

April 30, 2020

A Regular Meeting of the Zoning Board of Appeals of the Town of Lancaster, Erie County, New York, was held via teleconference, on the 30th day of April 2020, at 7:00 P.M., and there were

PRESENT: CARLO DI RIENZO, MEMBER
JOHN MIKOLEY, MEMBER
JILL MONACELLI, MEMBER
* LAWRENCE PIGNATARO, MEMBER
RICHARD QUINN, MEMBER
FRANK SWIGONSKI, MEMBER
TYLER SOJKA, CHAIRMAN

ABSENT: NONE

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

* Mr. Pignataro left the meeting at 7:10 P.M.

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: JAMIE LOOS

THE 1st CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Jamie Loos, 660 Town Line Road, Lancaster, New York 14086 for two [2] variances for the purpose of constructing a pole barn on premises owned by the petitioner at 660 Town Line Road, Lancaster, New York, to wit:

- A. 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 seventeen [17] feet, six [6] inches.

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, requests a one [1] foot, six [6] inch height variance.

- B. 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 the public hearing.

PERSONS ADDRESSING THE BOARD

Jamie Loos, Petitioner

Proponent

IN THE MATTER OF THE PETITION OF: JAMIE LOOS

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

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Jamie Loos and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 30th day of April 2020, 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 substantial but not to the extent necessary to preclude the granting of the area variance relief sought.

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

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

April 30, 2020

PETITION OF: THOMAS AND JULIE DOWNING

THE 2nd CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Thomas and Julie Downing, 1 Magrum Lane, Lancaster, New York 14086 for one [1] variance for the purpose of erecting a fence in a required front yard on premises owned by the petitioners at 1 Magrum Lane, 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 request calls for installing a six [6] 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 or an exterior side yard [considered a front yard equivalent] to three [3] feet in height. The petitioners, therefore, request a three [3] 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

Thomas Downing, Petitioner

Proponent

IN THE MATTER OF THE PETITION OF: THOMAS AND JULIE DOWNING

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

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Thomas & Julie Downing and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 30th day of April 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 business 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 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. DIRIENZO	VOTED	YES
MR. MIKOLEY	VOTED	YES
MS. MONACELLI	VOTED	NO
MR. PIGNATARO	WAS ABSENT	
MR. QUINN	VOTED	YES
MR. SWIGONSKI	VOTED	YES
MR. SOJKA	VOTED	YES

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

April 30, 2020

PETITION OF: ULRICH SIGN COMPANY, INC.

THE 3rd CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Ulrich Sign Co., Inc, 177 Oakhurst Street, Lockport New York 14094 for one [1] variance for the purpose of erecting a sign on premises owned by Benderson Development, 570 Delaware Avenue, Buffalo, New York at 6733 Transit Road, Suite 300, 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 erecting a sign on the premises containing a total maximum face area of 269.4 square feet.

Chapter 50, Zoning, Section 30F.(2)(a) of the Code of the Town of Lancaster limits the total maximum face area of all signs on the premises to 240 square feet. The petitioner, therefore, requests a 29.4 square foot variance of the total maximum face area of all signs permitted on the premises.

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

Chris McCaffery, Petitioner
Ulrich Sign Co.

Proponent

IN THE MATTER OF THE PETITION OF: ULRICH SIGN CO, INC.

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

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Ulrich Sign Company, Inc. and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 30th day of April 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 District, (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 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. DIRIENZO	VOTED	YES
MR. MIKOLEY	VOTED	YES
MS. MONACELLI	VOTED	YES
MR. PIGNATARO	WAS ABSENT	
MR. QUINN	VOTED	YES
MR. SWIGONSKI	VOTED	YES
MR. SOJKA	VOTED	YES

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

April 30, 2020

PETITION OF: ANDREA ROW

THE 4th CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Andrea Row, 42 Worthington Lane, Lancaster, New York 14086 for one [1] variance for the purpose of allowing a storage shed to remain on premises owned by the petitioner at 42 Worthington Lane, 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 location of the shed is three [3] feet from the side property line.

Chapter 50, Zoning, Section 10D.(1)(b) of the Code of the Town of Lancaster requires a five [5] foot lot line set back. The petitioner, therefore, requests a two [2] foot lot 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

Andrea Row, Petitioner

Proponent

IN THE MATTER OF THE PETITION OF: ANDREA ROW

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

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Andrea Row and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 30th day of April 2020, 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**.

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

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

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

April 30, 2020

PETITION OF: HELLENIC EAST ORTHODOX CHURCH

THE 5th CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Hellenic East Orthodox Church, 5992 Genesee Street, Lancaster, New York 14086 for four [4] variances for the purpose of erecting a ground sign on premises owned by Hellenic Suburban Land LLC at 5990 Genesee Street, Lancaster, New York, to wit:

- A. A variance from the requirements of Chapter 50, Zoning, Section 30D.(1) of the Code of the Town of Lancaster to install a ground sign off site of the Family Life Center, 5992 Genesee Street on property at 5990 Genesee 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, institution or organization 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.

- B. A variance from the requirements of Chapter 50, Zoning Section 30F.(2)(c)[2][a] of the Code of the Town of Lancaster to permit a sign height of eight [8] feet over finished grade.

Chapter 50, Zoning, Section 30F.(2)(c)[2][a] of the Code of the Town of Lancaster limits the height of a ground sign to four [4] feet above finished grade. The petitioner, therefore, requests a four [4] foot ground sign height variance.

- C. A variance from the requirements of Chapter 50, Zoning, Section 30F.(2)(c)[2][c] of the Code of the Town of Lancaster to permit the location of one ground sign eight [8] feet from the front property line at 5992 Genesee Street.

Chapter 50, Zoning, Section 30F.(2)(c)[2][c] of the Code of the Town of Lancaster requires that a ground sign be located at least fifteen [15] feet from a street right-of-way. The petitioner, therefore, requests a seven [7] foot set back variance from the right of way.

- D. A variance from the requirements of Chapter 50, Zoning, Section 30F.(2)(c)[2][c] of the Code of the Town of Lancaster to permit the location of one ground sign five [5] feet from the side property line at 5992 Genesee Street.

Chapter 50, Zoning, Section 30F.(2)(c)[2][c] of the Code of the Town of Lancaster requires that a ground sign be located at least fifty [50] feet from an adjacent residential lot. The petitioner, therefore, requests a forty-five [45] foot side property line set back.

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

Fr. Christos Christakis, Petitioner

Proponent

IN THE MATTER OF THE PETITION OF: HELLENIC ORTHODOX CHURCH

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

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of the Hellenic Orthodox Church and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 30th day of April 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 Residential Commercial Office District, (RCO) 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 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** 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:

- A representative from the Hellenic East Orthodox Church and from the Hellenic Suburban Land must meet with the Building Inspector regarding the sign lighting.

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

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

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

April 30, 2020

ON MOTION DULY MADE, SECONDED AND CARRIED, the meeting was adjourned at 8:30 P.M.

Signed _____
Diane M. Terranova, TOWN CLERK and
Clerk to Zoning Board of Appeals
Date: April 30, 2020