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Town of Evans

TOWN OF EVANS

REGULAR MEETING OF THE ZONING BOARD OF APPEALS

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

Members Absent: D. Maglich

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 March 13th meeting Mr. LaRusso seconds the motion.

All in favor:

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

HHL Architects of 172 Allen St Buffalo, NY 14201, is requesting to put an addition on the westside of property located at 6472 Old Lakeshore Rd. Derby, NY 14047, in

violation of the Town of Evans Zoning Law Sections 200-18(C)(2) minimum side yard setback

Alexandira Mohom from HHL Architects was representing the appeal.

Mr. Martin Jr. advises that this was addressed before.

Mrs. Mohom advises that they are not changing the building and just altering the current layout of the existing building and the roof overhand is extending.

Stacy Vogel lives next door, she had questions about the overhang of the roof.

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

Mr. Martin Jr. makes a motion approve Mr. Kennedy seconds.

All in favor:

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

Michael Wutz of 6778 Derby Rd, Derby, NY 14047, is requesting to construct an accessory structure, in violation of the Town of Evans Zoning Law Sections 200-17(A)(4) maximum sq ft of an accessory structure shall exceed 900 sq ft.

The applicant was present to speak for the variance.

Mr. Wutz says he needs the variance to store his equipment in and that he is moving an existing shed that is there and putting the pole barn in that location.

The board confirms that the applicant has 1.7 acers of land.

Ms. Spada confirms the location of the new pole barn.

There was no one to speak for or against this appeal.

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

Mr. LaRusso makes a motion approve Ms. Spada seconds.

All in favor:

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

Toni Hayes of 7274 Derby Rd, Derby, NY 14047 is requesting to put an addition on the northeast side of a detached accessory structure, in violation of the Town of Evans Zoning Laws Section 200-9(C)(3)(b)(3) maximum sq ft of an accessory structure shall not exceed 1200 sq ft.

The applicant was present to speak for the variance.

Mr. Hayes says he needs the variance to store his equipment in and that he is moving an existing shed that is there and putting the pole barn in that location.

Mr. Martin Jr. confirms that they are just adding onto an existing building and the total will go to 1620 sqft.

Mr. Hayes advises that he is seeking the variance because he collects classic cars and wants to store them and 2 tractors.

There was no one to speak for or against this appeal.

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

Ms. Spada makes a motion approve Mr. Kennedy seconds.

All in favor:

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

Barbara Anne McGowan of 8126 Dennis Rd, Angola, NY 14006, is requesting to put an addition on the west side of a detached accessory structure, in violation of the Town of Evans Zoning Laws Section 200-9(C)(3)(b)(3) maximum sq ft of an accessory structure shall not exceed 1200 sq ft.

The applicant was present to speak for the variance.

Mrs. McGowan says he needs the variance to house her horses because boarding is getting expensive and that she will be able to get her tractor in and clean easier.

Mr. Martin Jr. confirms that they are just adding onto an existing building and the total will go to 1840 sqft.

Mr. John Stock 727 Bennet Rd Angola, NY 14006 wrote a letter against the variance.

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

Mr. Martin Jr. makes a motion approve Mr. Kennedy seconds

All in favor:

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

James P Perry of 8384 North Main St, Angola, NY 14006, is requesting to put an addition on northside of dwelling, in violation of the Town of Evans Zoning Laws Section 200-10(C)(1)(c)(1) minimum front yard setback of 40 ft.

The applicant was present to speak for the variance.

Mr. Perry says he needs the variance because he lost his porch in a flood a couple years ago so this would be replacing that.

Mr. Martin Jr. confirms that it is in a unique section of North Main and that it fits the properties in the area.

No one spoke in favor or against this variance.

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

Ms. Spada makes a motion approve Mr. Kennedy seconds.

All in favor:

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

Southwestern Boulevard Solar 1 of 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 Klad from a law firm and Josh Cobalt from Newleaf Energy were present to represent this appeal.

They advise that they are seeking the variance due to the wetlands that are in the front side of the property. They want to use an existing clearing the rear of the property to avoid having to remove trees and clear the front. The variance is from I90 not Route 20.

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

James Allen 7611 Southwesten Blvd Angola, NY 14006 spoke against the appeal.

Mr. Kennedy asks what would happen if they did not get the variance.

They advised that they would have to seek to put the project in the wetland which would cause them to remove trees and make a clearing where this spot is already cleared for the most part.

Don Grey 1954 Crescent Ter Lakeview, NY 14085 neither spoke in favor or against the appeal.

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

Mr. Martin Jr. makes a motion to adjourn the decision of the variance Mr. Kennedy seconds.

There was no vote.

Mr. Kennedy Makes a motion to open the public hearing Ms. Spada seconds.

All in favor:

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

Mr. Kennedy Makes a motion to close the public hearing Ms. LaRusso seconds.

All in favor:

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

Mr. Martin Jr. reads a letter into record for a request for an extension of approval for Backus Rd.

Dean Gregoire was the applicant that wanted to build a single-family home on a sub divided parcel.

Mr. LaRusso makes a motion to extend the variance until June 14th 2024 Ms. Spada seconds.

All in favor:

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

Mr. LaRusso make a motion to adjourn, seconded by Mr. Kennedy.

All in favor:

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

Respectfully Submitted,

Alex Haley
Secretary