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March 13th, 2024

TOWN OF EVANS

REGULAR MEETING OF THE ZONING BOARD OF APPEALS

RECEIVED
APR 12 2024
Lynn M. Krajacic
Town Clerk
Town of Evans

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

Members Absent: T. Spada, C.LaRusso

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. Martin Jr. Moves to approve the minuets from the February 14th meeting Mr. Maglich seconds the motion.

All in favor:

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

John Rainelli 7853 Keene Rd Derby, NY 14047, is requesting to put an addition on the east side of property, in violation of the Town of Evans Zoning Law Sections 200-8.2(C)(8)(b)(1) minimum distance from a structure to an accessory structure.

The applicant was present online to speak for the variance.

Mr. Rainelli wants to build an addition onto his house to make it bigger, currently the house is around 600 sqft.

Mr. Martin Jr. confirms looking at the survey that the existing house to garage is already not conforming to zoning laws.

Mr. Rainelli explains that he wanted to just knock down and build a new house but, with having to put a new roof on everything it is not possible now.

Mr. Maglich explains that with having the garage and the addition to the house that close is concerning if there was a fire.

Mr. Flading advises that there is a way to add in fire protection to the existing and the addition making it conform to Fire Code.

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 with additional fire protection on the existing garage and the addition, it would be in the best interest of the applicant.

Mr. Martin Jr. makes a motion approve the addition with the condition that the existing garage will be updated with fire resistive material on the wall that is facing the addition. Also, the addition must be fire rated exterior sheathing and interior drywall.

All in favor:

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

Fulvio Stampone 2540 Hamburg Tpk Lackawanna, NY 14218, is requesting to construct a two family dwelling at 9607 Northfield St Angola, NY 14006, in violation of the Town of Evans Zoning Law Sections 200-12(C)(1)(c)(3) minimum lot area for a two family dwelling, and 20012(C)(1)(e)(3) minimum width of a corner lot abutting a dedicated street for a two family home.

The applicant was present to speak for the variance.

Mr. Stampone explains that he is has bought 7 lots in the area and is going to try to build on all of them. He advised that he builds the houses to sell so, if they don't sell the house, they live in it until it gets sold, no Airbnb.

Mr. Martin Jr. confirms that the area that is requested is in a R-2 zoning district so, a two-family home is not against the zoning.

Mr. Maglich verifies that they lot would fit a one-family home with no variance, so why does he need to build a two-family.

Mr. Stampone advises that he wants to maximize the area with building two units, and it would be less maintenance with having just the one building for two families.

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

Mr. Martin Jr. reads into record two letters that were not in favor of the variances due to the two-family not conforming to the area, and of Mr. Stampone's company or personality online.

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

All in favor:

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

Mr. Martin Jr. made a motion to adjourn, seconded by Mr.Maglich.

All in favor:

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

Respectfully Submitted,

Alex Haley
Secretary