

A Regular Meeting of the Zoning Board of Appeals of the Town of Lancaster, Erie County, New York, was held via teleconference on the 11th day of March 2011, at 7:00 P.M., and there were

PRESENT:            JOHN MIKOLEY, MEMBER  
                              JILL MONACELLI, MEMBER  
                              LAWRENCE PIGNATARO, MEMBER  
                              KEITH STOERR, MEMBER  
                              \* PETER SUGG, MEMBER  
                              MARK TILLMANN, MEMBER  
                              CARLO DIRIENZO, CHAIRMAN

ABSENT:            NONE

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.

\* Mr. Sugg arrived at the meeting at 7:17pm.

**PETITION OF: DARRYL LANG/ONEIDA FENCE**

THE 1<sup>st</sup> CASE CONSIDERED BY THE ZONING Board of Appeals was that of the adjourned petition of Darryl Lang, Oneida Fence, 100 W. Drullard Avenue, Lancaster, New York 14086 for one [1] variance for the purpose of erecting a fence in a required front yard on premises owned by Kevin Dunwoodie at 79 Old Post Road, 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 six [6] 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 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**

Darryl Lang, Petitioner

Proponent

**IN THE MATTER OF THE PETITION OF: DARRYL LANG/ONEIDA FENCE**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY MR. PIGNATARO, 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 Darryl Lang/Oneida Fence and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 11th day of February 2021 and on the 11<sup>th</sup> day of March 2021, 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.

**WHEREAS**, the property for which the applicant is petitioning is within a Residential District, (R) 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.

That such fence will not create a fire hazard by reason of its construction or location.

**NOW, THEREFORE, BE IT**

**RESOLVED** that based upon these findings, the relief sought be and is hereby **GRANTED** subject to the following condition which in the opinion of this board is an appropriate condition to minimize adverse effects on the character of the surrounding area and to safeguard the public health, safety, convenience and general welfare:

- The applicant must provide a plot plan, to scale, that reflects the relief that is 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	VOTED	YES
MR. STOERR	VOTED	YES
MR. SUGG	WAS ABSENT	
MR. TILLMANN	VOTED	YES
MR. DIREINZO	VOTED	YES

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

March 11, 2021

**PETITION OF: SCOTT MCLAUGHLIN**

THE 2<sup>nd</sup> CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Scott McLaughlin, 656 Schwartz Road, Lancaster, New York 14086 for one [1] variance for the purpose of constructing a deck on premises owned by the petitioner at 656 Schwartz Road, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50 Zoning, Section 9, Subsection D(1)(a) of the Code of the Town of Lancaster. The request calls for constructing a deck three [3] feet from an existing detached garage.

Chapter 50 Zoning, Section 9, Subsection D(1)(a) of the Code of the Town of Lancaster requires a setback of ten [10] feet from another structure. The petitioner, therefore, requests a seven [7] foot setback 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.

**PERSONS ADDRESSING THE BOARD**

Scott McLaughlin, Petitioner

Proponent

**IN THE MATTER OF THE PETITION OF: SCOTT MCLAUGHLIN**

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

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Scott McLaughlin and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 11th day of March 2021, 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 Agricultural District, (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 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. MIKOLEY	VOTED	YES
MS. MONACELLI	VOTED	YES
MR. PIGNATARO	VOTED	YES
MR. STOERR	VOTED	YES
MR. SUGG	WAS ABSENT	
MR. TILLMANN	VOTED	YES
MR. DIRIENZO	VOTED	YES

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

March 11, 2021

**PETITION OF: DAVID MALKOWSKI**

THE 3<sup>rd</sup> CASE CONSIDERED BY THE ZONING of David Malkowski, 46 Squirrel Run, Lancaster, New York 14086 for one [1] variance for the purpose of constructing a fence in a required front yard on premises owned by the petitioner at 46 Squirrel Run, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 34C. of the Code of the Town of Lancaster. The request calls for installing a six [6] foot high fence in a required front yard.

Chapter 50, Zoning, Section 34C. 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**

David Malkowski, Petitioner

Proponent



**IN THE MATTER OF THE PETITION OF: DAVID MALKOWSKI**

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

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of David Malkowski and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 11th day of March 2021, 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 applicants are petitioning is within a Residential, (R) 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.

That such fence will not create a fire hazard by reason of its construction or location.

**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	VOTED	YES
MR. STOERR	VOTED	YES
MR. SUGG	VOTED	YES
MR. TILLMANN	VOTED	YES
MR. DIRIENZO	VOTED	YES

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

March 11, 2021

**PETITION OF: KRISTAL GUTOWSKI**

THE 4th The petition of Kristal Gutowski, 2 Old Post Road, Lancaster, New York 14086 for one [1] variance for the purpose of installing a fence in a required front yard on premises owned by the petitioner at 2 Old Post Road, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 34C. of the Code of the Town of Lancaster. The request calls for installing a six [6] foot high fence in a required front yard.

Chapter 50, Zoning, Section 34C. 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**

Kristal Gutowski, Petitioner

Proponent

**IN THE MATTER OF THE PETITION OF: KRISTAL GUTOWSKI**

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

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Kristal Gutowski and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 11th day of March 2021, 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 applicants are petitioning is within a Residential, (R) 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 can 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.

That such fence will not create a fire hazard by reason of its construction or location.

**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	VOTED	YES
MR. STOERR	VOTED	YES
MR. SUGG	VOTED	YES
MR. TILLMANN	VOTED	YES
MR. DIRIENZO	VOTED	YES

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

March 11, 2021

**PETITION OF: JAMES BECKER**

THE 5th The petition of James Becker, 19 Running Brook Drive, Lancaster, New York 14086 for two [2] variances for the purpose of installing a shed on premises owned by the petitioner at 19 Running Brook Drive, Lancaster, New York, to wit:

- A. A variance from the requirements of Chapter 50, Zoning, Section 14D, Schedule B of the Code of the Town of Lancaster. The location of the shed is four [4] feet from the primary structure.

Chapter 50, Zoning, Section 14D, Schedule B of the Code of the Town of Lancaster requires ten [10] feet from the primary structure. The petitioner, therefore, requests a six [6] foot set back variance.

- B. A variance from the requirements of Chapter 50, Zoning, Section 14D, Schedule B of the Code of the Town of Lancaster. The location of the shed is two [2] feet, six [6] inches from the side property line.

Chapter 50, Zoning, Section 14D, Schedule B of the Code of the Town of Lancaster requires five [5] feet from the side lot line. The petitioner, therefore, requests a two [2] foot, six [6] inch 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.

**PERSONS ADDRESSING THE BOARD**

James Becker, Petitioner

Proponent

**IN THE MATTER OF THE PETITION OF: JAMES BECKER**

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

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of James Becker and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 11th day of March 2021, 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 applicants are petitioning is within a Residential, (R) 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	VOTED	YES
MR. STOERR	VOTED	YES
MR. SUGG	VOTED	YES
MR. TILLMANN	VOTED	YES
MR. DIRIENZO	VOTED	YES

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

March 11, 2021

ON MOTION DULY MADE, SECONDED AND CARRIED, the meeting  
was adjourned at 7:49 P.M.

Signed \_\_\_\_\_  
Diane M. Terranova, TOWN CLERK and  
Clerk to Zoning Board of Appeals  
Date: March 11, 2021