

April 14, 2022

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 14th day of April 2022, at 7:00 P.M., and there were

PRESENT: ANTHONY CASTELLANA, MEMBER
 CARLO DIRIENZO, MEMBER
 JOHN MIKOLEY, MEMBER
 KEITH STOERR, MEMBER
 PETER SUGG, MEMBER
 MARK TILLMANNS, MEMBER
 JILL MONACELLI, CHAIRMAN

ABSENT:

ALSO PRESENT: DIANE M. TERRNOVA, TOWN CLERK
 EMILY ORLANDO, DEUTY 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: LUCAS JAMES

THE 1st CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Lucas James, 43 Conrad Street, Depew, New York 14043 for two [2] variances for the purpose of a site plan approval on premises owned by the petitioner at 5827 Broadway Street, Lancaster, New York, to wit:

- A. A variance from the requirements of Chapter 400, Zoning, Section 17, Subsection C, Schedule B of the Code of the Town of Lancaster. The request calls for pavement at the east property line without setback landscape area.

Chapter 400, Zoning, Section 17, Subsection C, Schedule B of the Code of the Town of Lancaster requires a minimum side and rear yard for parking, loading and stacking areas abutting a nonresidential district of ten [10] feet. The petitioner, therefore, requests a ten [10] foot setback variance.

- B. A variance from the requirements of chapter 400, Zoning, Section 17, Subsection C, Schedule B of the Code of the Town of Lancaster. The request calls for a parking area setback of fifteen [15] feet at the northwest property lines.

Chapter 400, Zoning, Section 17, Subsection C, Schedule B of the Code of the Town of Lancaster requires the minimum yard for parking, loading and stacking areas from the right-of-way of a dedicated street of twenty [20] feet. The petitioner, therefore, requests a five [5] foot setback 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

IN THE MATTER OF THE PETITION OF: LUCAS JAMES

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

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Lucas James 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 April 2022, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

(Add in adjourned cases:)

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has 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.

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 Commercial District, (LC) 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.

[Additional Findings - Optional]

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That (no undesirable) (an undesirable) change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That (no detriment) (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) (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) (is not) substantial.

That the proposed area variance relief (will) (will not) have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty (is) (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.

(Add in Addition to *Home or Garage*)

That no commercial enterprise, other than those permitted by Chapter 50 of the Code of the Town of Lancaster, be conducted on the premises.

(Add in *Fence Cases*)

That such fence (will) (will not) unduly shut out light or air to adjoining properties.

That such fence (will) (will not) create a fire hazard by reason of its construction or location.

(Add in *Denial Cases*)

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: Example:

1. Construct a fence within the code.
2. Place a shed within the boundaries of the code.
3. Construct a pole barn within the height limitations of the code.)

NOW, THEREFORE, BE IT

RESOLVED that based upon these findings, the relief sought be and is hereby **GRANTED IN CASES THAT ARE GRANTED OR CONSIDERED IN CASES THAT ARE DENIED**-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:

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

MR. CASTELLANA	VOTED
MR. DIRIENZO	VOTED
MR. MIKOLEY	VOTED
MR. STOERR	VOTED
MR. SUGG	VOTED
MR. TILLMANNS	VOTED
MS. MONACELLI	VOTED

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

April 14, 2022

PETITION OF: LUCAS JAMES

THE 2nd CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Lucas James, 43 Conrad Street, Depew, New York 14043 for one [1] variance for the purpose of a site plan approval on premises owned by United Refining Company at 5835 Broadway Street, Lancaster, New York, to wit:

A variance from the requirements of Chapter 400, Zoning, Section 17, Subsection C, Schedule B of the Code of the Town of Lancaster. The request calls for pavement at the west property line without setback landscape area.

Chapter 400, Zoning, Section 17, Subsection C, Schedule B of the Code of the Town of Lancaster requires a minimum side and rear yard for parking, loading and stacking areas abutting a nonresidential district of ten [10] feet. The petitioner, therefore, requests a ten [10] foot setback 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

IN THE MATTER OF THE PETITION OF: LUCAS JAMES

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

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Lucas James 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 April 2022, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

(Add in adjourned cases:)

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has 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.

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 Commercial District, (LC) as shown on the Zoning Map of the Town of Lancaster.

[Additional Findings - Optional]

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That (no undesirable) (an undesirable) change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That (no detriment) (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) (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) (is not) substantial.

That the proposed area variance relief (will) (will not) have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty (is) (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.

(Add in Addition to *Home or Garage*)

That no commercial enterprise, other than those permitted by Chapter 50 of the Code of the Town of Lancaster, be conducted on the premises.

(Add in *Fence Cases*)

That such fence (will) (will not) unduly shut out light or air to adjoining properties.

That such fence (will) (will not) create a fire hazard by reason of its construction or location.

(Add in *Denial Cases*)

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: Example:

1. Construct a fence within the code.
2. Place a shed within the boundaries of the code.
3. Construct a pole barn within the height limitations of the code.)

NOW, THEREFORE, BE IT

RESOLVED that based upon these findings, the relief sought be and is hereby **GRANTED IN CASES THAT ARE GRANTED OR CONSIDERED IN CASES THAT ARE DENIED**-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:

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

MR. CASTELLANA	VOTED
MR. DIRIENZO	VOTED
MR. MIKOLEY	VOTED
MR. STOERR	VOTED
MR. SUGG	VOTED
MR. TILLMANNS	VOTED
MS. MONACELLI	VOTED

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

April 14, 2022

PETITION OF: VICK GHOTRA/SYLVAN LEARNING

THE 3rd CASE CONSIDERED BY THE ZONING Board of Appeals was that of Vick Ghotra, Sylvan Learning, 4845 Transit Road, Lancaster, New York 14086 for one [1] variance for the purpose of installing additional square footage of wall signs on premises owned by Stork Realty Corporation at 4845 Transit Road, Lancaster, New York, to wit:

A variance from the requirements of Chapter 400, Zoning, Section 30, Subsection F (2) (a) of the Code of the Town of Lancaster. The request calls for installing an additional thirty-two [32] square feet of wall signs on the building, totaling 692 square feet of maximum total sign face area.

Chapter 400, Zoning, Section 30, Subsection F (2) (a) of the Code of the Town of Lancaster requires a maximum 660 square feet, as per variances granted on August 10, 2017. The petitioner, therefore, requests a thirty-two [32] 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, New York State Department of Transportation and the Town of Cheektowaga of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

IN THE MATTER OF THE PETITION OF: VICK GHOTRA/ SYLVAN LEARNING

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

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Vick Ghotra/ Sylvan Learning 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 April 2022, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

(Add in adjourned cases:)

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has 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.

WHEREAS, the applicant is the duly authorized agent of the property.

WHEREAS, the property for which the applicant is petitioning is within a General Commercial District, (GC) as shown on the Zoning Map of the Town of Lancaster.

[Additional Findings - Optional]

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That (no undesirable) (an undesirable) change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That (no detriment) (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) (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) (is not) substantial.

That the proposed area variance relief (will) (will not) have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty (is) (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.

(Add in Addition to *Home or Garage*)

That no commercial enterprise, other than those permitted by Chapter 50 of the Code of the Town of Lancaster, be conducted on the premises.

(Add in *Fence Cases*)

That such fence (will) (will not) unduly shut out light or air to adjoining properties.

That such fence (will) (will not) create a fire hazard by reason of its construction or location.

(Add in *Denial Cases*)

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: Example:

1. Construct a fence within the code.
2. Place a shed within the boundaries of the code.
3. Construct a pole barn within the height limitations of the code.)

NOW, THEREFORE, BE IT

RESOLVED that based upon these findings, the relief sought be and is hereby **GRANTED IN CASES THAT ARE GRANTED OR CONSIDERED IN CASES THAT ARE DENIED**-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:

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

MR. CASTELLANA	VOTED
MR. DIRIENZO	VOTED
MR. MIKOLEY	VOTED
MR. STOERR	VOTED
MR. SUGG	VOTED
MR. TILLMANNNS	VOTED
MS. MONACELLI	VOTED

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

April 14, 2022

PETITION OF: LAURA BARANES/PREMIER SIGN SYSTEM

THE 4th CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Laura Baranes, Premier Sign Systems, 10 Excel Drive, Rochester, New York 14621 for one [1] variance for the purpose of installing a wall sign on premises owned by Bausch & Lomb at 6 Lancaster Parkway, Lancaster, New York, to wit:

A variance from the requirements of Chapter 400, Zoning, Section 30, Subsection F (2) (a) of the Code of the Town of Lancaster. The request calls for installing a wall sign of 138 square feet.

Chapter 400, Zoning, Section 30, Subsection F (2) (a) of the Code of the Town of Lancaster requires the total maximum face area of all signs for establishments or enterprises occupying a building be related to the length of the building facing the nearest street, which is 120 square feet for this petition. The petitioner, therefore, requests an eighteen [18] 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.

PERSONS ADDRESSING THE BOARD

IN THE MATTER OF THE PETITION OF: LAURA BARANES/PREMIER SIGN SYSTEMS

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

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Laura Baranes/Premier Sign Systems 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 April 2022, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

(Add in adjourned cases:)

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has 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.

WHEREAS, the applicant is the 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.

[Additional Findings - Optional]

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That (no undesirable) (an undesirable) change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That (no detriment) (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) (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) (is not) substantial.

That the proposed area variance relief (will) (will not) have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty (is) (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.

(Add in Addition to *Home or Garage*)

That no commercial enterprise, other than those permitted by Chapter 50 of the Code of the Town of Lancaster, be conducted on the premises.

(Add in *Fence Cases*)

That such fence (will) (will not) unduly shut out light or air to adjoining properties.

That such fence (will) (will not) create a fire hazard by reason of its construction or location.

(Add in *Denial Cases*)

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: Example:

1. Construct a fence within the code.
2. Place a shed within the boundaries of the code.
3. Construct a pole barn within the height limitations of the code.)

NOW, THEREFORE, BE IT

RESOLVED that based upon these findings, the relief sought be and is hereby **GRANTED IN CASES THAT ARE GRANTED OR CONSIDERED IN CASES THAT ARE DENIED**-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:

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

MR. CASTELLANA	VOTED
MR. DIRIENZO	VOTED
MR. MIKOLEY	VOTED
MR. STOERR	VOTED
MR. SUGG	VOTED
MR. TILLMANNS	VOTED
MS. MONACELLI	VOTED

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

April 14, 2022

PETITION OF: SCOTT RICHTHAMMER

THE 5th CASE CONSIDERED BY THE ZONING Board of Appeals was that of Scott Richthammer, 45 Apple Blossom Boulevard, Lancaster, New York 14086 for one [1] variance for the purpose of installing a chain link fence in a required front yard on a corner lot on premises owned by the petitioner at 45 Apple Blossom Boulevard, Lancaster, New York, to wit:

A variance from the requirements of Chapter 400, Zoning, Section 34, Subsection C of the Code of the Town of Lancaster. The request calls for installing a four [4] foot tall chain link fence in a required front yard.

Chapter 400, Zoning, Section 34, Subsection C of the Code of the Town of Lancaster requires within nonindustrial districts, no fence or wall over three feet in height to extend into the front yard of any lot. The petitioner, therefore, requests a one [1] foot 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.

PERSONS ADDRESSING THE BOARD

IN THE MATTER OF THE PETITION OF: SCOTT RICHTHAMMER

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

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Scott Richthammer 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 April 2022, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

(Add in adjourned cases:)

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has 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.

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.

[Additional Findings - Optional]

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That (no undesirable) (an undesirable) change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That (no detriment) (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) (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) (is not) substantial.

That the proposed area variance relief (will) (will not) have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty (is) (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.

(Add in Addition to *Home or Garage*)

That no commercial enterprise, other than those permitted by Chapter 50 of the Code of the Town of Lancaster, be conducted on the premises.

(Add in *Fence Cases*)

That such fence (will) (will not) unduly shut out light or air to adjoining properties.

That such fence (will) (will not) create a fire hazard by reason of its construction or location.

(Add in *Denial Cases*)

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: Example:

1. Construct a fence within the code.
2. Place a shed within the boundaries of the code.
3. Construct a pole barn within the height limitations of the code.)

NOW, THEREFORE, BE IT

RESOLVED that based upon these findings, the relief sought be and is hereby **GRANTED IN CASES THAT ARE GRANTED OR CONSIDERED IN CASES THAT ARE DENIED**-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:

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

MR. CASTELLANA	VOTED
MR. DIRIENZO	VOTED
MR. MIKOLEY	VOTED
MR. STOERR	VOTED
MR. SUGG	VOTED
MR. TILLMANNS	VOTED
MS. MONACELLI	VOTED

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

April 14, 2022

PETITION OF: RYAN BURKARD

THE 6th CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Ryan Burkard, 268 Hall Road, Lancaster, New York 14086 for one [1] variance for the purpose of constructing a pole barn on premises owned by the petitioner at 268 Hall 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 request calls for constructing a twenty-three [23] foot, ten [10] inch tall pole barn.

Chapter 400, Zoning, Section 13, Subsection C, Schedule B of the Code of the Town of Lancaster requires the maximum building height of sixteen [16] feet. The petitioner, therefore, requests a seven [7] foot, ten [10] inch 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, New York State Department of Transportation and the Town of Elma of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

IN THE MATTER OF THE PETITION OF: RYAN BURKARD

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

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Ryan Burkard 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 April 2022, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

(Add in adjourned cases:)

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has 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.

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 District, (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.

[Additional Findings - Optional]

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That (no undesirable) (an undesirable) change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That (no detriment) (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) (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) (is not) substantial.

That the proposed area variance relief (will) (will not) have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty (is) (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.

(Add in Addition to *Home or Garage*)

That no commercial enterprise, other than those permitted by Chapter 50 of the Code of the Town of Lancaster, be conducted on the premises.

(Add in *Fence Cases*)

That such fence (will) (will not) unduly shut out light or air to adjoining properties.

That such fence (will) (will not) create a fire hazard by reason of its construction or location.

(Add in *Denial Cases*)

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: Example:

1. Construct a fence within the code.
2. Place a shed within the boundaries of the code.
3. Construct a pole barn within the height limitations of the code.)

NOW, THEREFORE, BE IT

RESOLVED that based upon these findings, the relief sought be and is hereby **GRANTED IN CASES THAT ARE GRANTED OR CONSIDERED IN CASES THAT ARE DENIED**-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:

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

MR. CASTELLANA	VOTED
MR. DIRIENZO	VOTED
MR. MIKOLEY	VOTED
MR. STOERR	VOTED
MR. SUGG	VOTED
MR. TILLMANNS	VOTED
MS. MONACELLI	VOTED

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

April 14, 2022

PETITION OF: JOEY KELLEMS

THE 7th CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Joey Kellems, 12 Summerfield Drive, Lancaster, New York 14086 for two [2] variances for the purpose of installing a privacy fence in a required front yard on a corner lot on premises owned by the petitioner at 12 Summerfield 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 request calls for a Primary residence, built in 2013 without an area variance, for a required front yard setback of 16.83 feet.

Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster requires a minimum front yard of thirty-five [35] feet. The petitioner, therefore, requests an 18.17-foot height variance.

- B. A variance from the requirements of Chapter 400, Zoning, Section 34, Subsection C of the Code of the Town of Lancaster. The request calls for constructing a six [6] foot tall privacy fence in a required front yard.

Chapter 400, Zoning, Section 34, Subsection C of the Code of the Town of Lancaster requires within nonindustrial districts, no fence or wall over three feet in height to extend into the front yard of any lot. The petitioner, therefore, requests a three [3] foot 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.

PERSONS ADDRESSING THE BOARD

IN THE MATTER OF THE PETITION OF: JOEY KELLEMS

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

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Joey Kellems 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 April 2022, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

(Add in adjourned cases:)

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has 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.

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.

[Additional Findings - Optional]

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That (no undesirable) (an undesirable) change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That (no detriment) (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) (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) (is not) substantial.

That the proposed area variance relief (will) (will not) have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty (is) (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.

(Add in Addition to *Home or Garage*)

That no commercial enterprise, other than those permitted by Chapter 50 of the Code of the Town of Lancaster, be conducted on the premises.

(Add in *Fence Cases*)

That such fence (will) (will not) unduly shut out light or air to adjoining properties.

That such fence (will) (will not) create a fire hazard by reason of its construction or location.

(Add in *Denial Cases*)

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: Example:

1. Construct a fence within the code.
2. Place a shed within the boundaries of the code.
3. Construct a pole barn within the height limitations of the code.)

NOW, THEREFORE, BE IT

RESOLVED that based upon these findings, the relief sought be and is hereby **GRANTED IN CASES THAT ARE GRANTED OR CONSIDERED IN CASES THAT ARE DENIED**-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:

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

MR. CASTELLANA	VOTED
MR. DIRIENZO	VOTED
MR. MIKOLEY	VOTED
MR. STOERR	VOTED
MR. SUGG	VOTED
MR. TILLMANN	VOTED
MS. MONACELLI	VOTED

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

April 14, 2022

PETITION OF: KATHY FULLER

THE 8th CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Kathy Fuller, 1 Pinetree Drive, Lancaster, New York 14086 for one [1] variance for the purpose of installing a fence in a portion of a front yard on premises owned by the petitioner at 1 Pinetree Drive, Lancaster, New York, to wit:

A variance from the requirements of Chapter 400, Zoning, Section 34, Subsection C of the Code of the Town of Lancaster. The request calls for installing a six [6] foot tall fence, thirteen [13] linear feet in a portion of a front yard.

Chapter 400, Zoning, Section 34, Subsection C of the Code of the Town of Lancaster requires within nonindustrial districts, no fence or wall over three feet in height to extend into the front yard of any lot. The petitioner, therefore, requests a three [3] foot height variance for thirteen [13] linear feet.

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

IN THE MATTER OF THE PETITION OF: KATHY FULLER

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

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Kathy Fuller 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 April 2022, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

(Add in adjourned cases:)

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has 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.

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.

[Additional Findings - Optional]

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That (no undesirable) (an undesirable) change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That (no detriment) (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) (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) (is not) substantial.

That the proposed area variance relief (will) (will not) have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty (is) (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.

(Add in Addition to *Home or Garage*)

That no commercial enterprise, other than those permitted by Chapter 50 of the Code of the Town of Lancaster, be conducted on the premises.

(Add in *Fence Cases*)

That such fence (will) (will not) unduly shut out light or air to adjoining properties.

That such fence (will) (will not) create a fire hazard by reason of its construction or location.

(Add in *Denial Cases*)

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: Example:

1. Construct a fence within the code.
2. Place a shed within the boundaries of the code.
3. Construct a pole barn within the height limitations of the code.)

NOW, THEREFORE, BE IT

RESOLVED that based upon these findings, the relief sought be and is hereby **GRANTED IN CASES THAT ARE GRANTED OR CONSIDERED IN CASES THAT ARE DENIED**-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:

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

MR. CASTELLANA	VOTED
MR. DIRIENZO	VOTED
MR. MIKOLEY	VOTED
MR. STOERR	VOTED
MR. SUGG	VOTED
MR. TILLMANN	VOTED
MS. MONACELLI	VOTED

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

April 14, 2022

PETITION OF: KATHERINE & DONALD BAKER

THE 9th CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Katherine and Donald Baker, 27 Rose Street, Lancaster, New York 14086 for one [1] variance for the purpose of installing a covered patio roof structure on premises owned by the petitioners at 27 Rose Street, 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 covered patio roof structure 30.38 feet from the rear property line.

Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster requires the minimum rear yard of thirty-five [35] feet. The petitioners, therefore, request a 4.62 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

IN THE MATTER OF THE PETITION OF: KATHERINE & DONALD BAKER

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

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Katherine & Donald Baker 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 April 2022, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

(Add in adjourned cases:)

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has requested further information from the petitioners.

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster, with the concurrence of the petitioners, agrees that an adjournment of this hearing is in the best interest of both the residents of the Town of Lancaster and the petitioners.

**NOW, THEREFORE, BE IT
RESOLVED** that this hearing be adjourned to allow for further testimony and evidence to be presented.

WHEREAS, the applicants are the present owner 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.

[Additional Findings - Optional]

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That (no undesirable) (an undesirable) change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That (no detriment) (a detriment) to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicants (can) (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) (is not) substantial.

That the proposed area variance relief (will) (will not) have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty (is) (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.

(Add in Addition to *Home or Garage*)

That no commercial enterprise, other than those permitted by Chapter 50 of the Code of the Town of Lancaster, be conducted on the premises.

(Add in *Fence Cases*)

That such fence (will) (will not) unduly shut out light or air to adjoining properties.

That such fence (will) (will not) create a fire hazard by reason of its construction or location.

(Add in *Denial Cases*)

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: Example:

1. Construct a fence within the code.
2. Place a shed within the boundaries of the code.
3. Construct a pole barn within the height limitations of the code.)

NOW, THEREFORE, BE IT

RESOLVED that based upon these findings, the relief sought be and is hereby **GRANTED IN CASES THAT ARE GRANTED OR CONSIDERED IN CASES THAT ARE DENIED**-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:

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

MR. CASTELLANA	VOTED
MR. DIRIENZO	VOTED
MR. MIKOLEY	VOTED
MR. STOERR	VOTED
MR. SUGG	VOTED
MR. TILLMANN	VOTED
MS. MONACELLI	VOTED

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

April 14, 2022

PETITION OF:4781 TRANSIT ROAD

THE 10th CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of 4781 Transit Road, Inc., 4781 Transit Road, Depew, New York 14043 for two [2] variances for the purpose of a Site Plan Review application on premises owned by the petitioner at 4781 Transit Road, Lancaster, New York, to wit:

- A. A variance from the requirements of Chapter 400, Zoning, Section 15, Subsection C, Schedule B of the Code of the Town of Lancaster. The request calls for a building height of 45.42 feet.

Chapter 400, Zoning, Section 15, Subsection C, Schedule B of the Code of the Town of Lancaster requires a maximum building height for a principal structure of thirty-five [35] feet. The petitioner, therefore, requests a 10.42-foot height variance.

- B. A variance from the requirements of Chapter 400, Zoning, Section 15, Subsection C, Schedule B of the Code of the Town of Lancaster. The request calls for a parking area setback of 12.42 feet.

Chapter 400, Zoning, Section 15, Subsection C, Schedule B of the Code of the Town of Lancaster requires the minimum side and rear yard for parking, loading and stacking areas abutting a nonresidential district of twenty-five [25] feet. The petitioner, therefore, requests a 12.58-foot setback 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 and the Village of Depew of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

IN THE MATTER OF THE PETITION OF: 4781 TRANSIT ROAD

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

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of 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 April 2022, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

(Add in adjourned cases:)

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has 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.

WHEREAS, the applicant is the duly authorized agent of the property.

WHEREAS, the property for which the applicant is petitioning is within a General Commercial District, Multi Family Multi Use (GC/MFMU) 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.

[Additional Findings - Optional]

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That (no undesirable) (an undesirable) change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That (no detriment) (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) (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) (is not) substantial.

That the proposed area variance relief (will) (will not) have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty (is) (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.

(Add in Addition to *Home or Garage*)

That no commercial enterprise, other than those permitted by Chapter 50 of the Code of the Town of Lancaster, be conducted on the premises.

(Add in *Fence Cases*)

That such fence (will) (will not) unduly shut out light or air to adjoining properties.

That such fence (will) (will not) create a fire hazard by reason of its construction or location.

(Add in *Denial Cases*)

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: Example:

1. Construct a fence within the code.
2. Place a shed within the boundaries of the code.
3. Construct a pole barn within the height limitations of the code.)

NOW, THEREFORE, BE IT

RESOLVED that based upon these findings, the relief sought be and is hereby **GRANTED IN CASES THAT ARE GRANTED OR CONSIDERED IN CASES THAT ARE DENIED**-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:

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

MR. CASTELLANA	VOTED
MR. DIRIENZO	VOTED
MR. MIKOLEY	VOTED
MR. STOERR	VOTED
MR. SUGG	VOTED
MR. TILLMANNS	VOTED
MS. MONACELLI	VOTED

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

April 14, 2022

PETITION OF: TIMOTHY BOYLE/NOCO EXPRESS PROPERTIES

THE 11th CASE CONSIDERED BY THE ZONING Board of Appeals was that of the adjourned petition of Timothy Boyle, NOCO Express properties, LLC, 2101 St. Rita's Lane, Williamsville, New York 14221 for six [6] variances for the purpose of constructing a car wash facility on premises owned by the petitioner at 3620 Walden Avenue and 371 Central Avenue, Lancaster, New York, to wit:

- A. A variance from the requirements of Chapter 400, Zoning, Section 18, Subsection D, Schedule B of the Code of the Town of Lancaster. The request calls for a proposed lot size of .94 acres.

Chapter 400, Zoning, Section 18, Subsection D, Schedule B of the Code of the Town of Lancaster requires a minimum lot area of one [1] acre. The petitioner, therefore, requests a .06-acre (= 2,613.6 square feet) variance.

- B. A variance from the requirements of Chapter 400, Zoning, Section 18, Subsection D, Schedule B of the Code of the Town of Lancaster. The request calls for a ten [10] foot side yard setback abutting a residential district.

Chapter 400, Zoning, Section 18, Subsection D, Schedule B of the Code of the Town of Lancaster requires a minimum side and rear yard for structures abutting a residential district of fifty [50] feet. The petitioner, therefore, requests a forty [40] foot variance.

- C. A variance from the requirements of Chapter 400, Zoning, Section 18, Subsection D, Schedule B of the Code of the Town of Lancaster. The request calls for a ten [10] foot side yard setback abutting a non-residential district.

Chapter 400, Zoning, Section 18, Subsection D, Schedule B of the Code of the Town of Lancaster requires a minimum side and rear yard for structures abutting a non-residential district of twenty-five [25] feet. The petitioner, therefore, requests a fifteen [15] foot variance.

- D. A variance from the requirements of Chapter 400, Zoning, Section 18, Subsection D, Schedule B of the Code of the Town of Lancaster. The request calls for a parking area with a ten [10] foot, six [6] inch setback from the west lot line right of way of a dedicated street.

Chapter 400, Zoning, Section 18, Subsection D, Schedule B of the Code of the Town of Lancaster requires a minimum yard for parking, loading and stacking areas from the right of way of a dedicated street of twenty [20] feet. The petitioner, therefore, requests a nine [9] foot, six [6] inch variance.

- E. A variance from the requirements of Chapter 400, Zoning, Section 18, Subsection D, Schedule B of the Code of the Town of Lancaster. The request calls for a parking area with a ten [10] foot setback from the south lot line right of way of a dedicated street.

Chapter 400, Zoning, Section 18, Subsection D, Schedule B of the Code of the Town of Lancaster requires a minimum yard for parking, loading and stacking areas from the right of way of a dedicated street of twenty [20] feet. The petitioner, therefore, requests a ten [10] foot variance.

- F. A variance from the requirements of Chapter 400, Zoning, Section 18, Subsection D, Schedule B of the Code of the Town of Lancaster. The request calls for a parking area with a thirteen [13] foot, six [6] inch side yard setback abutting a residential district.

Chapter 400, Zoning, Section 18, Subsection D, Schedule B of the Code of the Town of Lancaster requires a minimum side and rear yard for parking, loading and stacking areas abutting a residential district of twenty-five [25] feet. The petitioner, therefore, requests an eleven [11] foot, six [6] 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 and the New York State Department of Transportation Village of Lancaster of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

IN THE MATTER OF THE PETITION OF: TIMOTHY BOYLE/NOCO EXPRESS PROPERTIES

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

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Timothy Boyle/ NOCO Express Properties 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 April 2022, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

(Add in adjourned cases:)

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has 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.

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 Commercial District, (GC) 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.

[Additional Findings - Optional]

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That (no undesirable) (an undesirable) change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That (no detriment) (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) (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) (is not) substantial.

That the proposed area variance relief (will) (will not) have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty (is) (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.

(Add in Addition to *Home or Garage*)

That no commercial enterprise, other than those permitted by Chapter 50 of the Code of the Town of Lancaster, be conducted on the premises.

(Add in *Fence Cases*)

That such fence (will) (will not) unduly shut out light or air to adjoining properties.

That such fence (will) (will not) create a fire hazard by reason of its construction or location.

(Add in *Denial Cases*)

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: Example:

1. Construct a fence within the code.
2. Place a shed within the boundaries of the code.
3. Construct a pole barn within the height limitations of the code.)

NOW, THEREFORE, BE IT

RESOLVED that based upon these findings, the relief sought be and is hereby **GRANTED IN CASES THAT ARE GRANTED OR CONSIDERED IN CASES THAT ARE DENIED**-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:

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

MR. CASTELLANA	VOTED
MR. DIRIENZO	VOTED
MR. MIKOLEY	VOTED
MR. STOERR	VOTED
MR. SUGG	VOTED
MR. TILLMANNS	VOTED
MS. MONACELLI	VOTED

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

April 14, 2022

PETITION OF:0 BROADWAY/ THE BROADWAY GROUP.LLC.

THE 12th CASE CONSIDERED BY THE ZONING Board of Appeals was that of the adjourned petition of Timothy Boyle, NOCO Express properties, LLC, 2101 St. Rita's Lane, Williamsville, New York 14221 for six [6] variances for the purpose of constructing a car wash facility on premises owned by the petitioner at 3620 Walden Avenue and 371 Central Avenue, Lancaster, New York, to wit:

- G. A variance from the requirements of Chapter 400, Zoning, Section 18, Subsection D, Schedule B of the Code of the Town of Lancaster. The request calls for a proposed lot size of .94 acres.

Chapter 400, Zoning, Section 18, Subsection D, Schedule B of the Code of the Town of Lancaster requires a minimum lot area of one [1] acre. The petitioner, therefore, requests a .06-acre (= 2,613.6 square feet) variance.

- H. A variance from the requirements of Chapter 400, Zoning, Section 18, Subsection D, Schedule B of the Code of the Town of Lancaster. The request calls for a ten [10] foot side yard setback abutting a residential district.

Chapter 400, Zoning, Section 18, Subsection D, Schedule B of the Code of the Town of Lancaster requires a minimum side and rear yard for structures abutting a residential district of fifty [50] feet. The petitioner, therefore, requests a forty [40] foot variance.

- I. A variance from the requirements of Chapter 400, Zoning, Section 18, Subsection D, Schedule B of the Code of the Town of Lancaster. The request calls for a ten [10] foot side yard setback abutting a non-residential district.

Chapter 400, Zoning, Section 18, Subsection D, Schedule B of the Code of the Town of Lancaster requires a minimum side and rear yard for structures abutting a non-residential district of twenty-five [25] feet. The petitioner, therefore, requests a fifteen [15] foot variance.

- J. A variance from the requirements of Chapter 400, Zoning, Section 18, Subsection D, Schedule B of the Code of the Town of Lancaster. The request calls for a parking area with a ten [10] foot, six [6] inch setback from the west lot line right of way of a dedicated street.

Chapter 400, Zoning, Section 18, Subsection D, Schedule B of the Code of the Town of Lancaster requires a minimum yard for parking, loading and stacking areas from the right of way of a dedicated street of twenty [20] feet. The petitioner, therefore, requests a nine [9] foot, six [6] inch variance.

- K. A variance from the requirements of Chapter 400, Zoning, Section 18, Subsection D, Schedule B of the Code of the Town of Lancaster. The request calls for a parking area with a ten [10] foot setback from the south lot line right of way of a dedicated street.

Chapter 400, Zoning, Section 18, Subsection D, Schedule B of the Code of the Town of Lancaster requires a minimum yard for parking, loading and stacking areas from the right of way of a dedicated street of twenty [20] feet. The petitioner, therefore, requests a ten [10] foot variance.

- L. A variance from the requirements of Chapter 400, Zoning, Section 18, Subsection D, Schedule B of the Code of the Town of Lancaster. The request calls for a parking area with a thirteen [13] foot, six [6] inch side yard setback abutting a residential district.

Chapter 400, Zoning, Section 18, Subsection D, Schedule B of the Code of the Town of Lancaster requires a minimum side and rear yard for parking, loading and stacking areas abutting a residential district of twenty-five [25] feet. The petitioner, therefore, requests an eleven [11] foot, six [6] 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 and the New York State Department of Transportation Village of Lancaster of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

IN THE MATTER OF THE PETITION OF: TIMOTHY BOYLE/NOCO EXPRESS PROPERTIES

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

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Timothy Boyle/ NOCO Express Properties 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 April 2022, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and
(Add in adjourned cases:)

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has 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.

WHEREAS, the applicant is the duly authorized agent of the property..

WHEREAS, the property for which the applicant is petitioning is within a General Commercial District, (GC) 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.

[Additional Findings - Optional]

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That (no undesirable) (an undesirable) change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That (no detriment) (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) (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) (is not) substantial.

That the proposed area variance relief (will) (will not) have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty (is) (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.

(Add in Addition to *Home or Garage*)

That no commercial enterprise, other than those permitted by Chapter 50 of the Code of the Town of Lancaster, be conducted on the premises.

(Add in *Fence Cases*)

That such fence (will) (will not) unduly shut out light or air to adjoining properties.

That such fence (will) (will not) create a fire hazard by reason of its construction or location.

(Add in *Denial Cases*)

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: Example:

1. Construct a fence within the code.
2. Place a shed within the boundaries of the code.
3. Construct a pole barn within the height limitations of the code.)

NOW, THEREFORE, BE IT

RESOLVED that based upon these findings, the relief sought be and is hereby **GRANTED IN CASES THAT ARE GRANTED OR CONSIDERED IN CASES THAT ARE DENIED**-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:

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

MR. CASTELLANA	VOTED
MR. DIRIENZO	VOTED
MR. MIKOLEY	VOTED
MR. STOERR	VOTED
MR. SUGG	VOTED
MR. TILLMANNS	VOTED
MS. MONACELLI	VOTED

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

April 14, 2022

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

Signed _____
Diane M. Terranova, TOWN CLERK and
Clerk to Zoning Board of Appeals
April 14, 2022