

March 3, 2004

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, March 3, 2004 at 3:30 p.m.

Members Present: Suzanne B. Howig, Richard Hanson, Charles Nazzaro, Ellen Ditonto, Mary Lou Edwards

Members Absent: Chairperson Tammie Donato, Timothy Thomas

Others Present: City Clerk Shirley A. Sanfilippo, Zoning Officer Larry Scalise

Acting Chairman Hanson called the meeting to order.

DANIEL & CYNTHIA ORLANDO – 43 Holman Street

The secretary read the petition of Daniel & Cynthia Orlando, 2229 Willard Street Ext., Jamestown, New York for an area variance to construct a 36' x 18' addition approximately 3' from the west property line on the property located at 43 Holman Street, in a R-1 zone, owned by Daniel S. & Cynthia Orlando, 2229 Willard St., Ext., Jamestown, New York. (Section 300-305 – The required side yard setback is 10% of the lot width or 8.8'. Proposed is approximately 3'.)

Mr. Philip Orlando, 43 Holman Street, stated this is to make more room in his home.

Acting Chairman Hanson asked if this is an addition to the existing addition.

Mr. Orlando replied that it was.

Ms. Ditonto made a motion to approve the petition.

Ms. Howig seconded.

Carried: 5 ayes, 0 nays

DAVID J. CHRISPELL - 12 & 16 W. 6<sup>th</sup> Street

The secretary read the petition of David J. Chrispell, duly authorized agent for the Joint Neighborhood Project, 563 E. 2<sup>nd</sup> St., Jamestown, New York for an area variance to construct a parking lot with a 15' driveway up to the property lines on the property located 16 W. 6<sup>th</sup> Street, in a R-C Zone owned by the Joint Neighborhood Project and extending 7' onto the property located at 12 W. 6<sup>th</sup> Street, in a R-C Zone owned by Denis & Judith A. Moore, 1109 W. 3<sup>rd</sup> St., Jamestown, New York. (Section 300-502 – The required setback for a parking lot is 10', proposed is zero. The required drive width for a two-way drive is 24'; proposed is 15', which is the required width of a one-way drive.)

Mr. David J. Chrispell, attorney for Joint Neighborhood Project, explained the project. He explained that the JNP Board approved the sale of this property to Michelle Fraser. This is to put in a parking lot including tearing down of the house that has no value. An easement of 7' will be granted by Denis and Judith Moore to Ms. Fraser.

Ms. Ditonto had concerns regarding the driveway; but, she felt this would be an improvement by tearing down the house.

Ms. Michelle Fraser, 3755 W. Oak Hill Rd., who practices dentistry at 20 W. 6<sup>th</sup> Street, stated she was interested in the buying the building next door to her practice. She is interested in

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purchasing the building and tearing it down. She stated that when she had contractors look at the house they had stability concerns.

Ms. Ditonto questioned if the driveway would be asphalt.

Ms. Fraser said she would start with gravel and change it to asphalt when she was able to do so financially.

Ms. Ditonto asked if there would be landscaping.

Ms. Fraser confirmed there would be.

Ms. Howig wondered how many cars would be using the driveway during the day.

Ms. Fraser said approximated ten to twenty cars per day. Most of the vehicles are for drop off. She would like to have this for her elderly employee for better access to the building.

Mr. Scalise stated that she was a sole practitioner and is required to have three parking places. She would be able to get up to five.

Acting Chairman Hanson asked if there are any plans.

Mr. Scalise stated this is a relatively simple plan. The driveway that would include the easement would be 15'. He continued saying if this were a larger practice the proposed plan would not be feasible. As people were pulling out onto 6<sup>th</sup> Street this would cause only a small delay.

Ms. Ditonto asked if patients were currently parking on the street.

Ms. Fraser said they were.

Mr. Scalise said there would be a loss of one off street parking place but would gain at least four off street parking places.

Ms. Fraser said that people could use the parking lot on Sunday.

Ms. Ditonto asked about the time frame.

Ms. Fraser stated she hoped by spring to have it demolished and in the summer be in the gravel stage.

Mr. Denis Moore, 1109 W. 3<sup>rd</sup> Street, owns the property adjacent to the proposed demolition property. He stated that the property had been offered to him and he went through it and said it could not be salvaged. He also said he and Ms. Fraser had spoken and they had concerns about arson since this is an abandoned building.

Mr. Nazzaro made a motion to approve the petition.

Ms. Edwards seconded.

Carried: 5 ayes, 0 nays

GEORGE WILSON – 210 W. 7<sup>TH</sup> STREET

The secretary read the petition of George Wilson, 210 W. 7<sup>th</sup> Street, Jamestown, New York for an area variance to construct a 5' x 22' porch/stair to the rear of the existing garage approximately 2' from the east property line on the property located at 210 W. 7<sup>th</sup> Street, in a R-C Zone owned by George A. & Annie R. Wilson, 210 W. 7<sup>th</sup> St. (Section 300-317 – The required rear yard setback for an accessory structure is 5', proposed is approximately 2'.)

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Mr. George Wilson, 210 W. 7<sup>th</sup> Street, explained that he wants to improve the appearance of the property.

Ms. Ditonto wondered if the garage was just for storage.

Mr. Wilson said it was for storage only. The previous stairs were on Mr. Samuel Pollino's property, which he was aware of; but, with the demolition of property, on Washington Street this situation needed to be changed.

Pollino Apartments  
209 Spring Street  
Jamestown, NY 14701  
Phone (716)484-0434  
Fax (716)483-8300

2-26-04

Zoning Board,

I have order (sic) a complete survey to be done of properties 707 Washington, 711 Washington, 713 Washington, 715 Washington and 205 W. 8<sup>th</sup> St.

Daniel L. Barry is doing it. It should be done by March 3, 04 and I will bring you a copy.

I want to make sure he is on his property so there is no problems later.

Thank You,

Samuel Pollino

Mr. Scalise stated this would stay on Mr. Wilson's property and have more than an extra foot. He further stated that Mr. Pollino is actively trying to sell the property and he was trying to prevent any potential problems with a future sale due to Mr. Wilson venturing over the property line.

Ms. Ditonto asked about the distance from the property line.

Mr. Scalise said it would be 1.2' from the property line.

Mr. Wilson confirmed that it was Mr. Pollino who had the survey done.

Mr. Scalise showed Mr. Wilson the survey.

Councilman Vivian Taylor, Ward 3, stated that this will add to the appearance of the block. He felt this would be a big improvement.

Ms. Howig made a motion to approve the petition.

Ms. Edwards seconded.

Carried: 5 ayes, 0 nays

There being no further business, the meeting was adjourned.

Shirley A. Sanfilippo, CMC, RMC  
Secretary  
Zoning Board of Appeals