Minutes Approved 2/9/22
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November 10, 2021

TOWN OF EVANS

REGULAR MEETING OF THE ZONING BOARD OF APPEALS

RECEIVED
FEB 10 2022
Lynn M. Krajacic
Town Clerk
Town of Evans

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

Members Absent: T. Spada

Also Present: J. Hill, ZBA Liaison, B. Penberthy, Esq.

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. stated after reviewing the decision document submitted after the Andelora case re-hearing, there are two small clarifications that need to be made. The first is the original document stated a basement was considered but decided against it when in fact the applicant is adding a basement. The second one stated the variance was going from one foot to three feet on the north side when in fact is the south side.

Mr. Martin, Jr. asked for a motion to approve the minutes with the revisions from October 13, 2021.

Mr. Kennedy made a motion to approve the minutes from October 13, 2021, seconded by Mr. LaRusso. All in favor, motion carried.

New Business:

Two Tims LLC, 9151 Lakeside Ave., Angola, New York 14006, is requesting to construct a private garage, in violation of the Town of Evans Zoning Law Section 200-17 A (4) accessory structures in front yard and Section 200-17 A (3) corner lot setback.

Applicant is requesting to construct a garage at 9151 Lakeside Ave., in the back yard of the property within the front yard setback reducing the required front yard from 40' to 21' on Central Ave., in violation of the Town of Evans Zoning Law Section 200-17 A (4) and 200-17 A (3).

The applicant would like to construct a 576 square foot garage on a corner lot at 9151 Lakeside Ave. 21' from the front property line on Central Ave.

Present for the appeal was Mary Hassett and Randy Mazurkiewicz.

Mr. Mazurkiewicz stated the existing house is grandfathered in and would like to add a garage with a 21 foot setback. Mr. Maglich stated it would be impossible to be able to have a 40 foot setback. Mr. Martin, Jr. asked if there would be a driveway in front of the garage. Ms. Hassett stated yes. Mr. Maglich asked if the existing shed would be removed. Mr. Mazurkiewicz stated the owner is trying to sell the shed. Ms. Hassett asked if the shed would need to be moved. Mr. Martin, Jr. stated the applicant would need to apply for a variance for the shed. Ms. Hassett stated she would like the shed to stay until the garage is built.

Ms. Hill stated the variance needs to be approved for the 21 feet and not 18 feet and that is from the eaves.

No one spoke for or against the appeal.

Mr. Kennedy made a motion to approve with the condition the shed is moved or removed within 30 days of completion of garage, seconded by Mr. Maglich.

All in favor:

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

Robert Zaffram, 8570B Lake Shore Rd., Angola, New York 14006, is requesting to demolish and re-construct a new single family dwelling, in violation of the Town of Evans Zoning Law Section 200-12 C (1) (a) minimum lot area and 200-12 C (d) [1] abutting a dedicated street.

Applicant is requesting to demolish the existing home and construct a new single family dwelling on the existing lot, in violation of Town of Evans Zoning Law Section 200-10 C (1) (a) minimum lot area and 200.12 C (d) [1] dedicated street. The current structure is grandfathered in under non-conforming lot of record and use.

Present for the appeal was Robert and Helen Zaffram.

Mr. Zaffram stated they want to live here year round but the current house is not built for year round living.

Chris Tucker stated he dropped off pictures of the house and surrounding area.

Mr. Maglich stated he went to the location and the lot is small and the new house will take up the whole lot. Mr. Tucker stated the existing house is 42x25 and the new house would be 66x54. Mr. Zaffram stated on two sides of his lot is a very large common parking area and a shared driveway. Mr. Martin, Jr. asked where the new house location would be on the survey. Mr. Tucker stated the location of the house can be placed anywhere on the lot. Mr. Maglich asked where the garage would be located. Mr. Tucker stated the garage would face the lake. Mr. Martin, Jr. stated it is hard to approve the variances without the location of the new house on the survey. Mr. Tucker stated he would submit a survey with the location of the new house.

Mr. Martin, Jr. read into record a letter from Vicki and Louis Celia in favor of the appeal.

Mr. Maglich made a motion to table until the next meeting, seconded by Mr. Kennedy.

All in favor:

Mr. Martin, Jr., aye
Ms. Spada, absent
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.

Mr. Kennedy made a motion to adjourn.

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

Respectfully Submitted,

Jennifer Renaldo
Secretary

November 9, 21

To all Concerned regarding the Variance request @ 8570 Lakeshore Rd., Angola, N.Y. 14006.

Louis + Vicki Celia have absolutely no objection to this Variance.

Sincerely
Vicki & Louis
Celia
716-864-8660
716-982-9117

exhibit A