Minutes Approved: 6/12/2024
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May 8th, 2024

TOWN OF EVANS

REGULAR MEETING OF THE ZONING BOARD OF APPEALS

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. Kennedy Moves to approve the minuets from the March 13th 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

Joseph Quadrone of 1949 South Creek Rd, Derby, NY 14047 is requesting to construct an addition to 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 exceed 900 sq ft.

The applicant was present for the appeal.

Mr. Quadrone explained that he is requesting the variance to have storage for another car.

No one spoke in favor or against the appeal.

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

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

All in favor:

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

Frank and Lisa Pero of 637 Larkin Rd, Derby, NY 14047 is requesting to construct an addition to 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 exceed 900 sq ft.

Bryan Brawdy from Morton Buildings, Inc was present for the appeal.

Mr. Brawdy explains that they are building this for storage of cars and snowmobiles. This would be the smaller of the two accessory structures on the 15 acers.

Thomas Duminuco 7379 Beechwood Rd Spoke in Favor of 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, abs
Mr. Maglich, aye
Mr. Kennedy, aye

Bruce Barratt of 1647 Overhead Rd, Derby, NY 14047, is requesting to put an addition on 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 exceed 900 sq ft

The applicant was present to speak for the variance.

Mr. Barrett explained he needs the overhand on the back of the pole barn for more storage.

Mr. Martin Jr. confirms that he is not planning on enclosing the sides and would be ok with that condition.

Mr. Barrett agrees.

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. Martin Jr. makes a motion approve with the condition of not enclosing the sides of the carport, Mr. Maglich seconds.

All in favor:

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

Fulvio Stampone of 2540 Hamburg Tpk, Lackawanna, NY 14218, is requesting to construct a two family dwelling located at 250.11-5-26 Kennedy Ave, 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 200-12(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 advises that he needs the variance to build a 2-family home over a 1-family to make it easier for people to obtain a mortgage and buy a unit instead of a whole house.

Mr. Martin Jr. confirms that they would be doing the same as the prior variance where he would build it and live in it until someone purchased the property.

Mr. Stampone agrees.

Jason Kraft & Courtney Szal 516 Kennedy Ave Angola, NY 14006spoke against the variance.
Robert Fulk 510 Kennedy Ave Angola, NY 14006 Spoke against the variance.
Robert Senger 9582 Granger St Angola, NY 14006 Spoke against the variance.
Fulvio Stampone Jr 5060 Ellicott Rd, Fredonia, NY 14063 Spoke in Favor of the variance.

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

The board discusses the size of the lot and what would be needed to approve the variance. Mr. Marin Jr. and Mr. Maglich confirm that this request is more than what was granted at the prior meeting for another parcel.

Mr. Martin Jr. makes a motion to deny all variances, Mr. Kennedy seconds.

All in favor to deny:

Mr. Martin, Jr., aye
Ms. Spada, abs
Mr. LaRusso, abs
Mr. Maglich, aye
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 Gladd from Cuddy and Feder was present on ZOOM to represent the 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.

A Resident from 1954 Crescent Ter Lake View, NY 14085- Spoke in favor of the appeal.

Mr. Flading explains that this is only going to be for the set back off the I-90 all the other answers still must go through a site plan, and planning board.

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

Mr. Maglich says that town approved this usage in this area. There are solar panels all along the thruway.

Mr. Martin Jr. Reads Exhibit A into record. Email from Kimberly Wood 1905 Sturgeon pointe Rd- Against the appeal.

Mr. Martin Jr. reminds the board that our planning department did submit a letter in favor of the project last meeting.

Mr. Martin. Jr advises that there is a lack in clarity of what an alternative could be for this project.

The board confirms that they are requesting the applicant to provide what could something different look like.

Mr. Martin Jr. Makes a motion to reopen the public hearing Mr. Kennedy seconds.

All in favor:

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

Mr. Martin Jr. make a motion to adjourn the public hearing and the decision until the next meeting of 6/12/2024 seconded by Mr. Maglich.

All in favor:

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

Mr. Kennedy make a motion to close the meeting seconded by Mr. Maglich.

All in favor:

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

Respectfully Submitted,

Alex Haley
Secretary