

Unapproved minutes filed with
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December 13, 2017

TOWN OF EVANS

REGULAR MEETING
OF THE
ZONING BOARD OF APPEALS

Members Present: A. Yusick, D. Maglich, N. Manges
V. Gugliuzza

Members Absent: T. Spada

Also Present: P. Ryerse, Building Inspector

Mr. Yusick opened the meeting with a quorum at 6:30pm. The meeting was held in the Municipal Building Court room, 8787 Erie Road, Angola, New York 14006.

Mr. Yusick 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 statute to adjourn to executive session to deliberate. Motions granting and rejecting appeals are voted upon in the public portion of the meeting.

Mr. Yusick asked for a motion to approve the minutes from November 8, 2017.

Mr. Maglich made a motion to approve the November 8, 2017 minutes, Mr. Gugliuzza seconded. All in favor, motion carried.

NEW BUSINESS:

Stanley Kandefer, 9028 Lake Shore Rd. Angola, NY 14006, requesting to reduce the side and front yard setback requirements for a shed, at the above SBL # 234.16-1-12, in violation of the Town of Evans Zoning Laws, 200-10 C (2) (a) [2] and 200-17 A (4).

Applicant is requesting to reduce the required side yard setback from 5 feet to 2.64 feet. Applicant is also requesting to reduce the front yard setback from 40 feet to 21.76 feet. It is zoned R1 Residential Single Family.

Applicant installed a new shed without obtaining a building permit. A stop work order was issued. Code enforcement requested a current updated survey illustrating the location of the new shed. Applicant provided the survey as requested. The shed is located 2.64 feet from the west property line and 21.76 feet from the south (front) property line.

Mr. Yusick read a letter marked as “Exhibit A” from Stanley Kandefer giving his son, Jeffrey Kandefer, permission to speak on his behalf.

Present for the appeal was Jeffrey Kandefer.

Mr. Yusick asked why a shed was put up without a permit. Mr. Kandefer stated that there was a shed there originally. Mr. Yusick asked what the size was of the shed. Mr. Kandefer stated that the shed size was 10x15. Mr. Yusick asked if there was a record of the previous shed. Mr. Ryerse stated yes. Mr. Yusick asked if there was an old survey with the previous shed’s location. Mr. Kandefer stated no. Mr. Kandefer stated that the new shed is in the same spot on the concrete driveway but was turned to become handicap accessible. Mr. Yusick made a recommendation that the building permit fee be tripled.

Mr. Yusick asked if the board has any questions and no one in the audience was there for or against this appeal.

Mr. Maglich made a motion to approve, seconded by Mr. Gugliuzza.

All in favor:

**Vote: Mr. Yusick, aye
Ms. Spada, absent
Ms. Manges, aye**

**Mr. Maglich, aye
Mr. Gugliuzza, aye**

Mr. Yusick stated that at the last meeting, Shirley Stratton appeared with her family and her appearance was not scheduled. The purpose was regarding a letter that was sent to Mr. Yusick claiming that the building inspector was not enforcing what she thought the law required regarding a neighbor on Eastwood with a temporary cover over a car. Since that meeting, Mrs. Stratton has gone to a town board meeting regarding this matter and has had letters delivered to the homes of board members. The town attorney, Jennifer Farrell, issued an opinion that in her view and the view of Mr. Yusick, that the statute does not cover this type of situation and the building department says it doesn't cover this. Ms. Farrell has also determined that law allows the board to make an interpretation of the statute where the building inspector has taken some affirmative action usually in a denial of a building permit. There has been no request for a building permit or a need for a permit. Ms. Farrell's opinion is the board has no jurisdiction. Since the issue was raised in an informal way, Mr. Yusick makes a motion to not hear this matter and take any further action, seconded by Mr. Gugliuzza.

All in favor:

Vote: Mr. Yusick, aye
Ms. Spada, absent
Ms. Manges, aye

Mr. Maglich, aye
Mr. Gugliuzza, aye

Mr. Yusick asked if there was anything further for the board.

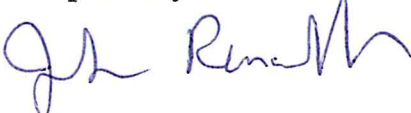
Mr. Yusick made a motion to adjourn to the next scheduled meeting.

All in favor:

Vote: Mr. Yusick, aye
Ms. Spada, absent
Ms. Manges, aye

Mr. Maglich, aye
Mr. Gugliuzza, aye

Respectfully Submitted,



Jennifer Renaldo
Secretary

Stanley J Kandefer Jr.
137 Ransom Rd.
Lancaster, NY 14086

December 4, 2017

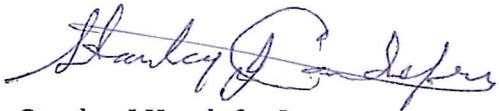
Town of Evans
Code Enforcement/Zoning Office
8787 Erie Rd.
Angola, NY 14006

RE: 9028 Lake Shore Rd.

To Whom It May Concern:

I, Stanley J Kandefer Jr, give my son, Jeffrey Kandefer, permission to appear on my behalf, at the Town of Evans Zoning Board of Appeals hearing on 12/13/17, regarding 9028 Lake Shore Rd.

Sincerely,

A handwritten signature in blue ink that reads "Stanley J Kandefer Jr." The signature is written in a cursive style with a large initial 'S'.

Stanley J Kandefer Jr.

Exhibit A