Unapproved minutes filed with
Town Clerk 6/19/17
Minutes Approved 7/12/17
Distributed 7/13/17

June 14, 2017

TOWN OF EVANS

REGULAR MEETING
OF THE
ZONING BOARD OF APPEALS

Members Present: A. Yusick, D. Maglich,
N. Manges, V. Gugliuzza

Members Absent: T. Spada

Also Present: P. Ryerse, Building Inspector

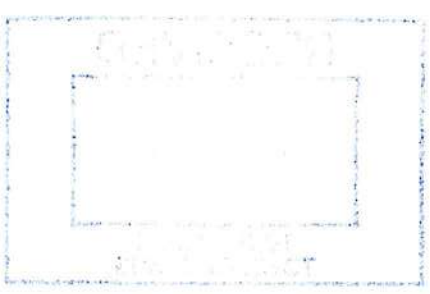
Mr. Yusick opened the meeting with a quorum at 6:30pm. The meeting was held in the Municipal Building Court room, 8787 Erie Road, Angola, New York 14006.

Mr. Yusick explained the procedure in which the meeting will be conducted. The procedures are that old business matters are heard first and then appeals are heard according to the order of publication in The Dunkirk Observer. The staff report prepared by the building inspector is read. The board has had your file for a week. We have had an opportunity to review your appeal. The appellant is then given the opportunity to speak, and then those in favor or in opposition are allowed to speak. After hearing the respective matters, the Board will either vote or reserve the right pursuant to our local statue to adjourn to executive session to deliberate. Motions granting and rejecting appeals are voted upon in the public portion of the meeting.

Mr. Yusick asked for a motion to approve the minutes from May 10, 2017.

Mr. Gugliuzza made a motion to approve the May 10, 2017 minutes, Ms. Manges seconded. All in favor, motion carried.

RECEIVED
JUL 17 2017
TOWN CLERK
TOWN OF EVANS



OLD BUSINESS:

Victor Liberatore, 9073 Lake Shore Rd. Angola, NY 14006, requesting to decrease the side yard setback for a detached garage at the above SBL # 234.16-1-24, in violation of the Town of Evans Zoning Law, 200-10 C (2) (a) [2]. Reduce the front yard setback in violation of the Town of Evans zoning Law, 200-10 A (4).

Applicant is requesting to reduce the required side yard setback from 5 feet to 2.20 feet and requesting to reduce the front yard setback on Riehl Ave from 40 feet to 18 feet.

Present for the appeal was Attorney Marc Romanowski.

Mr. Yusick stated that this was tabled from last meeting to give the board members an opportunity to view the property and the allow the applicant to present the board with photographs showing the location of the previous garage.

Mr. Yusick read a letter from Daniel and Sharon Bilowus marked as "Exhibit A" in opposition of the new garage.

Mr. Yusick presented to the board marked as "Exhibit B" aerial photographs submitted by Marc Romanowski of the garage as it is now and the original garage.

Against the variance:

Sharon Bilowus, stated that she shouldn't have to be concerned that her property would become damaged if there was a fire.

Mark Fiels, questioned why everyone in the area needed a variance to build their garages and why he didn't receive a letter before the garage was built. He is also concerned about an apartment going upstairs.

Mr. Romanowski stated that many garages in the neighborhood are close to the property line and Mr. Liberatore did this in error and is willing to put a fire barrier on one side of the garage and to make Mr. Liberatore tear the garage down seems an unreasonable result in light of the contexts of everything around it.

Mr. Maglich asked if the garage was built on the same footprint. Mr. Romanowski stated that it is a larger garage and it is further back from the road than the original garage and the purpose is so Mr. Liberatore can park his boat in the garage instead of by the road.

Mrs. Bilowus stated that when her garage was built 15 years ago, she put the new garage on the same footprint so she didn't need a variance. Mr. Yusick stated that she received that permit in error because even though she used the same footprint, she still needed a variance.

Mr. Fiels again questioned why he didn't receive a letter prior to the garage being built. Mr. Ryerse stated that when Mr. Liberatore came in for a permit, he didn't need a variance. It was only after the garage was built, that it was determined that the garage was built too close to the property line and an as built survey was requested.

Mr. Gugliuzza stated that since he is friends with Mr. Liberatore, he will recuse himself.

Mr. Yusick made a motion to approve and explained that a permit was issued and the garage was built too close to the property line but the neighbor's garage is also built close to the property line and the fire issue can be handled with a fire wall. It would be a hardship to tear down the building and move it.

Mr. Yusick made a motion to approve based on the stipulation that a fire wall be built, seconded by Ms. Manges.

Mr. Maglich voted no and explained that he had a conversation with Mr. Ryerse and Mr. Ryerse instructed Mr. Liberatore to move the garage in the proper direction to give it the proper clearance but Mr. Liberatore moved it in the opposite direction.

All in favor:
Vote: Mr. Yusick, aye
Ms. Spada, absent
Ms. Manges, aye
Mr. Maglich, nay
Mr. Gugliuzza, abstain

Variance denied based on not having majority of votes for a five member board.







NEW BUSINESS:

The Broadway Group, 216 Westside Square Huntsville AL 35801, Site location 6889 Erie Rd. Derby NY 14047, requesting to decrease the side yard setback for parking, dumpster pad and delivery pad at the above SBL # 206.07-2-15, in violation of the Town of Evans Zoning Law, 200-21 C (3), Reduce the number of required parking spaces in violation of the Town of Evans Zoning Law 200-27 E (1).

Applicant is requesting to reduce the required side yard setback from 10 feet to 3.73, 3.88 and 4.22 feet for the construction of a dumpster pad, parking space and delivery pad, respectively.

Applicant is requesting to reduce the number of required parking spaces from 40 to 30.

An existing gas station/repair garage that has not been occupied for many years will be demolished for construction of a new single tenant retail space. Zoning to the East is GB (general business) small cottages exist at this location occupied by non-transient tenants. Zoning to the West is GB (general business) occupied by retail stores.

The existing black top paving and parking spaces are closer than the requested new side yard setbacks.

Present for the appeal was Melissa Ballard from the Broadway Group.

Ms. Ballard submitted to the board a presentation which was marked as "Exhibit A".

Mr. Yusick asked if the board has any questions and no one in the audience was there for or against this appeal.

Mr. Yusick made a motion to approve, seconded by Ms. Manges.

All in favor:
Vote: Mr. Yusick, aye
Ms. Spada, absent
Ms. Manges, aye
Mr. Maglich, aye
Mr. Gugliuzza, aye

Ralph Giambra, 928 Grove St. Angola, NY 14006, requesting to reduce the side yard set back and reduce building separation distance, at the above SBL # 235.18-2-13 in violation of the Town of Evans Zoning 200-12 C (1).

Applicant is requesting to reduce the side yard setback from 5 feet to 4.1 feet and reduce the building separation distance from 10 feet to 8.5 feet.

Applicant installed a shed without obtaining a building permit. A stop work order was issued on March 22, 2017. An inspection revealed that the shed was located too close to the East property lot line and too close to the existing single family home. The shed was also placed over an Erie County Sewer easement. The Erie County Sewer Authority has approved the location of the shed.

Present for the appeal was Ralph Giambra.

Mr. Giambra stated that he had an Amish shed delivered and he didn't get a permit. He had a contractor and the shed was delivered while he was out of town. Mr. Maglich asked who his contractor was. Mr. Giambra stated Tony Capitano that was doing concrete work and overseeing the project. Mr. Yusick asked Mr. Ryerse if anything can be done especially with the 8.50 feet distance. Mr. Ryerse stated that a firewall can be installed on the house side which is one side of the shed.

Mr. Yusick asked if there was anyone in the audience for or against this appeal.

Mr. Maglich made a motion to approve based on the stipulation that a firewall is installed, seconded by Ms. Manges.

Mr. Gugliuzza made a request that a fine be assessed for not obtaining a building permit. Mr. Yusick agreed. Mr. Yusick stated that Mr. Giambra needs to make the improvements that are required by the building inspector or his variance will be denied.

All in favor:
Vote: Mr. Yusick, aye
Ms. Spada, absent
Ms. Manges, aye
Mr. Maglich, aye
Mr. Gugliuzza, aye

Robert Dentice, 1188 Eden Evans Center Rd. Angola, NY 14006, requesting to increase the size of an agricultural building at the above SBL # 220.00-4-21 in violation of Town of Evans Zoning Law 200-8.1 C (8) [3].

Applicant is requesting to increase the size of an agricultural building from 2000 square feet to 3000 square feet.

This is a 19.75 acre parcel located in the Agricultural Open Space District. Applicant is requesting to increase the size of the existing agricultural building by adding a 50' x 30', 1500 square foot addition to the existing 1500 square foot agricultural building. The existing portion is used for keeping of tractors and equipment. The addition will be for keeping of animals. The topography of the parcel makes it difficult for the applicant to erect a structure in a different location.

Present for the appeal was Robert Dentice.

Mr. Yusick asked what the topography problem was. Mr. Dentice stated that there is a creek behind his house so he couldn't put a separate building there. Mr. Yusick asked how far back he was from the neighbor. Mr. Ryerse stated approximately 300 feet.

Mr. Yusick asked if the board has any questions and no one in the audience was there for or against this appeal.

Mr. Maglich made a motion to approve, seconded by Mr. Gugliuzza.

All in favor:
Vote: Mr. Yusick, aye
Ms. Spada, absent
Ms. Manges, aye
Mr. Maglich, aye
Mr. Gugliuzza, aye

Mr. Yusick made a motion to adjourn to the next scheduled meeting.

All in favor:
Vote: Mr. Yusick, aye
Ms. Spada, absent
Ms. Manges, aye
Mr. Maglich, aye
Mr. Gugliuzza, aye

Respectfully Submitted,

Jennifer Renaldo
Secretary

RECEIVED
MAY 26 2017
Building Department

May 24, 2017

VIA E-MAIL AND U.S. MAIL

Town of Evans Zoning Board of Appeals
8787 Erie Road
Angola, NY 14006

Re: Area Variance Application for Victor Liberatore
9073 Lake Shore Road, Angola, New York
Parcel ID No.: 234.16-1-24

Ladies and Gentlemen:

Pursuant to the Zoning Board of Appeals meeting held on May 10, 2017, it was requested that our client, Victor Liberatore (the "Applicant") submit photographs demonstrating the current and former condition of the property at 9073 Lake Shore Road (the "Site") in the Village of Angola (the "Village"), located in the Town of Evans (the "Town").

Exhibit "A" is an aerial photograph that shows the Applicant's property in relation to neighboring properties and the proximity of neighboring garages to the property lines. **Exhibit "B"** contains photographs depicting the Applicant's former and new garages and their proximity to the neighboring garage. Notwithstanding what is shown on the surveys, the pictures show that the former garage and new garage are essentially the same distance from the neighboring garage.

Should you have any questions, please do not hesitate to contact us.

Very truly yours,

Hopkins Sorgi & Romanowski PLLC

Marc A. Romanowski, Esq.

DENIAL
6/14/17
Exhibit B

HOPKINS SORGI & ROMANOWSKI PLLC
Attorneys at Law
26 Mississippi Street, Suite 400 ▲ Buffalo, NY 14203
Office: 716-714-5699 ▲ Fax: 716-424-2171 ▲ www.hsr-legal.com

EXHIBIT A

9138
9216
9216
9216

The Broadway Group

Commercial Real Estate Development

Zoning Board of Appeals

Applicant

The Broadway Group, LLC

June 14, 2017

Exhibit A


9132 Riebi Rd
Angola, New York
Street View - Aug 2013
Lakeside Market
Google


Tyvek


LUMBER
Tyvek
HomeWrap


9138 Riehl Rd
Angola, New York
Street View - Aug 2013
Lakeside Market
Google


Tyvek

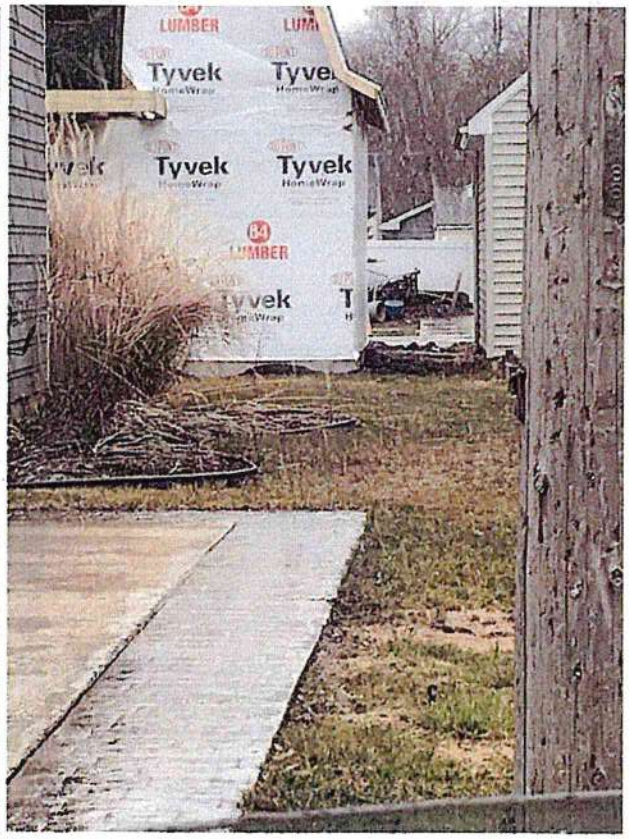
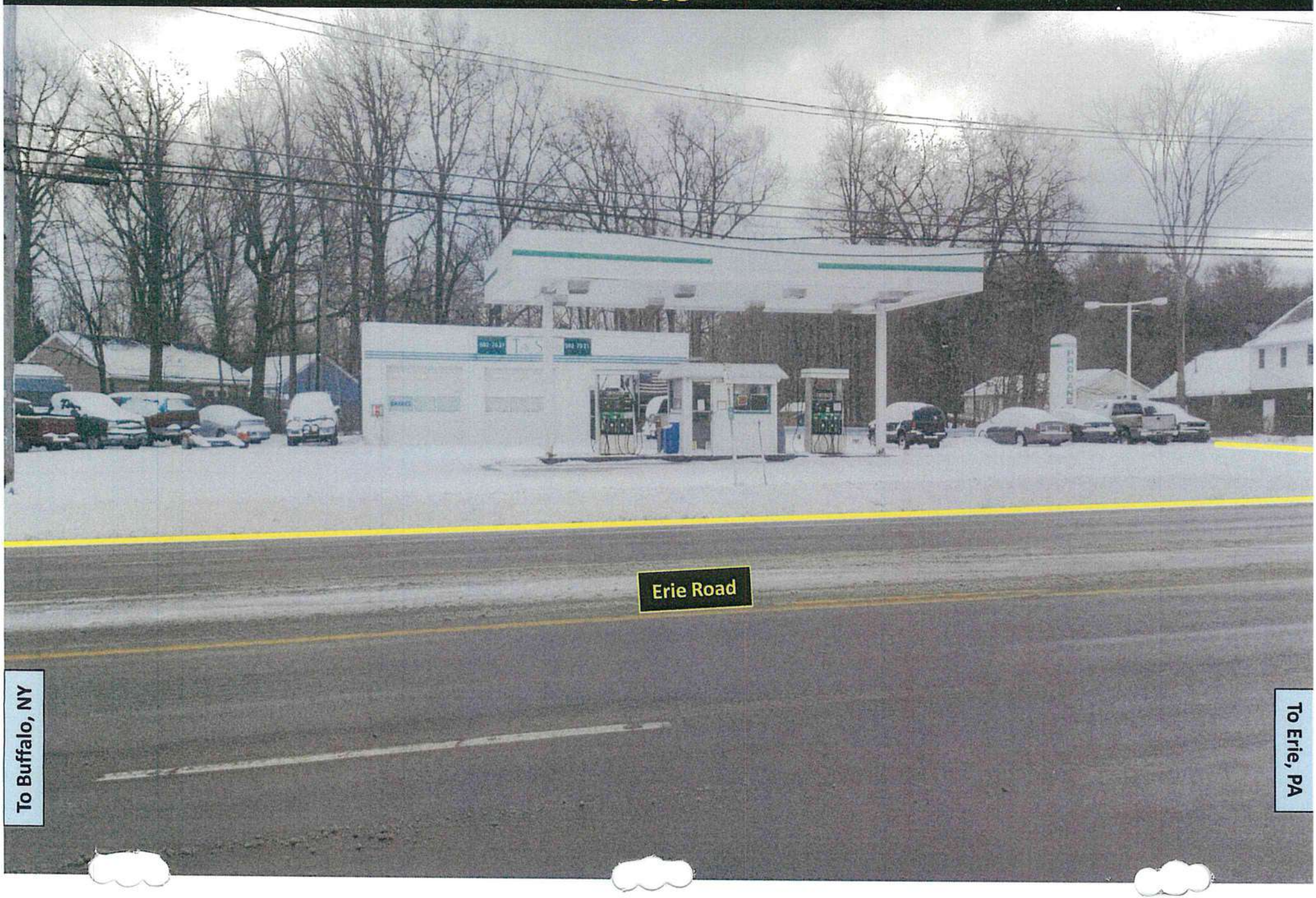

LUMBER
Tyvek
HomeWrap

EXHIBIT B

Derby, NY
Site







Aerial - Site

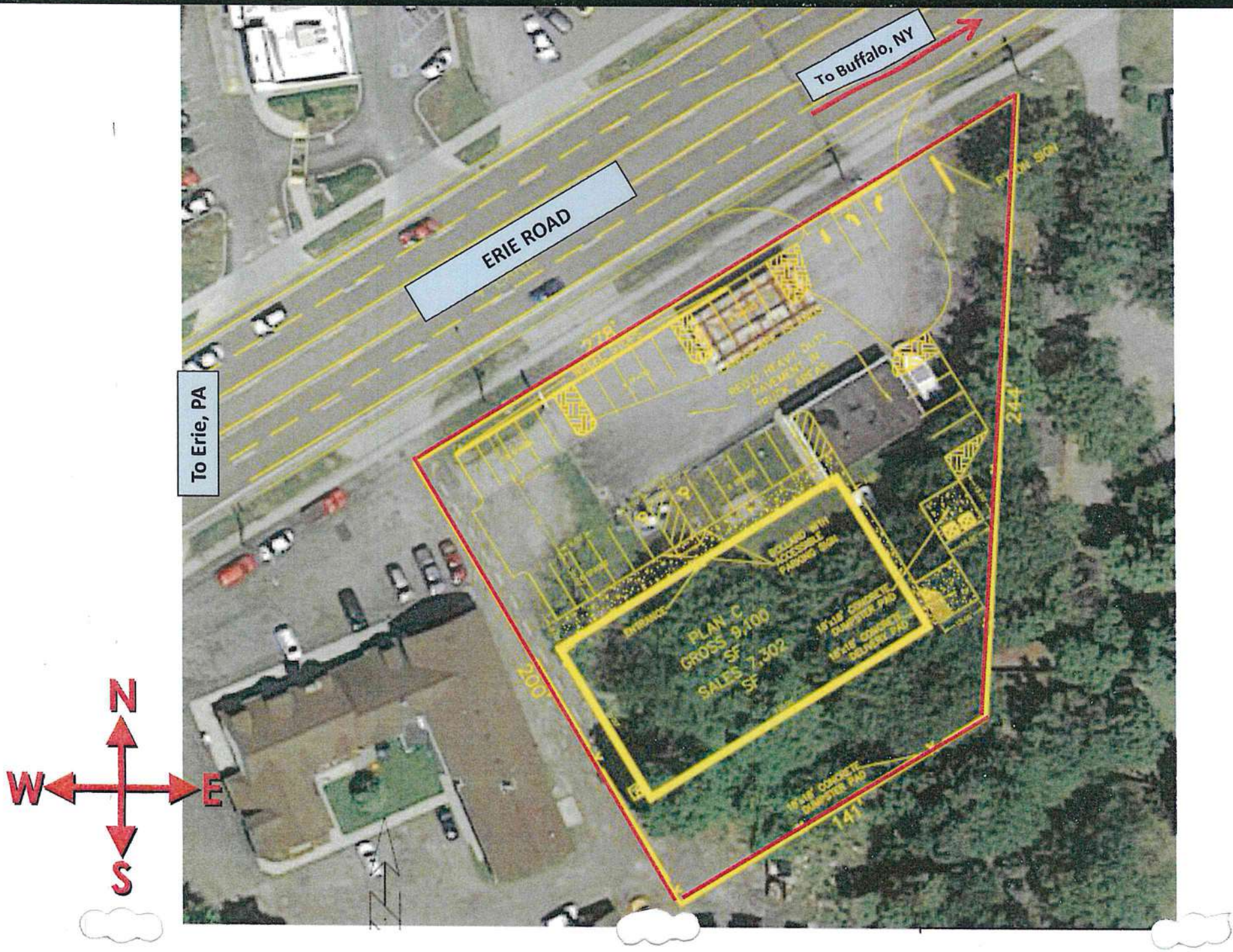

To Buffalo, NY
Action Figure Portal
ERIE ROAD
Erie Rd
Nettlecreek Dr
Stop N Gas
T & S Auto Service
To Erie, PA
Citizens Bank
Derby Deli
The Flower Derby
Brandywine Dr
N
W
E
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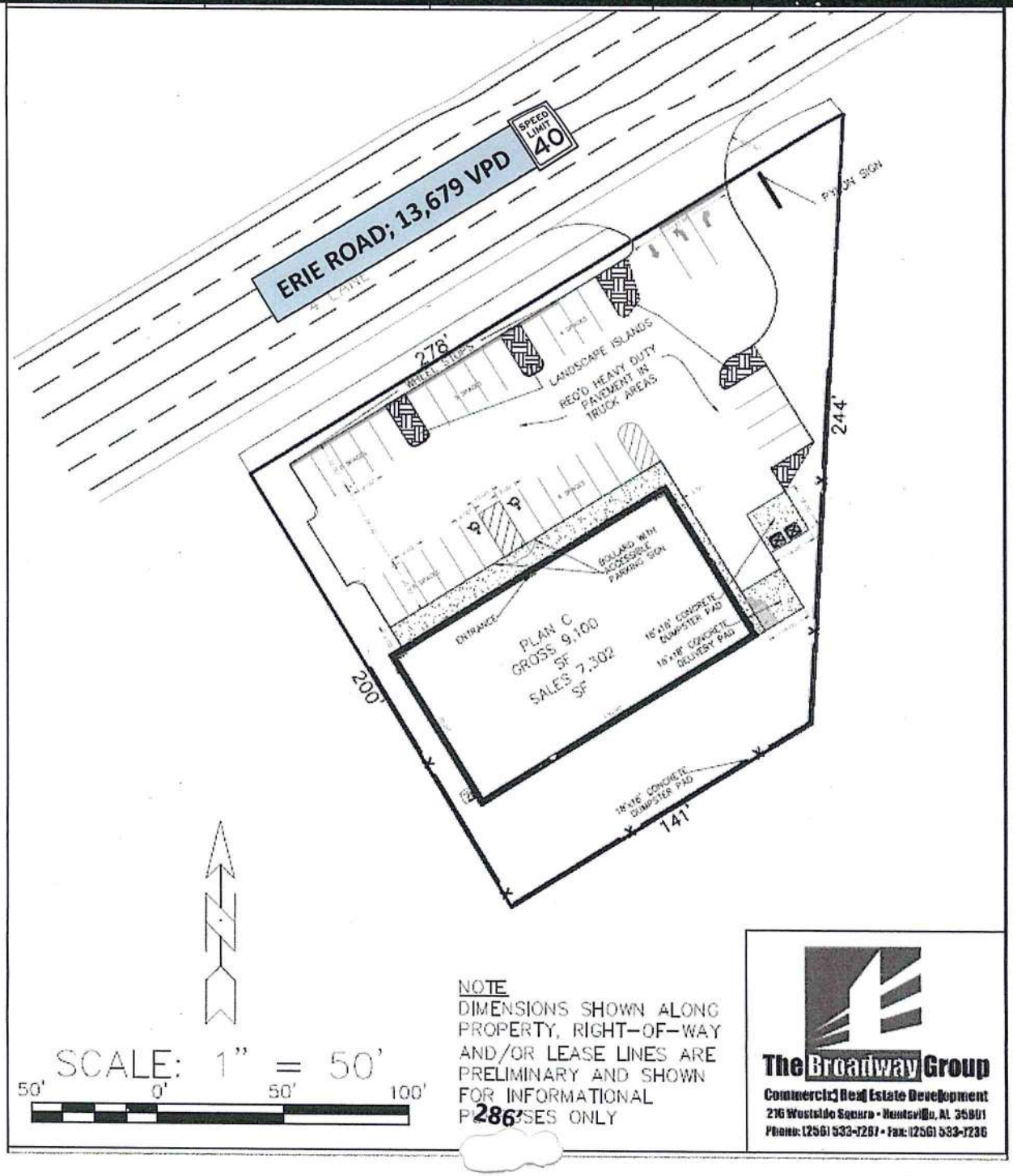




Site Aerial Overlay



Site Layout


ERIE ROAD; 13,679 VPD
SPEED LIMIT 40
PYLON SIGN
278'
LANDSCAPE ISLANDS
REQ'D HEAVY DUTY PAVEMENT IN TRUCK AREAS
244'
BOLLARD WITH ACCESSIBLE PARKING SIGN
ENTRANCE
PLAN C
GROSS 9,100 SF
SALES 7,302 SF
16'x16' CONCRETE DUMPSTER PAD
16'x16' CONCRETE DELIVERY PAD
200'
16'x16' CONCRETE DUMPSTER PAD
141'
N
W
E
S
SCALE: 1" = 50'
50' 0' 50' 100'
NOTE
DIMENSIONS SHOWN ALONG PROPERTY, RIGHT-OF-WAY AND/OR LEASE LINES ARE PRELIMINARY AND SHOWN FOR INFORMATIONAL PURPOSES ONLY
The Broadway Group
Commercial Real Estate Development
216 Westside Square • Huntsville, AL 35801
Phone: (256) 533-7267 • Fax: (256) 533-7236

Area Variance Being Requested

- Minimum Off- Street Parking Spaces Required:
- Retail stores: Five and one-half (5-1/2) spaces for each one thousand (1,000) square feet of net floor area.
- By ordinance, this site requires that we provide 40 stalls.
- Proposed to provide 30 stalls.
- This allows us to increase landscaping, aesthetics, and green space.

Area Variance Being Requested

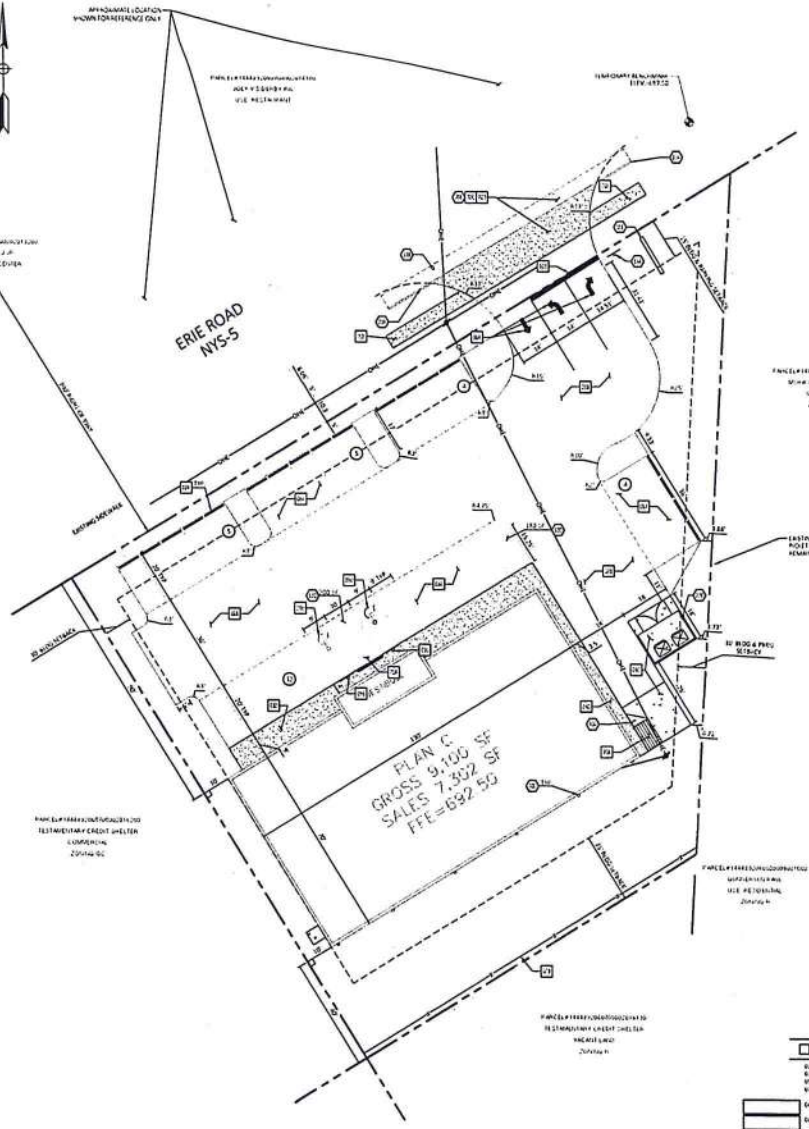
- Minimum 15' setback along north property line:
- The parking lot along the north property line will encroach into the 15' parking setback.

- Minimum 10' setback along east property line:
- The building itself does comply with all setbacks; however, one parking stall and the dumpster pad and delivery pad encroach into the 10' setback along the east property line.



LOCATION MAP

1" = 200'



SITE BENCHMARK

N

SCALE IN FEET

EXISTING

PROPOSED

- PROPERTY LINE/RIGHT OF WAY LINE
- BUILDING CONTROL POINT
- PROPOSED PARKING SPACES
- LIMITS OF SIDEWALKS AND CONCRETE APRONS (SEE ARCH. PLANS)

GENERAL SITE NOTES

A. ALL DIMENSIONS SHOWN ARE TO THE FACE OF STRUCTURES UNLESS OTHERWISE NOTED

B. ALL CURB RETURN RADII SHALL BE 2' OR 10', AS SHOWN TYPICAL ON THIS PLAN, UNLESS OTHERWISE NOTED

C. PAVEMENT SHALL BE INSTALLED IN ACCORDANCE WITH DETAIL SHOWN ON THE STATE EQUIVALENT PAVING CUT PATCH AND LIFT OVER ALL TRUCK AND DELIVERY ACCESS DRIVES. ALL PAVING/CURB STRIPING REQUIRING AFFECTED AND HANDICAP EFFECTIVE SPACES SHALL BE PAINTED PER DETAIL 7/C4

D. ALL PARKING LOT LIGHT BASE SUPPORTS SHALL BE INSTALLED PER DETAIL 1/C4

E. ALL ACCESSIBLE PARKING SPACES SHALL HAVE SIGNAGE INSTALLED PER DETAIL 6/C4

F. GENERAL CONTRACTOR IS RESPONSIBLE FOR NEW AND POSTAL DELIVERY METHOD WITH LOCAL JURISDICTION & PHYSICAL MAILBOXES REQUIRED. GENERAL CONTRACTOR IS RESPONSIBLE FOR THE PURCHASE, LOCATION, PLACEMENT, AND INSTALLATION.

G. DRIVEWAY CONSTRUCTION WITHIN ROAD RIGHT-OF-WAY SHALL MEET APPLICABLE LOCAL REQUIREMENTS.

H. WATER WELL AND SEPTIC DESIGN PROVIDED BY OTHERS. SHALL BE PROVIDED FOR UNDERGROUND UTILITIES PRIOR TO INSTALLATION.

I. ALL WORK ZONE TRAFFIC CONTROLS SHALL CONFORM TO THE LATEST VERSION OF UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) AS THE CURRENT NEW YORK STATE SUPPLEMENT TO (LATEST STANDARD SPECIFICATIONS, HIGHWAY STANDARD SHEETS, AND LATEST WORK ZONE TRAFFIC CONTROL MANUAL DATED JANUARY 2012

J. PROPOSED STOP BAR PAVEMENT MARKINGS AND STOP SIGN SHALL NOT BE INSTALLED WITHIN THE RIGHT OF WAY.

K. THE DEVELOPER SHALL BE RESPONSIBLE FOR MAINTAINING A DUST CONTROL PLAN.

L. CONTRACTOR CHOICE FOR BITUMINOUS OR CONCRETE PAVING. JOINT ALIGN WITH UNDER NO CIRCUMSTANCES SHALL ASPHALT MEET PAVEMENT TEE NON REQUIREMENTS PER DETAILS 8/C4, 9/C4, AND 10/C4

ESTIMATED SITE QUANTITIES

DESCRIPTION	QUANTITY	UNIT
PRECAST CONCRETE WHEEL STOP	18	EA.
CONCRETE SIDEWALK	1,270	S.F.
STANDARD DUTY ASPHALT PAVING	5,600	S.Y.
HEAVY DUTY ASPHALT PAVING	11,300	S.Y.
HEAVY DUTY CONCRETE PAVING	690	S.F.

ESTIMATED ROW QUANTITIES

DESCRIPTION	QUANTITY	UNIT
HEAVY DUTY ASPHALT PAVING	900	S.Y.
HEAVY DUTY CONCRETE PAVING	750	S.Y.
CONCRETE SIDEWALK	280	S.F.

EXISTING LAND USE
COMMERCIAL / GAS STATION

PROPOSED LAND USE
COMMERCIAL / RETAIL

PARKING SPACES REQUIRED (1 S.P. / 1 EMP.)
46 SPACES REQUIRED TOTAL

PARKING SPACES PROVIDED 49

HANDICAP SPACES REQUIRED 2

HANDICAP SPACES PROVIDED 2

SETBACKS - STRUCTURES

	REQUIRED	PROVIDED
FRONT	15'	15'
BACK	25'	25'
SIDE	10'	8.8'

SETBACKS - PARKING

	REQUIRED	PROVIDED
FRONT	15'	5'
BACK	25'	25'
SIDE	10'	3.88'

TOTAL SITE AREA 87,488 SF /2.01 ACRES
SITE AREA DEVELOPED 87,488 SF /2.01 ACRES
IMPERVIOUS DEVELOPED AREA 29,530 SF / 0.68 AC
GREEN SPACE 58,958 SF / 1.35
PERCENT OF DEVELOPED AREA DEDICATED TO GREEN SPACE 67.4%

SITE NOTES

- 1CC TRASH DUMPSTER ENCLOSURE W/ PRIVACY FENCE AND GATE (SEE ARCH. PLANS)
- 12D 4" WIDE PAINTED YELLOW STRIPES, 2' O.C. @ 45 DEGREES (SEE DET. REFERENCED AT SYMBOL)
- 15A STOP SIGN
- 16E MONUMENT SIGN
- 16B EXISTING TO BE RELOCATED
- 18D MATCH EXISTING PAVEMENT ELEVATIONS
- 18E POINT OF ASSOCIATION
- 21A TIE-IN CURB TO MATCH AS FOUND
- 51B LIMITS OF SAWCUT AND PAVEMENT REMOVAL
- 70A 4" WIDE SWEPT YELLOW DIAGONAL STRIPES, NEUTRAL TAN COLORED PAVEMENT
- NO APPROXIMATE LOCATION OF DOWNSPOUT (SEE ARCH. PLANS)
- RRE STANDARD WORK ZONE TRAFFIC CONTROLS FOR DRIVEWAY CLOSURE, TWO WAY SHOULDER CLOSURE (SEE TRAFFIC DETAILS 6TH ED. 8H.10, 11, 12, 29 - SEE DETAIL SHEET)

SITE DETAILS

- 02A PRECAST CONCRETE WHEEL STOP
- 03D CONCRETE SIDEWALK
- 05A GUARD POST
- 07B SIX FOOT BOARD FENCE
- 04A STANDARD DUTY ASPHALT PAVING
- 04B HEAVY DUTY ASPHALT PAVING
- 04C HEAVY DUTY CONCRETE PAVING
- 07C ACCESSIBLE / VAN ACCESSIBLE PARKING SIGN
- 08U ACCESSIBLE PARKING SYMBOL (SEE PAINT COLOR INDICATED AT SYMBOL)
- 12A TRAFFIC ARROW
- 12B STOP BAR
- 19A 90° PARKING - ACCESSIBLE PARKING & RED BALF IN SIDEWALK
- 19B CONCRETE RAMP AT STOCK ROOM DOOR
- 20C MINOR COMMERCIAL DRIVEWAY & SHOULDER RECONSTRUCTION (SEE LAYOUT DETAIL 8/C4)
- 21D WORK ZONE TRAFFIC CONTROL SHOULDER CLOSURE
- 21E SIDEWALK FOR SIDEWALK CLOSURE

STRIPING LEGEND

4" LONG CURB MARKING	SURFACES SHOULD BE CLEAN, DRY, AND METAL SURFACES FREE OF HEAVY RUST. 2 COATS SHERWIN WILLIAMS, KEM-KROME ACRYLIC ALKYD ENAMEL SAFETY YELLOW B59F400
BOLLARDS PAINTING LOT	
STRIPING - PARKING LOT	
HANDICAP PARKING PARKING LOT	SURFACES SHOULD BE CLEAN, DRY. TOP COAT SHERWIN WILLIAMS - PRO MAR TRAFFIC MARKING PAINT YELLOW B59F400

NOTE
CONTRACTOR IS RESPONSIBLE FOR ALL FUTURE UTILITY CONNECTIONS (ELECTRIC, GAS, SEPTIC, SEWER) AS WELL AS PROVIDING ALL INFRASTRUCTURES REQUIRED BY UTILITY COMPANY

NOTE
SEE ARCHITECTURAL PLANS FOR EXACT LOCATIONS AND DIMENSIONS OF PORCHES, RAMPS, VESTIBULE, SLOPED PAVING, TRUCK DOCKS, BUILDING UTILITY ENTRANCE LOCATIONS AND PRECISE BUILDING DIMENSIONS

BY	SCOPE	AT	PM	HD	MD
CEI PROJECT NO.	INITIAL DATE	DRDM	PM	DLS	DMW

CEI Engineering Associates, Inc.
ENGINEERS • PLANNERS • SURVEYORS
LANDSCAPE ARCHITECTS • ENVIRONMENTAL SCIENTISTS

7574 Center Ridge Rd., Suite 200, Rochester, NY 14626 (585) 467-1510
Minneapolis Heights, MN 55128 (952) 432-1195

THE BROADWAY GROUP, LLC

6889 ERIE RD (NY-5)
TOWN OF EVANS NY

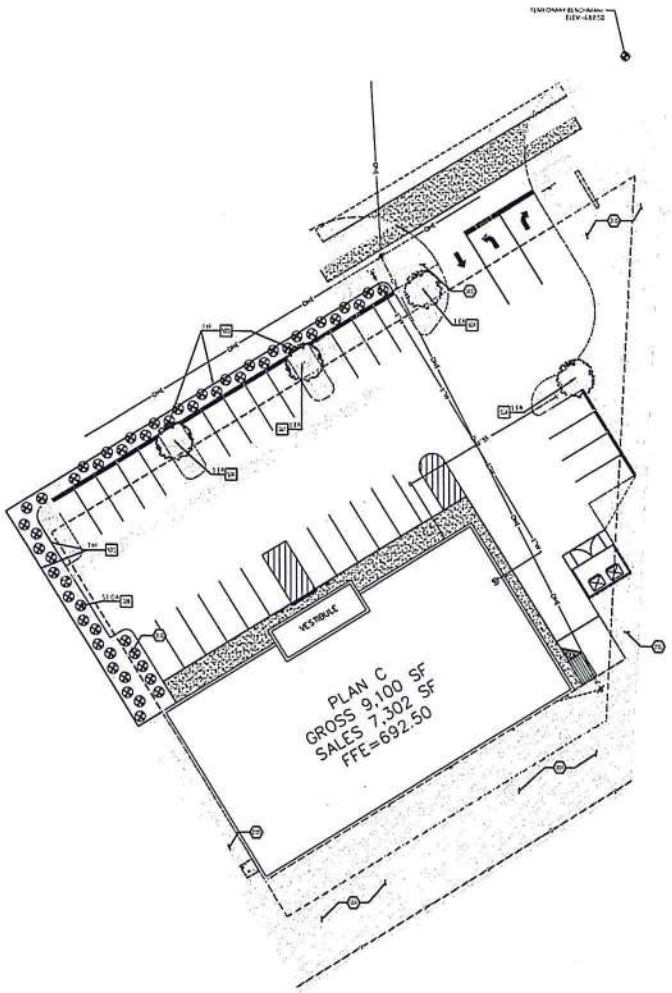
SITE PLAN

REV DATE	SHEET NO.
5/26/17 REV 0	C3

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Mitigants

- The minimum required landscape area is 15%. We propose 32.62% to help enhance green space.
- By ordinance, metal buildings are allowed. We propose a fully bricked exterior building to enhance the appearance.
- By ordinance, pylon signs are allowed. We propose a brick monument sign of the same materials as the building for a cohesive design.



SITE BENCHMARK

N

SCALE IN FEET

EXISTING

PROPERTY LINE	STORM MANHOLE
RIGHT OF WAY LINE	GAS LINE
STORM SEWER	WATER MAIN
OVERHEAD ELECTRIC	FIRE HYDRANT
SANITARY SEWER	SANITARY SEWER MANHOLE
	CATCH BASIN

PROPOSED LEGEND

- PROPERTY LINE/RIGHT OF WAY LINE
- DWARF FESCUE SEED MIX OVER 4" TOPSOIL
- SOD OVER 4" TOPSOIL
- 4" HARDWOOD MULCH

GENERAL LANDSCAPE NOTES

A. LOCATE ALL UTILITIES AND SITE LIGHTING CONFLICTS BEFORE LANDSCAPE CONSTRUCTION BEGINS

B. NOTIFY LANDSCAPE ARCHITECT OR DESIGNATED REPRESENTATIVE OF ANY LAYOUT CHANGES PRIOR TO INSTALLATION

C. ALL DISTURBED AREAS AS DESIGNATED ON THE GRADING PLAN SHALL HAVE 6" OF TOPSOIL AND BE RESTORED WITH SEED OR SOD AS CALLED OUT ON THE PLAN

D. FERTILIZE ALL PLANTS AT THE TIME OF PLANTING WITH A TIME RELEASE FERTILIZER TABLET AS PER MANUFACTURER'S SPECIFIED APPLICATION RATES

E. SEE GRADING PLAN FOR APPLICATION OF TOPSOIL AND MAINTENANCE OF SEEDED/SODDED AREAS

F. WOOD MULCH SHALL BE USED AS A FOUR INCH (4") TOP DRESSING IN ALL PLANT BEDS AND AROUND ALL TREES. SINGLE TREES OR SHRUBS SHALL BE MULCHED TO THE OUTSIDE EDGE OF THE PLASTIC EDGING OR LANDSCAPE ISLAND

G. GENERAL CONTRACTOR TO DESIGN AND INSTALL IRRIGATION SYSTEM AS NEEDED OF PROVIDING ADEQUATE COVERAGE TO ALL SODDED AND LANDSCAPE AREAS. SUBMIT PLANS TO ARCHITECT/ENGINEER FOR APPROVAL PRIOR TO INSTALLATION. IRRIGATION SYSTEM MUST HAVE AN APPROVED BACKFLOW DEVICE INSTALLED AND RAIN SENSOR TO STOP IRRIGATION DURING RAIN EVENTS

H. ALL SODDED AND LANDSCAPED AREAS SHALL BE IRRIGATED. IRRIGATION TO EXTEND FROM PROPERTY LINES TO BACK OF CITY SIDEWALKS AND/OR CURBS

I. INSTALL 2" DIA. PVC PIPE SLEEVES WHERE IRRIGATION LINES CROSS OR ARE UNDER PAVEMENT

J. GENERAL CONTRACTOR SHALL PROVIDE A WATER PERMANENT WEED MATTING ALL PLANTING BEDS

K. ALL NEW OVERSTORY TREES SHALL BE BALLED AND BURLAPPED OR REMOVED FROM THE GROWING SITE BY A TREE SPADE. DECIDUOUS TREES SHALL HAVE A MINIMUM CALIPER OF 2 INCHES. CONIFEROUS TREES SHALL BE A MINIMUM OF 6 FEET IN HEIGHT. ORNAMENTAL TREES SHALL HAVE A MINIMUM CALIPER OF 1 1/2 INCHES

L. ALL SITE AREAS NOT COVERED BY BUILDINGS, SIDEWALK, PARKING LOTS, DRIVEWAYS, PATIOS OR LANDSCAPED SURFACE MATERIALS SHALL BE COVERED WITH SOD OR AS OTHERWISE NOTED ON PLAN OR APPROVED BY THE CITY. THIS REQUIREMENT SHALL NOT APPLY TO SITE AREAS PRESERVED IN A NATURAL STATE

M. TOPSOIL SHALL BE STRIPPED FROM ALL CUT AND FILL AREAS, STOCKPILED AND REDISTRIBUTED OVER GRADED AREAS. PROVIDE EROSION AND SEDIMENTATION CONTROLS AROUND STOCKPILES DURING CONSTRUCTION

N. ALL SOIL TO A DEPTH OF 4" MINIMUM

O. REMOVE ALL ROCKS LARGER THAN 1" MEASURED IN LARGEST DIRECTION

P. GRADE ALL AREAS TO MAINTAIN POSITIVE SLOPE AWAY FROM BUILDING

Q. ALL GRADED AREAS TO RECEIVE SEED OR SOD. TOPSOIL, STRAW AND WATER UNTIL A HEALTHY STAND OF GRASS IS OBTAINED

R. ALL LAWN FRONTAGE OF THE BUILDING AND ON THE SIDE WHERE THERE IS PARKING OR A STREET ARE REQUIRED TO BE FULLY SODDED. ALL OTHER LANDSCAPE AREAS TO RECEIVE SEED

S. AREAS TO RECEIVE SEED OR SOD SHALL BE CLEAN OF DEBRIS AND FREE OF WEEDS

T. SEED MIX TO BE DROUGHT TOLERANCE FESCUE & TOPSOIL THE SEED MATTING TO BE ANCHORED TO ADD RELIABLE EROSION OF REMOVAL SEED DURING GERMINATION

U. STRAW SHALL BE THRESHED STRAW OR HAY (OATS, WHEAT, BARLEY, OR RYE) SPREAD AT A RATE OF 2.5 BALES PER ACRE. STRAW SHALL BE FREE OF NOXIOUS WEEDS AND SHALL NOT BE REMOVED AFTER ESTABLISHED LAWN

V. MAINTENANCE SHALL BEGIN IMMEDIATELY AFTER SEEDING. WATER REGULARLY TO KEEP LAWN AREAS MOIST TO MAXIMIZE GERMINATION AND MAINTAIN OPTIMUM GROWTH AND GROWTH. MOW

Thank you for your time!

- We believe that our request to reduce the parking stall requirement is in the best interest of the property aesthetics as well as the city's residents.

- The 30 parking spaces proposed for this store are adequate based on our experience with this tenant and their extensive market research.

- We greatly appreciate your time and consideration of this request.

Proposed Business



Landscaping shown is represented at a mature stage. Size and shape of the vegetation may vary at initial planting.

Daniel and Sharon Bilowus
9079 Lakeshore Rd
Angola, New York 14006

RECEIVED
JUN - 5 2017
Building Department

June 1, 2017

Code Enforcement/Zoning Office
8787 Erie Rd
Angola, New York 14006

Honorable Board Members,

We are writing regarding Victor Liberatore's request for a decrease in side yard setback.

We request that you do not honor his request.

Mr. Liberatore's failure to adhere to Town of Evans Zoning Law 200-10 C (2) (a) (2) has placed our property in jeopardy. Any snow or ice that would come off the roof of Mr. Liberatore's garage would at a bare minimum take down the gutters on our garage. If we were to have a heavy winter with a quick thaw, snow and ice sliding off Mr. Liberatore's garage roof could damage our garage roof.

There is only a 3 foot clearance between Mr. Liberatore's facia board and our gutters.

We are concerned that if the Mr. Liberatore's garage is not moved prior to winter, we may incur property damage.

We should not have to be concerned about property damage and the financial burden that would cause.

We have included some pictures to illustrate the problem.

Thank you.

Respectfully,

Daniel Bilowus
Sharon Bilowus

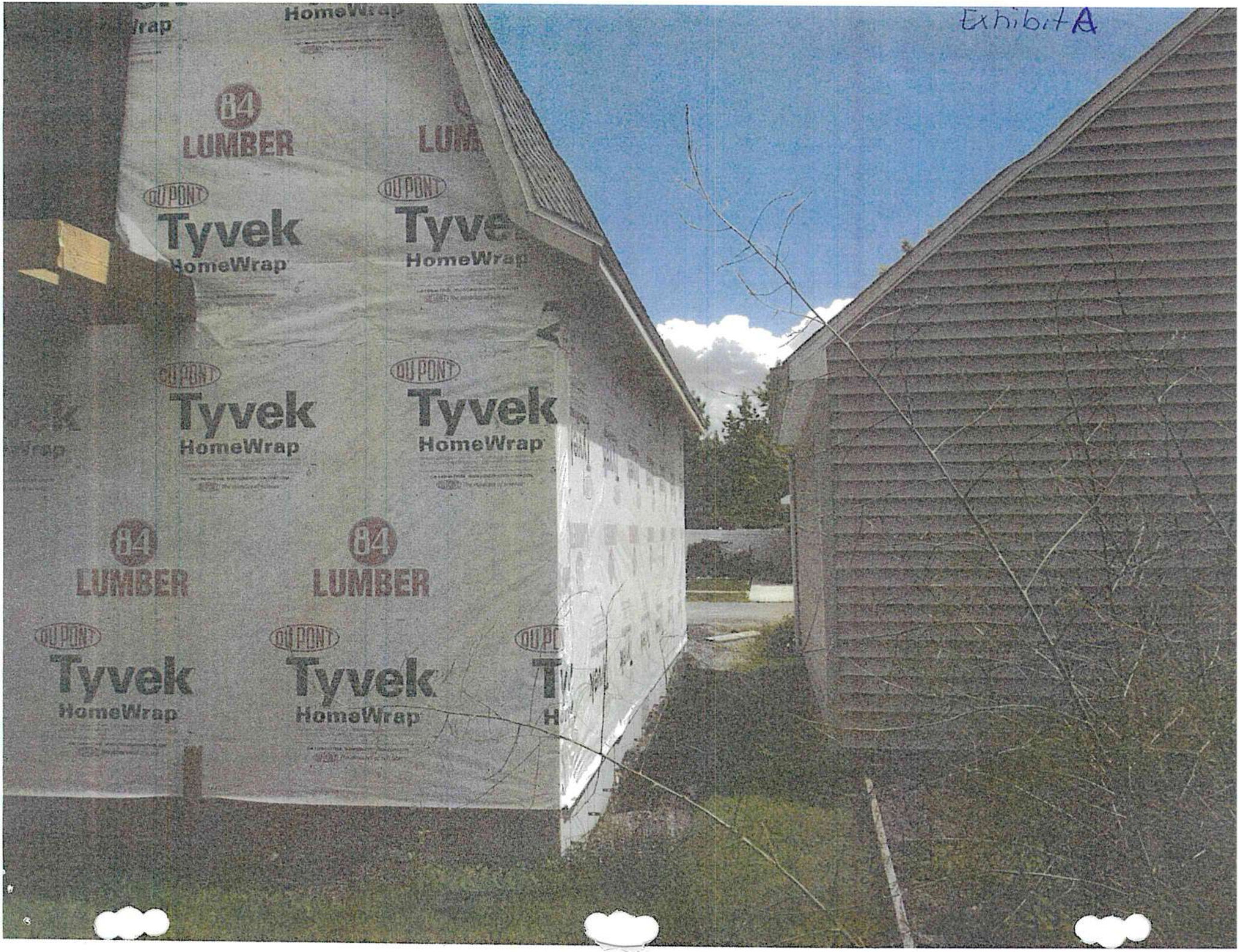
Daniel Bilowus
Sharon Bilowus

Exhibit A


Exhibit A
Tyvek
HomeWrap
LUMBER
DUPONT

Exhibit A




Exhibit A
84 LUMBER
DUPONT
Tyvek
HomeWrap