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October 11, 2017

TOWN OF EVANS

REGULAR MEETING OF THE ZONING BOARD OF APPEALS

RECEIVED
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TOWN OF EVANS

Members Present: D. Maglich, T. Spada
N. Manges, V. Gugliuzza

Members Absent: A. Yusick

Also Present: P. Ryerse, Building Inspector

Mr. Maglich 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. Maglich 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. Maglich asked for a motion to approve the minutes from September 13, 2017.

Mr. Gugliuzza made a motion to approve the September 13, 2017 minutes, Ms. Spada seconded. All in favor, motion carried.

NEW BUSINESS:

Sheila Fellows 8570E Lake Shore Rd. Angola, NY 14006, requesting to increase the size of an accessory structure at above SBL # 234.12-1-7.1 for a private garage, in violation of Town of Evans Zoning Law, 200-17 A (4).

Applicant has purchased 234.12-1-13.1, a vacant lot located adjacent to their property located at 8570E Lake Shore Rd. These lots will be joined together in order to build a private detached garage.

Applicant is requesting to increase the size of an accessory structure for a single story private detached garage from 900 to 1,320 square feet.

Present for the appeal was Greg Antholzner and Sheila Fellows.

Mr. Antholzner stated that the want to build the garage to store cars, a boat or recreational vehicles. The garage will meet all setbacks.

Mr. Maglich stated that the history of the board is to approve oversize structures proportional to the size of the lots. If this gets approved, it opens the door for others in the district to build large garages.

Mr. Maglich asked if anyone in the audience was for or against the appeal.

Sharon Farabaugh, 8570G Lake Shore Rd, stated that if the garage is built, it would obstruct her view of the lake. She believes that the hill is very fragile and she would like to see it preserved.

Mr. Maglich stated that they can build a 900 square foot garage without coming to the board. Ms. Farabaugh thought the reason for the appeal was if the garage can be built or not. Mr. Maglich stated that it is not building the structure itself, it is to increase the size of the structure.

Ms. Fellows stated that it is her understanding that she could build a house instead of a garage. Mr. Ryerse stated that if the property stayed separate then yes she could build a house.

Mr. Maglich stated that the board received a letter that doesn't pertain to the appeal about egress and water runoff on Beach Rd which does not concern the board.

Louis Celia, 8570 Lake Shore Rd, stated that his concern is they will put an apartment above the garage.

Mr. Gugliuzza stated that they cannot put an apartment above the garage according to town code.

Vicki Celia, 8570 Lake Shore Rd, stated that if a house was built then what would the address be? That piece of parcel is not part of 8570's grove. If the piece is already merged and they can put a house there, what will the address be?

Mr. Gugliuzza stated that they cannot put a house there if the property is already merged. Ms. Celia asked if the properties were merged. Mr. Gugliuzza stated it will not be merged until March 1st. Ms. Celia asked if there will be a hearing on that. Mr. Gugliuzza stated that there is no hearing and it is up to the Assessor. Ms. Celia stated that her concern is that they will build a dwelling. Mr. Gugliuzza again stated that they are not going to build a dwelling.

Mr. Antholzner stated that they have no intention of building a house. It will be a garage for their personal use.

Mr. Gugliuzza asked Mr. Antholzner if they were willing to be flexible on the size.

Mr. Antholzner stated that they were willing to be flexible and can trim off 100 square feet if needed. He stated that if approved, there can be a compromise of 1,200 or even 1,100 square feet.

Mr. Gugliuzza stated that since there is concern about the size of the garage, it may be incumbent upon the board to deny the 1,320 square foot garage and maybe they can come back with a smaller size garage. He stated that he can't guarantee they will be approved, but it is another chance at it.

Gary (inaudible), 8570F Lake Shore Rd, asked if there will be a hearing regarding merging the properties. He and his wife are against the appeal. He feels that it will be an eyesore and neighbors will lose their light and access to the beach. Mr. Gugliuzza again stated that there is no hearing.

Tim Hoelzle, contractor for the applicants, stated that it will not be an eyesore. He also asked if they would be able to build two 900 square foot garages on the property. Ms. Spada stated yes as long as they meet all of the setbacks.

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

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

Paul Lomando 934 Johnson Ave. Angola, NY 14006, requesting to increase the size of an accessory structure at above SBL # 234.12-1-7.1 for a private garage, in violation of Town of Evans Zoning Law, 200-17 A (4).

Present for the appeal was Paul Lomando.

Mr. Gugliuzza asked the purpose for the addition.

Mr. Lomando stated that he has an expensive boat that has to be stored in an enclosed space on his property.

Mr. Maglich asked if there will be garage doors on all sides.

Mr. Lomando stated yes.

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

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

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

Keith Mulawka 9386 Lake Shore Rd. Angola, NY 14006, requesting to reduce the front yard setback for a single family dwelling located at 607I Larkin Rd. SBL # 205.00-4-41 in violation of Town of Evans Zoning Law, 200-11 C (1) (c) [1].

Applicant is requesting to decrease the front yard setback form 50 to 27.65 feet.

Applicant is requesting to reduce the front yard setback to erect a single family home located 27.65 feet from the front line. An existing concrete water pit/foundation hinders the structure from being located father back.
The parcel is located on a private driveway located on the Mulawka estate.
There are several houses in this area closer than the current 50 feet front yard setback.
The barn shown on satellite image has been removed.

Present for the appeal was Keith Mulawka.

Mr. Mulawka stated that there was a 40x50 pole barn that was moved and the new house will be in the same place as the barn.

Mr. Maglich asked how big the property is.

Mr. Mulawka stated ¾ of an acre.

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

Connie Churchill, 607D Larkin Rd, is in favor of the appeal.

Jerry Ruhl, 607C Larkin Rd, is in favor of the appeal.

Jerry Galfo, 607E Larkin Rd, is in favor of the appeal.

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

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

Tracy Spada 9196 Mohawk Rd. Angola, NY 14006, requesting a use variance for construction of a single family home located on Gowans Rd. at SBL # 236.00-1-21.1 in violation of Town of Evans Zoning Law 200-24 B, principal uses.

Applicant is requesting a use variance to build a single family dwelling, not an allowable principal structure or use in a Light Industrial Zoning District.

This section of Gowans Rd is zoned Light Industrial. To the east and west, existing single family homes occupy Light Industrial zoned properties. To the south, across the street, the properties are zoned Rural Agricultural and single family homes occupy the properties. A Light Industrial structure or use does not exist in this area.

Present for the appeal was Tracy Spada.

Ms. Spada stated that she has been having a hard time selling the property because there is nothing in the area for light industrial. She has a potential buyer that wants to put a home there.

Mr. Maglich read a letter from Ray Mojon in favor of the appeal.

Patrick Atler wants to build the house on the property. He already has the plans submitted.

Mr. Gugliuzza explained to the audience the definition of a use variance. He stated that if it stays light industrial, Ms. Spada would not be able to sell the property to put a residential house there. That would be a hardship. Another criteria the board looks at is if it is unique. There are many surrounding houses. Mr. Maglich stated that there is no light industrial in the area. Mr. Gugliuzza stated that the third criteria is would it change the character of the area. It would not. The final one is if the hardship was self created. It is not.

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

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

Mr. Gugliuzza stated that the use variance go with the property and not the applicant.

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

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

Respectfully Submitted,

Jennifer Renaldo
Secretary

John Crosta

540 Beach Rd.

Angola, NY 14006

I have a couple of concerns pertaining to the requested variance for the accessory structure at 8750E Lake Shore Rd.

- Will the building have egress to the Beach Rd extension?

- Of more concern, what is the plan for the water run-off from this structure? Most likely this structure will have a roof and a hardened road to support it. This structure will be at the highest point in the area. I don't want this oversized structure causing me any flooding situations from run-off. What will be done to address my concern?

- All construction will be done from the property of 8750E Lake Shore Rd, and the private Beach Rd extension will never be blocked by this construction?

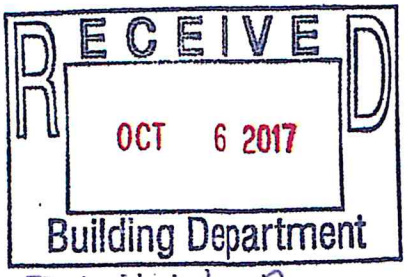


Exhibit A

9/3/2017

Andrew Lysick
Chairman Zoning Board of Appeals Town of Elma
887 Erie Rd Angola ny

Dear Andy

I support the Granting of Application
for 934 Johnson Ave Angola ny

Thank you

Sam Fornaro Jr
942 Johnson Ave
549-1212

RECEIVED
OCT 5 2017
Building Department

Exhibit A

Hello,

I am regarding to the request by Tracy Spado for a zoning change on Towns Rd. I am a neighbor to that parcel and I support the change for a single family home.

Thank You

Ray Moton

RAY MOTON

1406 GOUANS RD.

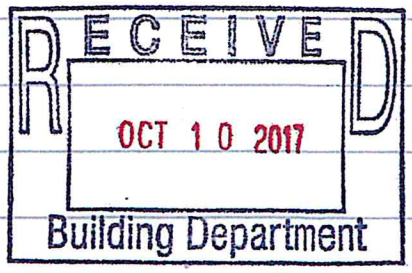


Exhibit A