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December 11th, 2025

TOWN OF EVANS

REGULAR MEETING
OF THE
ZONING BOARD OF APPEALS

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

Members Absent: T. Spada, C.LaRusso

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

Mr. Martin, Jr. opened the meeting with a quorum at 6:07pm. 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 minutes from November 13th 2025 meeting. Mr. Kennedy seconds.

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

Charles Militello, of 6712 Revere Dr, Derby, NY 14047, is requesting to construct a 1530sqft garage, in violation of the Town of Evans Zoning Law Section 200-17(A)(4), wherein the maximum size of an accessory structure is 900sqft.

No one was present to represent the appeal.

Mr. Martin Jr. asks B. Penberthy for options that the board has. Mrs. Penberthy advises that there is no law that requires the applicant to be present and the board can vote on the matter.

Mr. Martin Jr. asks if anyone would like to speak in favor or against the variance.

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

Mr. Kennedy moves to deny the variance, Mr. Maglich seconds.

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

Brian Dehlinger, of 27 Scooter Ln, Hamburg, NY 14075, is requesting to construct a single family home on vacant lot SBL# 220.00-3-11.31, in violation of the Town of Evans Zoning Law Sections 200-8.2(C)(1)(a), wherein the minimum lot area is 3 acres and applicant has .9445 acres, 200-8.2(C)(1)(b), wherein the minimum width of lot is 200ft and applicant has 100ft, 200-8.2(C)(1)(c), wherein the minimum front setback of lot is 60ft and applicant is proposing 20ft, and 200-8.2(C)(1)(d), wherein the minimum side yard requirement is 35ft each side and applicant is proposing +-9ft one side +-10ft on the other.

The applicant was present for the appeal. Mr. Dehlinger explained that he wants to keep the 2 car garage that is attached to the house which would create an issue with the side yards.

Mr. Martin Jr. asks if anyone would like to speak in favor or against the variance.

Mr. Kennedy asks Mr. Dehlinger if a 1 car garage would work. Mr. Dehlinger advised that it would only save about 10ft on the overall and would prefer to keep it.

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

Mr. Maglich moves 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

Edward Wrobel, of PO Box 476, Derby, NY 14047, is requesting to keep an already constructed 32X88 pole barn, at 732 Bennett Rd Angola, NY 14006, in violation of the Town of Evans Zoning Law Section 200-8.2(C)(8)(b)[3], wherein the maximum size of an accessory structure is 1200sqft applicant is requesting 2816sqft.

The applicant was present for the appeal.

Mr. Martin Jr. asks how the approval of 1800sqft turned into him building 2816sqft.

Mr. Wrobel advised that he did not know that a carport would be included in the overall sqft of the building. He also advised that the Amish contractor he had working for him advised him to add it on.

Mr. Kennedy asks what the dimension of the building would be without the carport. Mr. Wrobel advises over 2000sqft.

Mr. Martin Jr. asks if anyone would like to speak in favor or against the variance.

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

The board agrees that Mr. Wrobel should not have built this large of a structure and that he is a retired builder.

Mr. Martin Jr. moves to deny the variance, Mr. Maglich seconds.

All in favor to deny:

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

Kyle Bartlett, of 7047 Lake Shore Rd, Derby, NY 14047, is requesting to construct a new home, at 1441 Sturgeon Point Rd, Derby, NY 14047, in violation of the Town of Evans Zoning Law Section 200-8.2(C)(1)(a), wherein the minimum lot area required is 3 acres applicant is requesting to build on 2.3 acres.

The applicant was present for the appeal. Mr. Bartlett states that he is not looking to build on the property but, to sell the property with the ability to be built on.

Mr. Martin Jr. asks if anyone would like to speak in favor or against the variance.

Brian Zolnowski spoke neither in favor or against the appeal but brought up drainage and water concerns.

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

The board agrees that granting the variance would improve the water issues with someone submitting a drainage plan.

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

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

Gary Camus, of 1431 Wisconsin Rd, Derby, NY 14047, is requesting to construct a 30X52 1560sqft pole barn with a 12X52 624sqft car port, in violation of the Town of Evans Zoning Law Section 200-17(A)(4)(a), wherein the maximum size of an accessory structure is 900sqft applicant is requesting 2184sqft.

The applicant was present for the appeal. Mr. Camus states that he wants to build this size to store his boat, tractor, and that his shed is to small. He states that there are similar barns in that area.

Mr. Martin Jr. asks if anyone would like to speak in favor or against the variance.

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

The board is concerned with the size of the structure and acknowledges that he is in a split R1/RA zoned lot. The board confirms 1800sqft would be a more reasonable number if he can remove the carport or make something smaller.

Mr. Maglich moves to approve the variance with the condition the building and carport together not exceed 1800sqft, Mr. Kennedy seconds.

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

Tim & Kim Hodges, of 12460 Wood Timber Ln, Fort Myers, FL 33913, is requesting to construct a new home on a vacant lot, SBL# 205.03-1-8, in violation of the Town of Evans Zoning Law Section 200-10(C)(1)(b), minimum width of lot abutting a dedicated street, wherein the applicant is requesting to build on Lakecrest Dr which is an undedicated road.

Christopher Tucker 8818 Lake Shore Rd, Angola, NY 14006 was present for the appeal. Mr. Tucker states that his clients are trying to build a house on a buildable lot but, the only objection is that the lot is located on an undedicated road.

Mr. Maglich asks how many houses are currently on the road. Confirms 3.

Mr. Martin Jr. asks if anyone would like to speak in favor or against

Kathleen & Stephen Olszewski 7321 Lakecrest Dr Derby, NY 14047 spoke neither in favor or against but, brought up concerns about drainage water, and being informed about what is going on with the build.
Cheryl Polowy 7410 Lakecrest Dr, Derby, NY 14047 spoke neither in favor or against Gail Walter 7420 Lakecrest Dr Derby, NY 14047 spoke neither in favor or against

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

The board advised that a lot of the concerns are about the building process and not for the board to vote on. He reassured the speakers that with building a house comes guidelines that the building department would uphold. Building a house might help with the drainage concerns as well.

Mr. Kennedy moves to approve the variance, Mr. Maglich seconds

All in favor:
Mr. Martin, Jr., aye **Mr. Maglich, aye**
Ms. Spada, abs **Mr. Kennedy, aye**
Mr. LaRusso, abs
Melody Meadows Home Construction Inc, of 8930 Erie Rd, Angola, NY 14006, is requesting to maintain the separation of a modular home ± 12ft, at 844 Nicole Ln, Angola, NY 14006, in violation of the Town of Evans Zoning Law Section 200-15(I)(2), wherein the side yards need to total 14ft, one at 8ft and one at 6ft.

No one was present for the appeal.

The board confirms that they would rule on the appeal.

Mr. Martin Jr. asks if anyone would like to speak in favor or against the variance.

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

Mr. Kennedy moves to approve the variance, Mr. Maglich seconds

All in favor:
Mr. Martin, Jr., aye **Mr. Maglich, aye**
Ms. Spada, abs **Mr. Kennedy, aye**
Mr. LaRusso, abs
Melody Meadows Home Construction Inc, of 8930 Erie Rd, Angola, NY 14006, is requesting to maintain the separation of a modular home ± 12ft, at 846 Nicole ln Angola, NY 14006, in violation of the Town of Evans Zoning Law Section 200-15(I)(2), wherein the side yards need to total 14ft, one at 8ft and one at 6ft.

No one was present for the appeal.

The board confirms that they would rule on the appeal.

Mr. Martin Jr. asks if anyone would like to speak in favor or against the variance.

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

Mr. Kennedy moves to approve the variance, Mr. Maglich seconds

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

Manni Bhalla, of 8565 Versailles Rd Angola, NY 14006, is requesting to construct a new modular home, in violation of the Town of Evans Zoning Law Section 200-8.2(C)(1)(a), wherein the minimum lot area required is 3 acres applicant is requesting to build on .483 acres, 200-8.2(C)(1)(b) wherein the minimum width of Lot is 200ft applicant is requesting 108.7ft, 200-8.2(C)(1)(c)wherein the minimum Front yard setback required is 60ft applicant is requesting +-53ft.

Applicant was present for the appeal. Mr. Bhalla advised that he bought the house 3 years ago but, it is very old and the price needed to repair would be about the same as building new.

Mr. Martin Jr. asks if anyone would like to speak in favor or against the variance.

Jeffery Smith 8569 Versailles Rd Angola, NY 14006 Spoke in favor
Joseph Flynn 1761 Eden Evans Center Rd, Angola, NY 14006 Spoke in favor
Todd Kruszka 1755 Eden Evans Center Rd, Angola, NY 14006 Spoke in favor

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

Board confirms that it would be an improvement to the home that is there and since there is a house there already it would make sense to keep one there.

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

Mr. Kennedy makes 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

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