

December 10, 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 10<sup>th</sup> day of December, at 7:00 P.M., and there were:

PRESENT: CARLO DIRIENZO, MEMBER  
JOHN MIKOLEY, MEMBER  
JILL MONACELLI, MEMBER  
LAWRENCE PIGNATARO, MEMBER  
RICHARD QUINN, MEMBER  
TYLER SOJKA, CHAIRMAN

ABSENT: NONE

ALSO PRESENT: DIANE M. TERRNOVA, TOWN CLERK  
EMILY ORLANDO, DEPUTY 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: NEW YORK STATE ELECTRIC & GAS CORPORATION**

THE 1<sup>st</sup> CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of New York State Electric & Gas Corp. (NYSEG), represented by Environmental Permitting Manager, Carol Howland, PE, 18 Link Drive, Binghamton, New York 13902 for one [1] variance for the purpose of installing a security fence on premises owned by the petitioner at 200 Cemetery Road, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 35A. of the Code of the Town of Lancaster. The height of the proposed fence is nine [9] feet.

Chapter 50, Zoning, Section 35A of the Code of the Town of Lancaster limits the maximum height of a fence in a residential district to six [6] feet in height, except where it abuts a nonresidential district, in which event it shall not exceed eight [8] feet in height. The petitioner, therefore, requests a one [1] foot fence height 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 this public hearing.

**PERSONS ADDRESSING THE BOARD**

Mehdi Rahmi, Representing Petitioner

Proponent

**IN THE MATTER OF THE PETITION OF: NEW YORK STATE ELECTRIC & GAS CORPORATION**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY MR. PIGNATARO, 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 New York State Electric & Gas Corporation and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 10th day of December 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 General Industrial District, (GI) 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 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	YES
MR. PIGNATARO	VOTED	YES
MR. QUINN	VOTED	YES
MR. SOJKA	VOTED	YES

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

December 10, 2020

**PETITION OF: FAST SIGNS**

THE 2nd CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Fast Signs, 4913 Genesee Street, Cheektowaga, New York 14225, representing King Crab Buffalo, LLC, 6651 Transit Road, Williamsville, New York 14221 for one [1] variance for the purpose of installing a sign face on an existing non-conforming pole sign on premises owned by Jenny Zhang at 6651 Transit Road, Williamsville, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 30F.(2)(c)[3][e] of the Code of the Town of Lancaster. The total face area of the proposed pole sign is ninety-five point five [95.5] square feet.

Chapter 50, Zoning, Section 30F.(2)(c)[3][e] of the Code of the Town of Lancaster limits the total maximum face area of a pole sign to thirty-two [32] square feet. The petitioner, therefore, requests a sixty-three point five [63.5] square foot variance of the total maximum face area permitted for this non-conforming pole sign.

**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**

Nick Tangelder, Petitioner

Proponent

**IN THE MATTER OF THE PETITION OF: FAST SIGNS**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY MR. MIKOLEY, 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 Fast Signs and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 10th day of December 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	NO
MR. MIKOLEY	VOTED	YES
MS. MONACELLI	VOTED	YES
MR. PIGNATARO	VOTED	YES
MR. QUINN	VOTED	YES
MR. SOJKA	VOTED	YES

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

December 10, 2020

**PETITION OF: CHRIS MCCAFFREY/ULRICH SIGN COMPANY, INC.**

THE 3<sup>rd</sup> CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Chris McCaffrey, Ulrich Sign Company, Inc., 177 Oakhurst Street, Lockport, New York 14094 for three [3] variances for the purpose of modifying an existing ground sign on premises owned by 6675 Transit Road, LLC and Salvatore Properties, LLC at 00 Transit Road, Lancaster, New York, to wit:

- A. A variance from the requirements of Chapter 50, Zoning Section 30F.(2)(c)[2][a] of the Code of the Town of Lancaster to modify an existing ground sign with a height of nine [9] feet, four [4] inches.

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 five [5] foot, four [4] inch ground sign height variance.

- B. A variance from the requirements of Chapter 50, Zoning, Section 30F.(2)(c)[2][c] of the Code of the Town of Lancaster to modify an existing ground sign approximately two [2] feet from the front property line/street Right of Way.

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 thirteen [13] foot setback variance from the Right of Way.

- C. A variance from the requirements of Chapter 50, Zoning, Section 30D.(1) of the Code of the Town of Lancaster to modify an existing ground sign, advertising an, as of right use, on adjacent property.

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 for the adjacent 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 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 McCaffrey, Petitioner	Proponent
Mark Jerge, Representing Salvatore Properties, LLC.	Proponent

**IN THE MATTER OF THE PETITION OF: CHRIS MCCAFFREY/ULRICH SIGN COMPANY, INC.**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY MR. PIGNATARO, 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 Chris McCaffrey/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 10th day of December 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 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 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	VOTED	YES
MR. QUINN	VOTED	YES
MR. SOJKA	VOTED	YES

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

December 10, 2020

**PETITION OF: SUPERIOR PALLETS, INC.**

THE 4th CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Superior Pallets, Inc., 3981 Walden Avenue, Lancaster, New York 14086, for one variance for the purpose of processing pallet waste into mulch on premises owned by the petitioner at 3981 Walden Avenue, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 24C.(4) of the Code of the Town of Lancaster. The location of the proposed processing of pallet waste into mulch would be outside of an enclosed building.

Chapter 50, Zoning, Section 24C.(4) of the Code of the Town of Lancaster requires all manufacturing or processing activities be completely enclosed in buildings. The petitioner, therefore, requests a variance to allow processing of pallet waste outdoors.

**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**

Corey Auerbach, Esq., Representing Petitioner

Proponent

**IN THE MATTER OF THE PETITION OF: SUPERIOR PALLETS, INC.**

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

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Superior Pallets, 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 10th day of December 2020, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has issued a Positive Declaration in their State Environmental Quality Review, therefore they have 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.

The question of adjourning 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	VOTED	YES
MR. QUINN	VOTED	YES
MR. SOJKA	VOTED	YES

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

December 10, 2020

**PETITION OF: SUPERIOR PALLETS, INC.**

THE 5th CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Superior Pallets, Inc., 3981 Walden Avenue, Lancaster, New York 14086, for one variance for the purpose of paving an area on the north side, trailer parking lot, to the property line on premises owned by the petitioner at 0 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 paving would result in a zero [0] foot north side property line set back.

Chapter 50, Zoning, Section 24C.(6) of the Code of the Town of Lancaster requires a minimum yard for structures and parking, abutting a nonresidential district, of ten [10] feet with landscaping. The petitioner, therefore, requests a ten [10] foot north 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 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**

Corey Auerbach, Esq., Representing Petitioner

Proponent

**IN THE MATTER OF THE PETITION OF: SUPERIOR PALLETS, INC.**

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

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Superior Pallets, 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 10th day of December 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 Light Industrial District, (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 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	NO
MR. MIKOLEY	VOTED	YES
MS. MONACELLI	VOTED	YES
MR. PIGNATARO	VOTED	NO
MR. QUINN	VOTED	YES
MR. SOJKA	VOTED	YES

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

December 10, 2020

ON MOTION DULY MADE, SECONDED AND CARRIED, the meeting  
was adjourned at 7:58 P.M.

Signed \_\_\_\_\_  
Diane M. Terranova, TOWN CLERK and  
Clerk to Zoning Board of Appeals  
Date: December 10, 2020