Minutes Approved: August 13th, 2026
Distributed: August 14th, 2026

RECEIVED

AUG 14 2026

Lynn M. Krajacic
Town Clerk
Town of Evans

July 9th, 2026

TOWN OF EVANS

REGULAR MEETING
OF THE
ZONING BOARD OF APPEALS

Members Present: D. Maglich, J. Kennedy, C. LaRusso, V. Gugliuzza

Members Absent: H. Martin Jr.

Also Present: Endell Osuna, Esq., John Flading, Code Enforcement Officer

Mr. Maglich 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. Maglich 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 moved to approve the minutes from the June 18th meeting. Mr. LaRusso seconds.

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

1. Darlene Jerge of 3604 Schintzius Rd Eden, NY 14057, is requesting to construct an accessory structure at 539 Mergenhagen Rd Angola, NY 14006 in violation of the Town of Evans Zoning Law Section 200-17{A)(4}{a) yards for accessory structures. Accessory structures must be located on the same lot as the primary dwelling shall not exceed more than 900 square feet; if any lot exceeds 2.5 acres, the limit shall increase to

1,200 square feet in floor area. Wherein applicant is requesting to construct 1200 square feet accessory structure on a+/- .60-acre lot.

The applicant, Darlene Jerge, and her husband, Nathan Mall, were present to represent the appeal.

Mr. Maglich asked if anyone would like to speak in favor or against the variance. Elmira Roach, of 537 Mergenhagen Rd, spoke in favor of the variance. Chris Reinicke, who has an LLC that has property adjacent to 537 Mergenhagen Rd, also spoke in favor of the variance.

Mr. Maglich closed the public discussion and opened the board for discussion.

Mr. Kennedy moved to approve the variance. Mr. LaRusso seconds.

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

2. John Peterson of 122 Chestnut Lane Angola, NY 14006, is requesting to construct an addition to an attached garage in violation of the Town of Evans Zoning Law Section - 10(C)(1)(c}[3) Minimum side eight feet. Wherein applicant is requesting+/- 3 on east side.

The applicant was present to represent the appeal.

Mr. Maglich asked if anyone would like to speak in favor or against the variance. Hearing no comments, Mr. Maglich closed the public discussion and opened the board for discussion.

Mr. Maglich moved to approve the variance, with the condition that the garage is fire coded. Mr. Kennedy seconds.

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

3. Howard Lee of 282 Kennedy Ave Angola, NY 14006 is requesting to construct a covered porch in violation of the Town of Evans Zoning Law 200-12(C)(1)(f)[1] front yard setback minimum 25 feet and 200-12(C)(1)(f)[3] Minimum one side 5 feet. Wherein applicant is requesting +/-2 feet from front yard setback and+/- 3 feet to west side of property.

The applicant was present to represent the appeal.

Mr. Maglich asked if anyone would like to speak in favor or against the variance. Hearing no comments, Mr. Maglich closed the public discussion and opened the board for discussion.

Mr. Gugliuzza moved to approve the variance. Mr. LaRusso seconds.

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

4. James L. Anderson of 1968 New Jerusalem Rd Angola, NY 14006 is requesting to subdivide a parcel SBL number 237.00-4-33.1 to make a nonconforming lot in violation of the Town of Evans Zoning Law Section 200-8.1(C)(1)(a), which states that a lot must be a minimum of 5 acres wherein applicant is requesting +/- 3 acres.

The applicant was present to represent the appeal.

Mr. Maglich asked if anyone would like to speak in favor or against the variance. Hearing no comments, Mr. Maglich closed the public discussion and opened the board for discussion.

Mr. Maglich moved to approve the variance. Mr. Kennedy seconds.

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

5. Debra Barth, 8 Park Meadow Dr, West Seneca, NY 14224, is requesting to extend their variance that was approved on 1/1/2025 to add an addition onto the home located at 8613 Larch St, Angola, NY 14006 in violation of the Town of Evans Zoning Law Section 200-12(C)(1)(f)[4], minimum rear yard of 30ft. Wherein applicant is requesting +-25ft.

The applicant, Debra Barth, as well as Tom Barth, were present to represent the appeal.

Mr. Maglich asked if anyone would like to speak in favor or against the variance. Hearing no comments, Mr. Maglich closed the public discussion and opened the board for discussion.

Mr. Maglich moved to approve the variance. Mr. Kennedy seconds.

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

6. John Stock, 727 Bennet Rd, Angola, NY 14006 is requesting to obtain a variance for an existing site located at 0 Erie Rd Angola, NY 14006 SBL# 220.00-3-24 in violation of the Town of Evans Zoning Law Section 200-24{C)(l)(d){5) Outdoor storage is not permitted in any front yard. Outdoor storage may be permitted in a side or rear yard abutting a residential district or other yard abutting a front yard of an adjacent parcel. Permitted outdoor storage areas shall be screened from adjacent parcels and shall not exceed 16 feet in height or be closer than 50 feet to any property line. Wherein applicant is proposing storage to be+/- 20 feet.

Nobody was present to represent the appeal.

Mr. Maglich moved to table the variance to next month's meeting. Mr. Kennedy seconds.

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

7. Erie Road Acquisitions 26 Mississippi Rd Buffalo, NY 14223 is requesting to subdivide 0 Erie Rd SBL# 206.00-3-21.14 to make a nonconforming lot in violation of the Town of Evans Zoning Law Section 200-14(C)(l)(b)[2], which states that a minimum lot width for each group development or separate structure not a part of a group development must be 150 feet wherein applicant is proposing 0 feet of width.

Nobody was present to represent the appeal.

Mr. Gugliuzza moved to table the variance to next month's meeting. Mr. Kennedy seconds.

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

8. Shawn Young 1165 Eden Evans Center Rd, Angola, NY 14006, is requesting to construct an accessory structure in violation of the Town of Evans Zoning Law Sections 200-9(C)(3)(b)[3] Maximum square footage for an accessory structure is 1200 square feet and 200-9(C)(3)(b)[4] maximum height of accessory structure is 20 feet. Wherein applicant is requesting to construct 2000 square feet and height of+/- 22 feet.

The applicant was present to represent the appeal.

Mr. Maglich asked if anyone would like to speak in favor or against the variance. Hearing no comments, Mr. Maglich closed the public discussion and opened the board for discussion.

Mr. Gugliuzza moved to approve the variance. Mr. Kennedy seconds.

All in favor:

Mr. Maglich, aye	Mr. Kennedy, aye
Mr. Gugliuzza, aye	Mr. Martin Jr., abs
Mr. LaRusso, aye	

Mr. Kennedy moved to adjourn the meeting. Mr. Maglich seconds.

All in favor:

Mr. Maglich, aye	Mr. Kennedy, aye
Mr. Gugliuzza, aye	Mr. Martin Jr., abs
Mr. LaRusso, aye	

Respectfully Submitted,

Brandon Gregoire