

**MEETING OF THE ZONING BOARD OF APPEALS
TOWN OF DUNKIRK APRIL 21, 2021
MAYRA AGOSTO-FRED**

The Town of Dunkirk Zoning Board of Appeals held a Zoning meeting at 5:00 p.m. on Wednesday April 21, 2021 at the Town Hall, 4737 Willow Road, Town of Dunkirk with Scott Pagano presiding as Chairman.

PRESENT: Scott Pagano, Thomas Tarnowski and Michael Miller.

ABSENT: Ken Tarnowski and Estelle Harper

ALSO, PRESENT: Supervisor Richard Puro, Councilman Juan Pagan, Mayra Agosto-Fred, Luis Fred, and Priscilla Penfold

The Meeting was opened at 5:00 P.M. and started with the pledge to the flag.

Chairman Scott Pagano read the legal notice that was posted on April 7th, 2021.: “Please take notice that Town of Dunkirk Zoning Board of Appeals will hold a Public Zoning Board of Appeals Hearing at 5:00 p.m. on Wednesday, April 21, 2021 at the Town Hall, 4737 Willow Road, Town of Dunkirk, New York to consider the following appeal: **PETITIONER:** Mayra Agosto Fred of 10765 Temple Road , Dunkirk is seeking an area variance to build a 2400 square foot garage at 10765 Temple Road. Located on Section 95.02; Block 1; Lot 33, of the Chautauqua County Tax Map in the AR-1 Single Family Residential. In violation of the Town of Dunkirk Zoning Law - Article V; Section 33 – Maximum floor area accessory building in the AR-1 district-600 square feet. Any person may appear in person, agent or attorney. A zoom link will be available upon contacting clerk. All interested persons shall be heard at said Public hearing. If you have any questions regarding the above, please contact me at the Town Clerk’s Office at (716) 366-3967.”

No correspondence was received in regard to this variance.

Chairman Pagano explained t the petitioner that they did have the option to have another meeting, at another date since there wasn’t a full Zoning Board available for the current meeting. The petitioner stated she wanted to move forward with this meeting. He also explained to the applicant that the meeting was a 2-part meeting. The first part was for discussion and part 2 was for Zoning Board Member discussion.

PART 1

Chairman Pagano asked the applicant to give a description of the proposed project.

Luis Fred of 10765 Temple Road stated that they were looking to build a pole barn at the new property they built their home on. This home was built roughly two years ago and they do not have a barn there. Their old home, which is located across the street has a pole barn with they currently store all their equipment and vehicles. While they are downsizing, he stated they still need storage.

Chairman Pagano asked if the barn was going on the new or old property.

Mayra Agosto- Fred of 10765 Temple Rd. Stated that it would be the new property.

Chairman Pagano asked if there were any more questions for the applicant.

Supervisor Purol asked if they planned on having utilities such as electric and water.

Luis Fred stated that they would, he would like water to wash the vehicles and equipment.

Member Miller stated that the application showed a height of 16 feet, he asked if that was the roof height or the door height.

Luis stated it was the roof height.

A motion was made by Chairman Pagano to close the first portion of the meeting and open the second.

The Motion was seconded by Member Tarnowski and Carried.

PART 2

Chairman Pagano opened the second portion of the meeting for the Zoning Board Members to discuss the area variance in front of them.

With no further discussion from the Zoning Board, they began reviewing the area variance application.

1. Whether undesirable change would be produced in the character of the neighborhood or a detriment to nearby properties.

All members agreed with the applicants answer of no because the recent home they built is beautiful and the pole barn will look similar to the home.

2. Whether benefit sought by the applicant can be achieved by a feasible alternative.

All members agreed with the applicants answer of no because they are farmers and have to store their equipment somewhere. Members agreed it would be best to be in a barn rather than just on the property.

3. Whether the variance requested is substantial.

All members agreed with the applicants answer of no because the size they are asking for is typical of a pole barn.

4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood.

All members agreed with applicants answer of no.

5. Whether the alleged difficulty was self-created.

All members agreed with the applicants answer of no because they need the space for their agricultural equipment and their home is in an agricultural district.

All in favor of the area variance presented above with no stipulations the Zoning Board Members voted:

AYE:

NAY:

Member Miller
Member Tarnowski
Chairman Pagano

A motion was made by Member Tarnowski to approve the area variance for 10765 Temple Rd. a variance request for a Pole Barn to not exceed the size of 2400 sq. ft. The motion was seconded by Member Miller. The motion was carried unanimously.

ADJOURNMENT:

A motion was made by Member Tarnowski to adjourn the meeting. The motion was seconded by Member Miller and carried. The meeting was adjourned at 5:14 p.m.

Respectfully submitted,

Kyle Coughlin
Secretary to Zoning