

July 8, 2010

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 8<sup>th</sup> day of July 2010, at 8:00 P.M., and there were

PRESENT:           DARLENE HUMPHREY, MEMBER  
                          JAMES PERRY, MEMBER  
                          RICHARD QUINN, MEMBER  
                          ARLIE SCHWAN, MEMBER  
                          ROBERT THILL, MEMBER  
                          JEFFREY LEHRBACH, CHAIRMAN

ABSENT:            LAWRENCE PIGNATARO, MEMBER

ALSO PRESENT:    JOHANNA M. COLEMAN, TOWN CLERK  
                          NICHOLAS LOCICERO, DEPUTY TOWN ATTORNEY

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: CYNTHIA MANNE**

THE 1st CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Cynthia Manne, 1288 Penora Street, Depew, New York 14043 for two [2] variances for the purpose of constructing an addition to the rear of a detached garage on premises owned by the petitioner at 1288 Penora Street, Depew, New York, to wit:

- A. A variance from the requirements of Chapter 50, Zoning, Section 10.D.(4) of the Code of the Town of Lancaster. The area of the proposed addition to the structure, is 363.75 square feet when added to the existing structure of 588.06 square feet equals 951.81 square feet.

Chapter 50, Zoning, Section 10.D.(4) of the Code of the Town of Lancaster limits the area of accessory structures to seven hundred fifty [750] square feet. The petitioner, therefore, requests a 201.81 square foot variance.

- B. A variance from the requirements of Chapter 50, Zoning, Section 10D.(1)(b) of the Code of the Town of Lancaster. The addition to the garage is positioned [3.75] feet from the north side yard lot line.

Chapter 50, Zoning, Section 10D.(1)(b) of the Code of the Town of Lancaster requires a five [5] foot north side yard lot line set back for an accessory structure. The petitioners, therefore, request a [1.25] foot north side yard lot line set back variance.

**The Clerk presented and entered into evidence 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.

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

**PERSONS ADDRESSING THE BOARD**

**Cynthia Manne, Petitioner**

**Proponent**

**IN THE MATTER OF THE PETITION OF CYNTHIA MANNE**

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

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Cynthia Manne and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 8<sup>th</sup> day of July 2010, 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 Residential District 1, (R-1) 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 made no recommendation stating that this matter is of local concern.

**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, noting there are similar large structures on nearby properties.

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, however should not preclude the granting of the variance.

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.

**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:

MS. HUMPHREY	VOTED	YES
MR. PERRY	VOTED	YES
MR. PIGNATARO	WAS	ABSENT
MR. QUINN	VOTED	YES
MR. SCHWAN	VOTED	YES
MR. THILL	VOTED	YES
MR. LEHRBACH	VOTED	YES

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

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**PETITION OF: JEFFREY AND SUSAN FYDA**

THE SECOND CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Jeffrey & Susan Fyda, 116 Newberry Lane, Lancaster, New York 14086 for one [1] variance for the purpose of erecting a four [4] foot high fence in a required open space area on premises owned by the petitioners at 116 Newberry Lane, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 35C. of the Code of the Town of Lancaster. The premises upon which this variance is sought is a corner lot fronting on Newberry Lane with an exterior side yard [considered a front yard equivalent] fronting on Seneca Place. The petitioners propose to erect a four [4] foot high fence within the required open space area of the exterior side yard fronting on Seneca Place.

Chapter 50, Zoning, Section 35C. of the Code of the Town of Lancaster limits the height of a fence or wall extending into a front yard or an exterior side yard [considered a front yard equivalent] to three [3] feet in height. The petitioners, therefore, request a one [1] foot fence height variance.

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

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

Copy of a letter notifying the petitioners 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.

**PERSONS ADDRESSING THE BOARD**

**Jeffrey Fyda, Petitioner**  
**Susan Fyda, Petitioner**

**Proponent**  
**Proponent**

**IN THE MATTER OF THE PETITION OF JEFFREY AND SUSAN FYDA**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY MR. LEHRBACH, WHO MOVED ITS  
ADOPTION, SECONDED BY MRS. HUMPHREY  
TO WIT:

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Jeffrey and Susan Fyda and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 8<sup>th</sup> day of July 2010, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster is desirous of obtaining further information regarding proposed development plans on the property situated to the east of the subject property.

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster, with the concurrence of the petitioners, agrees that an adjournment of this hearing is in the best interest of both the residents of the Town of Lancaster and the petitioners.

**NOW, THEREFORE, BE IT  
RESOLVED** that this hearing be adjourned to allow for further testimony and evidence to be presented.

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

MS. HUMPHREY	VOTED	YES
MR. PERRY	VOTED	YES
MR. PIGNATARO	WAS	ABSENT
MR. QUINN	VOTED	YES
MR. SCHWAN	VOTED	YES
MR. THILL	VOTED	YES
MR. LEHRBACH	VOTED	YES

The resolution adjourning this hearing until August 12, 2010 was thereupon adopted.

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ON MOTION DULY MADE, SECONDED AND CARRIED, the meeting was adjourned at 9:23 P.M.

Signed \_\_\_\_\_  
Johanna M. Coleman, Town Clerk and  
Clerk, Zoning Board of Appeals  
Dated: July 12, 2010

