

August 9, 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 9th day of August 2018, at 7:00 P.M., and there were

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

ABSENT:

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.

IN THE MATTER OF THE PETITION OF: SCOTT PFEIL

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

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Scott Pfeil 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 August 2018, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

(Add in adjourned cases:)

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has requested further information from the petitioner.

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster, with the concurrence of the petitioner, agrees that an adjournment of this hearing is in the best interest of both the residents of the Town of Lancaster and the petitioner.

**NOW, THEREFORE, BE IT
RESOLVED** that this hearing be adjourned to allow for further testimony and evidence to be presented.

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

WHEREAS, the property for which the applicant is petitioning is within a Commercial and Motor Service District, (CMS) 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.

[Additional Findings - Optional]

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.

(Add In Denial Cases)

That the petitioner failed to carry the burden of establishing that strict compliance with the Zoning Ordinance would cause practical difficulties rendering the property unusable.

That denial of the variance does not deprive the petitioner of the ability to.....

NOW, THEREFORE, BE IT

RESOLVED that based upon these findings, the relief sought be and is hereby **GRANTED IN CASES THAT ARE GRANTED OR CONSIDERED IN CASES THAT ARE DENIED**-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:

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
MR. BEUTLER	VOTED
MR. MIKOLEY	VOTED
MS. MONACELLI	VOTED
MR. PIGNATARO	VOTED
MR. SOJKA	VOTED
MR. SWIGONSKI	VOTED

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

August 9, 2018

IN THE MATTER OF THE PETITION OF: SALVATORE CURELLA

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

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Salvatore Curella 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 August 2018, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and
(Add in adjourned cases:)

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has requested further information from the petitioner.

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster, with the concurrence of the petitioner, agrees that an adjournment of this hearing is in the best interest of both the residents of the Town of Lancaster and the petitioner.

**NOW, THEREFORE, BE IT
RESOLVED**, that this hearing be adjourned to allow for further testimony and evidence to be presented.

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.

[Additional Findings - Optional]

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.

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

(Add In Denial Cases:)

That the petitioner failed to carry the burden of establishing that strict compliance with the Zoning Ordinance would cause practical difficulties rendering the property unusable.

That denial of the variance does not deprive the petitioner of the ability to.....

NOW, THEREFORE, BE IT

RESOLVED that based upon these findings, the relief sought be and is hereby **GRANTED IN CASES THAT ARE GRANTED OR CONSIDERED IN CASES THAT ARE DENIED**-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:

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
MR. BEUTLER	VOTED
MR. MIKOLEY	VOTED
MS. MONACELLI.	VOTED
MR. PIGNATARO	VOTED
MR. SOJKA	VOTED
MR. SWIGONSKI	VOTED

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

August 9, 2018

IN THE MATTER OF THE PETITION OF: ARTEL DEVRIES

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

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Artel DeVries 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 August 2018, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

(Add in adjourned cases:)

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has requested further information from the petitioner.

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster, with the concurrence of the petitioner, agrees that an adjournment of this hearing is in the best interest of both the residents of the Town of Lancaster and the petitioner.

**NOW, THEREFORE, BE IT
RESOLVED** that this hearing be adjourned to allow for further testimony and evidence to be presented.

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.

[Additional Findings - Optional]

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.

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

(Add In Denial Cases:)

That the petitioner failed to carry the burden of establishing that strict compliance with the Zoning Ordinance would cause practical difficulties rendering the property unusable.

That denial of the variance does not deprive the petitioner of the ability to.....

NOW, THEREFORE, BE IT

RESOLVED that based upon these findings, the relief sought be and hereby **GRANTED IN CASES THAT ARE GRANTED OR CONSIDERED IN CASES THAT ARE DENIED**-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:

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MR. QUINN	VOTED
MR. BEUTLER	VOTED
MR. MIKOLEY	VOTED
MS. MONACELLI	VOTED
MR. PIGNATARO	VOTED
MR. SOJKA	VOTED
MR. SWIGONSKI	VOTED

The resolution granting the variance was thereupon **ADOPTED-DENIED**

August 9, 2018

IN THE MATTER OF THE PETITION OF: DAVID BOGDAN

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

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of David Bogdan 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 August 2018, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

(Add in adjourned cases:)

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has requested further information from the petitioner.

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster, with the concurrence of the petitioner, agrees that an adjournment of this hearing is in the best interest of both the residents of the Town of Lancaster and the petitioner.

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WHEREAS, the property for which the applicant is petitioning is within a Commercial and Motor Service District, (CMS) 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.

[Additional Findings - Optional]

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.

(Add In Denial Cases:)

That the petitioner failed to carry the burden of establishing that strict compliance with the Zoning Ordinance would cause practical difficulties rendering the property unusable.

That denial of the variance does not deprive the petitioner of the ability to.....

NOW, THEREFORE, BE IT

RESOLVED that based upon these findings, the relief sought be and is hereby **GRANTED IN CASES THAT ARE GRANTED OR CONSIDERED IN CASES THAT ARE DENIED**-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:

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
MR. BEUTLER	VOTED
MR. MIKOLEY	VOTED
MS. MONACELLI	VOTED
MR. PIGNATARO	VOTED
MR. SOJKA	VOTED
MR. SWIGONSKI	VOTED

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

August 9, 2018

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

Signed _____
Diane M. Terranova, Town Clerk and
Clerk, Zoning Board of Appeals
Dated: August 9, 2018