

August 10, 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 10th day of August 2023, at 7:00 P.M., and there were:

PRESENT:           MICHAEL HAEN, MEMBER  
                          KEITH STOERR, MEMBER  
                          MELISSA STUDLEY, MEMBER  
                          MARK TILLMANN, MEMBER  
                          DAVID ZELAK, MEMBER  
                          JOHN MIKOLEY, CHAIRMAN

ABSENT:            JILL MONACELLI, 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: JASON & JAMIE BLUHM**

THE 1<sup>st</sup> CASE CONSIDERED BY THE ZONING Board of Appeals was the petition of Jason and Jamie Bluhm, 21 Hidden Meadow Crossing, Lancaster, New York 14086 for one [1] variance for the purpose of constructing a pool deck on premises owned by the petitioner at 21 Hidden Meadow Crossing, 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 pool deck, eight [8] feet from the primary structure.

Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster requires a minimum location of ten [10] feet from another structure. 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**

Jason Bluhm, Petitioner

Proponent

**IN THE MATTER OF THE PETITION OF: JASON & JAMIE BLUHM**

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

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Jason and Jamie Bluhm and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 10th day of August 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.

**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. HAEN	VOTED	YES
MS. MONACELLI	WAS ABSENT	
MR. STOERR	VOTED	YES
MS. STUDLEY	VOTED	YES
MR. TILLMANNNS	VOTED	YES
MR. ZELAK	VOTED	YES
MR. MIKOLEY	VOTED	YES

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

August 10, 2023

**PETITION OF: DONALD JULIANO**

THE 2<sup>nd</sup> CASE CONSIDERED BY THE ZONING Board of Appeals was the petition of Donald Juliano, 3800 Bowen Road, Lancaster, New York 14086 for two [2] variances for the purpose of constructing a residential accessory structure on premises owned by the petitioner at 3800 Bowen Road, Lancaster, New York, to wit:

- A. A variance from the requirements of Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster. The request calls for constructing a 3,120 square foot residential accessory structure.

Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster requires the maximum size of an accessory structure to be 750 square feet. The petitioner, therefore, requests a 2,370 square 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 constructing a twenty [20] foot, eight [8] inch tall residential accessory structure.

Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster requires a maximum building height of an accessory of sixteen [16] feet. The petitioner, therefore, requests a four [4] 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**

Donald Juliano, Petitioner

Proponent

**IN THE MATTER OF THE PETITION OF: DONALD JULIANO**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY MS. STUDLEY 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 Donald Juliano and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 10th day of August 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.

**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 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. HAEN	VOTED	YES
MS. MONACELLI	WAS ABSENT	
MR. STOERR	VOTED	YES
MS. STUDLEY	VOTED	YES
MR. TILLMANNNS	VOTED	YES
MR. ZELAK	VOTED	YES
MR. MIKOLEY	VOTED	YES

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

August 10, 2023

**PETITION OF: THOMAS BOLENDER**

THE 3<sup>rd</sup> CASE CONSIDERED BY THE ZONING Board of Appeals was the petition of Thomas Bolender, 206 A Peppermint Road, Lancaster, New York 14086 for three [3] variances for the purpose of constructing a residential accessory structure on premises owned by the petitioner at 206 A Peppermint Road, 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 residential accessory structure twenty-two [22] feet, eight [8] inches tall.

Chapter 400, Zoning, Section 13, Subsection C, Schedule B of the Code of the Town of Lancaster requires the maximum building height for any accessory structure of sixteen [16] feet. The petitioner, therefore, requests a six [6] foot, eight [8] inch 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 residential accessory structure seven [7] feet, six [6] inches from the side property line.

Chapter 400, Zoning, Section 13, Subsection C, Schedule B of the Code of the Town of Lancaster requires the minimum building location of fifteen [15] feet from the side lot line. The petitioner, therefore, requests a seven [7] foot, six [6] inch 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 residential accessory structure of 2,016 square feet.

Chapter 400, Zoning, Section 13, Subsection C, Schedule B of the Code of the Town of Lancaster requires the maximum building size for any accessory structure of 1,250 square feet. The petitioner, therefore, requests a 766 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**

Thomas Bolender, Petitioner

Proponent



**IN THE MATTER OF THE PETITION OF: THOMAS BOLENDER**

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

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Thomas Bolender and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 10th day of August 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.

**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 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.

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. HAEN	VOTED	YES
MS. MONACELLI	WAS ABSENT	
MR. STOERR	VOTED	YES
MS. STUDLEY	VOTED	YES
MR. TILLMANNNS	VOTED	YES
MR. ZELAK	VOTED	YES
MR. MIKOLEY	VOTED	YES

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

August 10, 2023

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

Signed \_\_\_\_\_  
Diane M. Terranova, TOWN CLERK and  
Clerk to Zoning Board of Appeals  
August 10, 2023