

February 6, 2008

Zoning Board of Appeals

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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, February 6, 2008 at 3:30 p.m.

Members Present: Ellen Ditonto, Suzanne B. Howig, Richard Hanson, Howard Brooks, Dave Daversa

Members Absent: Chairwoman Tammy Donato and Mary Lou Edwards

Others Present: Director of Financial Services/City Clerk James N. Olson, Corporation Counsel Marilyn Fiore-Nieves, and Zoning Officer Larry Scalise

Suzanne Howig called the meeting to order.

**PHILIP TABER, 19 IVY STREET**

The Secretary read the petition of Philip Taber, 105 Prospect Street, Jamestown, New York for an area variance to construct a 4'x 8' illuminated advertising sign at 19 Ivy Street on parcel 387.19-9-51 in an R-C Zone owned by Frank C. and Lori Racitano, 1719 Foote Ave. Ext., Jamestown, New York. (Mr. Taber has an option to purchase the property). (Section 300-0710 Permitted Signs by District – The maximum area permitted for a free-standing sign in the R-C district is 16 square feet, proposed is 32 square feet).

Philip Taber, 105 Prospect Street stated he purchased the property on January 14, 2008. There will be two businesses in the building, A.W. Access and Chautauqua For Rent.com. The sign will be located on the Foote Ave. side of the building.

Mrs. Ditonto asked what type of illumination would there be?

Mr. Taber stated that the two lights would be on the ground shining up at the sign.

Mr. Hanson asked if it would be a two-sided sign?

Mr. Taber said yes.

Mr. Daversa asked if it would be like the one in the application.

Mr. Taber said yes. The landscaping may be different and there would be two posts holding it up.

Mr. Brook stated he has driven by both in the day and night and feels that there would not be an impact on the neighborhood. Other businesses have signs that produce more light and this sign is smaller than the others.

Mrs. Ditonto asked for the location of the sign.

Mr. Taber said it would be on the Foote Ave. side.

Mr. Scalise and Ms. Fiore-Nieves stated they had nothing to add.

Mrs. Howig asked the City Clerk to read the two letters that were received.

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The Clerk read the following letters into the record:

James N. Olson – Zoning Board of Appeals

Dear Mr. Olson:

This is in response to the petition of Philip Taber; 105 Prospect Street, Jamestown, New York for an area variance to construct a 4' x 8' illuminated advertising sign at 19 Ivy Street on parcel' 387,19-9-51.

Ivy Street runs parallel to the well lit Foote Avenue Arterial. The street itself has city light poles along with illumination from the building lights of an existing commercial building. There are at least 8 owner occupied homes in this small area.

We have strived to maintain our homes with a residential atmosphere in an already high traffic/well lit area. We are therefore opposing an illuminated sign of any size on the Ivy Street section.

Ronald C. Kuczenski  
24 Ivy Street  
Jamestown, New York 14701

And-

Mr. James N. Olson  
Office of the City Clerk

Re: Public Hearing – Wednesday, February 6, 2008  
Philip Taber Variance @ 19 Ivy Street

Dear Mr. Olson:

We are the property owners and occupants at 18 Ivy Street, directly across the street from 19 Ivy Street where Mr. Philip Taber wishes to construct a 4' x 8' illuminated advertising sign. For the following reasons we feel that this variance should not be granted:

- Ivy Street on the Westside is fully residential.
- Ivy Street is a one way residential street with limited traffic
- An illuminated sign of any size or kind will shine directly into our living room.
- An illuminated sign of any size or kind will shine directly into our front porch.
- An illuminated sign of any size or kind will shine directly into two of our bedrooms, including our master bedroom.

If this variance is granted, we feel the quality of life and value of our home will be affected negatively. Unfortunately we will be out of town during the scheduled Public Hearing, February 6,k and will not be able to attend. We are sending this letter in order to have our concerns addressed. We would hope for the above reasons, the city does NOT grant Mr. Taber this request for a variance.

If you wish to contact us for further discussion we may be reached at (716) 397-9049. Thank you for your consideration in the matter.

Sincerely,  
Albert Bower and Faith Bower

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Mrs. Ditonto made a motion to approve the petition based on the fact it would not change the character of the neighborhood, no other better way to advertise the business, variance is not substantial, will not have an adverse effect on the neighborhood and that it was not a self-created hardship.

Carried 5-0

There being no further business, the meeting was adjourned.

James N. Olson  
Director of Financial Services/City Clerk  
Zoning Board of Appeals