

ZONING BOARD OF APPEALS

Tuesday, September 24, 2013

Regular Meeting

Council Chambers

5:00 P.M.

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

Absent: Commissioner Rice

Also Present: Housing, Building and Zoning Officer Zurawski.

APPEAL #2013-16 **Appeal of Nickoll Mariskal for permission to utilize the existing building as a workshop/art studio at property located at 615 Columbus Avenue. Not in compliance with Article V, Section 79-5020 of the Zoning Code of the City of Dunkirk, New York.**

Appellant failed to appear before the Zoning Board of Appeals.

APPEAL #2013-17 **Appeal of Denise Lopez, 116 Woodrow Avenue for permission to construct a deck at the rear of her 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.**

Denise Lopez, 116 Woodrow Avenue, Dunkirk, New York was sworn in and spoke in favor of the Board granting this appeal.

Ms. Lopez submitted pictures for the Board's review.

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

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 additional testimony and information was submitted by Mr. O'Brien. The Zoning Board of Appeals requested additional information from Mr. O'Brien at the July 23, 2013 Zoning Board meeting.

Mr. O'Brien submitted a copy of his new survey as well as a letter from surrounding property owner Richard Ciraulo, 329 Dove Street, Dunkirk, New York, stating that he had no objection to the board granting this appeal.

Clerk read Mr. Ciraulo's letter into the record.

Brian W. Pusch, 68 W. Fourth Street, Dunkirk, New York was sworn in and testimony was taken in opposition to the Board granting this appeal.

APPEAL #2013-15 An informational presentation 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. (Federal government is exempt from local zoning laws.)

Michael Hester, 10560 County Road, Clarence, New York was sworn in and a presentation was given to the Zoning Board of Appeals regarding the proposed project. Mr. Hester discussed the location of the tower, the use of the tower, and the necessity for this tower at this location, and asked if the board had any concerns. Lighting was discussed.

Chairman Bankoski thanked Mr. Hester for the presentation stating that it was very informative and it allowed City of Dunkirk residents to be informed of the project.

DETERMINATION

**APPEAL #2013-16 The appellant, Nickoll Mariskal, failed to appear.
The appellant must reapply if she would like to continue with this appeal.**

**APPEAL #2013-17 In the appeal of Denise Lopez, 116 Woodrow Avenue
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, September 24, 2013.

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

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

APPEAL #2013-14

**In the appeal of Stephen O'Brien, 72 W. Fourth Street
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 meetings held Tuesday, July 23, 2013 and Tuesday, September 24, 2013.
2. The appellant shall install a railing around the elevated platform with the steps. Also, install a railing from the northeast corner to where the ground becomes level – approximately 10'. Also, install steps from the west side stepping area between house and garage.

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

1. The grading of the property rendered the lay of the land useless.
2. It will not alter the essential character of the neighborhood since a brick patio and elevated back porch area already existed.

APPEAL #2013-15

**The Zoning Board of Appeals would like to go on record in support of
the presentation by the Customs and Border Protection.**

Vote on supporting the presentation:

- Commissioner Helwig – yes
- Commissioner Beehler – yes
- Commissioner Galardo – yes
- Chairman Bankoski – yes

Unanimous support for this proposal.

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

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

CHAIRMAN BANKOSKI

COMMISSIONER BEEHLER

COMMISSIONER GALARDO

COMMISSIONER HELWIG

COMMISSIONER RICE

