

**NOTICE OF HEARING
ZONING BOARD OF APPEALS
TOWN OF LANCASTER**

NOTICE IS HEREBY GIVEN of a Meeting of the Zoning Board of Appeals of the Town of Lancaster to be held Thursday, March 14, 2019 at 7:00 P.M., Local Time, in the Town Board Chambers, in the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York. The items for consideration by the Zoning Board of Appeals at this meeting are:

1. The tabled petition of Brent Garner and Jeffrey Rowe, Great Lakes Coffee Roasters, Inc., 227 Thorn Avenue, Suite V, Orchard Park, New York 14127 for one [1] variance for the purpose of operating a Retail Business on premises owned by Scott Kolassa, 219 Gilman Road, Churchville, New York at 123 Stutzman Road, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 22, Subsection B of the Code of the Town of Lancaster. The request is to operate a retail business in a Residential Commercial Office (RCO) District.

Chapter 50, Zoning, Section 22, Subsection B of the Code of the Town of Lancaster does not permit a Retail Business in a Residential Commercial Office (RCO) District, therefore, the petitioners request a use variance to use the land in a manner not otherwise permitted by the zoning ordinance.

2. The petition of Timothy Swierczynski, 606 Aurora Street, Lancaster, New York 14086 for two [2] variances for the purpose of constructing a pole barn on premises owned by the petitioner at 606 Aurora Street, Lancaster, New York, to wit:

A. A variance from the requirements of Chapter 50, Zoning, Section 10.D.(4) of the Code of the Town of Lancaster. The area of the proposed accessory structure is two thousand seven hundred and sixty [2760] square feet.

Chapter 50, Zoning, Section 10.D.(4) of the Code of the Town of Lancaster limits the area of accessory structures to seven hundred and fifty [750] square feet. The petitioner, therefore, requests a two thousand and ten [2,010] square foot variance.

B. A variance from the requirements of Chapter 50, Zoning, Section 10.D.(2) of the Code of the Town of Lancaster. The height of the proposed accessory structure is twenty-two feet, two inches [22' 2"].

Chapter 50, Zoning, Section 10.D.(2) of the Code of the Town of Lancaster limits the height of accessory structures to sixteen [16] feet. The petitioner, therefore, requests a six foot, two inch [6' 2"] height variance.

3. The petition of 50 Freeman Road, LLC, represented by Sean Hopkins, Esq, 5500 Main Street, Williamsville, New York, for six [6] variances for the purpose of the demolition of an existing building and construction of a four story hotel at 50 Freeman Road, Lancaster, New York, to wit:

- A. A variance from the requirements of Chapter 50, Zoning, Section 19C.(5) of the Code of the Town of Lancaster. The height of the proposed building is 50.83 feet.

Chapter 50, Zoning, Section 19C.(5) of the Code of the Town of Lancaster limits the building height to thirty-five [35] feet. The petitioner, therefore, requests a 15.83 foot height variance.

- B. A variance from the requirements of Chapter 50, Zoning Section 19C.(3) of the Code of the Town of Lancaster. The west side parking lot setback is 9.2 feet.

Chapter 50, Zoning, Section 19C.(3) of the Code of the Town of Lancaster requires a ten (10) foot parking lot set back. The petitioner, therefore, requests a 0.8 foot west side parking lot setback variance.

- C. A variance from the requirements of Chapter 50, Zoning Section 19C.(3) of the Code of the Town of Lancaster. The north side parking lot setback is 0 feet.

Chapter 50, Zoning, Section 19C.(3) of the Code of the Town of Lancaster requires a ten (10) foot parking lot set back. The petitioner, therefore, requests a ten [10] foot north side parking lot setback variance.

- D. A variance from the requirements of Chapter 50, Zoning Section 19C.(3) of the Code of the Town of Lancaster. The east side parking lot setback is 1.1 feet.

Chapter 50, Zoning, Section 19C.(3) of the Code of the Town of Lancaster requires a ten (10) foot parking lot setback. The petitioner, therefore, requests an 8.9 foot east side parking lot setback variance.

- E. A variance from the requirements of Chapter 50, Zoning Section 19C.(3) of the Code of the Town of Lancaster. The south side parking lot setback is ten [10] feet.

Chapter 50, Zoning, Section 19C.(3) of the Code of the Town of Lancaster requires a twenty five (25) foot parking lot set back from right-of-way of a dedicated street. The petitioner, therefore, requests a fifteen (15) foot south side parking lot setback variance.

- F. A variance from the requirements of Chapter 50, Zoning, Section 28G.(5) of the Code of the Town of Lancaster. The petitioner has no provision for a loading area.

Chapter 50, Zoning, Section 28G.(5) of the Code of the Town of Lancaster requires one [1] loading area. The petitioner, therefore, requests a variance for one [1] loading area.

4. The petition of Niagara Lutheran Health Systems, 5959 Broadway, Lancaster, New York 14086, represented by Barclay Damon LLP, 9276 Main Street, Clarence, New York calling upon the Zoning Board of Appeals for an interpretation concerning the Notice of Non-Compliance of Niagara Lutheran Health Systems located at 5959 Broadway, Lancaster, New York.

Pursuant to Chapter 50, Zoning, Section 45.C(1) of the Code of the Town of Lancaster and Section 267-a(4) of New York State Town Law, the Board shall hear and decide appeals where it is alleged that there is an error or misinterpretation in any order, requirement, decision or determination by any administrative official of the Town charged with the enforcement of the Town Law. The Board may reverse, modify or affirm, in whole or in part, any such appealed order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as in its opinion ought to be made in strictly applying and interpreting the provisions of this ordinance, and for such purposes shall have all powers of the officer from whom the appeal is taken.

The petitioner hereby appeals to the Zoning Board of Appeals of the Town of Lancaster for an interpretation of the Notice of Non-Compliance of Niagara Lutheran Health Systems, pursuant to the authority granted in Chapter 50, Zoning, Section 45.C(1) of the Code of the Town of Lancaster and Section 267-a(4) of New York State Town Law.

5. The petition of Niagara Lutheran Health Systems, 5959 Broadway, Lancaster, New York 14086, represented by Barclay Damon LLP, 9276 main Street, Clarence, New York for one [1] variance for the purpose of operating a daycare and wellness center at 5959 Broadway, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 22D.(1) of the Code of the Town of Lancaster. The request calls for operating a daycare and wellness center accessory to the nursing facility and open to the public.

Chapter 50, Zoning, Section 22D.(1) of the Code of the Town of Lancaster limits retail stores and services, occupying not more than 15% of the gross floor area of any one building or division thereof, excluding outside display or retail sales in a Residential Commercial Office (RCO) district. The petitioner, therefore, requests a variance for 67.7% for a total of 4,905 square feet.

Signed _____
Diane M. Terranova, TOWN CLERK and
Clerk to Zoning Board of Appeals
Date: March 14, 2019