

**NOTICE OF HEARING  
ZONING BOARD OF APPEALS  
TOWN OF LANCASTER**

NOTICE IS HEREBY GIVEN of a Meeting of the Zoning Board of Appeals of the Town of Lancaster to be held Thursday, January 10, 2019 at 7:00 P.M., Local Time, in the Town Board Chambers, in the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York. The items for consideration by the Zoning Board of Appeals at this meeting are:

1. The petition of George Peppes, G & V Property Holdings, 4781 Transit Road, Depew, New York 14043 for one [1] variance for the purpose of constructing an apartment complex on premises owned by the petitioner at 5153 Transit Road, 5145 Transit Road, 0 Jefferson Avenue, 0 Giele Avenue and 00 Giele Avenue, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 12C.(1)(b)[2] of the Code of the Town of Lancaster. The petitioner requests to construct an apartment complex with a side yard setback of 30.17 feet.

Chapter 50, Zoning, Section 12C.(1)(b)[2] of the Code of Lancaster requires a side yard set back of 40 feet. The petitioner, therefore, requests a 9.83 foot side yard set back variance.

2. The petition of Dylan Falank, Flexume, 1464 Main Street, Buffalo, New York 14209 for two [2] variances for the purpose of installing additional sign space on an existing pole sign on premises owned by the petitioner at 5007 Transit Road, Lancaster, New York, to wit:

A. A variance from the requirements of Chapter 50, Zoning, Section 30F.(2)(c)[3][e] of the Code of the Town of Lancaster. The total face area of the proposed pole sign is eighty two [82] square feet.

Chapter 50, Zoning, Section 30F.(2)(c)[3][e] of the Code of the Town of Lancaster limits the total maximum face area of a pole sign to sixty-four [64] square feet. The petitioner, therefore, requests an eighteen [18] square foot variance of the total maximum face area permitted for this pole sign.

B. A variance from the requirements of Chapter 50, Zoning, Section 30F.(2)(c)[3][b] of the Code of the Town of Lancaster. The height of the additional sign space is five [5] feet, two [2] inches.

Chapter 50, Zoning, Section 30F.(2)(c)[3][b] of the Code of the Town of Lancaster limits the lowest sign, excluding the pole, to be less than eight [8] feet from finished grade. The petitioner, therefore, requests a two [2] foot, ten [10] inch sign height variance.

3. The petition of Barclay Damon, LLP, 9276 Main Street, Suite 3, Clarence, New York for property owned by Fairways at Lancaster Holdings, 5354 Genesee Street, Bowmansville, New York for two [2] variances for the purpose of a renovation to accommodate a call center located at 5360 Genesee Street, Lancaster, New York, to wit:

A. A variance from the requirements of Chapter 50, Zoning, Section 28E (1) (a) [5] of the Code of the Town of Lancaster for the purpose of renovating suite 300 to accommodate a call center requiring 17 parking spaces. The property currently is providing 130 parking spaces.

Chapter 50, Zoning, Section 28E (1) (a) [5] of the Code of the Town Of Lancaster requires 176 parking spaces. The petitioner, therefore, requests a variance of 46 parking spaces.

- B. A variance from the requirements of Chapter 50, Zoning, Section 28 E (1) (a) [5] of the Code of the Town of Lancaster. The petitioner requests to provide 23 offsite parking spaces to accommodate a restaurant at 5354 Genesee Street.

Chapter 50, Zoning, Section 28G.(5) of the Code of the Town of Lancaster requires 176 parking spaces for 5360 Genesee Street plus 23 parking spaces allotted for 5354 Genesee Street for a total of 199 spaces. The petitioner, therefore, requests a variance of 23 offsite parking spaces.

4. The petition of Barclay Damon, LLP, 9277 Main Street, Clarence, New York 14031, for property owned by Fairways at Lancaster Holdings, 5354 Genesee Street, Bowmansville, New York 14026 for three [3] variances for the purpose of allowing an expansion of an pre-existing non-conforming structure on premises located at 5354 Genesee Street, Lancaster, New York, to wit:

- A. A variance from the requirements of Chapter 50, Zoning, Section 31C.(1) of the Code of the Town of Lancaster. The request calls for expanding a pre- existing non-conforming use as a restaurant.

Chapter 50, Zoning, Section 31C.(1) of the Code of the Town of Lancaster states that no nonconforming use of land shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of adoption or an amendment of this ordinance; nor shall any existing conforming structure devoted to a use not permitted by this ordinance in the district in which it is located or a nonconforming structure itself or its use if nonconforming, be enlarged, extended, constructed, reconstructed or moved. The petitioner, therefore, requests a variance to allow an expansion of a pre-existing structure devoted to a use not permitted by this ordinance.

- B. A variance from the requirements of Chapter 50, Zoning, Section 12C.(1)(b)[2] of the Code of the Town of Lancaster. The petitioner requests a side yard setback on the east side of the property line of 2 feet, 8 ¾ inches.

Chapter 50, Zoning, Section 12C.(1)(b)[2] of the Code of Lancaster requires a side yard setback of 40 feet. The petitioner, therefore, requests an east side yard setback variance of 37 feet, 3 ¼ inches.

- C. A variance from the requirements of Chapter 50, Zoning, Section 28E.(1)(a)[3][f] of the Code of the Town of Lancaster. The petitioner requests four [4] parking spaces on site.

Chapter 50, Zoning, Section 28E.(1)(a)[3][f] of the Code of the Town of Lancaster requires one space per three seats and one space per one hundred [100] square feet for customer self-service or take-out, equaling twenty-seven [27] spaces. The petitioner, therefore, requests a variance to reduce the required parking spaces by 23 spaces.

Signed \_\_\_\_\_  
Diane M. Terranova, TOWN CLERK and  
Clerk to Zoning Board of Appeals  
Date: January 10, 2019