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June 12th 2024

TOWN OF EVANS

REGULAR MEETING
OF THE
ZONING BOARD OF APPEALS

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

Members Absent: T. Spada,

Also Present: J. Flading Code Enforcement Officer, 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:

Mr. Kennedy Moves to approve the minuets from the May 8th 2024 meeting Mr. Maglich seconds the motion.

All in favor:
Mr. Martin, Jr., aye **Mr. Maglich, aye**
Ms. Spada, abs **Mr. Kennedy, aye**
Mr. LaRusso, aye

Tracy Ball, 7232 Derby Rd, Derby, NY 14047, is requesting to construct an accessory structure, in violation of the Town of Evans Zoning Law Section 200-17(A)(4), maximum sq ft of an accessory structure shall not exceed 900 sq ft.

The applicant was present for the appeal.

Sam 7232 Derby Rd Derby NY 14047 was also present for the appeal. He states that they are trying to build a pole barn that is 60 sqft over the allowed 900sqft.

Mr. Martin Jr asks the location of the proposed pole barn. The applicant advises that it will be next to the house but towards the back.

Mr. Maglich confirms that they building will not be used commercially, the applicant agrees.

No one spoke in favor or against the appeal.

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

Mr. Maglich makes a motion approve Mr. Kennedy seconds.

All in favor:

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

Michael Bizobi 6526B Hamilton Dr, Derby, NY 14047, is requesting to construct an attached garage, in violation of Town of Evans Zoning Laws Section 200-12(C)(1)(f)(2), minimum side yard setback of 5 ft.

The applicant was present for the appeal.

Mr. Bizobi explains that they are wanting to build a 2 car garage because there lot is very narrow and are limited on where they can put it.

Mr. Martin Jr advises that if they approve and he builds closer to the 5ft from the property line it will affect the neighbor if he wanted to build something 10ft off this structure.

No one spoke in favor or against this appeal.

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

Mr. LaRusso makes a motion approve Mr. Kennedy seconds.

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

Southwestern Boulevard Solar, 1 55 Technology Dr, Suite 102, Lowell, MA 01851, is requesting erect a 4.2 megawatt solar farm located at 7615 Southwestern Blvd, Evans, NY 14057, in violation of the Town of Evans Zoning Laws Section 200-70(E)(6), SPS Type 1 systems shall be set back no less than 300 feet from any public roadway.

Alec Gladd from Cuddy and Feder was present on ZOOM to represent the appeal.

Mr. Gladd explained the pricing of clearing the lot vs having it where he is purposing and that it would not be feasible if he needs to move it.

Wil Nieves, project manager explains the difference the site would generate if they had to shrink the scale of the project vs keeping it where it is.

James Allen 7611 Southwestern Blvd Spoke against the appeal.

Theresa Mecca 1910 Sturgeon Point Rd, Derby, NY 14047 spoke against the appeal.

A resident adjacent to Mrs. Mecca spoke against the appeal.

Kimberly Wood 1905 Sturgeon Point Rd, Derby, NY 14047 Spoke against the appeal.

Donald Gray 7615 Southwestern Blvd Angola, NY 14006 handed in 2 letters in favor of the appeal to the board.

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

Mr. Martin Jr. makes a motion approve the variance, Mr. Maglich seconds.

All in favor:
Mr. Martin, Jr., aye **Mr. Maglich, aye**
Ms. Spada, abs **Mr. Kennedy, aye**
Mr. LaRusso, ney

Mr. Maglich make a motion to adjourn seconded by Mr. LaRusso.

All in favor:
Mr. Martin, Jr., aye **Mr. Maglich, aye**
Ms. Spada, abs **Mr. Kennedy, aye**
Mr. LaRusso, aye

Respectfully Submitted,
Alex Haley