

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 13th day of April 2017, at 7:00 P.M., and there were

PRESENT: DANIEL BEUTLER, MEMBER
JOHN BRUSO, MEMBER
JILL MONACELLI, MEMBER
LAWRENCE PIGNATARO, MEMBER
FRANK SWIGONSKI, MEMBER
RICHARD QUINN, CHAIRMAN

ABSENT: JAMES PERRY, MEMBER

ALSO PRESENT: DIANE M. TERRANOVA, TOWN CLERK
KEVIN LOFTUS, 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 SUSAN M. SCHENBACK:

THE 1st CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Susan Schenback, 6400 Broadway, Lancaster, New York for a variance from the requirements of Chapter 50, Zoning, Section 9C.(2) of the Code of the Town of Lancaster for the purpose of constructing a single family residence on premises owned by the petitioner at 0 Ransom Road, Lancaster, New York.

A variance from the requirements of Chapter 50, Zoning, Section 9C.(2) of the Code of the Town of Lancaster. The proposed building lot is ninety eight [98] feet wide.

Chapter 50, Zoning, Section 9C.(2) of the Code of the Town of Lancaster requires a one hundred (100) foot minimum width of a lot abutting a dedicated street. The petitioner, therefore, requests a two [2] 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

Susan Schenback, Petitioner	Proponent
Steven Kaus	Opponent
Judy Visniesky	Opponent
Chester Visniesky	Opponent

IN THE MATTER OF THE PETITION OF SUSAN M. SCHENBACK:

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. SWIGONSKI, 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 Susan M. Schenback and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 13th day of April, 2017, 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, (A-R) as shown on the Zoning Map of the Town of Lancaster.

WHEREAS, the Erie County Department of Environment and Planning has received a full copy of the proposed zoning action and has stated that the proposed action has been reviewed and determined to be of local concern therefore, no recommendation was made.

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

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

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

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

That the requested area variance relief is not substantial.

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

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

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

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

NOW, THEREFORE, BE IT

RESOLVED that based upon these findings, the relief sought be and is hereby **GRANTED** subject to the following conditions which in the opinion of this board are appropriate conditions to minimize adverse effects on the character of the surrounding area and to safeguard the public health, safety, convenience and general welfare:

- That the drainage issue will be dealt with to the satisfaction of the Town Engineer.
- All construction will be based upon the approval of the Building Inspector'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. BEUTLER	VOTED	YES
MR BRUSO	VOTED	YES
MS. MONACELLI	VOTED	YES
MR. PERRY	WAS ABSENT	
MR. PIGNATARO	VOTED	YES
MR SWIGONSKI	VOTED	YES
MR. QUINN	VOTED	YES

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

April 13, 2017

PETITION OF MARK REPKA:

THE 2nd CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Mark Repka, 275 Essjay Road, Williamsville, New York for a variance from the requirements of Chapter 50, Zoning, Section 9C.(3)(c) of the Code of the Town of Lancaster for the purpose of constructing a single family residence on premises owned by the petitioner at 225 Schwartz Road, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 9C.(3)(c) of the Code of the Town of Lancaster. The proposed house will result in a twenty [20'] foot rear yard setback.

Chapter 50, Zoning, Section 9C.(3)(c) of the Code of the Town of Lancaster requires a fifty [50'] foot rear yard setback. The petitioner, therefore, requests a thirty [30'] foot rear yard 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 of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

Mark Repka, Petitioner

Proponent

IN THE MATTER OF THE PETITION OF MARK REPKA:

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

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Mark Repka and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 13th day of April 2017, 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, (A-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 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. BEUTLER	VOTED	YES
MR BRUSO	VOTED	YES
MS. MONACELLI	VOTED	YES
MR. PERRY	WAS ABSENT	
MR. PIGNATARO	VOTED	YES
MR SWIGONSKI	VOTED	YES
MR. QUINN	VOTED	YES

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

April 13, 2017.

PETITION OF DAVID ROBERTS:

THE 3rd CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of David Roberts, 19 Greenbriar Drive, Lancaster, New York 14086 for three [3] variances for the purpose of allowing a storage shed to remain as currently positioned on premises owned by the petitioner at 19 Greenbriar Drive, Lancaster, New York, to wit:

- A. A variance from the requirements of Chapter 50, Zoning, Section 10D.(1)(b) of the Code of the Town of Lancaster. The storage shed is positioned two [2'] feet from the rear property line.

Chapter 50, Zoning, Section 10D.(1)(b) of the Code of the Town of Lancaster requires a five [5'] foot rear property line set back for an accessory structure. The petitioner, therefore, requests a three [3'] foot rear property line set back variance.

- B. A variance from the requirements of Chapter 50, Zoning, Section 17A (3) of the Code of the Town of Lancaster. The premises for which this variance is requested is located within an R-1, Residential District One, as shown on the official Zoning Map of the Town of Lancaster on file in the Town Clerk's Office.

Chapter 50 of the Code of the Town of Lancaster does not allow an accessory structure to project into a front yard. The petitioner, therefore requests an area variance to allow a shed to remain in a required front yard in an R-1, Residential District One.

- C. A variance from the requirements of Chapter 50, Zoning, Section 10C.(3)(a) of the Code of the Town of Lancaster. Request calls for a shed to remain fourteen [14'] feet from the front property line.

Chapter 50, Zoning, Section 10C.(3)(a) of the Code of the Town of Lancaster requires a thirty five [35'] foot front yard setback. The petitioner, therefore, requests a twenty one [21'] foot front yard property line 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 J. Roberts, Petitioner

Proponent

IN THE MATTER OF THE PETITION OF DAVID ROBERTS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. QUINN, 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 David Roberts and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 13th day of 2017, 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 1, (R-1) as shown on the Zoning Map of the Town of Lancaster.

**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. BEUTLER	VOTED	NO
MR BRUSO	VOTED	NO
MS. MONACELLI	VOTED	NO
MR. PERRY	WAS ABSENT	
MR. PIGNATARO	VOTED	NO
MR SWIGONSKI	VOTED	NO
MR. QUINN	VOTED	NO

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

April 13, 2017

ON MOTION DULY MADE, SECONDED AND CARRIED, the meeting was adjourned at 8:23 P.M.

Signed _____
Diane M. Terranova, Town Clerk and
Clerk, Zoning Board of Appeals
Dated:

