Minutes Approved 1/8/20
Distributed 2/5/20

November 13, 2019

TOWN OF EVANS

REGULAR MEETING
OF THE
ZONING BOARD OF APPEALS

Members Present: A. Yusick, D. Maglich, T. Spada, H. Martin, Jr, A. Supon

Members Absent:

Also Present: J. Hill, Building Inspector

Mr. Yusick opened the meeting with a quorum at 6:00pm. The meeting was held in the Municipal Building records 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 October 9, 2019.

Mr. Maglich made a motion to approve the October 9, 2019 minutes, seconded by Ms. Spada. All in favor, motion carried.

RECEIVED
FEB - 5 2020
Lynn M. Krajacic
Town Clerk
Town of Evans

NEW BUSINESS:

Paul Harenza, 9903 Lake Shore Rd., Angola, NY 14006, is requesting to construct a carport, in violation of the Town of Evans Zoning Law Section 200-12 C (2) (a) [1]

Applicant is requesting to reduce the separation requirement from the existing shed in order to construct a carport, in violation of the Town of Evans Zoning Law Section 200-12 C (2) 1 reducing the required distance separation from 10' to 5'.

The applicant would like to install a carport 5' from his existing shed.

Present for the appeal was Mr. and Mrs. Harenza.

Mr. Yusick asked the applicant why the carport is in this area. Mr. Harenza stated that there is an existing driveway. Mr. Yusick asked if the carport would be enclosed. Mr. Harenza stated no.

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 with the condition the carport will not to be enclosed, seconded by Mr. Maglich.

All in favor:
Vote: Mr. Yusick, aye
Ms. Spada, aye
Mr. Martin, Jr, absent
Mr. Maglich, aye
Mr. Supon, aye

Kevin Smyth, 9560 Ellicott Rd., Angola, NY 14006, requesting to increase the size of an accessory structure on a corner lot, in violation of the Town of Evans Zoning Laws Section 200-17 A (4) & 200-17 A (3)

Applicant is requesting to increase the size of an accessory structure, in violation of the Town of Evans Zoning Law Section 200-17 A (4) from 900 square feet to 1,200 square feet. Due to the property being located on a corner lot the structure is in violation of Town of Evans Zoning Law Section 200-17 A (3) sitting 10' from the unimproved right of way instead of the required 25', the permit was issued not realizing the unimproved right of way existed.

The applicant would like to construct a 10 x 30 addition to a pre-existing 900 square foot detached garage.

Present for the appeal was Mr. Smyth.

Mr. Yusick read a letter marked as "Exhibit B" against the appeal. Mr. Smyth stated that before obtaining a permit, he was told that a 30 x 40 garage could be built on his property. When he went to the building department with his plans, he was told that he could not go that large and a 30 x 30 garage was the largest size.

Edward Jost was against the the appeal. He is concerned about the drainage in the area. Mr. Maglich stated that the Zoning Board does not handle any drainage issues.

Mr. Supon asked why he did not try for a variance before applying for a permit. Mr. Smyth stated that he was told to apply first then try for a variance. Ms. Spada asked Mr. Smyth to show her where his house was in comparison to the garage on his survey. Mr. Jost was concerned regarding the junk in the yard. Mr. Smyth stated that that is what the garage is for. Mr. Maglich stated that when variance request to increase a garage is presented before the board, the lots are always larger, 5, 7, 10 acres and this lot is too small for a structure that large.

Mr. Yusick asked if the board has any questions.

Mr. Maglich made a motion to deny the variance for the addition and approve the variance for the front yard setback, seconded by Mr. Supon.

All in favor:
Vote: Mr. Yusick, aye
Ms. Spada, aye
Mr. Martin, Jr, absent
Mr. Maglich, aye
Mr. Supon, aye

Franca Todaro-Tucker, 235 W. Sterling Ave., Angola, NY 14006, is requesting to place a shed in the front yard, in violation of the Town of Evans Zoning Laws Section 200-17 A (4)

Applicant is requesting to reduce the front yard setback for an accessory structures, in violation of the Town of Evans Zoning Law Section 200-17 A (4) from 25' to 3'.

The applicant has installed a new shed in the front yard of the property without obtaining a building permit. A stop work order was issued. The 8 x 8 shed is located 3' from the front yard property line of W. Sterling Avenue. The property has frontage on both W. Sterling Ave and Pleasant Ave however, the address of the property is on W. Sterling.

The applicant was not present for the appeal.

Mr. Yusick stated that he has been on the board for 30 years and never had an applicant not show up. Mr. Yusick read the variance request for information on what was requested.

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 table, seconded by Mr. Yusick.

All in favor:
Vote: Mr. Yusick, aye
Ms. Spada, aye
Mr. Martin, Jr, aye
Mr. Maglich, aye
Mr. Supon, aye

Linda Klein & James B. Widger, 7378 Townline Rd., Derby, NY 14047, requesting to construct a single family house on Iroquois St., SBL # 234.20-4-16, in violation of Town of Evans Zoning Law Section 200-17 A (3) and 200-10 C (f) [1]

Applicant is requesting to construct a house on an existing lot of record on a corner lot SBL# 234.20-4-16 on Iroquois Street, therefore both front yard setbacks are required to be met. The applicant is requesting to reduce the required front yard setback on the unimproved right of way known as East Iroquois from 40' to 8' in violation of Town of Evans Zoning law section 200-17-A (3). The applicant is also requesting to reduce the minimum size of a one story single family house from 1,200 sqft to 1,000 sqft in violation of the Town of Evans Zoning Law Section 200-10 C (f) [1]

The applicant would like to construct a 1,000 sqft single story family house on an existing corner lot abutting an unimproved town right of way known as East Iroquois Road.

Present for that appeal was Jim Widger.

Mr. Yusick asked if he was the owner. Mr. Widger stated that his son was but could not attend the meeting because of work. Mr. Widger stated that his son lives at the same house as he does. Mr. Maglich asked why a 1,000 sqft house and not 1,200 because there is not a big difference. Mr. Widger stated that it is because of the cost to construct is less. Ms. Spada stated that the houses and lot sizes in that area are smaller so it would fit in with the neighborhood.

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

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

All in favor:
Vote: Mr. Yusick, aye
Ms. Spada, aye
Mr. Martin, Jr, aye
Mr. Maglich, aye
Mr. Supon, aye

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

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

All in favor:
Vote: Mr. Yusick, aye
Ms. Spada, aye
Mr. Martin, Jr, aye
Mr. Maglich, aye
Mr. Supon, aye

Respectfully Submitted,

Jennifer Renaldo
Secretary

TOWN OF EVANS

CODE ENFORCEMENT/ZONING OFFICE
8787 Erie Road • Angola, New York 14006-9600
(716) 549-5753 • Fax (716) 549-0456

Dear Sir or Madam: Patrick C. Van Remmen

As an adjoining property owner in the Town of Evans, you are hereby notified that a neighbor **(PLEASE READ THE ENCLOSED LEGAL NOTICE PUBLISHED IN THE OBSERVER)** residing in the Town of Evans has made application to the Zoning Board of Appeals of the Town of Evans for a variance with regards to his/her property situated in the Town of Evans.

You are entitled to appear at the public hearing held in the court room at the Evans Municipal Building to express your ~~opposition~~ to or support for the granting of said application. PVR

Communications in writing relating to the application may be filed with the Board, in person or by mail, at or before the meeting.

If you have any questions regarding the meeting, please contact the Building Department at 549-5753.

ZONING BOARD OF APPEALS
OF THE TOWN OF EVANS
By
J. Renaldo

Jennifer Renaldo
Secretary

Enc. NOTICE

Exhibit A

Exhibit B



Edward Jost
9559 Ellicott Street
Angola, NY 14006
716 472-9206

Dear Ladies and Gentlemen,

Thanks for inviting me to the meeting next Wednesday. I am trying to move some things around so I can be there. I stopped by and spoke to a nice lady at Code Enforcement last week and she explained what my neighbor, Kevin Smyth (9540 Ellicott Street) wants to do on the road. I just thought I would try to give you a brief history of what has gone on for the last decade or so.

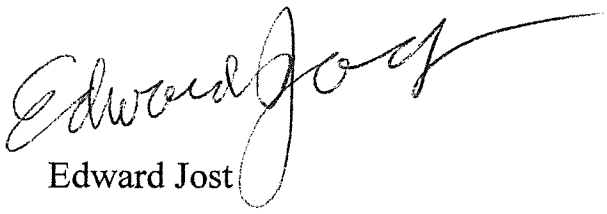
After the torrential downpours and flooding of 2009, Mr. Smyth became very agitated about water drainage around his house. Working with a neighbor, he decided the best thing to do was to widen the road, which we can barely maintain as it is. It is considered a "paper road" and we have to plow and maintain it ourselves, which is fine. I tried to talk to Mr. Smyth, but while I saw him speaking civilly to others, he has only raised his voice to me and my family, sometimes in the most threatening way. He hauled me in to sit with town officials and it was decided that the road would not be widened. He proceeded to bring in about 30 truck loads of material and build up the north side of his property, create a larger front lawn area, and develop Adams Street to his south. I thought if the EPA knew what he was doing, they would be pretty upset! He cut down trees and re-graded the area, changing the flow of water dramatically. He attached this to his property and created a long "driveway" for himself, eliminating the driveway across from mine which we had shared since I bought my house twenty years ago. This---along with large ditches---made it more difficult to navigate in and out of my driveway, but we have managed to adapt.

Now, more recently, and without any permit or consultation with most neighbors, he has built a rather oversized metal building. But before he did that, he brought in (no exaggeration) between 30 and 40 truck loads of material, cutting down more trees and grading it all down our little Ellicott Street. Now he wants to add on to this (already) large structure and I really do object to it; let me explain why. Over the last decade he has left a dilapidated car out (now in front of) this barn, along with a trailer, plastic toys and other items which look awful. Why not forget the additional structure---which I understand is along the "back" of the large building---and put that trailer, car and other unsightly items there and out of sight! That would be the neighborly thing to do, but I am afraid Mr. Smyth cares very little

about how things look from his neighbor's perspective. I have invested in my property over the last twenty years, building it up from a broken HUD house to the fine property it is now. Please don't allow Mr. Smyth to add onto this structure. I don't want Ellicott Street to look like an industrial park. How many other metal buildings does he really need?

Thanks for hearing me out. Hopefully, I will see you next Wednesday for the meeting.

Sincerely,



Edward Jost