

June 9, 2022

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 9th day of June, at 7:00 P.M., and there were:

PRESENT ANTHONY CASTELLANA, MEMBER
 CARLO DIRIENZO, MEMBER
 JOHN MIKOLEY, MEMBER
 KEITH STOERR , MEMBER
 PETER SUGG, MEMBER
 MARK TILLMANNNS, MEMBER
 JILL MONACELLI, CHAIRMAN

ABSENT: NONE

ALSO PRESENT: DIANE M. TERRNOVA, TOWN CLERK
 THOMAS FOWLER, 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: DAVID WEISS

THE 1st CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of David Weiss, 175 Peppermint Road, Lancaster, New York 14086 for two [2] variances for the purpose of constructing a pole barn on premises owned by the petitioner at 175 Peppermint Road, Lancaster, New York, to wit:

- A. A variance from the requirements of Chapter 400, Zoning, Section 13, Subsection C, Schedule B of the Code of the Town of Lancaster. The request calls for constructing a 2,160 square foot pole barn.

Chapter 400, Zoning, Section 13, Subsection C, Schedule B of the Code of the Town of Lancaster requires the maximum accessory size of 1,250 square feet. The petitioner, therefore, requests a 910 square foot variance.

- B. A variance from the requirements of Chapter 400, Zoning, Section 13, Subsection C, Schedule B of the Code of the Town of Lancaster. The request calls for constructing a pole barn seventeen [17] feet in height.

Chapter 400, Zoning, Section 13, Subsection C, Schedule B of the Code of the Town of Lancaster requires the maximum building height of sixteen [16] feet for an accessory structure. The petitioner, therefore, requests a one [1] 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

David Weiss, Petitioner

Proponent

IN THE MATTER OF THE PETITION OF: DAVID WEISS

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. MIKOLEY, 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 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 9th day of June 2022, 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 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. CASTELLANA | VOTED | YES |
| MR. DIRIENZO | VOTED | YES |
| MR. MIKOLEY | VOTED | YES |
| MR. STOERR | VOTED | YES |
| MR. SUGG | VOTED | YES |
| MR. TILLMANN | VOTED | YES |
| MS. MONACELLI | VOTED | YES |

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

June 9, 2022

PETITION OF: RYAN BURKARD

THE 2nd CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Ryan Burkard, 268 Hall Road, Lancaster, New York 14086 for one [1] variance for the purpose of constructing a pole barn on premises owned by the petitioner at 268 Hall 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 request calls for constructing a 1,380 square foot pole barn.

Chapter 400, Zoning, Section 13, Subsection C, Schedule B of the Code of the Town of Lancaster requires the maximum accessory size of 750 square feet. The petitioner, therefore, requests a 630 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 and the Town of Elma of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

Ryan Burkard, Petitioner

Proponent

IN THE MATTER OF THE PETITION OF: RYAN BURKARD

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

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Ryan Burkard and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 9th day of June 2022, 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.

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. CASTELLANA | VOTED | YES |
| MR. DIRIENZO | VOTED | YES |
| MR. MIKOLEY | VOTED | YES |
| MR. STOERR | VOTED | YES |
| MR. SUGG | VOTED | YES |
| MR. TILLMANN | VOTED | YES |
| MS. MONACELLI | VOTED | YES |

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

June 9, 2022

PETITION OF: ANDREW WARNE/ULRICH SIGN COMPANY

THE 3rd CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Andrew Warne, Ulrich Sign Company, 177 Oakhurst Street, Lockport New York 14094 for one [1] variance for the purpose of installing a ground sign on premises owned by Pavement Road Storage LLC at 515 Pavement Road, Lancaster, New York, to wit:

A variance from the requirements of Chapter 400, Zoning, Section 30, Subsection F (2) (c) [2] [a] of the Code of the Town of Lancaster. The request calls for installing a ground sign eight [8] feet, eight [8] inches above finished grade.

Chapter 400, Zoning, Section 30, Subsection F (2)(c) [2] [a] of the Code of the Town of Lancaster requires signs no higher than four [4] feet above the average finished grade. 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.

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

Andrew Warne, Petitioner
Ulrich Sign Company

Proponent

IN THE MATTER OF THE PETITION OF: ANDREW WARNE/ULRICH SIGN COMPANY

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

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Andrew Warne/ Ulrich 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 9th day of June 2022, 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 Light Industrial District, (LI) 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. CASTELLANA | VOTED | YES |
| MR. DIRIENZO | VOTED | YES |
| MR. MIKOLEY | VOTED | YES |
| MR. STOERR | VOTED | YES |
| MR. SUGG | VOTED | YES |
| MR. TILLMANN | VOTED | YES |
| MS. MONACELLI | VOTED | YES |

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

June 9, 2022

PETITION OF: MARK CATANZARO

THE 4th CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Mark Catanzaro, 17 Plumb Creek Trail, Lancaster, New York 14086 for two [2] variances for the purpose of installing a shed within a public utility easement on premises owned by the petitioner at 17 Plumb Creek Trail, 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 request calls for installing a shed one [1] foot, four [4] inches from a side property line.

Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster requires a minimum accessory location from the lot line of five [5] feet. The petitioner, therefore, requests a three [3] foot, eight [8] inch 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 request calls for installing a shed within a seven [7] foot, six [6] inch public utility easement for drainage.

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 a five [5] foot, two [2] inch public utility easement for drainage 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

Mark Catanzaro, Petitioner

Proponent

IN THE MATTER OF THE PETITION OF: MARK CATANZARO

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

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Mark Catanzaro and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 9th day of June 2022, 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 not self-created but not to the extent necessary to preclude the granting of the area variance relief sought.

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

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

That 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** 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:

- Petitioner will complete a Public Drainage Easement Agreement for the installation of a Shed and file it with the property deed at the Erie County Clerk's office.

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

| | | |
|----------------|-------|-----|
| MR. CASTELLANA | VOTED | YES |
| MR. DIRIENZO | VOTED | YES |
| MR. MIKOLEY | VOTED | YES |
| MR. STOERR | VOTED | YES |
| MR. SUGG | VOTED | YES |
| MR. TILLMANNNS | VOTED | YES |
| MS. MONACELLI | VOTED | YES |

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

June 9, 2022

PETITION OF: BRIAN/MICHELLE BROOKS

THE 5th CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Brian and Michelle Brooks, 18 Kelly Ann Drive, Lancaster, New York 14086 for one [1] variance for the purpose of installing a parking area on premises owned by the petitioners at 18 Kelly Ann Court, 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 parking area on the side of the house, two [2] feet 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, loading and stacking areas abutting a Residential District of five [5] feet. The petitioners, therefore, request a three [3] 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 the owners of property within 100 feet of requested variance of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

Brian Brooks, Petitioner

Proponent

IN THE MATTER OF THE PETITION OF: BRIAN /MICHELLE BROOKS

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

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Brian and Michelle Brooks and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 9th day of June 2022, 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 applicants 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. CASTELLANA | VOTED | YES |
| MR. DIRIENZO | VOTED | YES |
| MR. MIKOLEY | VOTED | YES |
| MR. STOERR | VOTED | YES |
| MR. SUGG | VOTED | YES |
| MR. TILLMANN | VOTED | YES |
| MS. MONACELLI | VOTED | YES |

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

June 9, 2022

PETITION OF: GARY LOUTH

THE 6th CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Gary Louth, 375 Stony Road, Lancaster, New York 14086 for three [3] variances for the purpose of constructing a pole barn on premises owned by the petitioner at 375 Stony Road, Lancaster, New York, to wit:

- A. A variance from the requirements of Chapter 400, Zoning, Section 13, Subsection C, Schedule B of the Code of the Town of Lancaster. The request calls for constructing a pole barn, eighteen [18] feet, six [6] inches in height.

Chapter 400, Zoning, Section 13, Subsection C, Schedule B of the Code of the Town of Lancaster requires the maximum accessory building height of sixteen [16] feet. The petitioner, therefore, requests a two [2] foot, six [6] inch variance.

- B. A variance from the requirements of Chapter 400, Zoning, Section 13, Subsection C, Schedule B of the Code of the Town of Lancaster. The request calls for constructing a pole barn seven [7] feet from the side lot line.

Chapter 400, Zoning, Section 13, Subsection C, Schedule B of the Code of the Town of Lancaster requires the minimum location, from a side lot line, of fifteen [15] feet for an accessory structure. The petitioner, therefore, requests an eight [8] foot variance.

- C. A variance from the requirements of Chapter 400, Zoning, Section 13, Subsection C, Schedule B of the Code of the Town of Lancaster. The request calls for constructing a 2,400 square foot accessory structure.

Chapter 400, Zoning, Section 13, Subsection C, Schedule B of the Code of the Town of Lancaster requires the maximum accessory structure size of 1,250 square feet. The petitioner, therefore, requests a 1,150 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

| | |
|---|-----------|
| Gary Louth, Petitioner | Proponent |
| Daniel Baccau, Architect Representing Petitioner | Proponent |

IN THE MATTER OF THE PETITION OF: GARY LOUTH

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 Gary Louth and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 9th day of June 2022, 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 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.

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. CASTELLANA | VOTED | YES |
| MR. DIRIENZO | VOTED | YES |
| MR. MIKOLEY | VOTED | YES |
| MR. STOERR | VOTED | YES |
| MR. SUGG | VOTED | YES |
| MR. TILLMANN | VOTED | YES |
| MS. MONACELLI | VOTED | YES |

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

June 9, 2022

PETITION OF: CHARLES SOLFRANK

THE 7th CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Charles Solfrank, Adjutant, Pvt. Leonard Post VFW #6251, 1822 Como Park Boulevard, Lancaster, New York 14086 for one [1] variance for the purpose of installing a ground sign on premises owned by the petitioner at 1822 Como Park Boulevard, Lancaster, New York, to wit:

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 calls for installing an illuminated ground sign at nine [9] feet from finished grade at an existing brick frame structure, zero feet from the front property line.

Chapter 400, Zoning, Section 30, Subsection F (1) (b) of the Code of the Town of Lancaster requires one permanent nonilluminated identification sign indicating the name, owner or manager of the development, no more than six [6] feet in height above finished grade and shall be permitted on a major street which the development abuts, but not less than twenty-five [25] feet from any lot line. The petitioner, therefore, requests a three [3] foot height variance, an illumination variance and a twenty-five [25] foot front property line setback variance.

The Clerk presented and entered into evidence the following items:

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

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

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

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

PERSONS ADDRESSING THE BOARD

Charles Solfrank, Petitioner

Proponent

IN THE MATTER OF THE PETITION OF: CHARLES SOLFRANK

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

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Charles Solfrank and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 9th day of June 2022, 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 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 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 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 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. CASTELLANA | VOTED YES |
| MR. DIRIENZO | VOTED YES |
| MR. MIKOLEY | ABSTAINED |
| MR. STOERR | VOTED YES |
| MR. SUGG | VOTED YES |
| MR. TILLMANN | VOTED YES |
| MS. MONACELLI | VOTED YES |

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

June 9, 2022

PETITION OF: JEREMY WECHTER

THE 8th CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Jeremy Wechter, 102 Maple Drive, Bowmansville, New York 14026 for two [2] variances for the purpose of adding an addition to an existing garage on premises owned by the petitioner at 102 Maple Drive, Bowmansville, 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 request calls for a 400 square foot addition to an existing garage, totaling 840 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 750 square feet. The petitioner, therefore, requests a 90 square 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 request calls for an accessory structure 2.4 feet from a side lot line.

Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster requires the minimum location of five [5] feet from the side lot line. The petitioner, therefore, requests a 2.6 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.

PERSONS ADDRESSING THE BOARD

Jeremy Wechter, Petitioner

Proponent

IN THE MATTER OF THE PETITION OF: JEREMY WECHTER

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

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Jeremy Wechter and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 9th day of June 2022, 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 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. CASTELLANA | VOTED | YES |
| MR. DIRIENZO | VOTED | YES |
| MR. MIKOLEY | VOTED | YES |
| MR. STOERR | VOTED | YES |
| MR. SUGG | VOTED | YES |
| MR. TILLMANN | VOTED | YES |
| MS. MONACELLI | VOTED | YES |

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

June 9, 2022

PETITION OF: CHERYL CLEVELAND/JOHN GRUCZA

THE 9th CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Cheryl Cleveland and John Grucza, 83 Stutzman Road, Bowmansville, New York 14026 for one [1] variance for the purpose of installing a privacy fence on premises owned by the petitioners at 83 Stutzman Road, Bowmansville, 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 request calls for installing a six [6] foot tall fence in a required front yard.

Chapter 400, Zoning, Section 34, Subsection C of the Code of the Town of Lancaster requires within nonindustrial districts, no fence or wall, other than a necessary retaining wall, over three [3] feet in height, shall extend into the front yard of any lot. The petitioners, therefore, request a three [3] foot 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

| | |
|------------------------------|-----------|
| Cheryl Cleveland, Petitioner | Proponent |
| John Grucza, Petitioner | Proponent |

IN THE MATTER OF THE PETITION OF: SHERYL CLEVELAND/JOHN GRUCZA

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 Cheryl Cleveland and John Grucza and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 9th day of June 2022, 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 applicants cannot be achieved by some other method, feasible for the applicant to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial.

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

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

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

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

That such fence will not unduly shut out light or air to adjoining properties.

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

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

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

| | | |
|----------------|-------|-----|
| MR. CASTELLANA | VOTED | YES |
| MR. DIRIENZO | VOTED | YES |
| MR. MIKOLEY | VOTED | YES |
| MR. STOERR | VOTED | YES |
| MR. SUGG | VOTED | YES |
| MR. TILLMANN | VOTED | YES |
| MS. MONACELLI | VOTED | YES |

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

June 9, 2022

PETITION OF: MELISSA JOZWIAK

THE 10th CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Melissa Jozwiak, 53 Hess Place, Lancaster, New York 14086 for one [1] variance for the purpose of installing a fence on premises owned by the petitioner at 53 Hess Place, 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 request calls for installing a six [6] foot tall fence in a required front yard.

Chapter 400, Zoning, Section 34, Subsection C of the Code of the Town of Lancaster requires within nonindustrial districts, no fence or wall, other than a necessary retaining wall, over three [3] feet in height, shall extend into the front yard of any lot. The petitioner, therefore, requests a three [3] foot 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

Melissa Jozwiak, Petitioner

Proponent

IN THE MATTER OF THE PETITION OF: MELISSA JOZWIAK

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

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Melissa Jozwiak and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 9th day of June 2022, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the applicant is the present owner of the premises in question.

WHEREAS, the property for which the applicant is petitioning is within a Residential District, (R) as shown on the Zoning Map of the Town of Lancaster.

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicant cannot be achieved by some other method, feasible for the applicant to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial.

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

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

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

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

That such fence will not unduly shut out light or air to adjoining properties.

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

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

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

| | | |
|----------------|-------|-----|
| MR. CASTELLANA | VOTED | YES |
| MR. DIRIENZO | VOTED | YES |
| MR. MIKOLEY | VOTED | YES |
| MR. STOERR | VOTED | YES |
| MR. SUGG | VOTED | YES |
| MR. TILLMANN | VOTED | YES |
| MS. MONACELLI | VOTED | YES |

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

June 9, 2022

PETITION OF: LUCAS JAMES

THE 1st READOPTON CASE CONSIDERED BY THE ZONING Board of Appeals was that of Lucas James, 43 Conrad Street, Depew, New York 14043 for two [2] variances for the purpose of a site plan approval on premises owned by the petitioner at 5827 Broadway Street, Lancaster, New York, to wit:

- A. A variance from the requirements of Chapter 400, Zoning, Section 17, Subsection C, Schedule B of the Code of the Town of Lancaster. The request calls for pavement at the east property line without setback landscape area.

Chapter 400, Zoning, Section 17, Subsection C, Schedule B of the Code of the Town of Lancaster requires a minimum side and rear yard for parking, loading and stacking areas abutting a nonresidential district of ten [10] feet. The petitioner, therefore, requests a ten [10] foot setback variance.

- B. A variance from the requirements of Chapter 400, Zoning, Section 17, Subsection C, Schedule B of the Code of the Town of Lancaster. The request calls for a parking area setback of fifteen [15] feet at the northwest property lines.

Chapter 400, Zoning, Section 17, Subsection C, Schedule B of the Code of the Town of Lancaster requires the minimum yard for parking, loading and stacking areas from the right-of-way of a dedicated street of twenty [20] feet. The petitioner, therefore, requests a five [5] foot setback variance.

IN THE MATTER OF THE READOPTON OF THE PETITION: LUCAS JAMES

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

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Lucas James 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 April 2022, and having heard all parties interested in said application pursuant to legal notice duly published and posted, the Zoning Board of Appeals voted to GRANT the variances.

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

| | | |
|----------------|-------|-----|
| MR. CASTELLANA | VOTED | YES |
| MR. DIRIENZO | VOTED | YES |
| MR. MIKOLEY | VOTED | YES |
| MR. STOERR | VOTED | YES |
| MR. SUGG | VOTED | YES |
| MR. TILLMANNS | VOTED | YES |
| MS. MONACELLI | VOTED | YES |

The resolution granting the variances were thereupon **READOPTED**.

June 9, 2022

PETITION OF: LUCAS JAMES

THE 2nd READOPTION CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Lucas James, 43 Conrad Street, Depew, New York 14043 for one [1] variance for the purpose of a site plan approval on premises owned by United Refining Company at 5835 Broadway Street, Lancaster, New York, to wit:

A variance from the requirements of Chapter 400, Zoning, Section 17, Subsection C, Schedule B of the Code of the Town of Lancaster. The request calls for pavement at the west property line without setback landscape area.

Chapter 400, Zoning, Section 17, Subsection C, Schedule B of the Code of the Town of Lancaster requires a minimum side and rear yard for parking, loading and stacking areas abutting a nonresidential district of ten [10] feet. The petitioner, therefore, requests a ten [10] foot setback variance.

IN THE MATTER OF THE READOPTION OF THE PETITION: LUCAS JAMES

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. DIRIENZO, 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 Lucas James 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 April 2022, and having heard all parties interested in said application pursuant to legal notice duly published and posted, the Zoning Board of Appeals voted to GRANT the variances.

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

| | | |
|----------------|-------|-----|
| MR. CASTELLANA | VOTED | YES |
| MR. DIRIENZO | VOTED | YES |
| MR. MIKOLEY | VOTED | YES |
| MR. STOERR | VOTED | YES |
| MR. SUGG | VOTED | YES |
| MR. TILLMANNS | VOTED | YES |
| MS. MONACELLI | VOTED | YES |

The resolution granting the variances were thereupon **READOPTED**.

June 9, 2022

PETITION OF: 0 BROADWAY/ THE BROADWAY GROUP.LLC.

THE 3rd READOPTON CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Tara Mathias, The Broadway Group, LLC, Huntsville, Alabama 35801 for five [5] variances for the purpose of constructing a retail store with parking, site lighting, landscaping, and stormwater management on premises owned by WNY Property Management, LLC at 0 Broadway (S.B.L.# 116.31-3-57.211), Lancaster, New York, to wit:

- A. A variance from the requirements of Chapter 400, Zoning, Section 17, Subsection C, Schedule B of the Code of the Town of Lancaster. The request calls for the rear yard of the building at thirty-six [36] feet.

Chapter 400, Zoning, Section 17, Subsection C, Schedule B of the Code of the Town of Lancaster requires a minimum side and rear yard for structures abutting a residential district of fifty [50] feet. The petitioner, therefore, requests a fourteen [14] foot variance.

- B. A variance from the requirements of Chapter 400, Zoning, Section 17, Subsection C, Schedule B of the Code of the Town of Lancaster. The request calls for a paved parking area at nine [9] feet from the right-of-way.

Chapter 400, Zoning, Section 17, Subsection C, Schedule B of the Code of the Town of Lancaster requires the minimum yard for parking, loading and stacking areas from the right-of-way of a dedicated street of twenty [20] feet. The petitioner, therefore, requests an eleven [11] foot variance.

- C. A variance from the requirements of Chapter 400, Zoning, Section 28, Subsection E(1)(a)[4][e][i] of the Code of the Town of Lancaster. The request calls for thirty-five [35] parking spaces.

Chapter 400, Zoning, Section 28, Subsection E(1)(a)[4][e][i] of the Code of the Town of Lancaster requires food stores and discount stores must have one space for each one hundred [100] square feet of gross floor area; for this application, one hundred seven [107] spaces. The petitioner, therefore, requests seventy-two [72] parking spaces variance.

- D. A variance from the requirements of Chapter 400, Zoning, Section 28, Subsection G (2) of the Code of the Town of Lancaster. The request calls for the loading area to block seven [7] parking spaces.

Chapter 400, Zoning, Section 28, Subsection G(2) of the Code of the Town of Lancaster require all loading facilities shall be so arranged that they may be used without blocking or otherwise interfering with the use of accessways, parking or stacking facilities, public streets or sidewalks. The petitioner, therefore, requests a variance to block access to seven [7] parking spaces.

- E. A variance from the requirements of Chapter 400, Zoning, Section 28, Subsection G (5) of the Code of the Town of Lancaster. The request calls for one [1] loading space.

Chapter 400, Zoning, Section 28, Subsection G(5) of the Code of the Town of Lancaster requires two [2] loading spaces. The petitioner, therefore, requests a one [1] loading space variance.

IN THE MATTER OF THE READOPTION OF THE PETITION OF: TARA MATHIAS/0 BROADWAY

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. CASTELLANA, 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 Tara Mathias 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 April 2022, and having heard all parties interested in said application pursuant to legal notice duly published and posted, the Zoning Board of Appeals voted to **GRANT** the variances.

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

| | | |
|----------------|-------|-----|
| MR. CASTELLANA | VOTED | YES |
| MR. DIRIENZO | VOTED | NO |
| MR. MIKOLEY | VOTED | YES |
| MR. STOERR | VOTED | YES |
| MR. SUGG | VOTED | YES |
| MR. TILLMANN | VOTED | YES |
| MS. MONACELLI | VOTED | YES |

The resolution granting the variances were thereupon **READOPTED**.

June 9, 2022

ON MOTION DULY MADE, SECONDED AND CARRIED, the meeting was adjourned at 8:26 P.M.

Signed _____
Diane M. Terranova, TOWN CLERK and
Clerk to Zoning Board of Appeals
June 9, 2022