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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, D. Maglich, C.LaRusso, (Via ZOOM)

Members Absent: T. Spada,

Also Present: J. Flading Code Enforcement Officer, B. Penberthy, Esq. (Via ZOOM)

Mr. Martin, Jr. opened the meeting with a quorum at 6:03pm. 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. Maglich moves to amend the minuets to remove Mr. Martin Jr's name from 2 spots since he was absent for the meeting.

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

Joseph Setlock, 466 Roat Dr., Angola, NY 14006, is requesting to put an Accessory Structure on the southwest side of property, in violation of the Town of Evans Zoning Law Sections 200-10(C)(2)(a)(2) minimum side setback of 5 ft.

The applicant was present for the appeal. Mr. Setlock explained that he is putting a new shed where his old one was. Old shed was a 10X10 this one is a 10X16 but is not going closing to the property line of the neighbor.

No one spoke in favor or against the appeal.

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

Mr. Martin Jr. Reads two exhibits into record speaking in favor of the appeal.

The board has discussions about the new shed only being 7ft from the house on the lot behind him. The board concluded that what was approved when that house went through a variance shouldn't affect Mr. Setlock's appeal.

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

All in favor:

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

Luther Sheary, 7140 Brandywine, Derby, NY 14047, has constructed a pool in violation of the Town of Evans Zoning Law Section 200-10(C)(2)(a)(1) minimum setback from another structure of 10 ft.

The applicant was present for the appeal with his son in law Adam Deforest

Mr. Deforest explains that there are trees, a gas line, and unground power that is preventing them being about to move the pool to a different spot to accommodate the zoning code.

Mr. Maglich advises that he wouldn't approve the variance unless there is a proper guard put on the roof of the shed that would prevent people from being able to jump off into the pool.

The applicant was in agreeance and talked about some other options, changing the pool location or style of the pool to get to the 10ft from the other structure.

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 something would need to be installed for the safety of everyone to prevent someone from jumping off the roof of the garage/shed into the pool.

Mr. Kennedy makes a motion to deny Mr. Maglich seconds.

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

Matthew Nasca, 91 Homer Ave, Buffalo, NY 14216, is wanting to construct a Single-Family Dwelling, located at 313 Roat Ave., Angola, NY 14006 in violation of the Town of Evans Zoning Law Sections 200-10(C)(1)(a)(1) 12,150 square feet of total lot area and 200-10(C)(1)(b)(1) minimum width of lot abutting a dedicated street of 90 ft.

The applicant was present for the appeal. The applicant explains that he would be knocking down the house that is on the property now and building a ranch home in its place that would be the same side yard footprint just longer.

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

The board confirms that in this area it is normal to have houses on small lots and that this would conform to the area.

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

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

Dennis Benzel, 31 Bradford Ave, Buffalo, NY 14210, is wanting to construct a is Single Family Home located at SBL # 250.11-1-6 in violation of the Town of Evans Zoning Law Section 200-12(C)(1)(f)(4) Minimum rear yard setback of 30 ft.

The applicant was present for the appeal. The applicant explains that he wants to move the house closer to the rear of the property because it butts up against a wooded lot and would be wasted space if he left to much in the rear of the house. Wants to have 10ft of space, enough to maintain the property.

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

The board brings up that his request is for 5ft not 10ft. The applicant agrees that he was planning on 5ft but, wants to go 10ft instead. The board agrees that 10ft would be more reasonable.

Mr. Kennedy makes a motion approve the variance, Mr. Maglich seconds.

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

Stacy Matarazza 7871 Erie Rd., Derby, NY 14047, is wanting to construct an Attached Garage on the northeast side of property in violation of the Town of Evans Zoning Law Section 200-10(C)(1)(c)(1) minimum front yard setback of 40 ft.

The applicant was present for the appeal. The applicant's house and current detached garage is already preexisting non-conforming to the lot. He would like to take the same footprint and make if slightly larger, having a mudroom in between the garage and house.

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

The board brings up that the house and garage is already non-conforming and that doing this would improve the look of what is there now.

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

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

Tom Collins, 9124 Waterman Rd., Angola, NY 14006 is wanting to construct a Single-Family Home located at 9128 Waterman Rd., Angola, NY 14006 in violation of the Town of Evans Zoning Law Sections 200-10(C)(1)(a)(1) 12,150 square feet of total lot area and 200-10(C)(1)(b)(1) Minimum width of lot abutting a dedicated street of 90 ft.

The applicant was present for the appeal as well as Jacquline Montemage from Bammel Architects. Mrs. Montemage explains that the house and detached garage that is on the lot is already non-conforming and that the new build would actually make the side yard a little better.

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

The board brings up that this is like the other case and that it would be an improvement on what is there now. The board acknowledges that there will be more variances that are needed once they submit plans but can not approve anything that was not published.

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, aye**
Mr. LaRusso, aye

Mr. Martin Jr. reads a letter submitted by Raymond & Maria Wrafter wanting to extend their prior approved variance 6 more months. The original variance was approved on 9/27/2023 which would have expired on 3/27/2024. They are seeking a 6-month extension.

The board agrees to go off of this meeting date instead of the original expiration date due to it only being 13 days away.

Mr. Martin Jr. makes a motion approve the variance extension to 12/31/2024, Mr. LaRusso seconds.

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

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

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

Respectfully Submitted,
Alex Haley

