

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 19th day of August, 2021 at 7:00 P.M., and there were

PRESENT: JOHN MIKOLEY, MEMBER
 LAWRENCE PIGNATARO, MEMBER
 MARK TILLMANN, MEMBER
 CARLO DIRIENZO, CHAIRMAN

ABSENT: JILL MONACELLI, MEMBER
 KEITH STOERR, MEMBER
 PETER SUGG, 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: TIMOTHY & SUE HANISZEWSKI

THE 1st CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Timothy and Sue Haniszewski, 1159 Ransom Road, Lancaster, New York 14086 for one [1] variance for the purpose of constructing a front porch roof over an existing front deck on premises owned by the petitioners at 1159 Ransom Road, Lancaster, New York, to wit:

A variance from the requirements of Chapter 400, Zoning, Section 13, Subsection C, Schedule B of the Code of the Town of Lancaster. The proposed front porch roof over an existing front deck is 16.3 feet from the front property line.

Chapter 400, Zoning, Section 13, Subsection C, Schedule B of the Code of the Town of Lancaster requires a minimum front yard of fifty [50] feet. The petitioners, therefore, request a 33.7 foot variance.

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicants with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioners of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

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

PERSONS ADDRESSING THE BOARD

Timothy Haniszewski, Petitioner	Proponent
Sue Haniszewski, Petitioner	Proponent
Dennis Haniszewski	Proponent

IN THE MATTER OF THE PETITION OF: TIMOTHY & SUE HANISZEWSKI

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

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Timothy & Sue Haniszewski and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 19th day of August 2021, 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 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 applicants cannot be achieved by some other method, feasible for the applicants to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self-created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicants if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That within the intent and purposes of this ordinance the variance relief sought, if granted, is the minimum variance necessary to afford relief.

**NOW, THEREFORE, BE IT
RESOLVED** that based upon these findings, the relief sought be and is
hereby **GRANTED**.

The question of the adoption of the foregoing resolution was duly put to a
vote on roll call which resulted as follows:

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

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

August 19, 2021

PETITION OF: RICHARD & DEBRAH LETT

THE 2nd CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Richard and Debrah Lett, 547 Lake Avenue, Lancaster, New York 14086 for one [1] variance for the purpose of constructing a pole barn on premises owned by the petitioners at 547 Lake Avenue, Lancaster, New York, to wit:

A variance from the requirements of Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster. The proposed size of the pole barn is nine hundred sixty [960] square feet.

Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster requires a maximum accessory structure size of seven hundred fifty [750] square feet. The petitioners, therefore, request a two hundred ten [210] square foot variance.

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicants with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioners of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

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

PERSONS ADDRESSING THE BOARD

Richard Lett, Petitioner	Proponent
Debrah Lett, Petitioner	Proponent

IN THE MATTER OF THE PETITION OF: RICHARD & DEBRAH LETT

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 Richard & Debrah Lett and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 19th day of August 2021, 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 Single Family 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 applicants cannot be achieved by some other method, feasible for the applicants to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self-created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicants if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That within the intent and purposes of this ordinance the variance relief sought, if granted, is the minimum variance necessary to afford relief.

That no commercial enterprise, other than those permitted by Chapter 400 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	WAS ABSENT
MR. PIGNATARO	VOTED YES
MR. STOERR	WAS ABSENT
MR. SUGG	WAS ABSENT
MR. TILLMANN	VOTED YES
MR. DIRIENZO	VOTED YES

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

August 19, 2021

PETITION OF: DENNIS WEISS

THE 3rd CASE CONSIDERED BY THE ZONING Board of Appeals was that of Dennis Weiss, 3 Petersbrook Circle, Lancaster, New York 14086 for one [1] variance for the purpose of constructing a patio roof structure on premises owned by the petitioner at 3 Petersbrook Circle, Lancaster, New York, to wit:

A variance from the requirements of Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster. The proposed patio roof structure is two [2] feet, nine [9] inches from an existing above ground swimming pool.

Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster requires ten [10] feet as the minimum distance between structures. The petitioner was granted a three [3] foot variance on July 9, 2021, bringing the distance between structures to seven [7] feet. Therefore, the petitioner requests a four [4] foot, three [3] inch 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

Dennis Weiss, Petitioner

Proponent

Mary Ellen Weiss, Petitioner

Proponent

IN THE MATTER OF THE PETITION OF: DENNIS WEISS

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. TILLMANNS, 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 Dennis 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 19th day of August 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 Single Family 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:

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

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

August 19, 2021

PETITION OF: JENNIFER CUTTITTA

THE 4th CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Jennifer Cuttitta, 510 Town Line Road, Lancaster, New York 14086 for one [1] variance for the purpose of constructing a roof covering over a hot tub on premises owned by the petitioner at 510 Town Line Road, Lancaster, New York, to wit:

A variance from the requirements of Chapter 400, Zoning, Section 13, Subsection C, Schedule B of the Code of the Town of Lancaster. The proposed roof covering over a hot tub is seven [7] feet, six [6] inches from the water's edge of an inground swimming pool.

Chapter 400, Zoning, Section 13, Subsection C, Schedule B of the Code of the Town of Lancaster requires a minimum location of ten [10] feet from another structure. The petitioner, therefore, requests a two [2] foot, six [6] inch 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 the Town of Alden of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

Jennifer Cuttitta, Petitioner

Proponent

IN THE MATTER OF THE PETITION OF: JENNIFER CUTTITTA

THE FOLLOWING RESOLUTION WAS OFFERED
BY CHAIRMAN DIRIENZO, 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 Jennifer Cuttitta and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 19th day of August 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 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	WAS ABSENT
MR. PIGNATARO	VOTED YES
MR. STOERR	WAS ABSENT
MR. SUGG	WAS ABSENT
MR. TILLMANN	VOTED YES
MR. DIRIENZO	VOTED YES

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

August 19, 2021

PETITION OF: MICHAEL SLAGEL

THE 5th CASE was tabled by the Zoning Board of Appeals due to the failure of the petitioner to be present at this meeting.

PETITION OF: PAUL STRADA/NAS SIGN COMPANY

THE 6th CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of NAS Sign Company, 1574 Kenmore Ave, Buffalo, NY 14216 for three [3] variances for the purpose of constructing an illuminated ground sign on premises owned by Diane Honeck, Clover Management, Briarcliff Apartments, located at 4805 Transit Road, Lancaster, New York, to wit:

- A. A variance from the requirements of Chapter 400, Zoning, Section 30, Subsection F(1)(b) of the Code of the Town of Lancaster to permit an illuminated sign.

Chapter 400, Zoning, Section 30, Subsection F(1)(b) of the Code of the Town of Lancaster permits one nonilluminated sign on a major street which a development abuts in a Multi Family Multi Use District. The petitioner, therefore, requests an illuminated sign variance.

- B. A variance from the requirements of Chapter 400, Zoning, Section 30, Subsection F(1)(b) of the Code of the Town of Lancaster. The request is to construct a ground sign five [5] feet from the front property line.

Chapter 400, Zoning, Section 30, Subsection F(1)(b) of the Code of the Town of Lancaster requires a sign on a major street which a development abuts in a Multi Family Multi Use District to be not less than twenty-five [25] feet from any lot line. The petitioner, therefore, is requesting a twenty [20] foot lot line variance.

- C. A variance from the requirements of Chapter 400, Zoning, Section 30, Subsection F(1)(b) of the Code of the Town of Lancaster. The request is to construct a ground sign six [6] feet, three [3] inches tall.

Chapter 400, Zoning, Section 30, Subsection F(1)(b) of the Code of the Town of Lancaster requires a sign on a major street which a development abuts in a Multi Family Multi Use District to be not more than six [6] feet in height above finished grade. The petitioner, therefore, is requesting a three [3] inch 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 and the Town of Cheektowaga of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

Paul Strada, NAS Sign Company, Petitioner

Proponent

IN THE MATTER OF THE PETITION OF: PAUL STRADA/ NAS SIGN COMPANY

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

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Paul Strada/NAS Sign Company and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 19th day of August 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 Multi Family Mixed Use District, (MFMU) as shown on the Zoning Map of the Town of Lancaster.

WHEREAS, the Erie County Department of Environment and Planning and the Erie County Department of Public Works have received a full copy of the proposed zoning action and have 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 applicants if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That within the intent and purposes of this ordinance the variance relief sought, if granted, is the minimum variance necessary to afford relief.

**NOW, THEREFORE, BE IT
RESOLVED** that based upon these findings, the relief sought be and is
hereby **GRANTED**.

The question of the adoption of the foregoing resolution was duly put to a
vote on roll call which resulted as follows:

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

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

August 19, 2021

PETITION OF: WILLIAM SHEFF

THE 7th CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of William Sheff, 14 Rose Street, Lancaster, New York 14086 for one [1] variance for the purpose of installing an inground pool on premises owned by the petitioner at 14 Rose Street, Lancaster, New York, to wit:

A variance from the requirements of Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster. The proposed inground pool is four [4] feet from an existing wood deck.

Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster requires an accessory structure to be a minimum of ten [10] feet from another structure. The petitioner, therefore, requests a six [6] foot variance.

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicant with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioner of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

Copy of letter notifying the Village of Lancaster of the time and place of the public hearing.

PERSONS ADDRESSING THE BOARD

William Sheff, Petitioner

Proponent

IN THE MATTER OF THE PETITION OF: WILLIAM SHEFF

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. TILLMANN, 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 William Sheff and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 19th day of August 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 Single Family 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:

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

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

August 19, 2021

PETITION OF: KYLE SLIWINSKI/COUNTRYSIDE BUILDERS, CORP.

THE 8th CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Kyle Sliwinski, Countryside Builders Corp., 306 King Road, Forestville, New York 14062 for one [1] variance for the purpose of constructing detached gazebo on premises owned by Stewart Ray Schooler at 24 Hidden Meadow Crossing, Lancaster, New York, to wit:

A variance from the requirements of Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster. The proposed detached gazebo is six [6] feet from the primary structure.

Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster requires an accessory structure to be a minimum of ten [10] feet from another structure. The petitioner, therefore, requests a four [4] foot variance.

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicant with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioner of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

Kyle Sliwinski, Petitioner

Proponent

IN THE MATTER OF THE PETITION OF: KYLE SLIWINSKI/COUNTRYSIDE BUILDERS, CORP.

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

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Kyle Sliwinski/Countryside Builders, Corp. and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 19th day of August 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 Single Family 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:

MR. MIKOLEY	VOTED YES
MS. MONCELLI	WAS ABSENT
MR. PINATARO	VOTED YES
MR. STOERR	WAS ABSENT
MR. SUGG	WAS ABSENT
MR. TILLMANN	VOTED YES
MR. DIRIENZO	VOTED YES

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

August 19, 2021

PETITION OF: DANIEL & JENNA SANDKER

THE 9th CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Daniel and Jenna Sandker, 4 Branch Way, Lancaster, New York 14086 for one [1] variance for the purpose of installing a shed in a drainage easement on premises owned by the petitioners at 4 Branch Way, Lancaster, New York, to wit:

A variance from the requirements of Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster. The request calls for installing a shed in a drainage easement.

Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster requires no structures other than fencing be allowed within any drainage access easement. The petitioners, therefore, request allowing a shed in a drainage easement.

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

Daniel Sandker, Petitioner

Proponent

Jenna Sandker, Petitioner

Proponent

IN THE MATTER OF THE PETITION OF: DANIEL & JENNA SANDKER

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

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 19th day of August 2021, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has requested further information from the petitioner's Engineer and the Town Engineer.

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster, with the concurrence of the petitioners, agrees that an adjournment of this hearing is in the best interest of both the residents of the Town of Lancaster and the petitioners.

**NOW, THEREFORE, BE IT
RESOLVED** that this hearing be adjourned to allow for further testimony and evidence to be presented.

**NOW, THEREFORE, BE IT
RESOLVED** that based upon these findings, the relief sought be and is hereby **CONSIDERED**.

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	WAS ABSENT
MR. PIGNATARO	VOTED YES
MR. STOER	WAS ABSENT
MR. SUGG	WAS ABSENT
MR. TILLMANN'S	VOTED YES
MR. DIRIENZO	VOTED YES

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

August 19, 2021

PETITION OF: ELIOT LASKY/PLEASANT VIEW GARDENS, LLC.

THE 10st CASE was tabled by the Zoning Board of Appeals at the request of the petitioner.

PETITION OF: JEROME BOYD

THE 11th CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Jerome Boyd, 676 Pleasant View Drive, Lancaster, New York 14086 for two [2] variances 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. A variance from the requirements of Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster. The proposed inground pool is five [5] feet from an existing covered porch.

Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster requires an accessory structure to be a minimum of ten [10] feet from another structure. On June 10, 2021, a four [4] foot relief was granted. The petitioner, therefore, requests a one [1] foot variance.

- B. A variance from the requirements of Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster. The proposed inground pool encroaches into the drainage easement by four [4] feet.

Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster requires no structures other than fencing be allowed within any drainage easement. The petitioner, therefore, requests a four [4] foot 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.

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

Copy of a letter from Donald J. Hoefler, P.E.

PERSONS ADDRESSING THE BOARD

Jerome Boyd, Petitioner

Proponent

IN THE MATTER OF THE PETITION OF: JEROME BOYD

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. TILLMANN, 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 Jerome Boyd has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 19th day of August 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 Single Family 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 applicants to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self-created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicants if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That within the intent and purposes of this ordinance the variance relief sought, if granted, is the minimum variance necessary to afford relief.

NOW, THEREFORE, BE IT

RESOLVED that based upon these findings, the relief sought be and is hereby **GRANTED**-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:

- That the Town Engineer verifies Donald J. Hoefler, P.E. calculations.

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

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

August 19, 2021

PETITION OF: DANIEL BARAN

THE 12th CASE CONSIDERED BY THE ZONING Board of Appeals was that of Daniel Baran, 26 Beatrix Circle, Lancaster, New York 14086 for one [1] variance for the purpose of installing a shed in a drainage easement on premises owned by the petitioner at 26 Beatrix Circle, Lancaster, New York, to wit:

A variance from the requirements of Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster. The request calls for installing a shed in a drainage easement.

Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster requires no structures other than fencing be allowed within any drainage access easement. The petitioner, therefore, requests allowing a shed in a drainage easement.

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

Daniel Baran, Petitioner

Proponent

IN THE MATTER OF THE PETITION OF: DANIEL BARAN

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

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Daniel Baran and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 19th day of August 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 Single Family 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**-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:

- That the shed is built on removable skids.

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

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

August 19, 2021

ON MOTION DULY MADE, SECONDED AND CARRIED, the meeting was adjourned at 8:44 P.M.

Signed _____
Diane M. Terranova, TOWN CLERK and
Clerk to Zoning Board of Appeals
August 19, 2021