

Approved as Amended
PLANNING COMMISSION MINUTES
March 2, 2022
7:00 PM
Jamestown Town Hall
THIS MEETING WAS TELECONFERENCED VIA ZOOM
Meeting ID: 814 4381 5013

I. Call to Order and Roll Call

The meeting was called to order at 7:00 p.m. and the following members were present:

Mike Swistak – Chair	Duncan Pendlebury – Vice Chair
Mick Cochran	Rosemary Enright – Secretary
Diane Harrison	Bernie Pfeiffer
Dana Prestigiacomio	

Also present:

Lisa Bryer, Town Planner
Wyatt Brochu – Town Solicitor
Carrie Kolb – Planning Assistant
Mark Liberati, Attorney at Law
Shahin Barzin, AIA with MMD Design
David Urban, The Secret Garden

II. Old Business

1. Chris Pike, Jamestown Properties, LLC, AP 9 Lot 795, 30 Walcott Avenue - 2 Lot Minor Subdivision; review, discussion and/or action and/or vote:
 - a. Reinstatement of Preliminary Plan Approval (originally approved February 19, 2020, approval extended on February 17, 2021 to February 19, 2022)
 - b. Extension of Minor Subdivision approval

Commissioner Swistak recused himself. Commissioner Pendlebury read the motion and discussion ensued. Liberati stated that the applicant Chris Pike unable to attend due to an emergency surgery. Pike has taken steps to meet Conditions of Approval, including razing the existing house, but is not finished yet. Still to be completed is the sewer connection that traverses the property to run out Walcott Avenue and the stone wall along High Street needs to

be rebuilt by agreement with the Town as to what materials are used. Pike told Liberati via email that he has worked out with Mike Gray, Public Works Director, a bond amount to complete this work. Please extend for another year so that this can get resolved in the next few months.

Commissioner Pendlebury asked if bonding and sewer could be a condition for the approval? Liberati stated that he feels that bond should be reduced to writing and they will come back for final approval for the subdivision with the bond set.

Bryer stated that the applicant still has to comply with all the original conditions that are applicable.

A motion was made by Commissioner Pendlebury and seconded by Commissioner Pfeiffer to reinstate the Preliminary Plan Approval (originally approved February 19, 2020, approval extended on February 17, 2021 to February 19, 2022) of the application for Chris Pike, Jamestown Properties, LLC, AP 9 Lot 795, 30 Walcott Avenue - 2 Lot Minor Subdivision. They also voted to extend the Minor Subdivision approval to February 17, 2023.

Commissioner Cochran asked if there are any other time sensitive dates? Brochu and Bryer replied no.

So voted:

Commissioner Pendlebury – aye	Commissioner Cochran – aye
Commissioner Enright – aye	Commissioner Harrison – aye
Commissioner Pfeiffer – aye	Commissioner Prestigiacomo – aye
Commissioner Swistak - aye	

III. New Business

1. David Urban, The Secret Garden, AP 9 Lot 592, 12 Southwest Avenue; Development Plan Review – Recommendation to Zoning Board of Review; review, discussion and/or action and/or vote

A motion was made by Commissioner Swistak and seconded by Commissioner Enright to accept Shahin Barzin, AIA, of MMD Design as an expert witness.

So voted:

Commissioner Pendlebury – aye	Commissioner Cochran – aye
Commissioner Enright – aye	Commissioner Harrison – aye
Commissioner Pfeiffer – aye	Commissioner Prestigiacomo – aye
Commissioner Swistak - aye	

Urban gives a brief description of The Secret Garden. The business is 14 years old on March 3rd and they provide flowers, arrangements, designs and a garden center. The business has grown so much and they need more space. They have tried very hard to make small space work by adding a cooler in basement and a cooler in garage. The space they work in is 10 foot x12 foot area. They want to build a larger cooler so the flowers have a cooler to go into as soon as they are cut. They are not trying to attract more customers and business. They need more space to function.

The volume of flowers that comes in and out is fast passed. The plan is to build a bigger department/room to work, so they can to work easier. The expansion is about space to function.

Barzin presents the existing site plan, which consists of main building with a front porch, side entrance, deck and stairs and a garage building. The existing building lot coverage is 20% of the site. Inside, there is a front of shop, and a main display area. Deliveries come in from the side stairs. The arranging is done in 10 foot x12 foot area or 120 square feet. When a delivery comes in, all the area is taken up with boxes and flowers. It is a tight space to function. The majority of the business is for weddings and funerals. There is a cooler in the basement, and they have to go outside to the garage to access that cooler. They work in a very tight space for operations.

Barzin presents the proposed site plan. The blue section shows the existing building. The addition to the west adds a much larger arrangement space, walk in cooler, small office, bathroom and garden shop. Garage will be razed. Barzin reviewed square footage and the total building lot coverage is 32% which is under the 35% allowable. There is a stair case that goes up to second floor to an apartment. The apartment is two bedrooms, one bathroom, kitchen, and living area. Zoning regulations This building is within the setbacks within the zoning regulations, and by removing the garage the property becomes more conforming. The height of the building is under 35 feet. The issues are the parking conditions. There is an existing 65 foot curb cut that DOT provided. An aerial photo shows the current parking, where there are six non-conforming spots of which four protrude into the sidewalk. The proposed plan pulls the parking within the boundaries of the property. They are able to put six parking spots in front for the business and two parking spots on the north side for the apartment. They are short four spots for the store, as there should be ten. Barzin stated that there are four spots for full sized cars and two spots are for compact cars. The dumpster is located on north side of property. Currently the dumpster is located in the Post Office parking lot as there is an informal agreement that allows this. A parking arrangement will be made with the tenants to utilize the business parking on the mornings of trash days. Deliveries that come in the early hours can pull into business parking spaces. Otherwise, deliveries can utilize the 12-foot driveway. The driveway and previous garage area will be new pervious surfaces. This will decrease the impervious surfaces on the lot by 100 square feet.

Barzin stressed that it's a local business, looking to expand and better their business, which is good for the town.

Commissioner Swistak stated as a matter of procedure that this is before the Planning Commission for Development Plan Review. The applicant has presented a change from retail to mixed use of retail and residential. Commissioner Swistak asked if they should be using language like "change of use" rather than just Development Plan Review? Bryer stated that development plan review is the section of the ordinance that they are reviewing, mixed use is the type of use and that it is permitted within this district. They can add language like "change of use" but the review capacity is for development plan review only. Commissioner Swistak asked if the change of use triggers any other type of review and Bryer replied no, mixed use is permitted by right in the CL District.

Commissioner Cochran, who was the Planning Commission member on the Technical Review Committee, stated that the plan makes sense and is critical to their business. The current parking layout is an issue and any improvements will make it better. They will need really good indication of parking in the new spaces. He asked if yellow lines on the sidewalk can be put in place to show its not for parking? Bryer noted that they cannot paint in the state right of way but should line the on site spaces. He was happy that the mixed-use topic was discussed. He stated that any apartment dwellings are welcome as long they don't intrude on public space. Commissioner Pendlebury ask for clarification on the impervious areas of asphalt and stamped concrete. Barzin stated that the garage will be gone. There will be new pervious pavers where the garage was and in the driveway, which will make it 100 sq feet more pervious than it is now.

Commissioner Pendlebury asked about the storm water management as the plan. Downspouts and gutters need to be attached to get to the rain gardens. He asked has Jean Lambert, in town engineering department, looked at the plans? Bryer responded that Lambert did look at the plans. Her comments noted that the drainage addressed the new impervious cover. Pendlebury noted that in addition, they should have an operation and maintenance plan, which was not included. Bryer noted as a comparison, the plans are for a 25-year storm and when the Town looks at High Groundwater Plans they are asked to address a 10-year storm, so this is handling more than a 10 year storm. The plan handles the difference between pre and post development. Pendlebury noted the plan does not address overflows from the raingardens and how they would be handled if there is a big storm event.

Commissioner Enright asked where employees park? Urban replied that they park near St. Matthews and down the street. The designated parking spaces are just for customers.

Commissioner Pfeiffer asked if one of the parking spaces will be designated as handicap spot? Barzin stated that they have discussed this and the current plan doesn't show a handicap space. They will give five more feet parking space number 1 or 3, which is closest to the ramp, to designate it as a handicap space.

Commissioner Swistak asked if the two apartment parking spaces were full if a delivery could be made in the driveway and loading dock? Barzin replied that the driveway is a pervious surface and isn't a loading dock. A delivery vehicle can park at the top of the driveway. He also stated that a lot of the deliveries come in the morning. Commissioner Swistak asked if the Secret Garden owned delivery vehicles that come and go during the day? Urban replied that there are the two delivery vehicles are out during most of the day making deliveries of up to 30 per day. Commissioner Swistak asked where the delivery vehicles park when not in use? Urban replied that its usually in the lot.

Commissioner Swistak asked if the plan works without the apartment above because it would free up two more spaces for parking? Barzin stated that the apartment upstairs is part of the whole strategy of financing the project. Eliminating the apartment upstairs isn't a positive approach. Bryer stated when the applicant goes to the Zoning Board for a variance for parking, she doesn't want the Planning Commission to have a justification of approval listed as a financial reason. The Zoning Board will not give a variance based upon a financial hardship.

Commissioner Swistak sees the role of the Planning Commission to have an economic development component as well, and that leads into the scope of plans. Bryer agrees with Swistak. There is a fine balance in this application and in terms of economic development the Planning Commission has supported local business.

Discussion to find remote parking for the vans was had. Commissioner Cochran noted that its important to look at the customers, who go the florist, pick up their flowers and leave and that they are not parking for hours. He also commented that they are increasing the number of parking spaces and improving the parking that is there now. Ultimately, they do not want to burden the applicant with more restrictions.

Commissioner Swistak asked if there would fencing or landscaping on north or west side and whose fence is on the south side? Barzin and Urban replied that the existing fence belongs to The Secret Garden. Swistak asked if there should be definition in the plan of what the fencing will be when it gets sent to Zoning Board? Bryer stated that the pattern book details the fencing suggested for the front of properties. Barzin commented that the plans aren't finalized yet. Urban said that he had reached out to a fencing company. They will not be putting in chain link fence. Most likely it will be cedar or a wooden fence again.

Commissioner Swistak asked about the lighting plan leading to the apartment and outdoor lighting? Barzin stated that there will be landscape lighting and proper lighting along the paths, ramp and stairs. There will be outside lighting but not a plan at the moment.

Commissioner Swistak asked if business will be interrupted during construction? Urban replied that they are trying not to have business be disrupted but it all depends when the construction happens. Barzin stated that the plan is to have the construction done in phases. They assume that there will be a week or two of interruptions.

Commissioner Pendlebury asked what type of door will be on the Garden Shop? Barzin replied that it will be a barn door type of entry. Commissioner Harrison asked if the Garden Shop will be open for customers? Barzin stated that yes garden shop is for customers.

Barzin and Urban have read a copy of the draft motion and are ok with the conditions of approval. They waive the condition to read the whole motion.

A motion was made by Commissioner Enright and seconded by Commissioner Pfeiffer as follows:

The application of David Urban, Secret Garden, located at 12 Southwest Avenue was reviewed by the Planning Commission on March 2, 2022 and the Planning Commission hereby grants Development Plan approval and endorses the requested parking variance(s) based on the following finding of fact and subject to the following conditions of approval as amended:

Findings of Fact:

1. The application was reviewed under the standards of Zoning Article 11 as a substantial modification to an existing building;
2. The applicant is seeking a change of occupancy from single use to mixed use;
3. Secret Garden has been operating in this location since 1981;
4. The applicant, and owner for 14 years of Secret Garden, David Urban, testified that the improvements to the property are to improve the function of the business and not to grow the business;
5. The applicant was represented by Architect Shahin Barzin, AIA, recognized as an expert witness, at both the TRC meeting on February 22 and the Planning Commission meeting on March 2, 2022;
6. The proposal is to eliminate the existing garage and build an addition to the west of the existing shop that spans the lot from north to south;
7. The lot is 8,692 square feet. The square footage of the existing structures is 1482 with 243 square feet of deck and stairs. The proposed total footprint of the combined structure is 2417 square feet and 2783 total square feet. The building lot coverage is proposed to be 32% where 35% is permitted;
8. The impervious surface coverage is being decreased by 100 square feet between pre-development and post-development;
9. The following information has been provided for the current application:
 - a) Signed application
 - b) Project narrative (3 pages)
 - c) Additions and Renovations to The Secret Garden dated 2-2-22 by MMD
 - 1) Site Plan
 - 2) First Floor Plan
 - 3) Second Floor Plan
 - 4) Roof Plan
 - 5) South Elevation
 - 6) East Elevation
 - 7) North Elevation
 - 8) West Elevation
 - d) Drainage Plan and Calculations by Carrigan Engineering Inc. dated 1-31-22
 - e) Existing Conditions survey by American Engineering;
 - f) Jamestown RIGIS Map and Aerial Photograph.
10. This property is located in the CL Zoning District. Florist Shops, mixed use and residential use are permitted by right in this district.
11. There is an existing 65-foot curb cut. The applicant is seeking to utilize the curb cut to improve the existing parking situation. Parking for customers will be within the width of 65-foot curb cut;
12. The building, as proposed on the plans will require 12 parking spaces based on 2 for the proposed residence and 10 for the business. They are proposing a total of 8 spaces, 6 for the shop and two for the apartment. Two of the shop's parking spaces will be compact spaces and four will be full size.
13. A variance will be required for parking as follows: 82-1203 – 8 spaces proposed where 12 are required and 82-1203 – 25% compact spaces proposed where 20% are required;

Conditions of Approval:

1. The site improvements shall be built in strict accordance with the plans referenced above;
2. An Operations and Maintenance Plan for the rain gardens shall be provided by the applicant and reviewed by the Town Engineer;
3. The Drainage Plan needs to show the layout of the planting plan in detail for the rain garden vegetation;
4. An Overflow Plan shall be provided, reviewed and approved by the Town Engineer;
5. The Stormwater Management Plan shall show the connection of the downspouts to rain gardens for the new structure;
6. The applicant shall widen parking space number 1 or 3 and delineate as a handicap parking space;
7. All parking spots shall be delineated on site;
8. Submission of a lighting plan prior to final approval;
9. Any fencing to be added that is within public viewshed shall be approved prior to final approved;
10. Approval is required by the Zoning Board of Review for zoning ordinance variances prior to issuance of a building permit; and,
11. Final Development Plan Approval shall be granted administratively subsequent to Zoning Board approval of variance(s).

So voted:

Commissioner Pendlebury – aye Commissioner Cochran – aye

Commissioner Enright – aye Commissioner Harrison – aye

Commissioner Pfeiffer – aye Commissioner Prestigiacomo – aye

Commissioner Swistak - aye

2. Executive Order 22-20 – Allowing Remote Participation in Public Meetings – Status of March 16 Planning Commission meeting.

A motion was made by Commissioner Swistak and seconded by Commissioner Enright to revert to in-person meetings starting on March 16, 2022. So unanimously voted.

IV. Citizen’s Non-Agenda Item – none

V. Approval of Minutes – review, discussion and/or action and/or vote

- A. Planning Commission Minutes January 19, 2022

A motion was made by Commissioner Swistak and seconded by Commissioner Cochran to accept the minutes as amended. So unanimously voted.

Page 2: 1st paragraph “EE” changed to “PE” after Joshua Rosen.

VI. Correspondence - none

VII. Reports

1. Town Planner's Report
 - Future meetings – topics and applications

Agenda items for March 16 meeting:

1. Review 12 Holmes Court. Proposed single family dwelling in Jamestown Village Special Village. TRC voted to send to Planning Commission because construction of new house is on undersized lot and the garage does not meet one of the conditions of the garage.
2. 91 Carr Lane – pre-application

Commissioner Pendlebury asked Bryer if she will be present at the whole meeting? Bryer stated that she represents the owner, the Town of Jamestown, and Ashley Sweet represents the Planning Department at the meeting. The applicant is Church Community Housing Corporation and a myriad of attorneys will be present.

Agenda items for April 6 meeting

1. High groundwater application

VIII. Adjournment

A motion to adjourn at 8:35 p.m. was made by Commissioner Cochran and seconded by Commissioner Enright. So unanimously voted.

Attest:



Carrie Kolb