

**ZONING BOARD OF APPEALS OF THE TOWN OF ORCHARD PARK**, Erie County, New York, minutes of the February 15, 2022, meeting held in the Town of Orchard Park Community Activity Center, 4520 California Road.

MEMBERS PRESENT: Lauren Kaczor, Chairwoman  
Robert Lennartz  
Dwight Mateer  
Robert Metz  
Michael Williams, Alternate

EXCUSED: Kim Bowers

OTHERS PRESENT: John C. Bailey, Deputy Town Attorney  
David Holland, Code Enforcement Officer  
John Wittmann, 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 December 2021 were approved UNANIMOUSLY.

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

**KACZOR, AYE/ LENNARTZ, AYE/ MATEER, AYE/METZ, AYE/ WILLIAMS, NO**

#### **NEW BUSINESS**

1. ZBA File # 1-22, Gregory Haskell, 7636 Ellicott Road. Zoned R-1 (part of Farm Lot 68, Township 9, Range 7; SBL #185.00-4-2.12). Requests an Area Variance to construct a detached garage within the front yard. No accessory structure shall be located within the front yard §144-24A (1) (b).

APPEARANCE: Gregory Haskell – Owner

Mr. Haskell explained his desire to build a cold storage building which would be partially blocked by trees. He explained his home is 1,300 feet from the road, and the proposed storage building would be 1,100 feet from the road. He stated his company will build the building and it will be aesthetically attractive. He will use the building to store a tractor and other implements.

Mr. Mateer inquired if the petitioner had spoken to neighbors. Mr. Haskell explained he had only spoken to one neighbor who had no problem with it, but did not know about others.

Mr. Metz inquired if a business would be run out of this building. Mr. Haskell answered negatively and explained that his business operates out of West Falls.

Mr. Lennartz noted that he was a longtime customer of Mr. Haskell's, although he didn't think there was a conflict. He established that the siding would be green, it would be metal, and the garage door would be facing the driveway.

The Chair established that although the map says this parcel is 3.5 acres, the petitioner owns 50 acres split into two parcels, with the bulk being placed in a conservation easement.

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

(Twice)

*Name not given*

*Address not given*

This member of the public spoke in favor of the project.

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

(Twice) NO RESPONSE

BOARD DISCUSSION:

The Board had no concerns with this project given the distance from the road.

Mr. Lennartz made a **MOTION**, seconded by Mr. Metz, to **GRANT** the Area Variance request based on the following:

1. There will not be an undesirable change in the character of the neighborhood, or a detriment to nearby properties created.
2. The benefit sought cannot be achieved in another way, other than the granting of the Variance.
3. The request is not substantial.
4. There will be no adverse effect or impact on the physical or environmental conditions of the neighborhood or district.
5. The difficulty is self-created but that does not preclude the granting of the Variance.

**THE VOTE ON THE MOTION BEING:**

<b>KACZOR</b>	<b>AYE</b>
<b>LENNARTZ</b>	<b>AYE</b>
<b>MATEER</b>	<b>AYE</b>
<b>METZ</b>	<b>AYE</b>

**WILLIAMS**

**AYE**

**THE MOTION BEING UNANIMOUS THE MOTION TO GRANT THE VARIENCE IS PASSED.**

There being no further business to be presented to the Board at this time, Chairwoman Kaczor adjourned the meeting at 7:14 P.M.

DATED: 2/17/2022

REVIEWED: 3/15/2022

Respectfully submitted,  
Anna Worang-Zizzi

Ms. Lauren Kaczor, Chairwoman  
Zoning Board of Appeals