Minutes Approved 2/12/20
Distributed 2/14/20

January 15, 2020

TOWN OF EVANS

REGULAR MEETING OF THE ZONING BOARD OF APPEALS

Members Present: D. Maglich, T. Spada, J. Kennedy, C. LaRusso

Members Absent: H. Martin, Jr.

Also Present: J. Hill, Building Inspector, Brittanylee Penberthy, Esq.

Mr. Maglich opened the meeting with a quorum at 6:00pm. The meeting was held in the Municipal Building courtroom, 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 November 13, 2019.

Ms. Spada made a motion to approve the November 13, 2019 minutes, seconded by Mr. Kennedy. All in favor, motion carried.

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FEB 14 2020

Lynn M. Krajacic
Town Clerk
Town of Evans

NEW BUSINESS:

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.

Present for the appeal was Franca Todaro-Tucker.

Ms. Todaro-Tucker stated that when she purchased the shed, she was not aware that a permit was needed for that size of a shed. She stated that she had the shed delivered on the Sterling side of the road because she thought the road was impassible and for safety reasons. She received a notification that a permit was required. She applied for a permit and once the weather broke, she hired a company to move the shed. She was not aware of the requirements and the permit did not specify where she was supposed to place the shed. She wanted the shed on high ground so it would not flood. She was told that the shed was not in the right place. She stated that the shed is not in anyone's way. If she moves the shed anywhere else, then it becomes a hazard because kids can use it to jump in the pool. Mr. Maglich stated that there are restriction for that.

Mr. Maglich read into record a letter marked as "Exhibit A".

Ms. Todaro-Tucker stated that if the road were going to be paved, she would move the shed. Mr. Maglich stated that she is requesting a variance for a spot that is in violation and if the street is going to be paved, then this is a problem. Mr. Todaro-Tucker stated that the shed is not in the way and she cannot afford to hire someone to move the shed again. Mr. Kennedy stated if the applicant is willing to move the shed if the road is paved, then she should move the shed now. Ms. Todaro-Tucker stated that when her shed was moved, the company should have told her the regulations for the town. Mr. Kennedy stated that there are not town building inspectors. Mr. Maglich stated that the resident has a responsibility to understand what the codes are and a simple call to the building department could have given the applicant all the information she needed.

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

Beverly Vandette, 233 Pleasant Ave, spoke in favor of the appeal. She stated that the road has not been used in 20 years and she was unaware the road was going to be paved.

Mr. Maglich asked if the board has any questions.

Ms. Spada made a motion to deny, seconded by Mr. Kennedy.

All in favor:
Vote: Mr. Martin, Jr., absent
Ms. Spada, aye
Mr. LaRusso, aye
Mr. Maglich, aye
Mr. Kennedy, aye

William Dunford Jr., 220 Brookside Dr., West Seneca, NY 14220, is requesting to add an enclosed porch addition to property located at 9140 Stevenson Ave., Angola, in violation of Town of Evans Zoning Law Section 200-10 C (1) (c) [1], front yard setback.

Applicant is requesting to construct a 10' X 24' enclosed porch addition to the front of 9140 Stevenson Avenue in Angola reducing the front yard setback from 40' to 25' in violation of the Town of Evans Zoning Law Section 200-10-C (c) [1] front yard setback size of accessory structure.

The applicant would like to construct a 10' X 24' enclosed porch addition to the front of his cottage.

Present for the appeal was William and Denise Dunford, Jr.

Mr. Dunford, Jr. stated the porch exists, and they just want to extend it. Ms. Dunford stated that it is a summer home and sometimes if the weather is bad, it is hard to have the whole family in the house at one time. Ms. Spada asked if the applicants are enclosing the porch. Ms. Dunford stated that the porch is enclosed and they are just extending it.

Mr. Maglich 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 approve, seconded by Ms. Spada.

All in favor:
Vote: Mr. Martin, Jr., absent
Ms. Spada, aye
Mr. LaRusso, aye
Mr. Maglich, aye
Mr. Kennedy, aye

Dennis Richards, 36 Nichter Rd., Lancaster, NY 14086 is requesting to construct a garage to property located at 6526 Hamilton Dr., Derby, in violation of Town of Evans Zoning Law Section 200-12 C (2) (a) [2], side yard setback.

Applicant is requesting to reduce the side yard setback from 5' to 1' in order to construct a detached garage on the property located at 6526 Hamilton Drive, Derby, in violation of the Town of Evans Zoning Law Section 200-12 C (2) (a) [2].

The applicant would like to construct a 596 square foot garage 1' from the side lot line.

Present for the appeal was Dennis Richards.

Mr. Maglich read a letter marked as "Exhibit B", in favor of the appeal if Mr. Richards would be willing to move the garage back. Mr. Richards stated that he too received the same letter and he is willing to move the garage closer to the house. Ms. Spada asked if he would still be 1 foot from the lot line. Mr. Richards stated yes.

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

Kathy Tucker, 6543 Hamilton Dr. wanted to see the submitted plans.

Mr. Maglich stated because the garage is going to be moved, Mr. Richards needs DEC approval for the new location and new drawings.

Mr. Maglich asked if the board has any questions.

Ms. Spada made a motion to table, seconded by Mr. Kennedy.

All in favor:
Vote: Mr. Martin, Jr., absent
Ms. Spada, aye
Mr. LaRusso, aye
Mr. Maglich, aye
Mr. Kennedy, aye

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. Martin, Jr., absent
Ms. Spada, aye
Mr. LaRusso, aye
Mr. Maglich, aye
Mr. Kennedy, aye

Respectfully Submitted,

Jennifer Renaldo
Secretary

Exhibit A

To: Zoning Board for town of Evans

This is in regards to Franca Todaro-Tucker at 235 West Sterling to place a shed in her front yard.

I am oppossed of this request for following reasons.

1.) The shed is placed 1 foot from the road.

2.) The road is on the list to be paved in the future.

3.) The home owner Franca Todaro-Tucker has numerous locations on her property that would not violate town ordinance.

I have enclosed a copy of a petition that was previously submitted to the town for the paving of the road.

Thank You.
Mrs. Carol McMillan

The people on this list would like to have West Sterling paved!

Below is a list of West Sterling addresses and signatures of the people that live on the dirt road as of March of 2016.

205 Shana Mercado
215 Christine F. Widmer
224 Robert McMillan
235 Daryl S Phillips
240 ND. uses West Pleasant
243 Robert McMillan
246 Sarah Wood
247 Robert McMillan
249 Francine Alessi

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JAN - 8 2020
Building Department

Exhibit A
pg 2

Town of Evans
Code Enforcement/Zoning Office
8787 Erie Rd.
Angola, NY 14006-9600
Re: 6526 Hamilton Dr., Derby, NY

January 8, 2020

Dear Chairman Yusick and Members of the Board,

This joint letter responds to the zoning variance request of Mr. Dennis Richards scheduled before this Board for hearing on Wednesday, Jan. 15, 2020. The submitted drawings and notice indicate that Mr. Richards seeks a side yard zoning variance contrary to the Town of Evans Zoning Law.

My name is Robert Trusiak. My address is 6526A Hamilton Dr., Derby, NY. The co-author of this letter is Alan Hamerski. Alan's address is 6530 Hamilton Dr., Derby, NY.
Our adjacent properties generally lie to the SW and SE of Dennis's property.

The purpose of this letter is to convey our views regarding the proposed side yard variance. We object to the proposed variance *at the present location.* The variance with the proposed construction of the three garages will ruin the limited view from Alan's outdoor pool to the lake, encroach or destroy a beautiful and mature tended garden of rhododendrons and provide an unappealing view upon entering our yards; namely, the back end of three garages shoe-horned into a postage stamp size lot.

Dennis is a great neighbor. Dennis has invested a significant sum of money to upgrade his home. We do not object to a variance in the area of his present shed. We would welcome a conversation, absent thus far, with Dennis to arrive at a mutually agreeable location for the variance to allow him to construct a garage to aid in the sale of his beautiful property.

Thank you for your consideration of the above views. We welcome any questions. I, Robert Trusiak, was unable to attend the hearing due to previously scheduled out-of-town travel.

Very truly yours,
Robert Trusiak
Robert Trusiak

p.p. Alan Hamerski
Alan Hamerski

C: Dennis Richards
36 Nichter Rd.,
Lancaster, NY 14086

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Exhibit B