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 18th day of November 2021, at 7:00 P.M., and there were

PRESENT:  JOHN MIKOLEY, MEMBER  
     JILL MONACELLI, MEMBER  
     LAWRENCE PIGNATARO, MEMBER  
*  KEITH STOERR, MEMBER  
     PETER SUGG, MEMBER  
     MARK TILLMANNNS, MEMBER  
     CARLO DIRIENZO, CHAIRMAN  

ABSENT:  

ALSO PRESENT:  DIANE M. TERRNOVA, TOWN CLERK  
     EMILY ORLANDO, DEPUTY TOWN ATTORNEY  
     MATTHEW FISCHIONE, CODE ENFORCEMENT OFFICER  
*  Mr. Stoerr arrived at 7:04 PM  

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: DWANE & JENNA LAUFER

THE 1st CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Dwane and Jenna Laufer, 10 Summerfield Drive, Lancaster, New York 14086 for one [1] variance for the purpose of allowing a cabana installed without a permit to remain in a drainage easement on premises owned by the petitioners at 10 Summerfield 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 cabana was installed without a building permit 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 a five [5] foot drainage access easement 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

Matthew Laufer, Esq. Proponent
Representing Petitioner
IN THE MATTER OF THE PETITION OF: DWANE & JENNA LAUFER

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. SUGG, 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 Dwane & Jenna Laufer and has heard and taken testimony and
evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the
18th day of November 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 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 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—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:

- That the petitioner signs and files the Private/Public Drainage Easement Agreement with the Town of Lancaster and Erie County Clerk.

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 VOTED YES
- MR. PIGNATARO VOTED YES
- MR. STOERR ABSTAINED
- MR. SUGG VOTED YES
- MR. TILLMANNS VOTED YES
- MR. DIRIENZO VOTED YES

The resolution granting the variance was thereupon ADOPTED.

* Due to his tardiness, Mr. Stoerr abstained.

November 18, 2021
PETITION OF: CATHERIN KRESIC

THE 2nd CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Catherin Kresic, 569 Harris Hill Road, Lancaster, New York 14086 for one [1] variance for the purpose of constructing a wood deck on premises owned by the petitioner at 569 Harris Hill Road, 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 a wood deck to be constructed four [4] feet from the south property line.


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

Dennis Kresic, Petitioner         Proponent
Catherin Kresic, Petitioner      Proponent
IN THE MATTER OF THE PETITION OF: CATHERIN KRESIC

THE FOLLOWING RESOLUTION WAS OFFERED BY MS. MONACELLI, 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 Catherin Kresic and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 18th day of November 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 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** VOTED **YES**
- **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.

November 18, 2021
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PETITION OF: BRUCE RIEXINGER

THE 3rd CASE CONSIDERED BY THE ZONING Board of Appeals was that of Bruce Riexinger, 101 Simme Road, Lancaster, New York 14086 for two [2] variances for the purpose of constructing a Pole Barn on premises owned by the petitioner at 101 Simme Road, a combined parcel formerly known as 450 Town Line Road, Lancaster, New York, to wit:

A. A variance from the requirements of Chapter 400, Zoning, Section 13, Subsection D, Schedule B of the Code of the Town of Lancaster. The request calls for the construction of a 2,560 square foot Pole Barn.

Chapter 400, Zoning, Section 13, Subsection D, Schedule B of the Code of the Town of Lancaster requires a maximum accessory structure size of 1,250 square feet. The petitioner, therefore, requests a 1,310 square 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

<table>
<thead>
<tr>
<th>Name</th>
<th>Status</th>
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<tr>
<td>Bruce Riexinger</td>
<td>Petitioner</td>
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<tr>
<td>Kenneth Zydel</td>
<td>Opponent</td>
</tr>
<tr>
<td>Francine Zydel</td>
<td>Opponent</td>
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<tr>
<td>Ellen Engelhart</td>
<td>Opponent</td>
</tr>
<tr>
<td>Jill Blachaniec</td>
<td>Opponent</td>
</tr>
<tr>
<td>Donald Blachaniec</td>
<td>Opponent</td>
</tr>
</tbody>
</table>
IN THE MATTER OF THE PETITION OF: BRUCE RIEXINGER

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

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Bruce Riexinger and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 18th day of November 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 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 an undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That a detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicant can 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 have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self-created.

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 the petitioner failed to carry the burden of establishing that strict compliance with the Zoning Ordinance would cause practical difficulties rendering the property unusable.

That denial of the variance does not deprive the petitioner of the ability to build within Town Code.
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 VOTED YES
- 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 DENIED.

November 18, 2021
PETITION OF: QUINTON CUSIMANO

THE 4th CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Quinton Cusimano, 725 Aurora Street, Lancaster, New York 14086 for two [2] variances for the purpose of installing a parking area for storage of a camper on premises owned by the petitioner at 725 Aurora Street, 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 request calls for installing a parking area zero [0] feet from the south property line for storage of a camper.


B. A variance from the requirements of Chapter 400, Zoning, Section 16, Subsection D(2)(d) of the Code of the Town of Lancaster. The request calls for the storage of a twelve [12] foot tall camper in a side yard.

Chapter 400, Zoning, Section 16, Subsection D(2)(d) of the Code of the Town of Lancaster requires if the stored or parked height exceeds eight [8] feet, the vehicle shall be parked or stored in the rear yard or housed within a completely enclosed building. The petitioner, therefore, requests a four [4] 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

Quinton Cusimano, Petitioner  Proponent
IN THE MATTER OF THE PETITION OF: QUINTON CUSIMANO

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. SUGG, 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 Quinton Cusimano and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 18th day of November 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 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 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 NO
- MS. MONACELLI VOTED NO
- MR. PIGNATARO VOTED YES
- MR. STOERR VOTED NO
- MR. SUGG VOTED YES
- MR. TILLMANNNS VOTED NO
- MR. DIRIENZO VOTED YES

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

November 18, 2021
PETITION OF: STEVEN STANISZEWSKI

THE 5th CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Steven Staniszewski, 49 Steinfeldt Road, Lancaster, New York 14086 for one [1] variance for the purpose of installing a shed on premises owned by the petitioner at 49 Steinfeldt Road, Lancaster, New York, to wit:


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

Steven Staniszewski, Petitioner

Proponent
IN THE MATTER OF THE PETITION OF: STEVEN STANISZEWSKI

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. STOERR, 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 Steven Staniszewski and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 18th day of November 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 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 VOTED YES
- 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.

November 18, 2021
PETITION OF: MITCH DONNELLY/FLEXLUME SIN CO.

THE 6th CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Mitch Donnelly, Flexlume Sign Co., 1464 Main Street, Buffalo, New York 14209 for three variances for the purpose of replacing an existing pole sign on premises owned by Linda Stang, 327-42 Forestream, LLC, 4711 Transit Road, Depew, New York 14043 at 4725 Transit Road, Lancaster, New York, to wit:

A. A variance from the requirements of Chapter 400, Zoning, Section 30, Subsection F.(2)(c)[3] of the Code of the Town of Lancaster to permit a pole sign in an Multi Family Mixed Use (MFMU) District.

Chapter 400, Zoning, Section 30, Subsection F.(2)(c)[3] of the Code of the Town of Lancaster requires one pole sign for each individual building, not a part of a multiple development, shall be permitted in Light Commercial (LI), General Commercial (GC), Light Industrial (LI) and General Industrial (GI) Districts only. The petitioner, therefore, requests allowing a pole sign in an MFMU District variance.

B. A variance from the requirements of Chapter 400, Zoning, Section 30, Subsection F.(2)(c)[3][b] of the Code of the Town of Lancaster to permit a sign height of thirty-three [33] feet.


C. A variance from the requirements of Chapter 400, Zoning, Section 30, Subsection F.(2)(c)[3][e] of the Code of the Town of Lancaster to permit a sign face area of 231 square feet.

Chapter 400, Zoning, Section 30, Subsection F.(2)(c)[3][e] of the Code of the Town of Lancaster limits the maximum sign face area to ninety-six [96] square feet. The petitioner, therefore, requests a 135 square foot sign face 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 and the New York State Department of Transportation of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

Paddy Rowell
Proponent

Mitch Donnelly, Flexlume Sign, Petitioner
Proponent
IN THE MATTER OF THE PETITION OF: MITCH DONNELLY/FLEXLUME SIGN CO.

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. STOERR, 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 Mitch Donnelly/ Flexlume Sign Co. and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 18th day of November 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 Multi Family Mixed Use, (MF MU) 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 VOTED NO
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.

November 18, 2021
PETITION OF: ROBERT & KRISTEN GAGLIARDI

THE 7th CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Robert & Kristen Gagliardi, 21 Ryan Street, Lancaster, New York 14086 for three [3] variances for the purpose of constructing a rear deck on premises owned by the petitioners at 21 Ryan Street, 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 request calls for constructing a rear deck to the property line.


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 request calls for constructing a rear deck to the property line.


C. A variance from the requirements of Chapter 400, Zoning, Section 34, Subsection A of the Code of the Town of Lancaster. The request calls for constructing a rear deck to the property line with the railing at approximately seven [7] feet, six [6] inches above finished grade.


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

Robert Gagliardi, Petitioner
Kristen Gagliardi, Petitioner

Proponent
Proponent
IN THE MATTER OF THE PETITION OF: ROBERT & KRISTEN GAGLIARDI

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 Robert & Kristen Gagliardi and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 18th day of November 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 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 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.

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.

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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:

<table>
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<tr>
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<th>Voted</th>
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<tbody>
<tr>
<td>Mr. Mikoley</td>
<td>Voted</td>
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<td>Ms. Monacelli</td>
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<td>Mr. Pignataro</td>
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<td>Mr. Stoerr</td>
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<td>Mr. Sugg</td>
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<td>Mr. Tillmanns</td>
<td>Voted</td>
<td>Yes</td>
</tr>
<tr>
<td>Mr. Diriienzo</td>
<td>Voted</td>
<td>Yes</td>
</tr>
</tbody>
</table>

The resolution granting the variance was thereupon ADOPTED.

November 18, 2021

ON MOTION DULY MADE, SECONDED AND CARRIED, the meeting was adjourned at 9:12 P.M.

Signed
Diane M. Terranova, TOWN CLERK and Clerk to Zoning Board of Appeals
November 18, 2021