

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

October 7, 2025
Hearing # 4-25
6:30 PM

MINUTES

APPLICANT/OWNER:

John E. Kowal
5344 Lakeside Blvd
Dunkirk, NY 14048
SBL: 111.08-1-32
Special Use Permit
Area Variance

PRESENT: David Fridmann (Chairman), Ray Lewandowski, Michaelene Comerford, Alex Moon, Jonathan Townsend (Alternate), Nicole Waite (Zoning Clerk), Warren Kelly (Code Enforcement Officer)

ABSENT: Ruth Eckstrom

PUBLIC PRESENT: John Kowal (Applicant), James R. Macklem

- 1. CALL TO ORDER:** Chairman Fridmann called the meeting to order at 6:33 PM.
- 2. ACCEPTANCE OF MEETING MINUTES:** A motion was made by Michaelene Comerford to accept the minutes of Public Hearing #3-25 Town of Pomfret. The motion was seconded by Ray Lewandowski and carried unanimously.
- 3. NOTIFICATION OF MEETING:** Chairman Fridmann read the published Public Hearing Notice aloud.

“NOTICE IS HEREBY GIVEN that Public Hearing #4-25 will be held by the Pomfret Zoning Board of Appeals on October 7, 2025, at 6:30 PM at Pomfret Town Hall, 9 Day Street, Fredonia, NY 14063 to consider the appeal of John E. Kowal, for a Special Use Permit and an Area Variance for property located at 5344 Lakeside Blvd, Dunkirk, NY 14048. This property is described on the tax map as SBL:111.08-1-32.

The proposed action is to construct an 8x10 foot storage shed in their residential yard. The Building Permit denial was based on requirements under Town of Pomfret Code Section 300-47 B(2) “Lakeshore Regulations – Conditions: Accessory Buildings”, and failure to meet Section 300-12 E “Area Standards”. The property is zoned Lakeside Residential (R3).

This Area Variance and 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.

Chairman Fridmann mentioned that, since the Town Board adopted and filed the new Zoning Code on September 26, 2025, the correct Chapter citation is now 300-3-5.

- 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. No changes were made.
- 6. PROJECT DISCUSSION:** Chairman Fridmann asked the representative to introduce themselves and describe the project. Mr. Kowal explained the shed will be used to store his garden and yard equipment, all of which is currently stored outside. Chairman Fridmann asked if the applicant lives in the house year-round, to which he replied that he does as of 2 years ago.

Alex Moon asked about the design of the shed. Mr. Kowal explained that it will be rough cut wood. He showed the board the color stain he chose, Sherwin Williams lodge brown, which will match the cabin. Mr. Fridmann asked about the height of the shed. Mr. Kowal replied that it will be a single story. He was unsure of the exact height but agreed it won't exceed 10ft at the peak. Jonathan Townsend asked if it would be wired for electricity. He responded that it will not.

Michaelene Comerford asked about the placement, and why it can't be moved 1 foot east so that it complies with the Lakeside Residential zone's side yard setback requirement of 5 feet. Mr. Kowal stated he chose the current staked location because moving it would block more of his window. As marked it would be slightly closer to the lot line than the cabin is.

Warren Kelly (CEO) brought up a concern for fire safety. The homes in Van Buren are already quite close together. He cautioned that if buildings are constructed with even smaller setbacks, it will be harder for fire and rescue personnel to access the buildings, and increases the chances of damage spreading to surrounding buildings.

Mr. Fridmann brought up a question of whether the proposed area is the front yard or side yard, given the configuration of the cabin, driveway, and lake. It was agreed this would be classified as a front yard, as it faces the road and is more than 1 car length back from the road.

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

- James R. Macklem, 5342 Lakeside Blvd, Dunkirk: Mr. Macklem introduced himself as Mr. Kowal's next door neighbor. If the shed will be located on the street side of the proposed property, he does not oppose it.

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'. Chairman Fridmann noted that this action qualifies as Type II action, under 617.5C(9), which means it does not require a determination of significance.

9. **DECISION:** Jonathan Townsend made a motion to approve John E. Kowal's request of a Special Use Permit and Area Variance for the property located at 5433 Lakeside Blvd, Dunkirk, NY 14048 [SBL: 111.08-1-32] for the purpose of constructing an 8x10 Storage Shed in their residential yard.

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

- The shed must be constructed in the spot that is currently staked out; and
- The shed must be properly anchored according to New York State Residential Code

ROLL CALL:

1. Ray Lewandowski – AYE
2. Alex Moon – AYE
3. Ruth Eckstrom – ABSENT
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 7:09 PM.

The motion was seconded by Ray Lewandowski and carried unanimously.

Respectfully Submitted,

Nicole Waite

Nicole Waite

Planning & Zoning Clerk, Town of Pomfret