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 July 2011, at 8:00 P.M., and there were

PRESENT: 
JOHN BRUSO, MEMBER
JAMES PERRY, MEMBER
RICHARD QUINN, MEMBER
ROBERT THILL, MEMBER
JEFFREY LEHRBACH, CHAIRMAN

ABSENT: 
LAWRENCE PIGNATARO, MEMBER
ARLIE SCHWAN, MEMBER

ALSO PRESENT: 
JOHANNA M. COLEMAN, TOWN CLERK
NICHOLAS LOCICERO, DEPUTY TOWN ATTORNEY
JEFFREY H. SIMME, 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: DANIEL NAWROCKI

THE 1st CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Daniel Nawrocki, 749 Ransom Road, Lancaster, New York 14086 for one [1] variance for the purpose of constructing an 857 square foot addition to a garage with a carport on premises owned by the petitioner at 749 Ransom Road, Lancaster New York, to wit:

   A variance from the requirements of Chapter 50, Zoning, Section 9D.(4) of the Code of the Town of Lancaster. The area of the existing accessory structure of 1,311 square feet when added to the proposed addition of 857 square feet is 2,168 square feet.

   On April 6, 1989, a permit was issued for a 1,020 square foot private garage. This permit was issued prior to the May 15, 1989 adoption of the current Chapter 50, Zoning Code of the Town of Lancaster, therefore, the structure was not restricted to the current 750 square foot limit. An accessory structure area variance of 291 square feet was granted to this petitioner on September 9, 1999 bringing the total square footage of this accessory structure to 1,311 square feet. The petitioner therefore requests an additional variance of 857 square feet to permit the total square footage of 2,168 square 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.

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

Daniel Nawrocki, Petitioner         Proponent
IN THE MATTER OF THE PETITION OF DANIEL NAWROCKI

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

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Daniel Nawrocki 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 July 2011, 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 an Agricultural Residential District, (A-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 not commented.

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, however not sufficient enough to preclude the granting of the variance.

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 this board are
appropriate conditions to minimize adverse effects on the character of the surrounding area
and to safeguard the public health, safety, convenience and general welfare:

1. That the roofing material shall be asphalt shingle.

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

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

<table>
<thead>
<tr>
<th>Name</th>
<th>Vote</th>
<th>Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr. Bruso</td>
<td>Voted</td>
<td>Yes</td>
</tr>
<tr>
<td>Mr. Perry</td>
<td>Voted</td>
<td>Yes</td>
</tr>
<tr>
<td>Mr. Pignataro</td>
<td>Was absent</td>
<td></td>
</tr>
<tr>
<td>Mr. Quinn</td>
<td>Voted</td>
<td>Yes</td>
</tr>
<tr>
<td>Mr. Schwand</td>
<td>Was absent</td>
<td></td>
</tr>
<tr>
<td>Mr. Thill</td>
<td>Voted</td>
<td>Yes</td>
</tr>
<tr>
<td>Mr. Lehrbach</td>
<td>Voted</td>
<td>Yes</td>
</tr>
</tbody>
</table>

The resolution granting the variance was thereupon ADOPTED.

July 14, 2011
PETITION OF: BUFFALO FILTER, INC

THE 2nd CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Buffalo Filter, Inc., 5900 Genesee Street, Lancaster, New York 14086 for two [2] variances for the purpose of erecting two [2] illuminated ground signs on premises owned by Buffalo Filter at 5900 Genesee Street, Lancaster, New York, to wit:

A. A variance from the requirements of Chapter 50, Zoning, Section 30 F.(2)(c)(2) of the Code of the Town of Lancaster to permit two [2] ground signs on one lot.

Chapter 50, Zoning Section 30F.(2)(c)(2) of the Code of the Town of Lancaster permits one ground sign per individual building lot. A variance for one [1] additional ground sign is required.

B. A variance from the requirements of Chapter 50, Zoning Section 30F.(2)(c)(2)a of the Code of the Town of Lancaster to permit two [2] signs with a sign height of eight feet, ten inches [8’ 10”] over finished grade.


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

Jim Popiallo, Representing Petitioner
Santoro Signs

Proponent

Greg Pepe, Representing Petitioner
Buffalo Filter

Proponent
IN THE MATTER OF THE PETITION OF BUFFALO FILTER, INC

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

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Buffalo Filter, 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 14th day of July 2011, 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 Light Industrial District, (LI) 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 not commented.

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. It is noted that there are a wide variety of land uses in the area of Gunnville Road and Genesee Street.

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 however should not preclude the granting of the requested variance.

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 noting the height allowed by the code is not sufficient during our extreme winter conditions.

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. Safety considerations dictate that the signs should be visible in all weather conditions and be of a height to be seen over drifts of snow.

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:

<table>
<thead>
<tr>
<th>Name</th>
<th>Vote</th>
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</thead>
<tbody>
<tr>
<td>MR. BRUSO</td>
<td>VOTED YES</td>
</tr>
<tr>
<td>MR. PERRY</td>
<td>VOTED YES</td>
</tr>
<tr>
<td>MR. PIGNATARO</td>
<td>WAS ABSENT</td>
</tr>
<tr>
<td>MR. QUINN</td>
<td>VOTED YES</td>
</tr>
<tr>
<td>MR. SCHWAN</td>
<td>WAS ABSENT</td>
</tr>
<tr>
<td>MR. THILL</td>
<td>VOTED YES</td>
</tr>
<tr>
<td>MR. LEHRBACH</td>
<td>VOTED YES</td>
</tr>
</tbody>
</table>

The resolution granting the variance was thereupon ADOPTED.

July 14, 2011
PETITION OF: GRANDVIEW CONSTRUCTION INC

THE 3rd CASE consiDERED BY THE ZONING Board of Apeals was that of the petition of Grandview Construction, Inc., 167 Young Street, Tonawanda, New York 14150 for one [1] variance for the purpose of constructing a 1,350 square foot detached garage on premises owned by Dr. Kent and Susan Chevli, at 6211 Genesee Street, Lancaster New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 9D.(4) of the Code of the Town of Lancaster. The area of the proposed accessory structure is 1,350 square feet.

Chapter 50, Zoning, Section 9D.(4) of the Code of the Town of Lancaster limits the area of an accessory structure to 750 square feet. The petitioner, therefore, requests a 600 square foot accessory use area 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

Skip Holler, Representing Petitioner Proponent
Grandview Construction, Inc.

Susan Chevli, Petitioner Proponent
IN THE MATTER OF THE PETITION OF GRANDVIEW CONSTRUCTION INC

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

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has
reviewed the application of Grandview Construction 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
14th day of July 2011, 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 agent of the property owners.

WHEREAS, the property for which the applicant is petitioning is within a
Agricultural Residential District, (A-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; this will be an attractive addition and will be set back a very considerable distance.

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 however, given the uniquely large property,
the impact of the structure’s size is mitigated.

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:

<table>
<thead>
<tr>
<th>Name</th>
<th>Voted</th>
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<tbody>
<tr>
<td>MR. BRUSO</td>
<td>VOTED</td>
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<tr>
<td>MR. PERRY</td>
<td>VOTED</td>
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<tr>
<td>MR. PIGNATARO</td>
<td>WAS ABSENT</td>
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<tr>
<td>MR. QUINN</td>
<td>VOTED</td>
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<tr>
<td>MR. SCHWAN</td>
<td>WAS ABSENT</td>
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<tr>
<td>MR. THILL</td>
<td>VOTED</td>
</tr>
<tr>
<td>MR. LEHRBACH</td>
<td>VOTED</td>
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</table>

The resolution granting the variance was thereupon ADOPTED.

July 14, 2011
THE 4th CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Michael and Ria Conway, 662 Townline Road, Lancaster, New York 14086 for two (2) variances for the purpose of constructing a pole barn on premises owned by the petitioners at 662 Townline Road, Lancaster New York, to wit:

A. A variance from the requirements of Chapter 50, Zoning, Section 9D.(4) of the Code of the Town of Lancaster. The area of the proposed accessory structure is one thousand two hundred (1,200) square feet.

Chapter 50, Zoning, Section 9D.(4) of the Code of the Town of Lancaster limits the area of an accessory structure to seven hundred fifty (750) square feet. The petitioners, therefore, request a four hundred fifty (450) square foot accessory use area variance.

B. A variance from the requirements of Chapter 50, Zoning, Section 9D.(2) of the Code of the Town of Lancaster. The height of the proposed pole barn is twenty three point five (23.5) feet.

Chapter 50, Zoning, Section 9D.(2) of the Code of the Town of Lancaster limits the height of accessory structures to sixteen (16) feet. The petitioners, therefore, request a seven point five (7.5) foot height 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.

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

Copy of a letter notifying (any town or village) of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

Michael Conway, Petitioner
Proponent

No persons were in attendance in the audience to comment in favor of or in opposition to the requested variance.
IN THE MATTER OF THE PETITION OF MICHAEL AND RIA CONWAY

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

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Michael and Ria Conway 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 July 2011, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the applicants are the present owners of the premises in question.

WHEREAS, the property for which the applicants are petitioning is within an Agricultural Residential District, (A-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; particularly noting the conditions placed upon the granting of the variance.

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

That there are two structures next door to this property that have been granted similar variances.

That the benefit sought by the applicants 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 substantial however not sufficient to preclude the granting of the relief.

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 applicants 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 this board are
appropriate conditions to minimize adverse effects on the character of the surrounding area and to
safeguard the public health, safety, convenience and general welfare:

1. Downspouts from the pole barn shall be directed to Townline Road by piping system.
2. Asphalt roof color shall match the main dwelling.
3. All vinyl siding shall match the color of the dwelling.
4. All steel on the sides and rear shall be the color of the main dwelling.

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

<table>
<thead>
<tr>
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<th>VOTED</th>
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<tbody>
<tr>
<td>MR. BRUSO</td>
<td>VOTED</td>
<td>YES</td>
</tr>
<tr>
<td>MR. PERRY</td>
<td>VOTED</td>
<td>YES</td>
</tr>
<tr>
<td>MR. PIGNATARO</td>
<td>WAS ABSENT</td>
<td></td>
</tr>
<tr>
<td>MR. QUINN</td>
<td>VOTED</td>
<td>YES</td>
</tr>
<tr>
<td>MR. SCHWAN</td>
<td>WAS ABSENT</td>
<td></td>
</tr>
<tr>
<td>MR. THILL</td>
<td>VOTED</td>
<td>YES</td>
</tr>
<tr>
<td>MR. LEHRBACH</td>
<td>VOTED</td>
<td>YES</td>
</tr>
</tbody>
</table>

The resolution granting the variance was thereupon ADOPTED.

July 14, 2011

ON MOTION DULY MADE, SECONDED AND CARRIED, the meeting was
adjourned at 9:00 P.M.

Signed
Johanna M. Coleman, Town Clerk and
Clerk, Zoning Board of Appeals
Dated: July 14, 2011