A Regular Meeting of the Zoning Board of Appeals of the Town of Lancaster, Erie County, New York, was held via teleconference, on the 9th day of July 2020, at 7:00 P.M., and there were:

PRESENT
CARLO DIRIENZO, MEMBER
JOHN MIKOLEY, MEMBER
JILL MONACELLI, MEMBER
RICHARD QUINN, MEMBER
FRANK SWIGONSKI, MEMBER
TYLER SOJKA, CHAIRMAN

ABSENT:
LAWRENCE PIGNATARO, MEMBER

ALSO PRESENT:
DIANE M. TERRNOVA, TOWN CLERK
EMILY ORLANDO, DEPUTY 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.

EXECUTIVE SESSION:

AT 8:48 P.M., UPON A MOTION DULY MADE BY MEMBER QUINN, SECONDED BY MEMBER DIRIENZO AND CARRIED, the Zoning Board of Appeals entered into Executive Session to deliberate on the announced purpose of discussing pending litigation with Benderson Development Co.

At 9:49 P.M., the Zoning Board of Appeals reconvened with all members present. The Town Clerk reported that no official actions were taken by the Zoning Board of Appeals in Executive Session. They will continue negotiations with Benderson Development Co. concerning a potential settlement in the pending lawsuit regarding their March 2020 variance.
PETITION OF: JUSTIN ZUBRICKY

THE 1st CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Justin Zubricky, 42 Streamview Lane, Lancaster, New York 14086 for one [1] variance for the purpose of constructing a shed within a public drainage easement on premises owned by the petitioner at 42 Streamview Lane, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 17A.(5) of the Code of the Town of Lancaster. The petitioner requests the approval to install a shed within a public drainage easement.

Chapter 50, Zoning, Section 17A.(5) of the Code of the Town of Lancaster prohibits all structures other than fencing within any drainage or access easement. The petitioner, therefore, requests a five [5] foot public drainage easement 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.

PERSONS ADDRESSING THE BOARD

Justin Zubricky, Petitioner                                         Proponent
IN THE MATTER OF THE PETITION OF: JUSTIN ZUBRICKY

THE FOLLOWING RESOLUTION WAS OFFERED BY MR. QUINN, 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 Justin Zubricky 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 July 2020, 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, (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 not 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. DIRIENZO | VOTED | YES
- 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.

July 9, 2020
PETITION OF: DENNIS AND MARY ELLEN WEISS

THE 2nd CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Dennis and Mary Ellen Weiss, 3 Petersbrook Circle, Lancaster, New York 14086 for one variance for the purpose of constructing an addition at the rear of the house on premises owned by the petitioners at 3 Petersbrook Circle, 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 construction of an addition at the rear of the house, seven [7] feet from an existing above ground swimming pool.


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

Dennis Weiss, Petitioner
Mary Ellen Weiss, Petitioner

Proponent
Proponent
IN THE MATTER OF THE PETITION OF: DENNIS AND MARY ELLEN WEISS

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

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Dennis & Mary Ellen Weiss 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 July 2020, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the applicants are the present owners of the premises in question.

WHEREAS, the property for which the applicants are petitioning is within a Residential District 1, (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 applicants 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 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. Diriенко VOTED YES
- 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.

July 9, 2020
PETITION OF TIMOTHY LABENSKI

THE 3rd CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Timothy Labenski, 4 Fieldstone Lane, Lancaster, New York 14086 for one [1] variance for the purpose of replacing an existing fence in a required front yard on premises owned by the petitioner at 4 Fieldstone 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 request calls for installing a four [4] foot high fence in a required front yard.

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 petitioner, therefore, requests a one [1] foot fence height 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.

PERSONS ADDRESSING THE BOARD

Timothy Labenski, Petitioner Proponent
THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. SWIGONSKI, 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 Timothy Labenski 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 July 2020, 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, (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.

That such fence will not unduly shut out light or air to adjoining properties.
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. DIRIENZO       VOTED  YES
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.

July 9, 2020
PETITION OF: SEAN O'CONNELL

THE 4th CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Sean O’Connell, 193 Broezel Avenue, Lancaster, New York 14086 for one [1] variance for the purpose of installing a storage shed on premises owned by the petitioner at 193 Broezel Avenue, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 17A.(3) of the Code of the Town of Lancaster. The request calls for a storage shed positioned five [5] feet from the front property line.

Chapter 50, Zoning, Section 17A.(3) of the Code of the Town of Lancaster stipulates that no accessory structure shall project into a front yard. The petitioner, therefore, requests a variance to allow an accessory structure within a front yard.

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.

PERSONS ADDRESSING THE BOARD

Sean O’Connell, Petitioner

Proponent
IN THE MATTER OF THE PETITION OF: SEAN O'CONNELL

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

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Sean O’Connell 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 July 2020, 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 2, (R2) 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. DIRIENZO VOTED YES
- 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.

July 9, 2020
PETITION OF: LAWRENCE LIVERGOOD

THE 5th CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Lawrence Livergood, 1 Deerpath Drive, Lancaster, New York 14086 for one [1] variance for the purpose of erecting a fence in a required front yard on premises owned by the petitioner at 1 Deerpath Drive, Lancaster, New York, to wit:


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 petitioner, therefore, requests a three [3] foot fence height 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.

PERSONS ADDRESSING THE BOARD

Lawrence Livergood, Petitioner Proponent
Michelle Livergood, Petitioner Proponent
IN THE MATTER OF THE PETITION OF: LAWRENCE LIVERGOOD

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. QUINN, 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 Lawrence Livergood 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 July 2020, 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, (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 not 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.

That such fence will not unduly shut out light or air to adjoining properties.
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:

<table>
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<tr>
<th>Name</th>
<th>Vote</th>
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<tbody>
<tr>
<td>MR. DIRIENZO</td>
<td>VOTED YES</td>
</tr>
<tr>
<td>MR. MIKOLEY</td>
<td>VOTED YES</td>
</tr>
<tr>
<td>MS. MONACELLI</td>
<td>VOTED YES</td>
</tr>
<tr>
<td>MR. PIGNATARO</td>
<td>WAS ABSENT</td>
</tr>
<tr>
<td>MR. QUINN</td>
<td>VOTED YES</td>
</tr>
<tr>
<td>MR. SWIGONSKI</td>
<td>VOTED YES</td>
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<tr>
<td>MR. SOJKA</td>
<td>VOTED YES</td>
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</table>

The resolution granting the variance was thereupon ADOPTED.

July 9, 2020
PETITION OF: CHRISTINE COLLINS

THE 6th CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Christine Collins, 1183 Penora Street, Lancaster, New York 14086 for one [1] variance for the purpose of constructing a carport on premises owned by the petitioner at 1183 Penora Street, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 10C.(3)(b)[1] of the Code of the Town of Lancaster. The request calls for locating the proposed carport 5.3 feet from the side lot line.

Chapter 50, Zoning, Section 10C.(3)(b)[1] of the Code of the Town of Lancaster requires a 7.5 foot side yard. The petitioner, therefore, request a side lot line variance of 2.2 feet.

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.

PERSONS ADDRESSING THE BOARD

<table>
<thead>
<tr>
<th>Name</th>
<th>Status</th>
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<tbody>
<tr>
<td>David Collins</td>
<td>Proponent</td>
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<tr>
<td>Christine Collins</td>
<td>Proponent</td>
</tr>
<tr>
<td>David Machynski</td>
<td>Opponent</td>
</tr>
<tr>
<td>Kathy Nowak</td>
<td>Opponent</td>
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</tbody>
</table>
IN THE MATTER OF THE PETITION OF: CHRISTINE COLLINS

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

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Christine Collins 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 July 2020, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the applicant is the present owners of the premises in question.

WHEREAS, the property for which the applicant is petitioning is within a Residential District 1, (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 applicants 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 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:

<table>
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<tr>
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<th>Voted</th>
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<tbody>
<tr>
<td>MR. DIRENZO</td>
<td>NO</td>
</tr>
<tr>
<td>MR. MIKOLEY</td>
<td>NO</td>
</tr>
<tr>
<td>MS. MONACELLI</td>
<td>YES</td>
</tr>
<tr>
<td>MR. PIGNATARO</td>
<td>ABSENT</td>
</tr>
<tr>
<td>MR. QUINN</td>
<td>YES</td>
</tr>
<tr>
<td>MR. SWIGONSKI</td>
<td>YES</td>
</tr>
<tr>
<td>MR. SOJKA</td>
<td>YES</td>
</tr>
</tbody>
</table>

The resolution granting the variance was thereupon ADOPTED.

July 9, 2020
PETITION OF: ARTHUR AND CHERYL TUBISZ

THE 7th CASE CONSIDERED BY THE ZONING Board of Appeals was that of Arthur and Cheryl Tubisz, 1236 Penora Street, Depew, New York for one [1] variance for the purpose of replacing an existing fence in the rear yard on premises owned by the petitioners at 1236 Penora Street, Depew, 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.

PERSONS ADDRESSING THE BOARD

Arthur Tubisz, Petitioner                       Proponent
Cheryl Tubisz, Petitioner                       Proponent
WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Arthur & Cheryl Tubisz 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 July 2020, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the applicants are the present owners of the premises in question.

WHEREAS, the property for which the applicants are petitioning is within a Residential District 1, (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 applicants 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 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.

That such fence will not unduly shut out light or air to adjoining properties.
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. DIRIENZO VOTED YES
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.

July 9, 2020
PETITION OF: RAYMOND MANDEL

THE 8th CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Raymond Mandel, 1 Farmingdale Court, Lancaster, New York 14086 for one [1] variance for the purpose of installing a fence in a front yard on premises owned by the petitioner at 1 Farmingdale Court, Lancaster, New York, to wit:


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 petitioner, therefore, requests a three [3] foot fence height 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.

PERSONS ADDRESSING THE BOARD

Raymond Mandel, Petitioner            Proponent
IN THE MATTER OF THE PETITION OF: RAYMOND MANDEL

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 Raymond Mandel 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 July 2020, 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, (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 not 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.

That such fence will not unduly shut out light or air to adjoining properties.
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. DIRIENZO VOTED YES
- 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.

July 9, 2020

* The Zoning Board discussed minimum lot size as required by the Town Code.

ON MOTION DULY MADE, SECONDED AND CARRIED, the meeting was adjourned at 9:52 P.M.

Signed _________________________
Diane M. Terranova, TOWN CLERK and Clerk to Zoning Board of Appeals
Date: July 9, 2020