Unapproved minutes filed with
Town Clerk 9/19/17
Minutes Approved 10/11/17
Distributed 10/12/17

September 13, 2017

TOWN OF EVANS

REGULAR MEETING OF THE ZONING BOARD OF APPEALS

RECEIVED
OCT 12 2017
TOWN CLERK
TOWN OF EVANS

Members Present: A. Yusick, D. Maglich, T. Spada
V. Gugliuzza

Members Absent: N. Manges

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 August 9, 2017.

Mr. Gugliuzza made a motion to approve the August 9, 2017 minutes, Mr. Maglich seconded. All in favor, motion carried.

NEW BUSINESS:

John Martorana 1220 Wisconsin Rd. Derby, NY 14047, requesting to increase the size of an accessory structure at above SBL # 206.00-3-40.122 for a private garage, in violation of Town of Evans Zoning Law, 200-17 A (4).

Applicant is requesting to increase the size of an accessory structure from 900 to 2400 square feet. This is zoned residential two family. This is a 2.78 acre parcel abutting general business district to the north and west sides. The structure will not be visible from Wisconsin Rd.

Present for the appeal was John Martorana.

Mr. Yusick asked why he needs a garage so big. Mr. Martorana stated that he has many vehicles that he would like to store. He submitted a photo of the vehicles which has been marked as "Exhibit B". Mr. Yusick read a letter for Emily Newell and is marked as "Exhibit A". Mr. Yusick asked how many feet will he be from the residential neighbor to the east. Mr. Martorana stated 50 to 60 feet. Mr. Yusick asked how far from the back line. Mr. Martorana stated at least 40 feet. Mr. Yusick asked if he had any side business. Mr. Martorana stated no. Mr. Yusick asked if he files a Schedule C on his taxes as a self employed business. Mr. Martorana stated no.

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

The board granted the appeal with the following conditions: not to be used for commercial purposes and the garage be built no less than 60 feet from the side line of the property and 40 feet from the property to the northwest.

Ms. Spada made a motion to approve, seconded by Mr. Maglich.

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

James Kelley 6474 Hamilton Dr. Derby, NY 14047, requesting to reduce side yard setbacks at the above SBL # 192.16-1-24 for an addition, in violation of Town of Evans Zoning Laws 200-12 C (1) (f) [2] and 200-12 C (1) (f) [3].

This is zoned residential two family. Applicant is requesting to reduce the required side yard setback from 5 feet to 2.4 feet and the combined side yards from 15 feet to 3.98 feet. This is a 35 foot wide lot located on a section of Hamilton Dr, on the cliffs of Lake Erie. Many lots on this road are very small and the structures have little separation. This addition would need DEC approval.

Mr. Yusick read a letter marked as "Exhibit B" from Mr. Kelley giving Joseph and Cynthia Trzyna, 6476 Hamilton Dr, Derby, NY 14047 permission to appear on his behalf. Mr. Kelley is away on business and cannot attend the hearing.

Present for the appeal was Joseph and Cynthia Trzyna.

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

Daniel Sack and wife, 6480 Hamilton Dr, Derby, NY 14047 is concerned about the addition and the reason why it's necessary under NY Zoning Law. They are concerned that more people will be using the house. He states that there is a renter and he's concerned with parking if more people live there.

Mr. Trzyna stated that the addition would be an 8x10 bedroom. He also stated that Mr. Kelley doesn't have a renter; he is just a friend that takes care of the house when Mr. Kelley is out of town. Parking will not be an issue between his and Mr. Kelley's parking areas. Mr. Yusick asked about all the building material that is in the yard. Mr. Trzyna stated that the building material that is in the yard is not in the area where the addition is going to be built. Mr. Yusick stated that it is the total property and it looks like it is out of compliance with the town's local law. Mr. Yusick asked if the addition was going to be closer to the side yard than what already exists. Mr. Trzyna stated that it will be no closer.

Sharon Mortin, 6468 Hamilton Dr, Derby, NY 14047 spoke about the garbage that is in her lot and the right of way.

Mr. Yusick told Mr. Trzyna that he needs to have a discussion with Mr. Kelley about the state of the yard. Mr. Trzyna stated that it is in the process of getting cleaned up. Mr. Yusick stated that if it doesn't get cleaned up, he will be cited in the court.

Mr. Maglich made a motion to approve, seconded by Ms. Spada.

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

Mr. Yusick made a motion to adjourn to the next scheduled meeting, seconded by Mr. Maglich.

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

Respectfully Submitted,

Jennifer Renaldo
Secretary

To the Building Department town of Evans: September 5, 2017

I am responding to the recent letter about a hearing to your Board of Appeals of the town concerning the property 1220 Wisconsin Road, Derby, NY. I am a neighbor to this property and I have NO objections to the structure Mr. Martorana wants to erect. Given the hard work being done to improve this property by the owner, I fully approve of this improvement to their needs and uses.

Sincerely, Emily D Newell

Emily D. Newell
1219 Wisconsin Road
Derby, NY 14047

(716-947-4086



Exhibit A

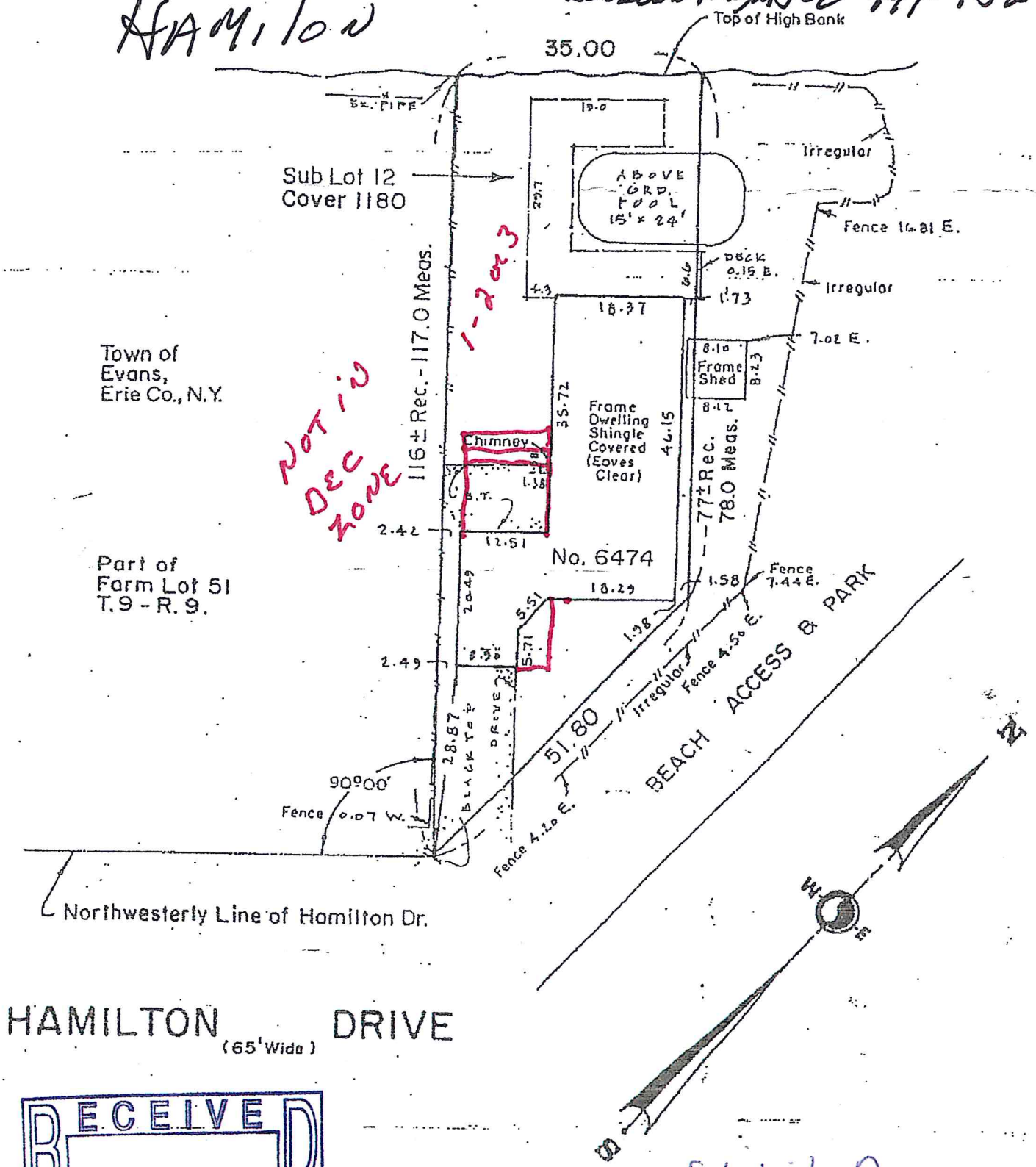


+ 1. wifes car - 2015 Chevy Trax
2. Snowmobile - 2017 Ski doo
3. 57 Jeep wagon

Exhibit B

KELLEY JAME A ≈ 860-4217
OR REP WHEN JAME
OUT OF TOWN
SUNTOWN TAZYM JOE 947-9327

6474
HAMILTON



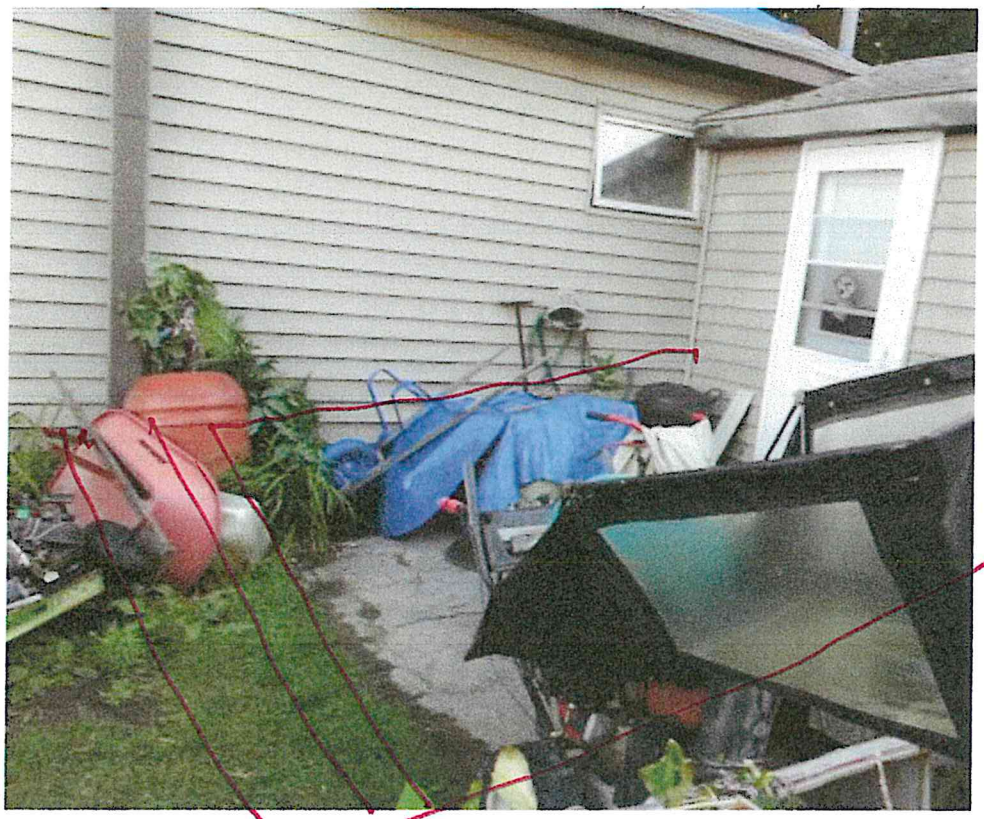
RECEIVED
SEP 7 2017
Building Department

Exhibit A
pg 1

SURVEY

Sep 30 09 07:03p Drs. Brennan/Kelley 716-683-2160 p.1

20170906_084742.jpg (2.9MB) | Image 1 of 1

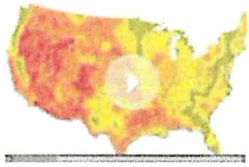


Note: This image has been resized to fit the Juno Photo Viewer.To print the original image,please save the ima computer.Once you have saved the image to your computer,you will be able to open the image file and print it computer's image software.

Note: This image has been resized to fit the Juno Photo Viewer.To print the original image,please save the ima computer.Once you have saved the image to your computer,you will be able to open the image file and print it computer's image software.

Note: This image has been resized to fit the Juno Photo Viewer.To print the original image,please save the ima computer.Once you have saved the image to your computer,you will be able to open the image file and print it computer's image software.

Red Zone

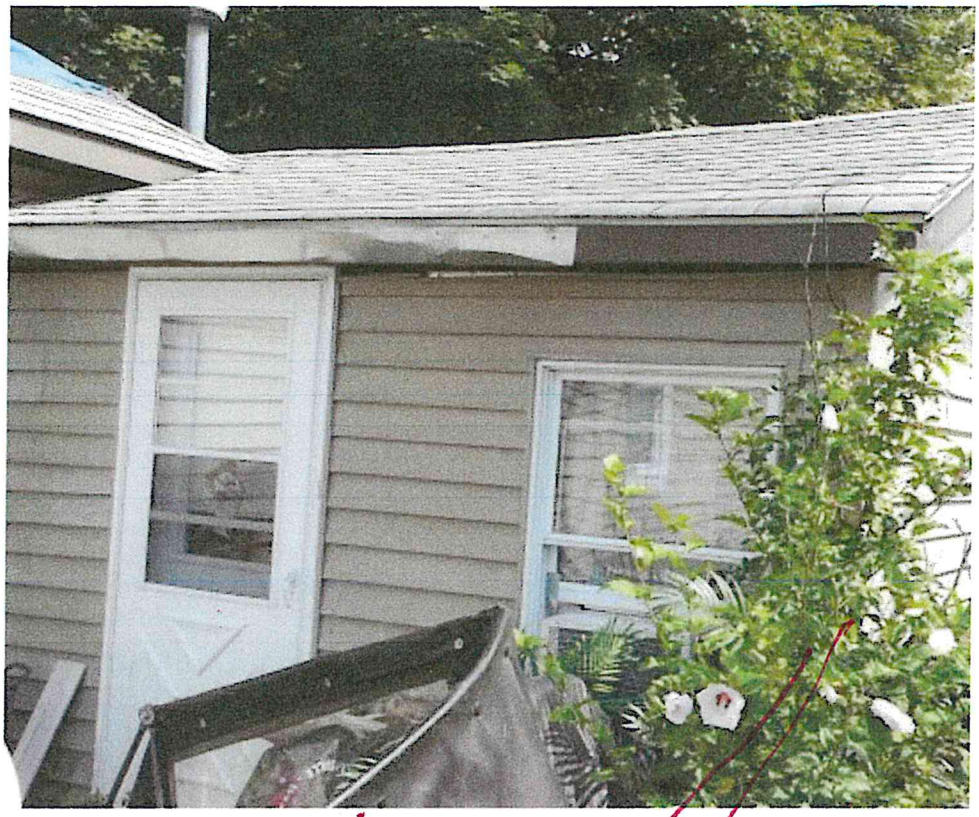


The Most Important Map of America You Will Ever See (See Map)
Promoted by Banyan Hill Publishing

Recommended by

Exhibit A
pg 2

20170905_143244.jpg (3.7MB) | Image 1 of 1



Note: This image has been resized to fit the Juno Photo Viewer.To print the original image,please save the ima computer.Once you have saved the image to your computer,you will be able to open the image file and print it computer's image software.

20170905_143244.jpg
(3.7MB)

HOME MAIL ADDRES

Read Message

Check Mail

Compose Mail

Search

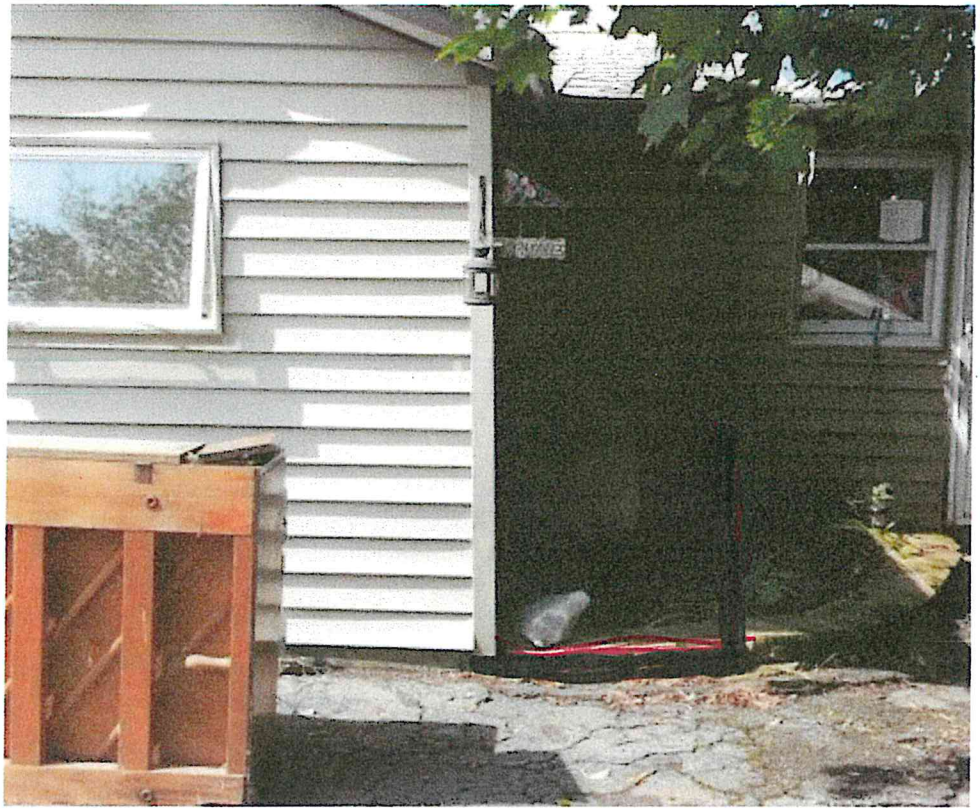
Inbox (221)
Draft
Sent (118)
Trash Empty
Junk Mail Empty

My Folders Add
4saleHOMES
Cynmarie (540)
GCI-WWCG
Inspirational (20)
JO PICTURE... (36)
New2017picold
Patterns-Yarns
elephants
joe (12)
joe money (15)
nortons-symantec
old_Inbox
old_Sent
rainbows

Reply	Forward	Delete	Junk	Print	Mark	Move		

Exhibit A
pg 3

20170905_143136.jpg (2.9MB) | Image 1 of 1



Note: This image has been resized to fit the Juno Photo Viewer.To print the original image,please save the ima computer.Once you have saved the image to your computer,you will be able to open the image file and print it computer's image software.

Note: This image has been resized to fit the Juno Photo Viewer.To print the original image,please save the ima computer.Once you have saved the image to your computer,you will be able to open the image file and print it computer's image software.

Note: This image has been resized to fit the Juno Photo Viewer.To print the original image,please save the ima computer.Once you have saved the image to your computer,you will be able to open the image file and print it computer's image software.



[Gallery] Photographer Had No Clue He Captured A Historic Moment

Promoted by HistoryInOrbit.com

Recommended by

Exhibit A pg 4

20170906_084701.jpg (3.9MB) | Image 1 of 1



Note: This image has been resized to fit the Juno Photo Viewer.To print the original image,please save the ima computer.Once you have saved the image to your computer,you will be able to open the image file and print it computer's image software.

HOME MAIL ADDRES

Read Message

Check Mail

Compose Mail

Search

Inbox (226)
Draft
Sent (118)
Trash Empty
Junk Mail Empty

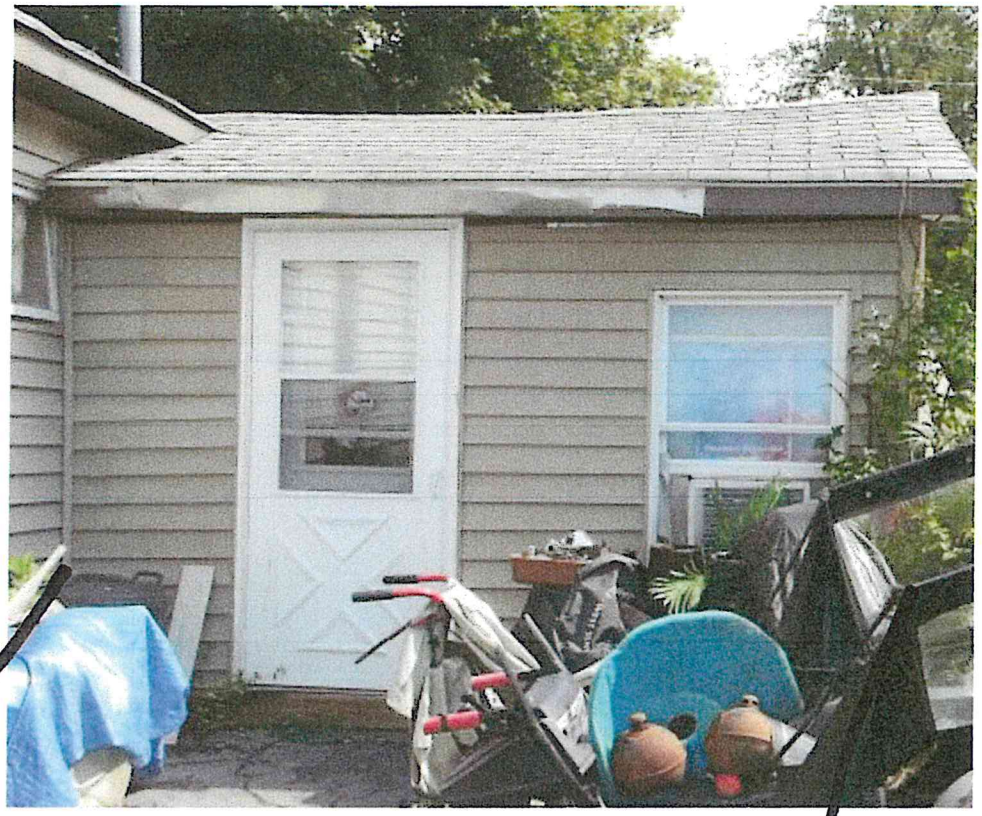
My Folders Add
4saleHOMES
Cynmarie (540)
GCI-WWCG
Inspirational (20)
JO PICTURE... (36)
New2017picold
Patterns-Yarns
elephants
joe (12)
joe money (15)
nortons-symantec
old_Inbox
old_Sent
rainbows

20170906_084701.jpg
(3.9MB)

Reply | Forward | Delete | Junk | Print | Mark | Move

Exhibit A
pg 5

20170905_143256.jpg (3.4MB) | Image 1 of 1



Note: This image has been resized to fit the Juno Photo Viewer.To print the original image,please save the ima computer.Once you have saved the image to your computer,you will be able to open the image file and print it computer's image software.

Note: This image has been resized to fit the Juno Photo Viewer.To print the original image,please save the ima computer.Once you have saved the image to your computer,you will be able to open the image file and print it computer's image software.

Exhibit A
pg 6

9/11/17

To Whom It May Concern,

I am James Kelley and I own the house at 6494 Hamilton Dr. My neighbors, Joe and Cindy Trzyna at 6476 Hamilton, are authorized to represent me at my building variance hearing at the Evans Town Hall on Wednesday Sept. 13, 2017 as I will be out of town.

Feel free to contact me at 1-716-860-4217 if you have any questions.

Sincerely,
James Kelley

September 11, 2017

JUSTIN M WORMLEY
NOTARY PUBLIC STATE OF NEW YORK
ERIE
LIC. #01WO6355582
COMM. EXP. 03/13/20 21

RECEIVED
SEP 11 2017
Building Department

Exhibit B