

**ZONING BOARD OF APPEALS OF THE TOWN OF ORCHARD PARK**, Erie County, New York, minutes of the October 19, 2021 meeting held in the Town of Orchard Park Community Activity Center, 4520 California Road.

MEMBERS PRESENT: Lauren Kaczor, Chairwoman  
Kim Bowers  
Barbara Bernard, Alternate  
Robert Lennartz  
Dwight Mateer  
Robert Metz

OTHERS PRESENT: John C. Bailey, Deputy Town Attorney  
David Holland, Code Enforcement Officer  
Anna Worang-Zizzi, Recording Secretary

The Chair called the meeting to order at 7:00 P.M., stating that if anyone appearing before the Board was related through family, financial or a business relationship with any member of the Board, it is incumbent upon him to make it known under State Law and the Town Code of Ethics.

The Chair stated that all persons making an appeal before this Board would be heard in accordance with the Town Laws of the State of New York, Article 16, Sections 267, 279 and 280a, Subdivision 3, and the Town of Orchard Park Zoning Ordinance. Any person aggrieved by any decision of the Board of Appeals may present to a court of record a petition, duly verified, setting forth that such decision is illegal, specifying the grounds of the illegality. Such petition must be presented to the court within 30-days after filing of the decision in the office of the Town Clerk.

#### **APPROVAL OF MINUTES:**

The Meeting Minutes for May, July, August and September 2021 were approved UNANIMOUSLY.

The Chair stated that Site Inspections of all cases presented tonight were made by:

**KACZOR, AYE/BERNARD, AYE/BOWERS, AYE/ LENNARTZ, AYE/MATEER/, AYE/METZ, AYE**

#### **OLD BUSINESS**

1. ZBA File #25-2020, Benderson Development, 3507 N. Buffalo Road, Zoned B-3 (Part of Farm Lot 14, Township 10, Range 7; SBL#161.08-2-1). A reconsideration based on the closed record pursuant to the results of the applicant's Article 78 hearing.

Mr. Lennartz noted that the amount of parking spaces presented exceeds the amount required.

Chairwoman Kaczor made a **MOTION**, seconded by Mr. Mateer that the Board adopt the following resolution:

*WHEREAS, Benderson Development Corporation, LLC (the Applicant) submitted an application (the Application) to the Board of Appeals of the Town of Orchard Park (the ZBA) for an Area Variance to allow front yard parking at 3507 North Buffalo Street, and*

*WHEREAS, in accordance with applicable law, the ZBA held a public hearing on the Application and received testimony on the record which has been duly considered,*  
*NOW THEREFORE BE IT RESOLVED by the Board of appeals of the Town of Orchard Park as follows:*  
*The ZBA has considered the Application requesting an Area Variance and determined that the Area Variance is DENIED, as set forth in the attached decision which is incorporated herein by reference.*

THE VOTE ON THE MOTION BEING:

KACZOR	AYE
BOWERS	NO
LENNARTZ	NO
MATEER	AYE
METZ	AYE

**THE MOTION BEING (3) THREE IN FAVOR, AND (2) TWO AGAINST, THE MOTION IS PASSED.**

There being no further business to be presented to the Board at this time, Chairwoman Kaczor adjourned the meeting at 7:06 P.M.

DATED: 11/15/2021  
REVIEWED: 11/16/2021

Respectfully submitted,  
Anna Worang-Zizzi

Ms. Lauren Kaczor, Chairwoman  
Zoning Board of Appeals