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September 27th, 2023

TOWN OF EVANS

REGULAR MEETING OF THE ZONING BOARD OF APPEALS

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

Members Absent:

Also Present: J. Flading, Building Inspector, B. Penberthy, Esq. P. McSkimming, A. Czyz.

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 July 12th 2023, seconded by Mr. Maglich. All in favor, motion carried.

New Business:

Jiri Koca, 1305 Burns Road, Angola, NY 14006, is requesting to extend garage in violation of the Town of Evans Zoning Law Section 200-8.2(C)(8)(b)(3) size of an accessory structure.

The applicant wants to build a larger garage because he cannot fit his truck in the garage because there is a tree on the outside that is ruining his trucks.

There is a garage there currently, this would be an addition onto the current garage that is there. After the addition the garage would be 1564 sqft where the allowed is 1200 sqft.

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 property is in RA and that this would not be out of character at all.

Mr. Kennedy makes a motion Approve the variance. Mrs. Spada seconds.

All in favor:

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

Richard Ries for Erie Road Acquisitions, 75 Bird Ave., Buffalo NY 14213, is requesting to merge SBL# 206.00-3-21.14, 206.00-3-21.212 and 206.00-3-39.2, in violation of the Town of Evans Zoning Law Section 200-21(C)(2) minimum lot width.

Mr. Ries advised that he wanted his case removed from ZBA discussion.

Kenneth and Karen Coyle, 6170 Meadow Lake Dr, East Amherst NY 14051, is requesting to set a shed on their property located at 359 Lakebreeze Road, Angola, NY 14006, in violation of Town of Evans Zoning Law Section 200-10(C)(1)(c)(1) front set back of 40 feet.

The applicant wants to put up a shed in the Grandview Bay area where the lots are very tiny. They are looking at putting a shed in the back yard but, he says the lot is too small to follow every rule.

Mr. Martin confirms that the house has 2 front yards, and the house faces towards Lakebreeze Road and verifies that the board has had similar situations before.

No one spoke in favor or against this appeal.

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

The board agrees that it meets the criteria and fits the character of the neighborhood.

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

All in favor:

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

Eileen & Mayan Flaherty, 9192 Lakeside Ave., Angola NY 14006, is requesting to construct a garage, in violation of Town of Evans Zoning Law Section 200-10(C)(2)(a)(2) side yard setback and 200-10(C)(2)(b) height of garage.

The applicants current garage needs a roof replacement and realized that the foundation is cracking and would rather just tear it down and put up a new one. Mrs. Flaherty mentions that she stores a lot of her stuff in the garage because she has no basement and wants to store seasonal items in the loft area of the higher garage. Regarding the setbacks, she wants to put it where the current one is an avoid ripping up a walkway.

Mrs. Spada asked how much taller it is than her current garage that is there now.

Mrs. Flaherty said she is not sure on the exact differences.

No one spoke in favor or against this appeal.

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

Mr. Kennedy moves to approve both variances, Mr. LaRusso Seconds. With the stipulation that the height variance, be limited to 24' and that it is not livable space.

All in favor:

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

Mark Mazur & Clair A. Montroy, 4213 North Buffalo St., Orchard Park NY 14127, is requesting to construct a porch on the front of 7437 Derby Road, Derby NY 14047, in in violation of Town of Evans Zoning Law Section 200-10(C)(1)(c)(1) front set back.

We received in writing that they would like to be heard at the October 11th meeting.

Robin Beers, 42 Gregory Ave., Bradford PA 16701, is requesting to remove existing structure and rebuild a single-family dwelling on property located at 382 Berrywood Ave., Angola NY 14006, in violation of the Town of Evans Zoning Law Section 200-10(C)(1)(a)(2) minimum lot area, 200-10(C)(1)(c)(1) front yard setback, 200-

10(C)(1)(c)(3) side yard, 200-10(C)(1)(c)(4) rear yard, 200-10(C)(1)(f)(2) minimum floor area, and 200-10(C)(1)(d) maximum lot coverage by structure.
Jim Bammel from Bammel Architects was present for the appeal.

The applicant wants to reconstruct a new home, taller on the same footprint of the current home but, going to be adding a porch. Mr. Bammel advises that the character of the surrounding area would not be changed. They tried to go through different possibilities to please the area and the variances.

Chris Hog, 9266 West Ln, Spoke in favor of all variances.

Robin Beers, 42 Gregory Ave, Bradford PA 16701 spoke in favor of all variances.

Dennis Fisher 9267 West Ln, spoke against all variances.

Steve Chatti West Ln, spoke neither in favor or against

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

Mr. Martin, Jr. confirms that they no longer need side yard setback, and minimum lot coverage.

Mr. Kennedy moves to approve Section 200-10(C)(1)(a)(2) minimum lot area, 200-10(C)(1)(c)(1) front yard setback, 200-10(C)(1)(f)(2) minimum floor area. Mr. LaRusso Seconds.

All in favor:

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

Michael Vertino, 9190 Meadow Lane, Angola NY 14006, is requesting to construct an addition, in violation of Town of Evans Zoning Law Section 200-10(C)(1)(c)(1) front yard setback.

No one was there to represent the appeal. This was moved to the next meeting October 11th 2023.

Raymond & Maria Wrafter, 746 Sturgeon Point Rd., Derby NY 14047, is requesting to construct a garage at 393 Alfred Ave., Angola NY 14006 (SBL# 220.09-3-11), in violation of the Town of Evans Zoning Law Section 200-17(A)(3) side yards on corner lots.

The applicant has tried to fit the garage in a couple different ways to not need a variance but, was unsuccessful.

There was no one that wished to speak for or against the appeal.

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

Mr. Kennedy moves to approve the variance. Mr. Maglich Seconds.

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

All in favor:

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

Respectfully Submitted,

Alex Haley
Secretary