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 9th day of January 2020, at 7:00 P.M., and there were

PRESENT:  JOHN MIKOLEY, MEMBER
          JILL MONACELLI, MEMBER
          RICHARD QUINN, MEMBER
          FRANSK SWIGONSKI, MEMBER
          TYLER SOJKA, TEMPORARY CHAIRMAN

ABSENT:  LAWRENCE PIGNATARO, MEMBER

ALSO PRESENT:  DIANE M. TERRNOVA, 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: BENDERSON DEVELOPMENT COMPANY LLC

The 1st CASE CONSIDERED BY THE ZONING Board of Appeals was that of Benderson Development Company LLC, 570 Delaware Avenue, Buffalo, New York 14202 for three [3] variances for the purpose of erecting a sign on premises owned by the applicant at 4733 William Street, Lancaster, New York.

The petitioners have asked for their application to be tabled until the next meeting.
PETITION OF: RODNEY/WENDY LORENZ

The 2nd CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Rodney and Wendy Lorenz, 1202 Ransom Road, Lancaster, New York 14086 for one variance for the purpose of constructing a detached garage on premises owned by the petitioners at 1202 Ransom Road, Lancaster, New York, to wit:


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.

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

PERSONS ADDRESSING THE BOARD

Rodney Lorenz, Petitioner Proponent
IN THE MATTER OF THE PETITION OF: RODNEY/WENDY LORENZ

THE FOLLOWING RESOLUTION WAS OFFERED
BY MS. MONACELLI, WHO MOVED ITS
ADOPTION, SECONDED BY MR. QUINN
TO WIT:

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Rodney and Wendy Lorenz, and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 9th day of January 2020, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the property for which the applicants are petitioning is within a Agricultural Residential, (AR) 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 applicants cannot be achieved by some other method, feasible for the applicants 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 applicants 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. MIKOLEY VOTED YES
- MS. MONACELLI VOTED YES
- MR. PIGNATARO WAS ABSENT
- MR. QUINN VOTED YES
- MR. SWIGONSKI VOTED YES
- MR. SOJKA VOTED YES

The resolution granting the variance was thereupon ADOPTED.

January 9, 2020
PETITION OF: KEVIN GRZYBEK

The 3rd CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Kevin Grzybek, 35 Running Brook Drive, Lancaster, New York 14086 for one [1] variance for the purpose of replacing a storage shed on premises owned by the petitioner at 35 Running Brook Drive, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 10D.(1)(a) of the Code of the Town of Lancaster to permit the replacement of a storage shed within seven [7] feet of the principal structure.

Chapter 50, Zoning, Section 10D.(1)(a) of the Code of the Town of Lancaster requires an accessory structure to be located ten [10] feet from any other structure. The petitioner, therefore, requests a three [3] foot 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 letter notifying the Erie County Department of Environment and Planning of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

Kevin Grzybek, Petitioner Proponent
IN THE MATTER OF THE PETITION OF: KEVIN GRZYBEK

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. MIKOLEY, WHO MOVED ITS
ADOPTION, SECONDED BY MS. MONACELLI
TO WIT:

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has
reviewed the application of Kevin Grzybek, and has heard and taken testimony and evidence
at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 9th day
of January 2020, and having heard all parties interested in said application pursuant to legal
notice duly published and posted, and

WHEREAS, the property for which the applicant is petitioning is within a
Residential District, (R1) as shown on the Zoning Map of the Town of Lancaster.

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. MIKOLEY VOTED YES
- MS. MONACELLI VOTED YES
- MR. PIGNATARO WAS ABSENT
- MR. QUINN VOTED YES
- MR. SWIGONSKI VOTED YES
- MR. SOJKA VOTED YES

The resolution granting the variance was thereupon ADOPTED.

January 9, 2020

ON MOTION DULY MADE, SECONDED AND CARRIED, the meeting was adjourned at 7:14 P.M.

Signed _____________________________
Diane M. Terranova, Town Clerk and Clerk, Zoning Board of Appeals
Dated: January 9, 2020