

June 10, 2021

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 10th day of June 2021, at 7:00 P.M., and there were

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

ABSENT:            KEITH STOERR, 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.

**PETITION OF: KENNETH HORBETT, JR.**

THE 1<sup>st</sup> CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Kenneth Horbett, Jr., 293 Pavement Road, Lancaster, New York 14086 for two [2] variances for the purpose of reconstruction of two existing nonconforming residential accessory structures on premises owned by the petitioner at 146 Pavement Road, Lancaster, New York, to wit:

- A. A variance from the requirements of Chapter 50, Zoning, Section 31, Subsection C (1) of the Code of the Town of Lancaster. The request calls for the reconstruction of two existing nonconforming residential accessory structures.

Chapter 50, Zoning, Section 31, Subsection C (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; 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, except in changing the use of the structure to a use permitted in the district or to make the structure conforming. The petitioner, therefore, requests a variance to allow the reconstruction of the two existing accessory structures on the parcel.

- B. A variance from the requirements of Chapter 50, Zoning, Section 13, Subsection C, Schedule B of the Code of the Town of Lancaster. The height of the proposed reconstruction is twenty-four [24] feet on the south wall and sixteen [16] feet, eight [8] inches on the north wall.

Chapter 50, Zoning, Section 13, Subsection C, Schedule B of the Code of the Town of Lancaster limits the structure height to a maximum of sixteen [16] feet. The petitioner, therefore, requests an eight [8] foot south wall and an eight [8] inch north wall accessory structure 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.

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**

Kenneth Horbett, Petitioner

Proponent

**IN THE MATTER OF THE PETITION OF: KENNETH HORBETT, JR.**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY MR. SUGG, 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 Kenneth Horbett, 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 10th day of June 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 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	WAS ABSENT	
MR. SUGG	VOTED	YES
MR. TILLMANNNS	VOTED	YES
MR. DIRIENZO	VOTED	YES

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

June 10,2021

**PETITION OF: JONATHAN HEROD**

THE 2nd CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Jonathan Herod, 5815 Genesee Street, Lancaster, New York 14086 for one [1] variance for the purpose of constructing a pole barn on premises owned by the petitioner at 5815 Genesee Street, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 13, Subsection C, Schedule B of the Code of the Town of Lancaster. The size of the proposed pole barn is 1,800 square feet.

Chapter 50, Zoning, Section 13, Subsection C, Schedule B of the Code of the Town of Lancaster limits the size of an accessory structure to 1,250 square feet. The petitioner, therefore, requests a 550 square foot accessory structure size 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 and New York State Department of Transportation of the time and place of this public hearing.

**PERSONS ADDRESSING THE BOARD**

Jonathan Herod, Petitioner

Proponent

**IN THE MATTER OF THE PETITION OF: JONATHAN HEROD**

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 Jonathan Herod and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 10th day of June 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 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.

That no commercial enterprise, other than those permitted by Chapter 50 of the Code of the Town of Lancaster, be conducted on the premises.

**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	WAS ABSENT	
MR. SUGG	VOTED	YES
MR. TILLMANN	VOTED	YES
MR. DIRIENZO	VOTED	YES

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

June 10, 2021

**PETITION OF: JEROME BOYD**

THE 3<sup>rd</sup> CASE CONSIDERED BY THE ZONING Board of Appeals was the petition of Jerome Boyd, 676 Pleasant View Drive, Lancaster, New York 14086 for one [1] variance for the purpose of installing an inground pool on premises owned by the petitioner at 676 Pleasant View Drive, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster. The location of the pool is six [6] feet from an existing covered rear porch.

Chapter 50, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster requires ten [10] feet from another structure. The petitioner, therefore, requests a four [4] foot 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.

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**

Jerome Boyd, Petitioner

Proponent

**IN THE MATTER OF THE PETITION OF: JEROME BOYD**

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

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Jerome Boyd and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 10th day of June 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 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:

MR. MIKOLEY	VOTED	YES
MS. MONACELLI	VOTED	YES
MR. PIGNATARO	VOTED	YES
MR. STOERR	WAS ABSENT	
MR. SUGG	VOTED	YES
MR. TILLMANN	VOTED	YES
MR. DIRIENZO	VOTED	YES

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

June 10,2021

**PETITION OF: DAVID STEINEL**

THE 4<sup>th</sup> CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of David Steinel, 214 Belmont Street, Lancaster, New York 14086 for one [1] variance for the purpose of constructing a rear patio roof on premises owned by the petitioner at 214 Belmont Street, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster. The location of the rear patio roof is 27.38 feet from the rear property line.

Chapter 50, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster requires a minimum rear yard of thirty-five [35] feet. The petitioner, therefore, requests a 7.62 foot 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**

David Steinel, Petitioner

Proponent

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

THE FOLLOWING RESOLUTION WAS OFFERED  
BY MS. MONACELLI, 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 David Steinel has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 10th day of June 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, (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	WAS ABSENT	
MR. SUGG	VOTED	YES
MR. TILLMANNS	VOTED	YES
MR. DIRIENZO	VOTED	YES

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

June 10, 2021

**PETITION OF: CHRISTOPHER REILLY**

THE 5<sup>th</sup> CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Christopher Reilley, 2 Magrum Lane, Lancaster, New York 14086 for one variance for the purpose of erecting a fence in a required front yard area on premises owned by the petitioner at 2 Magrum Lane, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 34, Subsection C of the Code of the Town of Lancaster. The petitioner proposes to erect a four [4] foot high fence in a required front yard.

Chapter 50, Zoning, Section 34, Subsection C of the Code of the Town of Lancaster limits the height of a fence or wall extending into a front yard area 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**

Christopher Reilley, Petitioner

Proponent

**IN THE MATTER OF THE PETITION OF: CHRISTOPHER REILLY**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY MR. TILLMANN, 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 Christopher Reilly has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 10th day of June 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, (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 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	WAS ABSENT	
MR. SUGG	VOTED	YES
MR. TILLMANN	VOTED	YES
MR. DIRIENZO	VOTED	YES

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

June 10, 2021

**PETITION OF: KAZIM ABIDI**

THE 6<sup>th</sup> CASE CONSIDERED BY THE ZONING Board of Appeals was that of Kazim Abidi, 2 Middlebury Lane, 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 2 Middlebury Lane, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 34, Subsection C 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 34, Subsection C 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**

Kazim Abidi, Petitioner

Proponent

**IN THE MATTER OF THE PETITION OF: KAZIM ABIDI**

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

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Kazim Abidi has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 10th day of June 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, (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 no commercial enterprise, other than those permitted by Chapter 50 of the Code of the Town of Lancaster, be conducted on the premises.

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	WAS ABSENT	
MR. SUGG	VOTED	YES
MR. TILLMANN	VOTED	YES
MR. DIRIENZO	VOTED	YES

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

June 10, 2021

**PETITION OF: CARLO DIRIENZO**

THE 7<sup>th</sup> CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Carlo DiRienzo, 72 Michael's Walk, Lancaster, New York 14086 for one [1] variance for the purpose of installing a shed on premises owned by the petitioner at 72 Michael's Walk, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster. The proposed location of the shed is thirteen [13] feet from the required front yard lot line.

Chapter 50, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster requires a minimum front lot line of thirty-five [35] feet. The petitioner, therefore, requests a twenty-two [22] foot 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**

Carlo DiRienzo

\* Let the record show that Mr. DiRienzo is a member of the Zoning Board of Appeals, therefore, he recused himself from deliberation.

**IN THE MATTER OF THE PETITION OF: CARLO DIRIENZO**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY MR. SUGG, 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 Carlo Dirienzo has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 10th day of June 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, (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	WAS ABSENT	
MR. SUGG	VOTED	YES
MR. TILLMANN	VOTED	YES
MR. DIRIENZO	ABSTAINED	

\* Mr. DiRienzo abstained due to being the petitioner for this project.

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

June 10, 2021

ON MOTION DULY MADE, SECONDED AND CARRIED, the meeting  
was adjourned at 7:55 P.M.

Signed \_\_\_\_\_  
Diane M. Terranova, TOWN CLERK and  
Clerk to Zoning Board of Appeals  
June 10, 2021