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Lynn M. Krajacic
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Town of Evans

TOWN OF EVANS

REGULAR MEETING OF THE ZONING BOARD OF APPEALS

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

Members Absent: T. Spada

Also Present: B. Penberthy, Esq., E. Osuna, Esq., J. Elliott, Code Enforcement Officer, J. Flading, Code Enforcement Officer, A. Czyz Code Enforcement Officer

Mr. Martin, Jr. 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. 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. Kennedy moves to approve the minutes from December 11th 2025 meeting. Mr. Maglich seconds.

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

Neil & Marcia Scott, of 3250 Countryside Ln, Hamburg, NY 14075, is requesting to construct a 36X100 Barn (3600sqft), 60X140 (8400sqft) arena, and a 20X50 (1000sqft) storage building located at 7720 Versailles Plank Rd, Derby, NY 14047

violation of the Town of Evans Zoning Law Section 200-8.2(C)(8)(a)[3], wherein the maximum size of an agricultural buildings is 2000sqft.

The applicant was present to represent the appeal. Mr. Scott explained that he has not built anything, he just got approval for the house and up to 8 horses. They need the increased space to properly board their horses. Mrs. Scott advises that the area has bad weather so the arena would be used primarily in that event.

Mr. Martin Jr. confirms with the Code Enforcement Office that if they were not building a house on the property that they could build what they want to do without the board needing to approve.

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

Peter& Diane Galenda 7697 Versailles Rd, Derby, NY 14047 Spoke against the variance.
Tim Stuber 7740 Versailles Rd, Derby, NY 14047 Spoke neither in for or against the variance.
Pat Zydel 8160 Hillside Rd Angola, NY 14006- Spoke against the variance.
Timothy Hoelzle 7850 Versailles Rd, Derby, NY 14047 Spoke in favor of the variance.

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

Mr. Martin Jr. reads one letter in favor and one letter against the variance.

Mr. Martin Jr. agrees that with the number of horses the applicant needs room to take care of them. Mr. Martin Jr. advises the board that the case would be viewed as a standalone request to avoid setting a precedent for the area.

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

All in favor:

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

Queen City Investments, of 120 W Tupper St, Buffalo, NY 14201, is requesting to construct a single family home located at 7692 Decker Rd, Derby, NY 14047, in violation of the Town of Evans Zoning Law Section 200-8.2(C)(1)(d), wherein the minimum side yard requirement is 35ft each side and applicant is proposing +-21ft each side.

This was adjourned prior to the meeting and will be heard at the following meeting.

Wayne Anderson, of 9598 Smith Rd, Angola, NY 14006, is requesting to keep an already constructed 24X40 in-law addition, in violation of the Town of Evans Zoning Law Section 200-16(C), wherein the maximum size of an auxiliary housing unit is 500sqft applicant is requesting 960sqft.

The applicant was present for the appeal. Mr. Anderson stated that his mother-in-law got sick and needed to take her in to care for her. The addition was put on the house about 6 or 7 years ago. She needed more care as time went on which led to the decision to add the additional kitchen. He stated that his kids will be taking over the house and he did not want to have them deal with any problems.

Mr. Martin Jr. confirms where the addition is located on the rear of the home.

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 with the condition that it stays auxiliary housing and does not turn into a 2-Family dwelling, Mr. Maglich seconds.

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

Mr. Maglich makes a motion to adjourn seconded by Mr. Kennedy.
All in favor:
Mr. Martin, Jr., aye **Mr. Maglich, aye**
Ms. Spada, abs **Mr. Kennedy, aye**
Mr. LaRusso, aye

Respectfully Submitted,

Alex Haley