

May 20, 1999

Planning Commission

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Proceedings by Authority

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

The regular meeting of the Planning Commission of the City of Jamestown, New York was held on Thursday, May 20, 1999 at 3:30 p.m.

Members Present: Chairman Emory Olson, Director of Public Works Jeffrey A. Lehman, Joan Shevory, Martin Adams,

Members Absent: Assessor John H. Barber, Jeffrey Nelson, City Council Liaison Philip C. Morris, Paul Hoefler

Others Present: Principal Planner Coordinator William Rice, City Clerk Shirley A. Sanfilippo, Zoning Officer Larry Scalise, James Issacson, Tom Holt of Lutheran Social Services, David Eberl of Cannon Associates, Manley Anderson of The Post Journal

Chairman Olson called the meeting to order.

Chairman Olson asked for a motion to approve the minutes of the previous meeting.

Ms. Shevory moved, seconded by Mr. Lehman, to approve the minutes.

Carried: 4 ayes, 0 nays

Lutheran Social Services Addition to Gustavus Adolphus Learning Center

Mr. Rice gave the Commission an update on this project. He explained that the only issue for review at this meeting is the new addition, the new 19-spot parking lot and the location of the two new fire hydrants. The other issues are premature. They are still working through the design issues, so they need to be separate.

Tom Holt explained that the project is an addition to the existing learning center. This is the second project on this campus and they hope to break ground in June. It is estimated to be a 14 month construction cycle.

David Eberl explained he thought they had addressed all of the requirements of the City as well as the additional items that had been requested.

Mr. Rice explained again that there were some issues still being reviewed and worked on, so they are to be separate issues. He presented the site map and noted where the locations were that the Commission is to review at this meeting. He further explained that the City is negotiating with Lutheran Social Services to improve Gustavus Avenue from Margaret Avenue back to the last property.

There was discussion of the location and condition of Gustavus Avenue.

Mr. Adams asked who would pay to have the street paved.

There was discussion of the process of paving a street and how the cost is divided.

Mr. Adams wanted to know what the benefit would be for the City to improve that street.

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Mr. Lehman felt it would create safer conditions for everyone.

Chairman Olson asked Mr. Rice to re-state exactly what issues were to be acted on at that meeting.

Mr. Rice stated they were acting on the addition to the school, the parking lot and the two new hydrants.

Mr. Lehman pointed out that this was a unique situation, to only be acting on a portion of the project.

Mr. Olson asked for a motion, and asked that it be very specific.

Mr. Lehman moved to approve the construction of the school, the parking lot north of the addition and the two fire hydrants, northeast and southwest of the addition as shown on the plan dated April 8, 1999, with further approval of the remainder of the site plan to be determined at a later date.

Ms. Shevory seconded.

Carried: 4 ayes, 0 nays

#### Review of Zoning Ordinance Amendments

Larry Scalise, the new Building Inspector explained that there have been problems with people who wish to build accessory structures on their property as far as the set back requirements. He felt this was probably a clerical error as the old Zoning Code had a provision for them. He has discussed the matter with Corporation Counsel Sotir and he agrees with his interpretation. The way it is written, anyone who wants to build a garden shed on their property has to go to the Zoning Board of Appeals for a variance. He feels this an undue hardship on property owners and is creating a lot of unnecessary applications to the Zoning Board of Appeals.

Mr. Rice stated when the Code was written, there was no provision for a primary structure versus an accessory structure. He also feels the 25 foot set back is excessive.

Mr. Scalise explained the current setback requirements for side and rear yards. He feels a setback of 5 feet would be a better requirement for accessory structures. He simply feels this was an oversight that need to be corrected.

Mr. Adams moved to recommend an amendment to the Zoning Ordinance to provide for a 5 foot setback for accessory structures.

Mr. Lehman seconded.

Carried: 4 ayes, 0 nays

Mr. Scalise explained that the section of the Ordinance for fences does not state specifically where on a property a fence can be located. He would like to see this section clarified to state where fences can be located, and also, which side of the fence must face a neighbor.

Mr. Lehman stated that in the '60's there was a provision in the Code that stated that the "good" side of the fence had to face the neighbors. He felt this should be placed back into the Ordinance.

Mr. Olson clarified that their purpose is only to approve a recommendation to the Public Safety Committee for their approval.

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Mr. Rice asked if Mr. Scalise was referring to the face of the fence or the face of the concrete foundation below.

Mr. Scalise stated he was explaining to people that they can go up to the property line with the fence, but any posts or footers must be on their own property.

Mr. Rice felt a reason the "good" side of the fence should face the neighbors is a practical one, in that the fence owner would have access to the structure to maintain it.

Chairman Olson asked if Mr. Scalise had any recommendation for what he would like to have in the Ordinance.

There was discussion of the possible specifics for the fence ordinance.

Chairman Olson asked if it might be better to table this matter for clarification.

Mr. Lehman moved to recommend the matter to staff for review, seconded by Ms. Shevory.

Carried: 4 ayes, 0 nays

There was a brief review of the Zoning Board of Appeals agenda for the June, 1999 meeting. Mr. Scalise explained the various petitions.

It was noted that most of the petitions were for accessory structures.

There being no further business, the meeting was adjourned.

Shirley A. Sanfilippo, CMC/AAE  
Secretary  
Planning Commission