



CITY OF LACKAWANNA DEPARTMENT OF DEVELOPMENT

714 Ridge Road – Room 309
Lackawanna, NY 14218
Tel: (716) 827-6421 Fax: (716) 827-1866



APPLICATION TO THE CITY OF LACKAWANNA ZONING BOARD OF APPEALS

Date: 5-1-23

Application No. _____

Application Fee:

Fee

Land Use Variance
 Zoning Law Appeal

\$ 250.00
\$ 250.00

Property Address: 10 inner Dr Lackawanna NY 14218

S.B.L. No. _____

Description of Action to be Appealed: Allow shed to be put
4ft from property line instead of 5ft

APPLICATION IS HEREBY MADE to the City of Lackawanna Zoning Board of Appeals for a Land Use Variance and/or Zoning Law Appeal as required by the Municipal Code of the City of Lackawanna. The applicant hereby agrees to comply with all applicable laws, rules, ordinances and regulations.

Lauren Jednak
Director of Development



CITY OF LACKAWANNA
DEPARTMENT OF DEVELOPMENT

714 Ridge Road – Room 309
Lackawanna, NY 14218
Tel: (716) 827-6474 Fax: (716) 827-1866



City of Lackawanna Criteria for an Area Variance

(All applicants must answer questions below when an Area Variance is sought)

Before the Zoning Board of Appeals may grant an Area Variance the Applicant must provide proof of, and the ZBA must consider the following:

- (1) whether an **undesirable** change will be produced in the character of the neighborhood or a detriment to **nearby** properties will be created by the granting of the area variance;
 - (2) whether the **benefit** sought by the applicant can be achieved by some method feasible for the applicant to **pursue**, other than an area variance;
 - (3) whether the **requested** area variance is substantial;
 - (4) whether the **proposed** variance will have an adverse effect or impact on the physical or environmental **conditions** in the neighborhood or district; and
 - (5) whether the **alleged** difficulty was self-created, which consideration shall be relevant to the decision of the **board** of appeals, but shall not necessarily preclude the granting of the area variance.
- (c) The board of **appeals**, in the granting of area variances, shall grant the minimum variance that it shall deem **necessary** and adequate and at the same time preserve and protect the character of the **neighborhood** and the health, safety and welfare of the community.

In order to **establish** the above please complete the questions below (Please feel free to use additional pages if **necessary**):

Affidavit of Exemption to Show Specific Proof of Workers' Compensation Insurance Coverage for a 1, 2, 3 or 4 Family, Owner-occupied Residence

***This form can not be used to waive the workers' compensation rights or obligations of any party. ***

Under penalty of perjury, I certify that I am the owner of the 1, 2, 3 or 4 family, owner-occupied residence (including condominiums) listed on the building permit that I am applying for, and I am not required to show specific proof of workers' compensation insurance coverage for such residence because (please check the appropriate box):

- I am performing all the work for which the building permit was issued.
- I am not hiring, paying or compensating in any way, the individual(s) that is(are) performing all the work for which the building permit was issued or helping me perform such work.
- I have a homeowners insurance policy that is currently in effect and covers the property listed on the attached building permit AND am hiring or paying individuals a total of less than 40 hours per week (aggregate hours for all paid individuals on the jobsite) for which the building permit was issued.

I also agree to either:

- † acquire appropriate workers' compensation coverage and provide appropriate proof of that coverage on forms approved by the Chair of the NYS Workers' Compensation Board to the government entity issuing the building permit if I need to hire or pay individuals a total of 40 hours or more per week (aggregate hours for all paid individuals on the jobsite) for work indicated on the building permit, or if appropriate, file a CE-200 exemption form; OR
- † have the general contractor, performing the work on the 1, 2, 3 or 4 family, owner-occupied residence (including condominiums) listed on the building permit that I am applying for, provide appropriate proof of workers' compensation coverage or proof of exemption from that coverage on forms approved by the Chair of the NYS Workers' Compensation Board to the government entity issuing the building permit if the project takes a total of 40 hours or more per week (aggregate hours for all paid individuals on the jobsite) for work indicated on the building permit.

Brian Eiskant
(Signature of Homeowner)

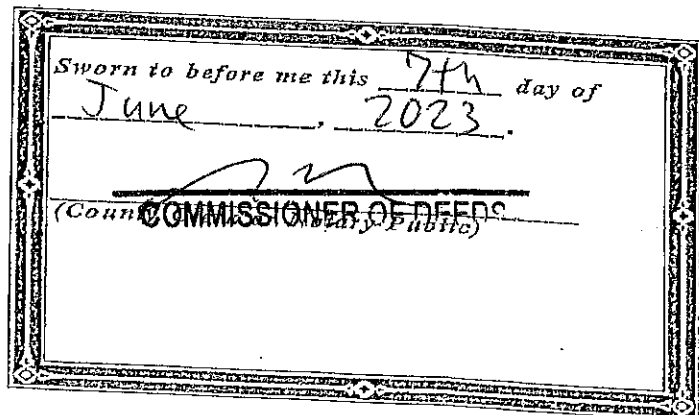
Brian Eiskant
(Homeowner's Name Printed)

4/28/23
(Date Signed)

Home Telephone Number _____

Property Address that requires the building permit:

10 Finner Pl.
Lackawanna N.Y. 14218

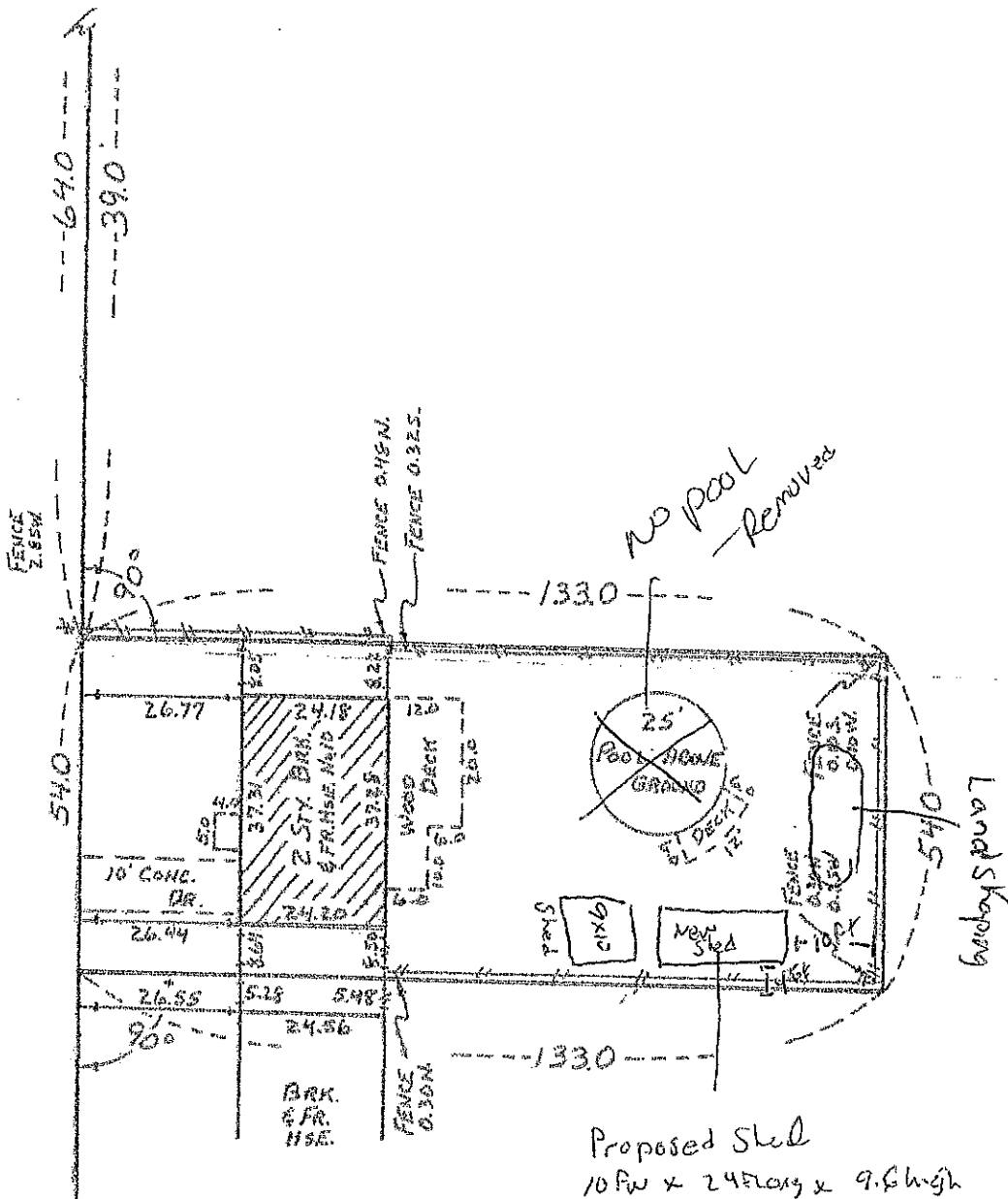


Once notarized, this BP-1 form serves as an exemption for both workers' compensation and disability benefits insurance coverage.

DRIVE

60' R.O.W.
28.3' AVMT.

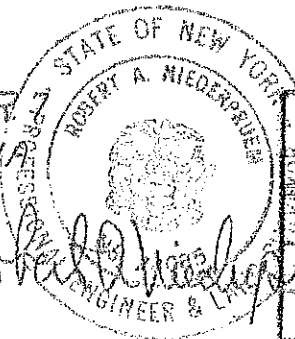
INNER



Proposed Shed
10'w x 24'long x 9.6'high

SUB LOT 49
COVER 2187

PART OF LOT 429, T.10, R.7
CITY OF LACKAWANNA
ERIE Co., NEW YORK



Robert A. Niederpruem
ENGINEER & SURVEYOR

ROBERT A. NIEDERPRUEM

Engineer - Surveyor

30 CIRCLE END DRIVE

674-5618

WEST SENECA, NY 14224

RE-SURVEYED

DATE SEPT. 17, 1997

SCALE 1" = 30'

FB 89-23

JOB NO. 7198

This map void unless STAMPED with New York State Licensed Land Surveyor's Seal No. 008082.

NOTE: This survey was completed without the benefit of an abstract of title and is subject to any other facts that may be revealed by an examination of such.

Altering any item on this map is in violation of the law, excepting as provided in Section 7203, Part 2 of the New York State Education Law.

Robert A. Niederpruem

Brian Eiscont





CITY OF LACKAWANNA
DEPARTMENT OF DEVELOPMENT

Boarding Property Notice

Dear Sir or Madam:

As an adjoining property owner in the City of Lackawanna, you are hereby notified that a neighbor has made application to the Planning and Development Board and/or Zoning Board of Appeals of the City of Lackawanna as follow;

- | | |
|----------------------------------|-----------------------------|
| 1. _____ Site Plan Review | 2. _____ Special Use Permit |
| 3. _____ Development Plan Review | 4. <u> X </u> Variance |
| 5. _____ Zoning Law Appeals | |

Property owner: Brian Eiskant

Address: 10 Inner Dr

In reference to: Requesting shed be 4 feet from property line instead of 5 feet

You are entitled to appear at the public hearing scheduled for 5/31/23@ 5:00pm in Council Chambers at Lackawanna City Hall to express your support or opposition to the granting of said application.

Communications, relating to the application, may be filed with the appropriate Board before the meeting by writing to:

Planning & Development Board/Zoning Board
Department of Development
714 Ridge Road, Room 309
Lackawanna, NY 14218

If you have any questions regarding the meeting, please call 716-827-6474

PLANNING AND DEVELOPMENT BOARD, CITY OF LACKAWANNA
ZONING BOARD OF APPEALS, CITY OF LACKAWANNA



CITY OF LACKAWANNA
DEPARTMENT OF DEVELOPMENT

714 Ridge Road – Room 309
Lackawanna, NY 14218
Tel: (716) 827-6421 Fax: (716) 827-1866



APPLICATION
TO THE CITY OF LACKAWANNA
ZONING BOARD OF APPEALS

Date: 5/4/23

Application No. _____

Application Fee:

Land Use Variance
 Zoning Law Appeal

Fee

\$ 250.00

\$ 250.00

Property Address: 186 Miller St

S.B.L. No. 190

Description of Action to be Appealed: Place sign 15'

off back property line.

Request 6' fence with 2-0 lattice

equal to 8'

APPLICATION IS HEREBY MADE to the City of Lackawanna Zoning Board of Appeals for a Land Use Variance and/or Zoning Law Appeal as required by the Municipal Code of the City of Lackawanna. The applicant hereby agrees to comply with all applicable laws, rules, ordinances and regulations.

Lauren Jednak
Director of Development



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DEPARTMENT OF DEVELOPMENT

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Tel: (716) 827-6474 Fax: (716) 827-1866



City of Lackawanna Criteria for an Area Variance

(All applicants must answer questions below when an Area Variance is sought)

Before the Zoning Board of Appeals may grant an Area Variance the Applicant must provide proof of, and the ZBA must consider the following:

- (1) whether an **undesirable** change will be produced in the character of the neighborhood or a detriment to **nearby** properties will be created by the granting of the area variance;
 - (2) whether the **benefit** sought by the applicant can be achieved by some method feasible for the applicant to **pursue**, other than an area variance;
 - (3) whether the **requested** area variance is substantial;
 - (4) whether the **proposed** variance will have an adverse effect or impact on the physical or environmental **conditions** in the neighborhood or district; and
 - (5) whether the **alleged** difficulty was self-created, which consideration shall be relevant to the decision of the **board** of appeals, but shall not necessarily preclude the granting of the area variance.
- (c) The board of **appeals**, in the granting of area variances, shall grant the minimum variance that it shall deem **necessary** and adequate and at the same time preserve and protect the character of the **neighborhood** and the health, safety and welfare of the community.

In order to **establish** the above please complete the questions below (Please feel free to use additional pages if **necessary**):

Property Address 186 MILLHURST

1. What facts support that the applicant cannot realize a reasonable return ?

2. Why should the ZBA determine the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood?

3. Will the use variance, if granted, alter the essential character of the neighborhood ?

NO

4. Will the proposed area variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?

NO

5. Is the alleged hardship self-created?

no

Matthew Fintate

Sign Application and Print Name Below

MATTHEW Fintate

Property Address: 186 Millhurst Rd

1. Will an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance, and if not why not?

NO, New SHED 12x36
Amish Bldg

2. Can the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance, and if not why not?

NO, location

3. Is the requested area variance is substantial when considered against adopted area zoning regulations?

NO

4. Will the proposed area variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?

NO

5. Is the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance?

NO

Matthew Fintak

Sign Above, Print Name Below

MATTHEW FINTAK

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: <i>MATTHEW FINTAK SHED + FENCE</i>			
Project Location (describe, and attach a location map): <i>SHED + FENCE</i>			
Brief Description of Proposed Action: <i>SHED placement + Dog ear privacy fence with lattice.</i>			
Name of Applicant or Sponsor: <i>MATTHEW FINTAK</i>		Telephone: _____	
Address: <i>186 Millhurst</i>		E-Mail: _____	
City/PO: <i>Lackawanna</i>		State: <i>N.Y.</i>	Zip Code: <i>14210</i>
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO	YES
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:		<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): _____			
<input type="checkbox"/> Parkland			

		NO	YES	N/A
5. Is the proposed action,	a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:

- Shoreline Forest Agricultural/grasslands Early mid-successional
 Wetland Urban Suburban

15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?

NO YES

16. Is the project site located in the 100-year flood plan?

NO YES

17. Will the proposed action create storm water discharge, either from point or non-point sources?
If Yes,

NO YES

a. Will storm water discharges flow to adjacent properties?

b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?
If Yes, briefly describe:

18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?
If Yes, explain the purpose and size of the impoundment:

NO YES

19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?
If Yes, describe:

NO YES

20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?
If Yes, describe:

NO YES

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor/name: Matthew Fintak

Date: 5/4/23

Signature: Matthew Fintak

Title: Owner

Shed Order Form

Overall Size 12x36 (4610)

Windows 4 windows (400)

Roof Color green

Additional Modifications 10w double door (200) and 7'w double door (100), see drawing

Buyer Name Matt Fintak

Email

Buyer phone number

Delivery address 186 Millhurst Road, Lackawanna, NY

Shed Cost (not counting delivery) 5310

Down Payment (Via Check) 5310

Payment remaining (not counting delivery) none

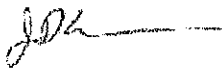
Approximate Date of shed completion About 5 weeks from receiving

Approximate Delivery Cost (Needs paid in cash to driver) 800

Due to fluctuating market prices this agreement must be sent in within 30 days of the date signed by manager below. This is an order form for 1 rough cut, Amish Crafted, Shed. This agreement to build a shed commences when the down payment, paid via check clears the bank. Shed needs paid in full before delivered, and it must be paid off within 30 days of notification of being completed or forfeiture of down payment and structure. Holding it on our build site awaiting for you to accept delivery for more than 30 days will result in a \$200 fee per month lot fee. More than 6 months behind in lot fees will result in forfeiture of structure w no refund. Twelve foot wide sheds are measured from roof edge to roof edge. If stain is ordered, please note, colors can vary from any example pics from 1 shed to the next. No guarantee of exact shed placement upon delivery; buyer must use their judgement on whether a driver can get the shed to where they want it. If something more than a normal truck and trailer would be needed to place the shed the buyer must communicate that and it should be documented in "Notes for Driver" section. Driver is an independent contractor and delivery date contingent upon road and weather conditions. He will not risk getting stuck in muddy lawns. Buyer understands and hold harmless the seller and or it's owners or employees, in the event damage occurs to property during the delivery process. Our independent contractors strive to be as cautious as possible, damage to, but not limited to, yards, landscaping, driveways, underground or overhead utilities, is possible. We will use our best judgement in trying to avoid damage of any kind, but customer agrees to assume all responsibilities.

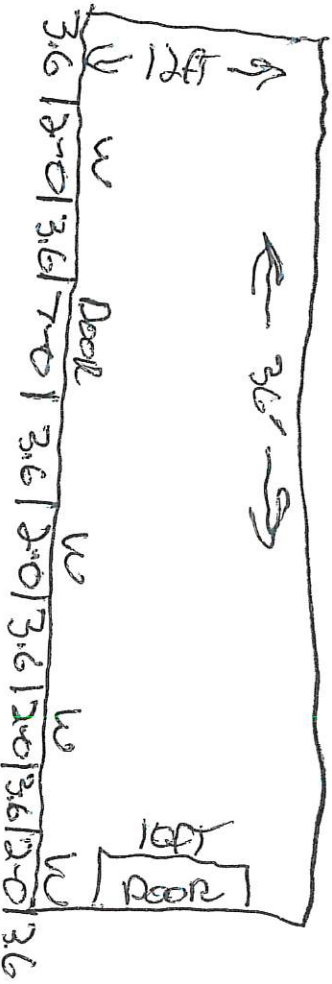
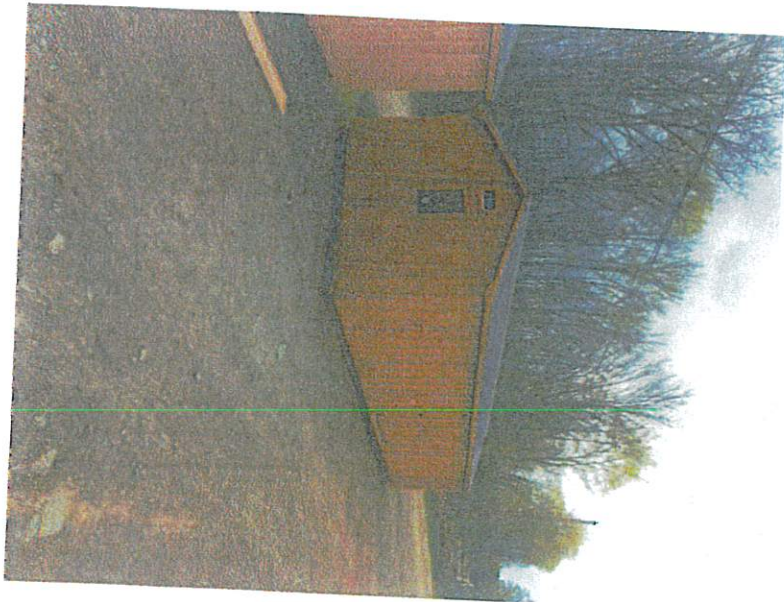
Notes for Driver (Nick): Buyer will provide specific instructions when driver calls, 10 foot doors toward cab

Buyer Signature: X _____ Date X _____

Manager:  _____ Date 5/1/2021

Please make Check out to Wally Shetler and send to:

Wally Shetler
4889 Kortwright Road
Ashville, NY 14710





CITY OF LACKAWANNA
DEPARTMENT OF DEVELOPMENT

Application Notice

May 22, 2023

Matthew Fintak
186 Millhurst
Lackawanna, NY 14218

Re: 186 Millhurst Rd

The above item has been placed on the agenda for the next scheduled meeting of the Planning and Development Board and/or Zoning Board of Appeals of the City of Lackawanna.

Planning and Development Board

Zoning Board of Appeals

Date:

Date: May 31, 2023

Time:

Time: 5:00 pm

City Council Chambers Room 241
Lackawanna City Hall

If you have any questions please feel free to call 827-6474 or 827-6421

Boarding Neighbors
Lise Kreuder – 178-184 Millhurst
Joseph Amed – 142-144 Millhurst



CITY OF LACKAWANNA
DEPARTMENT OF DEVELOPMENT

Boarding Property Notice

Dear Sir or Madam:

As an adjoining property owner in the City of Lackawanna, you are hereby notified that a neighbor has made application to the Planning and Development Board and/or Zoning Board of Appeals of the City of Lackawanna as follow;

- | | |
|----------------------------------|-----------------------------|
| 1. _____ Site Plan Review | 2. _____ Special Use Permit |
| 3. _____ Development Plan Review | 4. <u> X </u> Variance |
| 5. _____ Zoning Law Appeals | |

Property owner: Matthew Fintak

Address: 186 Millhurst Rd

In reference to: Requesting shed be 15 feet off back property line and requesting 6 foot fence with 2-0 lattice

You are entitled to appear at the public hearing scheduled for 5/31/23@ 5:00pm in Council Chambers at Lackawanna City Hall to express your support or opposition to the granting of said application.

Communications, relating to the application, may be filed with the appropriate Board before the meeting by writing to:

Planning & Development Board/Zoning Board
Department of Development
714 Ridge Road, Room 309
Lackawanna, NY 14218

If you have any questions regarding the meeting, please call 716-827-6474

PLANNING AND DEVELOPMENT BOARD, CITY OF LACKAWANNA
ZONING BOARD OF APPEALS, CITY OF LACKAWANNA



CITY OF LACKAWANNA
DEPARTMENT OF DEVELOPMENT

714 Ridge Road – Room 309
 Lackawanna, NY 14218
 Tel: (716) 827-6421 Fax: (716) 827-1866



APPLICATION
 TO THE CITY OF LACKAWANNA
 ZONING BOARD OF APPEALS

Date: 11/1/22

Application No. _____

Application Fee:

Land Use Variance
 Zoning Law Appeal

Fee

\$ 250.00

\$ 150.00

Property Address: 33-43 Mulresdale Ave

S.B.L. No. _____

Description of Action to be Appealed: _____

USE VARIANCE FOR ROOMING HOUSE

APPLICATION IS HEREBY MADE to the City of Lackawanna Zoning Board of Appeals for a Land Use Variance and/or Zoning Law Appeal as required by the Municipal Code of the City of Lackawanna. The applicant hereby agrees to comply with all applicable laws, rules, ordinances and regulations.

Lauren Jednak
 Director of Development

Daniel J. Lewis
Name of Applicant
21 Villa Mairee Dr.
Cheektowaga
Address of Applicant

Applicant's Email

Daniel J. Lewis
Signature of Applicant

Applicant HOME NO.

Pastor
Role of Applicant to Project
(owner, attorney, lessee, agent,
architect, engineer, contractor...)

Property Owner:

NAME: Patties House Church

Address: PO Box 322
279 Ingham Avenue

Short Environmental Assessment Form

Part I - Project Information

Instructions for Completing

Part I - Project Information. The applicant or project sponsor is responsible for the completion of Part I. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part I based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part I. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part I - Project and Sponsor Information			
Name of Action or Project: <i>Potter's House Church of God in Christ</i>			
Project Location (describe, and attach a location map): <i>Right Narrative Resource Center</i>			
Brief Description of Proposed Action: <i>Single Room Housing</i>			
Name of Applicant or Sponsor: <i>Potter's House Church of God in Christ</i>		Telephone: _____	
Address: <i>P.O. Box 322) 279 Ingham Avenue</i>		E-Mail: _____	
City/PO: <i>Lackawanna, NY 14218</i>		State: _____	Zip Code: _____
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO	YES
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:		<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		NO	YES
b. Total acreage to be physically disturbed?		<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (Specify): _____ <input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: <u>Connected</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: <u>Connected</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:

- Shoreline
 Forest
 Agricultural/grasslands
 Early mid-successional
 Wetland
 Urban
 Suburban

15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?

NO YES

16. Is the project site located in the 100-year flood plan?

NO YES

17. Will the proposed action create storm water discharge, either from point or non-point sources?

NO YES

If Yes,

a. Will storm water discharges flow to adjacent properties?

b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?

If Yes, briefly describe:

NA

18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?

NO YES

If Yes, explain the purpose and size of the impoundment:

19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?

NO YES

If Yes, describe:

NA

20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?

NO YES

If Yes, describe:

NA

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor/name: Daniel J. Lewis

Date: 10-27-22

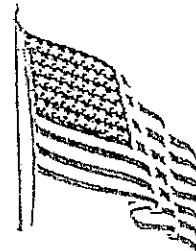
Signature: Daniel J. Lewis
(SP)

Title: Pastor



**CITY OF LACKAWANNA
DEPARTMENT OF DEVELOPMENT**

714 Ridge Road – Room 309
Lackawanna, NY 14218
Tel: (716) 827-6474 Fax: (716) 827-1866



City of Lackawanna Criteria for a Use Variance

(All applicants must answer questions below when a Use Variance is sought)

The Zoning Board of Appeals may not grant a Use without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the board of appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located:

- (1) the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
- (2) the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
- (3) the requested use variance, if granted, will not alter the essential character of the neighborhood; and
- (4) the alleged hardship has not been self-created.

In order to establish the above please complete the questions below (Please feel free to use additional pages, and pictures, if necessary):

Property Address 33-43 Hillrestone Ave

1. What facts support that the applicant cannot realize a reasonable return ?

Further discussion is needed as to why this is not a criteria for use of variance

2. Why should the ZBA determine the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood?

This property is owned by
Peters House Church of God in Christ
PO Box 322
279 Ingham Avenue
Rockaway, NY 14218

3. Will the use variance, if granted, alter the essential character of the neighborhood ?

No

4. Will the proposed area variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?

No

5. Is the alleged hardship self-created?

NA

Daniel J. Lewis, Pastor

Daniel J. Lewis

Sign Application and Print Name Below



CITY OF LACKAWANNA
DEPARTMENT OF DEVELOPMENT

Application Notice

May 22, 2023

Daniel Lewis
21 Villa Moraine Dr
Cheektowaga, NY 14225

Re: 33-34 Wilkesbarre Ave

Cc: George Halsey

The above item has been placed on the agenda for the next scheduled meeting of the Planning and Development Board and/or Zoning Board of Appeals of the City of Lackawanna.

Planning and Development Board

Zoning Board of Appeals

Date:

Date: May 31, 2023

Time:

Time: 5:00 pm

City Council Chambers Room 241
Lackawanna City Hall

If you have any questions please feel free to call 827-6474 or 827-6421

Boarding Neighbors
Gregory Gerwitz – 29 Wilkesbarre
Nagla Banamah – 43 Lebanon
Abdulla Nasr – 48 Bethlehem



CITY OF LACKAWANNA
DEPARTMENT OF DEVELOPMENT

Boarding Property Notice

Dear Sir or Madam:

As an adjoining property owner in the City of Lackawanna, you are hereby notified that a neighbor has made application to the Planning and Development Board and/or Zoning Board of Appeals of the City of Lackawanna as follow;

- | | |
|----------------------------------|-----------------------------|
| 1. _____ Site Plan Review | 2. _____ Special Use Permit |
| 3. _____ Development Plan Review | 4. <u> X </u> Variance |
| 5. _____ Zoning Law Appeals | |

Property owner: Daniel Lewis/ Potters House

Address: 33-34 Wilkesbarre Ave

In reference to: Requesting variance for rooming house

You are entitled to appear at the public hearing scheduled for 5/31/23@ 5:00pm in Council Chambers at Lackawanna City Hall to express your support or opposition to the granting of said application.

Communications, relating to the application, may be filed with the appropriate Board before the meeting by writing to:

Planning & Development Board/Zoning Board
Department of Development
714 Ridge Road, Room 309
Lackawanna, NY 14218

If you have any questions regarding the meeting, please call 716-827-6474

PLANNING AND DEVELOPMENT BOARD, CITY OF LACKAWANNA
ZONING BOARD OF APPEALS, CITY OF LACKAWANNA