


APPROVAL OF MINUTES DATED January 4, 2023

Organizational Meeting

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

Signed  \_\_\_\_\_

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**PLANNING BOARD OF THE TOWN OF DUNKIRK  
ORGANIZATIONAL MEETING  
5:00 JANUARY 4<sup>TH</sup>, 2023  
TOWN HALL**

**PRESENT:** Chairperson Shari Miller, Member Paul Bowers, and Bob Price.

**ABSENT:** Member Carl Brandt and Jordan Cooper.

**ALSO PRESENT:** Secretary Kyle Coughlin, Councilwoman Penfold, Councilman Pagan, Jay Warren, Barbara Warren, Sue Hazelton, Phil Leone, David Maternowski, and Irene Strychalski.

With all members present, Chairperson Miller opened the meeting at 5:00 p.m. The purpose of the meeting was to re-organize for the year 2023.

The first order of business was to select a chairperson. Member Miller made a motion to nominate herself to remain the chairperson for the year of 2023. This motion was second by Member Price and carried.

Chairperson Miller read the duties and responsibilities of the chairperson located on Pg. 120 of the current zoning book. She then discussed the duties of town employees such as the secretary of the Planning Board located on Pg. 121. She then noted that Secretary Kyle Coughlin was reappointed for the 2023 year.

Chairperson Miller discussed Membership of the Planning Board and participation/availability. She asked Member Price to be her co-chairperson for 2023. She explained that system worked well in the past.

Chairperson Miller then went on to discuss meeting dates and times. She stated that for the year 2022, the Planning Board had picked the 2<sup>nd</sup> Wednesday of the month. She asked if any members were opposed to that date being their meeting date for 2023, no members were opposed.

Education requirements and expectations were discussed of the Planning Board Members. All Members are up to date on training but Chairperson Miller stated that she will continue to forward all information on webinar trainings to all members and Town Council Liaisons.

With no further business to re-organize, the Organizational part of the meeting was closed and the Planning Board Meeting began their review of the proposed changes to the Town of Dunkirk Zoning Code.

First, the Planning Board opened the floor to comments from the public.

Phil Leone of 5208 Woodlands Dr. stated that the Town Council was actively working on a short-term rental local law. He stated that within the new proposed code, that law was not mentioned at all. He expressed his concern on that matter and suggested it be mentioned.

Jay Warren of 5182 Woodlands Dr. gave background to the Planning Board on the Short-Term rental issue that they have experienced in the Woodlands neighborhood. He explained the ambiguity issue of the current code and the interpretation issue that occurred because of that. He stated that in updating the code, there should be no ambiguity. He welcomed new member Bowers to the Planning Board. As a past Planning Board Member of many years, he explained the comprehensive plan and how important it is that he becomes familiar with that. He further stated that the Planning Board and ZBA are important positions. He asked if the Planning Board could tell him if Short-Term Rentals will be allowed in the R-1 District.

Chairperson Miller told Mr. Warren that there were no changes to the proposed Zoning Code since he had worked on it as a committee member in 2021/2022. She stated that as she interpreted it was not allowed.

Member Price stated that he saw issues with the definitions.

Chairperson Miller asked the Liaisons of the Town Council to reach out to the Town Board to work on the issues within the definitions section of proposed code. Some of the definitions that the Planning Board had were with Short-Term Rental, Boarding Houses, Rooming Houses, Lodging Houses, and Cannabis.

She noted on Pg. 18 of the proposed changes dispensaries are addressed but not within the definitions. She explained that medical Marijuana was something they discussed but that is different from dispensaries. There was also no definition for lodging houses, it's stated within the district but not the use table definition.

She explained that after talking to member Price she felt that everything should be referenced within the use table because that is the easiest to interpret.

To address Mr. Leone's comment about mentioning the short-term rental local law, that was something Chairperson Miller noted as well. She stated that under the section regarding Solar, the local law for Solar was referenced and she also felt it should be the same for Short-Term Rentals. She explained that all eyes are on the Town of Dunkirk in how the Short-Term Rental local law is addressed and handled. With that being said, she emphasized the importance of this being addressed within the Zoning book.

Councilwoman Penfold stated that she is not sure what the intent is in regard to how to move forward with the Short-Term Rental law and how to mention it within the proposed code update but she stated that they have struggled just to make the progress. Recently, they have made progress and she will mention the points that have been brought forward.

Secretary Coughlin stated that Attorney, Jeff Passafaro had mentioned options in regard to how to handle the local law and the proposed code changes. He stated that amending the proposed code is an option or just referencing the law within the code also is an option.

Member Price stated that he felt it would be better to wait to approve the proposed changes rather than approve them and then change them again.

Councilman Pagan stated that they were still working on the local law but he felt that they had been making progress finally. He stated that the input of the Planning Board would be something that they will keep in mind when they move forward. He agreed that the law should be referenced within the proposed code changes.

He lastly wanted to address the point that was mentioned about whether short term rentals would be allowed in the R-1 District. He stated it is his stance that he does not believe they should be allowed in the R-1 and he felt that Councilwoman Penfold probably agreed with that. He said he can't say what will happen or speak for the board as a whole but wanted his personal stance clear to all.

Chairperson Miller stated that after discussion, her recommendation to the Board would be to wait to move forward with the proposed changes to the Zoning Code until the Short-Term Rental local law was complete and addressed within the proposed changes. Members Price and Bowers agreed with this and common goal of making the code the most clear and understandable.

With all members in agreement, the recommendation to the Town Board was to hold the code until all the issues within are addressed, most notably the cannabis and short-term rental issues.

Roll Call:

Chairperson Miller: Aye

Member Price: Aye

Member Bowers: Aye

Adjournment:

With no further business for the Planning Board, a motion to adjourn the meeting was made by Member Price. The motion was second by member bowers and carried.

Respectfully submitted,

Kyle Coughlin  
Secretary to Planning