

May 10, 2018

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 10th day of May 2018, at 7:00 P.M., and there were

PRESENT: RICHARD QUINN, CHAIRMAN
 DANIEL BEUTLER, MEMBER
 JOHN MIKOLEY, MEMBER
 FRANK SWIGONSKI, MEMBER

ABSENT: JILL MONACELLI, MEMBER
 LAWRENCE PIGNATARO, MEMBER
 TYLER SOJKA, MEMBER

ALSO PRESENT: DONNA MARTIN, DEPUTY 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: RONALD FARRELL

THE 1st CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Ronald Farrell, 28 Woodgate Drive, Lancaster, New York 14086 for one [1] variance for the purpose of constructing a storage shed on premises owned by the petitioner at 28 Woodgate Drive, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 10D.(1)(b) of the Code of the Town of Lancaster. The proposed location of the shed results in a two [2] foot property line set back.

Chapter 50, Zoning, Section 10D.(1)(b) of the Code of the Town of Lancaster requires a five [5] foot side yard lot line set back. The petitioner, therefore, requests a three [3] foot side yard property line set back 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

Ronald Farrell, Petitioner

Proponent

IN THE MATTER OF THE PETITION OF: RONALD FARRELL

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. MIKOLEY, 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 Ronald Farrell and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 10th day of May 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 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 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	VOTED	YES
MR. BEUTLER	VOTED	YES
MR. MIKOLEY	VOTED	YES
MS. MONACELLI.	WAS ABSENT	
MR. PIGNATARO	WAS ABSENT	
MR. SOJKA	WAS ABSENT	
MR. SWIGONSKI	VOTED	YES

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

May 10, 2018

PETITION OF: JOHN DUSZYNSKI

THE 2nd CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of John Duszynski, 713 Pavement Road, Lancaster, New York 14086 for one [1] variance for the purpose of constructing a pole barn on premises owned by the petitioner at 713 Pavement Road, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 9D.(4) of the Code of the Town of Lancaster. The area of the proposed accessory structure is 1,200 square feet.

Chapter 50, Zoning, Section 9D.(4) of the Code of the Town of Lancaster limits the area of an accessory structure to 750 square feet. The petitioner, therefore, requests a 450 square foot accessory use area 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

John Duszynski, Petitioner

Proponent

IN THE MATTER OF THE PETITION OF: JOHN DUSZYNSKI

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. BEUTLER, 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 John Duszynski and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 10th day of May 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**.

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

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

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

May 10, 2018

PETITION OF: TIM SCHIFFLER

THE 3rd CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Tim Schiffler, 350 Lake Avenue, Lancaster, New York 14086 for two [2] variances for the purpose of constructing a pole barn on premises owned by the petitioner at 350 Lake Avenue, Lancaster, New York, to wit:

- A. A variance from the requirements of Chapter 50, Zoning, Section 9D.(4) of the Code of the Town of Lancaster. The area of the proposed accessory structure is 2,400 square feet.

Chapter 50, Zoning, Section 9D.(4) of the Code of the Town of Lancaster limits the area of an accessory structure to 750 square feet. The petitioner, therefore, request a 1,650 square foot accessory use area variance.

- B. A variance from the requirements of Chapter 50, Zoning, Section 9D.(2) of the Code of the Town of Lancaster. The height of the proposed pole barn is twenty two [22] feet.

Chapter 50, Zoning, Section 9D.(2) of the Code of the Town of Lancaster limits the height of accessory structures to sixteen [16] feet. The petitioner, therefore, request a six [6] 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

Tim Schiffler, Petitioner

Proponent

Ed Bellaire

Questions, Comments

IN THE MATTER OF THE PETITION OF: TIM SCHIFFLER

THE FOLLOWING RESOLUTION WAS OFFERED
BY CHAIRMAN QUINN, 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 Tim Schiffler and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 10th day of May 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 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:

- Will add at least 6 feet of evergreen trees along rear of property line.

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

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

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

May 10, 2018

PETITION OF: AARON CONNACHER

THE 4th CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Aaron Connacher, 28 Newberry Lane, Lancaster, NY 14086 for three [3] variances for the purpose of allowing an existing porch patio structure to remain as positioned, for an in ground swimming pool and for a fence on property owned by the petitioner at 28 Newbery Lane, Lancaster, New York, to wit:

- A. A variance from the requirements of Chapter 50, Zoning, Section 11C.(4)(c) of the Code of the Town of Lancaster. The existing porch patio structure would result in an eighteen foot [18] rear property line set back.

Chapter 50, Zoning, Section 11C.(4)(c) of the Code of the Town of Lancaster requires a thirty [30] foot rear yard set back. The petitioner, therefore, requests a twelve [12] 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 in ground swimming pool would be positioned twenty [20] feet from the front property line.

Chapter 50, Zoning, Section 17A.(3) of the Code of the Town of Lancaster stipulates that no accessory structure shall project into a front yard. the petitioner, therefore, requests a fifteen [15] foot front property line variance.

- C. A variance from the requirements of Chapter 50 Zoning, Section 35C. of the Code of the Town of Lancaster. The petitioner proposes to erect a four [4] foot, six [6] inch high fence in required front yard.

Chapter 50, Zoning, Section 35C. of the Code of the Town of Lancaster limits the height of a fence or wall extending into a front yard area to three [3] feet in height. The petitioner therefore, requests a one [1] foot, six [6] inch fence height variance.

The Clerk presented and entered into evidence the following items:

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

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

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

PERSONS ADDRESSING THE BOARD

Aaron Connacher, Petitioner	Proponent
Mike Jakubowski	Proponent
Bryan Stockman	Proponent
Deny Adelman	Proponent

IN THE MATTER OF THE PETITION OF: AARON CONNACHER

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. MIKOLEY, 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 Aaron Connacher and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 10th day of May 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 Residential District 2, (R2) 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. QUINN	VOTED	YES
MR. BEUTLER	VOTED	YES
MR. MIKOLEY	VOTED	YES
MS. MONACELLI.	WAS ABSENT	
MR. PIGNATARO	WAS ABSENT	
MR. SOJKA	WAS ABSENT	
MR. SWIGONSKI	VOTED	YES

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

May 10, 2018

PETITION OF: GEORGE AND JODI CAMPBELL

THE 5th CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of George and Jodi Campbell, 34 Parkedge Drive, Lancaster, New York 14086 for one variance for the purpose of erecting a four [4] foot high fence in a required front yard area on premises owned by the petitioners at 34 Parkedge Drive, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50 Zoning, Section 35C. of the Code of the Town of Lancaster. The petitioners propose to erect a four [4] foot high fence in a required front yard.

Chapter 50, Zoning, Section 35C. of the Code of the Town of Lancaster limits the height of a fence or wall extending into a front yard area to three [3] feet in height. The petitioners, therefore, request a one [1] foot fence height 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

George Campbell, Petitioner

Proponent

IN THE MATTER OF THE PETITION OF: GEORGE AND JODI CAMPBELL

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. BEUTLER, 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 George and Jodi Campbell and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 10th day of May 2018, 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 1, (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 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 applicants 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**.

That no commercial enterprise, other than those permitted by Chapter 50 of the
Code of the Town of Lancaster, be conducted on the premises.

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

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

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

May 10, 2018

ON MOTION DULY MADE, SECONDED AND CARRIED, the meeting
was adjourned at 7:47 P.M.

Signed _____
Donna Martin, Deputy Town Clerk
Zoning Board of Appeals
Dated: May 10, 2018