

**ZONING BOARD OF APPEALS OF THE TOWN OF ORCHARD PARK**, Erie County, New York, minutes of the Orchard Park February 20, 2024, meeting held in the Town of Orchard Park Community Activity Center, 4520 California Road.

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

EXCUSED:

OTHERS PRESENT: John C. Bailey, Deputy Town Attorney  
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. Per Section 144-63 (E) (1) All public notices have been filed. 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 Minutes for January 2024 were approved unanimously.

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

**METZ, AYE / MATEER, AYE / LENNARTZ, AYE / BOWERS, AYE / RODO, AYE / WILLAMS, AYE**

#### **NEW BUSINESS**

1. ZBA File #04-24, Jessica Radon and Catherine Henry, 3385 Orchard Park Road, Zoned B-4, SBL# 152.20-4-1 (part of Farm Lot 16, Township 10, Range 7) Requesting review of a Use Variance granted on 3/18/2003 – ZBA File #04-03. Applicant is proposing a fitness studio within this multi-tenant day spa facility. *This use is unlisted in §144-9A, Schedule of use controls.*

APPEARANCE: *Jessica Radon – Owner*

The Applicant explained that they have recently purchased the building and are planning on relocating an existing fitness studio offering Yoga and Pilates classes. The spa currently located at this site is downsizing and the Applicant is planning to renovate the existing building.

Mr. Williams established that the fitness studio would primarily be open during class times, however they sell merchandise and may be open at other times for that purpose.

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

(Twice) NO RESPONSE

The Chair then asked if the Secretary had received any communications either for, or against, granting the Variance. The Secretary stated no communications had been received.

**BOARD DISCUSSION:**

The Board members feel it is a straightforward request.

Mr. Lennartz made a **MOTION**, seconded by Ms. Bowers, to **APPROVE** the Use Variance based on the following:

- 1. The hardship is unique, and does not apply to a substantial portion of the district or neighborhood.
- 2. The variance will not alter the essential character of the neighborhood.
- 3. The alleged hardship was not self-created.

**THE VOTE ON THE MOTION BEING:**

|          |     |
|----------|-----|
| LENNARTZ | AYE |
| METZ     | AYE |
| MATEER   | AYE |
| BOWERS   | AYE |
| RODO     | AYE |

The Motion being **UNANIMOUS** in favor, the Motion to **GRANT** the Variance is **PASSED**.

There being no further business to be presented to the Board at this time, the Chair adjourned the meeting at 7:08 P.M.

DATED: 3/4/24  
REVIEWED: 3/18/24

Respectfully submitted,  
Anna Worang-Zizzi

Ms. Lauren Kaczor Rodo, Chairwoman  
Zoning Board of Appeals