

**PLANNING BOARD MEETING  
OCTOBER 31, 2020 AT TOWN HALL  
HUDSON MOTOR SPORTS ADDITION**

**PRESENT** : Craig Lyford and Bob Price.

**ABSENT:** Chairman Jay Warren

**PRESENT VIA ZOOM:** Acting Chairman, Shari Miller and Betsy Hudson.

**ALSO, PRESENT:** Code Enforcement Officer Ryan Mourer, Secretary to Planning Kyle Coughlin, Joshua Hudson, Richard Puro, Bob Penharlow, and Jay Bishop.

Chairman Miller called the meeting to order at 9:08 A.M. and started the meeting with the pledge to the flag. With all members listed present the meeting began with the presentation of public notice of the planning board meeting. This notice was presented to the public on October 28<sup>th</sup>, 2020.

She proceeded to read the zoning code in the Town of Dunkirk's statement of Site Plan purpose.

This stated "Future development in the Town will influence the quality of life for all residents in Dunkirk. To ensure development conforms to the Region's Comprehensive Plan, and Zoning Law Article XII the following procedures for site plan approval have been established."

She also stated why site plan review was required for the project Mr. Hudson had proposed.

"Unless otherwise provided and as regulated by the Town of Dunkirk subdivision law, site plan review and site plan approval shall be required for all uses, buildings and structures that require site plan review and approval as outlined in this chapter. The Town Board shall act upon site plans following review and recommendations from the Planning Board and a public hearing. Fees outlined and adopted by the Town will apply to all site plan reviews. Unless otherwise provided and as regulated by the Town's subdivision Law, in all multi-family, commercial, industrial, open space, cluster, and planned unit developments, as well as in any project requiring a zoning district amendment, a site plan approval shall be required:

- 1) For all new construction of structures other than one- and two-family units;
- 2) The erection or enlargement (over 20 percent of total floor space) of all buildings except one- and two-family structures;
- 3) Any change in use or intensity of use which will significantly impact the characteristics of the site, in the assessment of the Town Zoning Enforcement Officer and after careful review of this chapter, in terms of parking, loading access, drainage, utilities, traffic or other environmental impact for any commercial, industrial or multi-family use;
- 4) Any use or structure in a flood hazard area;
- 5) All special permit, variance or rezoning applications."

Chairman Miller stated that this applied to Mr. Hudson due to point number two, which requires the applicant to present to the Planning Board due to a 20 percent enlargement request.

She went on to explain to Mr. Hudson (the applicant) that once the planning board determines the requirements have or have not been met, the board will vote to send his project to the Town Board with a recommendation of approval, approval with modifications, or disapproval. The Town Board will consider the recommendation and then vote on it at a public hearing.

Chairman Miller thanked the applicant and stated that the Town Planning Board takes reviews seriously and put a large amount of time and effort into these meetings. She stated prior to this meeting she had already dedicated 17 hours of her time to this project.

A review of the following applications began at this point.

First to review was the Building Permit Application.

**BUILDING PERMIT APPLICATION:**

Chairman Miller went through the details of this application beginning with the type of building, siding, and foundation. The type of foundation description line was left unfilled by the applicant. The applicant was asked if he had this information. Mr. Hudson stated that with this project being a pole building there will be poles set into the ground with concrete per zoning requirements. Chairman Miller filled in the type of foundation to be concrete in this application.

The section lot and block number were left off of this application as well. Chairman Miller stated that code Enforcement Officer, Ryan Mourer stated that the current building is on two parcels currently both owned by the applicant. Code Enforcement Officer, Mourer also stated that Mr. Hudson owns multiple parcels surrounding the current building and he is willing to merge the properties upon site plan approval. Three lots total will need to be merged contingent upon approval of the addition.

The applicant presented a new survey showing the location of the section lot and block numbers that will be affected by this project. It was determined that Lot 61 and 62 will be where the addition location will be. With Lot 6 being where the current location of the building is located.

Lot size will be different upon joining the parcels. This will be determined at a later date with the Code Enforcement Officer.

Planning Board Member Lyford pointed out that he felt there were more mistakes that needed to be addressed in this application.

Code Enforcement Officer Mourer stated there are going to be mistakes on this application and we are here to help him address these mistakes. He stated that while some will be able to be addressed others will not, but will be upon issuing a building permit.

One of these issues being the height of the peak being 12 feet. Mr. Mourer stated that Mr. Hudson meant the height of the wall. Mr. Hudson stated he wasn't sure about what the height actually meant, if it was in terms of the peak or wall height. The peak was determined to be roughly 16 feet.

Chairman Miller stated that we are here to help the applicant understand what some of these things mean, many people do not have it right the first time.

Frontage of the building was then discussed by the board. Chairman Miller stated she did not feel the figure was correct. (15 feet) She asked for clarification from the Code Enforcement Officer since the Zoning district (R2) in that area requires 35 feet for frontage.

Code Enforcement Officer, Ryan Mourer stated that the addition would be further from the road than the existing building. He stated that his determination as Code enforcement Officer that this isn't a character change to the current structure.

The zoning district was not filled in on this application as determined by Chairman Miller. The board filled this in as "R2."

Chairman Miller stated that it wasn't filled out whether this area was a floodplain. It was determined, that it was not.

The type of water was not listed in this application either. It was determined that the type of water is public and the provider is the North County Water District. Sewage determined as not existing, there is no bathroom there currently nor will one be added on.

Code Enforcement Officer, Ryan Mourer stated he will review the plans and make sure per the engineer drawings that this information will be correct upon review for a building permit.

#### **SITE PLAN APPLICATION:**

The first part of the discussion on this site plan application was in regards to the section, lot and block numbers. It was determined that with the original building, the three lots that would need to be joined would be lot 6, lot 61, and lot 62. This was changed on the application.

Chairman Miller discussed the use variance that was approved in 2016 for this commercial property located in a residential district. There was no opposition to the business coming into this district.

Chairman Miller stated that all coverage seemed to be within the allowed coverage within the R2 district.

Board member Lyford had a question on the building coverage. He felt that the numbers did not jive with the information being presented.

After discussion with the Code Enforcement Officer showed Board member Lyford with given materials and plans how the numbers make sense with the adjoining of all three lots. It was difficult to understand because of the fact that this is a commercial building in a residential district, with a strange shaped lot. Board member Lyford received clarification and had no more questions on the subject.

Code Enforcement Mourer presented to the board and public a better drawing on the survey of all the lots where the current building is and where the addition will be located. It was much easier for everyone to interpret after Code enforcement Mourer did so.

Code Enforcement Officer Ryan Mourer felt that much of the discussion was not applicable in regards to the setbacks to the original building because he stated that the board was here to

discuss the addition to the building. He stated that Mr. Hudson's addition is comparable to a small garage or shed.

Code Enforcement Officer stated that the Town Board can approve this project contingent on any stipulations determined during this meeting.

**SEQRA:**

SEQRA was not filled out prior to this meeting but will need to be filled out upon approval. This will be a stipulation of approval, recommended to the Town Board.

**PRESENTATION OF DRAWINGS/APPLICANT:**

Mr. Hudson stated that he just wants to put up his addition to store his new equipment. He stated he won't be making any drastic changes to the property.

Board member Lyford asked about the equipment that was purchased for this business. What it was and the effects this could have on the neighborhood?

Mr. Hudson stated that the new machine was an engine dyno. It would take up a footprint of 10 x 10 of the addition.

Board Member Lyford stated his concern was with the noise of this machine and the issues that could cause to the surrounding neighborhood.

Mr. Hudson stated that noise should not be an issue because the machine will have a muffler system and there will be a noise buffer surrounding the machine. He stated that he was unaware this was information he should have presented but he has specs and information for the cell surrounding the machine that should buffer any noise from reaching the outside of the building. Mr. Hudson also stated that the machine will be operating during normal business hours, if there were to be any external noise. The noise would be comparable to what a normal car sounds like while its running, which is very minimal according to Mr. Hudson.

Board member Lyford stated that he thought the Town Board needed to review the machine specs before approving this project.

Mr. Hudson stated that there will be no external access to the room housing this machine. That there will only be internal access to help eliminate external noise. There also aren't windows currently in this building and no windows will be added either.

This was deemed another stipulation for Mr. Hudson's Board Approval.

**SITE PLAN CHECKLIST:**

Chairman Miller stated that many of these points were discussed in previous conversation throughout this meeting. She also stated that it was determined by the Code Enforcement Officer that many of these points may not be applicable to the applicants' project.

1. Application form, notes and other required written information; **Information provided by applicant.**
2. Title of drawings, including the name of the development, name, telephone number and address of applicant and the name of the person who prepared the drawings; **Information provided by applicant.**
3. Key plan, north point, professional stamp, scale and date; **Information provided by applicant.**
4. Zoning, land use and ownership of surrounding and adjacent properties, including all structures on adjacent land surrounding properties; **Answered through discussion.**
5. A boundary survey of the proposed development, plotted to scale and existing topographic features including contours, spot elevation, large trees, buildings, structures, streets, property line, utility easements, rights of way and land use; **Information provided by applicant & answered throughout discussion.**
6. Layout, number and dimensions of lots; **Cannot be deemed accurate until lots are merged contingent upon Board Approval.**
7. All lot dimensions including, but not limited to, lot frontage, building coverage, lot coverage, front yard, side yard, rear yard, building height's and floor area ratio, where applicable; **Cannot be deemed accurate until all lots are merged upon Board Approval.**
8. All improvement dimensions, including, but not limited to, access roads, snow removal/storage areas, parking areas, walkways, buildings, etc.; **Not Applicable.**
9. Existing and proposed streets, sidewalks and pedestrian paths immediately adjoining and within the proposed site and the names of all proposed streets; **Information provided by applicant.**
10. Location and dimensions of all parking, loading, and stacking areas with access drive; **Not applicable.**
11. Paving, including typical cross sections and profiles of proposed streets, pedestrian walkways and bike ways; **Not applicable.**
12. Location, proposed use, height, building elevations, floor plans and finished floor elevations of all structures; **Information provided by the applicant.**
13. Colors, materials, dimensions, access and rooftop plans of all structures; **Information provided by applicant. (will be matching existing building.)**
14. Location and proposed development of all open spaces, including parks, playgrounds etc.; **Not applicable.**

15. Existing and proposed watercourses, direction of flow and the impact on the watershed; **Not applicable.**
16. Drainage plan showing existing and finished grades, storm water management plan and the impact on the watershed; **Not applicable.**
17. Water supply plan, including existing and proposed location of fire hydrants; **Not applicable.**
18. Sewage disposal Method; **No sewage/bathroom on property- Not applicable.**
19. Landscape plan indicating location, type and size of existing trees and vegetation, identifying those to be preserved or removed as well as location, type and size of trees, vegetation and amenities to be provided; **Not applicable.**
20. Location, design and illumination field of lighting, fences and walls: **Not applicable- no change.**
21. Location and dimension of all signs as required in this chapter; **Not applicable.**
22. Garbage screening and enclosures; **Not applicable- no garbage.**
23. Methods of barrier free access; **Not applicable.**
24. Applicable pollution control: **Noise pollution concern, should be addressed with stipulation of seeing engineer specs of equipment, showing a sound barrier and muffler system.**
25. Size and location of hazardous storage areas; **Not applicable.**
26. Location of bus stops and shelters; **Not applicable.**
27. Proposed easements, restrictions, covenants and provisions for homeowner's associations and common ownerships; **Not applicable.**
28. Estimated construction schedule and phasing plan for buildings, earth work and landscaping; **Not applicable.**
29. Tentative budgeting and financing sources: **Not applicable.**

That concluded the review of all applications and plans submitted by the applicant.

Chairman Miller asked the audience if there was anything they would like to present before closing the meeting.

Town Board member Juan Pagan stated that he appreciates Mr. Hudson's patience and that the Town Board appreciates his business and hard work within the Town of Dunkirk.

Planning Board member Lyford stated he hoped that Mr. Hudson understands that this is something that the Planning Board is forced to do because of the aging Zoning code within the Town, he stated further that this process is done for every applicant within the town. He stated that he appreciated the patience Mr. Hudson had going through this process.

Town Board member Jay Bishop also stated his apologies for the length in the planning review process. He also stated that as a board member and a resident in the Town he understands how frustrating this was and hopes that his business continues to grow within the Town. He stated that we clearly understand that we need to work on our zoning code and how this process works.

Chairman Miller asked the board to vote on a recommendation to the Town Board.

Chairman Miller, Board member Lyford, and Board member Price were all in favor.

A motion was made by member Lyford to make an approving recommendation to the Town Board with 4 stipulations. A second was made by board member Price.

The four stipulations made by the Planning Board Members were as follows:

1. Corrections made to the building permit application upon adjoining of all three lots.
2. SEQRA filled out and submitted to Town Board.
3. Manufacturer Specs submitted regarding the noise pollution for the new machine, going inside the addition.
4. Documentation provided to the Town Board showing the adjoining of three lots.

A motion was made to adjourn the meeting at 10:16 A.M. by member Lyford. The motion was seconded by member Price.

Respectfully submitted,

Kyle Bentley  
Secretary to Planning Board.