

September 11, 2019

**TOWN OF EVANS**  
**REGULAR MEETING**  
**OF THE**  
**ZONING BOARD OF APPEALS**

**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 asked for a motion to approve the minutes from July 10, 2019.

Mr. Gugliuzza made a motion to approve the July 10, 2019 minutes, seconded by Mr. Maglich. All in favor, motion carried.

Mr. Yusick made a motion to move the time of the regular meetings to 6:00pm. All in favor, motion carried.

**RECEIVED**

OCT 10 2019

Lynn M. Krajacic  
Town Clerk  
Town of Evans

**NEW BUSINESS:**

**HHL Architects, 172 Allen St., Buffalo, NY 14201 is requesting to reduce the side yard setback abutting a residential district to enlarge the visitor center at Graycliff Conservancy, 6472 Lake Shore Rd., Derby NY, in violation of the Town of Evans Zoning Law section 200-18 C (2).**

**Applicant is requesting to construct an expansion project to increase its visitor center from 1,600sqft. to 4,400sqft. To support a variety of new public programs. The property requires a side yard setback of 25' from the property line. The west wall of the existing building sits 15' from the property line, which makes it nonconforming with current zoning. The new extension to the visitor center will be attached to the southeast facade of the existing building and will continue the current principle use as a museum. They are requesting a zoning variance in order to align the roof of the extension with the west wall of the existing building. In order to minimize any potential impact, the exterior wall of the new construction would be recessed to align with the currently allowed 25' zoning setback. It is only the roof overhang that would impede on the setback requirement, reducing the allowable side yard abutting a residential area from 25' to 15', in violation of the Town of Evans Zoning Law Section 200-18 C (2).**

**Present for the appeal was Richard Rice from HHL Architects.**

**Mr. Rice stated that the request is for only the overhang and the new building will meet the 25 foot side lot separation requirement. The canopy over the roof will make a more aesthetically pleasing expansion project to the existing facilities.**

**Robert Pfohl, 1624 Old Manor Dr., questioned why the facility plan is not larger than described.**

**Mr. Rice stated that the intention of the conservancy is to restore and maintain the existing house and grounds but also grow the visitors' center to be more accommodating. Mr. Yusick asked Mr. Pfohl where his house in relation to the building was. Mr. Pfohl stated that he lives in the Bluffs adjacent to the property. Mr. Yusick asked if his house backs up to the appeal. Mr. Pfohl stated no. Mr. Yusick stated that the issue before the board is one issue and the issue is an overhang versus the sideline and whether it is 15 feet from the side line or 25 feet. The applicant can expand the building but may not be able to put the overhang on it. Mr. Yusick stated that he understands that Mr. Pfohl attends for information, but the board gets these questions all the time. They think the board is having a hearing on whether a project can be done or not but it is only for an**

overhang. Mr. Pfohl stated that he hopes it will be handicap accessible. Mr. Rice stated absolutely.

Stacy Vogel, 6540 Lake Shore Rd, stated that she is immediately adjacent to project. She received a letter in the mail regarding the appeal. She was concerned about excavating and potentially encroaching on her property. She called the office that sent the notice and requested a copy of the application. She wanted to look at the plans to see what the project was. She did not receive a response from the town so she contacted Graycliff about the plans but did not call them back but instead called the architect and received no call back. Mr. Yusick suggested she look at the plans with the architect. Ms. Vogel stated that she wants the appeal tabled so she can look at the plans. Mr. Maglich stated that if they did not ask for the variance for the overhang, there would be no input into the project at all. Ms. Vogel stated that they are going from a 1,600 square foot building to a 4,000 square foot building. Mr. Maglich stated that they could do that without any input. Mr. Yusick stated that the building meets all zoning requirements and the applicant is here only for an overhang. Mr. Vogel stated that she still does not understand why she could not look at the plans. Mr. Maglich stated that he did not think she had any right to look what a neighbor was doing with their property. Ms. Vogel asked why she did not get a call back. Ms. Hill stated that she did return her call, but the voicemail box was full. Mr. Gugliuzza stated that this is only a variance and the project has to go back to the planning board where residents can look at the plans. Mr. Yusick stated that Ms. Vogel could look at the information that the board has.

Mr. Yusick asked if the board has any questions.

Mr. Maglich made a motion to approve, seconded by Mr. Martin, Jr.

Mr. Yusick stated the board has one issue before them and the issue with the building and what they are going to do with it is an issue with the planning board. The board made an offer to look at the information the board has and it is easily understood that the issue we have is with the overhang. The building meets zoning requirements and the only variance is for an overhang. The overhang is no closer to the sideline than the existing building that they are adding on to.

All in favor:

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

Mr. Maglich, aye  
Mr. Gugliuzza, aye

Peter Pagliaccio, 13356 Clinton St., Alden, NY 14004, requesting to reduce the front yard setback on a corner lot to construct a shed at 9732 Maplewood St., Angola, NY 14006, in violation of the Town of Evans Zoning Laws section 200-17 A (3).

Applicant is requesting to reduce the required front yard setback on a corner lot from 40' to 15', at 9732 Maplewood Street Angola NY in violation of the Town of Evans Zoning Law Section 200-17 A (3).

The applicant would like to erect a 15' X 8' shed in on a corner lot.

Present for the appeal was Peter Pagliaccio.

Mr. Yusick asked why the shed could not be placed anywhere else. Mr. Pagliaccio stated that the lot is not very large and the shed would be placed right in front of his porch. Mr. Yusick stated that his porch wraps around so he would see the shed in the front yard. Mr. Pagliaccio stated that it is the only place it would look aesthetically proper. Mr. Maglich asked if the applicant worked with Rich Vasile. Mr. Pagliaccio stated yes and he was the one that suggested applying for a variance. Mr. Pagliaccio stated that he went to his neighbors and asked permission, which was submitted, with his application. Mr. Yusick asked if any of the neighbors were adjacent to him. Mr. Pagliaccio stated yes. Mr. Yusick asked about the neighbor on that sideline signing off on the variance. Mr. Pagliaccio 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 Mr. Maglich.

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

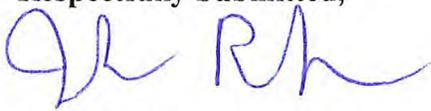
Ms. Spada, aye

Mr. Martin, Jr, aye

Mr. Maglich, aye

Mr. Gugliuzza, aye

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read 'JR' followed by a stylized name.

Jennifer Renaldo  
Secretary