

June 5, 2002

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 5, 2002 at 3:30 p.m.

Members Present: Chairperson Tammie Donato, Suzanne B. Howig, Richard Hanson, Timothy Thomas

Members Absent: Charles Nazzaro, Ellen Ditonto, Thomas Cardman

Others Present: Acting City Clerk Debbie C. Patti, Zoning Officer Larry Scalise

Chairperson Donato called the meeting to order.

TOM CLICKETT – 1 W. OAK HILL ROAD

The secretary read the petition of Tom Clickett, Jamestown Memorial Inc., 8761 W. Main Street, Clymer, New York 14724 for a use variance to sell cemetery monuments with indoor and outdoor display areas on the property located at 1 W. Oak Hill Road, in a R-C zone, owned by Joanne L. Potts, 1 W. Oak Hill Road, Jamestown, New York 14701. (Section 300-307 – Retail sales are not permitted in the R-C District. The first permitted district is the C-2 District.)

No one appeared on behalf of Mr. Clickett.

Mr. Hanson moved to deny the petition because no one was present, which was seconded by Ms. Howig.

Carried: 4 ayes, 0 nays

MATTHEW J. & KATHLEEN M. RUSSO – 136 DEARING AVENUE

The secretary read the petition of Matthew J. & Kathleen M. Russo, 136 Dearing Avenue, Jamestown, New York for an area variance to construct a 10' x 12' storage shed along the rear property line on the property located at 136 Dearing Avenue, in a R-1 zone, owned by Matthew J. & Kathleen M. Russo. (Section 300-317 – The required rear yard setback for an accessory structure is 5', proposed is approximately 1'.)

Matthew J. Russo, 136 Dearing Avenue, Jamestown wanted to maximize the use of the rear yard, constructing the shed over the bank.

Mr. Thomas wondered if the shed would be built on foundation or skids.

Mr. Russo explained that he would be placing the shed on skids; but that posts would be secured in concrete.

Chairwoman Donato questioned whether the structure would be a permanent structure.

Mr. Scalise stated that the structure could be moved.

Ms. Howig wondered if any of the hedge would be removed.

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Mr. Russo advised her that the hedge would remain, although two trees would be removed.

Aurora Bondi, 52 Campbell Avenue, stated that the structure will be right behind the lot that she and her husband own and they had no objections.

Ms. Howig moved to approve the petition, which was seconded by Mr. Thomas.

Carried: 4 ayes, 0 nays

CHRISTY GONZALES & RICHARD BURGESON – 222 BARROWS STREET

The secretary read the petition of Christy Gonzales and Richard Burgeson, 222 Barrows Street, Lower Apartment, Jamestown, New York for a use variance to open a card collector trading shop in the two front rooms of their apartment from 10 a.m. to 7 p.m., with no parking provided on the property located at 222 Barrows Street, in a R-2 Zone owned by Frank Margaglio, 1386 Newland Avenue, Jamestown, New York. (Section 300-306 – Retail sales are not permitted in the R-2 District. The first permitted district is the C-1 District. Section 300-506 – The required number of parking spaces for a retail business is one for every 300 sq. ft. of floor area, required is two (2) spaces, proposed is zero.)

Christy Gonzales, 222 Barrows Street, Apartment #1, Jamestown stated that financially it was better for her and her partner to run the business out of their apartment. She stated that they were not using the front two rooms of the apartment. She said that they were looking to start the trading shop in their home.

Chairwoman Donato stated that the area is very congested. She questioned what parking would be available and what their customer base would be.

Ms. Gonzales stated that they knew most of their customer base already. She thought that the customers they would have would use the street parking in front of their apartment. She said that the upstairs renters were not opposed to the idea.

Mr. Thomas asked if they had customers presently.

Ms. Gonzales stated that they have friends, who would become customers of their business. She said that they were not conducting any business out of their home presently.

Chairwoman Donato wondered if most of the traffic would be foot traffic and or delivery.

Ms. Gonzales confirmed that with Ms. Donato. She also stated that after they earned enough money, they would like to move to a retail location.

There was discussion among the members about home occupation.

Ms. Howig explained her concerns regarding parking.

Richard Burgeson, 222 Barrows Street, Jamestown stated that if the business started to expand they would be able to conserve enough money to move to a retail location. He explained that they would not be advertising.

Andrew Goodell, 617 Washington Street, Jamestown came representing the neighbors of the area. He stated that the neighbors felt that this was not a proper location for their business. He discussed the parking concerns. He explained the neighbors concerns over not knowing the

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many young people that would be in the area, which is a residential setting. He presented a petition to the Board Members.

The petition read as follows:

The undersigned residents of the City of Jamestown hereby oppose the application for a use variance to enable the property located at 222 Barrows Street to be used for retail sales for card collectors. This property is located in a residential zone, in which no retail sales are allowed. The proposed retail activity will result in increased vehicular and pedestrian traffic on this residential street, will likely attract additional young people onto the street who do not reside in the area, will increase the number of other strangers visiting the neighborhood, and will create potential problems with the demand for additional on-street parking. We are concerned that this use variance will result in the depreciation of nearby property values and will otherwise be detrimental to the neighborhood. We recommend that additional retail activity be located in a properly zoned district.

Name	Address
Karen Witruke	235 Barrows Street
Nancy Huckabone	230 Barrows Street
Victoria Turner	231 Barrows Street
(?)	216 Barrows Street
Frances Gatta	234 Barrows Street
Frank Gatta	234 Barrows Street
George Witruke	231 Barrows Street
Lonnie Huckabone	230 Barrows Street
John Meacham	251 Barrows Street
Robert (?)	225 Barrows Street
Carmelo Triscari	226 Barrows Street

Andrew Michael, 231 Barrows Street, explained the concerns that he had regarding parking. He said that there was a barbershop down the street, which when open, can take up many parking spaces.

Pastor Keith Terrill, 215 Barrows Street, stated his opposition to the petition because of parking. He said that if they could do something about that issue, he would not have any objections.

Mr. Thomas felt that a special permit could have been considered. The Board members agreed, but that option was no longer available to them.

The secretary read the following correspondence:

Zoning Board,

I am writing this letter to oppose the opening of a card shop on Barrows St. Our whole neighborhood is a quiet one, one where everyone knows each other and feels safe. We don't want this shop to open, because who knows who will be coming to our neighborhood.

As it is now, we already don't have enough parking on the block, your lucky if your (sic) parked within a house distance away. Also we have a numerous amount of elderly that need those spaces. We don't mind that, but if these spaces get taken for a card shop that could go to numerous places downtown, we will be upset.

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I also think that when choosing a time for a meeting, 3:30 was wrong. We all work, and can't afford to take off.

We have numerous amount of children that live on this block. Any more traffic would be a sure sign of an accident.

Please take the letters of those who can't attend into consideration. After all we are the ones that made this neighborhood what it is.

Thank you.

Mr. & Mrs. James Turner
231 Barrows Street, Apt. #2
Jamestown, NY 14701

Zoning Board,

We live at 235 Barrows St. Our street is a small knit family block. We oppose the opening of a business. There is more than enough empty buildings downtown where a trading card shop can open and can more than enough parking and traffic.

We have many children who live and play here. More traffic means a problem for them. We also have a lot of elderly on this street. We don't need a headache by more traffic.

As for the time of this meeting, my neighbors and ourselves can't make that time. We work. Not fair for us, who your decision will affect us all half of us weren't even notified of this business opening. I wouldn't even know if not for my neighbors everybody knows everybody else. Please take all letters into consideration, for this is my neighborhood.

Thank you,

Allen & Karen Witruke
235 Barrows St.

Chairwoman Donato moved to deny the petition because it was a non-conforming use and the neighbors comments, which was seconded by Ms. Howig.

Carried: 4 ayes, 0 nays

STEVEN TEDQUIST – 207 CLYDE AVENUE

The secretary read the petition of of Steven Tedquist, 207 Clyde Avenue, Jamestown, New York for an area variance to increase an existing 12' x 18' garage to a 20' x 26' garage on the property located at 207 Clyde Avenue, in a R-1 zone, owned by Steven and Joyce Tedquist. (Section 300-317 – The required side and rear yard setbacks for an accessory structure are 5', proposed is keeping the existing setbacks which are approximately 1'.)

Steven Tedquist, 207 Clyde Avenue, Jamestown, stated that he was looking to make the garage larger for storage and off-street parking. He thought that he would move the shed to the other side of the yard, unless the Board had a problem with that.

Mr. Hanson understood that he would not be going any closer than the existing garage; it would just be an expansion into Mr. Tedquist's own yard.

Mr. Tedquist confirmed that.

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Scott Schilling, 75 Durant Avenue, Jamestown, said that he resides at the property directly behind Mr. Tedquist. He had no problem with the garage being built; although, he felt that the shed would affect his property value. He thought that he would not have a problem if Mr. Tedquist put up a fence.

Mr. Tedquist said that he was looking for just the two car garage. He stated that he would work with the Mr. Schilling regarding the shed.

Mr. Thomas moved to approve the petition, which was seconded by Mr. Hanson.

Carried: 4 ayes, 0 nays

KING HOME PRODUCTS – 476 FALCONER STREET

The secretary read the petition of King Home Products, Inc., 2004 Lowell Avenue, Erie, Pennsylvania 16506 for an area variance to construct a 10' x 18' deck on the front of the house approximately 18' from the front property line on the property located at 476 Falconer Street, in a R-2 zone, owned by Willard & Carolyn Knowlton, 476 Falconer Street, Jamestown, New York. (Section 300-306 – The required front yard setback is 25', proposed is approximately 18'.)

Paul Cassidy, King Products, 2004 Lowell Avenue, Erie, PA, stated that he was looking to build a patio/deck. He stated that they were willing to comply with any regulations as far as the construction went.

Chairwoman Donato wondered what the materials would be that they would be using.

Mr. Cassidy replied that the materials would be treated.

Ms. Howig moved to approve the petition, which was seconded by Mr. Thomas.

Carried: 4 ayes, 0 nays

RICHARD BECHT – 141 INDIANA AVENUE

The secretary read the petition of Richard Becht, 141 Indiana Avenue, Jamestown New York for an area variance to construct a 22' x 22' garage approximately 3' from the rear and the west side property lines on the property located at 141 Indiana Avenue, in a R-1 zone, owned by Richard Becht. (Section 300-317 – The required rear and side yard setbacks for an accessory structure are 5', proposed rear and side yard setbacks are 3'.)

Monica Becht, 141 Indiana Ave, Jamestown stated that they were looking to build a detached garage. She explained that they would like to save some space for their yard and that would require the setback variances.

Chairwoman Donato asked about the carport.

Ms. Becht explained that it would be torn down.

Ms. Howig wondered if Ms. Becht had spoken to the neighbors regarding the construction.

Ms. Becht confirmed that she spoke with the neighbors and everything was positive.

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Mr. Thomas asked if the roof would be pitched so that the water would run off the roof into their own yard.

Mr. Scalise stated that he would work with the petitioner regarding that matter.

Mr. Hanson moved to approve the petition, which was seconded by Mr. Thomas.

Carried: 4 ayes, 0 nays

ELMER HOLTZ – 46-50 W. 10th STREET

The secretary read the petition of Elmer Holtz, PO Box 92, Randolph, New York 14772 for an area variance to erect a new church building approximately 18' from the easterly property line on the property located at 46-50 W. 10th Street, in a C-M zone, owned by Apostolic Temple, 801 Washington Street, Jamestown, New York. (Section 300-312 – The required side yard setback for a non-residential building abutting a residential use is 30', proposed is 18'.)

John Rice, legal representative, 24 N. Erie Street, Mayville, appeared stated that the church would be a 30' x 58' structure. He explained that there were two lots that the church owns, one which has a pavilion. He said that the pavilion would probably be torn down if the petition was not granted. He presented a petition to the Board.

WE THE UNDERSIGNED PETITION THE ZONING BOARD OF APPEALS TO SHOW OUR SUPPORT FOR THE AREA VARIANCE TO ERECT A NEW CHURCH BUILDING APPROXIMATELY 18 FEET FROM THE EASTERLY PROPERTY LINE LOCATED AT 46-50 W. 10TH ST OWNED BY APOSTOLIC TEMPLE.

NAME	ADDRESS
Mike Grissom	20 West 10 St.
Roger Leeper	49 West 10 St.
Glenda Garland	49 West 10 th Street, Jamestown, NY
Joe (?)	514 Monroe Street, Jamestown, NY
Dion Knight	65 W. 10 th Street, Jamestown, NY
Manuel Leeper	47 W. 10 St., Jamestown, NY
Larry Prunty	108 E 8 th St., Jamestown, NY
Gloria Roberson	611 N. Main, Jamestown, NY
Maja A. (?)	401 E. 6 th St., Jamestown, NY
Sherdena Brackman	61W. 10 th , Jamestown, NY
Fannell D. Leeper	51 W. 10 th , Jstwn NY 14701
Calvinia Leeper	837 N. Main St., Jamestown NY 14701
Von Wright	18 Linden Ave., Jamestown NY 14701
Calvin Leeper	47 W 10 th St., Jamestown NY 14701
Viola D. Wilform	70 W 10 th St., Jamestown NY 14701
Ann Grissom	46 W 11 St., Jamestown NY 14701
Jeanette Jones	66 West 11 th , Jamestown NY 14701
William Avery	68 W 11 th Street, Jamestown NY
Roosevelt Ferguson	36 W. 12 th , Jamestown, NY
Pamela A. Smalls	809 Cherry St., # Lower
Janet Graves	714 Lafayette St., Jmtn.
Clyde W. Dickey	18 W. 10 th St., Jstn., N.Y.
Denna and Michael Grissom	20 W. 10 th St., Jmstn., N.Y.

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Chairwoman Donato reviewed the petition. She asked if some of the names were members of the church, who would not be directly affected by the petition.

Rev. Holtz replied that some who signed were members of the church, but others would be affected.

Chairwoman Donato wondered about the construction.

Rev. Holtz stated that it would be a block basement and a wood structure.

Mr. Scalise stated that Rev. Holtz was the pastor of the church. He said that staff and the architect sat down and confirmed the petition complied with all the regulations. He stated that they were looking to keep the pavilion, in order to do that they need to move the church towards the property line. He stated that they do have a building permit for the church with the 30' setback. Mr. Scalise pointed out to Ms. Donato which house would be affected.

Chairwoman Donato asked if the owner of the house was present.

Charles McKane, 53 W. 11th Street, Jamestown said that he had no objection to the building of the church. He said he wanted the yard maintained.

Mr. Thomas confirmed that if this petition was denied, the pavilion would be torn down.

Gloria Leeper Roberson, 611 North Main Street, Jamestown wanted the pavilion kept.

Brenda Walker, 36 W. 10th Street, Jamestown stated she was not opposed to the church being built. She wondered if there should be fencing put up around the church's property. She also asked about the hours of the church and the parking requirements. She stated that there was a limited amount of parking. She explained the high traffic of children in that area.

Mr. Scalise stated that 10 spaces were required for the site, which the church met. He said that it would not go before the Planning Commission for site plan review, but would go through the planning staff. (Mr. Scalise left to get a copy of the plan from his office.)

Rev. Holtz recalled that the blueprints had shrubs surrounding the property. He stated that the property was fenced in now.

There was discussion regarding the children playing on other people's property due to no fences or shrubbery edging the property lines.

(Mr. Scalise returned.)

Chairwoman Donato reviewed the plan and noticed that hedging would be placed around the property with the exception of the front of the property.

Patrick Muntz, 36 W. 10th Street, Jamestown stated that he had no objection to the church being built. He stated his concerns about parking and the fence. He also asked whether the white house would become church property.

Chairwoman Donato stated that Mr. Muntz would have time to comment on the house when or if in fact that time came.

Mr. Scalise confirmed that the parking was in compliance.

Mr. Thomas moved to approve the petition, which was seconded by Chairwoman Donato.

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There being no further business, the meeting was adjourned.

Shirley A. Sanfilippo, CMC, RMC
Secretary
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