

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

**March 5, 2024  
7:30 P.M.**

Minutes of Zoning Board of Appeals  
Public Hearing #02-24

APPLICANT:

Chautauqua Watershed Conservancy  
71 E Fairmount Avenue  
Lakewood, NY 14750  
SBL: 112.00-3-11.1  
Special Use Permit

PRESENT: Dave Fridmann (Chairman), Ruth Eckstrom, Michaelene Comerford, Alex Moon, Ray Lewandowski, Jonathan Townsend (Alternate)

OFFICIALS PRESENT: None

PUBLIC PRESENT: Twan Leenders (Director of Chautauqua Watershed Conservancy), Jim Bailen, Anthony Mancuso, Greg Prechtl

- 1. CALL TO ORDER:** Chairman Fridmann called the meeting to order at 7:30 P.M.
- 2. MEETING MINUTES:** Minutes from the November 14, 2023 Public Hearing were unavailable. They will be reviewed at a future hearing.
- 3. MEETING NOTICE:** Chairman Fridmann read the Public Hearing Notice aloud.

“**NOTICE IS HEREBY GIVEN** that a Public Hearing (#02-24) will be held by the Pomfret Zoning Board of Appeals on **March 5, 2024, at 7:00 P.M.** at the Pomfret Town Hall, 9 Day Street, Fredonia, N.Y. 14063 to consider the application of **Chautauqua Watershed Conservancy.** whose property is located on **34 Johnson Street., Fredonia, N.Y. 14063.** For a: Special Use Permit.

This property is described on the tax map as **SBL: 112.00-311.1.** The proposed action is to **construct a gravel parking lot in an area that is zoned AR-2. This parking lot will be 52 feet x 42 feet off the side street.** Under the Town of Pomfret Zoning Code, a Commercial/Business parking lot is not a “Use by Right” (under section 300-14B Agricultural/Residential (AR-2)). The land is currently Zoned as AR-2 Agricultural Residential.

This application for a Special Use Permit is open to inspection at Pomfret Town Hall, 9 Day Street, Fredonia, N.Y. 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 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:** No correspondence was received regarding this application.
5. **SEQR PART 1 REVIEW:** The board reviewed the Part 1 SEQR included in the application and had no concerns or comments.
6. **PROJECT DISCUSSION:** Twan Leenders explained that the Chautauqua Watershed Conservancy is one of the largest land trusts in the area, has been in operation for over 30 years, and has 1200+ protected acres in the county. This parcel was unexpectedly donated to the Conservancy last year so their vision for the preserve isn't finalized. Their intent for the property is to preserve the creek, wetland habitat, and watershed – while creating a grassland habitat with trails that allow for low-impact passive recreation. The preserve will be open to the public to enjoy nature. This Special Use Request is for a small parking area on Johnson Street to avoid on street parking in the neighborhood. Educational signs and a kiosk are currently being installed.

Chairman Fridmann reported he took a walk through the site to the creek. He asked how the site will be maintained. Mr. Leenders responded that the property had been maintained as a hay field for a while. The Conservancy might switch to a grass species that would benefit native insects/animals and won't need to be maintained the same as hay.

Ruth Eckstrom asked if the current stakes are outlining the area for the parking lot. Mr. Leenders replied that the stakes are not for the parking lot. The proposed lot will be gravel, which is permeable to handle the ground wetness. The lot will be 1 row of 5 cars. The final lot plan will need to go through code enforcement to ensure compliance for parking lot regulations.

Ms. Eckstrom inquired to how the applicant will handle overnight parking. Mr. Leenders explained there is on street parking, and all of their preserves have a steward that checks on sites regularly.

Alex Moon asked about liability for those on site. According to Mr. Leenders, the Conservancy carries liability insurance for all of their properties. There will also be signage indicating allowed uses, rules, and dos/don'ts.

Chairman Friddman asked if hunting is allowed on most of the applicant's preserves. Mr. Leenders indicated that it is not allowed on ones with more dedicated trails or are too close to residential. Any allowed hunting is by request only, and requires permission and to abide by all laws. This particular parcel may not be 500 ft away from residences so it may not be allowable. Chairman Fridmann inquired about bathroom facilities. The Conservancy doesn't intend to put them in because of the impact the necessary infrastructure would have on the land.

## 7. PUBLIC COMMENT:

- Jim Bailen, 9 Ventura Cir Fredonia, NY 14063: Explained he has been a resident of the neighborhood for 30+ years and expressed concerns for the safety of nearby residents regarding potential hunting and traffic pulling in/out of the parking lot. The setback rules for crossbow and archery hunting are less than those for rifles, which might make it a possibility for this parcel. According to him the curb cut is close to an intersection with limited visibility, that becomes even worse with overgrowth and snow plowing. There is a drainage system on the southwest section of the property he reports has standing water that attracts mosquitos and doesn't drain to the creek. The property line runs up to residential so he has concerns of people entering private property and infringing on the residents' privacy. He also questioned the hours of operation, after hours lighting, and the potential for people partying on the property. He suggested moving the parking lot to Berry Road instead to mitigate the concerns for traffic, pedestrians, and visibility.

Mr. Bailen also reported that the permits for recent signage were not displayed, and he has concerns on whether or not they are weatherproof. He does however support the overall plan for the property as a preserve.

- Anothony Mancuso, 24 Ventura Cir Fredonia, NY 14063: A parent of 2 young children expressed concerned about increased traffic, and people using the parking lot for nefarious reasons. He questioned who will police the hours, if the lot will be gated, and how the applicant will keep people off private property.
- Greg Prechtl, 10 Johnson St Fredonia, NY 14063: Resident explained he is very happy the applicant has obtained the property and their intended use for it. He does not support hunting on the property due to its proximity to residential. He requested signage to indicate hours of operation, no overnight camping, and no hunting. He suggested having the Sheriff's Department patrol the area in the evening.
- Mr. Lenders responded to the public's comments. He indicated that the Chautauqua Watershed Conservancy would be open to putting in trees or using other methods to mitigate privacy concerns by nearby houses. He

explained that hours of operation are expected to be dawn until dusk without special permission, with appropriate signage. Having no hunting on the site is a strong possibility due to its location. They could also include signage along the property line to avoid wandering onto private property.

- The Board echoed concerns about the parking lot location and agreed that Berry Road would provide more visibility, more police patrolling, and less children/pedestrians crossing the road.

- 8. DECISION:** Taking into consideration the Board and public's concerns regarding the location of the parking lot on Johnson Street, a decision will be delayed to give the applicant time to look at potential sites on Berry Road and gather necessary documents. Chautauqua Watershed Conservancy will withdraw the current application and reapply. A parking lot on Berry Road will require referral to Chautauqua County due to it being a county road.

A motion for continuance of the public hearing to April 9, 2024 at 6:30PM was made by Michaelene Comerford, seconded by Raymond Lewandowski. The motion was carried unanimously by roll call vote.

**ROLL CALL VOTE:**

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

*April 9, 2024  
6:30 P.M.*

PRESENT: Dave Fridmann -Chairman, Ruth Eckstrom, Alex Moon, Ray Lewandowski, Jonathan Townsend (Alternate) Zoning Board Clerk-Nicole Waite

ABSENT: Michaelene Comerford

OFFICIALS PRESENT: None

PUBLIC PRESENT: None

- 1. CALL TO ORDER:** Chairman Fridmann called the meeting to order at 6:30 P.M.
- 2. PROJECT DISCUSSION:** Chairman Fridmann received an email from Twan Leenders, Director of the Chautauqua Watershed Conservancy regarding their

application for Special Use Permit. In the email he indicated the Conservancy plans to resubmit their application based on the changes previously recommended by the Zoning Board of Appeals. To date, no reapplication was received and no representative of the applicant is present.

**3. PUBLIC COMMENT:** None

**4. DECISION:** A motion to close Public Hearing #02-24 with no decision was made by Ruth Eckstrom, and seconded by Jonathan Townsend. The motion was carried unanimously by roll call vote.

**ROLL CALL VOTE:**

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

**5. OTHER BUSINESS:** The board briefly discussed two pending zoning applications. Chairman Fridmann will discuss one with Warren Kelly (Code Enforcement Officer) to ensure it is categorized correctly before moving forward.

Chairman Fridmann mentioned that progress on the Town Code update is ongoing. The public will have an opportunity to review and comment. A full submission to the Zoning Board of Appeals is anticipated in Fall of 2024.

**6. ADJOURNMENT:** Ruth Eckstrom made a motion to adjourn, seconded by Ray Lewandowski at 6:44 P.M. The motion carried unanimously.

Respectfully Submitted,

Nicole Waite  
Zoning Board of Appeals Clerk  
Town of Pomfret