

APPROVAL OF MINUTES DATED June 28, 2023

Amy Callahan - Garage

Due to minutes of above meeting being mailed to all members of the Zoning Board of Appeals
I the undersigned do hereby approve said minutes as mailed, or disapprove with comments below.

Signed 

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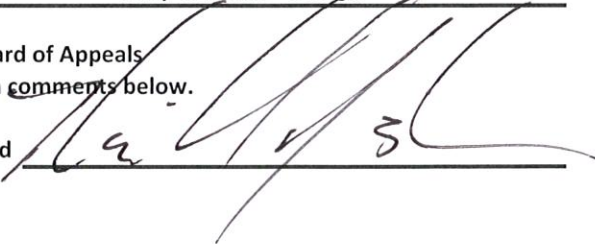
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**MEETING OF THE ZONING BOARD OF APPEALS
TOWN OF DUNKIRK JUNE 28, 2023
MIKE ANDERSON- ABSTRACT ARCHITECTURE- ON BEHALF OF AMY
CALLAHAN**

The Town of Dunkirk Zoning Board of Appeals held a Zoning meeting at 5:00 P.M. on Wednesday June 28, 2023 at the Town Hall, 4737 Willow Road, Town of Dunkirk with Scott Pagano presiding as Chairman.

PRESENT: Scott Pagano, Thomas Tarnowski, Michael Miller, Michael Bohn and Kenny Tarnowski.

ALSO, PRESENT: Supervisor Pagan, Kyle Coughlin Zoning Clerk, Sue Hazelton, Gary Hazelton, Ericka Strychalski, Irene Strychalski, James Strychalski, Councilwoman Priscilla Penfold, Rebecca Yacklon Town Clerk, and Mike Mckinnen.

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

Roll call was taken and all Members were in attendance.

Chairman Scott Pagano read the legal notice that was posted on June 16, 2023:

“NOTICE IS HERBY GIVEN that a public hearing before the Zoning Board of Appeals of the Town of Dunkirk will be held, June 28, 2023 at 5:00 p.m. at the Dunkirk Town Hall, 4737 Willow Road to consider the following application:

In the matter of the application of Mike Anderson on behalf of Amy Callahan for property located at 5174 Woodlands Dr, Town of Dunkirk., Tax Map No. 95.13-1-1 for an area variance for a accessory building. This is in violation of Article III – R-1 Single Family Residential District, Section 16 – Area Requirements – Minimum front yard depth and minimum side yard. The minimum side yard requirement is 25 ft., the applicant is applying for a side yard setback of 11.8 ft; a 13.4 ft. variance on the East side yard. The minimum front yard requirement is 50ft, the applicant is applying for a front yard depth of 48 ft; a 2 ft variance.

Any person may appear in person, agent or attorney. 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.”

An affidavit of this posting is available in the clerk’s office.

Chairman Pagano asked the Zoning Clerk if there was any correspondence received regarding the project. She stated that there was not.

Chairman Pagano then asked Mike Mckinnon, the Contractor of the project if he would explain what he wanted to do.

Mr. Mckinnen stated that they would like to build a garage on the site. He explained that after listening to neighboring property owners, they decided to move the garage from the left side to

the right side. The right-side location is by shrubs and trees and therefore would prevent obstructing anyone's view of the lake.

Neighbors in the public shared concerns about the stress on the road during construction.

Mr. Mckinnen stated that there will be needed maintenance once construction is complete. He said it would be up to the owners to do that maintenance but doesn't see why they wouldn't; considering they have been good neighbors thus far.

Chairman Pagano asked Zoning Board Members if they had any questions.

All agreed that it was cut and dry. The plans had just flipped since the Zoning Board had reviewed the variances for the new build of the home on the property.

Irene Strychalski of 5170 Shorewood Drive West stated that currently the contractors were utilizing three roads, Shorewood, Woodlands, and Edgewood. She asked if they could possibly use one road to help prevent excess damage to the roads.

Mr. Mckinnen stated that could try their best to do that.

James Strychalski of 5170 Shorewood Drive West stated that they were in favor of the variance.

Sue Hazelton of 5178 Woodlands Drive shared her concern over truck traffic and the number of trips the trucks were making on a daily basis. She shared further concerns about the fill they were using/creating.

Supervisor Pagan reminded the contractor to contact CBI for the water, when they are ready to dig or connect to the water line.

There was no further public comment.

PART 2

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. The Board agreed with the applicants answer of no because the have updated their plans to help the neighboring properties.
2. Whether benefit sought by the applicant can be achieved by a feasible alternative. The Board agreed with the applicants answer of no because they have already changed their plan to accommodate the neighboring properties.

3. Whether the variance request was substantial. The Board agreed that it was not a substantial request they were asking for a 2 ft. relief in the front yard and more relief in the side yard due to switching from one side to the other.
4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood. The Board agreed with the applicants answer of no because they are installing extensive drainage to help mitigate any impacts on the conditions of the area.
5. Whether the alleged difficulty was self-created. The Board stated that the issue was not self-created because there is no where else to locate a garage on the property.

It was determined by the ZBA, based on the factors above that the benefit to the applicant does outweigh the detriment to the neighborhood or community. The ZBA felt that they could approve the variance.

Member Miller made a motion to approve the area variance for a side yard setback of 11.8 ft, a 13.4 ft. variance, and a front yard depth of 48ft. a 2 ft. variance. The motion was second by Member Tom Tarnowski and carried.

A roll call vote was taken.

AYE:
Member Miller
Member Tarnowski
Chairman Pagano
Member Tarnowski
Member Bohn

NAY:

ADJOURNMENT:

A motion was made by Member Miller to adjourn the meeting. The motion was seconded by Member Tom Tarnowski and carried. The meeting was adjourned at 5:18 P.M.

Respectfully submitted,

Kyle Coughlin
Secretary to Zoning