

July 10, 2019

TOWN OF EVANS
REGULAR MEETING
OF THE
ZONING BOARD OF APPEALS

RECEIVED

SEP 12 2019

Lynn M. Krajacic
Town Clerk
Town of Evans

Members Present: A. Yusick, D. Maglich, T. Spada, V. Gugliuzza, H. Martin, Jr

Members Absent:

Also Present: J. Hill, 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 has reviewed the minutes from June 12, 2019 and there is one addition regarding Jason Schultz's appeal. He believes the tape of the minutes will indicate Mr. Yusick and Mr. Martin, Jr. had traveled the length of Erie Road and could find no other property that had a fence that high in the front yard. He asks the minutes reflect that.

With that change, Mr. Yusick made a motion to approve the June 12, 2019 minutes. All in favor, motion carried.

NEW BUSINESS:

Frederick Garrasi, 88 Middle Lane, Angola NY 14006, is requesting to increase the size of an accessory structure, in violation of the Town of Evans Zoning Law section 200-17 A (4).

Applicant is requesting to increase the size of an accessory structure from 900 sqft to 1440 sqft in order to build an 18x30 covered porch on the back of existing 900 sqft garage, at the above address in violation of the Town of Evans Zoning Law section 200-17 A (4) size of accessory structure.

The applicant has already built the 18x30 overhang on the back of the existing 900 sqft garage without a permit.

The applicant had come before the board years ago with the request to extend his garage by the same square footage and that appeal was denied. Mr. Yusick read a letter marked as “Exhibit A” in favor of the appeal.

Present for the appeal was John Grennell, attorney, appearing on behalf of Mr. Garrasi.

He stated that his client did apply for a variance in 2012 for an enclosed structure not a roof and it was denied. He stated that his client failed to follow up due to family issues. His client was under the impression that the permit process was easy. The contractor had an opening much sooner and his client had to scramble to get the funds for the project and did not get the permit. When his client realized he forgot the permit, he went down to get the permit but was told that it had to go through the appeal process. Mr. Yusick asked how the code enforcement office find out about it. Ms. Hill stated that it was a neighbor complaint. Mr. Yusick stated that the problem he has was in 2012 the applicant went through the process and it was denied. It should have sent a message that with any kind of structure, the applicant should talk with the building inspector especially if there is a contractor. Mr. Maglich asked what the purpose of the porch. Mr. Grennell stated to provide shade. Mr. Martin, Jr. asked when the concrete patio was installed. Mr. Yusick stated that it was a foundation for the addition in 2012. Ms. Spada stated that she went to the property and it looks nice. Mr. Martin, Jr. stated that the porch is well constructed. He also stated that it improves the neighborhood. Mr. Yusick stated he has a concern that in the winter, it will be used for storage. Mr. Gugliuzza stated that he went to the property. He is a certified code enforcement officer and it is structurally sound. Mr. Maglich stated that his only concern was if it was enclosed.

Susan Woysner spoke against the appeal.

Mr. Yusick asked if the board has any questions.

Mr. Yusick made the recommendation the Code Enforcement office exercise the provision of local law regarding fees.

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

All in favor:

Vote: Mr. Yusick, nay
Ms. Spada, abstain
Mr. Martin, Jr, aye

Mr. Maglich, aye
Mr. Gugliuzza, aye

Maureen Shepherd, 8995 Iroquois St., Angola NY 14006, requesting to reduce the minimum width and front yard setback to construct a single family dwelling at 8993 Iroquois St., in violation of the Town of Evans Zoning Laws section 200-10 C (1) (b) (1) & 200-10 C (1)(c) (1).

Applicant is requesting to construct a single family dwelling at 8993 Iroquois St, SBL# 234.16-4-16.1, in violation of Town of Evans Zoning Code section 200-10 C (1) (b) (1) & 200-10 C (1) (c) (1). The lot is located on an easement right of way; the applicant is requesting to build home closer to the right of way due to flood elevation of the lot and the large trees on the lot.

The applicant is requesting to reduce the minimum width abutting a dedicated street from 90' to 0' and reduce the front yard setback from 40' to 0' as the parcel is located on an existing right of way easement. The applicant is requesting the proposed location of the single family dwelling in order to create a greater distance from the DEC wetlands and have less environmental impact to the site.

Present for the appeal was Maureen Shepherd.

Mr. Yusick asked if this was a preexisting lot. Ms. Hill stated yes.

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

Mr. Gugliuzza made a motion to approve, seconded by Ms. Spada.

All in favor:

**Vote: Mr. Yusick, aye
Ms. Spada, aye
Mr. Martin, Jr, aye**

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

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

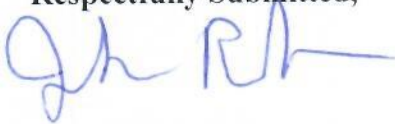
Mr. Yusick made a motion to adjourn to the next scheduled meeting.

All in favor:

**Vote: Mr. Yusick, aye
Ms. Spada, aye
Mr. Martin, Jr, aye**

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

Respectfully Submitted,



**Jennifer Renaldo
Secretary**

Exhibit A

JUN 6 19 10:48AM

6/5/2019

Building Inspector

My name is Irma Murray
& I live at 87 Chestnut Ln. My
neighbor behind me is Fred & Rene
Parasi on Middle Ln.

About 16 yrs ago Fred wanted
to put up a garage behind
his garage. I wrote a letter
to the Board against the garage
I figured the one he just
built was plenty big enough
& we would get the blunt of
all the noise from the garage
he wanted to put up. He was
denied the permit. In all the
yrs. things have changed & Fred

wants
~~to~~ to put up just a roof
over his patio behind the garage
He was denied a garage permit
not a roof permit. They are
good people just trying to
improve their property & enjoy
their patio. I'm the only
neighbor that sees his roof. It
is very nice & looks great. I
hope you will reconsider the
permit.

Dana Murray