

**ZONING BOOK WORKSHOP  
FEBRUARY 2, 2022  
@ 5:30 P.M. AT TOWN HALL**

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

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

**PUBLIC AUDIENCE:** Barbara Warren.

Justin started the meeting by informing committee members that they would only be discussing materials from the previous meeting. He reminded the committee that at the last meeting they left off at off-street parking. This is for both residential and commercial.

Member Warren asked if an existing dwelling or space exists before this law/code is enacted, they won't have to conform to the new regulations?

Justin stated that he was correct.

Member Warren then asked if there was a definition for grandfathered.

Member Mike Miller stated that he looked for one and did not see a definition, however he found a brief definition online.

Upon further discussion Justin stated that there was not a definition for grandfathered. Justin added a note to add this to the book.

Member Mike Miller also suggested that a definition be added for non-conforming uses.

Supervisor Purol stated that a few years ago a business wanted to go into a parking lot of another business, he asked if there was anything about that with parking.

Justin explained that would be a unique instance. He stated this would be up to the owner/lease manager to ensure that there is enough parking.

Member Mike Miller asked if Justin thought there was an issue with the math regarding the parking per square footage that is allowed/not allowed.

Member Shari Miller asked Justin if that she thought that meant that they would not have to come back to zoning/planning to expand their lot coverage.

Justin stated that they would not be able to cover everything. He stated that he would look into appropriate parking for an out building.

Member Warren asked if this was standard for these kind of industries.

Justin stated that the figures were standard for each industry he added similar ones for another municipality he worked with.

Member Warren asked if restaurant/other meant a drive-thru or drive-up?

Member Miller asked if it would be something along the lines of a Tim Horton's or pizza shop?

Justin stated that both were correct.

Member Juan Pagan then asked if food trucks were addressed anywhere.

Justin stated that they were not because they are mobile and they have to ask the businesses permission in order to park.

Members then asked if they should be addressed in this area.

Justin stated that it was not addressed. He explained that was not within the scope of the committee. He stated that these are regulated by the health department and DMV. He explained that under zoning specifically regulating these are difficult. Under Town Law, the Town Board could create a local law to regulate food trucks but he explained under zoning code they could not address these.

Supervisor Purol then asked about regulating yard sales, he asked if this was something they could add to their definitions?

Justin then explained that would also be something you have to do through Town Law and not Zoning Code, which then could be enforced by the zoning officer.

They ultimately decided that within residential districts they would add no more than 6 yard sales a year and no more than 2 per month.

Member wanted to quickly go over previous meetings discussion regarding a commercial business in a residential district. Upon further discussion, it was determined that they were okay with the regulations presented to them and they had nothing further to add.

Justin also wanted to go over the clustering section and the few items he added/subtracted.

Member Shari Miller stated that she had a note about clustering being allowed in Ag districts, whether that should be included or not?

Justin stated that he had it in the R and C Districts but suggested it being in all the districts because he felt there was no reason to not have it in there.

All members agreed it was good as is, no changes were needed.

Members then discussed the nature preservation aspect of the clustering section.

Member Warren asked if there was a percentage that they could enforce to be preserved?

Member Penfold stated that it currently read 25% must be open space.

Members had no further concerns or discussions to be had on any of the material.

With the meeting coming to an end the committee scheduled their next meeting for February 22<sup>nd</sup> at 5:30 p.m.

Respectfully submitted,

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