

**ZONING BOOK WORKSHOP  
JANUARY 5, 2022  
@ 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, Priscilla Penfold, Zoning Board Member, Mike Miller, Zoning Board Member, Shari Miller, Planning Board Chairwoman, Thomas Tarnowski, Zoning Board Member, Ken Tarnowski, Zoning Board Member, Bob Price, Planning Board Member and Jay Warren, Planning Board Member.

**ABSENT:** Carl Brandt, Planning Board Member.

**PUBLIC AUDIENCE:** Phil Leone, Barbara Warren, Sue Hazelton, Gary Hazelton, Jerry Dgiduch, and Irene Strychalski.

Justin Steinbach started the meeting by reviewing the summary document he presented to the committee and members of the audience. After he did this, he told the members that Shari Miller had some concerns about Solar she wanted to discuss. She stated that the Town Board when reviewing the solar law, the committee worked on, the Town Board changed the number 20 to 25mega watts. She explained her concern for this because when you get to 25 megawatts the state takes control and the Town has little to no say on anything that occurs at that level.

After thorough discussion with Supervisor Purol, Councilman Pagan, and the clerk it was noted that the number she was referencing was actual in KW not MW. Justin explained to everyone that KW is much smaller than MW so the change from 20-25 would not have any affect on the control the Town would have on future projects.

After discussing solar with the committee, Justin went over the new timeline the committee should expect. He stated that the work and meetings would continue for roughly 4 more months.

Member Jay Warren started off the discussion for the evening by explaining to Justin just how long the committee had worked on the Zoning book. He showed a document that was dated back to September of 2015. He stated that between the 3 consultants that they have worked with the R1 has changed significantly form the original document. He asked how some of the changes have come about.

Justin explained some of the changes he made. Specifically, his change from having the lakefront as a sub district and the intent that was changed for that section as well.

Member Warren showed the number of changes from the current zoning code, noting that there were quite a few.

Justin stated that he could not explain changes he did not do. Especially from 2015. He can only talk about the changes he specifically made. He went into detail about some of the changes and how they came about.

Member Shari Miller explained that a lot of the changes in terms of uses came from the use table they made when working with the second consultant in 2019. She explained in more detail that use table to the committee.

Member Warren then asked if each change could be discussed section by section/item by item.

First discussed was the site plan review section, there were not questions.

Then the committee moved on to the special use permit section. Justin explained that he could not give rational behind these changes as he converted them from the documents he received. He did explain that these are characterized as more residential friendly uses.

Member Warren then asked why such commercial uses were on there then.

Justin said that while they can be considered commercial in some aspects but the Town would have control with the special use permit.

Councilman Pagan stated that he also agreed with the Special use permit aspect. It gives the Town control so that these businesses would have to cater to the residential district.

Member Warren explained hat he felt in order to control businesses code enforcement would need to enforce the code.

Councilman Pagan stated that while member soft h audience and members of the committee might have opinions about the code enforcement officer or think it's a joke. He explained that he felt it was not funny and Code Enforcement is very serious. He said that the committee needed to move forward from the discussion they had been dwelling on.

Justin further explained that the more clarity within the code, the better job a code enforcement officer can do.

Member Price moved the discussion forward and explained his concern with the bed and breakfast, and lodging house uses. He said he believes that this would be a contradiction to the R1 district. He stated that the lots within that area are small and having those kinds of uses could create a lot of issues within the community.

Member Warren stated that he also disagreed with this change. He stated that he felt this was the commercialization of the R1 District.

Supervisor Purol reminded Member Warren that the R1 district isn't just Shorewood Dr. but it is also Route 5 which is much different than the private areas of Shorewood.

Member Warren explained that people in that area were concerned about this as well. He said residents within the East Town were also concerned not just residents within the Shorewood area.

Member Miller stated that she believed back when the zoning code was worked on years back, she thought they felt like they had to include all of these uses. She stated that the Code Enforcement Officer at the time directed them in this path because he said if it wasn't in the code, he would have

to allow it. She explained that they created a large spreadsheet with all the different uses on it and all the zoning districts. They used this as a tool to decide if something needed a special use permit or an allowed use. Now, thanks to the help of Justin, we know that this is not the case. She stated that maybe further looking into this would be beneficial for the committee.

Member Price stated that these uses were already listed in the R2 District in the existing Zoning code. He asked if there was a reason anyone in the R2 wouldn't want it there.

Member Warren asked Member Shari Miller about her feelings since she lived in the R2.

Member Miller reminded Member Warren that when they moved into their property that has been within their family for 5 generations, it was always agricultural and then was changed when they thought millennium parkway was going to be built. She explained that asking her about how she felt about it being in the R2 was not valid because it shouldn't be an R2 district in the first place. She explained so thinking about if a boarding house/lodging house should be in a R2, maybe.

Member Mike Miller asked if it wouldn't be allowed in R1, why should it be allowed in R2?

Member Shari Miller stated that was a good point so she really couldn't further elaborate on that topic. She stated that the trend currently is that people do not want to stay in hotels/motels and have a better experience in a home that they rent out. That is how these have come about; they are booming businesses right now. She stated that she was still not sure how to answer that based on her property.

Justin then went over the difference between bed and breakfast and lodging houses. He stated that a bed and breakfast is a residential home where the owner is on the premise and a room or two can be rented for a night and one meal is usually served. He explained that a lodging house is more intensive. While it is not a hotel, it usually will have more people and it might not be the people who own the house that are staying there. Justin stated that this is more similar to a short-term rental.

Justin stated that per the Town Board's request, they wouldn't be going into the short-term rental, that the Town Board will work on a separate local law to address that.

Justin suggested that within the R1 having both of those options might not be the most suitable for the area, and if that is the case then he would remove lodging houses and recommend bed and breakfast. Bed and breakfast are more controlled since the owner of the home must be present when renting a room or two overnight with breakfast use. He stated that this usually fits within lower density areas like the R1 but allows a little flexibility.

Member Warren and Member Price both stated that they felt that was a better option, knowing that the owner would have to be on site.

Justin then examined the definition within the updated code. He suggested that the definition of bed and breakfast be updated to say that the owner must live on the premises not **adjacent** like the previous definition said.

After reviewing this definition, Justin reviews the definition for boarding houses and lodging houses. These are described as "dwelling other than a hotel or lodging that accommodates 4 or more

persons. Shall not be misconstrued to local and state licensing provisions” He stated that this is where that grey area comes into play. A mix between short term rental and a hotel.

Member Price stated he was concerned whether this definition would be enough to not get misconstrued with other uses.

The committee then referenced Pg. 124 section 9, where the current code reads that if a use is not defined it is prohibited unless said otherwise by the Zoning Board. Justin stated it does not get any clearer than that. Justin stated that was also something he has going into the draft that they had been working on.

Justin asked the committee to look at the work they had done/completed so that they can fine tune this draft as much as possible for the Town Board.

Member Shari Miller stated she had concerns within the R2 district and the part within it that states that under accessory uses that no more than 1-ton commercial vehicle is allowed. She stated that with the R2 once having been an agricultural district, this would leave many people not in compliance with this part of the code. She stated that as a farmer with an F-150 truck, they would not be in compliance with this code.

There was a lengthy discussion about what a commercial vehicle was considered and what was not.

Member Shari Miller further explained into this discussion that this was not in the documents from the previous consultant back in 2019.

Member Tarnowski stated that he thought that the intent behind it might be to prevent junk vehicles.

Member Shari Miller stated if that was the intent, then it should say junk vehicles.

Member Tarnowski agreed. He stated he wasn't sure who suggested this change but it would not work for that district.

After much discussion the committee decided they would revisit the topic at the next meeting. They scheduled their next meeting for January 19 at 5:30.

Respectfully submitted,

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