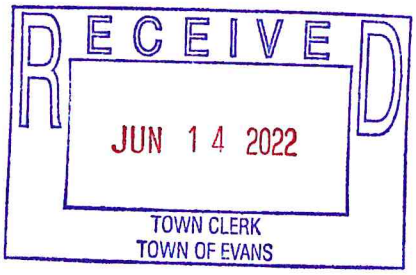
Minutes Approved 6/8/22
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March 9, 2022

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, B. Penberthy, Esq.

Mr. Martin, Jr. opened the meeting with a quorum at 6:00pm. The meeting was held in the Municipal Building Court room, 8787 Erie Road, Angola, New York 14006.

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 9, 2022.

Mr. Maglich made a motion to approve the minutes from February 9, 2022, seconded by Mr. Kennedy. All in favor, motion carried.

New Business:

Debra Izzio, 415 Kennedy Ave., Angola, NY 14006, is requesting to construct a fence, in violation of the Town of Evans Zoning Law Section 200-35 corner lot setback of fence and 200-34 C height of a fence in front yard of said address.

Applicant is requesting to construct a fence, in violation of the Town of Evans Zoning Law Section 200-35 corner lot setback of fence and 200-34 C height of a fence in front yard.

The applicant would like to construct an 5 foot fence on a corner lot, increasing the allowable height from 2' in the front yard and 4' in the front yard to 5'.

Present for the appeal was Debra Izzio.

Ms. Izzio stated she would like to place a fence in her front yard to protect her dog. Mr. Martin, Jr. stated the appeal was last month and there was discussion and the appeal was tabled. Mr. Maglich stated the fence location was supposed to be marked off before this meeting. Ms. Izzio stated she did not know the fence was to be marked out. It was conformed a letter with those instructions was mailed to the applicant. Mr. Martin, Jr. stated the board's concern was having a fence in the front yard and a corner lot because the fence will block the vision of a car. The board explained the location of where the fence can be located without a variance.

No one spoke for or against the appeal.

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

All in favor:

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

Donald Bielefeld on behalf of Mary Coia, 100 Long Beach Ln., Angola, NY 14006 , is requesting to erect an attached garage, in violation of the Town of Evans Zoning Law Section 200-10 C (1) (c) [1] front yard setback.

Applicant is requesting to construct a garage addition reducing the front yard setback from 40' to 31.48', in violation of the Town of Evans Zoning Law Section 200-10C (1) (c) [1] front yard setback

The applicant would like to construct a 30' X 43' garage addition in the front on the existing house.

Present for the appeal was Donald Bielefeld.

Mr. Bielefeld stated the reason for the garage was for more storage and he cannot place the garage anywhere else because it would be too expensive. He stated there is a neighbor with a garage closer than 40 feet in the front so it will be in line with the neighborhood. Mr. Martin, Jr. stated he drove the neighborhood and most properties were setback further than the applicant's property. Ms. Spada asked if the applicant would be 31 feet from the property line. Mr. Bielefeld stated yes. Mr. Maglich asked the applicant if he spoke to the neighbors. Mr. Bielefeld stated yes and there were no issues.

No one spoke for or against the appeal.

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

All in favor:

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

Manguso Land Surveying, PC, 572 Tuscarora Rd., Angola, NY 14006, is requesting to build a home on SBL# 234.20-5-29 located on Seneca Road, in violation of the Town of Evans Zoning Law Section 200-10 C (1) (b) [1] minimum lot width abutting a dedicated street and 200-10-C (1) (a) [1] minimum lot area.

Applicant is requesting to construct a house on a vacant lot SBL# 234.20-5-29, which does not meet the required lot area or minimum width to build. The applicant is requesting to reduce the required front yard setback from the required 90' to 50' and minimum required lot area from 12,150 to 8,000, in violation of Town of Evans Zoning law section 200-10 C (1) (b) [1] minimum lot width and 200-10-C (1) (a) [1] and minimum lot area.

The applicant is requesting to reduce the minimum lot width and lot area, in order for the purchaser to construct a house.

Present for the appeal was Tracy Spada.

Ms. Spada stated she has a buyer to purchase the purchase. She stated she submitted a tax map with the size of the surrounding properties and there are many with the same lot size. Mr. Martin, Jr. asked if the property is on a paper road. Ms. Spada stated no.

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, recused
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. LaRusso made a motion to adjourn, seconded by Mr. Maglich.

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