

Minutes  
Village of Orchard Park  
Zoning Board of Appeals  
November 29, 2017

The Village of Orchard Park Zoning Board of Appeals held a meeting on Wednesday, November 29, 2017 at the Municipal Center, 4295 South Buffalo Street, Orchard Park, New York.

Chairman Mike Borowiak called the meeting to order at 7:02 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  
Gary Phillips  
Bill Riter  
Steve Snyder  
Alternate Scott Hartung

Others present:

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

Members absent:

Dave Obrochta  
Amy Glowczynski

The Chairman asked for approval of the minutes of the previous meeting held on October 25, 2017. Bill Riter made the motion to approve the minutes of the previous meeting seconded by Scott Hartung. On the question:

SCOTT HARTUNG	YES
GARY PHILLIPS	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:

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SCOTT HARTUNG	YES
GARY PHILLIPS	YES
BILL RITER	YES
STEVE SNYDER	YES
MIKE BOROWIAK	YES

**ZBA Referral**

**32 & 36 Linwood LLC  
7025 Ellicott Road  
Orchard Park, NY 14127  
SBL #162.17-1-12.3**

*Applicant is requesting a variance to Chapter 225-18-F1(b) – Size of a building face Sign*

*Applicant is requesting permission to erect a building face sign in excess of what is permitted by code. The code allows 25 square feet of signage on the face of this building. Applicant is requesting permission to erect 40.0 square feet of signage.*

*Applicant is requesting a variance to Chapter 225-18-C(6) – Total Signage*

*Applicant is requesting permission to erect signage of 188.5 square feet. The code stipulates that total signage is not to exceed the permitted building face sign area. Total signage allowed for this building is 25 square feet.*

**APPEARANCE:** Jim Bammel and Mike Lukaszewski of Bammel Architects

**DISCUSSION:** Mr. Bammel explained they were seeking a variance for signage for a through-mall structure and concept where there would be entrances and signage on both sides of the building – the North Buffalo side and the Linwood Avenue side. They are proposing the removal and replacement of the pedestal sign. The building would be re-clad in a brick façade repeating the Promenade sign in the back to identify the shops tastefully and create a character setting. The signs would be lit from top down and extinguished by 7:00 or 8:00 in the evening. The Board asked if less signage for these shops was considered. Mr. Bammel thought this was the best solution for his client and was concerned how the businesses involved would survive without the proposed signage.

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

The Chairman asked three times if there was anyone in the audience who would like to speak against granting the variance.

Kate Nugent of 7 Harvard Place, Kevin Moran of 55 Princeton Place and Tim Lasky of 6 Harvard Place spoke against granting the variance. Specifically, creating a gigantic billboard along Linwood Avenue was discussed. Other negative comments were made that were unrelated to the variance.

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 in favor of granting of this variance.

Mike Borowiak made a motion, seconded by Steve Snyder in favor of granting permission to erect a building face sign in excess of what is permitted by code. Applicant is requesting permission to erect 40.0 square feet of signage.

**THE VOTE ON THE MOTION BEING:**

SCOTT HARTUNG	YES
GARY PHILLIPS	YES
BILL RITER	YES
STEVE SNYDER	YES
MIKE BOROWIAK	YES

**THE MOTION WAS PASSED.**

Mike Borowiak made a motion, seconded by Scott Hartung in favor of granting permission to erect signage of 188.5 square feet. Total signage allowed for this building is 25 square feet.

**THE VOTE ON THE MOTION BEING:**

SCOTT HARTUNG	NO
GARY PHILLIPS	NO
BILL RITER	NO
STEVE SNYDER	NO
MIKE BOROWIAK	YES

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**THE MOTION WAS DENIED.**

Moved by Gary Phillips, seconded by Steve Snyder to adjourn at 7:50 p.m.

**THE VOTE ON THE MOTION BEING:**

SCOTT HARTUNG	YES
GARY PHILLIPS	YES
BILL RITER	YES
STEVE SNYDER	YES
MIKE BOROWIAK	YES

**THE MOTION WAS PASSED.**

Respectfully submitted,

Christine Hanavan  
Secretary

Chairman's Approval:

\_\_\_\_\_

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