

**\*\*\*REVISED\*\*\*TOWN OF ORCHARD PARK – ZONING BOARD  
OF APPEALS AGENDA FOR DECEMBER 19, 2023**

**NOTICE IS HEREBY GIVEN** that the Zoning Board of Appeals of the Town of Orchard Park, New York will hold a Public Hearing on **Tuesday, the 19th of December, 2023 at 7:00 P.M.** in the **Orchard Park Community Activity Center, 4520 California Road**, in said Town, in the matter of the following appeals:

MEMBERS: Work session starts at 6:15 P.M. (Members please be prompt.)

**OLD BUSINESS**

1. ZBA File# 21-23, Ellicott Development, 4297 Abbott Road, Zoned B-2, SBL# 172.05-1-1.1 (Part of Farm Lot 39, Township 9, Range 7). Requests 2 Area Variances. The first Variance is for the entranceway(s) of the automotive service station to be 189 feet 5 inches to the nearest residential zone. *Location of exits and entrances. No automotive service station shall have an entrance or exit for vehicles within 300 feet, as measured along the right-of-way, of an existing school, public playground, church, chapel, convent, hospital, public library or any residential district. Such access shall be not closer to any intersection than 30 feet, §144-29C(2).* The second Variance is for front yard parking. *Vehicle parking shall be prohibited in the front yard of B Commercial or in any area set forward of a building when the majority of the building front is at a greater setback than the front line of the building, §144-29A(4).* NOTE: This hearing was adjourned at the 7/18/23 ZBA meeting.

**NEW BUSINESS**

1. File #47-23, Joseph Iafallo, 4177 Abbott Road, Zone B-2, SBL# 161.17-3-9.1, (Lots 2 & 3, Map Cover 1541). Requests a Use Variance to convert his one-family legal non-conforming residence into a two-family residence. *A nonconforming use shall not be extended except within the same building which it partially occupied at the date of the enactment of the ordinance from which this chapter is derived, and then only with the approval of the Board of Appeals, §144-60.*
2. ZBA File# 48-23, Natale Development LLC., 5245 Murphy Road, Zoned SR, SBL# 184.07-1-1.112 (Part of Farm Lot 21, Township 9, Range 7). Requests Area Variances to allow three (3) multi-unit apartment buildings with a height of three (3) stories. *The height of a building at any point shall be no more than 35 feet and 2 ½ stories in this SR zone, § 144-46.1E*
3. ~~ZBA File# 49-23, Prodigy Webster LLC., V/L Webster Road, Zoned R-3, SBL # 161.00-3-28.1 (Part of Farm Lot 16, Township 9, Range 7). Requests 2 Area Variances for a 3-lot (two-family dwelling) subdivision. The first Variance is to allow a 145 foot lot depth. *Minimum lot depth for these lots is 175 feet, § 144-9B, supplemental schedule of height, lot, yard & bulk regulations.* The second Variance is to permit a two-family dwelling on each of these three (3) lots. *No more than 33 1/3 % of lots in any existing or new subdivision shall be used for two-family dwellings, § 144-9A schedule of use controls*~~

**\*\*\* AGENDA ITEM #3 WAS REMOVED BY THE APPLICANT**

THE PETITIONER OR AN AUTHORIZED REPRESENTATIVE MUST ACCOMPANY EVERY PRESENTATION. ALL PERSONS CONCERNED WITH OR INTERESTED IN THE ABOVE APPEALS WILL BE GIVEN THE OPPORTUNITY TO BE HEARD AT THIS PUBLIC HEARING.

Dated: 11/17/2023 revised 12/4/2023  
Orchard Park, New York

Lauren Kaczor Rodo, Chairwoman  
Zoning Board of Appeals