

ZONING BOARD OF APPEALS OF THE TOWN OF ORCHARD PARK, Erie County, New York, minutes of the September 15, 2015 meeting held in the Municipal Center Basement Public Meeting Room, S4295 South Buffalo Street.

MEMBERS PRESENT: Robert Metz, Acting Chairman/Roland Pigeon/ Dwight Mateer

EXCUSED: Joseph Liberti, Chairman/ Robert Lennartz/ Lauren Kaczor, Alternate

OTHERS PRESENT: Len Berkowitz, Deputy Town Attorney/David Holland, Code Enforcement Officer
Danielle Ostrander, Recording Secretary

The members recited the Pledge of Allegiance and the Chairman called the meeting to order at 7:00 P.M., stating that if anyone appearing before the Board was related through family, financial or 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 Chairman 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.

There are no meeting minutes available at this time to be voted on.

The Chairman stated that site inspections of all cases presented tonight were made by:

METZ, AYE/MATEER, AYE/PIGEON, AYE

NEW BUSINESS:

1. ZBA File #29-15, Dennis Haas, 3374 Angle Road, Zoned R-2 (Part of Farm Lot 7, Township 10, Range 7; SBL#153.00-5-29.2). Requests an Area Variance to construct a Pole Barn which will be located within the front yard and will create a dominating accessory area. Accessory structures shall not be located in the front yard and shall not dominate principal use area, Section 144-24A(1)(b) & Section 144-9B, terms defined.

APPEARANCE: Mr. Dennis Haas, Applicant/Property Owner

Mr. Haas told the Board that he would like an area variance to construct a pole barn in his front yard. He stated that the site for it is the most sensible place to put it. The building will not be visible because it is completely isolated. He further stated that if it were to go anyplace else he would have to put in a driveway and remove a natural barrier between him and his neighbor.

Mr. Pigeon established that the use will be for storing wood for Mr. Haas's word working hobby.

Mr. Mateer asked if the neighbors were contacted. Mr. Haas noted that his neighbors had no objections to the variance request.

Mr. Metz established that it will not be used for a business.

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 have been received, other than what is in file noting that it is against the variance request.

Mr. Pigeon made a **MOTION**, seconded by Mr. Mateer, to **GRANT** the Area Variance with a **STIPULATION** for the following reasons:

1. There will be no 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.
3. The request is not substantial.
4. There will not be an adverse effect or impact on the physical or environmental conditions of the neighborhood or the district.
5. The difficulty is self-created, but that does not preclude the granting of the variance.

THE MOTION BEING:

MATEER	AYE
METZ	AYE
PIGEON	AYE

THE VOTE BEING UNANIMOUS, THE MOTION IS HEREBY PASSED.

2. ZBA File #30-15, Christopher Bieniek, 6060 Cole Road, Zoned A-1 (Sub Lot 3, Map Cover 2535; SBL#198.00-2-44.22). Requests an Area Variance to construct a Pole Barn with a 13' side setback. Minimum side setback for this A-1 Lot is 20-ft., Section 144-9B, Schedule of Height, Lot, Yard & Bulk Regulations.

APPEARANCE: Mr. Christopher Bieniek, Applicant/Property Owner

Mr. Bieniek told the Board that he would like an area variance to construct a pole barn on the side of his yard to locate a work shop and create additional storage space.

Mr. Mateer established that the neighbors have been notified.

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

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 have been received.

Mr. Mateer made a **MOTION**, seconded by Mr. Pigeon, to **GRANT** the Area Variance for the following reasons:

1. There will be no change in the character of the neighborhood and a detriment created to the nearby properties.
2. The benefit sought cannot be achieved in another way.
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 the district.
5. The difficulty is self-created, but does not preclude granting the variance.

THE MOTION BEING:

MATEER	AYE
METZ	AYE
PIGEON	AYE

THE VOTE BEING UNANIMOUS, THE MOTION IS HEREBY PASSED.

There being no further business to be presented to the Board at this time Acting Chairman Metz adjourned the meeting at 7:35 P.M.

DATED: 10/20/15
REVIEWED: 10/20/15

Danielle Ostrander, Secretary
Zoning Board of Appeals

Joseph Liberti, Chairman