

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

June 3, 2025
Hearing # 3-25
6:30 PM

MINUTES

APPLICANT:

Town of Pomfret
9 Day Street
Fredonia, NY 14063
SBL: 112.08-1-7
Special Use Permit

OWNER:

LDS Church
PO Box 1685
Williamsville, NY 14221

PRESENT: David Fridmann (Chairman), Ruth Eckstrom, Michaelene Comerford, Alex Moon, Jonathan Townsend (Alternate), Nicole Waite (Zoning Clerk), Dan Pacos (Town Supervisor), Jeff Passafaro (Town Attorney), Warren Kelly (Code Enforcement Officer)

ABSENT: Ray Lewandowski

PUBLIC PRESENT: Barb Wright, Jim Wright, Nancy Jankowski, Terry Roof, Lenore Pucci-Roof, Todd Eggleston, Sara Michalak, Donald Michalak, M.J. Stafford

- 1. CALL TO ORDER:** Chairman Fridmann called the meeting to order at 6:00 PM.
- 2. ACCEPTANCE OF MEETING MINUTES:** A motion was made by Michaelene Comerford to accept the minutes of Public Hearing #2-25 Stacy Rosberg. The motion was seconded by Jonathan Townsend and carried unanimously.
- 3. NOTIFICATION OF MEETING:** Chairman Fridmann read the published Public Hearing Notice aloud.

“NOTICE IS HEREBY GIVEN that Public Hearing #3-25 will be held by the Pomfret Zoning Board of Appeals on June 3, 2025, at 6:30 PM at Pomfret Town Hall, 9 Day Street, Fredonia, NY 14063 to consider the appeal of Town of Pomfret, for a Special Use Permit for property located at 10410 Chestnut Rd, Dunkirk, NY 14048. This property is described on the tax map as SBL:112.08-1-7.

The proposed action is to convert a vacant church building into a town hall, including town court operations, municipal offices, and a senior center. The Building Permit denial was based on failing to meet the Town of Pomfret's Zoning Code Section 300-11 B "Uses by Right". The property is zoned Large Lot Residential (R2).

This Special Use Permit application 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 Clerk or at such hearing. All interested persons shall be heard.

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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 the applicant. Ruth Eckstrom commented that for #14 'Early mid-successional' should be checked. Chairman Fridmann added that #17 should be 'No' because no new construction was planned. The board agreed with both changes and 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. Supervisor Pacos explained that the Town of Pomfret wishes to convert the vacant Latter Day Saints Church into a town hall and community center. Town court is currently held off-site in the Village of Fredonia Hall, and there are issues with handicapped accessibility when the elevator doesn't work. The current senior center is housed in rented space.

He said he intends to speak with Chautauqua Tourism and the White Inn to discuss using Canadaway Creek for fly-fishing. As of now, people who wish to access the nearby creek park on the side of the road on Risley and Liberty, which can be unsafe. This site would have better access to the creek, and ample parking for visitors.

An offer was extended to the Town of Dunkirk to lease a portion of the building for their Town Hall operations. He commented that their building is also old and in need of improvement. This property is 2/10 of a mile from Dunkirk's current town hall. He is waiting to receive a response. He mentioned he's not sure what else the vacant building could be used for that wouldn't cause concerns for the neighbors.

The Town Attorney has been working with the sellers, who are not local. No exterior changes will be made, except for signage and lighting. The current owner will remove the steeple. The rest of the project is interior renovations to set up the office spaces. There are multiple entrances to the building. There is also enough space for storage of records and supplies.

Jonathan Townsend asked if the New York State Department of Conservation (DEC) had bought the fishing rights and added that if they do, the site would be included on DEC's map. Supervisor Pacos indicated he wasn't sure if they had.

Chairman Fridmann asked what the plan for the building layout is if the Town of Dunkirk decides not to lease part of it. Supervisor Pacos stated there is a second blueprint of the interior for that scenario. It expands the boardroom and record storage to fill that space. He also said if Dunkirk does participate, Town of Dunkirk seniors may be able to join the Pomfret Senior Center.

Chairman Fridmann added that it would be good if the Chautauqua Area Regional Transit System (CARTS) could add a stop at the new town hall/senior center. Supervisor Pacos said he is willing to reach out to them to discuss it.

Ruth Eckstrom asked if Chestnut Road was a town road or county road. After some discussion it was agreed that Chestnut is a town road.

7. PUBLIC COMMENTS: Chairman Fridmann opened the public comment portion of the hearing and instructed all speakers to state their name and address.

- Terry Roof, 10412 Chestnut Rd, Dunkirk: Observed that the building gets very dark at night, especially in winter, so he strongly recommends more exterior lighting for safety. He isn't against the project, or fishing in the creek, but doesn't want visitors to come into his yard.
- Todd Eggleston, 10420 Chestnut Rd, Dunkirk: Is supportive of the town hall moving to this parcel. Has concerns about current visitors of the creek. He reported that people have barbecues and swim down there, then leave their BBQ pits, and trash behind. He hopes the Town will keep the area under better control.
- Dan Michalak, 10390 Chestnut Rd, Dunkirk: Suggested a vegetation buffer along the northern side of the property to protect neighbors from headlights at night. He also recommended some signage to keep people off the property after dark.

- Sara Michalak, 10390 Chestnut Rd, Dunkirk: Commented that her and her husband have lived in their house for 35 years, and that most visitors to the creek area of the parcel are responsible. Only once in awhile do they encounter ‘bad users’.

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 made for the Special Use Permit for the conversion of a vacant church building into a municipal town administrative office building with provisions to house the town court and the senior center at 10410 Chestnut Rd, Dunkirk, NY 14048 [SBL: 112.08-1-7]. As the surrounding neighborhood is residential and agricultural, a town administration office would operate under normal business hours and not be disruptive to the area. The conversion from a vacant structure to a repurposed building would add to the safety of the surrounding neighborhood.

The motion was seconded by Michaelene Comerford and carried unanimously by roll call vote.

ROLL CALL:

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

9. **DECISION:** Ruth Eckstrom made a motion to approve the Town of Pomfret’s request of a Special Use Permit for the property located at 10410 Chestnut Rd, Dunkirk, NY 14048 [SBL: 112.08-1-7] for the purpose of converting a vacant church into a municipal town hall to include town administrative offices, town court operations, and a senior center. The approval also includes permission to lease a portion of the administration facility to neighboring towns for office and court operations.

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

- Approval of the church building sale by both the selling church administration and New York State;
- If permitted by approved agency, fishing in adjacent Canadaway Creek should be listed in the Town of Pomfret’s draft Local Waterfront Revitalization Plan;

- Parking lot lighting and building lighting will be placed in such a way as to not impede highway night driving or neighboring dwellings' privacy;
- Signage must conform to Town of Pomfret Signage restrictions per Chapter 300-50;
- Town shall review speed limit in area of building for safety of neighborhood;
- Security cameras shall be set up on the exterior of the building; and
- Delineation must be made between the Town property and neighboring properties

ROLL CALL:

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

10. ADJOURNMENT: Alex Moon made a motion to adjourn the hearing at 7:10 PM.
The motion was seconded by Jonathan Townsend and carried unanimously.

Respectfully Submitted,

Nicole Waite

Nicole Waite
Planning & Zoning Clerk, Town of Pomfret