

JAMESTOWN ZONING BOARD OF REVIEW

Minutes of the February 17, 2015 Meeting

A regular meeting of the Jamestown Zoning Board of Review was held at the Jamestown Town Hall, 93 Narragansett Avenue. The Chairman called the meeting to order at 7:00 p.m. The stenographer called the roll and noted the following members present:

Richard Boren
Joseph Logan
Richard Allphin
Terence Livingston
Edward Gromada

Also present: Brenda Hanna, Stenographer
Fred Brown, Zoning Officer
Wyatt Brochu, Counsel

MINUTES

Minutes of October 28, 2014

A motion was made by Richard Boren and seconded by Richard Allphin to accept the minutes of the October 28, 2014 meeting as presented.

The motion carried by a vote of 5 -0.

Richard Boren, Joseph Logan, Richard Allphin, Terence Livingston, and Edward Gromada voted in favor of the motion.

Dean Wagner, Richard Cribb, and Judith Bell were absent.

CORRESPONDENCE

Nothing at this time.

NEW BUSINESS

Dacquino

A motion was made by Richard Boren and seconded by Joseph Logan to grant David & Mary Dacquino request for a one year extension of an existing variance for 2 Walcott Ave., Plat 9, Lot 288 to demolish and replace existing structure.

The motion carried by a vote of 5 -0.

Richard Boren, Joseph Logan, Richard Allphin, Terence Livingston, and Edward Gromada voted in favor of the motion.

Dean Wagner, Richard Cribb, and Judith Bell were absent.

CMS

A motion was made by Richard Boren and seconded by Terence Livingston to grant CMS request for a one year extension of an existing approval by the Zoning Board for Plat 8, Lot 278 to construct two additional boat sheds.

The motion carried by a vote of 5 -0.

Richard Boren, Joseph Logan, Richard Allphin, Terence Livingston, and Edward Gromada voted in favor of the motion.

Dean Wagner, Richard Cribb, and Judith Bell were absent.

ESJ, Inc.

A motion was made by Richard Boren and seconded by Joseph Logan to grant the request of ESJ, Inc. (Lessee), JTN, LLC (Owner), DBA: Simpatico Jamestown whose property is located at 13 Narragansett Ave., and further identified as Assessor's Plat 9, Lot 603 for a modification to Special Use Permits granted under Article 6, Special Use Permits and Variances, Section 600,601, 602 & 603. This application is made pursuant to the provisions of section 82-1205 & 1205.1 as well as from Table 3-1 of the zoning ordinance in order to expand existing restaurant from 190 to 235 seats.

This Board has determined that this application does satisfy the requirements of ARTICLE 6, SECTIONS 600 and 602.

This Special Use Permit is granted with the following restriction/condition(s):

1. This project must be constructed in strict accordance with the site and building plans duly approved by this Board.
2. Approval for 235 seats is contingent upon the applicant obtaining the necessary shared parking spaces for 235 seats.
3. If the applicant cannot obtain the necessary parking spaces by completion of the project, the applicant may proceed with seating for 210 until the additional shared parking places are obtained.
4. The conditions of approval from the Planning Commission dated 4/21/14 are incorporated into this grant.

This motion is based on the following findings of fact:

1. Said property is located in a CD zone and contains 13,195 sq. ft.
2. Simpatico is not open for lunch, therefore there is no discernable impact on the downtown village area.
3. Simpatico has a strict employee parking policy that is regularly enforced.
4. The Planning Commission on 11/21/14 gave approval to the plans.
5. The new construction replaces the existing garden room, which was a canvas roof with a permanent open air structure and decks which will be not only in keeping with the area but will be in keeping with the surrounding property.
6. From the testimony presented it appears that any concerns of the Technical Review Committee in their 10/28/14 memo have been satisfied.
7. On 2/12/15 The Jamestown Town Council sitting as the Board of Water and Sewer Commission approved the application for utility service expansion/change of use.

The motion carried by a vote of 5 -0.

Richard Boren, Joseph Logan, Richard Allphin, Terence Livingston, and Edward Gromada voted in favor of the motion.

Dean Wagner, Richard Cribb, and Judith Bell were absent.

Hallberg

A motion was made by Richard Allphin and seconded by Joseph Logan to grant the request of Scott Hallberg, whose property is located at Bow St., and further identified as Assessor's Plat 14, Lot 215 for a special use permit from Article 3, Section 82-314 (High groundwater table & impervious layer overlay district) to allow construction of a single family dwelling and a 2 bedroom Onsite Wastewater Treatment System.

This Board has determined that this application does satisfy the requirements of ARTICLE 6, SECTIONS 600 and 602.

This special use permit is granted with the following restriction/condition:

This project must be constructed in strict accordance with the site and building plans duly approved by this Board.

This motion is based on the following findings of fact:

1. Said property is located in a R40 zone and contains 7,200 sq. ft.
2. The OWTS plan was approved by DEM.
3. The plans are for a single family 2 bedroom house.
4. The Planning Board approved the plan.
5. Engineer Richard Pastore showed detailed plans to meet the surface water runoff requirements of the District "A" High Groundwater ordinance.
6. One abutter expressed concern about the distance between his well and the proposed OWTS plan even though it meets the 100' requirement.

The motion carried by a vote of 5 -0.

Richard Boren, Joseph Logan, Richard Allphin, Terence Livingston, and Edward Gromada voted in favor of the motion.

Dean Wagner, Richard Cribb, and Judith Bell were absent.

JAC

A motion was made by Joseph Logan and seconded by Terence Livingston to grant the request of Jamestown Arts Center, whose property is located at 18 Valley St., and further identified as

Assessor's Plat 8, Lot 461 for variances from Article 3, Table 3-2, Section 82-302 (District Dimensional Regulations) to construct an addition to existing nonconforming structure with a combined lot coverage of 55% where 35% is allowed and a building setback of 4 ft. from a side property line instead of the required 6 ft.; Article 12, Section 82-1203 (Minimum off-street parking), to provide 8 on-site parking spaces where 17 are required.

This Board has determined that this application does satisfy the requirements of ARTICLE 6, SECTION 600, SECTION 606, and SECTION 607, PARAGRAPH 2.

This project must be constructed in strict accordance with the site and building plans duly approved by this Board.

This motion is based on the following findings of fact:

1. Said property is located in a CL zone and contains 10,000 sq. ft.
2. The addition will house the existing exterior trash receptacle which will improve the outside appearance.
3. One abutter had no objection to the plan
4. There will be no increase in vehicle parking activity caused by the proposed structure.

The motion carried by a vote of 5 -0.

Richard Boren, Joseph Logan, Richard Allphin, Terence Livingston, and Edward Gromada voted in favor of the motion.

Dean Wagner, Richard Cribb, and Judith Bell were absent.

DiCristofaro

A motion was made by Terence Livingston and seconded by Richard Allphin to grant the request of Robert DiCristofaro, whose property is located at 516 Seaside DR., and further identified as Assessor's Plat 3, Lot 40 for a variance from Article 3, Table 3-2 (District Dimensional Regulations) to construct a second floor addition on an existing single-family dwelling which encroaches on the north, west and south required yards.

This Board has determined that this application does satisfy the requirements of Article 3, Table 3-2.

This Variance is granted with the following restriction/condition(s):

This project must be constructed in strict accordance with the site and building plans duly approved by this Board.

This motion is based on the following findings of fact:

1. Said property is located in a R40 zone and contains 4,000 sq. ft.
2. Currently on the property there is a 1 story, 1 bedroom dwelling. This proposal will add a 2nd story without changing the foot print of the house.
3. The owner proposes the change to make a more comfortable and practical home.
4. The plan will increase the sq. footage of the home from 662 to 1324 sq. ft.

The motion carried by a vote of 5 -0.

Richard Boren, Joseph Logan, Richard Allphin, Terence Livingston, and Edward Gromada voted in favor of the motion.

Dean Wagner, Richard Cribb, and Judith Bell were absent.

Solicitor's Report

Nothing at this time.

EXECUTIVE SESSION

Nothing at this time.

ADJOURNMENT

A motion was made and seconded to adjourn at 9:15 p.m.

The motion carried unanimously.