

A Regular Meeting of the Zoning Board of Appeals of the Town of Lancaster, Erie County, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, on the 9<sup>th</sup> day of February 2017, at 7:00 P.M., and there were

PRESENT: DANIEL BEUTLER, MEMBER  
JOHN BRUSO, MEMBER  
JAMES PERRY, MEMBER  
LAWRENCE PIGNATARO, MEMBER  
FRANK SWIGONSKI, MEMBER  
RICHARD QUINN, CHAIRMAN

ABSENT: JILL MONACELLI, MEMBER

ALSO PRESENT: DIANE M. TERRANOVA, TOWN CLERK  
KEVIN LOFTUS, TOWN ATTORNEY  
MATTHEW FISCHIONE, CODE ENFORCEMENT OFFICER

The Affidavits of Publication and Posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

**PETITION OF DANIELE FAMILY COMPANIES:**

THE 1st CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of of Daniele Family Companies, 2851 Monroe Avenue, Rochester, New York 14618 for two [2] variances for the purpose of erecting a building and constructing a parking lot on premises owned by Kunvarji Hotels, Inc., 124 East Palm Drive, Florida City, Florida at 6645 Transit Road, Lancaster, New York, to wit:

- A. A variance from the requirements of Chapter 50, Zoning, Section 20C (3) of the Code of the Town of Lancaster. The proposed location of the car wash building would result in a twenty [20] foot, six [6] inch south side yard setback.

Chapter 50, Zoning, Section 20C.(3) of the Code of the Town of Lancaster requires a twenty-five [25] foot side yard setback. The petitioner, therefore, requests a four [4] foot, six [6] inch south side yard setback variance.

- B. A variance from the requirements of Chapter 50, Zoning, Section 20C.(3) of the Code of the Town of Lancaster. The proposed location of the parking lot would result in a seven [7] foot north side yard setback.

Chapter 50, Zoning, Section 20C.(3) of the Code of the Town of Lancaster requires a ten [10] foot side yard setback. The petitioner, therefore, requests a three [3] foot north side yard setback variance.

**The Clerk presented and entered into evidence of the following items:**

Duly executed petition of the applicant with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioner of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

Copy of a letter notifying the Erie County Department of Environment and Planning of the time and place of this public hearing.

**PERSONS ADDRESSING THE BOARD**

Matthew Moore, Passero Associates	Proponent
Dan Daniele, Owner	Proponent
Anthony Daniele, Owner	Proponent

**IN THE MATTER OF THE PETITION OF DANIELE FAMILY COMPANIES**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY MR. PERRY WHO MOVED ITS  
ADOPTION, SECONDED BY MR. PIGNATARO  
TO WIT:

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Daniele Family Companies and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 9<sup>th</sup> day of February 2017, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

**WHEREAS**, the applicant is the duly authorized agent of the property owner.

**WHEREAS**, the property for which the applicant is petitioning is within a Commercial and Motor Service District, (CMS) as shown on the Zoning Map of the Town of Lancaster.

**WHEREAS**, the Erie County Department of Environment and Planning has received a full copy of the proposed zoning action and has stated that the proposed action has been reviewed and determined to be of local concern therefore, no recommendation was made.

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicant cannot be achieved by some other method, feasible for the applicant to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicant if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That within the intent and purposes of this ordinance the variance relief sought, if granted, is the minimum variance necessary to afford relief.

**NOW, THEREFORE, BE IT  
RESOLVED** that based upon these findings, the relief sought be and is  
hereby **GRANTED**.

The question of the adoption of the foregoing resolution was duly put to a vote on roll  
call which resulted as follows:

MR. BEUTLER	VOTED	YES
MR BRUSO	VOTED	YES
MS. MONACELLI	WAS ABSENT	
MR. PERRY	VOTED	YES
MR. PIGNATARO	VOTED	YES
MR SWIGONSKI	VOTED	YES
MR. QUINN	VOTED	YES

The resolution granting the variance was thereupon **ADOPTED**.

February 9, 2017.

**PETITION OF: JOHN HARF**

The 2<sup>nd</sup> CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of John Harf, 6342 Broadway Street, Lancaster, New York 14086 for one [1] variance for the purpose of constructing a pole barn on premises owned by the petitioner at 6342 Broadway Street, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 9D.(4) of the Code of the Town of Lancaster. The area of the proposed accessory structure is 6,000 square feet.

Chapter 50, Zoning, Section 9D.(4) of the Code of the Town of Lancaster limits the area of an accessory structure to 750 square feet. The petitioner, therefore, requests a 5,250 square foot accessory use area variance.

Duly executed petition of the applicant with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioner of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

Copy of a letter notifying the Erie County Department of Environment and Planning of the time and place of this public hearing.

**PERSONS ADDRESSING THE BOARD**

John Harf, Petitioner	Proponent
Rick Rothfuss	Comments
Robert Potozniak Questions/Comments	
James Allein	Comments

**IN THE MATTER OF THE PETITION OF: JOHN HARF**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY MR. PIGNATARO WHO MOVED ITS  
ADOPTION, SECONDED BY MR. BRUSO  
TO WIT:

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of John Harf and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 9<sup>th</sup> day of February 2017, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

**WHEREAS**, the applicant is the present owner of the premises in question.

**WHEREAS**, the property for which the applicant is petitioning is within a Agricultural Residential District, (A-R) as shown on the Zoning Map of the Town of Lancaster.

**WHEREAS**, the Erie County Department of Environment and Planning has received a full copy of the proposed zoning action and has stated that the proposed action has been reviewed and determined to be of local concern therefore, no recommendation was made.

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicant cannot be achieved by some other method, feasible for the applicant to pursue, other than the area variance relief sought.

That the requested area variance relief is substantial but not to the extent necessary to preclude the granting of the area variance relief sought.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicant if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That within the intent and purposes of this ordinance the variance relief sought, if granted, is the minimum variance necessary to afford relief.

**NOW, THEREFORE, BE IT**

**RESOLVED** that based upon these findings, the relief sought be and is hereby **GRANTED** subject to the following conditions which in the opinion of this board are appropriate conditions to minimize adverse effects on the character of the surrounding area and to safeguard the public health, safety, convenience and general welfare:

- All vehicles and vehicle parts will be stored in the pole barn.
- A tree line and berm will be installed from the southeast corner of the pole barn and extending along the length of the building.
- The pole barn will match the color of the existing house on the property.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MR. BEUTLER	VOTED	NO
MR BRUSO	VOTED	YES
MS. MONACELLI	WAS ABSENT	
MR. PERRY	VOTED	YES
MR. PIGNATARO	VOTED	YES
MR SWIGONSKI	VOTED	YES
MR. QUINN	VOTED	YES

The resolution granting the variance was thereupon **ADOPTED**.

ON MOTION DULY MADE, SECONDED AND CARRIED, the meeting was adjourned in memory of Robert Giza at 8:12 P.M.

Signed \_\_\_\_\_  
Diane M. Terranova, Town Clerk and  
Clerk, Zoning Board of Appeals  
Dated: