

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 8th day of March 2018, at 7:00 P.M., and there were

PRESENT: DANIEL BEUTLER, MEMBER

JOHN MIKOLEY, MEMBER

LAWRENCE PIGNATARO, MEMBER

TYLER SOJKA, MEMBER

FRANK SWIGONSKI, MEMBER

ABSENT: RICHARD QUINN, CHAIRMAN

JILL MONACELLI, MEMBER

ALSO PRESENT: DIANE M. TERRNOVA, TOWN CLERK

KEVIN LOFTUS, TOWN ATTORNEY

MATTHEW FISCHIONE, CODE ENFORCEMENT OFFICER

Due to the absence of Chairman Quinn, a motion was made by Mr. Beutler to appoint Mr. Swigonski as Acting Chairman for this meeting, seconded by Mr. Sojka. All in favor. Motion carried.

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: LUKE SIMON

THE 1st CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Luke Simon, 676 Ransom Road, Lancaster, New York 14086 for one [1] variance for the purpose of constructing an addition on premises owned by the petitioner at 676 Ransom Road, Lancaster, New York; to wit:

A variance from the requirements of Chapter 50, Zoning, Section 9D.(1)(a) of the Code of the Town of Lancaster. The location of the proposed addition will be five [5] feet, six [6] inches from the existing detached garage.

Chapter 50, Zoning, Section 9D.(1)(a) of the Code of the Town of Lancaster requires accessory structures to be located at least ten [10] feet from another structure. The petitioner, therefore, requests a four [4] foot, six [6] inch variance.

The Clerk presented and entered into evidence the following items:

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

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

Copy of a letter notifying owner 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

Luke Simon, Petitioner

Proponent

IN THE MATTER OF THE PETITION OF LUKE SIMON

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

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Luke Simon and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 8th day of March 2018, 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.

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:

- Install a fire barrier between the house and the garage for added protection.

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

MR. QUINN	WAS	ABSENT
MR. BEUTLER	VOTED	YES
MR. MIKOLEY	VOTE	YES
MS. MONACELLI.	WAS	ABSENT
MR. PIGNATARO	VOTED	YES
MR. SOJKA	VOTED	YES
MR. SWIGONSKI	VOTED	YES

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

March 8, 2018

PETITION OF: CHRIS McCAFFERTY/ULRICH SIGN COMPANY, INC.

THE 2nd CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Chris McCafferty, Ulrich Sign Company, Inc., 177 Oakhurst Street, Lockport, New York 14094 for one [1] variance for the purpose of erecting a ground sign on premises owned by Somerset Companies at 4845 Transit Road, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning Section 30F.(2)(c)[2][a] of the Code of the Town of Lancaster to permit a sign height of six [6] feet, eleven [11] inches above finished grade.

Chapter 50, Zoning, Section 30F.(2)(c)[2][a] of the Code of the Town of Lancaster limits the height of a ground sign to four [4] feet above finished grade. The petitioner, therefore, requests a two [2] foot, eleven [11] inch ground sign height variance.

The Clerk presented and entered into evidence the following items:

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

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

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

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

PERSONS ADDRESSING THE BOARD

Chris McCafferty, Petitioner

Proponent

IN THE MATTER OF THE PETITION OF CHRIS McCafferty/ ULRICH SIGN COMPANY, INC.

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

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Chris McCafferty and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 8th day of March 2018, 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 Residential District 4, (MFR4) 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. QUINN	WAS ABSENT
MR. BEUTLER	VOTED YES
MR. MIKOLEY	VOTED YES
MS. MONACELLI.	WAS ABSENT
MR. PIGNATARO	VOTED YES
MR. SOJKA	VOTED YES
MR. SWIGONSKI	VOTED YES

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

March 8, 2018

PETITION OF: CHRIS McCAFFERTY/ULRICH SIGN COMPANY, INC.

THE 3rd CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition Chris McCafferty, Ulrich Sign Company, Inc., 177 Oakhurst Street, Lockport, New York 14094 for one [1] variance for the purpose of erecting a ground sign on premises owned by Somerset Companies at 5844 Broadway, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning Section 30F.(2)(c)[2][a] of the Code of the Town of Lancaster to permit a sign height of six [6] feet, eleven [11] inches above finished grade.

Chapter 50, Zoning, Section 30F.(2)(c)[2][a] of the Code of the Town of Lancaster limits the height of a ground sign to four [4] feet above finished grade. The petitioner, therefore, requests a two [2] foot, eleven [11] inch ground sign height variance.

The Clerk presented and entered into evidence the following items:

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

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

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

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

PERSONS ADDRESSING THE BOARD

Chris McCafferty, Petitioner

Proponent

**IN THE MATTER OF THE PETITION OF CHRIS McCAFFERTY/ULRICH
SIGN COMPAN, INC.**

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

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Chris McCafferty and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 8th day of March 2018, 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 Residential District, (MFR3) 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. QUINN	WAS	ABSENT
MR. BEUTLER	VOTED	YES
MR. MIKOLEY	VOTED	YES
MS. MONACELLI.	WAS	ABSENT
MR. PIGNATARO	VOTED	YES
MR. SOJKA	VOTED	YES
MR. SWIGONSKI	VOTED	YES

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

March 8, 2018

ON MOTION DULY MADE, SECONDED AND CARRIED, the meeting was adjourned at
7:24 P.M.

Signed _____
Diane M. Terranova, Town Clerk and
Clerk, Zoning Board of Appeals
Dated: March 8, 2018