

September 9, 2021

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 9th day of September 2021, at 7:00 P.M., and there were

PRESENT: JOHN MIKOLEY, MEMBER
 LAWRENCE PIGNATARO, MEMBER
 KEITH STOERR, MEMBER
 PETER SUGG, MEMBER
 MARK TILLMANNS, MEMBER
 CARLO DIRIENZO, CHAIRMAN

ABSENT: JILL MONACELLI, MEMBER

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: BARRETT GREENE

THE 1st CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Barrett Greene, 4425 Walden Avenue, Lancaster, New York 14086 for two [2] variances for the purpose of constructing a two-story garage on premises owned by the petitioner at 457 Pleasant View Drive, Lancaster, New York, to wit:

- A. A variance from the requirements of Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster. The proposed size of the two-story garage is 1465 square feet.

Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster requires a maximum accessory structure size of seven hundred fifty [750] square feet. The petitioner, therefore, requests a 715 square foot variance.

- B. A variance from the requirements of Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster. The proposed height of the two-story garage is twenty-seven [27] feet, four [4] inches.

Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster requires a maximum building height of sixteen [16] feet. The petitioner, therefore, requests an eleven [11] foot, four [4] 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.

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

Barrett Greene, Petitioner	Proponent
Scott Militello	Opponent
Tom Campbell	Opponent

IN THE MATTER OF THE PETITION OF: BARRETT GREENE

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 Barrett Greene and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 9th day of September 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, (R) 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 is not subject to review under law, 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 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 **CONSIDERED**.

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

MR. MIKOLEY	VOTED	YES
MS. MONACELLI	WAS	ABSENT
MR. PIGNATARO	VOTED	YES
MR. STOERR	VOTED	NO
MR. SUGG	VOTED	YES
MR. TILLMANNS		ABSTAINED
MR. DIRIENZO	VOTED	NO

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

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* Mr. Tillmanns abstained due to a professional relationship with the petitioner.

PETITION OF: ELIZABETH REILLY-MEEGAN/ARCHITECTURE 360, PC

THE 2nd CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Elizabeth Reilly-Meegan, Architecture 360, PC, 2129 Como Park Boulevard, Lancaster, New York 14086 for one [1] variance for the purpose of constructing a front porch with roof on premises owned by Gerald Jaszka at 223 Westwood Road, Lancaster, New York, to wit:

A variance from the requirements of Chapter 400, Zoning, Section 13, Subsection C, Schedule B of the Code of the Town of Lancaster. The proposed front porch with roof is 35.55 feet from the front property line.

Chapter 400, Zoning, Section 13, Subsection C, Schedule B of the Code of the Town of Lancaster requires a minimum front yard of fifty [50] feet. The petitioner, therefore, requests a 14.45 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.

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

Elizabeth Reilly-Meegan, Petitioner

Proponent

IN THE MATTER OF THE PETITION OF: ELIZABETH REILLY-MEEGAN/ARCHITECTURE 360, PC

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. STOERR, 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 Elizabeth Reilly-Meegan and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 9th day of September 2021, 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 Agricultural Residential, (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 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. MIKOLEY	VOTED	YES
MS. MONACELLI	WAS	ABSENT
MR. PIGNATARO	VOTED	YES
MR. STOERR	VOTED	YES
MR. SUGG	VOTED	YES
MR. TILLMANNNS	VOTED	YES
MR. DIRIENZO	VOTED	YES

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

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PETITION OF: DANIEL & MARI GREEN

THE 3rd CASE CONSIDERED BY THE ZONING Board of Appeals was that of Daniel & Mari Green, 297 Enchanted Forest North, Lancaster, New York 14086 for two [2] variances for the purpose of constructing a deck on premises owned by the petitioner at 297 Enchanted Forest North, Lancaster, New York, to wit:

- A. A variance from the requirements of Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster. The proposed location of the deck is four [4] feet, two [2] inches from the side property line.

Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster requires a minimum location of five [5] feet from a side lot line. The petitioner, therefore, requests a ten [10] inch variance.

- B. A variance from the requirements of Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster. The proposed location of the deck is four [4] feet from the inground pool water’s edge.

Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster requires a minimum location of ten [10] feet from another structure. The petitioner, therefore, requests a six [6] foot 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

Daniel Green, Petitioner	Proponent
Mari Green, Petitioner	Proponent
Amy Buchholz	Proponent

IN THE MATTER OF THE PETITION OF: DANIEL & MARI GREEN

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. SUGG, 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 Daniel & Mari Green and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 9th day of September 2021, 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, (R) 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. MIKOLEY	VOTED	YES
MS. MONACELLI	WAS	ABSENT
MR. PIGNATARO	VOTED	YES
MR. STOERR	VOTED	YES
MR. SUGG	VOTED	YES
MR. TILLMANNS	VOTED	YES
MR. DIRIENZO	VOTED	YES

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

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PETITION OF: MICHAEL MCDONALD

THE 4th CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Michael McDonald, 21 Woodgate Drive, Lancaster, New York 14086 for one [1] variance for the purpose of installing a shed on premises owned by the petitioner at 21 Woodgate Drive, Lancaster, New York, to wit:

A variance from the requirements of Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster. The request calls for installing a shed two [2] feet from a primary structure.

Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster requires a minimum of ten [10] feet from another structure. The petitioner, therefore, requests an eight [8] 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

Michael McDonald, Petitioner

Proponent

IN THE MATTER OF THE PETITION OF: MICHAEL MCDONALD

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

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Michael McDonald and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 9th day of September 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, (R) 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. MIKOLEY	VOTED	YES
MS. MONACELLI	WAS ABSENT	
MR. PIGNATARO	VOTED	YES
MR. STOERR	VOTED	YES
MR. SUGG	VOTED	YES
MR. TILLMANN	VOTED	YES
MR. DIRIENZO	VOTED	YES

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

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PETITION OF: DANIEL AND JENNA SANDKER

THE 5th CASE CONSIDERED BY THE ZONING Board of Appeals was that of the adjourned petition of Daniel and Jenna Sandker, 4 Branch Way, Lancaster, New York 14086 for one [1] variance for the purpose of installing a shed in a drainage easement on premises owned by the petitioners at 4 Branch Way, Lancaster, New York, to wit:

A variance from the requirements of Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster. The request calls for installing a shed in a drainage easement.

Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster requires no structures other than fencing be allowed within any drainage access easement. The petitioners, therefore, request allowing a shed in a drainage easement.

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

Daniel Sandker, Petitioner

Proponent

IN THE MATTER OF THE PETITION OF: DANIEL AND JENNA SANDKER

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

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Daniel and Jenna Sandker and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 9th day of September 2021, 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, (R) 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. MIKOLEY	VOTED	YES
MS. MONACELLI	WAS	ABSENT
MR. PIGNATARO	VOTED	YES
MR. STOERR	VOTED	YES
MR. SUGG	VOTED	YES
MR. TILLMANN	VOTED	YES
MR. DIRIENZO	VOTED	YES

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

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PETITION OF: MICHAEL SLAGEL

THE 6th CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Michael Slagel, 61 Kennedy Court, Lancaster, New York 14086 for one [1] variance for the purpose of installing an inground pool on premises owned by the petitioner at 61 Kennedy Court, Lancaster, New York, to wit:

A variance from the requirements of Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster. The proposed inground pool is four [4] feet from an existing wood deck.

Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster requires a minimum location of ten [10] feet from another structure. The petitioner, therefore, requests a six [6] 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

Michael Slagel, Petitioner

Proponent

IN THE MATTER OF THE PETITION OF: MICHAEL SLAGEL

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

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Michael Slagel and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 9th day of September 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, (R) 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. MIKOLEY	VOTED	YES
MS. MONACELLI	WAS	ABSENT
MR. PIGNATARO	VOTED	YES
MR. STOERR	VOTED	YES
MR. SUGG	VOTED	YES
MR. TILLMANNS	VOTED	YES
MR. DIRIENZO	VOTED	YES

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

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ON MOTION DULY MADE, SECONDED AND CARRIED, the meeting
was adjourned at 7:52 P.M.

Signed _____
Diane M. Terranova, TOWN CLERK and
Clerk to Zoning Board of Appeals
September 9, 2021