

January 14, 2021

A Regular Meeting of the Zoning Board of Appeals of the Town of Lancaster, Erie County, New York, was held via teleconference on the 14th day of January 2021, at 7:00 P.M., and there were:

PRESENT: CARLO DIRIENZO, MEMBER

JOHN MIKOLEY, MEMBER

JILL MONACELLI, MEMBER

LAWRENCE PIGNATARO, 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: N.A.S. SIGN COMPANY

THE 1st CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of N.A.S. Sign Company, 1628 Elmwood Avenue, Buffalo, New York 14207 for two [2] variances for the purpose of constructing a ground sign on premises owned by WNY Plumbing, Inc. at 4425 Walden Avenue, 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 permit a sign height of eight [8] feet, two [2] inches 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, two [2] 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 permit the location of one ground sign six [6] inches from the front property line.

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 fourteen [14] foot, six [6] inch setback variance from the right of way.

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

Paul Strada, Petitioner

Proponent

IN THE MATTER OF THE PETITION OF: N.A.S. SIGN COMPANY

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 N.A.S. Sign Company/Paul Strada and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 14th day of January 2021, 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 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 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.

**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. SOJKA	VOTED	YES

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

January 14, 2021

PETITION OF: BENDERSON DEVELOPMENT COMPANY, LLC.

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 three [3] variances for the purpose of installing an outside dining area with a twelve seat capacity on property owned by the petitioner located at 4931 Transit Road, Lancaster, New York; to wit:

- A. A variance from the requirements of Chapter 50, Zoning Section 19C.(3) of the Code of the Town of Lancaster to allow for an outside dining area one [1] foot, ten [10] inches from a side property line.

Chapter 50, Zoning, Section 19C.(3) of the Code of the Town of Lancaster requires a ten (10) foot side property line setback in a nonresidential district. The petitioner, therefore, requests an eight (8) foot, two [2] inch side property line setback variance.

- * B. A variance from the requirements of Chapter 50, Zoning, Section 19C.(7) of the Code of the Town of Lancaster. The petitioner proposes an outside dining area.

Chapter 50, Zoning, Section 19C.(7) of the Code of the Town of Lancaster requires all principal and accessory uses be conducted within completely enclosed structures. The petitioner requests a variance to allow outside dining as an accessory use.

- C. A variance from the requirements of Chapter 50, Zoning, Section 28E.(1)(a)[3][f][i] of the Code of the Town of Lancaster to allow for no additional parking spaces.

Chapter 50, Zoning, Section 28E.(1)(a)[3][f][i] of the Code of the Town Of Lancaster requires four [4] additional parking spaces for an additional twelve [12] seat dining area. Variance relief granted on August 8, 2019 was for 158 total parking spaces. The petitioner, therefore, requests a variance to reduce the required parking spaces by four [4] spaces.

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

Matthew Oates, Petitioner

Proponent

- * Due to the Town Board Adoption of a new Zoning Code of the Town of Lancaster, this variance is now allowed within the District with the granting of a Special Use Permit.

IN THE MATTER OF THE PETITION OF: BENDERSON DEVELOPMENT COMPANY, LLC.

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. MIKOLEY, 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 Benderson Development Company, LLC. and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 14th day of January, 2021 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 applicants are 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. SOJKA	VOTED	YES

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

January 14, 2021

PETITION OF: RICHARD GAENZLER

THE 3rd CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Richard Gaenzler, 4 Country Place, Lancaster, New York 14086 for one [1] variance for the purpose of constructing a patio roof cover on premises owned by the petitioner at 4 Country Place, 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 to permit construction of a patio roof cover eight [8] feet 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 two [2] foot 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

Richard Gaenzler, Petitioner

Proponent

IN THE MATTER OF THE PETITION OF: RICHARD GAENZLER

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR., PIGNATARO, 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 Richard Gaenzler and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 14th day of January, 2021, 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, (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. DIRIENZO	VOTED	YES
MR. MIKOLEY	VOTED	YES
MS. MONACELLI	VOTED	YES
MR. PIGNATARO	VOTED	YES
MR. SOJKA	VOTED	YES

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

January 14, 2021

PETITION OF: SUPERIOR PALLETS, INC.

THE 4th CASE was tabled by the Zoning Board of Appeals at the request of the petitioner.

ON MOTION DULY MADE, SECONDED AND CARRIED, the meeting was adjourned at 7:51 P.M.

Signed _____
Diane M. Terranova, TOWN CLERK and
Clerk to Zoning Board of Appeals
Date: January 14, 2021