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Zoning Board of Appeals

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Proceedings by Authority

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

A regular meeting of the Zoning Board of Appeals of the City of Jamestown, New York, was held on Wednesday, September 10, 2025 at 5:00 p.m.

Members Present: Ellen Ditonto, Maria Jones, Robert Kenyon, Peter Miraglia, Mike Panebianco

Members Absent: Todd Thomas

Others Present: Clerk/Treasurer Jennifer R. John, Director of Development Crystal Surdyk, Deputy Director of Housing and Development Kasie Foulk, Principal Planner Jason Kulaszewski, Zoning Officer Kenny Garcia, Mayor's Administrative Assistant Ashlan Davis,

Chairwoman Ditonto called the meeting to order.

Chairwoman Ditonto: We have two petitions on the agenda today. Members of the public will be invited, if they would like to speak on the area variance requests during the public comment period, which I will tell you when that starts. You have to go to the microphone, over to my right, and your left. You must state your name and home address and you're limited to five minutes of time to speak. It must be related to the area variance request only. We have to have your name and home address so that our clerk can have that information as she transcribes the meeting. At this time, I will ask the clerk to read the first petition. We ask that petitioners do come to the front here, to the microphone right in front of me. State your name, home address, you can add anything you would like in terms of information to be shared with the zoning board. There will be time for the zoning board members to ask questions, and then for the public comment section. Please go ahead.

Clerk/Treasurer John: The petition of Christopher Hayes, 22 Ellicott Street., Jamestown, NY for an area variance to allow for the construction of an enclosed porch on parcel 387.12-4-31, located at 22 Ellicott Street, and owned by Christopher Hayes in an R-1 zone.

Section 300-0305 C: Bulk and setback regulations: Minimum front yard setback requirement is 25', proposed front yard setback is 5.1'.

Chairwoman Ditonto: Thank you. Would you like to please state your name and home address?

Mr. Hayes: Christopher Hayes, 22 Ellicott Street, Jamestown, New York.

Chairwoman Ditonto: We did get all of the information, but if you would like to share anything additional with us before we ask questions, that's fine.

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Mr. Hayes: I don't have anything additional to share other than everything I already have in the application.

Chairwoman Ditonto: Thank you. This is an area variance request, again to construct an enclosed porch. I believe everybody has got that information. Does anybody on the board have questions?

Mr. Miraglia: I just have one.

Chairwoman Ditonto: Ok, Mr. Miraglia.

Mr. Miraglia: Welcome, Mr. Hayes. I just had one... well, actually in the packet, I don't know if you submitted it or whatever, there was a picture of a house on King Street? Did you submit that?

Mr. Hayes: Yes, it's on the corner of King and Ellicott Street. I was just showing that the neighborhood has many houses that have different variances that are matching what I'm proposing.

Mr. Miraglia: Ok. You didn't submit a photo of your house?

Mr. Hayes: I assumed, I thought you guys had a picture.

Mr. Miraglia: I looked it up on google maps this morning, or streetscape so I saw it. So, you already had a concrete pad out there. And the initial porch over that, so you're building on that pad then.

Mr. Hayes: Originally, when I bought the house in 2003, it was a double-decker wooden porch, so there was a railing around the whole outside of the front and there was a hedge row right in front of that, right up to the sidewalk, overtaking the sidewalk when I first got there. Those bushes came out very soon after I got the property, and then over the years, I had to replace the top deck almost immediately because it was rotten, and then many years later after that, I brought it down. That's why that concrete pad was poured.

Mr. Miraglia: And you had got a permit to do that?

Mr. Hayes: Yes. That concrete pad was all permitted and everything.

Mr. Miraglia: Thank you.

Chairwoman Ditonto: Other questions?

Mr. Kenyon: Just more out of curiosity, you had mentioned about siding. Are you siding this at the same time, or what's your plans for siding?

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Mr. Hayes: Yes, once this is finished, the whole house will be sided, including the front porch.

Mr. Kenyon: Is that scheduled for this year?

Mr. Hayes: I would like to get started on that....

Mr. Kenyon: Do you do that work yourself?

Mr. Hayes: I've got a brother in law that's built his own house a couple of times to get help with. He's a proper electrician and stuff like that....

Chairwoman Ditonto: Other questions?

Mr. Garcia: I have comments if I may. Just looking at it from the zoning perspective, I don't see a whole lot of difference as far as it impeding into the public way. I think that having forethought with putting the slab down as you did was good so that you could prepare for this renovation. I see no further issues other than the variance that it obviously needed to exist, so I don't see any further problems with it.

Chairwoman Ditonto: Thank you very much, Mr. Garcia. Just a question here from the Chair. This is not going to be any larger of a porch, just enclosed from what you had originally there, is that correct?

Mr. Hayes: Correct.

Chairwoman Ditonto: And then, what about how you will, will you have eavestroughs to go out towards the road? Are you going to make sure that any drainage off of that porch goes away from your neighbors?

Mr. Hayes: Yes. There is already an installed French drain around the house, but also a sump pump, connected to a drain on the left side facing the house as well. I plan on putting eavestroughs on the above roof and the roof that's being newly built.

Chairwoman Ditonto: Alright, further questions? Seeing none, this is the time when we allow for public comment. This is the area variance request at 22 Ellicott Street for an enclosed porch that will be closer than allowed by a setback requirement. The setback requirement will be 5.1 feet. If there is anyone who would like to speak in favor of this or in opposition to it, you must go to the microphone to my right, and your left. State your name and home address, and speak to the setback request only. One more time, is there anybody in the audience that would like to speak on the request made by Christopher Hayes at 22 Ellicott Street, Jamestown, for an area variance request? Seeing none, we will close the public comment on this request. Is there any correspondence?

Clerk/Treasurer John: Not for this, no.

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Chairwoman Ditonto: Ok, there is no correspondence. At this point, we would be looking for either further questions from the board or a motion on the area variance request.

Mr. Kenyon. I'll make a motion to approve the variance request.

Chairwoman Ditonto: And that's to approve it for, again, the setback. Is there a second to that?

Mr. Panebianco: I'll second.

Chairwoman Ditonto: Thank you, Mr. Panebianco. Are there questions on the motion? Seeing none, clerk, please call the roll.

<u>Member</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Panebianco	X			
Kenyon	X			
Ditonto	X			
Jones	X			
Thomas				X
Miraglia	X			

Chairwoman Ditonto: Thank you. Your variance request has been approved. Please work with the Zoning and Code officer, to make sure you get the proper permitting before you start the job. Thank you.

Chairwoman Ditonto: We do have a second area variance request for a number of parcels. This is again for bulk and setback regulations. I'm going to have the clerk read these and, again, we'll follow the same process as before. We'd like the petitioner to step forward, sit here, tell us a little bit more about it, or a representative of the petitioner. And then we will allow for public comment at a certain point. Please read the request.

Clerk/Treasurer John: The petition of Long Associates Architects, 8855 Sheridan Drive, Williamsville, NY 14221 for an area variance to construct 5 two – family dwellings on parcels 387.06-7-13, 387.06-7-11, 387.06-7-10, 387.06-7-9, 387.06-7-8, 387.06-7-7, and 387.06-7-6 located on Spring Street in an R-2 zone.

Section 300-0306 C: Bulk and setback regulations: Minimum lot size in the R-2 zone for a two-family dwelling is 10,000 sq. ft. with a minimum lot width of 70', proposed lot sizes are as follows:

House #1: 387.06-7-13 & 387.06-7-11  
Lot A Width = 60' – 10' lot width variance requested  
Lot A Area = 7,241 SF – 2,759 SF lot area variance requested

House #2: 387.06-7-11 & 387.06-7-10  
Lot B Width = 60' – 10' lot width variance requested

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Lot B Area = 5,543 SF – 4,457 SF lot area variance requested

House #3: 387.06-7-10 & 387.06-7-9

Lot C Width = 60' – 10' lot width variance requested

Lot C Area = 8,124 SF – 1,876 SF lot area variance requested

House #4: 387.06-7-9 & 387.06-7-8

Lot D Width = 60 – 10' lot width variance requested

Lot D area = 8,125 SF – 1,875 SF lot area variance requested

House #5: 387.06-7-7 & 387.06-7-6

Lot E = 82' +/- width – complies (no variance requested)

Lot E area = 7,353 SF – 2,647 SF lot area variance requested

Chairwoman Ditonto: Thank you. Just introduce yourself again, and name and address.

Mr. Long: Matt Long, Long Associates Architects, representing CODE, Inc. and STEL, Inc. I apologize last time; I was on vacation. I tried calling in and the WIFI was terrible so that was a bit of a hard thing to explain. I'm sorry for wasting your time without being able to fully explain it. I'm here now. I just want to walk you through the project, tell you what's going on, and what we've done since the last meeting as well. This is part of a project going in, actually tomorrow, for funding, is the deadline for New York Homes and Community Renewal. 30 existing units exist between nine sites that CODE, Inc. owns. Two of the units are doubles that your board previously approved and reapproved I believe in July or June's meeting for Prendergast and Fairmount. Those are very similar to what we are doing here. What we landed on, we didn't get funded last year, unfortunately. We got feedback from our consultant from Jamestown as well. We were looking for more housing, because there is clearly a need for housing. So, in conjunction with the Department of Development and with the Chautauqua Land Bank, this parcel was brought to our attention as one of the combined parcels that would be a good place to put housing. A good infill place that had housing prior. And we said "oh great"! So, we started planning what we thought made sense there.

One of the things that is a little different about your zoning code, is if you have a lot that was construction on prior, the only way that your zoning code allows you to construction again, is if you do a single-family house. That's an irregular shaped lot, you have a lot that's 10' wide, and you need 50. Ok, you can do it, make it work. The problem with this is that the zoning doesn't fully gel with what the lot widths are. This is in an R-2 zone. Uses allowed in an R-2 zone are single family and double family houses. Double family houses were landed on for two reasons. One, it's a better use of density, and two, it works well for the required number of units that they need to make their budget work. So, the problem with the R-2 is that you don't have that exception. And the issue that we ran into when we started to analyze this, the lot widths that are required by code, that are 70 feet, as well as 10,000 square feet. That doesn't really work for most of the parcels in Jamestown. So, unfortunately, we're kind of stuck between trying to make the best proposal here, but then using - typically the Zoning Board of Appeals is in our understanding, and other municipalities in here is you have something that doesn't quite meet exactly what's prescriptive and what's required by the code, but you're meeting the spirit of it

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and the intent and you're working with all the collaborative way to get to a point with where you think it makes sense.

So, I just wanted to walk you through quickly. If you can't see the TV I can, we have about an inch left of extension cord so I can hopefully help you. So, we came to you prior, and in that packet, we had five or seven parcels, or seven houses located in that packet. I don't know if that's in this one. The site plan prior had seven houses on this plot and they were fronting Spring Street.

I'm just going to read some of the comments. I just wanted to put it all out there, because I know people are going to speak about their opinions on this. I'm happy to entertain them here for whoever wants to. The notes that we got after the meeting and the reasons potentially for voting against it, as well as written comments and other comments received from the neighbors. One of the issues was that the density is too much. So, we went back, and we went back to our funding consultant, and we said, to make our budget work, what is the least number of units, they didn't have an answer for that at the time. What's the least number of apartment units that we can do to make this budget work with our funding. So, unfortunately, for you guys and for me, we still needed a zoning variance because we landed on ten units in total with five houses. So, what that did, the 70 feet is prescriptive by code that you need for width. That landed us with four of the houses, house number one through house number four at 60 feet. And then, the northern most house at 82 feet, due to the irregularly shaped lot. We made a decision and said this is a little strange up here. We want to get as close as possible to getting the spirit of the 10,000 square feet, or at least what we can work with, with the land. So, that's where we landed. And, as you can see, the houses are relatively equally distributed along the street. Some of the other considerations that played into this as well, like a lot of Jamestown is, it's on a hill, it's on a pretty big hill.

Prior to COVID. COVID is the big excuse, but it's the reality of construction now. Things were much more doable and affordable. Prices are insane and they change. You name an excuse, you've got it. You do it on a hill, new construction, we're adding tons of cost when we're trying to make that work. Part of it as well, and I know parking was one of the concerns. Putting parking behind the houses is not really feasible from a cost perspective. So, we made a decision to terminate the driveway at the rear of the house, in conjunction with the planning department, and DOD and the building inspector at the time, which is inconvenient, but Larry who is now retired. The determination was this would be accepted as parking as part of the house, and two cars at the house. So, we did that. Just a run through of what's in each house. Again, this is client driven and also drive by the requirements of the funding source. One of the comments was, these are really small houses. You should give people who are living here nicer spaces to live. We have to operate within parameters of funding. Parameters of funding for a one-bedroom apartment span between 600 square feet, I'm on record here so I want to give you an approximate to around 800ish plus square feet if you add a stair. So, we are squarely within those parameters. We can't go over it because they won't fund us. So, we are doing not only what the client identified as the population that they want to serve, which is one-bedroom apartments. We are working with the zoning in the area, which is the use, which is for the two-unit buildings, which is the max that we can do, and we're also working within the good parameters of how it's laying out. We have a lot of things to juggle here. We're trying to make everyone has happy as we can. No one is ever going to be happy in life, but we try the best we can to be as happy as we can. So, we've got to that point.

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Another thing that we did, we talked to Mark Roetzer. Mark went over this with our engineer, and our team and we discussed drainage. Unfortunately, there is no dedicated storm sewer on the street. So, we worked with him to provide the minimal amount of runoff to adjacent areas. Most notably, we are going to have runoff that's going to the parcels behind. That was one of the questions that came up. So, our original plan had the driveways going to the street and the roof leaders going to the rear, or vice versa. Either way, it's an impervious surface so some of it is going to be dumped on the hill. You look at what it is now, it's a big grassy hill. There used to be houses there. I don't know where they were discharging, but old construction, it could have been anywhere. But, as it currently stands, everything that is on that parcel, is being handled by the land and running toward the adjacent street, not Spring Street. Our proposal now, anything impervious that we are constructing, is going to Spring Street, it's going to roll down the street and go to the next intersection and be picked up by the storm sewer that exists there. Again, this is us not wanting to operate in a vacuum. I hate when people say, you're doing this or that. We try to be as collaborative as possible. We try to get the answers that best suit the conditions, so we did that as well. That's that.

Another note, was access for second floor residences. There was a question at the other meeting of whether or not you could get to the rear. We re-reviewed this and we created, we introduced in our last Planning Board meeting, a little landscaped stair that goes to the rear. This is topography of the site, so each of these little lines represents a foot that drops from the right of the page, to the left. In our previous submission, one of the comments, I believe by one of the residents, as well, maybe your board, was "what can people do outside, do you have enough room"? We took this and we generated a twenty-foot flat space for the residents in the rear yard that they can actually, it's hard to have a party on a hill, or entertain, or do whatever on the hill. So, there is a greenspace back there, and this black strip back here is a landscaped stair that allows both residents to get to the year. We addressed that site condition and what it's giving us and providing equitable distribution for people there as well to use it.

The other thing, the parking note is one of the other things that kept coming up. I touched on that a little bit. Based on data from CODE, Inc., and STEL, one-bedroom apartments aren't really using much at all of cars. The amount of money that the rent is set at, as long as it is in conjunction with one bedroom, the max that they would see is .4 spaces per unit. That's on a high end. For the two units, for the driveway, there is one driveway to park two cars, maybe one space would be used. We are trying to do something that is appropriate for the development and we are also trying not to incur unnecessary costs and potential drainage issues by dropping a driveway down, like you see in a lot of Jamestown where you go down a hill and it will flatten out. That will screw with the drainage which is also a problem. So, it's always a balance with what you are trying to do to make everyone. If you're doing one thing, you're pulling the other way. It's a push-pull. We think we've come to a great sort of compromise here. Thankfully, the Planning Commission worked with us, and we talked it through, and they agree that this is a good compromise that meets the intent of the code.

Then specifically the variances, let's just touch on them again. The requests are for the four parcels from number one through five would be for the variance of 10 feet and the lot width of 60 feet versus the 70. And then we do comply with the lot width of the other one with the 82. Just based on what the parcels are in Jamestown, for the double family houses. It's almost impossible to construct any. There are no lots that are suitable for double. There is not a lot of land in depth and width that's existing for lots. So, we made the best decision we could here and unfortunately some of the lot areas are not, they're half of what it would be from, I can read it to

you. For house one, it's 2,759 variances. Two is the worst, which is this house, that has like a flag lot here, that's owned by Pigman. That's a lot that we will provide an egress to and an easement to an existing. We don't have site control for it. This definitely would have been the same if we would have had control of that site, but it's just there. The rest of them are in the high 1,000 to mid-2,000 range of variance. So again, parcels presented to us, did the best we could to make it work. I think compromise is just where we're at. Compromise and budget compromise of making everything work. From the parking standpoint, I don't see it being an issue. If a person has one car, they are going to park in their driveway. I could see if you were putting up three- or four-bedroom apartments. Double like that, you have a lot of family members. Maybe then it would be something to consider a little bit more.

The last thing I want to talk about briefly is the why. Here in the image, we are showing where the site is here. It's in the red area. It's the project site. There are adjacent houses across the street. We are showing the average set back here which at the meeting, got this approved but the Planning Commission. One of the boards up there has adjacent parcels that are also not conforming. We have a table that's up here as well so we pulled eight within that street, and adjacent side streets, so Spring and on Crossman. We took this data from GIS. Some of it was a little off in the measure and stuff. But, suffice to say, there is a bunch of them, 8, 11 and 13, per GIS. And to be clear, these are two-family, not just one-family. So, two-family with a lot width of 60 feet which is what we're hitting. 40 feet for the one 60 – 62ish, and then there's 13-15 Crossman with 36.5 feet and the 23 Crossman with 68. And again, the lot areas are on the right, so these are...These are the addresses. As you'll see on the table there, we're kind of hitting right where what we are proposing here, around 8,000 is what a lot of these lots are. What this is telling me, and what I think it should tell you as well, is a lot of the lots in the city are a certain depth continuously. The zoning code unfortunately doesn't gel with what the city is providing with the lots. We are working with what we have and we are trying our best to get there. That's the end of my speech.

Chairwoman Ditonto: Thank you. It's time for questions from members of the board.

Mr. Kenyon: What's the width of the driveways? Individual driveway.

Mr. Long: The driveway width in total is... for houses two and three, this was strategically done as well, where they were backing up. Where they are paired like this, if we didn't have to go to the ZBA for this, we probably would have done six, because they pair well. But, given where we are at, so these pair next to each other. The total width of these is 28 foot, five inches. So, you can park two cars on each one. We are showing a grass strip in between for delineation between it. So, we are having those two cars there for each house. So, one two, one two. House one, I don't have the exact one, but I think it's about 12 feet of what we have in that. It's a car park plus a little bit.

Mr. Kenyon: Twelve feet, is that what you're working with? Twelve-foot width on these?

Mr. Long: I think that is. Maybe ten, I don't have that marked on this. It may be ten based on the squares that are there. So, there's a trash area. This went through the Planning Board as well, to talk about screened off trash area. We massaged it to try to create the best for

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the neighborhood as well as so there is not eyesore trash everywhere. There's a place for things to go. The reason that we did the pairing with the driveways is because the land slopes so much from right to left on the page, we need a retaining wall here to keep it at the grade of Spring Street. Spring goes down, like this on the site, down like this, your parking is up here. The moment we made the decision that, and this is again, from not in a vacuum, we're not just saying "here is the project", its Chris Jock, CEO of CODE; all of their properties do that for the most part. The problem is with driveways like that over time they are slippery, it degrades faster, you have a problem with the sub base. We are trying provide, we are making decisions to hopefully provide a product that lasts longer and is better for the client and residents too. It's based on that.

Chairwoman Ditonto: Other questions?

Mr. Panebianco: Can you go to the arial view real quick? That one on the right. One of the things I observed when I drove down there, and also when I looked at that. It looks like basically across the street there are five houses in the space. Right? There's a little vacant spot, if you take the house and put it there. It looks like there is space for five houses across the street. It's very similar to what you're trying to build. Is that right?

Mr. Long: Yeah, that's a good observation. I think it's maybe even more. One, two, three, a blank lot, that was most likely a house at some point, I would think. That would be four, five, plus maybe even six if you count a little of this down here. So, again, we're trying to, we heard what you said, we heard and we met with what we thought was reasonable to make the context instead of maybe jamming too much prior.

Mr. Panebianco: And you mentioned that there's nine other building sites throughout the city, or maybe eight, this is the ninth, I don't know. So, suffice to say, we had to give variances for the other two properties as well. One of them is right around the corner from where I live. But anyway. Is it fair to say that you can't do this project without seeking a variance? Are there other places in the city where you could potentially build that would be within the confines of the zoning code?

Mr. Long: We haven't done an exhaustive search of every parcel. I'm not going to sit here and pretend that we did. But, when we did go to the GIS mapping software which allows you to click around, we found two things that were advantageous about this site. One, it was presented as an opportunity from the county, and the Department of Development for this is what we'd like to see for our development. I think the short answer, the easiest answer, is no. I don't think this happens in many other places, and I think that unfortunately, just the way the code is written, it's tough to really develop in a way... it's calling for two family, but it doesn't actually work for a two family the way the... We did just, brief sidebar, we were entertaining at some point, which based on the feedback here, which based on the feedback here, would have made everyone not happy. Looking for a use variance which would be, just to educate everyone here as well. So, R-2 has the maximum of two-family in each house. We were entertaining maybe doing an apartment building to better use the land, which would require a use variance to do multi family. Then we landed on, we don't want to start to look like the group that's saying, we're going to jam whatever we want here and really make everyone angry. Unfortunately, the

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code is not as flexible as we'd like it to be. So, we reeled back internally and said, this makes more sense in the context. Some developers come in and go "yeah, lets give them all the housing". We are trying to do it as responsibly as possible and meet you where you are.

Mr. Panebianco: What is the purpose, just speaking generally about minimum lot size and minimum square footage. That's what I'm trying to understand as well. What's the point of having minimums.

Mr. Garcia: Sure, it helps you kind of separate and know what's going on in each zone. If you have different residential districts of different sizes, you're going to be able to limit what kind of housing goes in a particular area. So, if traditionally an area has been one single family residences, you have a larger lot size, because that keeps out high density housing in your R-1, is typically what it is. That's probably the best answer that I have. It's just an identifying characteristic of a certain kind of land, and you try to grow in areas that make sense to grow. You've got more infrastructure, you've got wider roads, you've got public walkways, those kinds of things, is where you tend to want to see your higher density housing.

Mr. Panebianco: There is other multi-family housing in that neighborhood, right?

Mr. Kulaszewski: One of the things I actually looked at prior to reviewing this is what was here before on this. Three of the five parcels had four-unit buildings on them. So, there was more dense housing across five houses, there was at least four additional units than what is being proposed here. As Matt said, in response to the density issue, they reduced the amount of units going in, and what was here prior were three, four-unit buildings as well as single family housing. This really is, like Matt said, a compromise that really tries to reach the goals of what the feedback was about density, and about not leaving the character of the neighborhood. That would be the other piece I would add. The zoning for this space, as Matt said, it's prohibitive to build R-2 housing on. Doing what they're trying to do in terms of combining lots and meeting the threshold that other properties on the street have, is really a good faith effort. And I want to point out that the county planning department also reviewed this project and did comment that they applaud the developers for proposing to revitalize existing neighborhoods within the context of the neighborhood. The zoning is prohibitive here, but these folks are really trying to make a good faith effort to meet the character of the neighborhood.

Chairwoman Ditonto: Other questions?

Mr. Miraglia: I just have a couple follow ups for clarity. You're talking about the site drainage. It's still going to go onto Spring Street?

Mr. Long: Correct, that was coordinated with the city engineer. The roof leaders as well as the driveways will drain to Spring Street. Everything runs downhill from north to south, and it gets picked up by, I apologize, I don't know the adjacent cross street off the top of my head. Whatever the adjacent cross street is running east to west here. There is an existing storm system.

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Mr. Miraglia: The other question I have was the retaining wall behind the first two properties. How high is that roughly? Is it taller than me?

Mr. Long: It is. I have that answer somewhere. I want to give you the best I can. This is the side elevation. This is looking at the rear of the house on that side. You'll see that retaining wall with the fence over it. I have a floor to floor where someone. It's like nine foot four, from the basement level where it's down over here to the parking at the top side which would be in line with the first floor. Then, there will be a fence above it, which is, I don't know how high that is, four feet or something.

Mr. Miraglia: So that retaining wall is going to be backfilled which is typical.

Mr. Long: Whatever my engineer says so it doesn't get screwed up, yeah.

Mr. Miraglia: Then it will be grass on top.

Mr. Long: Part of the, let me see if I can pull up, I don't know if I have a landscape plan in this package. But we're proposing from planning comments. Here's the landscape plan. Let me just zoom in on a couple typical ones. This area in the front, there is lawn. The dots are like little grass things. This is grass and grass. The grass is the little dots. The hexagons are, I don't know the exact, let me see what we call it here. Low maintenance plantings. I think they are, I don't know if we identified them, but there are things that were called out that would help hold the grade. Some of this is, the problem with these type of projects is, you've got to do so much up front. Then they don't get it, and you try again. A lot of the engineering is to come still, but there will be plants that would help hold the grade in a one to four ratio. So, there's that. Then the rear portion of the parcel is proposed to be fallow which is the same as it is now and be kept in the clouded zone in a natural area. That's again, out of, talking with the client. What have you seen, what's really hard to maintain all this. People throw stuff back. You're going to own it still. You clean up trash, it's part of your duty, but how do you keep people from using it. It's best to get the feedback from the client.

Mr. Miraglia: Ok, thank you.

Chairwoman Ditonto: Any other questions? One that did come up in the last meeting was about additional green space. It looks like just because there is less density, you have more greenspace, especially on that corner, that odd shaped lot, correct?

Mr. Long: We do. Just to go back to it, we made the changes where we created a plateau at the rear as well which goes between grade line 364 and 363. It plateaus out to give you twenty feet of grass in the back that comes off the porch. It's usable green space. It's actually sort of a miss on our end. I didn't mean to misrepresent, and I thought I said, yeah, you can use it back there. Then we looked at it again and realized we couldn't use it as well as we thought we could. So, I'm glad we revisited it and were able to tighten that up in our resubmission.

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Chairwoman Ditonto: And there was one parcel that you said is really kind of landlocked but not owned by your client or anyone else.

Mr. Long: It is owned by the Lands of Pigman, Ronald Pigman, formerly the Lands of Moore. And that is one half parcel, and I believe, I think, I can't remember, I believe that Mr. Nickerson was here and came on the call prior. I don't know if he's here today. I know he owns a lot of property on this side. So, he'll be hopefully, we addressed this, adequately for everyone else. Not adequately, the best that we could. Well, we did a good job with it. That's an odd ball. It would be great if we could.....

Chairwoman Ditonto: Other questions? At this point, we will open up for public comment. Again, this is on the area variance request for five units, and it will be only on the setback requirements that are in the variance request and the total lot width, and the size of the variance request for the units, because they are in the R-2 zone but they are less than what is required by our current zoning code. You have to go to the microphone, state your name and home address, and limit your comments to five minutes. And they must be limited to the variance request only.

Mr. Nickerson: My name is Andrew Nickerson; I have a few properties adjacent to everywhere around this land. I acquired my house about five years ago when the neighborhood was actually pretty crappy. I acquired another four unit right next to the project that's going on. It's been a very uphill battle with all of the personnel in the neighborhood, but ever since I acquired it, it's been on the up. The neighborhood is actually starting to look pretty nice. A lot of people getting involved, it's kinda nice. When it comes to topography, what was the top of Spring Street to the bottom? What are you claiming is the difference in height?

Mr. Long: This is from a topography survey provided by a municipal survey. At Spring, its 1375, it drops off to 1355, so maybe about 22 feet from this lot to the rear lot.

Mr. Nickerson: So, you're saying these buildings are going to be about ten feet down from Spring Street, so that's almost fifteen feet of concrete that's going to be below these buildings, facing all the properties on Main Street. So, all the properties on Main Street, we're going to be looking at a big concrete wall? You said something about flat land, that's going to create a lot of run off. I've been reaching out to DOD about the property. There's that one awkward parcel that's very close to Crossman. I don't know if you're aware, that's a natural spring coming out of the water. It is a unique area. In the valley, that water actually just got done with all the drains on my property to control it to be able to use my lot next to my property. I mean if you do something like that around the back with different people and you do it with the runoff from the spring. That's impossible. That's quite the decline right there.

Mr. Long: Can you see this? That's the rear of the house. The top of the parking would be this fence over here. This is the house. The one gentleman questioned how much it drops. Here it drops five foot four. Everything that is where this fence is, that's where the parking is, that's pitched back toward Spring. The roof, the leaders would be pitched. So, everything at the top, which is the entirety of the structure would be pitched that way. I guess for argument's sake you could say that the rear patio is going to drain to where it is. But I don't think it's going to make any condition worse than what it is prior. We are taking all the land

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that's under the roof and parking and taking it and moving it and taking it to Spring. So, I think it will be probably better before when you take the house and the driveway. Hopefully we addressed that. The wall, yeah you can see the 25-foot wall, or the 28-foot retaining wall between the two, so you have two of those and one at the north. So, you also see a house to the north and a green hill next to it. It's a mix of things. I guess regarding other things, I didn't hear your comment on the other meeting when I was calling in. The spring, we haven't gone.....you're talking about house number five. The one that is adjacent to the irregular parcel. Unfortunately, everything costs so much money every time you turn around. We haven't done the total geotechnical investigation yet where you sample the soil. Our team is comfortable enough, for now. There were houses there prior, we are bringing in infill accounted for and we would be able to reset that foundation level and basement to deal with it.

Mr. Nickerson: That wouldn't upset the spring, would it?

Mr. Long: You have to work around something if that became an unforeseen condition. At this point we can only operate with what we have. Our civil engineers are number one in the world. They are pretty good. We can be able to work through something, and if push came to shove and there was a problem, we would have to come back to you guys and say we have to move this to stay away from something. But what we have now at this point of the development process, is design documents where you make a proposal to see if you have to put more money into it of if its ok as a team where we are at right now. Of course, if we address something during the building process or the permitting process, we will work to alleviate it.

Mr. Nickerson: Just to be clear, what are these houses intended for?

Chairwoman Ditonto: I think that would be up to the client to tell us. I don't know if somebody from STEL or CODE would be able to come up and talk about that.

Mr. Whitney: My name is Tom Whitney; I'm the executive director of STEL. The housing, these twelve units will be for our supportive housing clients. Basically, people move out of the state hospital system into our 24-hour supervised residences. We work with them for between a year and two years. There is no maximum amount of time we can work with them, until they are ready to transfer them into a lesser level of care. Then, we have treatment partners in the community so staff will go in and work with people daily. Once again, you work with people for a couple years in that program and then once they are ready to transition into an even lesser level of care, then they will have people move into this level of housing.

Mr. Nickerson: So, they will have employees working with them?

Mr. Whitney: Correct.

Mr. Nickerson: So, when we claim there is only going to be .4 parking, that would be inaccurate because you would have the employees there.

Mr. Whitney: They won't be there for overnight or anything.

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Mr. Nickson: They will be there all day.

Chairwoman Ditonto: So, the parking issue was addressed with the fact that the people who are living there may not have any vehicle at all, so there still will be parking available for people coming to visit or the supporting.

Mr. Nickerson: Is it the intention to help these people get on their feet? I hope they will be able to get a car someday.

Chairwoman Ditonto: That may be the case but that doesn't matter with the variance request. We have to look at what is going to be put in here and the variance request is only dealing with the setback and the fact that it is less than 10,000 square feet in these units. We can't address who buys a home, you can't address who buys a home next door to you or whatever.

Mr. Nickerson: Depending on the personnel that goes into them, we have a quiet neighborhood. You put a bunch of college kids in there, we're going to .... So that would affect what kind of housing...

Chairwoman Ditonto: This only addresses the fact that they are two, single bedroom units, and we can't determine again...

Mr. Nickerson: What resident in here is going to be able to argue the zoning. If you're asking our opinion on what we believe in... I mean, we've all dealt with some crap in the neighborhood.

Chairwoman Ditonto: I understand that for sure, but unfortunately, this isn't the forum for that. The forum is to talk about whether or not you think that these two, one-bedroom units, on less than what is 10,000 square feet, and less than the proper set back, are fitting in the neighborhood. Do they change the character of the neighborhood.....

Mr. Nickerson: Absolutely....

Chairwoman Ditonto: We can't have people from the audience... you have to come up and state your name and home address. First let's let you finish. You have about one more minute if you want to address anything.

Mr. Nickerson; At what point were we supposed to address these concerns? It's not about the idea of a family with a low income, but the moment you put five of any type of building, that's going to change the landscape of the neighborhood.

Chairwoman Ditonto: I think there are processes, Mr. Nickerson. You can go to City Council; you can go to the Housing Committee, you can go to the Planning Commission.

Mr. Nickerson: I've been trying to ask about these properties for almost three years.

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Chairwoman Ditonto: But, when it comes to this, this only regarding that it doesn't fit the zoning code. That is the only thing that this board can address. We can't address anything else.

Mr. Nickerson: I don't think it's right how fast tracked it is. You're telling me I can't say this. At what point was I supposed to say something.

Mr. Panebianco: You don't have the ability to do that. It has nothing to do with us or the city. If someone wanted to come into the city and build a multiple family residence and put the most terrible people you've ever imagined in there, there is nothing we can do if it is properly zoned. The only reason we are here today is because they are asking for setbacks, they are asking for less square footage on a particular parcel, they are asking for less width on a particular parcel. We can't get into who is going to live there, and say pretextually, we deny your variance because we don't like the people you have living there. If we did do that, then the city would be open to a lawsuit, because we are only supposed to be evaluating the setbacks, the square footage and the width. We can't get in, to who is going to live there. There is really no opportunity for anyone to litigate that because it quite frankly, you don't get to decide who lives in your neighborhood. As long as it is properly zoned.

Mr. Nickerson: That's why I bought the four unit. I like the idea of making my neighborhood better. When they said they only get the grant money if they had to have x amount of units, it's not necessarily what's best for that. They had to reach that number, so they crunched them in and got the seven units. I love the idea that they crunched it down a little to five units, but you've got to think about people. You're telling me that I can't care who they are. That's incorrect, I might be at the wrong place.

Mr. Panebianco: No, it's not.

Mr. Nickerson: Then when was I supposed to say something?

Mr. Panebianco: You don't get to say who lives next door to you. There could be someone detestable to who wants to buy the house next door to me, and I can't prevent them from doing that.

Mr. Nickerson: I would love to do that as a homeowner.

Chairwoman Ditonto: But you can't.

Mr. Panebianco: But you can't. It's America.

Chairwoman Ditonto: Thank you, Mr. Nickerson. You have exceeded your time. I'm sure there are other people who would like to speak and I would like to give them that opportunity. If you would like to speak either in favor or in opposition to the variance request, area variance request, for setback and total square footage, only, you can go to the microphone, home address and you have up to five minutes to talk about that.

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Mr. Nickerson: One last question. At what point am I supposed to say my concern about that. Zoning is impossible for us to argue. You guys won that, there is nothing to say.

Chairwoman Ditonto: It's not a matter of win or lose, again, it's a matter of addressing that in the proper context. I did mention that, if you have issues in your neighborhood, you can go to the city council, you can go to the Housing Committee, you can go the Planning Commission. This is not the place for that.

Mr. Nickerson: I've gone there; I've got nothing.

Chairwoman Ditonto: Alright Mr. Nickerson, again, we have to deal with the zoning variance.

Mr. Nickerson: The whole project was fast tracked, that's why.

Chairwoman Ditonto: The Zoning Board would like to continue with the public comment. Is there anybody who would like to speak either in favor or in opposition to the area variance request. You can go to the microphone, state your name and home address and talk for five minutes on the variance request. Is there anyone else in the audience who wishes to speak?

Ms. Conklin: Linda Conklin. 837 Spring Street. I also own two other lots right next to mine. I just wanted to bring up what Drew said about, do we really want Main Street have a big brick wall where the people go by? That's where everybody comes through town. Do we want that?

Chairwoman Ditonto: Unfortunately, that again isn't addressing the setback issue or the total square footage. We can make a comment to the architect and to the client that they may want to have something that looks a little better, but that isn't something that addresses this particular area variance request, but that is a good comment and I'm sure they will take that into consideration.

Ms. Conklin: And also. The kind of people, I know you don't want to hear this too, but the kind of people who are going to be down there, we are down the street from a school. Do we want this down the street from a school?

Chairwoman Ditonto: Again, it's not an issue that we can address with the variance request.

Ms. Conklin: What about the natural spring? Do we want to address that?

Chairwoman Ditonto: We tried. In the last meeting, I think there were comments about how there was a natural spring, there was concerns about runoff, and I think they did address that, and they did work with the city DPW to make sure that, that would be addressed.

Ms. Conklin: That's ok, to build on the natural spring then?

Chairwoman Ditonto: I'm telling you what they told us, the changes they made, and the fact that they said there may be more environmental studies that have to be done, and they may have to

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move one of those buildings. But again, that's something that right now, it looks like it fits into the setback and the variance request that they have.

Ms. Conklin: So, if they start building, and then come to find out this natural spring is in the way, would we have another variance too, so they've only got fifty feet on one and seventy on another, or how does that go?

Chairwoman Ditonto: Ms. Conklin, I think you heard the architect say that they do environmental studies before they would start any construction, so that they may have to then adjust, and yes, they would have to come back if it included less square footage, or less of a setback requirement. Correct, you are correct.

Mr. Long: I could speak to that quickly. One, it's not right, and two, you can't, you couldn't, we'd love all reputation for everything. We're not going to build two new houses, being funded by all of these people, and we're going to build it on something that's going to be an issue. We would take the information and address it as it comes. But we don't have anything now other than it may be in that area where it is. Not that I don't believe you, I have nothing to quantify it. So yes, we would come back of course, if it had to hypotheticals. Worst case, if that one area in the corner is screwed up, we'd have to talk to the state and say, we can't do it, we found something. We don't want to just jam it in there, because Tom and Chris and the residents there, and whatever else. They're going to have a leaky building from day one.

Chairwoman Ditonto: Do you want to address how your environmental engineers may be able to find that information and address it before the construction period?

Mr. Long: We would do a bunch of test pourings and drill. They would drill a bunch of very large holes into the earth to see what it is comprised of. And, we would go through and we'd do a slew of those in every house's footprint and in every driveway where we would build stuff. I don't know the exact amount that we would do, it would be up to my structural engineer. But typically, we would do two or three a house, and now that we know this, we might want to say, not that we might want, I think it sounds like there might be a problem with the north side of this. The residents came to us; we'd want to do our due diligence. We don't want to get in the ground and have a problem. It's easier to deal with one little hole than a big excavated site and stuff start going crazy. I don't like problems in life.

Chairwoman Ditonto: Thank you. Ms. Conklin do you have any further questions?

Ms. Conklin; Yeah, I've got one more thing. Just because now, there is that many houses across the street, I mean there is a reason that the variance is for 70 feet. We live in a different world than we did years ago. So, why would we want to go back and do less and squish them together? It's something I want you to consider.

Chairwoman Ditonto: Thank you. Is there anyone else in the audience who wishes to address this area variance request? Please state your name and home address before you speak on the variance request specifically.

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Mr. Hulton: My name is Ronald Hultin, and I live at 862 Spring Street, which is directly across the building from where you're planning to build. I can't say what I'd like to say, but on these driveways, there is no way possible can this work. That is steep, and we live in Jamestown, New York, which is winter most of the year around, and there is no way possible to get down that hill and back up without causing an accident or something. Because, you're going to definitely have to have a four-wheel drive to get out of there. If you're going down, if you slide down, slide into somebody else's car or whatever, then there is going to be a lawsuit. I don't understand how you think you can do this. I mean...

Chairwoman Ditonto: I think the driveway issue, they did change it from the last time they were here, because they know that they can't go down the hill on those properties. That again, doesn't really speak to the variance request. But I can have them discuss again for you.

Mr. Hulton: It's all part of the project, it's all funded, it's all free, it's all give give give. I know somebody who wanted to buy this land who was going to pay taxes, and then you received the give, but all you guys want to do is give.

Chairwoman Ditonto: I'm going to ask you again to address the variance request. Do you have concerns about the setback or the total square footage, that is the only thing we can address here. We can't address other people buying the property or other issues.

Mr. Hulton: There is one question I want to know. Since there were no notices going out so we could speak what we want to, and I know why there wasn't a notice going out to us landowners because you're afraid it was going to get denied again.

Chairwoman Ditonto: We have to provide a letter to those living within 100 feet of the properties, and I believe there was a letter.

Clerk/Treasurer John: There was.

Mr. Hulton: Well, I live across the street.

Chairwoman Ditonto: Well, I think there was proper notice given. We have to do it based on the address and the name of the person who owns the property, and we have a whole list and those letters do go out. We do try to make sure those go out to the property owners, and those are in conjunction with the fact that we put a legal notice in the newspaper so that there is a notice of what the meeting agenda is.

Mr. Nickerson: Well, if you guys are so proud...

Chairwoman Ditonto: I'm sorry, you can't speak out of turn, you have to go to the microphone.

Mr. Nickerson: Can I take another five minutes?

Clerk/Treasurer John: No.

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Chairwoman Ditonto: I need to know if you had any other comments related to the variance request. You have about one minute left.

Mr. Hultin: I don't have no comments about that. But we did not get anything for all of want to say.

Chairwoman Ditonto: I think that if you didn't get a letter, that we should make sure that when you go to the City Clerk's Office during business hours, you check to make sure that the name and address, the proper address is listed for you. But that is the only thing I can tell you at this point.

Mr. Hulton: I don't believe there was a meeting for what we want to say.

Chairwoman Ditonto: But we have to address this meeting. So, do you have any other comments on this, or do you want to just take your seat so somebody else can speak?

Mr. Hulton: Well, I don't want this. I can address that.

Chairwoman Ditonto: Is there anybody else in the audience that wishes to speak on this area variance request on Spring Street, for five units that don't meet the set back or the total square footage requirements? One more time, is there anybody in the audience that wishes to speak on this? Seeing none, we will close the public comment.

Mr. Long: Can I clarify just one thing quickly just so everyone understands this, and the board as well? Mr. Ronald, the driveway, so we actually changed that early on, because of exactly what you said, where they would be going down a hill and having a problem in the rear. So, when you come off of Spring Street you go right flat and stay flat, and that was the wall that Mr. Nickerson was talking about. So, you're flat. We've acknowledged it was a problem going downhill So, we tried to address that the best we could. So, from that standpoint I think we covered it.

Chairwoman Ditonto: Could you enlarge it a little so they can see the driveway?

Mr. Long: A typical house, these are the two houses, the houses are next to each other. Spring Street is on the right, over here. You would come in and this is the same, well actually it's a tiny bit higher over here because it's pitching back towards the street. So, you drive right in flat. We were thinking about at one point, going way down this hill, and kind of stopping, but what I said before was just to reiterate. CODE, Inc. and a lot of my house goes down a hill too, its terrible in the winter and degrades faster. So, let's make it hopefully better and try to design around it. Hopefully that's good and its about as flat as it can be there. I think that's a pretty nice feature that I would like on my property too.

Chairwoman Ditonto: Thank you. (In response to an audience member): You can't speak any longer, we've closed the public session, I'm sorry.

Clerk/Treasurer John: The public session is closed.

Chairwoman Ditonto: The public session is closed. We are not taking any other public comments, I'm sorry. We have now moved to the point where we need to make a decision on the motion.

Clerk/Treasurer John: Correspondence.

Chairwoman Ditonto: I'm sorry, we have to see if there is any correspondence and have the clerk read anything that has come in.

Clerk/Treasurer John: I do have an email here: I am a resident and property owner whose home directly borders the parcels listed in this petition. I oppose the requested variances to reduce minimum lot width and lot size in order to construct five two-family dwellings on Spring Street.

My opposition is based on the following:

1. Overcrowding and Density

The R-2 zoning code establishes a minimum lot width of 70 feet and a minimum lot area of 10,000 square feet for good reason: to prevent overcrowding, protect neighborhood character, and ensure adequate light, air, and open space. The applicants are requesting significant reductions, some lots falling short by nearly 4,500 square feet. Allowing this many undersized lots would set a dangerous precedent and undermine the zoning code. Each proposed dwelling would likely have multiple vehicles. Adding 10 families to undersized lots will significantly increase parking demand and traffic congestion in an already tight neighborhood. There's a lot of parking taken by parents from the Love elementary school also to keep in mind.

2. Neighborhood Compliance and Direction

The neighborhood is largely composed of single-family and two-family homes, most of which comply with the current zoning code, and in recent years—especially following the demolition of certain outdated or nonconforming structures—the area has been moving further in the direction of compliance. Approving such large variances now would reverse that progress made to bring properties into alignment with the standards that protect our community.

3. Precedent for Future Development

If granted, this variance will open the door for future developments to sidestep lot size and width requirements, weakening the intent of the zoning code citywide. Rules exist to maintain balance, once exceptions of this scale are granted, enforcement becomes meaningless.

Alternative Suggestion:

If development must occur, I urge the Board to only allow construction of no more than two two-family houses on the parcels, provided they are placed on adequately sized lots that conform to the zoning code. This would create new housing opportunities while still preserving the safety, character, and compliance of the neighborhood.

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For these reasons, I respectfully urge the Zoning Board of Appeals to deny the requested variances as written and either reject the proposal outright or restrict the project to no more than two two-family houses on properly sized lots.

Thanks,  
Keith Garvin  
24 Crossman Street, Jamestown NY 14701

In addition to that, we did share the notice that was sent to the Planning Commission regarding the county's opinion on the site plan.

Chairwoman Ditonto: Do you want to read that into the record?

Clerk/Treasurer John: I can, sure.

Dear Chairperson Laurin,

This letter is in response to your municipal zoning referral received in full by this office on August 25th, 2025, regarding a site plan to convert vacant space into transitional rental apartments at Tax Parcels 387.60-1-6;-7;-8;-9;-10;-11;-13. These parcels are located within the R-2 Zoning District.

As one of the designated staff to the Chautauqua County Planning Board, I have reviewed the above noted referral to the County since it is within 500 feet of a State road.

I have reviewed the pertinent inter-community and county-wide considerations with respect to this proposal and its effect on the relevant concerns that are listed under General Municipal Law 239-1. Based on this review, I find that the proposed action would have no significant countywide or inter-community impact and that the proposal would be a matter of local concern. However, in order to help the City with its decision, I offer the following informal comments:

1. It is recommended that any proposed construction and development efforts consider the appearance and character of the neighborhood properties with regard to the project's building design, layout, landscaping, signage, lighting, etc.
2. Any necessary access changes to and from this property should be designed in accordance with generally accepted engineering standards to minimize potential traffic safety problems associated with vehicular movement between the property and adjacent roadways. The appropriate highway or transportation departments should be contacted if the right-of-way, driveways, ditches, etc. are to be modified.
3. It is recommended that the City ensures that any parking requirements that may exist are met by the applicant.

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4. We applaud the applicant for revising their site plan and attempting to meet the City of Jamestown's Zoning Code requirements, while also trying to meet minimum funding source requirements for this type of land development.
5. We applaud the developers for proposing to revitalize an existing neighborhood and implementing smart growth practices. This project is consistent with recommendations within the Chautauqua County Housing Market Assessment and Development Strategy which can be found here: <https://www.choosechq.com/wp-content/uploads/2024/03/Report-2024-Chautauqua-County-Housing-Needs-Assessment.pdf>

If you have any questions regarding this matter, please contact our office at (716) 661-8900.

Respectfully,  
Courtney Domst  
Senior Planner

Chairwoman Ditonto: Thank you. At this point, we will be looking for a motion on the area variance request for Long Associates Architects for the properties on Spring Street in the R-2 Zone.

Mr. Panebianco: I'll make a motion but before I do, I just want to go through my rationale. Also, because I think it's important that everyone understands. I don't know how the vote will go, but why I'm going to put forth the motion for it. We can't look at who is going to be housed in these places. We can't look at, we can't do that, we're not allowed. The fact of the matter is, is someone wanted to go put single family residences on those lots, they could, and we can't do anything regarding who lives there. When we are looking at an area variance, there is really five things we have to take into consideration. The first, is the character of the neighborhood. Will granting this variance result in an undesirable change in the character of the neighborhood. I don't think it will, because I think the variance being requested is modest. I think the that structures based on what I saw fit within the character of the neighborhood, and right now that is vacant spot with overgrown vegetation. I don't think it affects the character. If you look across the street, you can basically fit five, whether they are single family or dual family, I don't know, but there's that much space across the street. Regarding other alternatives, I don't think that there are other alternatives, based on everything that has been discussed today. You can't build a dual family home. Is the request being sought substantial? That's the third factor. I don't think it is. I'm talking about the specific variances being sought. I don't think that they are substantial. Does it impact the physical and environmental conditions of the neighborhood? I don't think it will. There was discussion about rain, currently its just going on the ground, and going Spring Street toward Main. If it falls on the roof, it's going to get directed toward Spring Street. I don't think that there are other physical or environmental conditions that are impacted by this. And if this is self-created. Certainly, they are seeking out a space that isn't specifically zoned for that, so maybe there is an argument that it is self-created. This is different than a use variance, where all of the factors have to be met. This is a weighing test and, in my opinion, looking specifically at these factors without taking into consideration who is going to be living

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there. I think that just based on what is being asked for, this fits within the criteria, which is why I move to approve the variances that are being requested.

Chairwoman Ditonto: Thank you, Mr. Panebianco. Is there a second to the motion to approve the variance request, area variances to the Spring Street properties?

Mr. Miraglia: I'll second.

Chairwoman Ditonto: Thank you, Mr. Miraglia. Are there questions on the motion, and the five characteristics that were described by Mr. Panebianco? Seeing none, clerk, please call the roll.

<u>Member</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Panebianco	X			
Kenyon	X			
Ditonto	X			
Jones	X			
Thomas				X
Miraglia	X			

Chairwoman Ditonto: The vote is five to one, that being said the variance requests have been approved. We now move to the next stop of the process. So, we will wait for further information from the architect and the funding source. Thank you. We are going to adjourn the meeting at 6:15 p.m.

There being no further business, the meeting was adjourned.

Jennifer R. John, Clerk/Treasurer  
Zoning Board of Appeals