

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 October 2016, at 7:00 P.M., and there were

PRESENT: DANIEL BEUTLER, MEMBER

JOHN BRUSO, MEMBER

JILL MONACELLI, MEMBER

JAMES PERRY, MEMBER

FRANK SWIGONSKI, MEMBER

RICHARD QUINN, CHAIRMAN

ABSENT: LAWRENCE PIGNATARO, MEMBER

ALSO PRESENT: DIANE M. TERRNOVA, 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: DARRYL/JANET BORAWSKI

THE 1st CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Darryl and Janet Borawski, 147 Schwartz Road, Lancaster, New York for one [1] variance for the purpose of constructing a storage shed on premises owned by the petitioners at 147 Schwartz Road, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 9D.(1)(b) of the Code of the Town of Lancaster. The proposed location of the storage shed would result in a five [5] foot North property line set back.

Chapter 50, Zoning, Section 9D.(1)(b) of the Code of the Town of Lancaster requires a fifteen [15] foot North property line set back. The petitioners, therefore, request a ten [10] foot North property line set back variance.

The Clerk presented and entered into evidence the following items:

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

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

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

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

Copy of a letter notifying New York State Department of Transportation and Town of Elma of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

Darryl Borawski, Petitioner Proponent

Janet Borawski, Petitioner Proponent

IN THE MATTER OF THE PETITION OF: DARRYL AND JANET BORAWSKI

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

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Darryl/Janet Borawski 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 October 2016, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the applicants are the present owners of the premises in question.

WHEREAS, the property for which the applicants are petitioning is within a Agricultural 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 therefore, no recommendation was made.

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

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

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

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

That the requested area variance relief is not substantial.

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

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

That this board has taken into consideration the benefit to the 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	VOTED	YES
MR. PIGNATARO	WAS ABSENT	
MR. SWIGONSKI	VOTED	YES
MR. QUINN	VOTED	YES

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

October 13, 2016

PETITION OF: NAS SIGN COMPANY/PAUL STRADA

THE 2nd CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Paul Strada, NAS Sign Company, 1628 Elmwood Avenue, Buffalo, New York 14207, for one [1] variance for the purpose of erecting a ground sign on premises owned by Bushra Iqbal, at 6337 Transit Rd, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 30F.(2)(c)[2][c] of the Code of the Town of Lancaster to permit the location of one ground sign six inches from the front property line.

Chapter 50, Zoning, Section 30F.(2)(c)[2][c] of the Code of the Town of Lancaster requires that a ground sign be located not less than 15 feet from a street right-of-way. The petitioner, therefore, requests a fourteen foot six inch front property line set back variance from the right of way.

The Clerk presented and entered into evidence the following items:

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

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

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

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

Copy of a letter notifying New York State Department of Transportation and Village of Depew of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

John Gennuso, NAS Sign Company, Representing Petitioner

Proponent

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

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

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of NAS Sign Company/ Paul Strada 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 October 2016, 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 owner.

WHEREAS, the property for which the applicant is petitioning is within a General Business District, (GB) 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 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, with this condition: that the sign would be moved five [5] feet to the east of it's present location, closer to the building.

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

That the requested area variance relief is not substantial with the stated condition, and 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** subject to the condition stated in the findings, 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:

- The sign shall be placed five [5] feet east of it's present location, closer to the building.

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	VOTED	YES
MR. PIGNATARO	WAS ABSENT	
MR. SWIGONSKI	VOTED	YES
MR. QUINN	VOTED	YES

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

October 13, 2016

PETITION OF: ROBERT GARBACZ

The 3rd CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Robert Garbacz, 172 Cemetery Road, Lancaster, New York 14086, for a variance from the provisions of Chapter 50, Zoning, Section 31C.(2)(b) of the Code of the Town of Lancaster for the purpose of constructing a garage, built in place of an existing barn at 172 Cemetery Road, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 31C.(2)(b) of the Code of the Town of Lancaster. The construction of a 1,000 square foot garage, built in place of an existing 554 square foot barn.

Chapter 50, Zoning Section 31C.(2)(b) of the Code of the Town of Lancaster permits no more than a 25% increase in size of an existing structure. The total requested enlargement is 55.4%. The petitioner, therefore, requests a 30.4% enlargement variance.

The Clerk presented and entered into evidence the following items:

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

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

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

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

PERSONS ADDRESSING THE BOARD

Robert Garbacz, Petitioner

Proponent

IN THE MATTER OF THE PETITION OF ROBERT GARBACZ

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

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Robert Garbacz 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 October 2016, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the applicants are the present owner of the premises in question.

WHEREAS, the property for which the applicants are 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 not commented.

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

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:

- The garage will match the color and style of the other buildings on the property.
- That nothing shall be placed along the property line, along the side of the neighbor at 176 Cemetery Road, except for foliage.

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	VOTED	YES
MR. PIGNATARO	WAS ABSENT	
MR. SWIGONSKI	VOTED	YES
MR. QUINN	VOTED	YES

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

October 13, 2016

PETITION OF: ERIC CAPRILLA

THE 4th CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Eric Caprilla, 1 Deerpath Drive, Lancaster, New York 14086 for one [1] variance for the purpose of constructing an in ground pool on the premises owned by the petitioner at 1 Deerpath Drive, Lancaster, NY, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 10D.(1)(a) of the Code of the Town of Lancaster to permit construction of an in ground pool within six [6] feet from an existing deck.

Chapter 50, Zoning, Section 10D.(1)(a) of the Code of the Town of Lancaster requires an accessory structure to be located ten [10] feet from any other structure. The petitioner, therefore, requests a [4] four foot variance.

The Clerk presented and entered into evidence the following items:

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

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

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

PERSONS ADDRESSING THE BOARD

Eric Caprilla, Petitioner	Proponent
Joanne M. Janowski, Petitioner	Proponent
Judy Nitchke	Proponent
David Nitchke	Proponent

IN THE MATTER OF THE PETITION ERIC CAPRILLA

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

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 13th day of October 2016, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

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

WHEREAS, the property for which the applicant is petitioning is within a Residential District, (R1) 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 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	VOTED	YES
MR. PIGNATARO	WAS ABSENT	
MR. SWIGONSKI	VOTED	YES
MR. QUINN	VOTED	YES

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

October 13, 2016

ON MOTION DULY MADE, SECONDED AND CARRIED, the meeting was adjourned
at 8:12 P.M.

SIGNED _____
Diane M. Terranova, Town Clerk and
Clerk, Zoning Board of Appeals
Dated: October 13, 2016