

September 12, 2019

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 12th day of September 2019, at 7:00 P.M., and there were

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

ABSENT: JILL MONACELLI, MEMBER
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: MICHAEL/DARLENE ANDERSON

THE 1st CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Michael and Darlene Anderson, 39 Steinfeldt Road, Lancaster, New York 14086 for one [1] variance for the purpose of allowing a camper trailer to be stored on premises owned by the petitioners at 39 Steinfeldt Road, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 17D.(3)(d) of the Code of the Town of Lancaster. The height of the camper trailer is ten feet, eight inches [10', 8"].

Chapter 50, Zoning, Section 17D.(3)(d) of the Code of the Town of Lancaster requires that a trailer which exceeds eight feet [8'] in height be stored in a rear yard or an enclosed building. The petitioners, therefore, request a two foot, eight inch [2', 8"] height variance to store this trailer in their front yard.

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

Darlene Anderson, Petitioner	Proponent
Michael Anderson, Petitioner	Proponent
Ronald Hyla	Proponent
Timothy Steele	Proponent
Colleen Sterchak	Proponent

IN THE MATTER OF THE PETITION OF MICHAEL/DARLENE ANDERSON

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

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Michael and Darlene Anderson and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 12th day of September 2019, 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.

**NOW, THEREFORE, BE IT
RESOLVED** that based upon these findings, the relief sought be and is
hereby considered.

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	NO
MR. MIKOLEY	VOTED	YES
MS. MONACELLI	WAS ABSENT	
MR. PIGNATARO	WAS ABSENT	
MR. SOJKA	VOTED	YES
MR. SWIGONSKI	VOTED	NO
MR. QUINN	VOTED	NO

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

September 12, 2019.

PETITION OF: RICHARD/LISA CHATHAM

THE 2nd CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Richard and Lisa Chatham, 8 Riemers Avenue, Lancaster, New York 14086 for one [1] variance for the purpose of installing a replacement fence in a public drainage easement on premises owned by the petitioners at 8 Riemers Avenue, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 17A.(5) of the Code of the Town of Lancaster. The petitioners request to install a replacement fence in a public drainage easement contrary to the recommendation of the Town Engineer.

Chapter 50, Zoning, Section 17A.(5) of the Code of the Town of Lancaster prohibits all structures other than fencing, within any drainage or access easement. The petitioners, therefore, request a five [5] foot public drainage easement 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

Lisa Chatham, Petitioner	Proponent
Richard Chatham, Petitioner	Proponent
Don Scheffold	Proponent

IN THE MATTER OF THE PETITION OF RICHARD/LISA CHATHAM

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. SOJKA, 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 Richard and Lisa Chatham and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 12th day of September 2019, 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 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 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.

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 **CONSIDERED**.

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. MIKOLEY	VOTED	NO
MS. MONACELLI	WAS ABSENT	
MR. PIGNATARO	WAS ABSENT	
MR. SOJKA	VOTED	NO
MR. SWIGONSKI	VOTED	YES
MR. QUINN	VOTED	NO

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

September 12, 2019.

PETITION OF: METZGER CIVIL ENGINEERING

THE 3rd CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition Jacob Metzger, Metzger Civil Engineering, 8245 Sheridan Drive, Williamsville, New York 14221, for one variance for the purpose of installing a pavement extension on premises owned by Parker Hannifin Corporation at 4087 Walden Avenue, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 24C.(6) of the Code of the Town of Lancaster. The location of the proposed pavement extension would result in a two [2] foot east property line set back.

Chapter 50, Zoning, Section 24C.(6) of the Code of the Town of Lancaster requires a ten [10] foot property line set back. The petitioner, therefore, requests an eight [8] foot east 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 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

Michael Metzger, Petitioner	Proponent
Metzger Civil Engineering, Inc.	

Michael Peccia, Representing Owner	Proponent
Parker Hannifin Corp.	

IN THE MATTER OF THE PETITION OF: METZGER CIVIL ENGINEERING

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 Jacob Metzger of Metzger Civil Engineering and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 12th day of September 2019, 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 Light Industrial, (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 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 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. MIKOLEY	VOTED	YES
MS. MONACELLI	WAS ABSENT	
MR. PIGNATARO	WAS ABSENT	
MR. SOJKA	VOTED	YES
MR. SWIGONSKI	VOTED	YES
MR. QUINN	VOTED	YES

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

September 12, 2019.

PETITION OF: DAVID ROGERS

THE 4th CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of David Rogers, 6 Walnut Creek Trail, Lancaster, New York 14086 for one [1] variance for the purpose of constructing a patio roof on premises owned by the petitioner at 6 Walnut Creek Trail, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 10D.(1)(a) of the Code of the Town of Lancaster. The petitioner requests to construct a patio roof six [6] feet four [4] inches from an in ground pool.

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 three [3] foot eight [8] 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 owners of property within 100 feet of requested variance of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

David Rogers, Petitioner

Proponent

Michael Collins

Proponent

IN THE MATTER OF THE PETITION OF: DAVID ROGERS

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. SWIGONSKI, 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 David Rogers and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 12th day of September 2019, 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 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 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. BEUTLER	VOTED	YES
MR. MIKOLEY	VOTED	YES
MS. MONACELLI	WAS ABSENT	
MR. PIGNATARO	WAS ABSENT	
MR. SOJKA	VOTED	YES
MR. SWIGONSKI	VOTED	YES
MR. QUINN	VOTED	YES

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

September 12, 2019.

PETITION OF: SAMUEL PAWLOWSKI

THE 5th CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Samuel Pawlowski, 90 Impala Parkway, Lancaster, New York 14086 for two [2] variances for the purpose of adding a fourteen [14] foot by twenty-nine [29] foot deep garage to an existing residence on premises owned by the petitioner at 90 Impala Parkway, Lancaster, New York, to wit:

- A. A variance from the requirements of Chapter 50, Zoning, Section 10C.(3)(b)[1] of the Code of the Town of Lancaster. The location of the proposed garage would result in a setback of 3.17 feet from the west property line.

Chapter 50, Zoning, Section 10C.(3)(b)[1] of the Code of the Town of Lancaster requires a minimum side yard width of 7.5 feet on the west property line. The petitioner, therefore, request a west property line variance of 4.33 feet.

- B. A variance from the requirements of Chapter 50, Zoning, Section 10C.(3)(b)[1] of the Code of the Town of Lancaster. The location of the proposed garage would result in the total of both side yard setbacks of 11.58 feet.

Chapter 50, Zoning, Section 10C.(3)(b)[1] of the Code of the Town of Lancaster requires a minimum total width of both side yards of 18.75 feet. The petitioner, therefore, request a total side yard setback variance of 7.17 feet.

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

Samuel Pawlowski, Petitioner	Proponent
Alexandra Pawlowski	Proponent

IN THE MATTER OF THE PETITION OF: SAMUEL PAWLOWSKI

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 Samuel Pawlowski and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 12th day of September 2019, 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 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 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.

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

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

September 12, 2019.

ON MOTION DULY MADE, SECONDED AND CARRIED, the meeting
was adjourned at 8:40 P.M.

Signed _____
Diane M. Terranova, Town Clerk and
Clerk, Zoning Board of Appeals
Dated: September 12, 2019