ZONING BOARD OF APPEALS OF THE TOWN OF ORCHARD PARK, Erie County, New York, minutes of the Orchard Park September 15, 2026, meeting held in the Town of Orchard Park Community Activity Center, 4520 California Road.

MEMBERS PRESENT:	Robert Metz, Chairman Kim Bowers Lauren Kaczor Rodo Michael Williams Matthew Szalkowski, Alternate
EXCUSED:	Dwight Mateer
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 August 18, 2026 meeting.

A **MOTION** was duly made by Ms. Rodo and seconded by Mr. Szalkowski, to **DISPENSE WITH THE READING OF** and **APPROVE THE MINUTES** of the August 18, 2026 ZBA meeting.

THE VOTE ON THE MOTION BEING:

METZ	AYE
BOWERS	AYE
RODO	AYE
WILLIAMS	AYE
SZALKOWSKI	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 Chair announced that Mr. Szalkowski is a voting member tonight, and he announced two changes to the Agenda: File #32-26 has been rescheduled to October and File #34-26 has been removed at the request of the Applicant.

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 / RODO, AYE / WILLIAMS, AYE/ SZALKOWSKI, AYE

The Chair announced that he is recusing himself from File #25-26, and that Ms. Rodo will act as the Chair for that item. He read the Special Rules regarding if only four of the six members vote on an issue; a Variance

request will require three votes to approve. If a vote results in a two-two tie, the motion will be defeated. As a result, we offer petitioners three options, which the Chair read aloud.

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

NEW BUSINESS

1. **ZBA File #18-26, American Hammer Holdings LLC, (Eric Matwijow representing) 0 Abbott Road, Zoned SMU, (Part of Farm Lot 39, Township 9, Range 7, SBL # 161.17-3-13).** Requests an Area Variance to install approximately 70 linear feet of 6 foot high chain link fence along the Northern property line, extending to the right-of-way of a vacant lot. Fence proposed to remain out of the right of way. *Maximum height of a fence in a front yard is 4 feet. §144-22D (4). The following types of fences, wall and hedges are specifically prohibited anywhere in the Town of Orchard Park; chain-link fences in a front yard.*

   APPEARANCE: *Eric Matwijow, 4155 Abbott Road, Applicant*

   The Applicant provided additional photographs to the Board. The Applicant stated he is now seeking to install a 47 foot fence because his neighbor, the Buffalo Bills, have installed additional fencing on their property, reducing the span he needs. He feels that the fence is necessary for security purposes, and that it needs to be six (6) feet tall both to blend in with other fences in the area and so that people have a hard time jumping over it. He stated that he runs a professional parking lot and does not have or want problems on his lot.

   Ms. Bowers inquired if he had problems when the stadium was across the street.

   The Applicant confirmed that the number of people walking through his lot was smaller then, and the land in the area was wet.

   In response to a question from Ms. Bowers, the Applicant stated that he felt that the six (6) foot fence was needed to blend in and to reduce the ability of people to climb over it.

   Ms. Rodo discussed the placement of the Bills' large security rocks in relation to the proposed fence, and she questioned why the Applicant felt he needs the fence.

   Mr. Williams questioned the need for a six (6) foot fence, and how a fence would improve his security.

   Mr. Szalkowski questioned if the Bills may extend their fence even further. He pointed out that the Applicant could erect a four (4) foot fence without coming to the ZBA.

   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 she had not.

   The Board Members discussed the project and then closed the Board discussion.

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

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

   2. There will be an undesirable change in the character of the neighborhood, or a detriment to nearby properties created.

   3. The benefit sought can be achieved in another way, other than the granting of the Variance.

   4. The request is substantial.

5. There will be an adverse effect or impact on the physical or environmental conditions of the neighborhood or district.

6. The difficulty is self-created.

THE VOTE ON THE MOTION BEING:

METZ	NAY
BOWERS	AYE
RODO	AYE
WILLIAMS	AYE
SZALKOWSKI	NAY

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

2. **ZBA File #25-26: Financial Trust Federal Credit Union, 3020 Orchard Park Road, Zoned B-2, (Part of Farm Lot 456, Township 10, Range 7, SBL # 152.12-1-9)**. Requests an Area Variance to replace an existing pedestal sign with a 4 foot x 9 foot digital message board. *Digital signs are prohibited §144-36 A (9).*

The Chair is recusing himself from this matter; Ms. Rodo will act as Chair.

APPEARANCE: *John Morrison, Applicant*

The Applicant stated he seeks to change the top of the current sign to a digital message board. It will not flash and it will be turned off at night. His other credit union branches have message boards.

Ms. Bowers confirmed that the company has two other locations in Orchard Park and it just purchased this current location. She explained that the Town was involved in a lawsuit over billboards years ago and prevailed. She cited several businesses that were denied flashing signs and conceded that a couple of signs did get granted but that was due to the Code, which had not yet been updated.

The Applicant stated it was difficult for him to compete with other institutions that have signs to advertise current rates and promotions.

Ms. Rodo inquired as to how often the wording on the sign would be changed if the Variance was granted.

The Applicant indicated it would be changed rarely- if rates change or there was something else important to broadcast.

Ms. Rodo suggested the possibility of advertising in a different way.

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

(Three times) NO RESPONSE

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

Terry Eagan, 39 Eaglebrook Drive, Orchard Park, NY 14127

Ms. Eagan stated that she feels that this will disrupt the character of the community, create visual noise and pollution, safety hazards, distracted driving, and could create an undesirable precedent.

Sandra Salama, 15 Eaglebrook Drive, Orchard Park, NY 14127

Ms. Salama stated that the signage is bright already and the digital sign is unnecessary. The lights shine into the bedroom in her home. She provided photos to the Board.

Mary Jo Giufre, 53 Eaglebrook Drive, Orchard Park, NY 14127

Ms. Giufre presented a petition to the Board, which was made part of the record. She stated that there is a great deal of traffic in that area already. She explained how cars must navigate the turns and businesses, and how attention to driving is needed. Digital signs are meant to be read, which will take attention away from safe driving.

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

(Two times) NO RESPONSE

The Chair then asked if the Secretary had received any additional communication either for, or against, granting the Variance.

The Secretary stated she had not.

The Chair closed the Public Hearing.

The Board Members discussed the project and then closed the Board discussion.

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

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

2. There will be an undesirable change in the character of the neighborhood, or a detriment to nearby properties created.

3. The benefit sought can be achieved in another way, other than the granting of the Variance.

4. The request is substantial.

5. There will be an adverse effect or impact on the physical or environmental conditions of the neighborhood or district.

6. The difficulty is self-created.

THE VOTE ON THE MOTION BEING:

BOWERS	AYE
RODO	AYE
WILLIAMS	AYE
SZALKOWSKI	AYE

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

3. **ZBA File #23-26: Robert Eisenhauer, 6345 Powers Road, Zoned R-2, (Part of Farm Lot 12 & 20, Township 10, Range 7, SBL # 184.16-1-2.2).** Requests a Use Variance to convert an existing detached accessory building into a "carriage house" dwelling unit. *This 2nd dwelling unit is not permitted in this R2/A1 zone. §144-9A, Schedule of Use Controls*. Note: On 5/21/02 a Use Variance was granted allowing a commercial office to operate from this building. ZBA #09-02.

APPEARANCE: *Holly & Robert Eisenhauer, Applicants*

The Applicants provided sketches and renderings to the Board.

The Applicants stated that they seek to turn the original barn into a carriage house. Their property is nearly 9 acres with a nearly 120 year old farmhouse which has been renovated over the years. Their son and his fiancé will live in the carriage house.

Ms. Rodo explained that this request is for a Use Variance. As such, questions in regard to financial impacts must be addressed. What is the financial impact if the Variance is not granted?

The Applicant stated that should the building be used solely for storage, the costs to fix it would be prohibitive, and no return would be generated.

There were Board questions in regard to what would happen if the son moved out of the property.

Ms. Seibold stated that any Variance granted will run with the land. However, a restriction that the carriage house will not be rented or used as an Airbnb may be placed on it.

The Applicants stated that they do not want anyone living there besides family. If their son left, they would keep it as in-law quarters.

Mr. Szalkowski noted that the project will allow the homeowners to maximize the value of their property.

The Chair stated that a Use Variance is a higher level variance, and therefore, the Board needs to ask some pointed questions. He questioned the Applicants about the acquisition cost, holding and operating costs, and mortgage on the property, as well as income possible from permitted uses and comparative return rates.

The Chair thanked the Applicants for their cooperation in answering the questions.

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.

Amy Whitford, 6375 Powers Road, Orchard Park, NY 14127

Ms. Whitford stated that she had previously submitted a letter to the ZBA regarding her concerns. She read from the letter here. Her concerns are related to the unnecessary-hardship criteria required for a use variance, what will happen to the space at which time Spencer Eisenhauer no longer uses the space, and what would happen if the property was sold. She requested that stipulations be made.

Her letter, in its entirety, has been made part of the official record.

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

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 she had received one letter, opposing the project and it is in the file.

The Board Members discussed the project and then closed the Board discussion.

Mr. Williams stated that he understands why the Applicants want the project, but he is concerned that any variance granted will stay indefinitely.

Mr. Szalkowski stated that he feels that the concerns of the neighbor were addressed during Board discussions. He feels that being overly technical with the language in the Code will deprive the Applicants of a return on their property.

Ms. Bowers stated that we are not talking about adding a business to this acreage. We are adding living quarters. If they wanted to connect the two buildings and make it one bigger house, they could do that without a variance.

Ms. Rodo feels that the correct stipulations are needed in the event the property gets sold. She is having a hard time justifying the "reasonable return" requirement.

The Applicant inquired if a stipulation could state that if generational ownership ends, the variance is null and void.

Ms. Seibold stated that the Board cannot grant a personal variance for the current owners only but it can grant a variance for a defined period of time.

The Chair stated he likes the project but understands why others may have issues with it.

The Board Members further discussed possible Stipulations and then closed the Board discussion.

Ms. Bowers made a **MOTION**, seconded by Mr. Szalkowski, to **GRANT THE USE VARIANCE WITH STIPULATIONS,** 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 not self-created.
6. The property may not be rented, leased, sublet or used as an Airbnb.

7. The Variance will be limited strictly to converting the existing building on the west side of the house into a one-dwelling unit.
8. There will be no expansion of the building without a new Variance.
9. The unit will remain accessory to the main house and cannot be sold or subdivided separately.

There was Board discussion regarding including a Stipulation addressing the use of the new building by family only, but this was not done.

THE VOTE ON THE MOTION BEING:

METZ	AYE
BOWERS	AYE
RODO	NAY
WILLIAMS	NAY
SZALKOWSKI	AYE

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

4. **ZBA File #26-26, Justin Alger, 26 Bittersweet Lane, Zoned R-2, (Sub Lot 139, Map Cover 2336, SBL# 183.14-4-44)**. Requests an Area Variance to construct a 16 foot x 10 foot metal pergola structure less than 2.5 feet from the primary structure. *No accessory structure shall be located closer than 10' to any primary structure §144-24 A (1) (c).*

APPEARANCE: *Justin Alger, Applicant*

The Applicant presented his project. He has considered alternative placements for the pergola, but none of them work due to its size, placement on the existing concrete patio, and proximity to his neighbors.

Ms. Rodo confirmed that the pergola would not be moveable; it would be bolted down.

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 the one letter she received in favor of the project is in the file.

The Board Members discussed the project and then closed the Board discussion.

Ms. Rodo made a **MOTION,** seconded by Mr. Szalkowski, to **GRANT 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, but this does not preclude the granting of the Variance.

THE VOTE ON THE MOTION BEING:

METZ	AYE
BOWERS	AYE

RODO	AYE
WILLIAMS	AYE
SZALKOWSKI	AYE

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

5. **ZBA File #32-26**: The item has been moved to the October 2026 ZBA Meeting at the request of the Applicant.

6. **ZBA File # 33-26**, **Leonard Govenettio, 5741 Seufert Road, Zoned A-1, (Part of Farm Lot 25, Township 9, Range 7, SBL# 197.00-3-79.12).** Requests an Area Variance to construct a 48 foot x 32 foot pole barn with a 15 foot side set back. *Minimum side set back for this A-1 lot is 30 feet. §144-9B, Supplemental Schedule of Height, Lot, Yard & Bulk Regulations.*
APPEARANCE: *Leonard and Lori Govenettio, Applicants*

The Applicant presented his project and stated that the barn cannot be placed in another location due to the property terrain, natural drainage and swale, and placement of a gas line. The adjoining neighbor has no objections.

Ms. Rodo inquired if the Applicant was able to move the barn so that the side set back was 20 feet and the Applicant stated that he could not, due to the presence of the gas line and swale, and that this placement would put it too close to the house.

Mr. Williams asked what the barn would be used for and if its façade would match the house.

The Applicant stated that the barn would be used for storage and the façade would be similar to the house.

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 she had not.

The Board Members discussed the project and then closed the Board discussion.

Mr. Szalkowski made a **MOTION,** seconded by Mr. Williams, to **GRANT 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 not self-created.

THE VOTE ON THE MOTION BEING:

METZ	AYE
BOWERS	AYE
RODO	AYE
WILLIAMS	AYE
SZALKOWSKI	AYE

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

7. **ZBA File # 34-26**, The item has been removed from Agenda at the request of the Applicant.

8. **ZBA File # 35-26, Michael Farkas, 24 Birdsong Parkway, Zoned R-1, (Sub Lot 9, Map Cover 2920, SBL# 173.11-1-1)**. Requests an Area Variance to construct a 20 foot x 20 foot covered patio structure with a 2 foot side set back. *Minimum side set back for this R-1 lot is 15 feet. §144-9B, Supplemental Schedule of Height, Lot, Yard & Bulk Regulations.*

   APPEARANCE: *Michael Farkas, Applicant*
   Glen Smith, 4D Custom Builders

   Mr. Smith presented the project, stating the required pool setback in the backyard has necessitated the movement of the project into the side lot.

   Ms. Bowers confirmed that the brush on the project side of the house belonged to Mr. Farkas, but he stated that the brush had been removed.

   Ms. Bowers inquired as to the portion of the private drainage easement that was on this property.

   Mr. Farkas stated that there was approximately 15 feet of easement on his property and 5 feet of easement on his neighbor's property.

   Ms. Rodo clarified the easement situation with the Applicant.

   Mr. Williams confirmed with Mr. Farkas that in the event of an issue with the private drainage easement, Mr. Farkas was prepared to dig up his property. Mr. Williams confirmed with Ms. Nawrocki that if they build over that easement, it is their responsibility to do what is necessary if there is a problem in the easement.

   Ms. Nawrocki confirmed that this is a private drainage easement, and Mr. Farkas was taking on the risk.

   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 she had not.

   The Board Members discussed the project and then closed the Board discussion.

   The Chair asked if the Applicant had spoken to his next door neighbor. Mr. Farkas explained that he had spoken to the neighbor on the other side and he had no concerns about the project. Mr. Smith had spoken to the neighbor on the project side, who said that he would get back to Mr. Smith, but Mr. Smith has not heard back.

   Ms. Nawrocki stated that the portion of the project behind the house was approved and permitted already.

   The Chair asked if there was any way to reduce the size of the project.

   Mr. Smith stated that they could perhaps reduce the project to 18 feet x 20 feet, thereby increasing the side setback to 4 feet.

   Ms. Bowers made a **MOTION,** seconded by Mr. Szalkowski, to **APPROVE the AREA VARIANCE with a STIPULATION,** 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, but that does not preclude the granting of the Variance.

7. The side setback will be four (4) feet.

THE VOTE ON THE MOTION BEING:

METZ	AYE
BOWERS	AYE
RODO	NAY
WILLIAMS	NAY
SZALKOWSKI	AYE

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

9. **ZBA File # 36-26, Sheryl Zielonka, 3880 Abbott Road, Zoned SMU, (Part of Farm Lot 40, Township 9, Range 7, SBL# 161.00-5-12).** Requests an Use Variance to place a shipping container on the property to be used for private parties during stadium events. *§144-31 A (43) Prohibited uses. A trailer or detached truck body for storage purposes, in any zone, whether on wheels or other supports.*

APPEARANCE: *Sheryl Zielonka, Applicant*
John Mikulec, Game Day Hospitality

Ms. Zielonka stated that she has containers which have been on the property for several years. They are not storage containers. They are moved around. They are used as open bars during stadium events.

Mr. Mikulec explained that they had two shipping container bars. They are temporary and removable. They have never been in the same place for more than a year. They are not truck bodies or trailers. They are moved around. They are not storage containers. The two that were reported are no longer on the property.

Ms. Rodo inquired as to why the Applicant did not build a building.

Mr. Mikulec stated that the structures are temporary and only used for Bills games.

Ms. Rodo asked what was the advantage of these structures over a permanent structure.

Mr. Mikulec stated that they can be moved based on demand. The company is running parking lot events. He rents the property on which the structures are placed.

In response to questioning from Mr. Williams, Ms. Zielonka explained that she (and/or her family) own O'Neill's and two other properties (3880 and 3892 Abbott). Mr. Mikulec is a renter.

Mr. Williams asked what would be the return on the property if the Variance was not granted?

Ms. Zielonka stated she would lose a lot of money.

Mr. Williams asked if these were private parties or ticketed events?

Mr. Mikulec stated that currently 3880 is for private parties and 3892 is for public events.

Ms. Bowers clarified with Ms. Nawrocki that the prohibited use was because it is a shipping container.

There were further questions and discussion in regard to the requested Variance.

Ms. Rodo made a **MOTION**, seconded by Mr. Williams, to **ADJOURN THE MATTER WITH A STIPULATION THAT THE APPLICANT MAY CONTINUE THEIR BUSINESS UNTIL NEXT MEETING.**

THE VOTE ON THE MOTION BEING:

METZ	AYE
BOWERS	AYE
RODO	AYE

WILLIAMS	AYE
SZALKOWSKI	AYE

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

10. **ZBA File# 37-26, Thomas Fox, 233 Ashwood Lane, Zoned R-2, (Sub Lot 94, Map Cover 2984, SBL# 184.08-2-46).** Requests an Area Variance to construct a 26 foot 6 inch x 16 foot accessory structure to replace a previously constructed 16 foot x 16 foot structure with a 5 foot side set back. The previous structure was granted a 5 foot side set back ZBA #12-18. *Minimum side setback for this R-2 lot is 10 feet. §144-9B Schedule of Height, Lot, Yard, and Bulk Regulations.*

APPEARANCE: *Tom Fox, Applicant*

The Applicant handed out a copy of the ZBA Application and a letter of support from a neighbor. He explained his 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

Ms. Rodo asked what the size of the covered portion would be.

Mr. Fox stated it would be 16 feet x 16 feet. He stated that the structure would be 25 feet, six inches, not 26 feet, 6 inches.

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 one letter of support had been received (the same letter the Applicant presented here tonight).

The Board Members discussed the project and then closed the Board discussion.

Mr. Williams made a **MOTION,** seconded by Ms. Bowers, to **GRANT 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, but this does not preclude the granting of the Variance.

THE VOTE ON THE MOTION BEING:

METZ	AYE
BOWERS	AYE
RODO	AYE
WILLIAMS	AYE
SZALKOWSKI	AYE

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

The meeting was adjourned at 9:15 P.M.

DATED: 09/21/2026
APPROVED: 10/20/2026
Mr. Robert Metz, Chairman, Zoning Board of Appeals

Respectfully submitted,
Kristin B. Mahoney, Recording Secretary