**ZONING BOARD OF APPEALS OF THE TOWN OF ORCHARD PARK**, Erie County, New York, minutes of the November 17, 2020 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

EXCUSED: Kim Bowers

Barbara Bernard, Alternate

OTHERS PRESENT: Thomas Jaeger, Chairman of the Archeological Overlay District Committee (AOD)

Timothy Gallagher, Deputy Town Attorney

David Holland, Code Enforcement Officer

Rosemary Messina, 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**: Mr. Mateer made a **MOTION**, seconded by Mr. Lennartz, to **APPROVE** the October 2020 meeting minutes.

The meeting minutes for the October 20, 2020 meeting were **UNANIMOUSLY APPROVED**.

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

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

Chairwoman Kaczor stated that at tonight’s meeting we do not have full Board representation. In these circumstances I need to point out that it will require (3) votes to approve any motion that is presented. If a vote results in a two/two tie, the motion will be defeated. As a result we offer petitioners the following three options:

1. We can vote on the petition and the petitioner must accept the Board’s decision.

2. We can hear the case and postpone the vote until the next meeting of the Board when a full Board is present. The absent member of the Board will review the testimony and all appropriate documents prior to the meeting.

3. The petitioner can postpone making his presentation until the next meeting of this body.

**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). Requests an Area Variance to allow vehicle parking in the

front yard of a proposed Medical Office Building. Vehicle parking is prohibited in the front yard in this B-3 Zone, §144-29A (4). Board tabled this item at the October meeting.

APPEARANCE: Mr. Matt Oates, Benderson Development

The Petitioner chose to postpone his presentation until the next meeting of this body. Mr. Oates stated that he is available to answer questions from the Board.

Mr. Thomas Jaeger, the Chair of the AOD introduced himself to the Board members, noting that he had received a correspondence from Acting Planning Coordinator Remy Orffeo regarding the project at 3507 N. Buffalo Road, as it is located in the Archeological Overlay District. Mr. Jaeger had hoped to be presentfor the Benderson Development presentation as the AOD Board will reviewing this site after the Zoning Board of Appeals’ decision.

As there will be no presentation this evening, questions and comments were off the record.

The Board members and Mr. Jaeger discussed the project and their concerns with Mr. Oates.

Mr. Metz made a **MOTION**, seconded by Mr. Lennartz to **TABLE** this case, per the Petitioners’ request for a postponement to have full Board representation.

THE VOTE ON THE MOTION BEING:

KACZOR AYE

LENNARTZ AYE

MATEER AYE

METZ AYE

THE MOTION BEING **UNANIMOUS, MOTION IS PASSED.**

**NEW BUSINESS**

1. ZBA File #26-2020, Benjamin Race, 3161 Abbott Road, Zoned B-2 (Part of Farm Lot 446, Township 10, Range 7; SBL#151.16-2-1). Requests an Area Variance to construct a shed with a 5-ft. rear setback. Minimum rear setback for this shed is 10-ft., §144-9B, Schedule of Height, Lot, Yard & Bulk Regulations.

APPEARANCE: No one was present to represent the Petitioner.

The Board **TABLED** this item until the next meeting.

There being no further business to be presented to the Board at this time, Chairwoman Kaczor adjourned the meeting at 7:22 P.M.

DATED: 12/22/2020 Respectively Submitted,

REVIEWED: 01/19/2021 Rosemary Messina, Secretary

Zoning Board of Appeals

Ms. Lauren Kaczor, Chairwoman

Zoning Board of Appeals