

Town of Pomfret  
Zoning Board of Appeals  
Pomfret Town Hall  
9 Day Street  
Fredonia, NY 14063

**January 7, 2025**  
**Hearing # 1-25**  
**7:00 PM**

***MINUTES***

**APPLICANT:**

Natalie Swanson  
v/l Route 60  
Fredonia, NY 14063  
SBL: 114.09-1-3  
Special Use Permit

**OWNER:**

Matthew E Fortna  
Lisa M Powell-Fortna  
3478 Stone Quarry Rd  
Fredonia, NY 14063

**PRESENT:** David Fridmann (Chairman), Ruth Eckstrom, Ray Lewandowski, Michaelene Comerford, Alex Moon, Jonathan Townsend (Alternate), Nicole Waite (Zoning Clerk), Warren Kelly (Code Enforcement Officer)

**PUBLIC PRESENT:** Dr. Natalie Swanson, Dr. Matthew Fortna

- 1. CALL TO ORDER:** Chairman Fridmann called the meeting to order at 7:40 PM.
- 2. ACCEPTANCE OF MEETING MINUTES:** A motion was made by Ruth Eckstrom for Clerk Waite to cast one vote for the approval of the minutes of Public Hearing #7-24 Julio A Santiago as written; seconded by Michaelene Comerford. Clerk Waite voted Aye. The motion carried unanimously.
- 3. NOTIFICATION OF MEETING:** Chairman Fridmann read the published Public Hearing Notice aloud.

**“NOTICE IS HEREBY GIVEN** that Public Hearing #01-25 will be held by the Pomfret Zoning Board of Appeals on January 7, 2025 at 7:00 PM at the Pomfret Town Hall, 9 Day Street, Fredonia, NY 14063 to consider the appeal of Dr. Natalie Swanson, for a Special Use Permit for vacant property located at Route 60, Fredonia, NY 14063. This property is described on the tax map as SBL: 114.09-1-3.

The proposed action is to construct a new professional optometry office building, parking lot, and signage. The Building Permit denial was based on requirements under the Town of Pomfret's Zoning Code Section 300-75 "Professional Offices". The property is zoned Highway Business (B2).

This application for a Special Use Permit is open to inspection at the Town of Pomfret Planning & Zoning Office, 9 Day Street, Fredonia, NY 14063.

**PLEASE TAKE FURTHER NOTICE** that the environmental significance of the proposed request under SEQRA will be reviewed by the Board at said hearing.

Any person may appear in person or by agent or attorney. Please contact the Zoning Office at (716)672-7496 Ext. 7 with any questions. Communication in writing in relation thereto may be filed with the Zoning Board of Appeals or at such hearing. All interested persons shall be heard."

The board received copies of the notice letters mailed by Clerk Waite to the applicant, owner, and property owners within 500 feet of the project site.

- 4. CORRESPONDENCE:** Clerk Waite received a response from the Chautauqua County Department of Planning and Development regarding the 239 Mandatory Referral, which states: "the proposal would be a matter of local concern."

No other correspondence was received.

- 5. SEQR PART 1 REVIEW:** The board reviewed the Part 1 SEQR submitted by Natalie Swanson. Michaelene Comerford commented that #8c should be 'No'. The board agreed. The board had no other concerns or comments on the Part 1 SEQR.
- 6. PROJECT DISCUSSION:** Chairman Fridmann asked the representative to introduce themselves and describe the project. Dr. Natalie Swanson explained she would like to construct a standalone optometric office of approximately 2,000-3,000 sq ft. The parking lot would be comparable to the one at Dr. Fortna's orthodontics office next door, except for the addition of a small staff parking lot in the back of the building. Originally the plan was for ingress/egress to be shared with Dr. Fortna's existing entrance, but now she wants to have a separate curb cut for the optometry office. The office will be used for routine eye care, not surgeries. There will be approximately 4 exam rooms, a small lab, a waiting area, an office area, and a dry eye area.

Chairman Fridmann asked how many employees the office will have, and if the business already exists. Dr. Swanson said at the start there will be 6 employees. The business currently leases a spot in the Pucci building on Route 20 in Fredonia. However, at that site there is no room for growth, and she only has 1 exam room. She purchased the business 3 years ago and would like to eventually grow it to add 1-2 more doctors.

Code Enforcement Officer Warren Kelly explained that if the applicant receives approval for the special use permit, her architect will work with him to ensure the site design meets all the necessary requirements for the building permit process.

Alex Moon commented that the application was well done, and that it was obvious a lot of planning had been done regarding the building and parking lot design. He appreciated the included site description and community impact statement.

Michaelene Comerford asked for clarification on whether they would be requesting a curb cut for the parking lot. Mr. Kelly stated that because it is a state road NYS Department of Transportation would tell Dr. Swanson where a curb cut can be placed.

Chairman Fridmann asked if she was planning to purchase the property. She indicated that the other public attendee is Dr. Matthew Fortna, who currently owns the property, and that she is going to purchase it if she receives approval tonight. Dr. Fortna was asked to sign the application, as the property owner.

The applicant and board discussed the need for optometry offices in the area, with many local offices being closed and doctors retiring.

7. **PUBLIC COMMENTS:** Chairman Fridmann opened the public comment portion of the hearing. No comments were made.
8. **SEQR DECLARATION:** The board reviewed the Short Environmental Assessment Form Part 2 and discussed each question. The decision for each was 'No, or small impact may occur'.

Ruth Eckstrom made a motion that a Negative Declaration be declared for the Special Use Permit for property located at Route 60, Fredonia, NY [SBL: 114.09-1-3]. The proposed site is surrounded by medical services and the proposed optometry office will complement the existing professional offices.

The motion was seconded by Alex Moon and carried unanimously by roll call vote.

**ROLL CALL:**

1. Ray Lewandowski – AYE
  2. Alex Moon – AYE
  3. Ruth Eckstrom – AYE
  4. Michaelene Comerford – AYE
  5. Jonathan Townsend (Alternate) – AYE
  6. David Fridmann – AYE
9. **DECISION:** Michaelene Comerford made a motion to approve the Special Use Permit application for the construction of an Optometry Professional Office Building at Route 60, Fredonia NY location [SBL: 114.09-1-3]. The motion was seconded by Alex Moon, and carried unanimously by roll call vote with the following conditions:

- Site design must conform to the Town of Pomfret Zoning Code, and NYS Building Code; and
- Signage must conform to Town of Pomfret Signage restrictions as per Chapter 300-50

**ROLL CALL:**

1. Ray Lewandowski - AYE
2. Alex Moon - AYE
3. Ruth Eckstrom - AYE
4. Michaelene Comerford - AYE
5. Jonathan Townsend (Alternate) - AYE
6. David Fridmann - AYE

**10. ADJOURNMENT:** Ray Lewandowski made a motion to adjourn the hearing at 8:04 PM. The motion was seconded by Alex Moon and carried unanimously.

Respectfully Submitted,

*Nicole Waite*

Nicole Waite

Planning & Zoning Clerk, Town of Pomfret