how fast we can put the engineering together; whether we could actually start footings before the weather gets cold this year. If not, we want to start in the spring. Hopefully go into the building late next fall or early winter.

Mr. Scalise: Part of the reason they're here today is that I spoke with Mr. Risley – they don't want to expend the time and the money to do engineered site drawings and all that until they know whether or not, yes or no, they can proceed with the project. That's why we're here today is can they be a non-conformed use and expand. If you do grant the variance what's going to happen is they're going to go through the site plan review process in the Planning Commission. So we'll look at landscaping, drainage, building layout and so forth. All of that will have to occur and after they get the approval, by the time they get their engineered drawings, depends when winter starts. It'd be nice to get started

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before the snow flies, but realistically it's probably a spring construction start unless the stars align proper.

Mrs. Ditonto: Mr. Risley do you have to have a SEQR done on this property and is the county handling that?

Mr. Risley: Yes the IDA is going to handle the SEQR on this.

Mrs. Ditonto: And the timeframe for that would be after we - if we approve this today and before they go to site plan development?

Mr. Scalise: Yes. We've got three different entities going at it all at the same time. The SEQR will get done. I believe the county started it because they're doing some of the financial aspects of it so they needed to start there. The Planning Commission will work with the IDA and make sure all the aspects are met in the SEQR so the process will be done, but this is not normal. Normally we don't get the IDA involved this early in a project, but all the entities still will talk with each other and will get it all ironed out by the time building permits are written.

Mr. Olson: I would expect that to be a contingency on the approval process of the site plan.

Mrs. Ditonto: Okay. Other questions from members of the Board?

Mr. Daversa: I just have one Gary. You have an old building with a proposed new building. Will the old building remain or will that be taken down?

Mr. Risley: The old building has been removed. The old office building is gone.

Mr. Daversa: It's already gone. It shows how long I haven't been down that way.

Mr. Risley: Yes they had a lot of asbestos in it so we had to work through DOL and so we had it removed.

Mr. Daversa: So basically your old one was 100'x45'. Am I reading that right?

Mr. Risley: Yes, correct.

Mr. Daversa: The proposed is 113'x135'.

Mr. Risley: Yes. The depth of the building will be about the same as the old. It will just be wider, looking at it from the road front.

Mr. Scalise: The one building that you have that is further back on the property will still remain and be used.

Mr. Risley: That will remain and be used, yes.

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Mr. Daversa: So you're not really proposing a whole lot; a little bit more, but big deal.

Mr. Risley: Parts of this area should stay about the same. Like I said we may add a little greenery. It's going to be a little larger building, but it's going to be on a footprint of property that was either parking lot or concrete or something before. We're not going to remove any...

Ms. Martinez: It's all used, it's been used.

Mr. Risley: Yes it's already been used so we won't be removing any...

Mr. Daversa: This will be on concrete slab?

Mr. Risley: Yes.

Mrs. Ditonto: Other questions?

Mr. Hanson: How long have you been operating from that property?

Mr. Risley: Suit-Kote purchased the property I think in 1992, when we purchased the Lister Street property. We've been on the Goodman property for four years maybe now.

Mr. Scalise: Sounds about right.

Mr. Hanson: Thank you.

Mrs. Ditonto: Other questions? Seeing none, again we'd be looking for any public comment at this time; if anyone would like to speak for or against the petition of Suit-Kote at 153 Jones and Gifford Avenue for the construction of a vehicle maintenance building in an LM zone. Seeing no public comment, is there any correspondence on this?

Mr. Olson: No.

Mrs. Ditonto: Okay. Just to clarify on the request. It says it's a use variance. On our agenda it said it was an area variance. It would be use variance again in the LM zone it's a not permitted use. Am I correct?

Mr. Olson: That's correct.

Mrs. Ditonto: Thank you. Any other questions or comments from members of the Board?

Ms. Martinez: They've done a really good job of keeping that area clean and they've been an addition, especially after the travesty we went through with the other ones.

Mrs. Ditonto: Yes, right now the area has been cleared of an old building and there is the involvement of the CCIDA at this point. There would be additional work that would be done before this would be allowed to be constructed.

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Ms. Martinez: And the planning approval, which they don't have yet.

Mrs. Ditonto: Right there is no planning approval yet. That will go to the commission soon if we give approval on this variance request. Is there anyone who would like to make a motion for the use variance at 153 Jones and Gifford for the construction of the vehicle maintenance garage in, again, an LM zone?

Mr. Daversa moved, seconded by Mr. Hanson to approve the petition with the condition that the SEQR has to be completed.

Carried 6-0

Joe Dominick (Jamestown Roofing) 119 Clifton Ave, 370.09-2-12

The petition of Joe Dominick, 119 Clifton Ave., Jamestown, NY 14701, for an area variance to construct a 30'x40' pole barn storage building on Clifton Ave. across the street from the existing business, on parcel 370.09-2-12 owned by Jamestown Roofing Inc., in a C-M Zone. (Section 300-0312 C-M Service and Highway Commercial: Non-residential uses must have their primary orientation toward a major street and cannot be solely on a side street. Clifton Ave., is considered a side street, the closest major street is Fluvanna Ave.).

Mrs. Ditonto: State your name, home address and talk a little bit about your petition.

Mr. Dominick: Joe Dominick, 40 LaSalle Avenue, Jamestown, New York. We're going to be building a warehouse across the street from our main shop already in existence and it's about 1600 square feet, a kind of pole barn construction, cement floor and I've had Larry and the guys out to look at the site. I have a letter from one of my neighbors of endorsement.

Mrs. Ditonto: Okay. If you would allow us, we'll read that into the record. I'll have Larry get that. Can you tell us a little bit about construction timeframe, if you get the approval? Would that be this year?

Mr. Dominick: Yes. We would like to get going right away if you approve us.

Mrs. Ditonto: And what size trucks – what would be coming out of that garage or that pole barn and trying to get onto Clifton Avenue? Can you give us some idea on size?

Mr. Dominick: Maybe dump trucks or a one ton truck. The same as the trucks that come out the driveway across the street from it. We're right behind the Arby's on Clifton Avenue. We have a three story brick building which used to be Banner Beverages. Before that it was a dairy. We've been there since 1977, been in business since the 1800s, trying to expand inside the city.

Ms. Martinez: Right at the edge of the city.

Mr. Dominick: Yes.

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Mrs. Ditonto: So it would be nothing bigger than what you have now coming from the other side of street.

Mr. Dominick: The same trucks would go in each driveway. One would go left and one would go right.

Mrs. Ditonto: Alright. Can we have the letter read into the record?

Mr. Olson: As a neighbor of Jamestown Roofing, 119 Clifton Avenue, we are excited to see them complete the expansion on Clifton Avenue. They are wonderful and a substantial company and a good neighbor. Signed, Carl Restivo at 320 Fluvanna Avenue.

I also received a phone call from a Lucy Stud, 143 Clifton Avenue who said she does not oppose the petition.

Mrs. Ditonto: Thank you. Are there questions from members of the Board?

Ms. Martinez: Are you leaving the trees? There are a lot of trees and everything in that area.

Mr. Dominick: Yes. We have a cleared lot behind there -

Ms. Martinez: Yes I saw that.

Mr. Dominick: That you could probably never even see from the road.

Ms. Martinez: Yes, barely.

Mr. Dominick: Yes. And it's going to look the same.

Ms. Martinez: Right.

Mr. Dominick: We have 13 acres back there. We're using under 1600 square feet.

Mrs. Ditonto: Have you considered run off from the pole barn and how are you going to do that? Just so it wouldn't be going onto any adjoining property.

Mr. Dominick: Yes we have about probably an 80' woods buffer to the next property and it is kind of flat in there. If we need a D.I., Jim Marucci will put it in, our excavating man.

Mrs. Ditonto: Do you plan to pave all around that pole barn?

Mr. Dominick: No I don't think we'll pave anything outside. Inside of the building will be cement. I think everything else will be just gravel.

Mr. Daversa: It says here storage for equipment and stuff?

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Mr. Dominick: Yes equipment. We're having our busiest year since I've been there 32 years.

Mr. Daversa: Out of curiosity, do you occupy the entire building where Banner Beverage used to be?

Mr. Dominick: Yes.

Mr. Daversa: That's a big building because I used to work there years ago. That's a big building.

Mr. Dominick: It's a big building and we built an addition.

Mrs. Ditonto: Other questions, comments, concerns from members of the Board?

Ms. Martinez: I would've liked to see what it's going to look like and that's not here.

Mr. Dominick: I have a sketch.

Ms. Martinez: Oh do you have a sketch? Okay.

Mrs. Ditonto: We'll have Larry bring that up and Larry you can answer a question when you come back about the process for approval. Does the Planning Commission have to be involved in this site?

Mr. Scalise: There is a site plan review process, but this is only at staff level which is myself, Jeff Lehman and Bill Rice and we have had preliminary discussions with him and there will be some minor details to figure out as far as drainage and stuff, but it's nothing that has to go before the Planning Commission.

Ms. Martinez: And I know you guys will take care of that; right. Good. And where it's going to sit on the site is it going to be in the middle or is it going to be on one edge of it so that you have turn around ability and that kind of thing?

Mr. Dominick: Yes there is plenty of room back there.

Ms. Martinez: So will it be on the Arby's side or on the Town of Ellicott side?

Mr. Dominick: It will be on the east side of Clifton; which will be across the street from our main building.

Mr. Daversa: Will there be doors on either end so that you can drive through?

Mr. Dominick: No I think just doors on the front; one big overhead door and a main door.

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Mr. Daversa: Just out of curiosity. I like to see businesses expand.

Mr. Dominick: We've been in business since the 1800s.

Ms. Martinez: That's unbelievable.

Mr. Dominick: Third generation of my family.

Ms. Martinez: That's great.

Mrs. Ditonto: Mr. Dominick, can you tell us about how many times you have your vehicles going up and down on Clifton; probably beginning of the day, end of day, can you give us an estimate?

Mr. Dominick: Ten trucks in the morning and ten trucks in the afternoon.

Mrs. Ditonto: Okay; so just in the beginning and end of the day is when you would have the traffic on Clifton.

Mr. Dominick: Yes and sometimes not even that. A lot of guys report directly to the job and that could be anywhere within 100 miles.

Ms. Martinez: And there's really no housing in the way where they are.

Mrs. Ditonto: No it's all above.

Ms. Martinez: It's all commercial. I did almost get t-boned there as I was coming out somebody was coming down the road with a turn signal on and I thought they were going to turn. It is a hard street to get in and out of, but it really works.

Mrs. Ditonto: Any other questions from members of the Board? There's no public comment, we've had read into the record the correspondence and the phone call. I'd be looking at this point for someone to make a motion on this variance request for an area variance at 119 Clifton Avenue.

Mr. Hanson moved, seconded by Ms. Calanni to approve the petition.

Carried 6-0

There being no further business, the meeting was adjourned.

James N. Olson, Secretary
Zoning Board of Appeals