

**Zoning Board of Appeals
Tuesday, February 28, 2012
Regular Meeting
Council Chambers**

5:00 P.M.

Present: Chairman Bankoski, Commissioners Beehler, Galardo, Helwig and Rice.

Also present: City Attorney Szot 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 appeal:

APPEAL #2012-01 Appeal of The Ulrich Sign Co. on behalf of First Niagara Bank for permission to install signage at property located at 401 Central Avenue Not in compliance with Article XXI, Section 79-21040(3) and Section 79-21040 (7)(a) and (b) of the Zoning Code of the City of Dunkirk, New York.

Chris McCaffrey, 250 State Road, Lockport, New York, representative of Ulrich Sign Company, 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.

APPEAL #2012-03 Appeal of the Moniuszko Social Club, Inc. for permission to construct an addition to be used for handicapped accessible restrooms and entry at property located at 262 Lake Shore Drive East. Not in compliance with Article IV, Section 79-4060(in part) of the Zoning Code of the City of Dunkirk, New York.

Ed Schober, Architect, 500 E. Sixth Street, Jamestown, New York represented the Moniuszko Social Club, was sworn in and testimony was taken in favor of the Board granting this appeal.

Roger Herdzik, 313 Nevins Street, Dunkirk, New York, Director of the Moniuszko Club was sworn in and testimony was taken in favor of the Board granting this appeal.

A communication was received from the Chautauqua County Department of Planning and Economic Development stating that the proposed matter was of local concern. The communication was signed by Donald McCord, Senior Planner.

APPEAL #2012-02 **Appeal of St. John's Evangelical & Reformed Church for permission to install a directional sign for the clothing drop off building located at 728 Eagle Street. Not in compliance with Article XXI, Section 79-21040(2) of the Zoning Code of the City of Dunkirk, New York.**

Thomas Lawton, 728 Eagle Street, Dunkirk, New York, Pastor of St. John's, was sworn in and testimony was taken in favor of the Board granting this appeal.

Dawn Ransom, 329 Swans Street, Dunkirk, New York, representative of St. John's, was sworn in and testimony was taken in favor of the Board granting this appeal.

James Bunge, 721 Eagle Street, Dunkirk, New York, surrounding property owner, was sworn in and testimony was taken in favor of the Board granting this appeal.

Stephanie Kiyak, 635 Eagle Street, Dunkirk, New York was sworn in and spoke in opposition to the Board granting this appeal.

DETERMINATION

APPEAL #2012-01 **In the appeal of Ulrich Sign Co., Inc. it was the unanimous decision of the Board that this appeal be granted with the following stipulation:**

- 1. The appellant must comply with all testimony and information presented at the Zoning Board of Appeals meeting held 2/28/12.**

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

- 1. The proposed signage may exceed the present signage, but not enough to cause any adverse affects in the area.**

APPEAL #2012-02 **In the appeal of St. John's Evangelical & Reformed Church 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 Tuesday, February 28, 2012.**
- 2. The sign shall be placed back a minimum of 10' from the front property line in accordance with the Historic Over-lay District.**

The Board stated the following finding of fact in their determination:

- 1. It will not alter the essential character of the neighborhood.**

APPEAL #2012-03

In the appeal of the Moniuszko Social Club, 262 Lake Shore Drive East it was the decision of the Board that this appeal be granted.

VOTE ON APPEAL:

- Commissioner Helwig – yes**
- Commissioner Beehler – yes**
- Commissioner Rice – yes**
- Commissioner Galardo – abstain**
- Chairman Bankoski – abstain**

Chairman Bankoski stated that he as well as Commissioner Galardo were members of the Moniuszko Club, therefore, they would be abstaining from the vote.

Appeal granted with the following stipulation:

- 1. The appellant must comply with all testimony and Information presented at the Zoning Board of Appeals meeting held 2/28/12.**

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

- 1. It will enhance the character of the neighborhood.**
- 2. Presently no handicapped accessibility exists for the building.**

Commissioner Galardo moved to adjourn, seconded by Commissioner Helwig at 5:40 P.M. Carried, all voting aye.

