ZONING BOARD OF APPEALS OF THE TOWN OF ORCHARD PARK, Erie County, New York, minutes of the Orchard Park October 20, 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 Anna Worang-Zizzi, Director of Community Development

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 September 15, 2026 meeting.

A **MOTION** was duly made by Ms. Rodo and seconded by Mr. Williams to **DISPENSE WITH THE READING OF** and **APPROVE THE MINUTES** of the September 15, 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 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 presented the procedures to be followed at tonight's meeting.

OLD BUSINESS

1. **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 a 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*
Christopher Teeter, Applicant from File #43-26

The Chair questioned the Applicants about the acquisition cost (inherited), holding and operating costs (unknown), and liens (none) on the property, as well as income possible from permitted uses and comparative return rates.

Mr. Williams inquired as to how the containers were moved.

Ms. Zielonka stated they were moved with a forklift, then on the back of a tow trailer.

Ms. Rodo established that the containers were normally not moved week-to-week. They were placed in one spot from the first game to the last game, and there was no business relationship between Ms. Zielonka and Mr. Teeter. One company leases space from both Ms. Zielonka and Mr. Teeter.

Mr. Williams asked if the containers would be moved at the end of the football season.

Ms. Zielonka stated that they would be moved if the Town requires it. She would prefer to keep them on the property year-round. They would be used for three upcoming concerts. They would not be used for non-stadium events.

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.

Doug Bellus, 3859 Sheldon Road

Mr. Bellus does not like the precedent this sets. He feels they are eyesores with no green space and outhouses. He feels this is the wrong way to develop the neighborhood.

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 not.

The Board Members discussed the situation, specifically that a Use Variance was not the appropriate way to address this situation.

Mr. Williams made a **MOTION,** seconded by the Chair, that the definition of a "Shipping Container" does not fit within the definition of "Trailer" or "Truck Body" according to the Town Code and as such, this does not require a Variance. Since this does not require a Variance, no vote will be taken, and the case is referred back to the Town for appropriate action.

THE VOTE ON THE MOTION BEING:

METZ	AYE
BOWERS	AYE
RODO	AYE
WILLIAMS	AYE
SZALKOWSKI	AYE

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

NEW BUSINESS

1. **ZBA File #43-26, Teeter Development LLC, 3904 Abbott Road, Zoned SMU, SBL #161.00-5-14 (Part of Farm Lot 40, Township 9, Range 7).** Requests a 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: *Christopher Teeter, Applicant*

   The Applicant stated he received a violation from the Town.

   Ms. Rodo questioned if there was a reason they needed to move the shipping containers around.

   Mr. Teeter stated they would prefer not to move them.

   Mr. Williams asked who determines where the containers will be placed, and if Mr. Teeter has looked to see if they are placed within Town Code for setbacks, etc.

   Mr. Teeter stated that it determined by the person leasing the property and that he has not looked at that.

   The Chair questioned the Applicants about the acquisition cost ($88,000), current value ($180,000), holding and operating costs (school taxes less than $1000/year because undeveloped land), and liens on the property, as well as income possible from permitted uses and comparative return rates.

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

   (Two 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.

   (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 situation, stating that their comments are the same as those made for File #36-26 above.

   Mr. Williams made a **MOTION,** seconded by the Chair, that the definition of a "Shipping Container" does not fit within the definition of "Trailer" or "Truck Body" according to the Town Code and as such, this does not require a Variance. Since this does not require a Variance, no vote will be taken, and the case is referred back to the Town for appropriate action.

   THE VOTE ON THE MOTION BEING:

METZ	AYE
BOWERS	AYE
RODO	AYE
WILLIAMS	AYE
SZALKOWSKI	AYE

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

2. **ZBA File #32-26, Benderson Development, 3507 & 3519 North Buffalo Road, Zoned B-3, (Part of Farm Lot 14, Township 10, Range 7, SBL #161.08-2-1 & 161.08-2-21.1**). Requests an Area Variance to allow vehicle parking in the front yard of a proposed medical office building. *Vehicle parking shall be prohibited in the front yard in this B-3 zone, §144-29 A (4).*

   APPEARANCE: *James Boglioli, Attorney, Benderson Development*

   Mr. Boglioli provided a handout, describing the project, to the Board members and walked them through it slide by slide.

Mr. Willliams inquired as to why doctors are concerned if there is front parking and Mr. Boglioli stated that they and their patients want to see that there is ample parking, in particular, handicapped-accessible parking.

Ms. Bowers established that there will be 16 parking spaces in the front along Orchard Park Road and 11 parking spaces in the front along Milestrip Road.

Ms. Rodo asked if the Applicant had spoken to any neighbors about the project.

Mr. Boglioli stated that they had spoken to neighbors when the project was initially proposed and there was no opposition. There was an agreement to put a fence in and they plan on honoring that commitment.

The Chair established that there was some commitment from prospective tenant(s), the Applicant was still working on interior layouts and diagrams, and that demolition would begin immediately and construction would start between April 15 and May 15, 2027.

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

Tony Astran, 6563 Milestrip Road

Mr. Astran stated that he would like something positive done with this vacant property.

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.

(Two times) 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 opposed to the project and it was distributed and filed.

The Board Members discussed the project. Mr. Szalkowski supports the project. Ms. Rodo stated that she would like to see less front yard parking but acknowledged that she did not know what else the Applicant could do for parking. Ms. Bowers supports the project. Mr. Williams stated that it is time to do something with the property and the Town can live with this solution. The Chair agreed.

The Chair closed the Board discussion.

The Chair made a **MOTION**, seconded by Ms. Bowers, that based on the SEAF submitted, this is an **Unlisted Action with a Negative Declaration** under SEQR.

THE VOTE ON THE MOTION BEING:

METZ	AYE
BOWERS	AYE
RODO	AYE
WILLIAMS	AYE
SZALKOWSKI	AYE

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

Ms. Bowers made a **MOTION**, seconded by Mr. Szalkowski, to **GRANT THE 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 Chair stated that, based on the SEAF submitted, the Applicant will be required to perform a shovel test for archeological items at the location.

3. **ZBA File #38-26, Karl and Janis Fritz, 6999 Reserve Road, Zoned R-3, SBL #153.06-1-7.21, (Part of Farm Lot 410, Township 10, Range 7**). Requests an Area Variance to construct a 22 foot x 15 foot garage addition with a 13 foot side set back. *Minimum side set back for this R-3 lot is 15 feet. §144-9B, Supplemental Schedule of Height, Lot, Yard & Bulk Regulations.*

APPEARANCE: *Karl and Janis Fritz, Applicants*

Ms. Fritz presented her project.

Ms. Rodo confirmed that no business would be conducted out of the garage and that the Applicants had spoken to the neighbor nearest to where the garage would be.

Mr. Williams confirmed that the siding, trim and roofing would match 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 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. 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 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**.

4. **ZBA File # 40-26, Garrett Amorse & Marisa Banas, 62 Burbank Drive, Zoned R-2, SBL # 161.16-3-63 (Sub Lot 3, Map Cover 2518).** Requests two Area Variances to install a 6-foot wood privacy fence within the required side street yard. *§144-22A(2)c Such fence or wall shall exceed four feet in height. A fence shall be of open, decorative design and permit clear visibility through at least 80% of its vertical area.*

   APPEARANCE: *Garrett Amorose & Marisa Banas, Applicants*

   Ms. Banas presented the project.

   Mr. Williams inquired if the Applicants were agreeable to moving the fence back.

   Ms. Banas stated that they could move it to where the sidewalk meets the driveway.

   Ms. Bowers stated she would accept that modification.

   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 received one letter in opposition to the project, and it is in the file.

   The Board Members discussed the project.

   The Chair questioned whether there would be any additional dogs besides the Applicants' one dog.

   Mr. Amorose stated that their dog sitter had placed a lawn sign on their lawn advertising her business, and that it had caused confusion among the neighbors. There will be no additional dogs and no kennel on their property.

   The Chair closed the Board discussion.

   Ms. Bowers made a **MOTION,** seconded by Mr. Szalkowski, to **GRANT the TWO (2) AREA VARIANCES with 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 this does not preclude the granting of the Variance.
   7. The fence will begin approximately 14 feet from the southeast corner of the residence and approximately 30 feet from the property line, extending south approximately 90 feet to meet the existing fence on the southern boundary of the property.

   THE VOTE ON THE MOTION BEING:

METZ	AYE
BOWERS	AYE
RODO	NAY
WILLIAMS	AYE
SZALKOWSKI	AYE

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

5. **ZBA File # 41-26,** Carl Schleelein (Michelle Negley representing), 3405 North Benzing Road, Zoned I-1, SBL #152.18-1-4 (Part of Farm Lot 27, Township 10, Range 7). Requests an Area Variance for a 32 square foot freestanding sign. *§144-38B(2) Display surfaces shall not exceed 20-square feet.*

   APPEARANCE: *Michelle Negley, Owner, Modern Landscaping, Applicant*

   Ms. Negley presented the project.

   The Chair established that this is for the sign that is already standing at the site.

   Mr. Szalkowski inquired as to why the 32 square feet sign was necessary.

   Ms. Negley stated that she did have a smaller sign and it was not very visible.

   Ms. Bowers confirmed that the sign was already in place.

   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. Williams 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, but that 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**.

6. **ZBA File # 42-26,** 2549 Group LLC (Reid Petroleum), 4297 Abbott Road, (Ulrich Sign Company representing), Zoned B-2, SBL #172.05-1-1.1 (Part of Farm Lot 39, Township 9, Range 7). Requests four (4) Area Variances to construct a non-conforming 57 square foot pedestal sign with two 10 inch posts, and a 6.8 foot high unobstructed area in height from ground to bottom of the sign. *§144-5 Terms Defined, Pedestal Sign- A sign supported by one pedestal permanently placed in the ground, with clear unobstructed area at least eight feet in height from the ground to the bottom of the sign, except for the pedestal which shall not exceed eight inches in horizontal dimension. §144-38C (2) Pedestal sign not to exceed 40 square feet in total surface area.*

   APPEARANCE: *Chris McCaffrey, Ulrich Sign Company,*
   John Pastore, Reid Petroleum

Mr. McCaffrey presented the project. The sign is designed with decorative pole covers and two poles, and stone at the bottom. He offered some ideas on how the sign could be modified if necessary.

Ms. Bowers stated that she liked the stone material and asked for clarification of how the sign could be modified.

Mr. McCaffrey stated that the distance from grade could be raised to seven (7) feet.

Ms. Rodo inquired about the sign's location in relation to power lines.

Mr. McCaffrey stated that the sign needs to be able to swing a minimum of a 10 feet clear arc to the closest point of the property. So, they will definitely do a 10 foot setback from the power lines.

Ms. Rodo would like the sign to be overall shorter to ensure clearance of the lines.

In response to a question from Ms. Nawrocki, Mr. McCaffrey stated that they will move the sign closer to the building if necessary to stay clear of the lines.

The Chair inquired if the sign could be shortened if necessary- in particular where it says "Drive Thru."

Mr. McCaffrey stated that he perhaps could reduce the height of the section from 20 inches to 10 inches.

Ms. Rodo asked how often the price of gas changes, and if that portion was the only LED portion on the sign.

Mr. McCaffrey stated typically, once per day, and that the sign was otherwise backlit.

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 made a **MOTION,** seconded by Ms. Bowers, to **GRANT the FOUR (4) AREA VARIANCES, with Stipulations,** 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.
7. The section which says "Drive Thru" is to be reduced from 20 inches to 10 inches. The unobstructed area in height from the ground to the bottom of the sign shall change from 70 inches to 92 inches and the overall height of the sign will not exceed 16 feet.

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 8:24 P.M.

DATED: 10/28/2026
APPROVED: 11/17/2026

Respectfully submitted,
Kristin B. Mahoney, Recording Secretary

Mr. Robert Metz, Chairman, Zoning Board of Appeals