

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 9th day of November 2017, at 7:00 P.M., and there were

PRESENT: DANIEL BEUTLER, MEMBER

JOHN BRUSO, MEMBER

JILL MONACELLI, MEMBER

RICHARD QUINN, CHAIRMAN

ABSENT: LAWRENCE PIGNATARO, MEMBER

FRANK SWIGONSKI, MEMBER

ALSO PRESENT: DIANE M. TERRANOVA, TOWN CLERK

KEVIN LOFTUS, 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.

EXECUTIVE SESSION:

AT 7:17 P.M., UPON A MOTION DULY MADE BY ZONING BOARD CHAIRMAN QUINN, SECONDED BY ZONING BOARD MEMBER BEUTLER AND CARRIED, the Zoning Board of Appeals entered into Executive Session to deliberate on the announced purpose of discussing proposed, pending or current litigation involving M & B Flix and the Town of Lancaster.

At 7:25 P.M., the Zoning Board of Appeals reconvened with all members present. The Town Clerk reported that the Zoning Board of Appeals took one (1) official action during Executive Session by approving the settlement agreement with a 4-0 vote on the M&B FLIX LLC matter per the consent order and judgement by Judge James H. Dillon.

PETITION OF: PAUL STRADA/N.A.S. SIGN COMPANY

THE 1st CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Paul Strada/N.A.S. Sign Company, 1628 Elmwood Avenue, Buffalo, New York for two [2] variances for the purpose of erecting one [1] ground sign on premises owned by Natale Development at 375 Harris Hill Road, Lancaster, New York to wit:

- A. 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 a sign height of six [6] feet over finished grade.

Chapter 50, Zoning, Section 30F.(2)(c)[2][a] of the Code of the Town of Lancaster limits the height of a ground sign to four [4] feet above finished grade. The petitioner, therefore, requests a two [2] foot ground sign height variance.

- B. A variance from the requirements of Chapter 50, Zoning, Section 30F.(2)(c)[2][c] of the Code of the Town of Lancaster to permit the location of one ground sign two [2] feet from the property line.

Chapter 50, Zoning, Section 30F.(2)(c)[2][c] of the Code of the Town of Lancaster requires that a ground sign be located at least fifteen [15] feet from a right of way. The petitioner, therefore, requests a thirteen [13] foot set back 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

Paul Strada, NAS Sign Company
Representing Petitioner

Proponent

IN THE MATTER OF THE PETITION OF: PAUL STRADA/N.A.S. SIGN COMPANY

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

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Paul Strada/N.A.S. Sign Company and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 9th day of November 2017, 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 owner.

WHEREAS, the property for which the applicant is petitioning is within a Multi-family Residential District 4, (MFR-4) as shown on the Zoning Map of the Town of Lancaster.

WHEREAS, the Erie County Department of 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 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 condition which in the opinion of this board is an appropriate condition to minimize adverse effects on the character of the surrounding area and to safeguard the public health, safety, convenience and general welfare:

- The owner will remove the prohibited signs from the property.

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

MR. BEUTLER	VOTED YES
MR. BRUSO	VOTED YES
MS. MONACELLI	VOTED YES
MR. PIGNATARO	WAS ABSENT
MR. SWIGONSKI	WAS ABSENT
MR. QUINN	VOTED YES

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

November 9, 2017.

ON MOTION DULY MADE, SECONDED AND CARRIED, the meeting was adjourned at 7:26 P.M.

Signed _____
Diane M. Terranova, Town Clerk and
Clerk, Zoning Board of Appeals
Dated: