

Present: David Blakeley, Chairperson
Jerome Collins
Narletta Kaul
Stephen Delzer
Michael E. Stegmeier, ZBA Secretary
Jeff Simme, Building Inspector
Jeff Stribing, Community Development Director

Jill Galenski
2000 Como Park Boulevard
Lancaster, NY
RE: 2000 Como Park Boulevard

Absent: Adam Dickman, ZBA Member

Documents: Petition 6/21/12
Notice published in Lancaster Bee
Survey
Photos Submitted by Property Owner

Meeting was called to order at 7:21 p.m. by Chairman Blakeley in the Council Chambers of the Lancaster Municipal Building, 5423 Broadway, Lancaster, New York.

The following excerpt is the public notice as published in the Lancaster Bee:

Please take notice that the Zoning Board of Appeals of the Village of Lancaster, New York will hold a public hearing in the Council Chambers of the Municipal Building at 5423 Broadway, Lancaster, New York, on Thursday, August 2, 2012, at 7:15 p.m.

The purpose of this hearing is to consider the request from Jill Galenski, petitioner and property owner of 2000 Como Park Boulevard, Lancaster, NY 14086. The petitioner is seeking relief from the following Village Code with respect to the installation of a six foot high fence.

Section 76-4 Fences – Height limitations

No fence shall be more than six feet in height at the rear of homes or buildings situated in a residentially zoned district, which fence shall not extend forward of the rear building line of any existing or proposed building. No other fence or portions of a fence shall be higher than 36 inches (3 feet) in any front yard or 48 inches (4 feet) in any side yard.

Petitioner is seeking relief from the Village Code to allow the installation of a six foot (6') high fence in a side yard. The six foot high fence exceeds the four foot maximum height allowed by Village Code for a length of twenty-five feet (25').

At said hearing, all persons so desiring shall have the opportunity to be heard.

*Michael E. Stegmeier
Village Clerk*

Chairman Blakeley informed those present that the Zoning Board of Appeals was established by the Village of Lancaster and shall hear and decide appeals and requests for variances from the requirements of the zoning laws. Those aggrieved by the decision of the Zoning Board of Appeals may appeal such decision to the Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules.

Jill Galenski – Petitioner & Property Owner: She is requesting the variance to install a fence for privacy.

Stephen Delzer: He questioned the distance that the fence would be installed from the property line. Ms. Galenski stated that she would like to place the fence on the property line.

David Blakeley: He clarified that the proposed fence will be a six foot (6') stockade fence.

Jerome Collins: He noted that consideration should be given to the possibility that the property lines indicated on the survey may only be accurate to a certain degree. There could be a dispute with the neighbors relating to the exact location of the property line.

David Blakeley: He questioned the ability of the owner to maintain the fence in the future without receiving permission from the neighbor if the fence is installed on the property line. He also stated his concern for safety in the event of an emergency where access is required into the neighbor’s backyard.

Jeff Simme: He reviewed the normal process which takes place when installing a fence. His recommendation would be to move the fence off of the property line by a distance of about one-foot (1’).

Stephen Delzer: He noted that the neighbor would not require a variance if they were installing the fence since the proposed area is located in the neighbor’s backyard. Ms. Galenski requires the variance because the location is considered to be in the side yard of her property.

There was further discussion that moving the fence off the property line would allow access into the backyard for emergency personnel.

Audience Participation:

-none-

MOTIONS:

Motion made by **Narletta Kaul** and seconded by **Jerome Collins** to adjourn the meeting at 7:34 p.m.

Ayes: D. Blakeley, J. Collins, N. Kaul, and S. Delzer

Nays: -none-

Motion Carried (4-0)

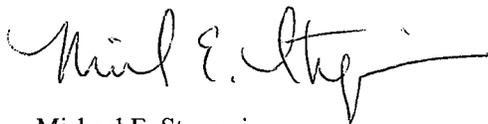
Motion made by **Stephen Delzer** and seconded by **Narletta Kaul** to approve the request for variance as presented with the condition that the proposed fence must be installed at least one foot (1’) from the property line.

Ayes: D. Blakeley, J. Collins, N. Kaul, and S. Delzer

Nays: -none-

Motion Carried (4-0)

Respectfully submitted,



Michael E. Stegmeier
Village Clerk & Treasurer
Secretary to Zoning Board of Appeals

- c: Village Board of Trustees
- Zoning Board of Appeals
- Arthur A. Herdzyk, Village Attorney
- Jeff Simme, Building Inspector
- Jeff Stribing, Community Development Director
- Jill Galenski, Property Owner & Petitioner