

**Zoning Board of Appeals  
Tuesday, April 26, 2011  
Regular Meeting  
Council Chambers**

**5:00 P.M.**

**Present:** Chairman Bankoski, Commissioners Galardo, Haynes and Rice.

**Absent:** Commissioner Beehler.

**Also present:** Housing, Building and Zoning Officer Zurawski.

The reading of the minutes of the previous meeting was dispensed with, same having been approved in writing by a majority of the Board.

The meeting was held for the purpose of hearing the following appeals:

**APPEAL #2011-08**      **Appeal of Roseanne M. Chesbro, prospective purchaser of property located at 158 Lake Shore Drive East on behalf of Daniel Gray, owner of record, for permission to operate a dance studio and construct a parking lot at property located at 158 Lake Shore Drive East. Not in compliance with Article XVI, Section 79-16030, Article IV, Section 79-4020, Section 79-4060, Article XXIV, Section 79-24080 of the Zoning Code of the City of Dunkirk, New York.**

Roseanne M. Chesbro, 6349 E. Main Road, Portland, New York was sworn in and testimony was taken in favor of the Board granting this appeal.

Roxanne Fisk, 142 Chautauqua Street, Fredonia, New York, Realtor on behalf of the seller was sworn in and spoke in favor of the Board granting this appeal.

Ms. Fisk read a letter from the owner of record, Daniel Gray, into the record. (Marked Exhibit A)

No one appeared in opposition to the Board granting this appeal.

Clerk stated that a communication was sent to the Chautauqua County Department of Planning and Economic Development regarding this appeal, but a response had not been received.

**APPEAL #2011-09**      **Appeal of Louis & Amy DiPietro for permission to operate an antique store and co-op at property located at 212 Lake Shore Drive East. Not in compliance with Article XVI, Section 79-16070; Article IV, Section 79-4020; Article XXIV, Section 79-24080; Article XXI, Section 79-21040, Subsection (2)(a) of the Zoning Code of the City of Dunkirk, New York.**

Louis T. DiPietro, 453 Lake Shore Drive East, Dunkirk, New York was sworn in and testimony was taken in favor of the Board granting this appeal.

Amy J. DiPietro, 453 Lake Shore Drive East, Dunkirk, New York was sworn in and testimony was taken in favor of the Board granting this appeal.

Randall Ortel, 145 W. Sixth Street, Dunkirk, New York was sworn in and testimony was taken in favor of the Board granting this appeal.

Roseanne Chesbro gave testimony in favor of the Board granting this appeal.

Glen Hurrell, 312 Lake Shore Drive East, Dunkirk, New York was sworn in and testimony was taken in favor of the Board granting this appeal.

No one appeared in opposition to the Board granting this appeal.

Clerk stated that a communication was sent to the Chautauqua County Department of Planning and Economic Development regarding this appeal, but a response had not been received.

#### **DETERMINATION**

**APPEAL #2011-08**

**In the appeal of Roseanne M. Chesbro it was the unanimous decision of the Board that this appeal be granted with the following stipulations:**

1. The appellant must comply with all testimony and information presented at the Zoning Board of Appeals meeting held 4/26/11.
2. A hedge type buffer shall be placed on the Lake Shore Drive East property line along the parking lot no higher than 4'; also a minimum of 10' north on North Gazelle Street both no higher than 4' and along the north end of the property between the properties the width of the parking lot.
3. Any exterior lighting shall not reflect onto neighboring structures or interfere with traffic.
4. Signage shall be limited to 1.5 square feet of the length of the building on Lake Shore Drive East.
5. No signage shall be placed on the Gazelle Street side of building.

**The Board stated the following findings of fact in their determination:**

1. Other businesses currently exist in the area.
2. It will not alter the essential character of the neighborhood.

**APPEAL #2011-09**

**In the appeal of Louis & Amy DiPietro it was the unanimous decision of the Board that this appeal be granted with the following stipulations:**

1. The appellant must comply with all testimony and information presented at the Zoning Board of Appeals meeting held 4/27/11.
2. No signs to be placed on the Ermine Street side of building.
3. No auctions to be conducted at the property.
4. No deliveries/delivery trucks parked on the sidewalks.
5. No exterior product storage or items for sale at the property.
6. Dumpster location at rear of building.
7. Submit a survey of the property and the portion of the deed detailing the deeded right of way.
8. Signage shall be limited to 1.5 square feet of the length of the building on Lake Shore Drive East.
9. Any exterior lighting shall not reflect onto neighboring structures or interfere with traffic.

**The Board stated the following findings of fact in their determination:**

1. The building has been vacant and sales have been pending for several years.
2. There was a similar business located at this property prior to its closing and other businesses exist in the area.
3. It will not alter the essential character of the neighborhood.

Commissioner Galardo moved to adjourn, seconded by Commissioner Haynes at 5:55 P.M. Carried, all voting aye.