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Town of Evans

July 12th, 2023

TOWN OF EVANS

REGULAR MEETING OF THE ZONING BOARD OF APPEALS

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

Members Absent: T. Spada

Also Present: J. Flading, Building Inspector, 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. Kennedy made a motion to approve the minutes from May 10th 2023 and June 16th 2023, seconded by Mr. LaRusso. All in favor, motion carried.

New Business:

Wayne & Alvera Thomas, 720 Bennett Rd., Angola, NY 14006, is requesting to split their lot into 2 separate lots, in violation of the Town of Evans Zoning Law Section 200-9C(1)(a) minimum lot area (lot A), 200-9-C(1)(b) minimum lot width (lot A), 200-9C(1)(a) minimum lot area (lot B), 200-9C(1)(b) minimum lot width on a dedicated street (lot B).

The applicant wants to get multiple variances that would create two non-conforming lots. He is trying to build a house on lot B because his current home is to large.

Mr. Martin Jr and the board were concerned on how Mr. Thomas would get access to the property.

Mr. Thomas advised that he would be able to access the property through a dirt driveway on Angola Pl.

Debbie Schultz 8167 Angola Pl, Angola NY 14006 spoke against the appeal because she lives on a dead end road and does not want anyone back there building a house.

Ralph Schultz 8167 Angola Pl, Angola NY 14006 Neither spoke in favor or against, but had concerns with the width of the road.

Mr. Martin closed the public discussion, and opened the board discussion

Mr. Flading advised that if the applicant were to build they would be required to widen the road to meet the town code.

Mr. Magalich makes a motion deny Section 200-9C(1)(a) minimum lot area (lot A), 200-9-C(1)(b) minimum lot width (lot A), 200-9C(1)(a) minimum lot area (lot B), 200-9C(1)(b) minimum lot width on a dedicated street (lot B). Mr. Kennedy seconds.

All in favor:

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

Pigeon Hollow, LLC – Keith Zaccarine 6810 Clinton St, Elma NY 14059, is requesting to construct a pole barn at 9197 Newcomb Rd., Angola, in violation of the Town of Evans Zoning Law Section 200-8.2B and 200-8.2C(8)(b)[3] size of an accessory structure;

Present for the appeal was Rob Steinhaus, an attorney from DiFilippo, Flaherty & Steinhaus on Mr. Zaccarine's behalf.

Mr. Steinhaus explained that the applicant is an avid outdoorsman and wants to build a 5000sqft pole barn to store equipment in and might but a small kitchen and bathroom in. Or, he might not do any of that and just do the pole barn.

Mr. Martin Jr and the board advised that the applicant would need some sort of primary home on the property in order to build an accessory structure. The applicant cannot just put the pole barn on the property with nothing else there.

Mr. Steinhaus advised that there was a pole barn on the property before his client purchased the home.

Mr. Flading advised that once the building was down it was no longer grandfathered into the old Zoning laws. Also, that if he were to put a kitchen, bathroom, bedroom, in the pole barn he would not need these variances.

No one spoke in favor or against this appeal

Mr. Martin, Jr. closed the public discussion, and opened up the board for discussion.

The board agreed that the applicant needs to build a primary structure and cannot just put a 5000sqft pole barn on the property.

Mr. Kennedy moves to deny Section 200-8.2B and 200-8.2C(8)(b)[3] size of an accessory structure; Mr. LaRusso Seconds.

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

All in favor:

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

Respectfully Submitted,

Alex Haley
Secretary