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November 13th, 2024

TOWN OF EVANS

RECEIVED
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Lynn M. Krajacic
Town Clerk
Town of Evans

REGULAR MEETING OF THE ZONING BOARD OF APPEALS

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

Members Absent: T. Spada,

Also Present: B. Penberthy, Esq., J. Flading, Code Enforcement Officer

Mr. Martin, Jr. opened the meeting with a quorum at 6:21pm. 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 approve the minuets from October meeting. Mr. LaRusso seconds.

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

Betty Bouchard, of 9164 Waterman Rd., Angola, NY 14006, is requesting to construct a carport on the side of the home, in violation of the Town of Evans Zoning Law Section 200-10(C)(2)(a)[2], minimum side lot of 5 feet, wherein applicant will have 3.5ft.

No one was present for the appeal.

No one spoke in favor or against the appeal.

Mr. Kennedy makes a motion approve with condition that the carport remain a carport and not enclosed. Mr. LaRusso seconds.

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

Scott Morrison & Jennifer Bernacki, of 95 Tristan Ln., Williamsville, NY 14221, are requesting to construct a new home on a vacant lot on Larkin Rd., Angola, NY, SBL# 205.03-1-29.1, in violation of the Town of Evans Zoning Law Sections 200-11(C)(1)(a)[3], minimum lot area of 40,000 sqft, wherein applicant's lot is 25,600 sqft, and 200-11(C)(1)(b)[3], minimum width of lot needs 200 ft, wherein applicant has 160 ft.

The applicant was present for the appeal. Mr. Morrison Explains that they purchased the property with the intentions to build a house and retire.

No one spoke in favor or against the appeal.

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

The board goes over a decision on January 14th 2021 where this was already approved once.

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

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

Kimberly & Vincent Ferraro, of 7045 Potter Rd, Derby, NY 14047, are requesting to add a shed, in violation of Town of Evans Zoning Law Section 200-10(C)(2)(a)[3], minimum 5 ft from rear lot, wherein applicant has +- 2 ft.

Both applicants were present for the appeal. They explained that due to the landscaping of their yard, the fence that goes across the back and a pool, this location was their only option that would make sense.

They built the shed in this location due to a discrepancy with where the rear fence fell on the survey.

No one spoke in favor or against the appeal.

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

Mr. Maglich 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

TM Montante Solar, of 2760 Kenmore Ave Buffalo, NY 14150, already constructed a Solar Array at 8123 Delamater Rd Angola, NY 14006, in violation of Town of Evans Zoning Law Section 200-70(E)(6), minimum 300 ft setback from a public roadway, wherein applicant has 282 ft.

Daniel Montante 2760 Kenmore Ave, Tonawanda NY 14150, Kimberly Nason, 125 Main St Buffalo, NY 14203, Katie Soscia 2760 Kenmore Ave, Tonawanda NY 14150 Jessica Fuchs 2760 Kenmore Ave, Tonawanda NY 14150 were all present for the appeal.

Kim Nason explained the events that created the reason for the appeal with the supply chain issues, receiving what they could do to COVID restraints, ultimately created the need for the 18ft variance. Mrs. Nason also wanted an explanation of where the measurement if from due to the interpretation of the code.

Mrs. Penberthy explained that it has always been measured from the edge of the roadway.

Katie Soscia explained that she was been working with Bill Smith (Planning Director) to come up with a solution which involved installing greener along the edge of the array, using a privacy mesh, and installing a wooden gate instead of a chain link one.

Mr. Marin Jr., read a letter from the planning department address form Director Bill Smith speaking in Favor of the appeal.

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

The board talks about having to hear variances with multiple solar fields and does not want to set a precedence that they will approve them all. Every situation is a case-by-case bases.

Mr. Marin Jr., makes a motion to approve the variance with a condition that it is measured from the edge of the road, there will be no new development in the 18ft, there will be enhanced visual mitigation according to the site plan, and it will be inspected annually the next two years to ensure these conditions have been met.

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

Marjorie Barney submitted a letter requesting to extend the deadline of her variance approval from May 15th 2023.

No one spoke in favor or against the appeal.

Mr. Martin Jr., makes a motion to approve the extension to 6 months past November 1st 2024. Mr. Kennedy seconds.

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

Mr. Martin Jr., makes a motion to adjourn seconded by Mr. Kennedy.

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

Respectfully Submitted,
Alex Haley

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