January 12, 2023

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 12th day of January 2023, at 7:00 P.M., and there were

PRESENT: TONY CASTELLANA MEMBER

MICHAEL HAEN, MEMBER

JILL MONACELLI, MEMBER

* KEITH STOERR, MEMBER

MELISSA STUDLEY, MEMBER

MARK TILLMANNS, MEMBER

JOHN MIKOLEY, CHAIRMAN

ABSENT: NONE

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.

* Mr. Stoerr arrived at 7:05 pm.

PETITION OF: NICK TA ELDER/FAST SIGNS OF BUFFALO

THE 1st CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Nick Tangelder, Fast Signs of Buffalo, 4913 Genesee Street, Cheektowaga, New York 14225 for one [1] variance for the purpose of installing a replacement sign face on an existing, non-conforming pole sign on premises owned by Kevin McGowan at 5389 Genesee Street, Lancaster, New York, to wit:

> A variance from the requirements of Chapter 400, Zoning, Section 30, Subsection F(2)(c)[3][b] of the Code of the Town of Lancaster. The request calls for installing a replacement sign face on an existing, nonconforming pole sign five [5] feet, four and a half [4 ½] inches from finished grade.
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> Chapter 400, Zoning, Section 30, Subsection F(2)(c)[3][b] of the Code of the Town of Lancaster requires such signs not exceed twenty-five [25] feet in height nor the lowest part of the sign be less than eight [8] feet from the finished grade of a paved walk, drive or parking area. The petitioner, therefore, requests a two [2] foot, seven and a half [7 ½] inch variance.

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicant with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioner of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

Copy of a letter notifying the Erie County Department of Environment and Planning of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

Nick Tangelder, FastSigns, Representing Owner	Proponent

IN THE MATTER OF TH ETITION OF: NICK TANGELDER/FAST S S OF BUFFALO

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

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Nick Tangelder, Fast Signs of Buffalo and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 12th day of January 2023, 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/duly authorized agent of the property.

WHEREAS, the property for which the applicants are petitioning is within a Multi Family Mixed Use District, (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 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	VOTED	YES
MR. HAEN	VOTED	YES
MS. MONACELLI	VOTED	YES
MR. STOERR	VOTED	YES
MS. STUDLEY	VOTED	YES
MR. TILLMANNS	VOTED	YES
MR. MIKOLEY	VOTED	YES

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

PETITION OF: MICHAEL POKORSKI

THE 2nd CASE CONSIDERED BY THE ZONING Board of Appeals was 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 pole barn twenty-four [24] feet in height.
>
> Chapter 400, Zoning, Section 13, Subsection C, Schedule B of the Code of the Town of Lancaster requires an accessory structure's maximum building height of sixteen [16] feet. The petitioner, therefore, requests an eight [8] foot variance.

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicant with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioner of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

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 TH ETITION OF: MICHAEL POKORSKI

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

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Michael 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 12th day of January 2023, 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/duly authorized agent of the property.

WHEREAS, the property for which the applicants are petitioning is within a Agricultural Residential, (AR) as shown on the Zoning Map of the Town of Lancaster.

WHEREAS, the Erie County Department of Environment and Planning has received a full copy of the proposed zoning action and has stated that the proposed action has been reviewed and determined to be of local concern therefore, no recommendation was made.

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

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

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

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

That the requested area variance relief is not substantial.

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

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

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

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

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

NOW, THE. .FORE, 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	VOTED	YES
MR. HAEN	VOTED	YES
MS. MONACELLI	VOTED	YES
MR. STOERR	VOTED	YES
MS. STUDLEY	VOTED	YES
MR. TILLMANNS	VOTED	YES
MR. MIKOLEY	VOTED	YES

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

PETITION OF: MICHAE[illegible]NDE

THE 3rd CASE CONSIDERED BY THE ZONING Board of Appeals was the petition of Michael Linde, 1338 Ransom Road, Lancaster, New York 14086, for one [1] variance for the purpose of constructing a pole barn on premises owned by the petitioner at 1338 Ransom 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 pole barn twenty-two [22] feet, eight [8] inches in height.
>
> Chapter 400, Zoning, Section 13, Subsection C, Schedule B of the Code of the Town of Lancaster requires an accessory structure's maximum building height of sixteen [16] feet. The petitioner, therefore, requests a six [6] foot, eight [8] inch variance.

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicant with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioner of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

Copy of a letter notifying the Erie County Department of Environment and Planning of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

Michael Linde, Petitioner — Proponent

IN THE MATTER OF THE PETITION OF: MICHAEL LINDE

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

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Michael Linde and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 12th day of January 2023, 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/duly authorized agent of the property.

WHEREAS, the property for which the applicants are 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 but not to the extent necessary to preclude the granting of the area variance relief sought.

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

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

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

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

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

NOW, THE FORE, 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	VOTED	YES
MR. HAEN	VOTED	YES
MS. MONACELLI	VOTED	YES
MR. STOERR	VOTED	YES
MS. STUDLEY	VOTED	YES
MR. TILLMANNS	VOTED	YES
MR. MIKOLEY	VOTED	YES

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

January 12, 2023

PETITION OF: KIMBER SPRUCH

THE 4th CASE CONSIDERED BY THE ZONING Board of Appeals was the petition of Kimberly Spruch, 55 Old Post Road, Lancaster, New York 14086 for one [1] variance for the purpose of installing a shed on premises owned by the petitioner at 55 Old Post Road, Lancaster, New York, to wit:

> A variance from the requirements of Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster. The request calls for installing an eight [8] by ten [10] foot 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 the minimum location for any accessory structure of five [5] feet from a side lot line. The petitioner, therefore, requests a two [2] 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

Kimberly Spruch, Petitioner	Proponent

IN THE MATTER OF TH. :TITION OF: KIMBERLY SPRUCH

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

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Kimberly Spruch and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 12th day of January 2023, 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/duly authorized agent of the property.

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

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

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

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

That the benefit sought by the 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 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	VOTED	YES
MR. HAEN	VOTED	YES
MS. MONACELLI	VOTED	YES
MR. STOERR	VOTED	YES
MS. STUDLEY	VOTED	YES
MR. TILLMANNS	VOTED	YES
MR. MIKOLEY	VOTED	YES

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

January 12, 2023

ON MOTION DULY MADE, SECONDED AND CARRIED, the meeting was adjourned at 7:25 P.M.

Signed Diane M. Terranova

Diane M. Terranova, TOWN CLERK and
Clerk to Zoning Board of Appeals
January 12, 2023