

PLANNING COMMISSION MINUTES

April 2, 2008

7:30 PM

Jamestown Town Hall

The meeting was called to order at 7:37 p.m. and the following members were present:

Barry Holland Jean Brown
Richard Ventrone Nancy Bennett
Alexandra Nickol

Not present:

Gary Girard
Michael Swistak

Also present:

Lisa Bryer, AICP – Town Planner
Cinthia Reppe – Planning Assistant
Michael Gray – Town Engineer
Christopher Orton – Town Solicitor
Julio DiGiando
Peter Brockmann – Attorney
John Braga – Engineer
Chris Mason – Wetlands Scientist
Nicholas DiGiando – Landscape Design

I. Approval of Minutes March 19, 2008

A motion was made by Commissioner Ventrone and seconded by Commissioner Brown to accept the minutes as written. So unanimously voted.

II. Correspondence

1. FYI – Superior Court Decision Re: Perrotti v. Jamestown Zoning Board of Review.
Town Solicitor Christopher Orton suggested that the Planning Commission discuss the recent decision in Superior Court between John Perrotti and the Zoning Board in Executive Session. The Town Planner will put this on the next available agenda.
2. FYI – Administrative Subdivision – Plat 9 Lots 360 & 625. Received
3. FYI - Administrative Subdivision – Plat 8 Lots 190, 191, & 357. Received
4. Letter from Nancy Bennett to Lisa Bryer Re: Village Hearth Bakery. received

III. Citizen's Non Agenda Item – nothing at this time

IV. Reports

1. Town Planner's Report
2. Chairpersons report
3. Town Committees

- a. Harbor
 - b. Fort Getty
 - c. Buildings and Facilities
 - d. Others
4. Sub Committees
- Tree committee planting 5 trees in cemetery area for Arbor Day reported Commissioner Bennett.

V. New Business

1. CDBG 2008 – Planning Commission Endorsement of the Community Development Block Grant

Town Planner Lisa Bryer reported on the CDBG grant and informed the Planning Commission on the 10 items. Exceed the limit of 250,000 for housing development. Cover will be signed and a suggested motion on second page, she will answer questions on the sub recipients. This was also approved by the Affordable Housing Commission.

Commissioner Bennett made a motion seconded by Commissioner Ventrone stating:

The Jamestown Planning Commission hereby certifies that the proposed FY2008 Community Development Block Grant activities are in compliance with local development policy as set forth in the 2002 Jamestown Comprehensive Community Plan as amended in 2004 and with the Jamestown Subdivision and Land Development Regulations and Jamestown Zoning Ordinance.

So unanimously voted:

Barry Holland, Jean Brown, Richard Ventrone, Nancy Bennett, Alexandra Nickol

VI. Old Business

1. Village Hearth Bakery – Andrea Colognese & Dorian Carrella – Plat 8, Lot 774 - 2 Watson Ave. – Development Plan Review – recommendation to the Zoning Board – continued

Commissioner Holland asked if there was anyone present to represent Village Hearth Bakery, at this time there is nobody present so this will be continued after the next item on the agenda.

2. John A. Hayes -- Zoning Ordinance Section 314 Sub District A Review High Groundwater Table and Impervious Layer Overlay District and Request for Variance to Section 308 – Setback to Freshwater Wetlands - Plat 16 Lot 15, Bark and Seaside Dr. – Recommendation to Zoning Board – continued

Attorney Peter Brockmann read through all the previously submitted information making sure the Planning Commissioners have everything in their packet. Some of the items that Attorney Brockmann referred to were in the original application from July 18, 2007 meeting. Mr. Brockmann introduced the applicant John Hayes, Engineer John Braga, Landscape Designer Nicholas DiGiando, Chris Mason (wetlands scientist).

Engineer John Braga who testified July 18th 2007 the last time this application was before the Planning Commission was questioned by Attorney Brockmann regarding the engineering of this project. The only changes to the plan are related to the drainage including drainage calculations and soil and sediment control. He has reviewed both the Planners memo and also the Town Engineers report.

A discussion ensued regarding the fill and now where will the natural flow be channeled? There is concern regarding excessive filling and grading in the back yard. The engineer indicated that the fill behind the house is necessitated by the advantex ISDS system.

The Town Engineer indicated in his last Memo his concern about a 4 inch pipe coming out of the bottom of the stone in the driveway and the water would not infiltrate as well because of the pipe because it "short circuits" the infiltration system. The engineer reduced it down to a 2 inch pipe but said he is willing to remove the pipe. Mr. Braga indicated that this infiltration system will hold a 10 year storm, which is required by ordinance. The planning commission has concerns about the flow of the water once the stone in the driveway fills up. If the pipe was eliminated then the flow reach the driveway elevation and overflow at the V notch towards the north and spill into the piping going down the north side of the property. A planning Commissioner indicated that this is up hill according to the plans. The applicant has to prove this to the planning commission that the water will flow down hill.

Commissioner Brown asked if it is feasible for a system to be put underneath Seaside Dr and Mr. Gray responded that he does not think this will ever be permitted by CRMC as a direct discharge.

The Planning Commission asked Town Engineer Mike Gray if he had any concerns. According to Mr. Gray if the point source discharge was eliminated at Seaside Drive, they have addressed his concerns. The applicant is being more conservative by intercepting the overflow from the driveway and preventing flow toward the neighbor to the north. If they close the end of pipe it will allow the water to infiltrate instead of flowing toward Seaside Drive. No one is asking you to accept all of the water just mitigate the increase.

Christopher Mason a wetlands biologist is here for questions regarding wetlands and Sec 308. Christopher Mason delineated the wetlands in the spring of 2003. He indicated that there is a small wetland just to the north of the site a little depression that drains out to the street and he has determined that the wetland will not be affected.

The applicant will eliminate the 2 inch pipe under the driveway and close off the pipe that discharges to Seaside Drive and eliminate some of the fill. He will submit the revised plans to the Planner

Commissioner Holland asked if there are any questions from the audience.

Susan Gorelik – 20 Bark Ave –her main concern is what is affecting them currently. Flooding issues, they have so much flooding now. She said the reason it was dry when Commissioner Bennett was there is because there is nothing built now. They have to make a smaller design and reduce impacts. She is a chemist. They have a 28 foot well variance from the street. The reason nobody built there yet is because it is not buildable. Her concern is her house should have never been built but it was built 22 years before she bought it. If drainage system is closed it will overflow onto her property. What will happen to the volume of the water? Three quarters of the road is now flooded, covering her driveway and freezing in the winter, it will flood the area even more on the roads and the property. It is now hazardous.

David Gorelik – this street is flooded, before it was paved it was a foot and a half of mud. Every property owner has a right to build but he thinks it's not buildable even with the new technology. He thinks the elevator and stairs exceeds the height restriction and could potentially have a 50 foot height.

John Kalooski – Seaside Dr. – the biologist commented that the street runoff will not affect the wetlands. This system will overflow and freeze and they will salt and sand and it will affect the wetlands with runoff. Sheet drainage will affect his basement. Everything that they want to do is negative to the area and will only be positive to him.

Charlotte Zarlengo – Seaside Dr. – she has lived there for 20 years, 2 lots down from proposed development – there is nowhere for the water to go, they have a culvert in front of their house and their neighbor does too. It will exacerbate that situation. DEM will not allow them to do anything to that swale. Making everyone in that area worse than it is now. They flood every time it rains. The drainage proposed is ludicrous. The 150 feet to wetlands regulation is not being enforced, the impact on the surrounding wells, and the availability of water in the wells is an issue. It was originally designed as a 4 bedroom then redesigned as a 2 bedroom with more square footage added to the structure. She questioned Riparian rights of this lot. Charlotte Zarlengo is the Jamestown Shores Association president and through the last 10 years they have worked with the Town Council, Planning Commission and the Water Resource Protection Committee discussing cumulative impact, septic systems and wells which have become polluted. The high groundwater table ordinance went into effect because of these problems. Variances are given like candy, 12-14 variances are given on 1 piece of property, Legislation is important and this is why it needs to be followed.

The Stairway is above 35 feet and exceeds the height limit, they either have to eliminate it or ask for a variance from Zoning said Peter Brockmann. The height should begin at the beginning average grade which is defined in the Zoning Ordinance Town Planner Lisa Bryer said.

John Braga – this application did not require a variance from DEM, the well is the only variance they received, they were never denied a well variance.

Attorney Peter Brockmann said he has taken offense to the neighbor's attitude on this issue, this is a science and these are the experts.

Commissioner Holland would like to see the changes they discussed and wants the engineer to answer some of the questions brought up by the neighbors.

Town Planner Lisa Bryer, asked about the height of the structure again and said they need to verify in Zoning where it is measured from. Also the CRMC approval that we have in our file does not show the pipe on the north side of the property in the buffer zone and they need to determine whether further CRMC approval is necessary, and the wetland scales at approximately 54 feet from the ISDS but the wetland biologist notes that it is 67 feet on the plan. This should be clarified since your variance will specify the distance. Commissioner Holland wants a revised plan that they discussed tonight prior to it being on the agenda in the future. Commissioner Bennett agrees and in addition investigate where the water going down Bark Ave is emptying into. This issue will be continued until the next meeting available.

A motion to continue the meeting past 10:00 p.m. was made by Commissioner Holland and seconded by Commissioner Brown. So unanimously voted.

1. Village Hearth Bakery – Andrea Colognese & Doriana Carrella – Plat 8, Lot 774 - 2 Watson Ave. – Development Plan Review – recommendation to the Zoning Board – continued

The recommendation by the Planning Commission goes to Zoning Board and then with the approval all the conditions that are required by the Planning Commission.

Ms. Carrella went through the changes, the windows are now flush, there is not an overhang as was indicated by Commissioner Ventrone. The windows are more consistent to the windows on North Rd. They took the input from the last meeting and they continued the pergola.

The Commission asked Town Planner Lisa Bryer what was required by ordinance. She said it not required to be it stamped by a registered architect at this point. The problem that we have run into in the past is on commercial buildings because they need to be stamped when they get to Fred Brown. You then have a designer presenting to the Planning Commission and a different set of architectural plans appearing in the Building Officials office. In this case they are not changing the existing building that is there and they have stated that all along. The building and roof are not changing. All they are changing is the windows and the doors, adding a pergola and deck. Commissioner Nickol stated that the details and specification sheet for the windows and doors may help alleviate some of the board concerns.

Commissioner Bennett wants to talk about the capacity and seating, the parking problem as she sees it, is that 40 seats is to many and would put the building over the fire code capacity of 40 persons total. She would like to see the number come down.

This item was continued until the next meeting and the applicant will try to address some of the concerns of the Commission.

A Motion to adjourn was made by Commissioner Ventrone and seconded by Commissioner Brown at 10:17 p.m. So unanimously voted.

Attest:

Cynthia L Reppe

This meeting was digitally recorded