

September 11, 2002

Zoning Board of Appeals

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Proceedings by Authority

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

The rescheduled meeting of the Zoning Board of Appeals of the City of Jamestown, New York, was held on Wednesday, September 11, 2002 at 3:30 p.m.

Members Present: Chairperson Tammie Donato, Suzanne B. Howig, Charles Nazzaro, Timothy Thomas, Ellen Ditonto

Members Absent: Thomas Cardman, Richard Hanson

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

Chairperson Donato called the meeting to order. She stated that since Dr. Scarpino was not present they would begin with the second petition.

DAVID DICKERSON – 11 NORWOOD AVENUE

The secretary read the petition of David L. Dickerson, 11 Norwood Avenue, Jamestown, New York for an area variance to install a 24' pool approximately 2' from the side property lines on the property located at 11 Norwood Avenue, in a R-2 zone, owned by David L. Dickerson. (Section 265-3(a) – No pool shall be located within 8' of an adjoining residential lot. Proposed is 2'.)

David Dickerson, 11 Norwood Avenue, Jamestown explained he had a small yard and would like a pool. He stated that his yard has been fenced in for years.

Tom Stahlman, 13 Norwood Avenue, Jamestown stated he had a tenant with autism and was concerned with the possibility of a child being able to climb his chain link and fall into the pool. He requested that Mr. Dickerson erect a higher fence to make sure that would not happen.

Mr. Scalise agreed with Mr. Stahlman. He advised Mr. Dickerson that a screen could be attached directly to the pool as a possible solution for the problem. He also discussed the idea of creating a wood fence higher than the neighbor's existing chain link fence to alleviate this concern. He thought that the screening would be more aesthetically pleasing.

Mr. Dickerson stated that he would not have a problem improving the existing fencing that matches what he has currently and that is higher than Mr. Stahlman's fence.

Mr. Nazzaro moved to approve the motion contingent upon a barrier being erected above Mr. Stahlman's chain link fence. Ms. Howig seconded the motion.

Carried: 4 ayes, 0 nays, 1 abstain  
(Ditonto, abstain)

DENNIS SLOAN – 12 SHAVER STREET

The secretary read the petition of Dennis Sloan, 12 Shaver Street, Jamestown, New York for an area variance to demolish the existing garage and construct a 24'x25' garage on the property located at 12 Shaver Street, in a R-1 zone, owned by Dennis & Betty Sloan. (Section 300-317 – The required side and rear yard setbacks for an accessory structure are 5', proposed is 2'.)

September 11, 2002

Dennis Sloan, 12 Shaver Street, Jamestown explained the topography of his property and why he was asking for the variance.

Ms. Howig questioned the drainage.

Mr. Sloan stated that water would drain on his property.

Ms. Ditonto moved to approve the petition of Mr. Sloan, which was seconded by Mr. Thomas.

Carried: 5 ayes, 0 nays

TODD BLOSE – 428 SOUTH MAIN STREET

The secretary read the petition of Todd Blose, 428 South Main Street, Jamestown, New York for an area variance to construct a 20'x24' garage on the property located at 428 South Main Street, in a R-1 zone, owned by Christine Newark, 428 S. Main Street, Jamestown, NY. (Section 300-317 – The required side and rear yard setbacks for an accessory structure are 5', proposed is 3'.)

Todd Blose, 428 South Main Street, Jamestown explained that he wanted the garage lined up with the property in case there were any future plans of an addition. He stated that he spoke with the neighbor regarding the garage.

Mr. Thomas asked if the shed would be removed from the property.

Mr. Blose stated that the shed had already been taken out.

The secretary read the following correspondence:

August 12, 2002

Zoning Board of Appeals  
Jamestown, New York:

I the undersigned have reviewed plans for an area variance at the property of Christine Newark, 428 South Main Street, and after viewing the proposal, I agree to the construction of the building at said property.

James Whiting  
Property Owner  
436 South Main Street  
Jamestown, New York 14701

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

Carried: 5 ayes, 0 nays

JOSEPH G. WASKO – 83 EAST VIRGINIA BOULEVARD

The secretary read the The petition of Joseph G. Wasko, Jr., 83 East Virginia Boulevard, Jamestown, New York for an area variance to construct an approximately 100 square foot addition to the rear of the existing home two feet more or less from the northerly property line on the property located at 83 East Virginia Boulevard, in a R-1 zone, owned by Joseph G. Wasko, Jr. (Section 300-305 – The required side yard setback is 10% of the lot width, but no less than 5', proposed is 2' more or less.)

September 11, 2002

Mr. Scalise stated that Mr. Wasko was unable to attend the meeting and that he would entertain any questions.

August 7, 2002

To Whom It May Concern:

We have been informed and have no objection concerning the proposed addition to the rear of the property located at 83 East Virginia Blvd, Jamestown NY. We further understand that the addition will be approximately 100 square feet and will come within 2 to 3 feet of the property line bordering our home.

Ronald L. Nordstrom  
Diana Butera  
79 East Virginia Boulevard  
Jamestown, New York 14701

Mr. Scalise explained the odd shape of the lot. He discussed where the proposed addition would be.

Mr. Thomas thought that there was a reason for the addition being in that location instead of toward the garage.

Mr. Scalise stated that with the way the rooms flowed that area was the most efficient.

Ms. Howig wondered if the addition would look like the rest of the house.

Mr. Scalise stated that it would. He was impressed with the work of the homeowner.

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

Carried: 5 ayes, 0 nays

THOMAS JACCARINO – 406 WEST THIRD STREET

The secretary read the petition of Thomas M. Jaccarino, 100 W. Genesee Street, Lockport, New York 14094 for an area variance to replace the single pole sign with a twin pole sign on the property located at 406 W. 3<sup>rd</sup> Street, in a C-2 zone, owned by Hawley Development Corporation, P.O. Box 987, Lockport, NY 14095. (Section 300-710 – The required setback for a sign in the C-2 District is 10', proposed is 2', which is no closer than the existing sign.)

Mr. Jaccarino, Hawley Development Corporation stated that they are doing some minor remodeling to the property. He explained that they are trying to replace the existing sign with a new sign.

Chairperson Donato asked if the current sign was a lighted sign.

Mr. Jaccarino believed that the sign was wired for lighting, but he was not sure if the lighting was working. He stated that the new sign will be an internally lit sign.

Sam Pollino, 2259 Buffalo Street Ext. and 209 Spring Street, Jamestown wondered if the sign was going to be larger than the current sign.

Mr. Jaccarino thought that the sign would be 2 feet higher than the current sign. He explained the dimensions of the sign.

September 11, 2002

Mr. Pollino asked if the light would be bright at night.

Mr. Jaccarino felt that it would be similar to other lit signs.

Mr. Pollino explained that he owned an apartment on the west side of the street. He questioned whether the lighting of the sign would be a problem for the tenants whose bedrooms faced the sign.

Mr. Jaccarino explained that the sign would be internally lit. He stated that there are darker colors on the sign. He also said that the store was not open 24 hours a day and that the sign would only be lit during store hours.

Mr. Scalise indicated that it likely would not be a problem. He explained that the ice rink would create more light than the sign ever could. He stated that the sign would be safer and better working.

Mr. Thomas confirmed that placing the sign at the required setback would place it in the middle of the driving area.

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

Carried: 5 ayes, 0 nays

#### JAMES SCARPINO – 622 PRENDERGAST AVENUE

The secretary read the petition of Dr. James M. Scarpino, 616 Prendergast Avenue, Jamestown, New York for a use variance to construct an approximately 30'x90' parking lot with 10 spaces to provide off-street parking for the existing businesses at 616 Prendergast Avenue on the property located at 622 Prendergast Avenue, in a R-2 zone, owned by Kimberly Olson, RD #1, Bemus Point, New York 14712. (Section 300-306 – A parking lot is not permitted in a R-2 zone. The lot is considered as an expansion of a non-conforming use [existing doctor's office and hair salon]. The first permitted district for a professional office is the R-C district.)

Chairwoman Donato asked if this was considered an expansion of a non-conforming use.

Mr. Scalise confirmed that it was; therefore, it was necessary to seek a variance.

Kimberly Olson, 4935 Main Street, Bemus Point, New York explained that there was a lack of parking in the area. She discussed the need for it. She stated that she was in favor of the petition.

Mr. Scalise stated that the intent of Dr. Scarpino was to buy the property and create more parking for patients and customers for the hair salon.

Ms. Howig questioned how long the businesses had been in the building.

Mr. Scalise replied that he believed a number of years as Dr. Scarpino's father, who was a surgeon, had his office at this location.

The members discussed adding a contingencies to the petition, which would include Mr. Scarpino buying the property.

Mr. Pollino, 209 Spring Street, owner of 612 Prendergast Avenue, Jamestown felt that it was an excellent idea to alleviate some of the parking problem in the area. He was in favor of the petition.

September 11, 2002

Joan Shevory, owner of 626 Prendergast Avenue, Jamestown stated her support of the petition. She wanted to see a site plan for the parking lot.

Mr. Scalise explained that the petitioner would need to go through a site plan review process, but not necessarily to the Planning Commission. He discussed the requirements of the zoning code, which would be addressed.

Ms. Ditonto asked if there was an open public meeting to discuss any concerns that the neighbors may have regarding site plan.

Mr. Scalise advised Ms. Ditonto that staff would discuss any concerns with Ms. Shevory. He explained that there may be additional requirements, such as a variance later.

Mr. Pollino told the members that Dr. Scarpino kept his property well maintained. He felt that Dr. Scarpino would do the same with the parking lot.

Ms. Howig wondered if there would be additional lighting other than street lighting.

Mr. Scalise stated that issue still needed to be addressed and would be at their review.

Ms. Ditonto moved that the petition be approved, subject to him purchasing the property and site plan approval. Mr. Nazzaro seconded the motion.

Carried: 5 ayes, 0 nays

There being no further business, the meeting was adjourned.

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