Minutes Approved 4/14/21
Distributed 4/16/21

March 10, 2021

TOWN OF EVANS

REGULAR MEETING OF THE ZONING BOARD OF APPEALS

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

Members Absent:

Also Present: J. Hill, ZBA Liaison

Mr. Martin, Jr. opened the meeting with a quorum at 6:00pm. The meeting was held via Zoom.

Mr. Martin, Jr. 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. Martin, Jr. asked for a motion to approve the minutes from February 10, 2021.

Mr. Kennedy made a motion to approve the minutes from February 10, 2021, seconded by Mr. Maglich. All in favor, motion carried.

RECEIVED
APR 16 2021
Lynn M. Krajacic
Town Clerk
Town of Evans

New Business:

Schunk Enterprises LLC, 9203 Sauer Rd., Eden, NY 14057 and Alliance Homes 4727 Camp Rd., Hamburg, NY 14075, is requesting to construct multi-family townhomes with attached garages on Erie Road SBL# 206.07-1-26.1, in violation of Town of Evans Zoning Law Section 200-14 D (3) distance between parallel buildings, Section 200-14 D (5) (b) setback from side lot line and Section 200-14-D (5) (c) front yard setback.

Zoning ordinances:

Section 200-14. D. (3) Distance between parallel buildings

Condition – The applicant will ensure that all fire and life safety measures are taken and all submitted plans will be subject to additional review and approval by the Town of Evans Building Department and Fire Chief Council.

Section 200-14. D. (5)(b) Buildings with wall of lesser length parallel to the lot line

Condition – Though the abutting lot is currently vacant woodland, the applicant will address this setback variance in the pending Landscape Plan to mitigate any potential impacts for future development.

Section 200-14. D. (5) (c) Building relationship to any street right-of-way line

Condition – The Site Plan Application must include a set of well-designed Landscape, Circulation, Signage and Lighting Plans that specifically addresses the project's relationship to Erie Road, including but not limited to vegetative buffering and beautification, as well as pedestrian access, amenities and lighting. The applicant will also work closely with Planning Board on refining the architectural features of the buildings, with additional focus on providing an aesthetically pleasing façade fronting Erie Rd.

Overview: Alliance Homes and Schunk Enterprises, LLC for the proposed Multi-Family Residential District Four (MFR-4) development on Erie Road in Derby. The Planning Board first became involved in this project in July of 2019 when the applicant successfully rezoned the parcel from its previous General Business (GB) zoning to the MFR-4 District. Beginning in October of 2020, the applicant attended a number of Planning Board Work Sessions in seek of support for three variances, as listed below. Since first presenting their preliminary site plan, the applicant has worked collaboratively and made significant alterations based on Planning Board feedback, such as increasing the requested front yard setback of the two-story

building from 36 ft to 47 ft – thereby reducing the request for variance from 18.5 ft to 7.5 ft.

Present for the appeal was William Burke, Alliance Homes.

Mr. Burke stated the project they have been looking at for a couple of years. They have been in front of the Planning Board numerous times to discuss the project. After rezoning the project, a site plan was submitted and was approved by the Planning Board. Mr. Martin, Jr. read into record, a letter from Planning Director, William Smith.

No one spoke for or against the appeal.

Mr. LaRusso made a motion to approve, seconded by Mr. Kennedy.

All in favor:

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

David Salvalzo 1597 South Creek Rd., Derby, NY 14047, is requesting to extend his existing deck, in violation of Town of Evans Zoning Law Section 200-10 C (1) (c) [3] minimum side yard setback.

Applicant is requesting to reduce the minimum side yard setback from 8' to 2.4' in order to extend his existing deck, in violation of Town of Evans Zoning law section 200-10 C (1) (c) [3].

Present for the appeal was David Salvalzo.

Mr. Martin, Jr. asked if the deck would be in the back and to the right. Mr. Salvalzo stated yes. Mr. Martin, Jr. asked if there is an existing deck. Mr. Salvalzo stated yes. Mr. Maglich asked if it would be a covered deck. Mr. Salvalzo stated only a small section would be covered. Mr. Kennedy asked what section would be covered. Mr. Salvalzo stated it would be the back corner.

No one spoke for or against the appeal.

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

All in favor:

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

Mr. Martin, Jr. asked if there was anything further for the board.

Mr. Martin, Jr. asked for a motion to adjourn to the next scheduled meeting.

Ms. Spada made a motion to adjourn, seconded by Mr. Martin, Jr.

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

Respectfully Submitted,

Jennifer Renaldo
Secretary

TOWN OF EVANS

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February 10, 2021

Howard Martin
Zoning Board of Appeals, Chair
6819 Colony Ct
Derby, NY 14047

Dear Mr. Martin,

Please be advised that the Evans Planning Board has reviewed the Application for Variance submitted by Alliance Homes and Schunk Enterprises, LLC for the proposed Multi-Family Residential District Four (MFR-4) development on Erie Road in Derby. The Planning Board first became involved in this project in July of 2019 when the applicant successfully rezoned the parcel from its previous General Business (GB) zoning to the MFR-4 District, as the proposed project is in line with the recommendations of the 2019 Evans-Angola Comprehensive Plan to provide new market-rate senior housing options in the Town.

Beginning in October of 2020, the applicant attended a number of Planning Board Work Sessions in seek of support for three variances, as listed below. Since first presenting their preliminary site plan, the applicant has worked collaboratively and made significant alterations based on Planning Board feedback, such as increasing the requested front yard setback of the two-story building from 36 ft to 47 ft – thereby reducing the request for variance from 18.5 ft to 7.5 ft. Having conducted an in depth review of the proposed project, particularly as it pertains to Section 200-14 of the Evans Town Code, the Planning Board recommends that the following zoning variances be approved by the Zoning Board of Appeals, provided that the associated conditions are met.

Section 200-14. D. (3) Distance between parallel buildings

Condition – The applicant will ensure that all fire and life safety measures are taken and all submitted plans will be subject to additional review and approval by the Town of Evans Building Department and Fire Chief Council.

Section 200-14. D. (5)(b) Buildings with wall of lesser length parallel to the lot line

Condition – Though the abutting lot is currently vacant woodland, the applicant will address this setback variance in the pending Landscape Plan to mitigate any potential impacts for future development.

Section 200-14. D. (5) (c) Building relationship to any street right-of-way line

Condition – The Site Plan Application must include a set of well-designed Landscape, Circulation, Signage and Lighting Plans that specifically addresses the project's relationship to Erie Road, including but not limited to vegetative buffering and beautification, as well as pedestrian access, amenities and lighting.

The applicant will also work closely with Planning Board on refining the architectural features of the buildings, with additional focus on providing an aesthetically pleasing façade fronting Erie Rd.

Please note that this letter and the recommended variances in no way constitute a site plan approval. The applicant is still required to submit a fully developed Site Plan Application, including all supplemental materials such as a Stormwater Pollution Prevention Plan and Environmental Assessment Form, which will be subject to additional review and approvals by the Evans Planning Board.

Sincerely,

William Smith

William Smith, Director of Planning

cc: Zoning Board of Appeals
Planning Board
Town Board