



# TOWN OF JAMESTOWN

P.O. Box 377  
93 Narragansett Ave.  
JAMESTOWN, RHODE ISLAND 02835

Approved as amended

Planning Office (401) 423-7210

## PLANNING COMMISSION MINUTES

February 5, 2025

6:30 PM

Jamestown Town Hall

93 Narragansett Ave.

### I. Call to Order and Roll Call

The meeting was called to order at 6:30pm. The following members were present:

Michael Swistak – Chair

Duncan Pendlebury

Diane Harrison

Bernie Pfeiffer

Mick Cochran

Nick Insana

Dana Prestigiacomo

Also present:

Lisa Bryer, AICP, Town Planner

David Petrarca, Esq., Ruggiero, Brochu & Petrarca

Christian Attorney Infantolino, Esq.

### II. Citizen's Non-Agenda Item

None

### III. Correspondence

1. TRC Minutes and Approval Letter – 121 Walcott Avenue

Correspondence was recognized as received.

### IV. New Business

1. 14 Narragansett Avenue (formerly Curiosity and Co.), Plat 8 Lot 168, owner 1601 Mineral Spring Avenue, LLC. Development Plan Review for restaurant second floor shed dormer and 562 square foot outdoor awning to cover restaurant seating. Located within the Village Special Development District, Zoning Ordinance 82-1100. Review, Discussion, and/or Action and/or Vote

Christian Attorney Infantolino, Esq. Requested a continuance to the next Planning Commission Meeting on March 19 at 6:30. Motion by Commissioner Cochran second by Commissioner Pfeiffer. All in favor

Chair Michael Swistak recused from the next application.

**2. Application by Regnum LLC for Town of Jamestown Zoning Ordinance Amendment proposal related to “Amusement or Video Arcade”. Recommendation to Town Council. Review, Discussion, and/or Action and/or Vote**

Christian Attorney Infantolino, Esq. represented the applicant Bill Munger. He handed out a presentation which is on the screen as well (attached).

They are requesting a Zoning Ordinance amendment including a change to the definition change and a change to the use table related to Amusement or Video Arcade. Part of the request is a change to the definition of Video Arcade to Amusement Arcade. Attorney Infantolino is not locked into the definition provided and is willing to discuss changes suggested by the Planning Commission. The applicant is interested in bringing Ryan Family Amusement in Newport to Jamestown. He recognized that the application did not provide a particular lot where this was going to occur because he did not want to create a spot zoning situation so did not ask for a specific lot.

The request for the zone change is because his client owns the lot at 20 Narragansett Avenue, and it is .414 acres (18,034 square feet) and is located in Commercial Downtown (CD) district. Currently the front of the building is Conanicut Gift Shop. Previously the rear of the property was a parts store for the marine operations. This is the perfect location for this venture. There are 24 parking spots currently.

The proposed entrance to the building is in the rear, on Knowles Court.

The applicant wants to bring “Ryan’s Arcades” from Newport into Jamestown. They are a family owned business for 6 decades. Currently have 10 locations in 3 states. They offer amusements, party and event space. Attorney Infantolino explained why an amusement arcade would be good for Jamestown. He feels it would be good wholesome family fun for Jamestown. This would create an indoor, family friendly venue for locals and visitors of all ages. It will provide space for birthday parties and social events, snack bar, soft drinks, redemption tickets. This is not gambling of any kind. That is already prohibited in our ordinance.

Applicant Bill Munger is here tonight as well.

Commissioner Pendlebury explained that this application is not for this specific site, this is a blanket request to amend the zoning ordinance that will allow this use, requested by-right in both the CL and CD zoning districts. Attorney Infantolino agreed but wanted the Commission to know that this is the site they are proposing. Commissioner Pendlebury said he understands, but this is not before the Planning Commission tonight. Attorney Infantolino agreed. Commissioner Pendlebury asked that the we just deal with the application tonight.

Commissioner Pfeiffer asked about the food service planned for this type of establishment. Attorney Infantolino explained it would be prepackaged food and soft drinks from a snack bar.

Commissioner Cochran addressed the proposed definition and thought it was too specific. He does not think gambling needs to be addressed since we already prohibit that in our use table. We do not need to address all the potential game types since we do not know what the next type is going to be.

Commissioner Pendlebury noted that we just revised the zoning and spent months working on the use table, those were public meetings and we had public workshops. No one came forward during the events and said we need an amusement arcade. And in the recent Comprehensive Plan workshop and community survey, everyone was satisfied with the recreational programs in the town. He does not feel it is the right time, without public input, to start revising the use table again because the public has seen all of the uses, commented on them and this use has not been brought up. It should have been presented when we were most recently revising the ordinance. The most recent changes that were brought forward, such as marijuana, helicopter landing pads and pet grooming had a lot of public discussion and raised a lot of issues. At that time, a lot of opinions came forward from the public to the Planning Commission. This is something that should be addressed more extensively.

Attorney Infantolino said the zoning ordinance will continue to be revised. His client did not know about this proposal until recently, so they did not come forth before this. They have the proposal now from Ryans and so they are before you now.

Commissioner Pendlebury noted that a huge number of man hours go into revising the zoning ordinance and people have said through all the processes of zoning and comprehensive plan that they want shops, services, restaurants, storefronts on Narragansett. That has always been the thought.

Attorney Infantolino noted that this use will help the other businesses succeed.

Discussion on what the process would be if an application came forward after this is approved. Attorney Infantolino said that if it is a permitted use, and they meet all the standards like parking, no further permitting would be needed. They asked Bryer if it is an application would it require Planning Commission review? It would most likely be considered "new use" and require development plan review.

Commissioner Pendlebury noted that the Planning Commission has a Memo from the Planner and a Draft Motion to look through which addresses consistency with Comprehensive Plan and Zoning.

Commissioner Prestigiacomio said this request is a major deviation from the current uses. It needs a lot of public comment and she does not know how that will happen. The Planner clarified that your recommendation will go to the Town Council for public hearing and action.

Commissioner Cochran addressed the proposed definition again and noted that the surrounding towns that allow this have a permitting and licensing structure. We would have to come up with some kind of structure for this.

Commissioner Insana stated that there is a license in Jamestown for Video Arcades and machines in the code of ordinances. It was noted that it is not permitted in our use table but arcade machines have been permitted. The former uses were a few in an existing establishment.

Commissioner Harrison asked if you have a location similar to Jamestown that has a Ryans. Attorney Infantolino referenced Oak Bluffs, MA and North Conway NH. Both are larger than Jamestown.

Pendlebury confirmed with Solicitor Petrarca that once the Planning Commission sends their recommendation, the Town Council will advertise for a public hearing.

Commissioner Cochran was concerned that if an amusement is permitted, alcohol could be permitted by special use permit. This should be prohibited in his opinion. Many of these types of businesses make money off of alcohol. Attorney Infantolino stated that Ryan's in Newport does not have alcohol. Commissioner Cochran feels that it has been prohibited for a long time and he does not have a problem with the kids playing games, they gather at the rec center now, and they have supervised games. He questioned whether supervision should be part of the definition or standards.

Harrison, feels that kids need other options besides video games.

Pendlebury, question before the Planning Commission, do we feel this application should be recommended to the Town Council as a yes or no; should the town have this type of establishment. If we say yes, it should not be on the main street or not advertised on main street. This use does not seem like it is in character with Jamestown. It is a public matter and he felt that it should have been brought up during all the public forums we just had. There is no public input in this forum.

Pendlebury discussed the Memorandum from the Planner. He does not feel he has enough information from public perspective to make a recommendation to the Town Council. And all of the elements do not add up for supporting.

Discussion ensued on options for more public input at the Planning Commission level. Attorney Infantolino argued that that is not the process. The public hearing is at the Town Council.

Discussion on constancy with Comprehensive Plan ensued and whether it was in character with Jamestown.

Cochran feels he understands this type of business in commercial downtown district but not in Commercial Limited District. He may agree with part of the proposal but not other parts of the proposal. Can we recommend only CD district? He is not in agreement with the way it is presented.

Pfeiffer feels it needs more public input. Harrison agreed. He has misgivings but maybe scaled down, it may be appropriate.

Commissioner Prestigiaco, suggested that we don't recommend, but get public opinion, and then make a recommendation.

Attorney Infantolino suggested that if the Planning Commission wants to have its own public process, they could make a recommendation for that. He does not want a negative recommendation just to have more public opinion.

Commissioner Prestigiaco wants to hear from the public first.

Harrison, Oak Bluffs is a much bigger town, and it is not similar to Jamestown. We have such a small business district. They have a carousel, many bars and restaurants. It is a bustling town and I am not sure we are similar.

Commissioner Pendlebury asked Bryer what the Planning Commissions responsibility is. She read from her draft Memorandum to the Town Council.

Timeframe discussed. The applicant can grant to an extension if they agree. Commissioner Pendlebury, asked if they would be responsible to the Town Council if we cannot approve this

up or down yet, because we do not have enough public input. Bryer suggested looking at the Comprehensive Plan sections that address this and the Memorandum.

Commissioner Pendlebury asked who would be in favor of forwarding this to the Town Council stating we do not have enough public input. Commissioner Cochran suggested we pass it to the Town Council with a positive recommendation. The timeframe was discussed. Commissioner Pendlebury asked for a poll from the Commissioners on who is in favor and who is not:

-positive recommendation: Insana, Cochran

-negative recommendation: Pendlebury, Harrison, Pfeiffer, Prestigiacomo

Attorney Infantolino asked for a recess to discuss with his client. He returned and stated they would grant an extension and now requests a special meeting between February 19 and March 19. He asked for a time extension so the planning commission could get public input. Bryer asked about what kind of information the Planning Commission is looking for. What does that forum look like? Public input other than a meeting is a large undertaking that takes time. She stated that there is not enough time to plan for such an event.

Discussion ensued about the special public meeting.

Bryer noted that you have findings based on your discussion. One of those findings is you do not have enough information, there may be one related to village character, or our commercial districts are long and narrow and residential use is behind each lot, we just reviewed the zoning ordinance and had a lot of public input without any mention of arcades. This is a procedural step that has to occur. A non-recommendation is still a recommendation. It is not binding on the Town Council. The only requirement is that this step has occurred. The Town Council also has its own time frame. Solicitor Petrarca stated that state law dictates this process. It can still go forward and if no extension is granted, it still goes forward. If there is no recommendation, it still goes forward. Your recommendation is not binding, it is just a recommendation. Any extension for Planning also affects the timeframe for the Town Council.

More discussion ensued on additional public input and what that looks like. Pfeiffer stated that an ad in the paper would be essential.

Is there anyone in the audience who would like to speak on this issue?

Mike Swistak, 143 Narragansett Avenue. He noted he has a conflict. What does the public input look like? What is the forum? People who show up are those who are against. Sometimes we get excitement on both ends with no conclusion. The Town Council is the body that has the responsibility to take the public input and make the decision. We have looked at the use table twice recently and we chose not to make any changes to this category. Why didn't we consider it more deeply; maybe because he could not envision that it could happen here. True public input takes work and we have a deadline. Back to the comment about, we want shops and restaurants; our shops are disappearing and it is all of our fault, we buy stuff on line and it is causing shops to disappear. So, repurposing those spaces is important. We all have an economic development responsibility to keep those spaces full with reasonable occupancies. If you want to put more control of what happens, we have the special use permit option.

Commissioner Harrison stated that she would not want this to be on the main street. She does not mind it on the back of the shop. If it is a yes, then it can go anywhere. She does not like the look of it as presented. Pfeiffer agreed that if it is a yes, we have no control.

Commissioner Pendlebury, we could limit the size in definition or standards. He also agrees with Swistak's public comments that it is hard to get public comment in a meaningful way. Then the issue becomes a circle if we send it off as a neutral recommendation and they send it back for public comment. We are not trying to take the Town Council's responsibility away by having public comment. They will hold the public hearing.

Commissioner Prestigiaco, when can we start putting some guidelines towards this topic?

Bryer noted the only way to provide standards is to put them in the ordinance. This could be part of your recommendation.

Solicitor Petrarca, discussed the options of N, Y, S in the use table and here are our general thoughts about parameters, specific and objective criteria, legally. This would be a conditional recommendation. Town Council will give their weight to your recommendation. This does not mean the applicant changes their proposal. The applicant can also change their proposal prior to the public hearing process at the Town Council.

Commissioner Pendlebury confirmed that the Planning Commission can make recommendations for changes to the proposal. Yes, noted Petrarca. Public Hearing process allows for live amendment.

Pendlebury asked Attorney Infantolino if he is ok with passing this to TC with conditions that the use be in only CD and use needs to be further defined with standards?

Attorney Infantolino, his question is when the use should be further defined? The use is amusement arcade. So, you would like some standards applied to the use? He is OK with special use permit would allowing for that. The Commission agreed.

Swistak, if it is an S then there has to be standards.

Agreed by Solicitor Petrarca, specific and objective standards need to be adopted if you recommend S. You can still have standards without a special use permit required. If you say nothing to the Town Council about standards, then the use is permitted by right, period.

Discussion about definition and keeping it as is. The Planning Commission is more comfortable with the existing definition with the change of "pay per play".

Commissioner Pendlebury addressed the Planners Draft Memo to the Town Council. Number one addresses which district. The Planning Commission only wants to recommend the CD district. The Planning Commission agreed that they would like to recommend a special use permit (an S in the use table). The standards were discussed. Some things are already addressed in zoning such as parking and signage.

Solicitor Petrarca suggested and discussion ensued about what conditions or recommendations could look like, they need to be specific and objective criteria otherwise if none are provided it is deemed to be allowed by right with no criteria. You could look at hours of operation, lighting, parking, visibility from main street, size of establishment, number of games, signage, limited to indoor activities, buffering from residential areas, Narragansett Avenue character, impact to

adjacent residential areas, security, required food plan or other ancillary uses addressing uses that are acceptable or not acceptable such as liquor, food, supervision of anyone under the age of x. If you have not had a chance to provide specific recommendations to TC then provide basic concerns and/or categories of concern.

Commissioner Pendlebury should amend the draft Motion that the Town Council should address criteria as noted above.

Add the uses in the commercial recreational category in the use table. None are listed in the use table by right. Bryer suggested that now that you are recommending a special use permit, you could list both uses allowed by right and those by special use permit.

Review of the motion, cross out deny. Cross out CL zone. Change Y to S. Paragraph 2, disregard proposed definition and amending existing definition as discussed "pay per play". Add number 3, TC should consider the following standards hours of use, sound buffering from residential, lighting, Narragansett Avenue character, limitations on outdoor activities, everything should occur indoors, parking conflicts for lot, submit a plan for ancillary services such as food, number of machines.

Discussion of Findings of Fact.

Motion by Commissioner Pendlebury:

Move that we send the memorandum to the TC dated January 29, 2025 regarding the zoning ordinance amendment related to amusement arcades as an accepted use in the use table for the CD District including the memorandum as corrected. seconded by Commissioner Cochran.

Harrison - aye	Cochran - aye
Pendlebury - aye	Pfeiffer - aye
Prestigiacomo - aye	Insana - aye

Swistak returned to the Commission.

## **V. Old Business**

1. Comprehensive Community Plan Update & Re-write 2024/2025 – Review, Discussion, and/or Action and/or Vote

Our consultant will be at the next meeting and we will see revised Land Use element and Economic Development element and see the Sustainability and Resiliency element for the first time for review.

## **VI. Reports - Review, Discussion and/or Action and/or Vote**

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

Zoning Ordinance Amendments – approved by Town Council on February 3, 2025.

## **VII. Approval of Minutes – Review, Discussion and/or Action and/or Vote**

1. January 15, 2025

Motion to accept as written by Commissioner Cochran, seconded by Commissioner Pfeiffer.  
All in favor.

**VIII. Adjournment**

Motion by Commissioner Pfeiffer, seconded by Commissioner Cochran.  
All in favor.

Attest:  
Lisa Bryer