

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 December 2021, at 7:00 P.M., and there were

PRESENT: JOHN MIKOLEY, MEMBER  
JILL MONACELLI, MEMBER  
PETER SUGG, MEMBER  
MARK TILLMANN, MEMBER  
CARLO DIRIENZO, CHAIRMAN

ABSENT: LAWRENCE PIGNATARO, MEMBER  
KEITH STOERR, 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: JEFFREY & LAURA SURDEJ**

THE 1<sup>st</sup> CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Jeffrey and Laura Surdej, 6 Village View, Lancaster, New York 14086 for two [2] variances for the purpose of an inground pool near a covered rear patio and a concrete structure pool rim in a public drainage easement on premises owned by the petitioners at 6 Village View, 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 an inground pool nine [9] feet, nine [9] inches from a covered rear patio.

Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster requires accessory structures to be located a minimum of ten [10] feet from another structure. The petitioners, therefore, request a three [3] 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 request calls for an inground pool, concrete rim structure in a public 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 allowed within any drainage access easement. The petitioners, therefore, request a one [1] foot, ten [10] 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.

**PERSONS ADDRESSING THE BOARD**

Jeffrey Surdej, Petitioner	Proponent
Laura Surdej, Petitioner	Proponent

**IN THE MATTER OF THE PETITION OF: JEFFREY & LAURA SURDEJ**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY MS. MONACELLI, 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 Jeffrey & Laura Surdej and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 9<sup>th</sup> day of December 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 applicant if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That within the intent and purposes of this ordinance the variance relief sought, if granted, is the minimum variance necessary to afford relief.

**NOW, THEREFORE, BE IT**

**RESOLVED** that based upon these findings, the relief sought be and is hereby **GRANTED**-subject to the following condition which in the opinion of this board is an appropriate condition to minimize adverse effects on the character of the surrounding area and to safeguard the public health, safety, convenience and general welfare:

- That the petitioners sign the Easement Agreement and file it with the 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	WAS ABSENT	
MR. STOERR	WAS ABSENT	
MR. SUGG	VOTED	YES
MR. TILLMANN	VOTED	YES
MR. DIRIENZO	VOTED	NO

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

December 9, 2021

ON MOTION DULY MADE, SECONDED AND CARRIED, the meeting was adjourned at 7:33 P.M.

Signed \_\_\_\_\_  
Diane M. Terranova, TOWN CLERK and  
Clerk to Zoning Board of Appeals  
December 9, 2021