

ZONING BOARD OF APPEALS OF THE TOWN OF ORCHARD PARK, Erie County, New York, minutes of the Orchard Park April 21, 2026, meeting held in the Town of Orchard Park Community Activity Center, 4520 California Road.

MEMBERS PRESENT: Robert Metz, Chairman
Kim Bowers
Dwight Mateer
Lauren Kaczor Rodo
Michael Williams
Matthew Szalkowski, Alternate

OTHERS PRESENT: Tim Gallagher, Town Attorney
Natalie Nawrocki, Code Enforcement Officer
Kristin B. Mahoney, Recording Secretary

The Chair called the meeting to order at 7:00 P.M. and stated that per Section 144-63 (E) (1) all public notices have been filed.

The Chair led the attendees in reciting the Pledge of Allegiance. The Chair introduced the members of the Board and representatives of the Town of Orchard Park.

The Chair stated 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.

APPROVAL OF MINUTES:

Each member of the Board has previously received and read a copy of the minutes for the March 17, 2026 meeting.

A **MOTION** was duly made by Ms. Bowers and seconded by Ms. Rodo, to **DISPENSE WITH THE READING OF** and **APPROVE THE MINUTES** of the March 17, 2026 ZBA meeting.

THE VOTE ON THE MOTION BEING:

METZ	AYE
BOWERS	AYE
MATEER	AYE
RODO	AYE
WILLIAMS	AYE

The Minutes were **UNANIMOUSLY** approved.

The Chair stated that all persons making an appeal before this Board would be heard in accordance with Article 16, Chapter 62 of the Consolidated Laws of the State of New York, § 267, § 267-a and § 267-b, 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.

The Recording Secretary read the Affidavit of Publication and Posting of the Legal Notice for this meeting.

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

METZ, AYE / BOWERS, AYE / MATEER, AYE / RODO, AYE / WILLIAMS, AYE / SZALKOWSKI, AYE

The Chair presented the procedures to be followed at tonight's meeting.

The Chair stated the procedure for students attending tonight's meeting.

NEW BUSINESS

The Chair stated that he is recusing himself from Item #1, and that Mr. Szalkowski will vote in his place.

1. ZBA File# 46-24, Robert K. Bodden, 47 Ferndale Drive, Zoned R-2 (Sublot 14, Map Cover 2935, SBL # 162.05-4-14.1). Requests an Area Variance to construct a storage building which will increase the accessory use area to 2,435 square feet, dominating the principle use area of 1,907 square feet. *Accessory use area shall not dominate principal use area, §144-9B, Terms Defined.*

APPEARANCE: *Robert Bodden, Applicant*

The Applicant stated that he wants to put a shed behind the existing garage. He restores old cars and needs additional storage.

Mr. Williams established that the Applicant fixes lawn mowers for his neighbors but he is discontinuing that activity. He does not plan to perform any outside work out of the structure. His interest is restoring old trucks.

Ms. Bowers confirmed with the Applicant that the size of the new building will be 32 feet x 14 feet.

Mr. Mateer inquired as to what would be stored in the building.

The Applicant stated lawnmowers and four-wheeler vehicles.

Ms. Rodo stated that there was a letter from a neighbor regarding lighting.

The Applicant stated that lighting would be solar inside and a couple of lights outside. There would be no power to the structure.

The Chair thanked the Applicant for his service.

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 setback Variance.

(Twice) NO RESPONSE

The Chair closed the Public Hearing.

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

Ms. Bowers made a **MOTION**, seconded by Mr. Williams, to **APPROVE the AREA VARIANCE**, based on the following:

1. Per Section 144-63 (E) (1) All public notices have been filed.
2. There will not be an undesirable change in the character of the neighborhood, or a detriment to nearby properties created.
3. The benefit sought cannot be achieved in another way, other than the granting of the Variance.
4. The request is not substantial.
5. There will not be an adverse effect or impact on the physical or environmental conditions of the neighborhood or district.
6. The difficulty is self-created, however that does not preclude the granting of the Variance.

THE VOTE ON THE MOTION BEING:

BOWERS	AYE
MATEER	AYE
RODO	NAY
WILLIAMS	AYE
SZALKOWSKI	AYE

The **VOTE BEING FOUR (4) IN FAVOR, ONE (1) OPPOSED**, The **MOTION** was **APPROVED**.

2. ZBA File# 04-26, Thomas Cunningham, 4478 Freeman Road, Zoned R-1, (Part of Farm Lot 6, Township 9, Range 7, SBL# 173.10-1-2). Requests an Area Variance to construct a 24 foot x 24 foot garage with a 3 foot side setback. *Minimum side setback for this R-1 lot is 15 feet, §144-9B Schedule of Height, Lot, Yard, and Bulk Regulations.*

APPEARANCE: *Jacquelyn Montemage, Bammel Architects, Applicant Representative*

Ms. Montemage stated that the Applicant wants to build a two car garage with a three foot side setback. The family has six children and an increased need for storage and car storage.

Mr. Mateer inquired as to why the Applicant sought a three foot setback as opposed to a five or ten foot setback.

Ms. Montemage stated that it was because of the driveway placement- the front of the driveway was three feet from the property line.

Ms. Rodo inquired if the Applicant has spoken to his neighbors and confirmed that no business was conducted out of the house.

Ms. Montemage stated, yes, there was a letter of support from a neighbor in the file.

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 setback Variance.

(Twice) NO RESPONSE

The Chair closed the Public Hearing.

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

Mr. Mateer stated that he would prefer to see a five foot setback and discussed dimensions with Ms. Montemage.

Mr. Williams agreed that five feet would be preferable.

Ms. Rodo stated that five feet was better but she was still not completely happy with that.

Ms. Bowers and the Chair stated that she was ok with five feet.

Ms. Montemage stated that she and the Applicant could work with the five foot setback.

Mr. Williams made a **MOTION**, seconded by Mr. Mateer, to **APPROVE the AREA VARIANCE with the STIPULATION that the side setback be FIVE (5) FEET**, based on the following:

1. Per Section 144-63 (E) (1) All public notices have been filed.
2. There will not be an undesirable change in the character of the neighborhood, or a detriment to nearby properties created.
3. The benefit sought cannot be achieved in another way, other than the granting of the Variance.
4. The request is not substantial.
5. There will not be an adverse effect or impact on the physical or environmental conditions of the neighborhood or district.
6. The difficulty is self-created, however that does not preclude the granting of the Variance.

THE VOTE ON THE MOTION BEING:

METZ	AYE
BOWERS	AYE
MATEER	AYE
RODO	NAY
WILLIAMS	AYE

The **VOTE BEING FOUR (4) IN FAVOR, ONE (1) OPPOSED**, The **MOTION** was **APPROVED**.

3. ZBA File# 05-26, Jonathan and Julia Heyd, 77 Graystone Lane, Zoned R-1, (Sub Lot 51 Map Cover 3119, SBL # 162.08-1-20). Requests an Area Variance to construct a 24.4 foot x 12.4 foot attached single car garage with a 12 foot side setback. *Minimum side setback for this R-1 lot is 15-feet, §144-9B Schedule of Height, Lot, Yard, and Bulk Regulations.*

APPEARANCE: *Jonathan Heyd, Applicant*

The Applicant stated that the new structure will be adjacent to the existing structure.

Ms. Rodo established that the Applicant has spoken to his adjacent neighbor and they have no problem with the project.

Mr. Williams inquired if the Applicant had drawings or elevations.

The Applicant stated not currently; the architect has tied the new build into the existing structure and is seeking to match the existing roofline.

Driveway placement was discussed. It was ascertained that the driveway will widen as it approaches the structure, approximately 35 feet from the street.

The Chair discussed the elevation at the front with the Applicant.

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 setback Variance.

(Twice) NO RESPONSE

The Chair closed the Public Hearing.

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

Mr. Mateer made a **MOTION**, seconded by Ms. Rodo, to **APPROVE the AREA VARIANCE**, based on the following:

1. Per Section 144-63 (E) (1) All public notices have been filed.
2. There will not be an undesirable change in the character of the neighborhood, or a detriment to nearby properties created.
3. The benefit sought cannot be achieved in another way, other than the granting of the Variance.
4. The request is not substantial.
5. There will not be an adverse effect or impact on the physical or environmental conditions of the neighborhood or district.
6. The difficulty is self-created, however that does not preclude the granting of the Variance.

THE VOTE ON THE MOTION BEING:

METZ	AYE
BOWERS	AYE
MATEER	AYE
RODO	AYE
WILLIAMS	AYE

The **MOTION** was **UNANIMOUSLY APPROVED**.

4. ZBA File# 06-26, Delta Sonic Carwash Systems Inc. (James A. Boglioli, Representing), 3205 Orchard Park Road, Zoned B-2 (Part Farm Lot 17, Township 10, Range 7, SBL #152.16-4-19.1). Requests an Area Variance to install

a 10 foot tall fence between the Car Wash tunnel and the Detail Shop tunnel. *Maximum height of a fence is 6 feet, §144-2(B) Yard Regulations.*

APPEARANCE: *Matthew Oates, Delta Sonic, Applicant*
Mike Yount, Delta Sonic, Applicant

Mr. Oates stated that they are replacing an eight foot fence. By doing this, overspray will be reduced, and it will act as a wind block and noise block. It will be finished on both sides. They received Planning Board approval earlier this month.

Ms. Rodo asked what would happen if they had to return to an eight foot fence.

Mr. Oates stated that water would get onto cars in the detail shop lane, it would be noisier, and customers could get sprayed.

Mr. Williams established that the new fence would not be longer than the old fence.

There was discussion between Mr. Mateer and the Applicant in regard to how long Delta Sonic has been in business (57 years), this facility being an older version, that it would not be built today, and any changes in design or technology which may have occurred. All new builds and remodels have ten foot fences.

The Chair and the Applicant discussed the purpose of the gate on the fencing- allowing for stacked cars to be exited through the Detail Area in the event of an issue.

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 setback Variance.

(Twice) NO RESPONSE

The Chair closed the Public Hearing.

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

Ms. Bowers made a **MOTION**, seconded by Ms. Rodo, to **APPROVE the AREA VARIANCE**, based on the following:

1. Per Section 144-63 (E) (1) All public notices have been filed.
2. There will not be an undesirable change in the character of the neighborhood, or a detriment to nearby properties created.
3. The benefit sought cannot be achieved in another way, other than the granting of the Variance.
4. The request is not substantial.
5. There will not be an adverse effect or impact on the physical or environmental conditions of the neighborhood or district.
6. The difficulty is self-created, however that does not preclude the granting of the Variance.

THE VOTE ON THE MOTION BEING:

METZ	AYE
BOWERS	AYE
MATEER	AYE
RODO	AYE
WILLIAMS	AYE

The **MOTION** was **UNANIMOUSLY APPROVED**.

5. ZBA File #07-26, Tanya Bork, 6688 Powers Road, Zoned R-2, (Farm Lot 12, Township 9 Range 7, SBL # 185.09-1-16). Requests an Area Variance to construct a 44 foot x 25 foot attached garage with a 6.2 foot side setback. *Minimum side setback for this R-2 lot is 10 feet, §144-9B Schedule of Height, Lot, Yard, and Bulk Regulations.*

APPEARANCE: *Jacquelyn Montemage, Bammel Architects, Applicant Representative*

Ms. Montemage stated that her client wants to expand her garage to store a recreational vehicle. The current garage is existing, non-conforming.

The Board complimented Ms. Montemage on the diagrammed layout of the new garage she submitted; they found it very helpful. It was established that the new structure was to be used only for vehicles, that no business would be conducted, and that neighbors were notified (Ms. Montemage presented four letters of support, not previously received).

Mr. Mateer confirmed that the distance from the existing building to the property line was 9.17 feet at the street side.

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 setback Variance.

(Twice) NO RESPONSE

The Chair closed the Public Hearing.

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

Mr. Mateer made a **MOTION**, seconded by Ms. Bowers, to **APPROVE the AREA VARIANCE**, based on the following:

1. Per Section 144-63 (E) (1) All public notices have been filed.
2. There will not be an undesirable change in the character of the neighborhood, or a detriment to nearby properties created.
3. The benefit sought cannot be achieved in another way, other than the granting of the Variance.
4. The request is not substantial.
5. There will not be an adverse effect or impact on the physical or environmental conditions of the neighborhood or district.
6. The difficulty is self-created, however that does not preclude the granting of the Variance.

THE VOTE ON THE MOTION BEING:

METZ	AYE
BOWERS	AYE
MATEER	AYE
RODO	AYE
WILLIAMS	AYE

The **MOTION** was **UNANIMOUSLY APPROVED**.

There being no further business to be presented to the Board at this time, the meeting was adjourned at 7:50 P.M.

DATED: 04/29/2026
APPROVED: 05/19/2026

Respectfully submitted,
Kristin B. Mahoney, Recording Secretary

Mr. Robert Metz, Chairman
Zoning Board of Appeals