

August 21, 2001

Planning Commission

Proceedings by Authority

State of New York,
City of Jamestown, ss:
Mayor's Conference Room

A regular meeting of the Planning Commission of the City of Jamestown, New York was held on Tuesday, August 21, 2001 at 3:30 p.m.

Members Present: Chairman Gregory Rabb, Martha Zenns, Director of Public Works Jeffrey A. Lehman, Martin Adams, Jeffrey L. Nelson, Assessor John Barber Joan Shevory

Others Present: City Clerk Shirley Sanfilippo, Council liaison Vincent Joy Jr., Director of Development Steven Centi, Principal Planner William Rice, Building Inspector Larry Scalise, Planning Assistant James Isaacson, Steve Houghton of the Post-Journal, Mayor Teresi (arrived at 4:20 p.m.)

Chairman Rabb called the meeting to order.

ABANDONMENT OF ALLEY BETWEEN 15TH STREET AND 17TH STREET

Mr. Lehman stated that there is really no reason for the City to own the alley. He stated that the Public Works Committee recommended that it be abandoned.

Mr. Adams questioned the landlocked parcels.

Mr. Lehman stated that all the adjoining property owners have signed off on it.

Ms. Zenns wondered who would be getting the ownership.

Mr. Lehman stated #37 and # 36 would each get six feet.

Mr. Nelson asked about the 16th Street alley.

Mr. Lehman stated that no one is asking for the abandonment of that alley.

Ms. Zenns moved to recommend the abandonment of the alley between 15th and 17th Street, which was seconded by Mr. Lehman.

Carried: 7 ayes, 0 nays

ABANDONMENT OF HAZEL AVENUE

Mr. Lehman advised that they had received a request from Chris Kaczmarek who owned one of the adjoining parcels to abandon the dead end portion of the street. He stated that they had received a letter from Sam Price who owns parcel 11.1. He asked that a pedestrian easement for his use be added to the abandonment. Mr. Kaczmarek did not have a problem with this request.

Mr. Adams wondered if the people of the neighborhood were notified.

Mr. Lehman stated that they were not.

Ms. Zenns verified that snow removal would not be a problem.

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Mr. Barber made a motion to abandon the 47.8 foot northerly portion of Hazel Avenue, which was seconded by Mr. Nelson.

Carried: 7 ayes, 0 nays

ZONING BOARD OF APPEALS AGENDA

Chairman Rabb wondered if there was any questions or comments regarding the Zoning Board of Appeals agenda.

Ms. Zenns asked about the petition of Joe Scapelitte.

Mr. Scalise explained that Mr. Scapelitte intends to operate a couples retreat center. He does know that he must go through the Planning Commission and Zoning Board of Appeals. He also explained that he did not discuss the sign with Mr. Scapelitte and that once he found out about it, Mr. Scapelitte was advised to apply for a zoning variance, which he did. He stated that if the petition is denied, the sign would be taken down within about a week.

Mr. Adams wondered what the staff thought about the first petition (1709 Washington Street) as it relates to surfacing and required setbacks.

There was discussion regarding surfacing and setbacks.

Mr. Adams wondered if there was a reason for Mr. Caruso not blacktopping.

Mr. Scalise stated because of the expense.

Chairman Rabb stated that the request for the variance is not for the Commission to decide.

Mr. Lehman stated that he is in support of the setback, but not in favor of the gravel surface.

Mr. Rice agreed with Mr. Lehman. He stated that they hold other people to the blacktop and that this should not be an exception.

Mr. Lehman moved to send a letter to the Zoning Board in support of the side yard setbacks, but stating their opposition in regards to the gravel.

Mr. Adams seconded the motion.

Carried: 7 ayes, 0 nays

SCHUTTS SAW & MOWER SITE PLAN REVIEW

Mr. Rice stated that the area will be heavily buffered.

Ms. Zenns wondered if the gate area would be open all the time.

Mr. Rice stated that the State Street exit would serve as a secondary exit.

Mr. Scalise stated that the gated area would be for their use only.

There was discussion regarding the gate and the landscaping of the area.

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Mr. Adams wondered if they believed they have done everything possible to buffer the area from the residential.

Mr. Rice stated that this was the most appropriate response to the context.

Mr. Lehman moved to approve the Environmental Assessment Form, which was seconded by Mr. Barber.

Carried: 7 ayes, 0 nays

Mr. Barber moved to approve the site plan, which was seconded by Mr. Lehman.

Mr. Nelson stated his opinion that the structure should have been removed from the area before anything like this needed to be done.

Carried: 7 ayes, 0 nays

CHAUTAUQUA PATRONS PARKING LOT – REVISED SITE PLAN

Mr. Rice explained that they are revising their site plan, which was approved previously by the Commission. He stated that staff recommends approval as long as they add additional drainage. He stated that staff has no problem with the changes made.

Mr. Lehman advised that he was satisfied with the changes made to the drainage.

Mr. Nelson moved to accept the Environmental Assessment Form, which was seconded by Mr. Lehman.

Carried: 7 ayes, 0 nays

Ms. Zenns moved to approve the site plan, which was seconded by Mr. Nelson.

Carried: 7 ayes, 0 nays

GERRY HOMES DAY CARE FACILITY SITE PLAN REVIEW

Jerome Erickson appeared on behalf of the site plan application. He discussed a sidewalk area and a parking area for parents dropping off their children.

There was discussion regarding sidewalks on private property.

Ms. Zenns wondered if it was a parking area or pick-up/drop-off area.

Mr. Erickson stated that it was more of a pick-up/drop-off area and not a parking area.

Ms. Zenns inquired if the employees would be expected to park across the street in the parking lot.

Mr. Erickson responded in the affirmative.

Chairman Rabb noted that staff recommendation indicated that approval of the site plan be contingent upon staff approval of the landscaping.

Mr. Lehman stated that there needs to be signage for the drop-off area so that people don't park there.

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Mr. Nelson asked for an explanation of the raised boardwalk.

Mr. Erickson stated that the mechanical room for the structure was located at that end of the building. There is an emergency exit there and the stairs are necessary due to the drop-off of the land. It is only to be used for access to the mechanical room which is limited. It will be gated.

(The Mayor arrived at 4:20 p.m.)

Mr. Barber moved to approve the Environmental Assessment Form, which was seconded by Mr. Nelson.

Carried: 7 ayes, 0 nays

Mr. Nelson moved to approve the site plan contingent upon staff level approval of the landscaping and signage denoting the drop-off area.

Mr. Lehman seconded the motion.

Carried: 7 ayes, 0 nays

PAIGE DEVELOPMENT RETAIL STORE SITE PLAN REVIEW

Mr. Lehman explained that the parking area in front of the building has been removed and the plan has been simplified. He stated that it will require a variance for parking spaces on the site

James Paige appeared on behalf of the site plan. He advised that he planned to construct a 7,200 sq. foot building that would include storage areas, bathrooms and offices which he felt would reduce the number of parking spaces to be provided. He is asking for approval at this meeting. The tenant advised him that they like the business to face the street as they feel this provides better security and visibility for them. He stated that they made an offer to the property owner of the abandoned house behind the proposed site, which the owner declined.

Ms. Zenns verified that the house was abandoned.

Mr. Paige and Mr. Lehman stated that it was abandoned and boarded up.

Mr. Adams asked what kind of structure this building would be.

Mr. Paige responded a butler building with a front façade of brick on the lower part and windows on top.

Mr. Nelson confirmed that this item was settled.

Ms. Zenns questioned how they would get deliveries into the building.

Mr. Paige stated that deliveries would be done off the parking lot on the side. He advised that the deliveries would normally be done off hours off the corner. He stated that the only entrance/exit would be off Washington Street.

Chairman Rabb asked where the dumpster would be placed.

Mr. Paige stated that if it was not stored in the building a small dumpster could be located anywhere in the parking lot or in the front area.

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Mr. Nelson asked where his plan would be to locate the dumpster.

Mr. Paige felt that it could be located anywhere in the parking lot that would be out of the way or in the front area along the grass.

Mr. Adams spoke in regards to the visual continuity along Washington Street of the building. He wanted to know how it would fit in.

Mr. Rice expressed the opinion that pre-manufactured buildings could be dressed up with different materials to blend in with no problem.

Mr. Adams asked if a review had been done as to whether this structure would fit in.

Mr. Rice felt that in time it would fit in. However, in respect to elevation, he had not been presented with any elevation. He does have a problem with the dumpster being put in front, because it would eliminate one parking space.

Mr. Paige replied that he did not say that he was going to place the dumpster there only that he could place it there.

Mr. Centi stated that Mr. Paige has had the lot for eight years with no interest in it. He stated that the property would lend itself to a new development. He also stated that the property would be on the tax roll.

Mr. Paige stated that they need to get this in the area because they need to have a chain store come into that area and be successful so that other national chain stores will be willing to do the same.

Mr. Rice stated that he would like to see a solid fence in the back.

Mr. Nelson stated that the dumpster should be hidden from view.

Mr. Rice stated that a landscape plan needs to be made. He felt this could be done at staff level.

There was discussion regarding the time limitations involved and the variances that need to be approved.

Mr. Paige asked if he could fit the building into the available space so that it would not require a variance, would this be acceptable.

Mr. Adams advised that he would then have to come back to the Planning Commission for site plan review.

Mr. Lehman clarified that Mr. Paige meant modifying the interior of the building.

Mr. Paige replied in the affirmative.

Mr. Nelson stated that they should go from an approval standpoint and then add what needs to be added.

Chairman Rabb stated that upon approval they would need to install a 12" CMP storm/sewer pipe, approval of a landscape plan, fencing and approval of the final grading plan.

Mr. Nelson suggested that the Commission go through each piece individually.

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Chairman Rabb agreed and suggested that they start with the 12" CMP storm/sewer pipe.

Mr. Lehman agreed that the contingency to add a 12" CMP storm/sewer pipe was acceptable.

Chairman Rabb moved on to the approval of the landscape plan.

Mr. Rice stated that the landscape schedule did not indicate the size of the tree.

Mr. Lehman felt this was a minor thing.

Mr. Rice said that it could be done.

Chairman Rabb asked about the trash container.

Mr. Rice said the dumpster had to be addressed or it needed to be specified that the trash would be kept inside.

Mr. Paige stated that if it was going to be outside, he would come back to him to talk about it.

Mr. Nelson verified that there be a contingency to enclose the dumpster if it was located outside.

Ms. Zenns had a question regarding lighting.

Mr. Paige stated that he would talk to the Board of Public Utilities about getting a light on a pole that shines into the parking lot.

Mr. Nelson added that the lighting needs to be kept within the property. He also stated that if the property behind is acquired, then they must adjust the parking so that it fits the zoning requirements.

Mr. Paige asked if they could meet the requirement for parking spaces for a retail square footage and storage area, then they wouldn't need a variance. He asked if this would be acceptable.

Mr. Scalise stated that the required parking is twenty spaces according to his calculations.

Mr. Paige said that strict guidelines are an obstacle to development.

Mayor Teresi stated that there is flexibility and this Commission is granting relief for the things that they have the power to grant. He further explained that the Zoning Board of Appeals was the body to grant the relief from the parking requirements.

Mr. Paige asked for leniency in interpretation to put this into effect.

Mayor Teresi asked Mr. Paige to keep in mind that procedures needed to be followed also to protect the developer from challenges to their project. He again stated that this Commission was granting relief for those things they are empowered to address. He advised the Zoning Board was the only one that could grant relief for the parking requirements.

Mr. Nelson said that usually variances go to the Zoning Board of Appeals first and then the Planning Commission does site plan review.

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There was discussion regarding getting Mr. Paige's petition onto the next Zoning Board of Appeals Agenda. There was further discussion regarding the parking on the site.

(Ms. Shevory left at 5:15 p.m.)

Mr. Lehman stated that all they need to do is make a recommendation to the Zoning Board of Appeals.

Mr. Nelson thought that they should make a recommendation to the Zoning Board of Appeals with contingencies.

Mr. Barber moved to approve the Environmental Assessment Form, which was seconded by Mr. Lehman.

Carried: 6 ayes, 0 nays

Chairman Rabb summarized that the site plan approval be contingent upon the installation of a 12" CMP storm/sewer pipe; the staff level approval of landscaping; if outside, the outside dumpster be enclosed; the fence be solid rather than chain-linked; approval of a lighting plan by staff; the variances be approved by the Zoning Board of Appeals; and a final grading plan be approved.

Mr. Nelson made a motion to approve the site plan subject to the contingencies stated by Chairman Rabb.

Mr. Lehman seconded the motion.

Carried: 6 ayes, 0 nays

Mrs. Sanfilippo will contact The Post-Journal to see if another petition can be added to the legal notice for the Zoning Board of Appeals, providing Mr. Paige files an application by 9:30 a.m. on August 22, 2001.

CELLULAR COMMUNICATIONS TOWER – LUTHERAN SOCIAL SERVICES

There was a motion made by Ms. Zenns to table the petition of Crown Atlantic, which was seconded by Mr. Lehman.

Carried: 6 ayes, 0 nays

CELLULAR COMMUNICATIONS TOWER – FOOTE AVENUE

Mr. Isaacson stated that staff has conducted a SEQR review and found that the tower is significantly different from other surrounding structures and could impose a significant impact on the aesthetic resources and visual quality of the residential neighbors. He stated that staff recommends a positive declaration.

Mr. Nelson asked if this will require a full environmental impact statement.

Mr. Isaacson replied, yes.

Mr. Adams thought that the County should play a greater role in the location of the towers. He stated that the County should be able to compile information regarding the placement of the towers and whether they can be more centrally located. He would like to get more information on towers.

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Mr. Nelson explained that the towers need to be spread out and not centrally located.

Mr. Rice stated that there were two ways to address this issue; either by a master plan or handle it site by site.

James Parillo, SBA Properties, explained how signals travel. He further explained the preferred sites for cellular towers.

Mr. Rice restated the options for reviewing cell towers of a master plan or do they want to go site by site.

Mr. Parillo distributed photo simulations to the Commission for their review.

Mr. Nelson wished to follow Mr. Isaacson recommendation to go ahead with the study.

Ms. Zenns questioned the wording of Mr. Isaacson's findings. She felt that a positive declaration was not positive.

Mr. Isaacson explained that a positive declaration means that there will be at least one environmental impact.

Ms. Zenns asked if this was necessary prior to site plan review.

Mr. Isaacson replied, yes.

Mayor Teresi stated that a negative declaration would mean that they can go ahead with their plan.

Mr. Lehman moved to make a positive declaration, which was seconded by Mr. Nelson.

Carried: 6 ayes, 0 nays

REZONING ALONG NORTH MAIN STREET AT THE CITY LINE

Mr. Centi apprised the Commission that when Mr. Rice began his duties, he reviewed the Comprehensive Plan and the Zoning Ordinance. It was apparent to him that something had been left out in the approval of the new Zoning Ordinance in 1998 regarding this area of the City. He stated that the area in the Town of Ellicott that bounds this section is zoned equivalent to our C-2 District. He felt that it would only seem natural to continue the same zoning classification into the City of Jamestown, which would lead into the R-1 District. It is his belief that development is going to occur in that area. It is public knowledge that a developer is interested in this area. He advised that the Economic Development zone has been revised to include this section.

Mr. Adams stated that Moonbrook Country Club wanted no part of having their property included in the new zoning designation.

Mayor Teresi stated that there are several tax parcels located in the development area. He stated that there is more than Moonbrook Country Club that has a tax parcel. He stated that the Ellicott parcels are designated as C-2 already and the Jamestown parcels are designated R-1.

Mr. Adams voiced his concerns regarding someone wanting that property for an entranceway.

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Mayor Teresi stated that he couldn't get into the detail; but the property was not for an entranceway.

Ms. Zenns wondered if anyone had spoken to the homeowners.

It was explained to her that City Council must hold a Public Hearing to receive public input.

Mr. Adams stated that he is not in favor of this.

Mr. Rice advised that the cemetery is a natural boundary that is not going to change.

Mr. Adams wondered why the City was being so secretive if there is already a contract.

Mayor Teresi stated that this is not the intent of the city. What they want to do is respond to the development and what is happening around them.

Mr. Centi stated that their plan is to work with a developer to maximize the benefits for the City of Jamestown.

Mayor Teresi advised that they want to be proactive to development.

Mr. Adams replied that they are not being proactive. He feels that there has already been an offer made by a developer and that the City is just afraid to say something.

Mayor Teresi responded by saying they are looking at what is happening in the Town of Ellicott and looking at the Comprehensive Plan and that is why they are addressing this.

Mr. Nelson questioned whether they plan on the entire triangle parcel becoming a C-2.

Mr. Rice replied yes.

There was review and discussion regarding the maps.

Mayor Teresi felt that this could have and should have been done before the zoning ordinance was amended.

There was discussion regarding who would be proposing this to the City Council members.

Mr. Nelson stated that there are three nice homes coming into the City. He felt that they would be able to get greater value if they were in a C-2 Zone.

Mr. Nelson moved to approve the rezoning of North Main Street as shown on the attached map, which was seconded by Ms. Zenns.

Carried: 5 ayes, 1 nay
(Adams, nay)

Mr. Nelson moved to recommend an amendment to the Comprehensive Plan to reflect these proposed changes, which was seconded by Mr. Barber.

Carried: 5 ayes, 1 nay
(Adams, nay)

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Mayor Teresi explained the need to do an Environmental Assessment and the need for a Public Hearing.

City Clerk Sanfilippo stated that property owners will be notified.

There was discussion regarding the development of the proposed C-2 district.

Mayor Teresi complimented the staff on their proactive approach to planning.

There being no further business the meeting was adjourned.

Shirley A. Sanfilippo, CMC, RMC
Secretary
Planning Commission