

November 10, 2011

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 10th day of November 2011, at 8:00 P.M., and there were

PRESENT: JOHN BRUSO, MEMBER
 JAMES PERRY, MEMBER
 LAWRENCE PIGNATARO, MEMBER
 RICHARD QUINN, MEMBER
 ARLIE SCHWAN, MEMBER
 ROBERT THILL, MEMBER
 JEFFREY LEHRBACH, CHAIRMAN

ABSENT: NONE

ALSO PRESENT: JOHANNA M. COLEMAN, TOWN CLERK
 NICHOLAS LOCICERO, DEPUTY TOWN ATTORNEY
 GEORGE PEASE, ASST. 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: ROCCO SANTORO/SANTORO SIGNS, INC.

THE 1st CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Rocco Santoro of Santoro Signs, Inc., 3180 Genesee Street, Cheektowaga, New York 14225 as agent for Joseph A. Cipolla, 6495 Transit Road, Bowmansville, New York, 14026 for one [1] variance for the purpose of erecting a ground sign on premises owned by Joseph A. Cipolla at 5001 Transit Road, (north of William Street, east of Transit Road), Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning Section 30F.(2)(c)[2][a] of the Code of the Town of Lancaster to permit a sign height of seven [7] feet, two [2] inches over finished grade.

Chapter 50, Zoning, Section 30F.(2)(c)[2][a] of the Code of the Town of Lancaster limits the height of a ground sign to four [4] feet above finished grade. The petitioner was granted a variance by the Zoning Board of Appeals of the Town of Lancaster of one [1] foot ten [10] inches on December 9, 2010. The petitioner requests an additional variance of one [1] foot four [4] inches for a total sign height of seven [7] feet two [2] inches over finished grade.

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 owner 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 Town of Cheektowaga of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

Joseph Cipolla, Petitioner

Proponent

Rocco Santoro, Petitioner

Proponent

Note: There were no other persons present to speak for or against the subject variance.

IN THE MATTER OF THE PETITION OF ROCCO SANTORO/SANTORO SIGNS, INC.

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

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Rocco Santoro, Santoro Signs, Inc. and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 10th day of November 2011, 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 Multi-family Residential District 4, (MFR-4) 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. It is noted that this is a multi-use area with many signs and several of the same type of ground sign.

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. The applicant has sufficiently shown the need for the additional variance.

That the requested area variance relief is not substantial when considering the large amount of snow accumulation on Transit Road.

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:

That this variance is granted for a back-lighted, interior illuminated, non-flashing, non-moving and non-messaging sign. Any change in illumination would require a re-visit of this variance grant.

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

| | | |
|---------------|-------|-----|
| MR. BRUSO | VOTED | YES |
| MR. PERRY | VOTED | YES |
| MR. PIGNATARO | VOTED | YES |
| MR. QUINN | VOTED | YES |
| MR. SCHWAN | VOTED | YES |
| MR. THILL | VOTED | YES |
| MR. LEHRBACH | VOTED | YES |

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

November 10, 2011

ON MOTION DULY MADE, SECONDED AND CARRIED, the meeting was adjourned at 8:31 P.M.

Signed _____
Johanna M. Coleman, Town Clerk and
Clerk, Zoning Board of Appeals
Dated: November 10, 2011