Unapproved minutes filed with
Town Clerk 3/23/18
Minutes Approved 4/11/18
Distributed 4/16/18

RECEIVED
APR 16 2018
TOWN CLERK
TOWN OF EVANS

March 14, 2018

TOWN OF EVANS

REGULAR MEETING OF THE ZONING BOARD OF APPEALS

Members Present: D. Maglich, N. Manges, V. Gugliuzza
J. Kennedy, A. Supon

Members Absent: A. Yusick T. Spada

Also Present: J. Hill, 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 stated that the first hearing, James Donovan, 7786 Erie Rd, has been tabled.

NEW BUSINESS:

Michael Bykowski, 9144 Waterman Rd. Angola, NY 14006, requesting to reduce the required side yard setback at above SBL # 234.20-1-5 for a private garage, in violation of Town of Evans Zoning Law, 200-10 C (2) (a) [2].

Applicant is requesting to reduce the required side yard setback for a private garage, in violation of the Town of Evans Zoning Law section 200-10 C (2) (a) [2] from 5 feet to 2.59 feet.

The applicant would like to demolish an existing 14.40' x 20.38' garage and erect a new 20' x 30' detached garage located 2.59 feet from the southeast side yard.

Present for the appeal was Matthew Guarino and Dean Churpita.

Mr. Maglich read a letter from Joanne Guarino marked as "Exhibit B" in favor of the appeal.

Mr. Maglich asked if they are using the existing foundation. Mr. Churpita stated that they are tearing out the foundation. Mr. Maglich asked that if they are tearing out the foundation, why not go the five feet. Mr. Churpita stated that if they did, then you would not be able the drive into the garage because of the house. Mr. Maglich stated that garage has to be in the same footprint of the previous garage.

Mr. Maglich asked if the board has any questions and no one in the audience was there 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, absent
Ms. Manges, aye
Mr. Supon, aye
Mr. Maglich, aye
Mr. Gugliuzza, aye
Mr. Kennedy, aye

Phillip Pratt, 9667 South Main St. Angola, NY 14006, requesting to reduce the minimum size of a single family home at above SBL # 251.00-2-23 in violation of Town of Evans Zoning Law, 200-8.2 C (h) [1].

Applicant is requesting to reduce the size of a single family dwelling from 1,200 square feet to 900 square feet, in violation of the Town of Evans Zoning Law section 200-8.2 C (h) (1).

The applicant would like to construct a 900 square foot one story single family dwelling on 3 acres of his current 7.4 acre lot with existing home.

Present for the appeal was Phillip Pratt.

Mr. Pratt stated that he was keeping 3 acres with the current house and taking four acres and adding it to a property on Pontiac Rd. Mr. Gugliuzza asked if that whole section of South Main St was owned by him. Mr. Pratt stated yes that he owns seven parcels in the area that totals 35 acres. Ms. Manges asked if Mr. Pratt wants to build a house on a separate parcel that doesn't have an existing house. Mr. Pratt stated yes and he is taking 4 acres from the original farm and adding it to that parcel. Ms. Hill stated that he has to go through the planning board to subdivide. Mr. Maglich stated that his concern is that the drawing he submitted is not accurate. Mr. Maglich asked if this is the correct order. Ms. Hill stated yes. Mr. Maglich asked why 900 square feet and not 1200 square feet. Mr. Pratt stated that he and his wife want a small retirement home because they want to downsize. Mr. Pratt stated that the house will have vaulted ceilings and it will be by the creek with glass back doors and a full basement. Mr. Pratt stated that it's not about the cost, they just want a smaller home. Mr. Maglich stated from his experience, he has approved small homes in the past and the homes didn't turn out well. Mr. Supon asked if he had a drawing of the house. Mr. Pratt showed the board a picture of what the house could look like. Ms. Manges asked how many bedrooms it will have. Mr. Pratt stated one. Ms. Manges stated that from a resale value, one bedroom may be hard to sell but with the house being along the creek, it may sell.

Mr. Maglich asked if the board has any questions and no one in the audience was there 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, absent
Ms. Manges, aye
Mr. Supon, aye
Mr. Maglich, nay
Mr. Gugliuzza, aye
Mr. Kennedy, aye

Peter Smith, 7763 Decker Rd. Angola, NY 14006, requesting to increase the size of an accessory structure at above SBL # 221.00-1-22.21 in violation of Town of Evans Zoning Law, 200-8.2 C (8) (b) [3].

Applicant is requesting to increase the size of an accessory structure, in violation of the Town of Evans Zoning Law section 200-8.2 C (8) (b) [3] from 1,200 square feet to 3,200 square feet.

The applicant would like to construct a 3,200 square foot detached garage on his 11.22 acre site, to provide storage for the family's recreational vehicles.

Present for the appeal was Peter Smith.

Mr. Maglich read letters from Robert Langdon, marked as "Exhibit A", Brett and Nadine Kaczmarski, marked as "Exhibit B" and Anne Smith, marked as "Exhibit C" all in favor of the appeal.

Mr. Smith stated that the size is the largest he would go but it may end up being smaller. Mr. Gugliuzza stated that he went to the site and the surrounding neighbors have large garages. Mr. Maglich asked if he would go smaller than what is requested. Mr. Smith stated that his goal is 40'x 60'. Mr. Maglich asked if a variance can be granted for smaller than what is requested. Mr. Gugliuzza stated that Mr. Smith can't go any larger. Mr. Maglich asked if there will be any commercial activity. Mr. Smith stated no.

Todd Schraft spoke in favor of the appeal.

Mr. Maglich asked if the board has any questions.

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

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

Mr. Maglich stated the board is waiving the reading of the December meeting minutes until the next meeting.

Mr. Maglich asked if there was anything further for the board.

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

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

Respectfully Submitted,

Jennifer Renaldo
Secretary

February 25, 2018

Town of Evans
Zoning Board of Appeals

Ref.: Permit #2018-00013

Dear Sir:

Due to unforeseen circumstances, I am unable to attend the meeting of March14, 2018. I wish to designate Matthew Guarino and Dean Churpita as my representative for this meeting.

Thank you for your consideration.

Michael B. Bykowski
9144 Waterman Road

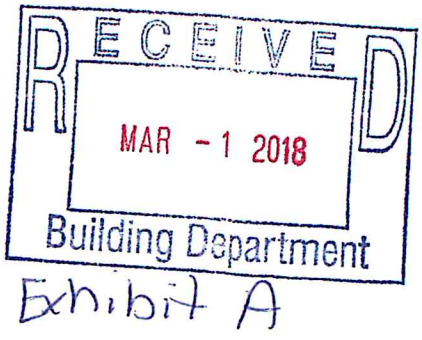


Exhibit A

1101 N. Atlantic Dr.
Lantana, Fl. 33462-1933
March 5, 2018

Zoning Board:

With regard to the application at 9144 Waterman Rd, Angola, N.Y. for a variance. We have No objection to granting this application.

The Bykowski family are thoughtful and respectful neighbors.

Raoul Guarino MD
Joanne C. Guarino



Exhibit B

From the Desk of Robert E. Langdon

Paul Ryerse
Supervising Code Enforcement Officer
8787 Erie Road
Angola, NY 14006-9600

Dear Mr. Ryerse,

I am writing this letter on behalf of my neighbor, Peter Smith, who resides at 7763 Decker Rd.

The Smith family have been neighbors of ours since they built on this location. They are a very nice family with a beautiful home. They are friendly and considerate.

The Langdon family is in support of their request to build this structure, which may be larger than allowed. The lot that the Smith family owns is a treed lot, which will serve as a cover for the structure throughout most of the year.

The Smith family has always maintained their property and we are proud to assist them in this variance request. If you have further questions, feel free to contact me.

Respectfully submitted:

Robert Langdon and Karen Ralph-Langdon
7794 Decker Road
Derby, NY 14047
716 341-3553

RECEIVED
MAR - 8 2018
Building Department

Exhibit A

Evans Town Hall
Board of Appeals
8787 Erie Rd.
Angola, NY 14006

March 6, 2018

Attn: Evans Town Board

In regards to the request for zoning variance requested by the Smith Family located at 7763 Decker Rd. We, Brett and Nadine Kaczmarski, are in support for any variance required to build a storage structure or pole barn of excessive height, length or width.

Sincerely,

Brett and Nadine Kaczmarski

Brett Kaczmarski
Nadine Kaczmarski

7736 Decker Rd
Derby, NY 14047
(716)432-1340

RECEIVED
MAR - 9 2018
Building Department

Exhibit B

Town of Evans
Code Enforcement/Zoning Office
8787 Erie Road
Angola, NY 14006

Re: Zoning Board of Appeals of the Town of Evans
Variance requested by Peter Smith as published in the Observer and sent to me.

I have no objection to his request to increase the size of an accessory structure.

Sincerely,

Anne Smith

Anne Smith
7691 Decker Road
Derby, NY 14047

RECEIVED
MAR 12 2018
Building Department

Exhibit C