

Minutes  
Village of Orchard Park  
Zoning Board of Appeals  
October 25, 2017

The Village of Orchard Park Zoning Board of Appeals held a meeting on Wednesday, October 25, 2017 at the Municipal Center, 4295 South Buffalo Street, Orchard Park, New York.

Chairman Mike Borowiak called the meeting to order at 7:03 p.m. and stated, "If anyone appearing before the Board is related thru family, financial or business relationship with any member of the Board, it is incumbent upon him to make it known under the New York State Law and the Village Code of Ethics."

Members present:

Chairman, Mike Borowiak  
Bill Riter  
Steve Snyder  
Alternate Scott Hartung  
Alternate Dave Obrochta

Others present:

James Larivey, Code Enforcement Officer  
Christine Hanavan, Secretary  
Matthew Hartung, Trustee  
Jonathan McNatty, Trustee

Members absent:

Gary Phillips  
Amy Glowczynski

The Chairman asked for approval of the minutes of the previous meeting held on June 28, 2017.  
On the question:

SCOTT HARTUNG	YES
DAVE OBROCHTA	YES
BILL RITER	YES
STEVE SNYDER	YES
MIKE BOROWIAK	YES

Chairman Borowiak then stated, "All persons making an appeal before this Board will be heard in accordance with the applicable laws of the State of New York and the Village of Orchard Park. 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 Village Clerk."

Chairman Borowiak asked if site inspections for all cases presented were made by all Board members:

SCOTT HARTUNG	YES
DAVE OBROCHTA	YES
BILL RITER	YES

Zoning Board of Appeals  
Village of Orchard Park  
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STEVE SNYDER                      YES  
MIKE BOROWIAK                  YES

**ZBA Referral**

**Estelle Young**

**6465 New Taylor Road  
Orchard Park, NY 14127  
SBL #162.17-1-35**

*Applicant is requesting a variance to Chapter 225, Schedule II, Height Lot, Yard and Bulk regulations.*

*Applicant is requesting permission for a building, under construction, to remain in its current location with a front yard setback of twenty-four (24) feet. The code stipulates that the front yard setback in a B-1 zone is "as deemed appropriate upon site plan review". The Planning Board has previously approved a front yard setck o thirty-five (35) feet.*

**APPEARANCE:** Estelle Young, Jeffrey Reina, representative for Owl Homes.

**DISCUSSION:** Jeffrey Reina of Lippsitz Green stated that to move the house would incur expense and hardship. He did a comparison of surrounding properties and believes leaving the house where it is would not present a detrimental effect to the neighborhood. He said there was a miscommunication and misunderstanding with the village as it relates to placement of the house and the measurement criteria. The Chairman asked where the misunderstanding occurred and Del Bowser of Owl Homes stated he was told placement must be 45 feet from the center of the road then he was told 35 feet from the curb line not 35 feet from the right-of-way. The subcontractor was responsible to stake the house. Owl Homes said they never saw a building permit. Jeff Sweet, the building inspector said mistakes were made and asked that all factors be taken into consideration when asking for the variance. Jeff Sweet produced a picture of the house that was removed to indicate placement as compared to the current construction.

The Chairman asked two times if there was anyone in the audience who would like to speak in favor of granting the variance. Del Bowser and Dominic Bellanti of Owl Homes of Fredonia spoke in favor of granting the variance.

The Chairman asked two times if there was anyone in the audience who would like to speak against granting the variance. There were none.

The Chairman then asked if the Secretary had received any communications either for, or against, granting the variance. The Secretary stated the Village Planning Board voted against the granting of this variance. An email was received from J. Bradley Rauch of 205 Linwood against the granting of this variance.

Bill Riter made a motion, seconded by Steve Snyder in favor of granting permission for a building, under construction, to remain in its current location with a front yard setback of twenty-four (24) feet.

**THE VOTE ON THE MOTION BEING:**

SCOTT HARTUNG	NO
DAVE OBROCHTA	YES
BILL RITER	NO
STEVE SNYDER	YES
MIKE BOROWIAK	YES

**THE MOTION WAS PASSED.**

Moved by Dave Obrochta, seconded by Steve Snyder to adjourn at 7:34 p.m.

**THE VOTE ON THE MOTION BEING:**

SCOTT HARTUNG	YES
DAVE OBROCHTA	YES
BILL RITER	YES
STEVE SNYDER	YES
MIKE BOROWIAK	YES

**THE MOTION WAS PASSED.**

Respectfully submitted,

Christine Hanavan  
Secretary

Chairman's Approval:

\_\_\_\_\_

Date: \_\_\_\_\_