

**ZONING BOOK WORKSHOP  
OCTOBER 20, 2021  
@ 5:30 P.M. AT TOWN HALL**

**PRESENT:** Justin Steinbach, CPL Zoning Consultant, Juan Pagan, Councilman, Richard Purol, Town Supervisor, Scott Pagano, Zoning Board Chairman, Mike Miller, Zoning Board Member, Shari Miller, Planning Board Chairwoman, Thomas Tarnowski, Zoning Board Member, Priscilla Penfold, Zoning Board Member, Jay Warren, Planning Board Member, and Ken Tarnowski, Zoning Board Member.

**ABSENT:** Bob Price, Planning Board Member and Carl Brandt, Planning Board Member.

Consultant Justin Steinbach went over the expected timeline for completion of the Zoning Book. He explained to member's that with the proposal that was passed by the Town Board, it was roughly 60% complete. He stated he hoped to be completely finished with the Zoning Book by Thanksgiving time or be able to pass it to the Town Board for review and approval by then.

Planning Board Chairwoman, Shari Miller and Zoning Board Member, Mike Miller both had questions about two different components they felt needed to be addressed in the book they were not. Their concerns were with a noise ordinance and marijuana dispensaries.

Justin explained that marijuana dispensaries are evolving as we speak, he explained that New York State has yet to clearly define and explain guidelines. He stated that this may be something to revisit when there is more clarity on the state level.

As for a noise ordinance, he also stated this might be better as a separate law. Or a part two of the Zoning Book project, he stated that he would happily assist based on what the Town Board is willing to approve.

Chairwoman Miller then asked about short-term rentals or vacation rentals. She asked if this was something that specifically needed to be addressed within the Zoning Book.

Justin explained that vacation rentals are complicated and this would be another topic that he would suggest being either separate or a part 2/3 of the Zoning Book. He stated there are many options and the discussions on this topic can take up a fair amount of time, so they would have to address this separately in order to stay on track with the current proposal.

Another question came from Councilman, Juan Pagan. He asked about the issue of yard maintenance.

Justin stated that this should be something already included in the current code.

Councilman Pagan explained that they are experiencing an issue in front of the old Bob Evans building with tall grasses. The owner of that property was Home Depot and after much going back and forth, they have not been able to resolve the problem and have the grass cut.

Justin explained that Code Enforcement should be able to enforce the length of the grass, he would look into that further and if that wasn't addressed within the book, he would add to it.

Chairwoman Miller suggested having a separate section for both landscaping and lighting standards. In this section they could include yard maintenance.

Chairwoman Miller suggested a phase 3 of the Zoning Code be re-doing the comprehensive plan as they are usually re-done every 5-10 years and the plan is ageing out.

Justin explained that updating within 8-10 years is a good rule of thumb to have. Especially if you are completing the items within the plan, if that be the case you can update it sooner. Some towns such as the Town of Eden, have updated it earlier because they were completing the items they had listed within the comprehensive plan.

Member Warren wanted to note that in the preamble of the book it mentioned Chadwick Bay Comprehensive Plan, he felt that should be changed to mention our comprehensive plan since the Town adopted one.

Justin stated he would update that.

Members then began to review the Parking stacking and loading requirements. (Article XIX)

Chairwoman Miller stated she thought some of this seemed quite antiquated. She felt the number of parking spaces just didn't make sense with some of the businesses.

Justin agreed and stated he would update this. He also stated that the highlighted section he had for members didn't make sense and asked if anyone could shed some light or assist on that or if anyone had any ideas/suggestions for change.

Justin's suggestion was to completely eliminate this part of the code.

All members agreed.

All members also agreed in eliminating municipal parking, there is currently no municipal parking within the Town of Dunkirk and there are no intentions to install any, any time soon.

Because of this Justin suggested adding parking incentives for businesses.

Justin added to the "exceptions" part of the parking section.

Justin also explained to members that in the Town of Canandaigua their code states something along the lines of... The applicant is responsible to present to the Planning Board/Town Board what is "realistic" parking based on traffic plan reports. He asked the committee if this was something they would be interested in putting in there rather than defining for each business the amount of reasonable parking. He stated that this puts more pressure on the applicant rather than the board to figure out what "reasonable" is.

Chairwoman Miller agreed that having someone whose is qualified to review these kinds of things rather than the Board's would be helpful.

Justin stated that was something worth everyone to review.

The Committee then reviewed design addon's:  
Justin suggested adding to screening and buffering in this section.

Member Ken Tarnowski stated that there are already lighting issues within the Town, he asked if there was there a possibility of addressing maximum illumination standards.

Justin stated that was very difficult to do He stated the most general way to control things of that nature was by making sure it was contained to that property. This would give the Board's more control to regulate that.

Member Warren asked if this was considered lighting standards that was previously discussed.

Justin stated that it depended. He stated that this was mostly in reference to parking lots. In other areas it will be addressed either in the signage section or in the site plan review section.

Chairwoman Miller stated that the Town of Eden or Town of Evans had great examples of this.

Justin asked Chairwoman Miller what section they were under.

Chairwoman Miller stated they were under Signage, Parking, Neighborhood walk ways, and building lighting.

Justin stated that this might be another part or phase that gets added on. He asked members if they had anymore to comment on parking.

Member Miller asked if the committee if they were going to allow drive thrus in any other area other than the C-2 District.

Member's all agreed they should not be allowed at all in the R-1 and R-2.

Chairwoman Miller suggested only allow in the C-2 and a special use permit in the C-1/CR Districts.

Justin explained that there will always be things that won't necessarily fit the way everyone would like them to. Things can always be changed, such as the use tables. He further stated that you really just want to set guidelines for the use.

Members discussed in depth the issue of drive-thru and pickup. All talked about the issue of the Corona Virus and how many businesses became available via pick up, many wondered if this was another issue that needed to be addressed in this area of the book.

Chairwoman Miller and Member Miller both had many concerns on drive-thrus. Chairwoman Miller was concerned on the potential noise and excess traffic these can cause. Member Mille noted the concern of pollution that's emitted from these as well as the growing concern for obesity within this country, drive-thrus adding to both of these issues.

Members again discussed how drive-thrus during covid were how many businesses survived.

Chairwoman Miller asked about regulating hours of operation for businesses.

Justin explained that this was something that was not in the parameters of the boards or the town at all. He explained that this infringes on businesses rights.

Member Ken Tarnowski asked about quiet hours or noise levels needing to be low after a certain time.

Justin explained that was something the Town/Board's could regulate.

Chairwoman Miller explained her concern was for the residential parts of neighborhoods.

Justin stated that he can add something to kind of "beef" up the noise requirements.

Member's then discussed regulations for mobile homes/manufactured homes.

All agreed that the term mobile home was completely outdated and needed to be changed/updated.

Supervisor, Richard Purol stated he wanted it stated that the homes must be on a foundation and no skirting to be allowed.

Member Warren then asked if in this area, if mobile restaurants/living spaces should be included as there are up and coming issues.

Chairwoman Miller noted that there were two areas of concern in this area that she saw. It was Part G, Page 2 and Part I (she felt it was intrusive or a potential ethics issue.)

They agreed to remove code enforcement but leave emergency personnel.

Chairwoman Miller also had questions regarding blocking ingress/egress line of sight.

Members had a quick and brief discussion on shopping centers. This section was added based on previous discussion from earlier meetings. Justin asked the board to look at the general design standards.

The Board ended the meeting and decided the schedule the next meeting for November 10<sup>th</sup> at 5:30pm.

Respectfully submitted,

Kyle Coughlin,  
Secretary to Zoning & Planning  
Deputy Town Clerk  
Town of Dunkirk

DATED 10/26/2021