

**MEETING OF THE ZONING BOARD OF APPEALS
TOWN OF DUNKIRK FEBRAURY 16, 2022
NORTH CHAUTAUQUA DENTAL – SIGNAGE**

The Town of Dunkirk Zoning Board of Appeals held a Zoning meeting at 5:30 p.m. on Wednesday February 16, 2021 at the Town Hall, 4737 Willow Road, Town of Dunkirk with Scott Pagano presiding as Chairman.

PRESENT: Scott Pagano, Thomas Tarnowski, Michael Miller, and Priscilla Penfold.

ABSENT: Ken Tarnowski

ALSO, PRESENT: Supervisor Richard Purol, Councilman Juan Pagan, Nathan Bateman, representing North Chautauqua Dental, Scott Friedman, (VIA ZOOM) and Kyle Coughlin, Zoning Clerk.

The Meeting was opened at 5:34 P.M. and started with the pledge to the flag.

Chairman Scott Pagano read the legal notice that was posted on February 1st, 2022:

” **NOTICE OF ZONING BOARD OF APPEAL**, The Zoning Board of Appeals of the Town of Dunkirk will hold a public hearing and at 5:30 p.m. on Wednesday, February 16, 2022 at the Town Hall, 4737 Willow Road, Town of Dunkirk. The purpose of the meeting is to review an area variance application submitted by North Chautauqua Dental located on 10772 Bennett Road Section 96.02; Block 02; Lots 52.3 of the Chautauqua County Tax Map. The application is in violation of Article XVI Section 121 part 3 of the Dunkirk Zoning Code. Public Comment can be submitted to the Town Clerk’s Office via email at townclerk@dunkirkny.org or mail. The public is welcome to attend. ”

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.

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

PART 1

Nathan Bateman with Bateman Construction introduced himself to Members and handed out corresponding material. He explained the pictures and specs of the sign that was presented to the Zoning Board. He stated that there will be no illumination just two small lights that would point at the sign from dusk until dawn. This sign is a very basic and classic style. He stated that he had done several signs for doctor/dentist offices and often they are bright colored and cheesy. He stated that he felt this sign specifically was one of the more tasteful signs he has done.

Member Penfold asked how far the sign would be from Arrowhead Dr.?

Mr. Bateman stated that it would be between 75ft. and 100 ft. if he had to guess. He stated that without a full scale he couldn't be sure of that number though. He further explained that they tried to set the signage in a similar way to JCC.

With no further questions, Chairman Pagano closed this portion of the meeting and opened the second half for board deliberation.

PART 2

Members felt the variance in front of them was self-explanatory and all members had asked all the questions they needed.

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 sign was not flashy or distracting. It was tasteful and complimented the character of the community.

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

All members agreed with the applicants answer of no because they are a business and need visible signage for their building.

3. Whether the variance requested is substantial.

All members agreed with the applicants answer of no because this sign is not any bit larger than any of the other signs located on route 60.

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 because the sign is simple and will not be distracting or cause any line-of-sight issues.

5. Whether the alleged difficulty was self-created

All members agreed with the applicants answer of no because all other businesses on Bennett Rd. have signs and they are no different.

It was determined by the ZBA based on the factors above that the benefit to the applicant does outweigh the detriment to the neighborhood or community. The reasons being that this business will be a positive impact on this community and the signage size applied for fits within the character and nature of the surrounding community.

All in favor of the area variance presented above with 3 stipulations the Zoning Board Members voted:

AYE:

NAY:

Member Miller
Member Tarnowski
Chairman Pagano
Member Penfold

The 3 stipulations for this variance are as follows:

1. The sign must not exceed the following figures: width of 8.8', length of 4.66', and a base of 113" width x 28"h
2. The sign must be located at least 75 ft. away from Arrowhead Dr. (from the curb)
3. The sign must be located at least 25 ft. away from Bennett Rd. (from the curb)

A motion was made by Member Penfold to approve the area variance for 10722 Bennett Rd. a variance request for signage with the 3 stipulations listed above. The motion was second by Chairman Pagano and carried unanimously.

ADJOURNMENT:

A motion was made by Chairman Pagano to adjourn the meeting. The motion was seconded by Member Miller and carried. The meeting was adjourned at 5:48 p.m.

Respectfully submitted,

Kyle Coughlin
Secretary to Zoning