

August 11, 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 11th day of August 11, 2022 at 7:00 P.M., and there were

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

ABSENT: TONY CASTELLANA, 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: THOMAS WIERZBOWSKI

THE 1st CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Thomas Wierzbowski, 538 Lake Avenue, Lancaster, New York 14086 for one [1] variance for the purpose of constructing a pole barn on premises owned by the petitioner at 538 Lake Avenue, 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 constructing a nine hundred sixty [960] square foot pole barn.

Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster requires a maximum structure size of seven hundred fifty [750] square feet. The petitioner, therefore, requests a two hundred ten [210] 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

Thomas Wierzbowski, Petitioner

Proponent

IN THE MATTER OF THE PETITION OF: THOMAS WIERZBOWSKI

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

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Thomas Wierzbowski and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 11th day of August 2022, 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. CASTELLANA	WAS ABSENT
MR. DIRIENZO	VOTED YES
MR. MIKOLEY	VOTED YES
MR. STOERR	VOTED YES
MR. SUGG	VOTED YES
MR. TILLMANN	VOTED YES
MS. MONACELLI	VOTED YES

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

August 11, 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 creating a parcel within the AR District on premises owned by the petitioner at 0 William Street (S.B.L.#116.00-2-70), 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 creating a parcel within the AR District two hundred fifty [250] feet wide.

Chapter 400, Zoning, Section 13, Subsection C, Schedule B of the Code of the Town of Lancaster requires a minimum lot width of three hundred [300] feet if abutting a dedicated street. The petitioner, therefore, requests a fifty [50] 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

Lucas James, Petitioner

Proponent

Lawrence Bartosz

Comments/Questions

IN THE MATTER OF THE PETITION OF: LUCAS JAMES

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. STOERR, WHO MOVED ITS
ADOPTION, SECONDED BY MR. DIRIENZO
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 11th day of August 2022, 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 no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

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

That the benefit sought by the applicant cannot be achieved by some other method, feasible for the applicant to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial.

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

That the alleged difficulty is not self-created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicant if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

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

**NOW, THEREFORE, BE IT
RESOLVED** that based upon these findings, the relief sought be and is
hereby **GRANTED**.

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

MR. CASTELLANA	WAS ABSENT
MR. DIRIENZO	VOTED YES
MR. MIKOLEY	VOTED YES
MR. STOERR	VOTED YES
MR. SUGG	VOTED YES
MR. TILLMANN	VOTED YES
MS. MONACELLI	VOTED YES

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

August 11, 2022

PETITION OF: PATRICIA MELANCON

THE 3rd CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Patricia Melancon, 729 Pleasant View Drive, Lancaster, New York 14086 for one [1] variance for the purpose of constructing a wood deck on premises owned by the petitioner at 729 Pleasant View Drive, Lancaster, New York, to wit:

A variance from the requirements of Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster. The request calls for constructing a real wood deck 2.41 feet from a side property line.

Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster requires a minimum side yard width for dwellings up to thirty-five [35] feet in height: each side yard the lesser of 10% of the lot width or ten [10] feet OR total side yard: the lesser of 25% of the lot width or twenty-five [25] feet. The petitioner, therefore, requests a 5.81-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

Patricia Melancon, Petitioner

Proponent

IN THE MATTER OF THE PETITION OF: PATRICIA MELANCON

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. MIKOLEY, 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 Patricia Melancon and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 11th day of August 2022, 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 not self-created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicant if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

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

**NOW, THEREFORE, BE IT
RESOLVED** that based upon these findings, the relief sought be and is
hereby **GRANTED**.

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

MR. CASTELLANA	WAS ABSENT
MR. DIRIENZO	VOTED YES
MR. MIKOLEY	VOTED YES
MR. STOERR	VOTED YES
MR. SUGG	VOTED YES
MR. TILLMANNS	VOTED YES
MS. MONACELLI	VOTED YES

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

August 11, 2022

PETITION OF: MICHAEL POKORSKI

THE 4th CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Michael Pokorski, 398 Stony Road, Lancaster, New York 14086, for one [1] variance for the purpose of constructing a pole barn on premises owned by the petitioner at 398 Stony 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 1,848 square foot pole barn.

Chapter 400, Zoning, Section 13, Subsection C, Schedule B of the Code of the Town of Lancaster requires a maximum accessory structure of 1,250 square feet. The petitioner, therefore, requests a 598 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

Michael Pokorski, Petitioner

Proponent

IN THE MATTER OF THE PETITION OF: MICHAEL POKORSKI

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. DIRIENZO, 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 Michael Pokorski and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 11th day of August 2022, 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 no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

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

That the benefit sought by the applicant cannot be achieved by some other method, feasible for the applicant to pursue, other than the area variance relief sought.

That the requested area variance relief is substantial.

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. CASTELLANA	WAS ABSENT
MR. DIRIENZO	VOTED YES
MR. MIKOLEY	VOTED YES
MR. STOERR	VOTED YES
MR. SUGG	VOTED YES
MR. TILLMANN	VOTED YES
MS. MONACELLI	VOTED YES

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

August 11, 2022

PETITION OF: KEVIN SANFORD

THE 5th CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Kevin Sanford, 45 Pear Tree Lane, Lancaster, New York 14086 for three [3] variances for the purpose of installing an inground pool, a shed and a privacy fence on premises owned by the petitioner at 45 Pear Tree Lane, 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 an inground pool six [6] feet from a patio roof structure.

Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster requires an accessory structure to be a minimum of ten [10] feet from another structure. The petitioner, therefore, requests a four [4] foot variance.

- B. A variance from the requirements of Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster. The request calls for installing a shed three [3] feet from a side property line.

Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster requires an accessory structure to be a minimum of five [5] feet from the side lot line. The petitioner, therefore, requests a two [2] foot variance.

- C. 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 privacy fence.

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

Kevin Sanford, Petitioner

Proponent

IN THE MATTER OF THE PETITION OF: KEVIN SANFORD

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. TILLMANN, 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 Kevin Sanford and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 11th day of August 2022, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the applicant is the present owner of the premises in question.

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

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

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

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

That the benefit sought by the applicant cannot be achieved by some other method, feasible for the applicant to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial.

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

That the alleged difficulty is self-created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicant if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

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

**NOW, THEREFORE, BE IT
RESOLVED** that based upon these findings, the relief sought be and is
hereby **GRANTED**.

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

MR. CASTELLANA	WAS ABSENT
MR. DIRIENZO	VOTED YES
MR. MIKOLEY	VOTED YES
MR. STOERR	VOTED YES
MR. SUGG	VOTED YES
MR. TILLMANN	VOTED YES
MS. MONACELLI	VOTED YES

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

August 11, 2022

PETITION OF: PAUL KUZNIK

THE 6th CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Paul Kuznik, 47 Heritage Drive, Lancaster, New York 14086 for one [1] variance for the purpose of adding a garage addition on premises owned by the petitioner at 47 Heritage Drive, Lancaster, New York, to wit:

A variance from the requirements of Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster. The request calls for adding a garage addition five [5] feet from a side property line.

Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster requires a minimum side yard width for dwellings up to thirty-five [35] feet in height: each side yard the lesser of 10% of the lot width or ten [10] feet which equals seven and a half [7.5] feet. The petitioner, therefore, requests a two and a half-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

Paul Kuznik, Petitioner

Proponent

IN THE MATTER OF THE PETITION OF: PAUL KUZNIK

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. STOERR, 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 Paul Kuznik and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 11th day of August 2022, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the applicant is the present owner of the premises in question.

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

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

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

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

That the benefit sought by the applicant cannot be achieved by some other method, feasible for the applicant to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial.

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

That the alleged difficulty is self-created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicant if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

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

That no commercial enterprise, other than those permitted by Chapter 400 of the Code of the Town of Lancaster, be conducted on the premises.

**NOW, THEREFORE, BE IT
RESOLVED** that based upon these findings, the relief sought be and is
hereby **GRANTED**.

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

MR. CASTELLANA	WAS ABSENT
MR. DIRIENZO	VOTED YES
MR. MIKOLEY	VOTED YES
MR. STOERR	VOTED YES
MR. SUGG	VOTED YES
MR. TILLMANN	VOTED YES
MS. MONACELLI	VOTED YES

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

August 11, 2022

PETITION OF: DAVID WATSON

THE 7th CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of David Watson, 747 Erie Street, Lancaster, New York 14086, for three [3] variances for the purpose of constructing a pool house on premises owned by the petitioner at 747 Erie Street, Lancaster, New York, to wit:

- A. 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 14' x 16' pool house, eight [8] feet from an inground pool.

Chapter 400, Zoning, Section 13, Subsection C, Schedule B of the Code of the Town of Lancaster requires a minimum location of an accessory structure from another structure of ten [10] feet. The petitioner, therefore, requests a two [2] foot variance.

- B. 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 14' x 16' pool house, eight [8] feet from an existing shed.

Chapter 400, Zoning, Section 13, Subsection C, Schedule B of the Code of the Town of Lancaster requires a minimum location of an accessory structure from another structure of ten [10] feet. The petitioner, therefore, requests a two [2] foot variance.

- C. 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 14' x 16' pool house, five [5] feet from a side lot line.

Chapter 400, Zoning, Section 13, Subsection C, Schedule B of the Code of the Town of Lancaster requires a minimum location of an accessory structure of fifteen [15] feet from the side lot line. The petitioner, therefore, requests a ten [10] 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

David Watson, Petitioner

Proponent

IN THE MATTER OF THE PETITION OF: DAVID WATSON

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

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of David Watson and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 11th day of August 2022, 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 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. CASTELLANA	WAS ABSENT
MR. DIRIENZO	VOTED YES
MR. MIKOLEY	VOTED YES
MR. STOERR	VOTED YES
MR. SUGG	VOTED YES
MR. TILLMANN	VOTED YES
MS. MONACELLI	VOTED YES

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

August 11, 2022

PETITION OF: MATTHEW SYDOR

THE 8th CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Matthew Sydor, 318 Broezel Avenue, Lancaster, New York 14086, for one [1] variance for the purpose of installing a privacy fence on premises under contract to purchase by the petitioner at 45 Deerpath 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 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, other than a retaining wall, over three [3] feet in height, shall extend into the front yard of any lot. The petitioner, therefore, requests a three [3] 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

Matthew Sydor, Petitioner

Proponent

IN THE MATTER OF THE PETITION OF: MATTHEW SYDOR

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

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Matthew Sydor and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 11th day of August 2022, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the applicant is the present owner of the premises in question.

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

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

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

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

That the benefit sought by the applicant cannot be achieved by some other method, feasible for the applicant to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial.

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

That the alleged difficulty is self-created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicant if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

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

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.

**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. CASTELLANA	WAS ABSENT
MR. DIRIENZO	VOTED YES
MR. MIKOLEY	VOTED YES
MR. STOERR	VOTED YES
MR. SUGG	VOTED YES
MR. TILLMANN	VOTED YES
MS. MONACELLI	VOTED YES

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

August 11, 2022

PETITION OF: MARTIN SZCZUBLEWSKI

THE 9th CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Martin Szczublewski, 18 Sagebrush Lane, Lancaster, New York 14086 for one [1] variance for the purpose of installing a shed pad within a Public Drainage Easement on premises owned by the petitioner at 18 Sagebrush Lane, Lancaster, New York, to wit:

A variance from the requirements of Chapter 400, Zoning, Section 14, Subsection C, Schedule B of the Code of the Town of Lancaster. The request calls for installing a shed pad within a Public Drainage Easement.

Chapter 400, Zoning, Section 14, Subsection C, Schedule B of the Code of the Town of Lancaster requires no structures, other than fencing, be allowed within any drainage access easement. The petitioner, therefore, requests a two [2] foot Public Drainage Easement 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

Martin Szczublewski, Petitioner

Proponent

IN THE MATTER OF THE PETITION OF: MARTIN SZCZUBLEWSKI

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 Martin Szczubleski and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 11th day of August 2022, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the applicant is the present owner of the premises in question.

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

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

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

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

That the benefit sought by the applicant cannot be achieved by some other method, feasible for the applicant to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial.

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

That the alleged difficulty is self-created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicant if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

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

NOW, THEREFORE, BE IT

RESOLVED that based upon these findings, the relief sought be and is hereby **GRANTED** subject to the following conditions which in the opinion of the 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.

- An Easement Encroachment Agreement will be filed with Erie County.
- A letter from the Town Engineer that the shed pad will not be a detriment to the Public Drainage Easement.

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

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

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

August 11, 2022

PETITION OF: TIMOTHY BOYLE, NOCO EXPRESS PROPERTIES, LLC.

THE 10th CASE CONSIDERED BY THE ZONING Board of Appeals was that of the 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.

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 Village of Lancaster of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

Sean Hopkins, Representing Petitioner	Proponent
Timothy Boyle, Petitioner	Proponent
Anthony Pandolfe, Carmina Wood Morris	Proponent
Amy Dake, Traffic Specialist	Proponent
John Armstrong	Opponent
Cindy Karcher	Opponent

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

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 Timothy Boyle/NOCO EXPRESS Properties, LLC. and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 11th day of August 2022, 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 representative 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.

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. CASTELLANA	WAS ABSENT
MR. DIRIENZO	VOTED NO
MR. MIKOLEY	VOTED YES
MR. STOERR	VOTED NO
MR. SUGG	VOTED NO
MR. TILLMANN	ABSTAINED
MS. MONACELLI	VOTED YES

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

August 11, 2022

PETITION OF: 4781 TRANSIT ROAD, INC.

THE 11th CASE CONSIDERED BY THE ZONING Board of Appeals was that of the adjourned petition of 4781 Transit Road, Inc., 4781 Transit Road, Depew, New York 14043 for three [3] 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.

- C. 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 separation distance between two primary structures of fifteen [15] feet.

Chapter 400, Zoning, Section 15, Subsection C, Schedule B of the Code of the Town of Lancaster requires the minimum distance between buildings for principal structures of thirty [30] feet. The petitioner, therefore, requests a fifteen [15] 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 Village of Depew of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

Jeffery Palumbo, Representing Petitioner	Proponent
Anthony Pandolfe, Carmina Wood Morris	Proponent
John Tantillo, Knauf Shaw, LLP	Opponent
Angelo Ingrassia	Opponent

IN THE MATTER OF THE PETITION OF: 4781 TRANSIT ROAD, INC.

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

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of 4781 Transit Road, Inc. and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 11th day of August 2022, 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 representative of the property.

WHEREAS, the property for which the applicant is petitioning is within a General Commercial District/Multi Family Multi Unit (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.

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

That the benefit sought by the applicant cannot be achieved by some other method, feasible for the applicant to pursue, other than the area variance relief sought.

That the requested area variance relief is substantial.

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. CASTELLANA	WAS ABSENT
MR. DIRIENZO	VOTED NO
MR. MIKOLEY	VOTED YES
MR. STOERR	VOTED YES
MR. SUGG	VOTED YES
MR. TILLMANN	VOTED NO
MS. MONACELLI	VOTED YES

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

August 11, 2022

ON MOTION DULY MADE, SECONDED AND CARRIED, the meeting
was adjourned at 10:33 P.M.

Signed _____
Diane M. Terranova, TOWN CLERK and
Clerk to Zoning Board of Appeals
August 11, 2022