

March 12, 2020

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 March 2020, at 7:00 P.M., and there were

PRESENT: CARLO DI RIENZO, MEMBER  
JOHN MIKOLEY, MEMBER  
JILL MONACELLI, MEMBER  
LAWRENCE PIGNATARO, MEMBER  
FRANK SWIGONSKI, MEMBER

ABSENT: RICHARD QUINN, MEMBER  
TYLER SOJKA, CHAIRMAN

ALSO PRESENT: DIANE M. TERRNOVA, TOWN CLERK  
KEVIN LOFTUS, TOWN ATTORNEY  
MATTHEW FISCHIONE, CODE ENFORCEMENT OFFICER  
EMILY ORLANDO, DEPUTY TOWN ATTORNEY

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 AND JENNIFER SIEBER**

THE 1<sup>st</sup> CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Michael and Jennifer Sieber, 156 Wendell Street, Lancaster, New York 14086 for one [1] variance from the requirements of Chapter 50, Zoning, Section 10C.(3)(b)(1) of the Code of the Town of Lancaster for the purpose of constructing an addition to the side of a private dwelling on premises owned by the petitioners at 156 Wendell Street, Lancaster, New York, to wit:

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 dwelling would result in a side yard width of seven [7] feet, six [6] inches.

Chapter 50, Zoning, Section 10C.(3)(b)(1) of the Code of the Town of Lancaster requires that the minimum width of any side yard equal 10% of the lot width but need not exceed ten [10] feet for this dwelling. The petitioners, therefore, request a two [2] foot, six [6] inch side yard setback 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**

Michael Sieber, Petitioner	Proponent
Jennifer Sieber, Petitioner	Proponent

**IN THE MATTER OF THE PETITION OF: MICHAEL AND JENIFER SIEBER**

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

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Michael and Jennifer Sieber 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 March 2020, 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, (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 **GRANTED**.

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

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

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

March 12, 2020

**PETITION OF: BENDERSON DEVELOPMENT**

THE 2nd CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Benderson Development Company LLC, 570 Delaware Avenue, Buffalo, New York 14202 for one [1] variance for the purpose of erecting a sign on premises owned by the applicant at 4733 William Street, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 30D.(1) of the Code of the Town of Lancaster to install a sign advertising Rachel’s Mediterranean located at 4931 Transit Road on an existing pole sign at 4733 William Street.

Chapter 50, Zoning, Section 30D.(1) of the Code of the Town of Lancaster requires no sign shall be used to attract attention to a business not available or located on the premises where the sign is located. The petitioner, therefore, requests a variance to allow offsite advertising to be placed on a parcel.

**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 letter notifying the Erie County Department of Environment and Planning of the time and place of the public hearing.

**PERSONS ADDRESSING THE BOARD**

Matthew Oates, Representing Petitioner

Proponent

Robert Leary, Town Council Member

Opponent

**IN THE MATTER OF THE PETITION OF: BENDERSON DEVELOPMENT**

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

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Benderson Development 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 March 2020, 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.

**WHEREAS**, the property for which the applicant is petitioning is within a General Business, (GB) 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 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 **CONSIDERED**.

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

MR. DI RIENZO	VOTED YES
MR. MIKOLEY	ABSTAINED
MS. MONACELLI	VOTED NO
MR. PIGNATARO	VOTED YES
MR. QUINN	WAS ABSENT
MR. SWIGONSKI	VOTED YES
MR. QUINN	WAS ABSENT

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

March 12, 2020

**PETITION OF: NICK TANGELDER, FAST SIGNS**

THE 3rd CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Nick Tangelder, Fast Signs, 4913 Genesee Street, Cheektowaga, New York 14225 for one [1] variance for the purpose of installing a wall sign on Rachel’s, which is an occupancy on premises owned by Benderson Development Company, at 4931 Transit Road, Building 4933, Suite 100, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 30F.(2)(a) of the Code of the Town of Lancaster for the purpose of installing a sign on the premises containing a total sign face area of 359 square feet.

Chapter 50, Zoning, Section 30F.(2)(a) of the Code of the Town of Lancaster limits the total maximum sign face area of 240 square feet. The petitioner, therefore, requests a 119 square foot variance of the total sign face area.

**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 letter notifying the Erie County Department of Environment and Planning of the time and place of the public hearing.

**PERSONS ADDRESSING THE BOARD**

Nick Tangelder, Petitioner

Proponent

**IN THE MATTER OF THE PETITION OF: NICK TANGELDER, FAST SIGNS**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY MS. MONACELLI, 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 Nick Tangelder of Fast Signs 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 March 2020, 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.

**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 property for which the applicant is petitioning is within a General Business, (GB) 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 applicants to pursue, other than the area variance relief sought.

That the requested area variance relief is 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 not 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. DI RIENZO	VOTED YES
MR. MIKOLEY	ABSTAINED
MS. MONACELLI	VOTED YES
MR. PIGNATARO	VOTED YES
MR. QUINN	WAS ABSENT
MR. SWIGONSKI	VOTED YES
MR. SOJKA	WAS ABSENT

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

March 12, 2020

ON MOTION DULY MADE, SECONDED AND CARRIED, the meeting  
was adjourned at 7:32 P.M.

Signed \_\_\_\_\_  
Diane M. Terranova, TOWN CLERK and  
Clerk to Zoning Board of Appeals  
Date: March 12, 2020