

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

*March 5, 2024
6:30 P.M.*

Minutes of Zoning Board of Appeals
Public Hearing #01-24

APPLICANT:

Daniel's Truck, Auto and Trailer Repair, Inc.
10260 McAllister Road
Fredonia, N.Y. 14063
Use Variance
SBL: 114.09-1-13

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

OFFICIALS PRESENT: Warren Kelly (Code Enforcement Officer)

PUBLIC PRESENT: Attorney-John Gullo, Daniel Pelsey, Justin Pelsey, Mr. Daniel Pelsey's Daughter

- 1. CALL TO ORDER:** Chairman Fridmann called the meeting to order at 6:30 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.
- 4. MUNICIPAL REFERRAL:** Dave Fridmann read the Municipal Referral 239, and Chautauqua County's decision that this is a Matter of Local Law.
- 5. PROJECT DISCUSSION:** Attorney John Gullo explained that the property owner, Daniel Pelsey, needs a special use permit in order to get his business registered as an auto repair shop with New York State. The current building is a commercial garage with attached residential. It is the applicant's understanding that the property has been used by past owners for the same use he is applying for.

Warren Kelly and David Fridmann have both visited the property. Mr. Kelly had notified the owner of additional construction and safety concerns that needed to be addressed. Justin Pelsey provided the board with blue prints for the wall between the residential apartment and commercial shop. He indicated that project was close to completion. Fire extinguishers will be in both locations, and heat detectors are being installed in the shop with an alarm in the apartment.

The board and applicants discussed the typical number of vehicles that could be expected on the property: 5 customer vehicles, 3 semis, 4 personal vehicles, and 3 employee vehicles. Vehicles will not be stored on site. Engines will not be run overnight. Any overnight refrigeration noise will be rare and limited to short cycles.

There are no plans for permanent signage. Instead, the applicant will use tent signs that come down daily.

- 6. PUBLIC COMMENT:** None

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7. STATE ENVIRONMENTAL QUALITY REVIEW:

The board reviewed the Part 1 SEQR submitted by the applicant. The applicant discussed safety precautions they take on site. They report that oil filters are properly disposed of; used anti-freeze is put into drums that are picked up to recycle; all tires are disposed of properly; used oil is stored in a 250-gal tank, and 55-gal drums. Those drums are stored on concrete floors without drainage in case of accidental spillage. The waste oil is re-used in an oil laced burner for heat in the winter.

Ruth Eckstrom made a motion to declare a Negative Declaration under the State Environmental Quality Review Act with respect to the Use Variance submitted by Daniel's Truck, Auto and Trailer Repair, Inc. The motion was seconded by Michaelene Comerford and carried by a 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

8. DECISION:

A motion was made by Ruth Eckstrom, seconded by Michaelene Comerford, to grant a Use Variance to Daniel Pelsey, Owner of Daniel's Truck, Auto and Trailer Repair, Inc. 10260 McAllister Road SBL: 114.09-1-13 located in a Residential District (R2) with conditions. The motion was carried unanimously by roll call vote with the following conditions:

- Hours of operation continue as stated in application
- Total number of vehicles on exterior of building will not exceed 20
- Prior to occupation, Code Enforcement Officer issues a certificate of occupancy
- All signage will be compliant with Town of Pomfret code

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

9. ADJOURNMENT: Alex Moon made a motion to close The Public Hearing, seconded by Ruth Eckstrom at 7:25 P.M. The motion carried unanimously.

Respectfully Submitted,

Nicole Waite, Zoning Board of Appeals Clerk