

**Town of Dunkirk  
Planning Board Organizational Meeting  
February 18<sup>th</sup>, 2021**

**PRESENT:** Shari Miller, Carl Brandt, and Craig Lyford.

**PRESENT: (Via Zoom)** Bob Price and Jay Warren

**OTHERS PRESENT:** Councilman, Juan Pagan, Supervisor, Richard Purol, and Secretary to Planning, Kyle Coughlin.

Chairperson Warren opened the meeting at 4:35 p.m. and called the meeting to order.

Chairperson Warren started the discussion on agenda item number one selection of the chairperson for the year 2021. Member Lyford made a motion to nominate Member Miller as chairperson for the year of 2021. The motion was seconded by Member Warren and carried.

Chairperson Miller then took over meeting agenda discussion where item number two was discussed. Duties and Responsibilities of the chairperson. This information was found in the Town's Zoning book on page 120:

- a. At all special meetings, only such business as shall have been specified in the call for such special meetings shall be considered. No official business shall be conducted at special meetings in the absence of a quorum.
- b. The chairperson shall preside at all meetings of the Board and shall have a vote upon questions brought before the Board.
- c. The chairperson shall sign all documents and correspondence of the Board.
- d. In the event of the absence or illness of the chairperson, a temporary chairperson shall preside and shall exercise all the authority vested in the chairperson. This temporary chairperson shall be the person on the Board with the greatest longevity on the Board. A resolution shall be passed appointing the person as the temporary chairperson of the Planning Board.

Item number three on the agenda was then discussed. This item included responsibilities of town employees. The Supervisor, Clerk to the Planning Board (page 121), Code Enforcement Officer (page 112), Zoning Book Consultant, and the Town Attorney.

The Town Supervisor does not have a specific role in the Planning Board. However, he is part of the approving/disapproving voting body (The Town Board.) The Town Board are the only

people who have the authority to approve/disapprove a project after considering the Town Planning Board's recommendation.

The Duties of the clerk to the Planning Board are as follows:

- a. The secretary shall be responsible for keeping minutes of all proceeding of the Board and shall see to the proper and correct filing of all books, papers and recommendations places in their care. The secretary shall relay to the Town Board, and all actions of the Planning Board, as required by the Zoning Law, along with the reasons for such action as expressed by the members of the Planning Board.
- b. The secretary shall be responsible for calling special meetings of the Board upon receiving request from the chairperson or a written request by a majority of the Board to call a special meeting. Special Meetings shall be called by giving a written notice of said meeting to each Board Member; the purpose of the meeting shall be outlined in the written notice. Said notice shall be mailed to the members of the Board and be postmarked at least 48 hours, excluding Saturdays, Sundays, and Holidays, prior to the time of the meeting. Special meeting of the Board, as ordered by the Town Board, shall be the only exception to this ruling.

The Duties of the Code Enforcement Officer are as follows:

- a. Keep records of all applications for permits;
- b. Keep record of all permits issued with a notation of all special conditions involved.
- c. File and safely keep copies of all plans submitted and the same shall form a part of the records of their office and shall be available for use of Town Board and other officials.
- d. No permit shall be issued for a permit for the construction of any buildings or use of any property unless such building or use conforms to all other ordinances in the town of Dunkirk.

The Duties of the Zoning Book Consultant are specified in the Zoning Book Proposal and can be changed as needed by the Town Board's authority.

The duties of the Town Attorney are related to the Town Board only. When the Planning Board Members have legal questions, they are to be directed to the Town Board who will communicate with the Town Attorney.

Chairperson Miller introduced Planning Board members to new member Brandt. The Board now has the 5 required members and discussed that it is a requirement that we have three board members present at a meeting to achieve a quorum. Open Meeting Law was also discussed in

that three members of this board cannot assemble to conduct Town business without calling a meeting and advertising it in the paper.

Planning Board membership was discussed by Chairperson Miller and they are as listed in the Zoning Book:

- a. The Planning Board shall consist of five members none of whom shall not hold any other public office in the Town of Dunkirk or be members of the Town Board
- b. The members of the Planning Board shall be appointed by the Town Board. Terms of membership shall be five years.
- c. Members of the Planning Board, appointed in accordance with the provisions of this chapter as then in effect and in office when this Chapter takes effect, shall continue to serve for the balance of the terms for which they were originally appointed and until their successors have been appointed and qualified.
- d. The Town Board may adopt attendance and training requirements for members of the Planning Board. These requirements shall be adhered to by all members of the Town of Dunkirk Planning Board.

Planning Board Members discussed moving forward with their monthly meetings. Chairperson Miller brought up the point that designating a specific day and week every month, would be beneficial to the members. The Members discussed prospective dates and times. The week and time that all Members agreed upon was the second week of every month, on Wednesday at 5:00 p.m. It was decided that if there is nothing to meet about, meetings could be canceled as needed.

Chairperson Miller then discussed the next item on the agenda, education requirements. She stated that while our Zoning Book notes 3 hours a year, New York State changed the requirement in 2007 to now reflect 4 hours a year. The Supervisor stated that he felt Members should follow the state's requirement of 4 hours a year. Member Warren asked if these hours would be paid hours. Supervisor Purol stated that as long as a certificate was sent to the clerk, Member's would be paid for 4 hours per year. Anything exceeding 4 hours would not be paid. Chairperson Miller gave Member's examples of different training opportunities available in the future. If member's do not have the technology to do the training, the Town could provide assistance with this.

The next topic on the agenda was the letter received by Town Planning Board Members from The Town Board. Members expressed concern with the lack of confidence in the Board that was

expressed in the letter and the disparaging tone. Chairperson Miller asked Councilman Pagan for an explanation of what the letter truly meant.

Councilman Pagan stated that he felt the letter was rather self-explanatory. The Town Board feels that many meetings have become rather lengthy in time. He was specific to point out a meeting for Southern Chautauqua Federal Credit Union, this meeting lasted 2 and a half hours and the meeting was still left adjourned without a determination. He stated that they felt that some parts of the meeting could be streamlined if the Planning Board were to not read each application line by line or item by item. Councilman Pagan suggested reading application line items that are in question rather than every single one. While Planning Board Member's understood this, they felt that it's easier said than done and pointed out that there was no resolution to the Credit Union as they were taking the Planning Boards request under advisement and at that point had not received approval on the curb cut that they requested from the DOT. The DOT did in fact not approve the curb cut.

Member Lyford stated that sometimes large projects take an hour alone to present. He stated that they cannot cut the presenters short and they also need time to discuss the project amongst themselves. Councilman Pagan stated that the board understands in certain situations an hour won't be feasible but the Board feels that for most cases this should be enough time.

Councilman Pagan stated that "the one-hour limit is a goal, not a requirement".

Member Lyford stated that he felt if there were any issues the Board had with the Planning Board; a meeting would have been a more appropriate forum to discuss amongst one another. Member Lyford stated that while the letter is comprehensible, there is no specific scenarios or references stating what the Board expects.

Chairperson Miller made a suggestion to the Planning Board and representatives of the Town Board that having a preliminary meeting with applicants, code enforcement officer, and Chairperson to go over plans, applications, and questions would be more beneficial. She stated that she has been involved in previous meetings where the Board did this. Councilman Pagan and Supervisor Purol both stated that is a possible solution. Councilman Pagan stated that flexibility

will be important for both boards. The letter the Planning Board received on behalf of the Town Board should be used as a guideline for moving forward according to Supervisor Purol.

All parties agreed that active assistance from the Code Enforcement Officer would be helpful in making meetings efficient for both the applicant and the Planning Board. If the Code Enforcement Officer were to be more active, he could go through the applications and checklist to help determine what pertains to the applicant and what doesn't. Chairperson Miller stated that she would be willing to work with him prior to future meetings on this. Member Lyford noted that an explanation as to why certain items do not pertain should be noted and signed off on by the CEO.

Member Warren discussed that for both meetings the Town Board representatives mentioned Josh Hudson's and The Credit Union, there were parts of the applications that were not complete. In the instance of Mr. Hudson, his paperwork was incomplete, he did not have detailed plans nor the applications filled out correctly. On top of this factor the Code Enforcement Officer last minute stated he would be unable to attend. The Planning Board does not feel comfortable having meetings without Code Enforcement present.

While discussing the topic of the letter to the Planning Board, members were able to address agenda item eight, which was holding pre-meetings to help facilitate meetings for the one-hour time limit request.

Chairperson Miller moved to discuss agenda item 9 the Zoning Book revisions and Consultant. Secretary Coughlin gave members a copy of the proposal from Consultant Justin Steinbach. She stated that the consultant had been sent all prior work the Planning and Zoning Boards had completed. Supervisor Purol stated that the consultant is out of Rochester so he prefers to do everything virtually. He will have 6 months from the start of the meetings to complete the book. Supervisor Purol stated that meetings will be roughly every 3 weeks with the possibility of five or six.

The next agenda item to discuss was The LWRP Consistency Review Law. Chairperson Miller asked Member Warren to take over the discussion as this was something he had been working

on. “The LWRP consists of a planning document prepared by a community, and the program established to implement the plan. It may be comprehensive and address all issues that affect a community's entire waterfront, or it may address the most critical issues facing a significant portion of its waterfront. The LWRP follows a step-by-step process by which a community can advance from vision to implementation. The process is described in Local Waterfront Revitalization Programs in the Coastal Area: Guidance Manual for Preparing Local Programs.” (NYS Dept. of Planning & Development) This program helps local municipalities have the opportunity to receive grant funds and opportunities to revitalize Lakefront property. They are currently looking to re-adopt this program. Member Warren stated that this could be something the Town Board adopts and works together with the Planning Board on.

Supervisor Purol stated that this is nothing completely new to the Town Board. This was something that they worked towards approving years ago but had fallen through. This is an updated plan and the Town Board will gladly work on this when it is presented to them.

Supervisor Purol stated that just earlier in the day he had talked with a representative from the County Planning Department regarding the LWRP. He stated that this was still an evolving plan and they will continue to gather more information and work toward approving this.

The last item of discussion was COVID restrictions that are in affect. Secretary to Planning discussed that nothing has changed with COVID restrictions for meetings. They are still restricted to half capacity and masks. Zoom meetings are still allowed and all members agreed that this doesn't seem like something that will be changing any time soon. Potentially the zoom participation could be a permanent option for people who need it.

After going through all agenda items Chairperson Miller asked members if they had anything additional, they wanted to discuss. Member Lyford had some comments and suggestions to the Town Board representatives in regards to helping meetings go by faster. Member Lyford's suggestion was to give the Planning Board the authority to approve projects. This would eliminate scheduling a meeting with the Town Board. While the Town Board representatives appreciated the idea, they would need to discuss this topic further with the rest of the Town Board Members at their next meeting. It was pointed out that Councilman Pagan is always at our meeting and most of the time Supervisor Purol also is. With the Planning Board having the

authority to approve a site plan, the amount of time will lessen for the landowner to move forward. If the Planning Board has conditions or declare that they will not approve the project, they could refer it to the Town Board. Further discussion took place regarding advisory vs regulatory.

With nothing further to discuss a motion to adjourn was made by Member Lyford and seconded by Member Price. The motion was carried. The meeting was adjourned at 5:45 p.m.

Sincerely,

Kyle Coughlin  
Secretary to Planning