

October 14, 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 14th day of October 2021, at 7:00 P.M., and there were

PRESENT:            JOHN MIKOLEY, MEMBER  
                              JILL MONACELLI, MEMBER  
                              KEITH STOERR, MEMBER  
                              PETER SUGG, MEMBER  
                              MARK TILLMANNS, MEMBER  
                              CARLO DIRIENZO, CHAIRMAN

ABSENT:            LAWRENCE PIGNATARO, MEMBER

ALSO PRESENT:    DIANE M. TERRNOVA, TOWN CLERK  
                              EMILY ORLANDO, DEPUTY TOWN ATTORNEY  
                              MATTHEW FISCHIONE, CODE ENFORCEMENT OFFICER

The Affidavits of Publication and Posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

**PETITION OF: DONALD WEGST, JR.**

THE 1<sup>st</sup> CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Donald Wegst, Jr., 48 Deerpath Drive, Lancaster, New York 14086 for two [2] variances for the purpose of constructing an addition to an existing building on premises owned by the petitioner at 48 Deerpath 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 petitioner proposes to construct an addition to the existing building fifteen [15] feet from the rear property line.

Chapter 400, 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 twenty [20] 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 petitioner proposes to construct an addition to the existing building zero [0] feet from an existing shed.

Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster requires accessory structures be a minimum of ten [10] feet from another structure. The petitioner, therefore, requests a ten [10] 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 a letter notifying the Village of Depew of the time and place of this public hearing.

**PERSONS ADDRESSING THE BOARD**

Donald Wegst, Petitioner

Proponent

**IN THE MATTER OF THE PETITION OF: DONALD WEGST, JR.**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY MR. STOERR, 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 Donald Wegst 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 14th day of October 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:

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

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

October 14, 2021

**PETITION OF: MICHAEL MEYER/HULL HOUSE FOUNDATION**

THE 2nd CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Michael Meyer, Hull House Foundation Trustee, 5962 Genesee Street, Lancaster, New York 14086 for one [1] variance for the purpose of installing a ground sign on premises owned by the Hull House Foundation, located at 5976 Genesee Street, Lancaster, New York, to wit:

A variance from the requirements of Chapter 400, Zoning, Section 30, Subsection F(1)(c) of the Code of the Town of Lancaster to permit installing a five [5] foot, four [4] inch ground sign, five [5] feet from the front property line.

Chapter 400, Zoning, Section 30, Subsection F(1)(c) of the Code of the Town of Lancaster permits one sign located on the premises of a public, charitable or religious institution not less than twenty-five [25] feet from any lot line. The petitioner, therefore, requests a twenty [20] foot sign 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**

Michael Meyer, Petitioner	Proponent
Gary Costello, Chairman Hull House Foundation	Proponent

**IN THE MATTER OF THE PETITION OF: MICHAEL MEYER/HULL HOUSE FOUNDATION**

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 Michael Meyer/ Hull House Foundation and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 14th day of October 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 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 substantial but not to the extent necessary to preclude the granting of the area variance relief sought.

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

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

October 14, 2021

**PETITION OF: CHAD ROBINSON**

THE 3<sup>rd</sup> CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Chad Robinson, (3613) 0 Bowen Road, Lancaster, New York 14086 for one [1] variance for the purpose of constructing a Pole Barn, including a covered porch, on premises owned by the petitioner at (3613) 0 Bowen Road, 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 a 3,004 square foot pole barn, including a covered porch, to be constructed.

Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster limits an accessory structure to 750 square feet. The petitioner, therefore, requests a 2,257 square 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 a letter notifying the Erie County Department of Environment and Planning of the time and place of this public hearing.

**PERSONS ADDRESSING THE BOARD**

Chad Robinson, Petitioner	Proponent
Teresa Edgerton	Opponent
Derrick Edgerton	Opponent

**IN THE MATTER OF THE PETITION OF: CHAD ROBINSON**

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 Chad Robinson and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 14th day of October 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 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 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	VOTED	YES
MR. PIGNATARO	WAS ABSENT	
MR. STOERR	VOTED	YES
MR. SUGG	VOTED	YES
MR. TILLMANN	VOTED	YES
MR. DIRIENZO	VOTED	NO

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

October 14, 2021

**PETITION OF: THOMAS AND MELISSA WHITE**

THE 4th CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Thomas and Melissa White, 11 Creekwood Drive, Lancaster, New York 14086 for one [1] variance for the purpose of constructing a patio roof on premises owned by the petitioners at 11 Creekwood Drive, 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 constructing a patio roof four [4] feet, two [2] inches from an existing inground pool.

Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster requires an accessory structure to be located a minimum of ten [10] feet from another structure. The petitioners, therefore, request a five [5] foot, ten [10] 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 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**

Thomas White, Petitioner

Proponent

**IN THE MATTER OF THE PETITION OF: THOMAS AND MELISSA WHITE**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY MR. SUGG, 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 Thomas and Melissa White and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 14th day of October 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 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	VOTED	YES
MR. PIGNATARO	WAS ABSENT	
MR. STOERR	VOTED	YES
MR. SUGG	VOTED	YES
MR. TILLMANN	VOTED	YES
MR. DIRIENZO	VOTED	YES

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

October 14, 2021

**PETITION OF: ALAN HENRY**

THE 5th CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Alan Henry, 22 Grace Way, Lancaster, New York 14086 for one variance for the purpose of erecting a fence in a front yard area on premises owned by the petitioner at 22 Grace Way, Lancaster, New York, to wit:

A variance from the requirements of Chapter 400, Zoning, Section 34, Subsection C of the Code of the Town of Lancaster. The petitioner proposes to erect a six [6] foot high fence in a front yard.

Chapter 400, 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 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**

Alan Henry, Petitioner

Proponent

**IN THE MATTER OF THE PETITION OF: ALAN HENRY**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY MR. STOERR, 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 Alan Henry and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 14th day of October 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**-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 one panel length of fencing will be angled to approximately forty-five degrees at the sidewalk and driveway intersections.

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

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

October 14, 2021

**PETITION OF: ANDREW KIEL**

THE 6th CASE CONSIDERED BY THE ZONING Board of Appeals was that of Andrew Kiel, 52 Hidden Meadow Crossing, Lancaster, New York 14086 for one [1] variance for the purpose of constructing a parking space on premises owned by the petitioner at 52 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 request calls for constructing a parking space four [4] inches from the side property line.

Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster requires a minimum side and rear yard for parking, abutting a Residential District, of five [5] feet. The petitioner, therefore, requests a four [4] foot, eight [8] 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**

Andrew Kiel, Petitioner

Proponent

**IN THE MATTER OF THE PETITION OF: ANDREW KIEL**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY MR. TILLMANNS, 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 Alan Henry and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 14th day of October 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 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.

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

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

October 14, 2021

ON MOTION DULY MADE, SECONDED AND CARRIED, the meeting  
was adjourned at 8:00 P.M.

Signed \_\_\_\_\_  
Diane M. Terranova, TOWN CLERK and  
Clerk to Zoning Board of Appeals  
October 14, 2021