

# Village of Lancaster



**Municipal Building**  
**5423 Broadway**  
**Lancaster, NY 14086**  
Telephone: (716) 683-2105  
Facsimile: (716) 684-4830  
[www.lancastervillage.org](http://www.lancastervillage.org)

## **MEMORANDUM**

TO: Zoning Board of Appeals  
D. Blakeley, J. Volpe, J. Smith, C. Adolf, A. Debbins

FROM: Michael E. Stegmeier, Village Clerk & Treasurer

DATE: May 22, 2024

RE: Variance Application – 5455 Broadway, Lancaster, NY 14086

Petitioner and property owner, Thomas Kilijanski, of 5455 Broadway St., is seeking relief from the following Village Codes with respect to rear yard requirements:

### **Section 350-30A Rear Yard Requirements – 25% of Lot Depth 32' 10 ½"**

*Minimum rear yard requirements shall be as follows:*

A) *For dwellings, equal to 25% of the lot depth, but shall not be less than 25 feet.*

The petitioner is seeking relief from the Village Code for an 8' - 4 1/16" rear yard setback. 24' - 6 1/16" relief requested.

The hearing has been scheduled for **THURSDAY, JUNE 6, 2024, at 7:15P.M.** in Council Chambers at 5423 Broadway.

Enc. Petition, public notice, survey, May 2023's petition, letters of support from two neighbors.

Cc: Arthur A. Herdzyk, Village Attorney  
Matt Fischione, Town Building Department  
Thomas Kilijanski, Petitioner and Property Owner

**PLEASE NOTE:** It is recommended that the petitioner/property owner be present at the hearing to answer any questions or concerns of the Zoning Board.

**Village of Lancaster  
Zoning Board of Appeals  
5455 Broadway St., Lancaster, NY**

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, June 6, 2024, at 7:15 p.m.

The purpose of this hearing is to consider the request from petitioner, Thomas Kilijanski, of 5455 Broadway St. in the Village of Lancaster, NY. The petitioner is seeking relief from the following Village Code with respect to rear yard requirements:

**Section 350-30A Rear Yard Requirements – 25% of Lot Depth 32' 10 ½"**

*Minimum rear yard requirements shall be as follows:*

*A) For dwellings, equal to 25% of the lot depth, but shall not be less than 25 feet.*

The petitioner is seeking relief from the Village Code for an 8'- 4 1/16" rear yard setback- 24' – 6 1/16" relief requested.

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

Michael E. Stegmeier  
Village Clerk

**VILLAGE OF LANCASTER**

**PETITION FOR VARIANCE**

Property Location:	5455 Broadway St.	SBL#:	104.82-3-11
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Owner's Name:	Thomas Kilijanski	Telephone #:	716-544-5424
Address:	5455 Broadway St.		
City/State:	Lancaster NY	Zip:	14086

Petitioner's Name:	SAME	Telephone #:	
Address:			
City/State:		Zip:	

**Survey:** Attach a copy of the most current property survey, showing complete property as it presently exists. On this copy, draw to scale the proposed work to be done. Indicate dimensions of work and dimensions of property lines.

Lot Description:	On Lot	69.7	Feet wide and	131.37	Feet deep, area	9156	Square feet
	Lot is on N E <u>S</u> W		side of street and is	0	Feet N E <u>S</u> W of	Heather Lane	Street

Present Property Zoning:	R-2A	Present Use of Premises:	Single Family Residence
Proposed Property Zoning:	R-2A	Proposed Use of Premises:	Single Family Residence

Pursuant to Article VIII of Chapter 350 "Zoning", of the Code of the Village of Lancaster, the undersigned petitioner hereby makes application variance from:

Section(s)	Entitled
350-30A	Rear Yard Requirements - 25% of Lot Depth 32' 10 1/2 "

Petitioner is requesting relief from above mention section(s) to allow:

A 8'- 4 1/16" rear yard setback- 24' - 6 1/16" relief requested.


Lancaster Bldg. Dept. Authorization Mr

Petitioner's Signature: X  Date: 5/2/24

**STATE OF NEW YORK:  
COUNTY OF ERIE:**

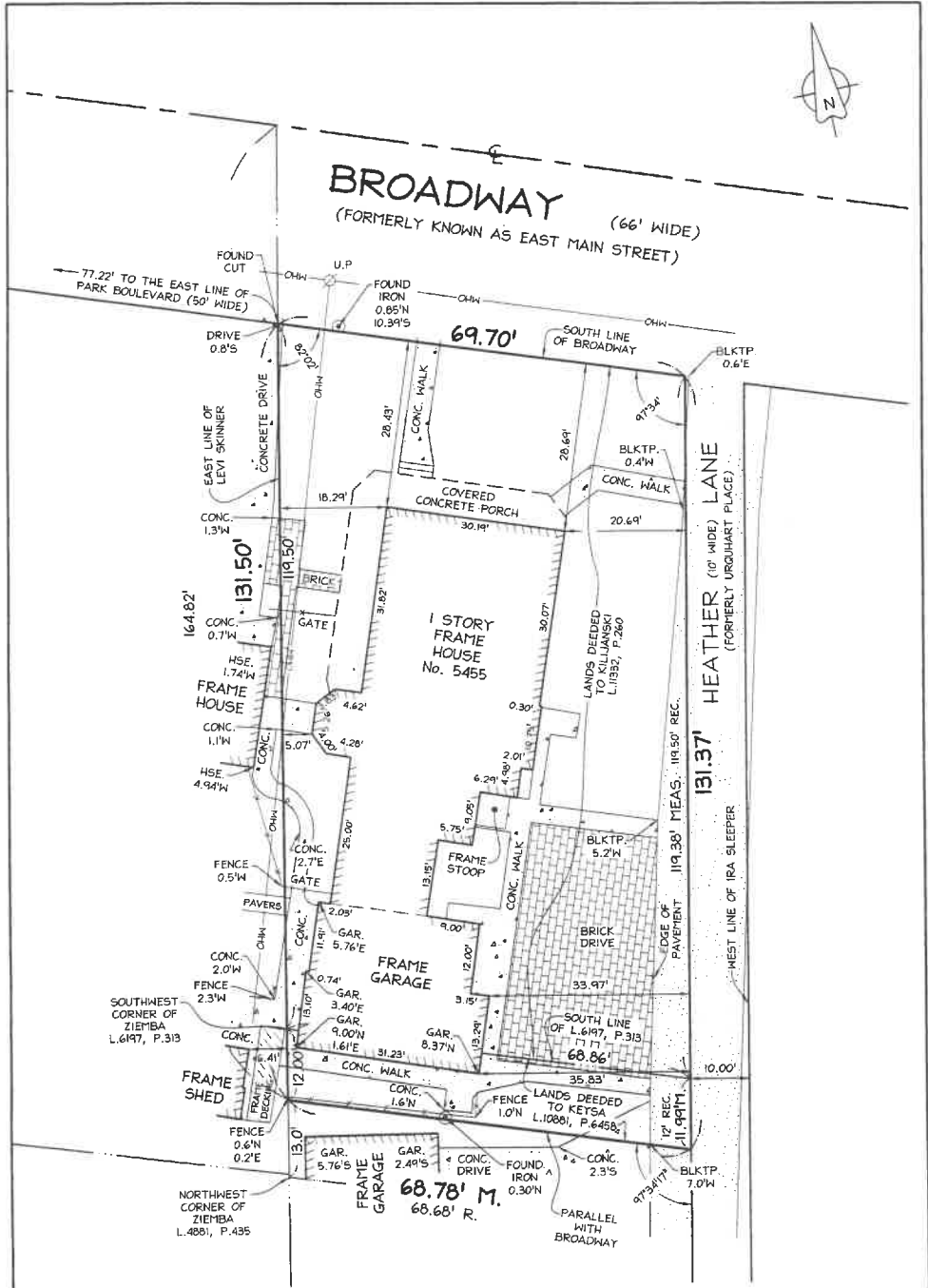
On this 2ND day of MAY, 2024, (name) Thomas Kilijanski  
Who resides at 5455 Broadway St., Lancaster, NY 14086

Personally appeared before me as the petitioner, to me well known to be the same person described in and who signed and executed the foregoing petition and who duly acknowledged to me the execution of the same for the purpose therein mentioned.

Notary Public X 

\$175.00 filing fee due at the Village Clerk's Office

**MICHAEL E. STEGMEIER**  
NOTARY PUBLIC, STATE OF NEW YORK  
REGISTRATION No. 01ST6155616  
QUALIFIED IN ERIE COUNTY  
My Commission Expires November 13, 2026



GARAGE LOCATE: 4/16/2024

NO IRONS SET OR FOUND AT PROPERTY CORNERS UNLESS NOTED HEREON

509 Main Street, P.O. Box 516, East Aurora, NY 14052  
 p (716) 655-1058 f (716) 655-1964 www.nussbaumer.com

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

Unauthorized alterations or additions to any survey, drawing, design, specification, plan or report is a violation of section 7209, provision 2 of the New York State Education Law.

**BOUNDARY SURVEY**

**5455 Broadway**

Part of Lot 1, Section 10, Township 11, Range 6  
 Holland Land Company's Survey  
 Village & Town of Lancaster  
 County of Erie, State of New York

*Thornton A. Kenyon*

Date of Survey: 6/15/2023

Scale: 1" = 20'

Project No.: 2333-0218



rec'd 4/22/24

# Village of Lancaster



*Municipal Building  
5423 Broadway  
Lancaster, NY 14086*

## **MEMORANDUM**

TO: Zoning Board of Appeals  
D. Blakeley, J. Smith, J. Volpe, A. Debbins, C. Adolf  
FROM: Michael E. Stegmeier, Village Clerk & Treasurer  
DATE: April 19, 2023  
RE: Variance Application – 5455 Broadway, Lancaster, NY

Petitioner and property owner, Thomas Kilijanski, is seeking relief from the following Village Code with respect to side yard requirements:

### **Section 350-29 - Side Yard Requirements**

Minimum side yard requirements shall be as follows:

A. For dwellings:

(3) No side yard shall have a width of less than four feet

Petitioner is seeking relief from the Village Code to allow for less than 1'0" side yard setback – 4' relief requested.

### **Section 350-29 - Rear Yard Requirements**

Minimum rear yard requirements shall be as follows:

A. For dwellings, equal to 25% of the lot depth, but shall not be less than 25 feet.

Petitioner is seeking relief from the Village Code to allow a 21'-0" rear yard setback – 15' – 1 ½" relief requested. Note: All dimensions are based on a proposed 144.5' deep lot.

The hearing has been scheduled for **THURSDAY, May 4, 2023, at 7:15 P.M.** in Council Chambers at 5423 Broadway.

Enc. petition, public notice, survey  
Cc: Arthur A. Herdzyk, Village Attorney  
Matt Fischione, Town Building Department  
Shawn Marshall, Village Code Enforcement  
Thomas Kilijanski, Property Owner & Petitioner

**PLEASE NOTE:** It is recommended that the petitioners/property owners be present at the hearing to answer any questions or concerns of the Zoning Board.

**Village of Lancaster  
Zoning Board of Appeals  
5455 Broadway St.**

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, May 4, 2023, at 7:20 p.m.

The purpose of this hearing is to consider the request from Thomas Kilijanski, petitioner, and property owner of 5455 Broadway., Lancaster, NY 14086. The petitioner is seeking relief from the following Village Code with respect to side yard and rear yard requirements.

**Section 350-29 - Side Yard Requirements**

Minimum side yard requirements shall be as follows:

A. For dwellings:

(3) No side yard shall have a width of less than four feet

Petitioner is seeking relief from the Village Code to allow for less than 1'0" side yard set back – 4' relief requested.

**Section 350-29 - Rear Yard Requirements**

Minimum rear yard requirements shall be as follows:

B. For dwellings, equal to 25% of the lot depth, but shall not be less than 25 feet.

Petitioner is seeking relief from the Village Code to allow a 21'-0" rear yard set back – 15' – 1 ½" relief requested. Note: All dimensions are based on a proposed 144.5' deep lot.

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

Michael E. Stegmeier  
Village Clerk

VILLAGE OF LANCASTER

PETITION FOR VARIANCE

Property Location: 5455 BROADWAY ST	SBL # 104.82-3-11
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Owner's Name: THOMAS KILLJANSKI	Tele: 716-544-5424
Address: 5455 BROADWAY ST.	
City/State: LANCASTER NY	Zip: 14086

Petitioner's Name: SAME	Tele:
Address:	
City/State:	Zip:

Survey: Attach a copy of the most current property survey, showing complete property as it presently exists. On this copy draw to scale the proposed work to be done, indicate dimensions of work and dimensions to property lines.

144.5' PROPOSED      10,071 SF PROPOSED

Lot Description: On lot 69.7 feet wide and 119.5 feet deep, area 8,329 square feet.  
 Lot is on N E S W side of street and is 2 feet N E S W of HEATHER LANE St.

Present Property Zoning: R-2A	Present Use of Premises: SINGLE FAMILY RESIDENCE
Proposed Property Zoning: R-2A	Proposed Use of Premises: SINGLE FAMILY RESIDENCE

Pursuant to Article VIII of Chapter 350 "Zoning", of the Code of the Village of Lancaster, the undersigned petitioner hereby makes application for a variance from:

Section(s)	Entitled
350-29 A(3)	SIDE YARD REQUIREMENTS - NOT LESS THAN 4'
350-30 A	REAR YARD REQUIREMENTS - 25% OF LOT DEPTH - 36'-1/2"

Petitioner is requesting relief from above mentioned section(s) to allow:

① LESS THAN 1'-0" SIDE YARD SETBACK - 4' RELIEF REQUESTED.  
 ② A 21'-0" REAR YARD SETBACK - 15'-1/2" RELIEF REQUESTED  
 NOTE: ALL DIMENSIONS ARE BASED ON A PROPOSED 144.5' DEEP LOT

Building Dept Auth MA

Petitioner's Signature X *Thomas Killjanski* Date 3/31/23

STATE OF NEW YORK:  
 COUNTY OF ERIE:

On this 31<sup>st</sup> day of MARCH, 2023, (name) THOMAS KILLJANSKI  
 who resides at 5455 BROADWAY ST LANCASTER NY 14086  
 personally appeared before me as the petitioner, to me well known to be the same person described in and who signed and executed the foregoing petition and who duly acknowledged to me the execution of the same for the purpose therein mentioned.

Notary Public x *Kevin F. Laurendi*

\$175.00 filing fee due at the Village Clerk's Office

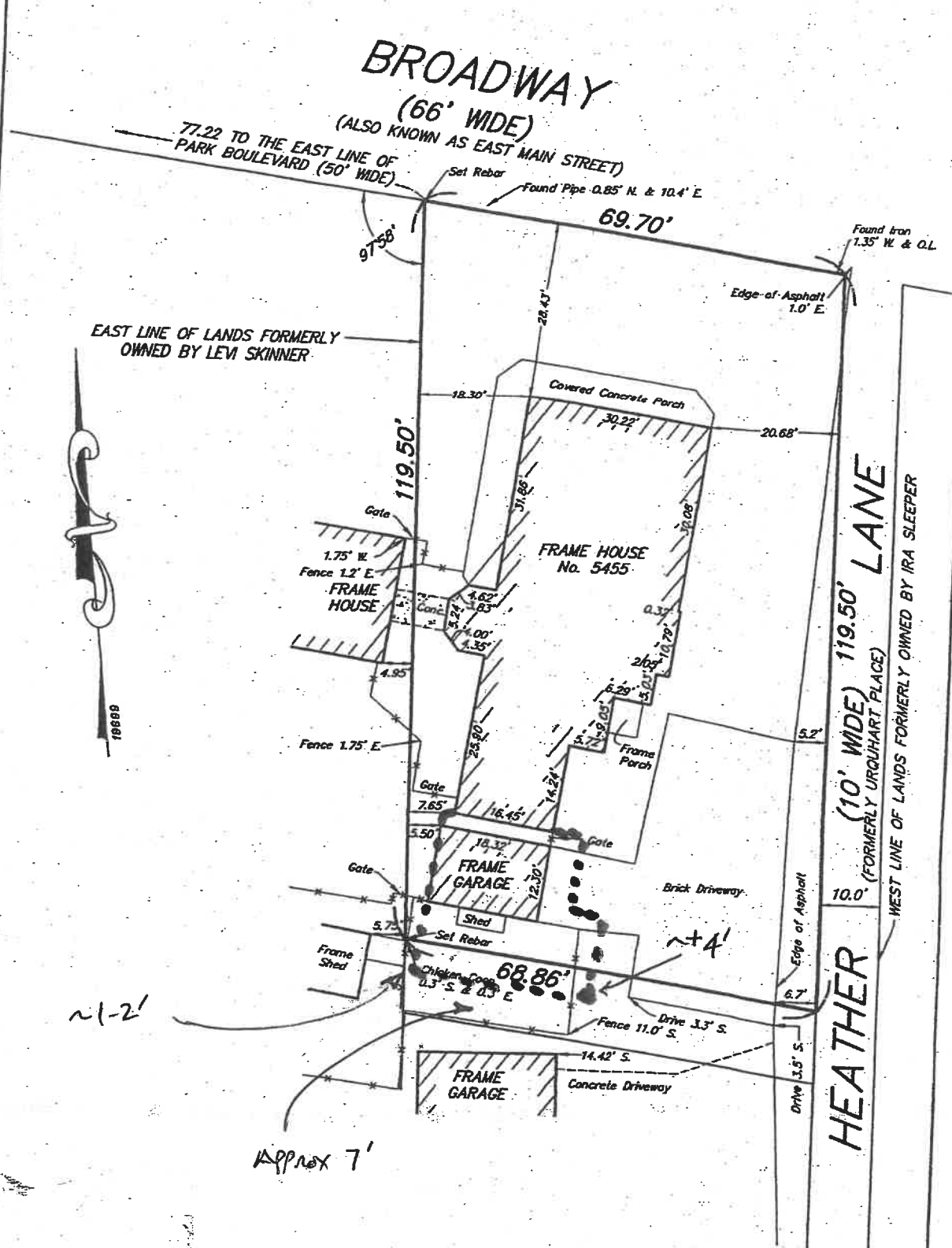
KEVIN F. LAURENDI  
 No. 01LA6346040  
 Notary Public, State of New York  
 Qualified in Erie County  
 My Commission Expires 08/08/2024

+Kmmmtjk@gmail.com

# BROADWAY (66' WIDE)

(ALSO KNOWN AS EAST MAIN STREET)

77.22 TO THE EAST LINE OF  
PARK BOULEVARD (50' WIDE)



~1-2'

Approx 7'

INSTRUMENT(S) UTILIZED IN DETERMINING LOCATION OF BOUNDARY LINES: Liber 7002 Deeds P.319  
 THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT ABSTRACT OF TITLE AND IS SUBJECT TO ANY STATE OF FACTS THAT MAY BE REVEALED IN SAID ABSTRACT.

THIS SURVEY MAP WAS PREPARED IN ACCORDANCE WITH THE CURRENT STANDARDS FOR LAND SURVEYS ADOPTED BY THE BAR ASSOCIATION OF ERIE COUNTY AT THE REQUEST OF Joseph W. Keefe, Esq.  
  
 FRANCIS C. BELLES  
 NYSPLS No. 050477

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**Millard, MacKay & Delles**  
 LAND SURVEYORS, LLP  
 150 AERO DRIVE  
 BUFFALO, NEW YORK 14225  
 PHONE (716) 631-5140 ~ FAX 631-3811

AMEND:  
 SURVEY DATE: 4-9-18  
 DRAWING DATE: 4-18-18  
 SCALE: 1" = 20'  
 "ALL RIGHTS RESERVED"

PART OF LOT 1 SECTION 10 TOWNSHIP 11 RANGE 6 OF THE  
Holland Land Company's SURVEY - Erie COUNTY, N.Y.  
 SURVEY OF: 5455 Broadway, Village and Town of Lancaster

THIS MAP VOID UNLESS EMBOSSED WITH NEW YORK STATE LICENSED LAND SURVEYOR'S SEAL. ALTERING ANY ITEM ON THIS MAP IS A VIOLATION OF THE LAW EXCEPT AS PROVIDED IN SECTION 7209, PART 2, OF THE NEW YORK STATE EDUCATION LAW.  
 SBL No. 104.82-3-11

FILE NO. 104.82-3-11



March 31, 2023  
Village of Lancaster  
21 Central Ave  
Lancaster NY 14086

To Whom it May Concern:

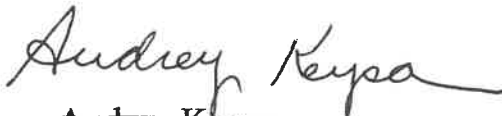
We sold the Keysa Law Office to Tom & Kim Kilijski a few years ago, and have been pleasantly surprised with the improvements they have made.

Now, they realize they need a larger garage and we have been discussing options for a while. I have agreed to sell the approx. 11 ft wide parcel (adjacent to their current garage ) to allow room for the larger garage.

They have shared the plans with me, and I am aware that the new garage will be approx.. 2 feet of the lot line that faces our back yard. This is not a problem, as the current garage is just about the same distance.

I'm confident the end result will be an improvement, and I want to be on record that I am not opposed to this.

Sincerely:



Audrey Keysa  
5453 Broadway St  
Lancaster NY 14086

March 30, 2023

Village of Lancaster

21 Central Ave

Lancaster NY 14086

To Whom it May Concern:

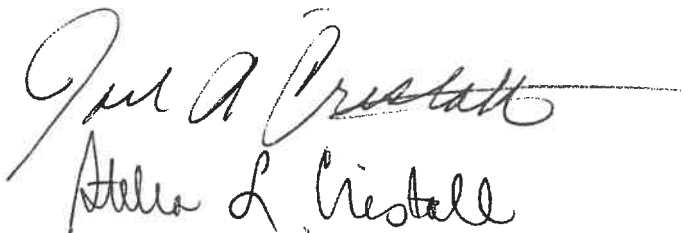
Our neighbors, Tom & Kim Kilijanski, who live at 5455 Broadway St have asked our opinion if we would mind them building a larger garage.

He recently shared the plans with us, and based on the other projects he has done, this will only enhance his property as well as any other property near him (including ours).

We realize that the garage will be approximately 7 ft, from the current fence (which is the lot line).

We are not only in favor, we are glad to have a neighbor that improves the area.

Sincerely:

Handwritten signatures of Joel A. Cristall and Stella L. Cristall. The signature of Joel A. Cristall is written in a cursive style with a long horizontal line extending to the right. Below it, the signature of Stella L. Cristall is also in cursive.

Joel Cristall & Stella Cristall

1 Heather Lane

Lancaster NY 14086