

Minutes
Village of Orchard Park
Zoning Board of Appeals
May 29, 2019

The Village of Orchard Park Zoning Board of Appeals held a meeting on Wednesday, May 29, 2019 at the Municipal Center, 4295 South Buffalo Street, Orchard Park, New York.

Chairman Steve Snyder called the meeting to order at 7:00 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, Steve Snyder
Ann Dillon Flynn
Scott Hartung
Gary Phillips
William Riter
Alternate Kevin Moran

Others present:

Matthew Hartung, Trustee
Christine Hanavan, Secretary
John Gullo, Code Enforcement

Members absent:

Alternate David Obrochta

The Chairman asked for approval of the minutes of the previous meeting held on February 20, 2019. William Riter made the motion to approve the minutes of the previous meeting seconded by Scott Hartung. On the question:

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|---------------|-----|
| SCOTT HARTUNG | YES |
| GARY PHILLIPS | YES |
| STEVE SNYDER | YES |

Chairman Snyder 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 Snyder asked if site inspections for all cases presented were made by all Board members: On the question:

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|------------------|-----|
| ANN DILLON FLYNN | YES |
| SCOTT HARTUNG | YES |
| GARY PHILLIPS | YES |

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WILLIAM RITER YES
STEVE SNYDER YES

ZBA Application

**Robert and Ruth Smith
225 Crescent Drive
Orchard Park, NY 14127
SBL #172.16-3-11**

*Applicant is requesting a variance to Municipal Code Section 225 –Attachment 2,
Schedule II R-1 Residential*

*Applicant is requesting permission to construct a garage with a side yard setback of three
(3) feet. The code stipulates that the minimum side yard setback must be ten (10) feet.*

APPEARANCE: Bob and Ruth Smith
Patricia Bailey, Bailey and Harris Architects

DISCUSSION: Architect presented the case for the Smith’s and their need for a garage. They own a business vehicle that requires larger vehicle storage due to the size of the vehicle. The guidewire and telephone pole will not be in the way of the new garage. Chairman Snyder had questions regarding the 3.7 foot setback and felt it is a problem that could be resolved in another way and that it is a very significant request. He noted that 3.7 feet is not consistent all the way down the side yard.

The Chairman asked three times if there was anyone in the audience who would like to speak in favor of granting the variance. Brian Prewitt of 205 Crescent asked what type of vehicle would be stored in the garage. Mr. Smith answered – a pickup truck.

The Chairman asked three 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 Planning Board gave a positive referral to grant the variance.

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Scott Hartung made a motion, seconded by Gary Phillips in favor of granting permission to construct a garage with a side yard setback of three (3) feet. On the question:

THE VOTE ON THE MOTION BEING:

| | |
|------------------|-----|
| ANN DILLON FLYNN | YES |
| SCOTT HARTUNG | YES |
| GARY PHILLIPS | YES |
| WILLIAM RITER | YES |
| STEVE SNYDER | NO |

THE MOTION WAS PASSED.

Moved by William Riter, seconded by Scott Hartung to adjourn at 7:40 p.m.
On the question:

THE VOTE ON THE MOTION BEING:

| | |
|------------------|-----|
| ANN DILLON FLYNN | YES |
| SCOTT HARTUNG | YES |
| GARY PHILLIPS | YES |
| WILLIAM RITER | YES |
| STEVE SNYDER | YES |

THE MOTION WAS PASSED.

Respectfully submitted,

Christine M. Hanavan
Secretary

Chairman's Approval:

Date: _____