

**Zoning Board of Appeals  
July 23, 2013  
Regular Meeting  
Council Chambers**

**5:00 P.M.**

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

**Absent: Commissioner Galardo.**

**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 #2013-12      Appeal of Antonio Manzella and Dawn Rinehart,  
16 N. Jerboa Street for permission to construct  
a deck in the rear yard at their place of residence.  
Not in compliance with Article IV, Section 79-4060  
(in part) of the Zoning Code of the City of  
Dunkirk, New York.**

Tony Manzella, 16 N. Jerboa Street, Dunkirk, New York was sworn in and testimony was taken in favor of the Board granting this appeal.

A communication was received from Amber Rinehart, 17 N. Jerboa Street, Dunkirk, New York; surrounding property owner, stating that in her opinion the deck adds appeal to the property and the neighborhood.

Judy Domanski, 19 N. Jerboa Street, Dunkirk, New York; surrounding property owner, stated that she was in favor of the Board granting this appeal.

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

**APPEAL #2013-13      Appeal of Joseph & Jana Reynolds for permission  
to operate a thrift store at property located at  
226 Lake Shore Drive East. Not in compliance  
with Article IV, Section 79-4020 and Article XXIV,  
Section 79-24080(in part) of the Zoning  
Code of the City of Dunkirk, New York.**

Jana Reynolds, 10564 Southwestern Blvd., Irving, NY 14081 was sworn in and testimony was taken in favor of the Board granting this appeal.

Joseph Reynolds, 10564 Southwestern Blvd., Irving, NY 14081 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.

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 #2013-14      Appeal of Stephen & Elizabeth O'Brien, 72 W. Fourth Street for permission to construct a deck at their place of residence. Not in compliance with Article IV, Section 79-4060 (in part) of the Zoning Code of the City of Dunkirk, New York.**

Stephen O'Brien, 72 W. Fourth Street, Dunkirk, New York was sworn in and testimony was taken in favor of the Board granting this appeal.

Mr. O'Brien submitted pictures of the deck for the Boards review.

A communication was received from Timothy Stolinski, surrounding property owner, stating that he had no objections to the Board granting this appeal.

A communication was received from Mary Marden Cobb, surrounding property owner, stating that she had concerns with the construction of the deck.

A communication was received from Paula J. Tofil and Brian W. Pusch, surrounding property owners, stating that they were opposed to the Board granting this appeal.

**APPEAL #2013-15      Appeal of Sabre Industries on behalf of Customs and Border Protection for permission to construct a 180' communications tower and a 10' x 10' shelter at property located at 106 Point Drive North owned by Dunkirk Power LLC. Not in compliance with Article XXVI, Section 79-26160; Section 79-26160.05, Section 79-26160.07(2)(in part); Section 79-26160.04(5); Section 79-26160.07(1)(b) of the Zoning Code of the City of Dunkirk, New York.**

Chairman Bankoski stated that this site plan needed to be approved by the Dunkirk Planning Board prior to the Zoning Board decision. Motion by Commissioner Helwig to refer to Dunkirk Planning Board, seconded by Commissioner Rice. Carried, all voting aye.

### **DETERMINATION**

#### **APPEAL #2013-12**

**In the appeal of Antonio Manzella and Dawn Rinehart 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 Tuesday, July 23, 2013.**

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

- 1. The appellant purchased the property not knowing that an illegal deck had been built at the property.**
- 2. Surrounding neighbors did not have any issues with the deck.**

#### **APPEAL #2013-13**

**In the appeal of Joseph and Jana Reynolds 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 July 23, 2013.**
- 2. There shall be no external storage of materials or merchandise at the property.**
- 3. The appellant must contact the Building Inspector regarding the parking on Genet Street.**
- 4. Signage must comply with the Zoning Code and shall be installed as per testimony presented. A sign was requested only on the front of the building (Lake Shore Drive East) and shall be unlit.**

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

- 1. It will enhance the character of the neighborhood.**
- 2. The building was previously used as a commercial business.**

**APPEAL #2013-14**

In the appeal of Stephen & Elizabeth O'Brien it was the unanimous decision of the Board to reserve decision regarding this appeal pending submittal of a survey showing the deck in relation to the property lines. The Zoning Board further stated that between this meeting and the next Zoning Board meeting, Mr. O'Brien try to find a remedy for the situation with the neighbors.

**APPEAL #2013-15**

In the appeal of Sabre Industries on behalf of Customs and Border Protection, this appeal was referred to the Dunkirk Planning Board for site plan approval.

Motion by Commissioner Helwig to refer to Dunkirk Planning Board, seconded by Commissioner Rice. Carried, all voting aye.

Commissioner Beehler moved to adjourn, seconded by Commissioner Helwig. Carried, all voting aye.

**I DO HEREBY APPROVE OF THE  
FOREGOING MINUTES IN FULL**

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**CHAIRMAN BANKOSKI**

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**COMMISSIONER BEEHLER**

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**COMMISSIONER GALARDO**

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**COMMISSIONER HELWIG**

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**COMMISSIONER RICE**