

ZONING BOARD OF APPEALS OF THE TOWN OF ORCHARD PARK, Erie County, New York, minutes of the December 21, 2021, meeting held in the Town of Orchard Park Community Activity Center, 4520 California Road.

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

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 November 2021 were approved UNANIMOUSLY.

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

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

NEW BUSINESS

1. ZBA File # 32-21, Spectrum Landscape, V/L Lake Ave. Zoned I-1 (part of Farm Lot 24, Township 10, Range 7; SBL# 152.15-1-16) Requests an Area Variance to construct a warehouse building on this 100ft wide lot. Minimum lot width in this zone I-1 is 150ft. §144-9B, Supplemental schedule of height, lot, yard and bulk regulations.

APPEARANCE:

Paul Reamsnyder – Owner
Patricia Bittar - Engineer

Mr. Reamsnyder explained this project. He stated this project had been to the Planning Board for a Concept Review as well as to the Conservation Board. He stated they would like to build a 40ft. by 100ft warehouse on this site.

Ms. Bittar stated they needed a Variance before they could submit this project to Town Engineering or the Planning Board. She explained the building had a 40ft setback on one side, 20ft on the other side and was around 137ft from the road. She stated they are in compliance with Code as far as setbacks are concerned. The property is 805ft. deep, therefore the Plan presented doesn't show the whole property because it would be un-readable. They are proposing to leave at least 75% green-space on the Site.

Ms. Bowers inquired about the hours of operation and the number of vehicles.

Mr. Reamsnyder explained they typically operate Monday through Friday from 8am to 5 or 6pm, with vehicles arriving and leaving at those times. They would have 7 to 8 vehicles on the site during the day, typically. It was established that there would typically be no vehicle traffic during the day or on the weekend.

Mr. Lennartz inquired if they had large dump trucks to be stored on site, what would be stored in the warehouse, and about the impact on traffic, especially on side streets. He also inquired about the potential for standing water, and whether Mr. Reamsnyder owned this land, or it was under contract.

Mr. Reamsnyder explained that they had smaller bobcats, but they stayed on trailers. They would be storing vehicles in the warehouse and they would always take the main streets. With regards to Storm Water Management, Mr. Reamsnyder explained they would have to comply with Town Code and work with Town Engineering on this matter.

Mr. Mateer inquired if they had spoken to neighbors. Mr. Reamsnyder said they had spoken to a few, and tried to answer any questions or concerns.

Mr. Metz inquired what materials would be stored at this site. Mr. Reamsnyder responded that they stored materials at other locations, and none would be stored at this site. It was established that no chemicals would be stored here.

Ms. Bernard established that only vehicles would be stored here.

The Chair then asked if there was anyone in the audience who would wish to speak in favor of granting the Variance.

(Twice) NO RESPONSE

The Chair then asked if there was anyone in the audience who would wish to speak against the granting of the Variance.

*Tod Hathaway
19 Canfield Terrace
Orchard Park, NY 14127*

Mr. Hathaway was concerned about the possibility of Lakewood Avenue being used as a "cut through". He stated there was a park at the end of the street, and he was concerned about the safety of vehicles with trailers driving there. He also had concerns about Water Issues, and felt a warehouse was inappropriate considering surrounding areas are residential.

*Ken Glasgow
5992 Lake Avenue*

Orchard Park, NY 14127

Mr. Glasgow had concerns about traffic and the safety of trucks with trailers backing up onto Lake Avenue and was also concerned that Lakewood Avenue would be used as a "cut through". He also had questions about wetland delineation, which were determined to be outside the purview of this Board.

*Janice Glasgow
5992 Lake Avenue
Orchard Park, NY 14127*

Ms. Glasgow was concerned about traffic and safety. She spoke of a car accident that had taken place previously with a similar truck and trailer setup. She was also concerned about her home value depreciating and the visual impact this warehouse would have on the area. She also mentioned the possibility that such a warehouse might attract "looters".

The Chair then asked if the Secretary had received any communications either for, or against, granting the Variance. The Secretary stated two communications were received against the granting of the Variance, and had been distributed to the Board Members.

BOARD DISCUSSION:

Ms. Bowers stated that since this property was Zoned I-1, if this variance is denied, another business may occupy this spot, and that any concerns regarding traffic may apply to that business as well.

Ms. Bernard stated that in the 80's and 90's this entire area was zoned R-3. This area was changed to a Zone I-1 with the intention of adding a temporary access road, however, now it is blocked and that is impossible. She stated in her opinion, it should have reverted to a Zoning of R-3.

Mr. Mateer feels this is a substantial request.

Ms. Kaczor stated that in her opinion, this parcel should not be zoned I-1.

Mr. Kaczor made a **MOTION**, seconded by Ms. Bowers, to **DENY** the Area Variance request based on the following:

1. There will be an undesirable change in the character of the neighborhood, or a detriment to nearby properties created.
2. The benefit sought can be achieved in another way, other than the granting of the Variance.
3. The request is substantial.
4. There will be an adverse effect or impact on the physical or environmental conditions of the neighborhood or district.
5. The difficulty is self-created.

THE VOTE ON THE MOTION BEING:

KACZOR

AYE

BOWERS	AYE
LENNARTZ	NO
MATEER	AYE
METZ	AYE

THE MOTION BEING (4) IN FAVOR THE MOTION TO DENY THE VARIENCE IS PASSED.

There being no further business to be presented to the Board at this time, Chairwoman Kaczor adjourned the meeting at 7:31 P.M.

DATED: 12/22/2021
REVIEWED: 2/16/2022

Respectfully submitted,
Anna Worang-Zizzi

Ms. Lauren Kaczor, Chairwoman
Zoning Board of Appeals