

**MEETING OF THE ZONING BOARD OF APPEALS
TOWN OF DUNKIRK APRIL 21, 2021
KYLE HUDDLESTON**

The Town of Dunkirk Zoning Board of Appeals held a Zoning meeting at 5:30 p.m. on Wednesday April 21, 2021 at the Town Hall, 4737 Willow Road, Town of Dunkirk with Scott Pagano presiding as Chairman.

PRESENT: Scott Pagano, Thomas Tarnowski and Michael Miller.

ABSENT: Ken Tarnowski and Estelle Harper

ALSO, PRESENT: Supervisor Richard Purol, Councilman Juan Pagan, Kyle Huddleston, Justine Huddleston, and Priscilla Penfold

The Meeting was opened at 5:30 P.M. and started with the pledge to the flag.

Chairman Scott Pagano read the legal notice that was posted on April 7th, 2021:

” **NOTICE OF ZONING BOARD OF APPEALS HEARING** Please take notice that Town of Dunkirk Zoning Board of Appeals will hold a Public Zoning Board of Appeals Hearing at 5:30 p.m. on Wednesday, April 21, 2021 at the Town Hall, 4737 Willow Road, Town of Dunkirk, New York to consider the following appeal: **PETITIONER:** Kyle Huddleston of 10681 Brigham Road, Dunkirk is seeking an area variance to add an addition of 2,132 square feet to a garage at 10681 Brigham Road. Located on Section 96.01; Block 2; Lot 16, of the Chautauqua County Tax Map in the AR-1 Single Family Residential. In violation of the Town of Dunkirk Zoning Law - Article V; Section 33 – Maximum floor area accessory building in the AR-1 district-600 square feet. Any person may appear in person, agent or attorney. A zoom link will be available upon contacting clerk. 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.”

No correspondence was received in regard to this variance.

Chairman Pagano explained to the petitioner that they did have the option to have another meeting, at another date since there wasn’t a full Zoning Board available for the current meeting. The petitioner stated he wanted to move forward with this meeting. He also explained to the applicant that the meeting was a 2-part meeting. The first part was for discussion and second was for Zoning Board Member discussion.

PART 1

Chairman Pagano asked the applicant to give a description of the proposed project.

Kyle Huddleston of 10681 Brigham Rd. began to explain the project to the Zoning Board.

He stated that he had debated on what was the correct way to do the project. He explained he went back and forth with the idea of both attaching it and not attaching it to the current pole barn. He stated that he felt attaching it seemed like the best option.

Member Miller stated he thought attaching it was better but he had one concern about the drainage. He asked if flooding was common in that area.

Mr. Huddleston stated it wasn't. He also stated that he would put eavestroughs up so help prevent any drainage issues on his neighbor's property. He stated he and his neighbor have discussed the project and he had not expressed any concerns.

With the clerk having not received anything for or against the project the board decided to move on to the second portion of the meeting

A motion was made by Chairman Pagano to close the first portion of the meeting and open the second portion. The motion was seconded by Member Miller and carried unanimously.

PART 2

Chairman Pagano opened the second portion of the meeting for the Zoning Board Members to discuss the area variance in front of them.

Chairman Pagano asked Member Miller if he would like to make a stipulation of the need for drainage on the property.

Member Miller stated he felt appropriate storm water prevention was necessary and would like that to be a stipulation.

Chairman Pagano asked about potential lighting on the building.

Mr. Huddleston stated that it would all be underground.

Member Miller asked about the garage doors and what his plans were for them.

Mr. Huddleston stated he hadn't gotten that far in his plans.

Member Miller suggested he finalize his plans in these areas.

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.

All members agreed with the applicants answer of no because the surrounding properties also have large pole barns.

2. Whether benefit sought by the applicant can be achieved by a feasible alternative.

All members agreed with the applicants answer of no because he is a contractor and needs the storage space. They also agreed there is no other location on the property for the barn.

3. Whether the variance requested is substantial.

All members agreed with the applicants answer of yes because it will be a large pole barn but they understand the need for the size.

4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood.

All members agreed with applicants answer of no.

5. Whether the alleged difficulty was self-created

All members agreed with the applicants answer of no.

All in favor of the area variance presented above with no stipulations the Zoning Board Members voted:

AYE:

NAY:

Member Miller
Member Tarnowski
Chairman Pagano

A motion was made by Member Tarnowski to approve the area variance for 10681 Brigham Rd. a variance request for a Pole Barn to not exceed the size of 4,132 sq. ft, with the stipulation that storm water drainage is put onto the addition .The motion was seconded by Member Miller. The motion was carried unanimously.

ADJOURNMENT:

A motion was made by Member Miller to adjourn the meeting. The motion was seconded by Member Tarnowski and carried. The meeting was adjourned at 5:47 p.m.

Respectfully submitted,

Kyle Coughlin
Secretary to Zoning

