

APPROVAL OF MINUTES DATED May 18,2022 Chalres Gilbert Use Variance

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 

APPROVAL OF MINUTES DATED May 18,2022 Chalres Gilbert Use Variance

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 


APPROVAL OF MINUTES DATED May 18,2022 Chalres Gilbert Use Variance

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 

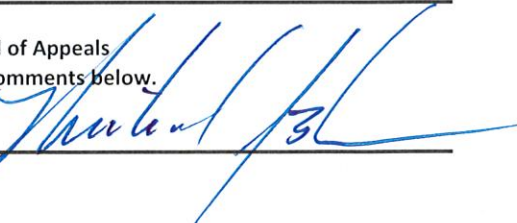
APPROVAL OF MINUTES DATED May 18,2022 Chalres Gilbert Use Variance

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 

APPROVAL OF MINUTES DATED May 18,2022 Chalres Gilbert Use Variance

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 

**MEETING OF THE ZONING BOARD OF APPEALS
TOWN OF DUNKIRK MAY 18, 2022
CHARLES GILBERT – OUTDOOR VEHICLE STORAGE**

The Town of Dunkirk Zoning Board of Appeals held a Zoning meeting at 6:00 p.m. on Wednesday May 18, 2022 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 Priscilla Penfold.

ALSO, PRESENT: Supervisor Richard Puroi, Councilman Juan Pagan, Charles Gilbert and Kyle Coughlin, Zoning Clerk.

The Meeting was opened at 6:00 P.M. and started with the pledge to the flag.

Chairman Scott Pagano read the legal notice that was posted on May 6, 2022:

” **NOTICE OF ZONING BOARD MEETING**, please take notice that the Town of Dunkirk Zoning Board of Appeals will hold a meeting at 6:00 p.m. on Wednesday, May 18, 2022 at the Town Hall, 4737 Willow Rd. Town of Dunkirk, New York to consider the following appeal: **PETITIONER:** Charles Gilbert is seeking a use variance to store vehicles awaiting repair at the autobody shop located at 3865 Williams Street, town of Dunkirk. Located on Section 96.02; Bock 2; Lot 32 of the Chautauqua County Tax Map in the R2 General Residential District. In violation of the Town of Dunkirk Zoning Law – Article IV; Section 20 Permitted uses and Structures. Any person, agent, or attorney may attend the meeting. All Interested persons shall be heard at said meeting. 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.

No correspondence was received in regard to this variance.

Chairman Pagano explained to the applicant that the meeting was a 2-part meeting. The first part was for open discussion or questions and the second was for only Zoning Board Member discussion.

PART 1

Mr. Gilbert presented the Zoning Board with pictures of the property. He explained his issue to the Zoning Board that the current verbiage stated that he cannot have any vehicles parked on his lot. He stated that wasn’t viable for the simple fact that he has 6 employees and himself which is at least 7 cars there alone. He explained he would like to be allowed to have 20 vehicles parked on the lot at a given time. He stated that he can comfortably work on 9 cars at a time.

Member Miller stated that he was a neighbor of Mr. Gilbert’s and complimented the property. He stated that it was immaculate and vehicles were rarely visibly stored for long periods of time. He stated that Mr. Gilbert was a good business man and ran a successful neighborhood friendly business. He stated that he was in support of the variance.

Zoning Board Members agreed with Member Miller.

With no further comment or questions, the Zoning Board moved on to the second half of the meeting.

PART 2

With no further discussion from the Zoning Board, they reviewed the use variance application.

1. The applicant cannot realize a reasonable return, provided that the lack of return is substantial as demonstrated by competent financial evidence.

The Zoning Board agreed with the applicants answer of no because if vehicles cannot be stored outside, this would greatly affect the business he runs and have serious financial consequences.

2. The alleged hardship relating to the property is unique, and does not apply to a substantial portion of the district or neighborhood.

The Zoning Board agreed with the applicants answer the use of the auto body shop itself was previously allowed but vehicle storage was not. The storage of vehicles does not change the business that is allowed.

3. The requested use variance, if granted will not alter the essential character of the neighborhood.

The Zoning Board agreed with the applicants answer that stated the business will not change from its current state and therefore will not alter the character of the neighborhood or even change the neighborhood in the slightest way.

4. The alleged hardship has not been self-created.

The Zoning Board agreed that the applicants answer that stated in order to operate a successful business, outdoor storage of vehicles is a necessity.

A motion was made by Chairman Pagano to approve the use variance for outdoor motor vehicle storage at 3865 Williams Steet with the stipulations that the maximum number of vehicles at a given time do not exceed 20 and any individual vehicle must not be parked for more the 30 consecutive days. This would also allow for 2 dumpsters to be on the property. The motion was seconded by Member Miller.

A roll call vote was taken:

AYE:

Member Miller
Member Tarnowski
Chairman Pagano
Member Penfold
Member Bohn

NAY:

ADJOURNMENT:

A motion was made by Member Miller to adjourn the meeting. The motion was seconded by Member T. Tarnowski and carried. The meeting was adjourned at 6:13 p.m.

Respectfully submitted,

Kyle Coughlin
Secretary to Zoning