A Regular Meeting of the Zoning Board of Appeals of the Town of Lancaster, Erie County, New York, was held via teleconference on the 8th day of April 2021, at 7:00 P.M., and there were

PRESENT:  
JOHN MIKOLEY, MEMER  
JILL MONACELLI, MEMBER  
LAWRENCE PIGNATARO, MEMBER  
KEITH STOERR, MEMBER  
PETER SUGG, MEMBER  
MARK TILLMANNNS, 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.
PETITION OF: DONNA EZZO

THE 1st CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Donna Ezzo, 27 Steinfeldt Road, 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 27 Steinfeldt Road, 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

Donna Ezzo, Petitioner Proponent
George Ezzo, Petitioner Proponent
IN THE MATTER OF THE PETITION OF: DONNA EZZO

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

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Donna Ezzo and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 8th day of April 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 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.

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. TILLMANNS VOTED YES
- MR. DIRIENZO VOTED YES

The resolution granting the variance was thereupon ADOPTED.

April 8, 2021
PETITION OF: ROBERT CHARVAT, JR.

THE 2nd CASE CONSIDERED BY THE ZONING Board of Appeals was that of Robert Charvat, Jr., 862 Town Line Road, Lancaster, New York 14086 for two variances for the purpose of installing a pool on premises owned by the petitioner at 862 Town Line Road, Lancaster, New York, to wit:

A. A variance from the requirements of Chapter 50, Zoning, Section 13C, Schedule B of the Code of the Town of Lancaster. The pool will be six [6] feet from a primary structure.


B. A variance from the requirements of Chapter 50, Zoning, Section 13C, Schedule B of the Code of the Town of Lancaster. The pool will be eight [8] feet from the rear property line.


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 the public hearing.

PERSONS ADDRESSING THE BOARD

Robert Charvat, Jr., Petitioner

Proponent
IN THE MATTER OF THE PETITION OF: ROBERT J. CHARVAT, JR.

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 Robert J. Charvat, Jr. and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 8th day of April 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 an 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 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:

<table>
<thead>
<tr>
<th>Name</th>
<th>Voted</th>
<th>Vote</th>
</tr>
</thead>
<tbody>
<tr>
<td>MR. MIKOLEY</td>
<td>VOTED</td>
<td>YES</td>
</tr>
<tr>
<td>MS. MONACELLI</td>
<td>VOTED</td>
<td>YES</td>
</tr>
<tr>
<td>MR. PIGNATARO</td>
<td>VOTED</td>
<td>YES</td>
</tr>
<tr>
<td>MR. STOERR</td>
<td>VOTED</td>
<td>YES</td>
</tr>
<tr>
<td>MR. SUGG</td>
<td>VOTED</td>
<td>YES</td>
</tr>
<tr>
<td>MR. TILLMANNNS</td>
<td>VOTED</td>
<td>YES</td>
</tr>
<tr>
<td>MR. DIRIENZO</td>
<td>VOTED</td>
<td>YES</td>
</tr>
</tbody>
</table>

The resolution granting the variance was thereupon ADOPTED.

April 8, 2021
PETITION OF: SARA VAN NORTWICK

THE 3rd CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Sara Van Nortwick, 68 Avian Way, Lancaster, New York 14086 for one [1] variance for the purpose of installing an inground pool and spa on premises owned by the petitioner at 68 Avian Way, Lancaster, New York, to wit:

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 inground pool and spa is seven [7] feet from the primary structure.


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

Sara Van Nortwick, Petitioner  Proponent
IN THE MATTER OF THE PETITION OF: SARA VAN NORTWICK

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

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Sara Van Nortwick and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 8th day of April 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 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.
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>
<thead>
<tr>
<th></th>
<th>Voted</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>MR. MIKOLEY</td>
<td>VOTED</td>
<td>YES</td>
</tr>
<tr>
<td>MS. MONACELLI</td>
<td>VOTED</td>
<td>YES</td>
</tr>
<tr>
<td>MR. PIGNATARO</td>
<td>VOTED</td>
<td>YES</td>
</tr>
<tr>
<td>MR. STOERR</td>
<td>VOTED</td>
<td>YES</td>
</tr>
<tr>
<td>MR. SUGG</td>
<td>VOTED</td>
<td>YES</td>
</tr>
<tr>
<td>MR. TILLMANNNS</td>
<td>VOTED</td>
<td>YES</td>
</tr>
<tr>
<td>MR. DIRIENZO</td>
<td>VOTED</td>
<td>YES</td>
</tr>
</tbody>
</table>

The resolution granting the variance was thereupon ADOPTED.

April 8, 2021

ON MOTION DULY MADE, SECONDED AND CARRIED, the meeting was adjourned at 7:28 P.M.

Signed ______________________
Diane M. Terranova, TOWN CLERK and Clerk to Zoning Board of Appeals
Date: April 8, 2021