

ZONING BOARD OF APPEALS OF THE TOWN OF ORCHARD PARK, Erie County, New York, minutes of the Orchard Park May 19, 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: Maura Seibold, Deputy 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 April 21, 2026 meeting.

A **MOTION** was duly made by Ms. Rodo and seconded by Ms. Bowers, to **DISPENSE WITH THE READING OF** and **APPROVE THE MINUTES** of the April 21, 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.

NEW BUSINESS

1. ZBA File# 08-26, QC North LLC, 3392 North Benzing Road, Zoned B-1, (Part of Farm Lot 28, Township 10, Range 7, SBL # 152.18-1-1). Requests a Use Variance to construct a 10,000 square foot accessory storage building supporting the Quaker Crossing Retail Center. *An accessory building is to be located on the same lot as the main building. § 144-5B Terms Defined.*

APPEARANCE: Gerald Buchheit, Applicant

Mr. Buchheit stated that he seeks to construct an accessory building behind the Quaker Crossing Plaza for the purposes of storing equipment and holiday décor used at the Plaza. These items have been stored at the Applicant's company, Accent Strip, on Benzing Road, but he would like to have them closer to the Plaza. The property is useless otherwise- it's a narrow strip along the power lines.

Mr. Mateer stated that the Applicant is seeking a Use Variance, the granting of which requires demonstration of financial hardship should the Variance not be granted. Mr. Mateer inquired if Mr. Buchheit had any evidence of a financial hardship.

Mr. Buchheit stated that the property in question has no other use. It is too narrow for a retail building and not enough property for parking for a retail building.

Mr. Mateer and the Applicant established that the proposed building will be attractive and in keeping with the rest of the Plaza.

Ms. Bowers thanked Mr. Buchheit for providing a layout diagram of what items will be housed in the proposed structure.

Mr. Williams established that there have been no changes to the plan since the Applicant applied for the Variance.

Ms. Rodo confirmed that the Applicant was not running a plow business from the proposed structure.

The Chair thanked Mr. Buchheit for the layout diagram and complimented him on the project.

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 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 expressed his concerns over the evidence of financial hardship required for a Use Variance. He questioned why the lot could not be developed in a different way.

Mr. Buchheit stated that this is a long, skinny strip of land. There is not enough room to provide parking which would be in compliance with Town parking regulations. This is a piece of land on which a house once stood.

Ms. Rodo stated that the Plaza is well maintained and it will be easier to have the necessary equipment closer.

Mr. Williams commented that last winter, the snow removal equipment was out in the open behind the buildings. This project will solve that.

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

1. Per Section 144-63 (E) (1) All public notices have been filed.

2. Strict application of the regulations will deprive the applicant of a reasonable return on the property, and the lack of return is substantial as demonstrated by competent financial evidence.
3. The hardship is unique and does not apply to a substantial portion of the district or neighborhood.
4. The variance will not alter the essential character of the neighborhood.
5. The alleged hardship was 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**.

2. ZBA File# 10-26, Devan Farrell, 4817 Bussendorfer Road, Zoned R-2, (Part of Farm Lot 38, Township 9, Range 7, SBL # 172.03-1-3.11). Requests an Area Variance to construct a detached garage within the front yard. *No accessory structure shall be located within the front yard. §144-24 A (1)(b).*

APPEARANCE: *Ms. Devan Farrell, Applicant*
Mr. Cory Farrell, Applicant

Mr. Farrell explained that the majority of the property is in front of the home. The home is situated over 150 feet off the road. Placing the garage in the backyard would result in looking at a big garage directly out of the kitchen window, he would need to cut down many oak trees in the backyard, and the cost to run the concrete to the garage would be \$58,000. If placed in front of the house, the garage would still be 100 feet back from the road.

Ms. Rodo established that the Applicant has spoken to two (2) of his neighbors, who supported the project.

Ms. Bowers confirmed that it would be a two (2) car garage, it would be used to house one vehicle and personal property, and it would be located 11-12 feet from the eave of the house.

Mr. Williams confirmed that the proposed structure would be 16 feet from the property line.

Mr. Szalkowski complimented the project.

Mr. Mateer stated that it was a smart design for storage space but was large. There are houses on the street that are closer to the road than the proposed garage would be.

Ms. Rodo inquired if the Applicant had considered adding onto the house, and Mr. Farrell stated that he had, but that it would not work well.

Mr. Williams confirmed there would be no other utilities except for electricity in the proposed garage.

Mr. Metz established that the color of the garage would be white, in matching with the home.

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.

The Board discussed the project further. Ms. Rodo and Mr. Williams had issues with it, while the other Board members understood it, found it to reasonable, and supported it.

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	NAY
WILLIAMS	NAY

The **VOTE BEING THREE (3) IN FAVOR, TWO (2) OPPOSED**, The **MOTION** was **APPROVED**.

3. ZBA File# 11-26, Michael Patrick Shea, 13 Lakewood Drive, Zoned R-3, (Sub Lot 14, Map Cover 2174, SBL # 152.15-1-5). Requests two Area Variances for an existing non-conforming shed. First is to have a 10 foot x 10 foot shed located 2 feet from the rear property line. Second is for a 3 foot side setback. *Minimum rear setback for this R-3 lot is 10 feet. Minimum side setback for this R-3 lot is 10 feet. §144-9B Schedule of Height, Lot, Yard, and Bulk Regulations.*

APPEARANCE: *Michael Shea, Applicant*

The Applicant stated that he is here today to alleviate the stress of his shed situation. The shed has been there since he moved in. It sits in the corner of his yard opposite his neighbor's shed, which sits in the corner of his neighbor's property. He was not aware of shed laws.

Ms. Bowers established that the Applicant moved into the house in 2012, he put the shed in, and that the neighbors' sheds are in line with his shed.

Mr. Williams stated that if a Variance were granted, it would apply to this shed only. If the shed were replaced, the Applicant would need to apply for another Variance.

Mr. Mateer inquired if the Applicant had spoken to his neighbors about this Variance request.

The Applicant replied that this is why he is here today- the matter of his shed is in the courts.

Ms. Rodo confirmed that no business will be run out of the shed.

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

*Carmela Davidson
15 Lakewood Drive*

Ms. Davidson stated that the Applicant's shed is so close to her property line that it is causing her problems.

The Chair stated that this portion of the meeting relates to speaking in favor of granting the Variance.

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

NO RESPONSE

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

*Carmela Davidson
15 Lakewood Drive*

Ms. Davidson stated: the Applicant had a shed on the side of the garage that he had to take down because he lost the variance and he took everything that was in the shed and now all the garbage is sitting and she has pictures if you'd like to see, between their houses. Tires, the top of a truck, a (rocking? rotten?) chair, a rim, (inaudible). Now the back one, she has troubles with- her third fence. He puts so much stuff in there that the support posts rot because there's so much water in there. He's taken over the property behind his house. He pushes the old dead trees down so that they fall down behind her fence. Now she has trouble with her fence, needs someone to come and support it.

Mr. Williams attempted to clarify her specific issue with the shed.

She stated that it is too close to her property and there is too much water.

The Applicant asked if this was being recorded and the Secretary confirmed it was being recorded.

The Chair asked the Applicant if he wished to respond.

The Applicant stated: The first shed, the one that was removed, he moved it because he's in Court over these sheds. He was told by Ms. Davidson to buy that shed from her employer and put it on the side of his house to get the bikes out of his garage. He would never have bought a shed and put it on the side of his house in his front yard unless his neighbor actually told him to put it there. He's taken care of the driveways and did the best he could for her and the lady across the street and everybody for decades. Now he's just trying to get rid of the stress here with the shed and he understands that if you think that he's pushing trees down in the backyard he thinks you should go to the psychiatrist...

The Chair and various Board Members interjected in an attempt to calm the situation.

The Applicant stated he needed to leave, he needed a break. It's hard for him to listen to everyone knowing everything, lying, bringing their stuff his way.

The Chair attempted to calm the conversation.

The Applicant began to leave the room. He stated he needed to leave. He stated: I'm in court and if I don't go to court they're going to lock me up over a shed. This is all lies, I'm sorry but this all lies. I'm trying to keep my stress level down and this is just... You're a liar.

The Police Officer called after the Applicant.

Ms. Davidson could be heard, upset in the background. She stated that this is what she has to deal with.

Ms. Bowers made a **MOTION**, seconded by Mr. Williams, to **ADJOURN THE VARIANCE**.

THE VOTE ON THE MOTION BEING:

METZ	AYE
BOWERS	AYE
MATEER	AYE
RODO	AYE
WILLIAMS	AYE

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

The Chair stated that the Variance is adjourned until next month.

The meeting was adjourned at 7:34 P.M.

DATED: 06/01/2026
APPROVED: 06/16/2026

Respectfully submitted,
Kristin B. Mahoney, Recording Secretary

Mr. Robert Metz, Chairman
Zoning Board of Appeals