Unapproved minutes filed with
Town Clerk 5/17/18
Minutes Approved 6/13/18
Distributed 6/14/18

May 9, 2018

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REGULAR MEETING OF THE ZONING BOARD OF APPEALS

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

Members Absent: N. Manges

Also Present: J. Hill, 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 April 11, 2018.

Mr. Gugliuzza made a motion to approve the April 11, 2018. All in favor, motion carried.

NEW BUSINESS:

Anthony Adamo, 1167 Backus Road, Angola, NY 14006, requesting to reduce the front yard setback for an accessory structure at the above address, in violation of the Town of Evans Zoning Laws section 200-8.2 C (1) (c).

Applicant is requesting to reduce the required front yard setback from 60 feet to 40 feet at the above address in violation of the Town of Evans Zoning Law section 200-8.2 C (1) (c).

The applicant would like to construct a 1,200 square foot garage 40 feet from his front property line.

Present for the appeal was Anthony Adamo.

Mr. Yusick asked why Mr. Adamo has to be so close to the road. Mr. Adamo stated that he has an established driveway and his contractor pitched all of the water on his property to the back by the creek. He is concerned that if he puts the garage further back, the water will collect and cause problems. Mr. Yusick asked if Mr. Adamo wants a 1,200 square foot garage in front of his house. Mr. Adamo stated that it would only be a difference of 10 feet. Mr. Yusick stated that according the petition, it is more like 20 feet in front of his house. Mr. Yusick stated that he viewed the property and saw no change in the topography. Mr. Yusick stated that in viewing Backus Road, he saw no other garages that close to the road. Mr. Maglich asked Mr. Adamo if he put his garage back 20 feet, is he concerned the water will pool by the house. Mr. Adamo stated yes. Mr. Maglich stated that he would have to put in a drain tile for water issues.

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 deny, seconded by Mr. Maglich.

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

Dean Metzger, 576 Pinehart Road, Angola, NY 14006, is requesting to decrease the front yard setback for an accessory structure on a corner lot at the above address, in violation of the Town of Evans Zoning Law section 200-10 C (1)(c)(1).

Applicant is requesting to reduce the require front yard setback on a corner lot from 40 feet to 32.3 feet at the above address in violation of the Town of Evans Zoning Law section 200-10 C (1) (c) (1).

The applicant would like to construct a 637 square foot garage 32.3 feet from his front property line on Hillside Road.

Present for the appeal was Dean Metzger.

Mr. Gugliuzza stated that he was at the site and what the applicant is requesting would not cause any problems. He also stated that it would not change the neighborhood or any blocking of the corner. Ms. Spada asked if the existing garage was gone. Mr. Metzger stated yes.

Mr. Yusick 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 Mr. Maglich.

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

John Trybuskiewicz, 485 Exchange St., Alden, NY 14004, is requesting to decrease the side yard and rear yard setback at 205 Kennedy Ave., Angola NY, in violation of the Town of Evans Zoning Law section 200-12C (f) (3) side yard and 200-12C (f) (4) rear yard setback.

Applicant is requesting to reduce the required side yard setback from 5 feet to 2.74 feet and the rear yard setback from 35 feet to 2.21 feet at 205 Kennedy Ave in violation of the Town of Evans Zoning Law section 200-12 C (f) (3), required side yard setback and 200.12 C (f) (4), required front yard setback.

The applicant would like to demolish existing dwelling and rebuild a new dwelling in the same location. The Zoning Board of Appeals previously approved his appeal on May 10, 2017; the applicant did not apply for a building permit within the required time frame.

Present for the appeal was John Trybuskiewicz.

Kelly Scanlon, Eisenhower Ave questioned what is being done on the property. Mr. Trybuskiewicz stated that he is tearing down the house and building a new one. Mr. Yusick stated that the board granted the variance last year but Mr. Trybuskiewicz was late in filing his permit.

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 Mr. Maglich.

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

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

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

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

Respectfully Submitted,

Jennifer Renaldo
Secretary

April 27, 2018

Town of Evans
Code Enforcement Officer
8787 Erie Road
Angola, NY 14006

Dear Sir or Madam,

As the property owner adjacent to 1167 Backus Road, whose owner, Anthony Adamo, is requesting a variance to construction in violation of current Town Zoning Laws, I am unopposed to permitting reduction of the front yard setback as appealed.

Sincerely,

James F. Masterson
1178 Backus Road
Derby, NY 14047

RECEIVED
APR 30 2018
Building Department

Exhibit A