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September 11th 2024

TOWN OF EVANS

REGULAR MEETING
OF THE
ZONING BOARD OF APPEALS

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

Members Absent: T. Spada, J. Kennedy, B. Penberthy, Esq.

Also Present:

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. LaRusso moves to approve the minuets from the July and August meeting. Mr. Maglich seconds.

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

Kathy Verrastro, 900 Sturgeon Point Rd., Derby, NY 14047, is requesting to construct an accessory structure, in violation of the Town of Evans Zoning Law Section 200-8.2(C)(8)(b)(3), maximum allowed accessory structure of 1200 sq. ft.

The applicant was present for the appeal. The applicant explains that they removed the overhang on the building which would reduce the overall sqft to 1664sqft.

Len from 910 Sturgeon Point Rd spoke in favor of the appeal.

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

The board agrees that they changed the overall sqft to a more manageable size.

Mr. LaRusso makes a motion approve with condition that there is no commercial use. Mr. Maglich seconds.

All in favor:

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

James Villa, 7425 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 allowed accessory structure of 900 sq. ft.

The applicant was present for the appeal.

Mr. Villa explains that he needs a larger size to fit his boat and RV.

Mr. Maglich confirms that that lot size is just under 2 acers.

Carrol & James Forti 7434 Derby Rd spoke in favor of the appeal.

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

The board agrees that the lot is large enough, the location and size of the building would conform to the surrounding area.

Mr. Maglich makes a motion approve with condition that there is no commercial use. Mr. LaRusso seconds.

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

Robert Zaffram, of 140 Woodward Ave., Buffalo, NY 14214, is requesting to demolish the existing home and construct a new single-family dwelling on the existing lot at 8570B Lake Shore Rd., Angola, NY 14006, in violation of Town of Evans Zoning Law Sections 200-12(C)(1)(a), minimum lot area, and 200-12(C)(1)(d),

minimum width abutting a dedicated street. The current structure is grandfathered in under non-conforming lot of record and use.

Mr. & Mrs. Zaffram was present for the appeal. Chris Tucker 8818 Lake Shore Rd was also there.

The applicant explained that this variance was approved in 2021 but there was a telephone pole that needed to be moved to continue with the demolition. This took until recently to get fixed, and they are now wanting to move forward with the project.

Mr. Tucker explained that they are just going for the same variances that were approved in 2021.

No one spoke in favor or against this appeal.

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

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

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

Tom Collins, 9124 Waterman Rd., Angola, NY 14006, is wanting to construct a single-family dwelling, to be located at 9128 Waterman Rd., Angola, NY 14006, in violation of the Town of Evans Zoning Law Section 200-10(C)(1)(c)(1), minimum front yard setback of 40 ft., and 200-10(C)(1)(c)(2), minimum side yard setbacks combined of 20 ft.

The applicant was present for the appeal. As well as Jim Bammel from Bammel architects.

Mr. Bammel explains that the house sits better in the lot than the existing house and some of the setbacks are better than what is currently there.

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 the variance, Mr. Maglich seconds.

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

Mr. Martin Jr. make a motion to adjourn seconded by Mr. Maglich.

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

Respectfully Submitted,
Alex Haley