Minutes Approved: 1/10/2024
Distributed: 1/12/2024

November 8th, 2023

TOWN OF EVANS

RECEIVED
JAN 12 2024
Lynn M. Krajacic
Town Clerk
Town of Evans

REGULAR MEETING OF THE ZONING BOARD OF APPEALS

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

Members Absent: C.LaRusso, T. Spada

Also Present: A. Czyz, Assistant Code Enforcement, 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.

New Business:

Charles Aherns 6622B Derby, NY 14047, is requesting to construct an accessory structure, in violation of the Town of Evans Zoning Law Sections 200-17-A(4) no single accessory structure shall exceed 900 square feet.

The applicant was present to speak for the variance.

Mr. Ahrens wants to build a 40x50 garage to be able to keep his car collection in one spot. He stated that they are getting damaged and spread out all over. The building

will be going into a wooded section of the property that would not be visible from the road.

No one spoke in favor or against this appeal.

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

The board confirms that the structure is large but, it would not change the surrounding area and that you would not really be able to see the structure from the road.

Mr. Martin Jr. makes a motion Approve the variance with the condition that there can be no commercial activity. Mr. Kennedy seconds.

All in favor:

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

Andrew Janik, 931 Lake St, Angola, NY 14006, is requesting to construct an accessory structure, in violation of the Town of Evans Zoning Law Section 200-17-A (4) no single accessory structure shall exceed 900 square feet.

The applicant was there to speak for the variance. He wants to construct a covered patio off the back of his existing garage.

Mr. Maglich confirms that they are not planning on enclosing the area, Mr. Janik agreed.

No one spoke in favor or against this appeal.

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

Mr. Kennedy, makes a motion Approve the variance. Mr. Maglich seconds with the condition that the patio is not enclosed.

All in favor:

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

Faith and Kenneth Byrd 7023 Woodcliff Dr., Derby, NY 14047 is requesting to construct an accessory structure, in violation of Town of Evans Zoning Law Section 200-17-A(4) no single accessory structure shall exceed 900 square feet.
The applicant was present to speak for the variance.

Both applicants were there to represent the appeal.

Mrs. and Mr. Byrd would like to construct larger because they would like to store their pontoon boat. Mr. Byrd advised the size that they are looking for would be big enough to store it and save them money from having it stored somewhere.

Christiania Ham 7007 Woodcliff Dr, Angola NY 14006 neither spoke in favor or against the variance.

Mr. Maglich asked about the location of the structure.

The board confirmed that the two lots would need to be combined to put the garage where the applicants want.

Mr. Maglich makes a motion Approve the variance with the condition that the two lots be merged. Mr. Martin Jr. seconds.

Mr. Martin Jr. adds the stipulation that the exterior walls and drywall must be fire rated.

All in favor:

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

Dean Hogg 8830 Erie Rd, Angola, NY 14006, is requesting to construct an accessory structure, in violation of Town of Evans Zoning Law Section 200-9 C(3)(b){3} 1,200 square feet maximum for an accessory structure.

The applicant was present for the appeal.

Mr. Hogg states that his existing building is getting old and that he plans on tearing it down eventually.

No one spoke in favor or against this appeal.

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

The board agrees that the structure would be far from the road and Mr. Hogg owns a lot of land on his property and the surrounding area.

Mr. Maglich makes a motion Approve the variance. Mr. Kennedy seconds.

All in favor:

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

Mr. Martin Jr. Opens the floor for any other business to be heard Infront of the board.

Mr. Patrick Zydel was present 8160 Hillside St, Angola NY 14006.

Mr. Zydel is looking for an extension of his current variance that would expire on December 14th 2023. He explained that the price of materials and getting a contractor to complete the work have been his issue.

The board discuses which new expiration date they would be comfortable with.

Mr. Martin Jr. makes a motion to reopen the case for the purpose of extending the approval deadline. Mr. Maglich Seconds.

All in favor:

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

Mr. Maglich makes a motion to approve an extension to expire on June 14th 2023, a 6 month extension. If the work is not in motion by that date, the applicant would have to re-apply. Mr. Kennedy seconds.

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

All in favor:

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

Respectfully Submitted,

Alex Haley
Secretary