

Town of Pomfret
Zoning Board of Appeals
Pomfret Town Hall
9 Day St.
Fredonia, N.Y. 14063

May 7, 2024
6:30 P.M.

MINUTES
Public Hearing #03-24

APPLICANT:

Greg Frazita
8513 Route 60
Cassadaga, NY 14718
SBL: 164.00-3-11
Area Variance

OWNER:

Penergy
9033 Spoden Rd
Fredonia, NY 14063

PRESENT: Dave Fridmann (Chairman), Ruth Eckstrom, Michaelene Comerford, Ray Lewandowski, Jonathan Townsend (Alternate), Nicole Waite (ZBA Clerk)

ABSENT: Alex Moon

PUBLIC PRESENT: Greg Frazita, John Connelly, David Abel, Eunice Abel

- 1. CALL TO ORDER:** Chairman Fridmann called the meeting to order at 6:30 P.M.
- 2. ACCEPTANCE OF MEETING MINUTES:** A motion to accept the minutes of Public Hearing #1-24 Daniel's Truck and #2-24 Chautauqua Watershed Conservancy was made by Ruth Eckstrom and seconded by Michaelene Comerford. The motion carried unanimously.
- 3. NOTIFICATION OF MEETING:** Chairman Fridmann read the Public Hearing Notice aloud.

“NOTICE IS HEREBY GIVEN that a Public Hearing (#03-24) will be held by the Pomfret Zoning Board of Appeals on the **May 7, 2024** at the Pomfret Town Hall, 9 Day Street, Fredonia, N.Y. 14063 at **6:30 P.M.** to consider the appeal of: **Greg Frazita**, whose property is located at **8513 Route 60 Cassadaga, N.Y. 14718.** For an: Area Variance

This property is described on the tax map as **SBL: 164.00-3-11.** The proposed action is the construction of a 32ft x 40ft storage building with 3 bays, which would not meet the Town of Pomfret Zoning setbacks and the Building Permit has been denied.

The permit denial was based on failing to meet the Town of Pomfret regulations for AR1 Agricultural/Residential District Area Standard under the Town of Pomfret Zoning Code adopted in July 2022.

This application for an Area Variance is open to inspection at the office of the Town of Pomfret Code Enforcement Officer, 9 Day Street, Fredonia, N.Y. 14063.

PLEASE TAKE FURTHER NOTICE that the environmental significance of the proposed request will be reviewed by the Board at said hearing. The Zoning Board of Appeals will consider the application for an:

Area Variance for the proposed construction of a 3-bay storage building, located at 8513 Rt 60 Cassadaga, N.Y. 14718 SBL: 164.00-3-11.

And the interpretation of the Zoning Law as it applies to the request of:

Greg Frazita 19 Porter Ave Fredonia, N.Y. 14063

Any person may appear in person or by agent or attorney. Please contact the Zoning Office at 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.”

4. **CORRESPONDENCE:** The only correspondence regarding this application was a response from the Chautauqua County Department of Planning and Development regarding the 239 Referral. They declared this a matter of local concern.
5. **SEQR PART 1 REVIEW:** The board reviewed the Part 1 SEQR submitted by the applicant. #1 and #2 had been left blank. The board discussed and instructed the applicant the answer for both should be ‘No’. #5 and #6 were also blank, and the board agreed the answer for both is ‘Yes’. For #9 and #10 Mr. Frazita clarified that the parcel has well water and a septic system. To his knowledge the well was tested by the current owner within the last 4-5 years. The board discussed and agreed that the answer to #14 should be changed from ‘Urban’ to ‘Early mid-successional’, and #15 should be changed from ‘No’ to ‘Yes’ due to bald eagles.
6. **PROJECT DISCUSSION:** Greg Frazita explained that the area variance request is for the construction of a 32ft x 40ft storage building that will be used to store his personal tools. He would like the storage building front to face Route 60 and wishes to install a blacktop driveway that connects the current Route 60 driveway to a new one on Spoden Road. Due to the steep incline on the Spoden Rd side the driveway would need to be dug out to make it gradual. The board agreed that due to heavy traffic on Route 60 a driveway on Spoden Rd makes sense. He described the exterior as the base being blue from the ground up to 3ft, with the remaining painted white. The roof will have black shingles.

Michaelene Comerford visited the property site to verify the GIS parcel measurements. The Route 60 boundary was accurate. However, her measurement of the southernmost boundary was 72ft instead of the 150ft documented in Chautauqua GIS, and her Spoden Road measurement was 232.7ft instead of 285ft. She contacted Chautauqua County regarding the discrepancies and was told the measurements have been recently changed for many properties along Route 60, but those changes are not yet reflected in GIS.

Ruth Eckstrom asked if the storage building would be heated, winterized, and non-habitational. Mr. Frazita confirmed all of those. The building will utilize propane for heating.

Ray Lewandowski asked if the applicant would be running a business from the property. Mr. Frazita said that he would be storing only personal property with no commercial component. Mr. Lewandowski also asked if there would be any signage or lighting installed. There will be no signage, however there will be security lighting.

Jonathan Townsend inquired about what site prep will need to take place prior to construction. According to Mr. Frazita the location of the demolished house will need to be leveled, and trees will need to be cleared – particularly dead ash trees.

The proposed storage building's 1,280 sq ft is a smaller footprint than the previous house, which was 1,344 sq ft.

7. PUBLIC COMMENTS:

- David Abel, 8506 Route 60, Cassadaga, NY 14718: Explained he lives across Route 60 from the parcel being discussed. He believes the past widening of Route 60 is what led to the parcel measurement discrepancies noted by Ms. Comerford.

He described past and ongoing arguments between property owners in this area, particularly surrounding snow removal leading to blockage of each other's driveways. He is concerned that future owners might let 'junk' pile up outside of the storage building, which would create an eyesore for neighbors. He also has concerns that the items being stored would increase the attraction of robbers – as he believes there are already illegal activities going on along this corridor. He commented that any future further widening of Route 60 would take away more of the property area. Mr. Abel expressed that he does not support the proposed area variance.

- Eunice Abel, 8506 Route 60, Cassadaga, NY 14718: Brought to the attention of the board that the adjoining property, 8515 Route 60, has been re-listed for sale.
- John Connelly, Risley St, Fredonia, NY 14062: Spoke in favor of the proposed application. He explained that he is familiar with how well Mr. Frazita maintains his personal home and property, so he believes there should be no concern for the maintenance of this building or yard. Mr. Connelly owns a similar storage building

for his own tools, cars, boat, and farm equipment and suggested that to allay the fears of Mr. and Mrs. Abel, there could be stipulations put on any outdoor storage, and the hours of operation and direction of lighting.

- 8. SEQR DECLARATION:** Ruth Eckstrom made a motion to declare a Negative Declaration under the State Environmental Quality Review Act with respect to the Area Variance submitted by Greg Frazita as the project conforms to existing building requirements and is an allowed use. The motion was seconded by Michaelene Comerford, and carried by a roll call vote.

ROLL CALL VOTE:

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

- 9. DECISION:** A motion was made by Ruth Eckstrom, seconded by Michaelene Comerford, to grant an Area Variance with conditions to Greg Frazita, for construction of a 32ft x 40ft 3-bay storage building as presented with a Zoning Board of Appeals application for property located at 8513 Route 60, Cassadaga, NY 14718 SBL: 164.00-3-11. The motion carried unanimously by roll call vote with the following conditions:

- Construction of driveway to Spoden Road
- Security lighting which does not shine onto neighboring property or Route 60
- Centering of structure between Route 60 and Spoden Road, with a 25-foot set back on Spoden Road
- North side of property building side yard, including driveway, of 27 feet

ROLL CALL VOTE:

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

- 10. ADJOURNMENT:** Michaelene Comerford made a motion to close the public hearing, seconded by Ray Lewandowski at 7:34 P.M. The motion carried unanimously.

Respectfully Submitted,

Nicole Waite, Zoning Board of Appeals Clerk