

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

**November 12, 2024
6:30 PM**

Public Hearing #07-24
Minutes

APPLICANT:

Julio A. Santiago
Iglesia Dios de Pacto y de la Promesa
10164 Route 60
Fredonia, NY 14063
SBL: 114.00-3-73.3
Special Use Permit

PRESENT: Ruth Eckstrom, Ray Lewandowski, Alex Moon, Jonathan Townsend (Alternate), Nicole Waite (Zoning Clerk)

ABSENT: David Fridmann (Chairman), Michaelene Comerford

PUBLIC PRESENT: Julio A. Santiago, Elizabeth Rosado

- 1. CALL TO ORDER:** Ruth Eckstrom called the meeting to order at 6:30 PM.
- 2. ACCEPTANCE OF MEETING MINUTES:** A motion to accept the minutes of Public Hearing #6-24 Amber Felt was made by Jonathan Townsend and seconded by Ray Lewandowski. The motion carried unanimously.
- 3. NOTIFICATION OF MEETING:** Ruth Eckstrom read the Public Hearing Notice aloud.

“NOTICE IS HEREBY GIVEN that Public Hearing #07-24 will be held by the Pomfret Zoning Board of Appeals on **November 12, 2024 at 6:30 P.M.** at the Pomfret Town Hall, 9 Day Street, Fredonia, NY 14063 to consider the appeal of **Julio A. Santiago of Iglesia Dios de Pacto y de la Promesa**, for property located at **10164 Route 60, Fredonia, NY 14063** for a: **Special Use Permit**. This property is described on the tax map as **SBL: 114.00-3-73.3**.

The proposed action is to convert existing offices in the building into a religious facility with church services and meetings. The Building Permit denial was based on failing to meet the Town of Pomfret's Zoning Code Section 300-16 B “Uses by Right”. 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.”

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 Julio A. Santiago. Ruth Eckstrom commented that #4 should also have Other marked, and ‘Cemetery’ written in. The board agreed.

The board had no other concerns or comments on the Part 1 SEQR.

6. **PROJECT DISCUSSION:** Ruth Eckstrom asked the representatives to introduce themselves and describe the project. Elizabeth Rosado introduced Julio A. Santiago as the pastor of Iglesia Dios de Pacto y de la Promesa and explained she would be interpreting for him as he mostly speaks Spanish. She stated she is Mr. Santiago’s wife.

They described a need for a Spanish Christian church in the area, and stated there currently isn’t one. They’ve operated the church out of 355 Central Avenue, Fredonia, NY for the past 4 years, but the building was recently sold. That is why they are searching for a new location. Their main church service takes place on Saturdays, and they operate Bible studies on other days.

Ray Lewandowski asked roughly how many attendees the church has. Ms. Rosado replied there are about 60, some of them being children.

Jonathan Townsend asked about hours of operation and plans for signage. According to Ms. Rosado their church service is Saturdays at 7:30PM, and their other meetings are Wednesdays and Fridays at 7:00PM. Ruth Eckstrom mentioned that any signage would need to comply with Chapter 300-50 of the Town of Pomfret’s Zoning Code. The applicant will work with Warren Kelly (Code Enforcement Officer) on signage permitting and compliance when they move ahead with it.

Alex Moon asked if they planned to expand the exterior lighting, as there are currently only 2 lights, and the rest of the parking lot is very dark at night. Ray Lewandowski added that it would be important to ensure safe lighting since their

services and meetings all take place in the evening and Route 60 is a very busy road to pull in and out of. The board agreed.

7. **PUBLIC COMMENTS:** Ruth Eckstrom 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'.

Jonathan Townsend made a motion to make a Negative Declaration under the State Environmental Quality Review Act with respect to the Special Use Permit application submitted by Julio A. Santiago to convert the front portion of the structure located at 10164 Route 60, Fredonia, NY 14063 (SBL: 114.00-3-73.3) into a religious facility with church services and meetings.

The property is currently zoned Highway Business (B2) which permits Religious Buildings with a Special Use Permit. NYS Route 60 is a heavily traveled North/South route connecting Dunkirk and Jamestown. The addition of the religious facility would not adversely affect the traffic patterns.

The anticipated use of the unused portion of the structure would help to prevent the deterioration of the area. The motion was seconded by Alex Moon and 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 – ABSENT

9. **DECISION:** Alex Moon made a motion to approve the Special Use Permit request from Julio A. Santiago to convert the front section of the structure at 10164 Route 60, Fredonia, NY 14063 (SBL:114.00-3-73.3) into a religious facility for the purpose of conducting church services and meetings.

Iglesia Dios de Pacto y de Promese is legally recognized as an Incorporated Church in New York State and is located in Chautauqua County.

The church services and activities would not have a significant impact on traffic along Route 60 as it is currently the major North/South route between Dunkirk and Jamestown.

The motion was seconded by Ray Lewandowski, and carried unanimously by roll call vote with the following conditions:

- Future improvements will be made to the exterior lighting to ensure public safety
- Signage must conform to Town of Pomfret Signage restrictions as per Chapter 300-50

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 - ABSENT

10. ADJOURNMENT: Alex Moon made a motion to adjourn the hearing, seconded by Jonathan Townsend at 6:50 PM. The motion carried unanimously.

Respectfully Submitted,
Nicole Waite
Zoning Board of Appeals Clerk, Town of Pomfret