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February 12th, 2026

TOWN OF EVANS

RECEIVED
MAR 19 2026
Lynn M. Krajacic
Town Clerk
Town of Evans

REGULAR MEETING OF THE ZONING BOARD OF APPEALS

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

Members Absent: T. Spada, C.LaRusso

Also Present: Endell Osuna, Esq., J. Elliott, Code Enforcement Officer, J. Flading 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. The meeting was recorded via Zoom and was made public on February 23rd 2026.

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. Martin, Jr., moves to Table the minutes from January 8th meeting. Mr. Maglich seconds.

All in favor:

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

1. Queen City Investments, of 120 W Tupper St. Buffalo, NY 14021, 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 Sections 200-8.2 (C)(1)(d), wherein the minimum side yard requirement is 35 ft for each side and applicant is proposing+/- 21 ft on each side and 200-8.2(C)(1)(b) wherein the minimum lot width 200 ft is required and wherein actual width is 103 ft, and 200-8.2(C)(1)(a) wherein the minimum lot area in 3 acres wherein actual lot is +/-1.9 acres.

The applicant was present to represent the appeal. Dave with Queen City Investments states that the property has been on the market for several years as a vacant lot and that it would be ideal for the town to have a dwelling instead of a vacant lot. Queen City Investments gave drawings for the board to review, after review Howard asks the board if there are any questions.

Mr. Kennedy asks if the width of home could be made smaller applicant states he would like to stay at the 2400-2500 Square foot for possible resale.

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

Peter Smith 7763 Decker Rd, Derby Ny, 14047 spoke against the variance.

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

Mr. Martin Jr. reads 5 letters against the variance.

Dave with Queen City Investments asks if they were to detach the garage and set it away from house if getting closer to the required side yard setback would help grant the variance Mr. Martin states that if they were to reconfigure the house and garage to get closer to setback that they could rehear the variance.

Mr. Maglich makes a motion to table the variance Mr. Gugliuzza seconds.

All in favor to table the variance:

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

2. Sean Schindler of 7640 Salt Road Clarence NY 14032 is requesting a variance for a Two Family Home located at 208 Dawn Ave, Angola, NY 14006 in violation of Town of Evans Zoning Law Section 200-12(C)(1)(f)[4] wherein the minimum rear yard setback is 30 ft and applicant is proposing plus or minus 7 ft in rear yard.

The applicant was present for the appeal. Mr. Schindler explained that the home is going to be a vacation home for his family, he states that he has elderly in laws and mother needing first floor bedrooms while his children will use the second floor bedrooms.
Mr. Gugliuzza asked if he plans on putting a fence in the back yard. Mr. Schindler states that he will be putting a fence in the back yard.

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

Ann the lawyer representing Susan Farrar-Swan of 207 Eisenhower Ave is speaking against the variance stating that there are environmental concerns drainage concerns and crowding of her client's property.

Brian Rohde 1499 South Creek Road Derby, NY 14047 spoke against the variance.

Kelly Scanlon 214 Eisenhower Ave Angola, NY 14006 spoke against the variance.

Kim Hilburger 198 Dawn Ave Angola, NY 14006 spoke in favor of the variance.

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

Mr. Martin Jr. reads 7 letters in favor of the variance.

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

Mr. Maglich makes a motion to adjourn seconded by Mr. Gugliuzza.
All in favor:

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

Respectfully Submitted,

Adam Czyz

