

Minutes  
Village of Orchard Park  
Zoning Board of Appeals  
April 28, 2021

The Village of Orchard Park Zoning Board of Appeals held a meeting on Wednesday, April 28, 2021 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  
Scott Hartung  
Gary Phillips  
Bill Riter

Others present:

Lauren Kaczor, 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 October 28, 2020. Scott Hartung, made the motion to approve the minutes of the previous meeting seconded by Gary Phillips. On the question:

SCOTT HARTUNG	YES
GARY PHILLIPS	YES
WILLIAM RITER	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 suggested he would like the Board to vote as a block vote on all seven variances for the ZBA application for Andy Gernold.

William Riter made a motion, seconded by Scott Hartung to vote as a block on all variances presented.

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On the question:

SCOTT HARTUNG	YES
GARY PHILLIPS	YES
WILLIAM RITER	YES
STEVE SNYDER	YES

**THE MOTION WAS PASSED.**

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

SCOTT HARTUNG	YES
GARY PHILLIPS	YES
WILLIAM RITER	YES
STEVE SNYDER	YES

**ZBA Application**

**Thomas Heusinger**  
**55 School Street**  
**Orchard Park, NY 14127**  
**SBL #173.05-1-60.1**

*Applicant is requesting a variance to Municipal Code Section 225 – 12F(1)(c) Accessory Structures in R-Districts*

*Applicant is requesting permission to construct a 600 sq ft carport to an existing 21 x 20 garage (400 sq ft). The code stipulates a maximum of 600 sq ft for an Accessory structure in an R-2 zone.*

**APPEARANCE:** Applicant withdrew their application to appear before the Village Zoning Board of Appeals. Letter attached.

**ZBA Application**

**Andy Gernold**  
**6390 W Quaker St.**  
**Orchard Park, NY 14127**  
**SBL #161.20-5-22**

*Applicant is requesting these variances to Section 225 Schedule II of the Village of Orchard Park Municipal Code:*

- 1. Applicant is requesting permission to reduce the depth of an existing lot that fronts on W. Quaker St. to 128 feet. The code stipulates that the minimum lot depth must be 150 feet in an R-4 zone.*
- 2. Applicant is requesting permission to reduce the area of an existing lot that fronts on W. Quaker Street to 10,496 square feet. The code stipulates that the minimum area of a lot must be 15,000 square feet in an R-4 zone.*
- 3. Applicant is requesting permission to reduce the minimum rear yard setback of an existing structure on a lot that fronts on W. Quaker Street to 36 feet. The code stipulates that the minimum rear yard setback must be 50 feet in an R-4 zone.*
- 4. Applicant is requesting permission to create a building lot with a depth of 82 feet. The code requires a minimum lot depth of 150 feet in an R-4 zone.*
- 5. Applicant is requesting permission to create a building lot with an area of 9,487 square feet. The code requires a minimum lot area of 15,000 square feet.*
- 6. Applicant is requesting permission to build a single-family dwelling with a front yard setback of 20 feet. The code requires a minimum front yard setback of 35 feet or existing whichever is greater in an R-4 zone.*
- 7. Applicant is requesting permission to build a single-family dwelling with a rear yard setback of 25 feet. The code requires a rear yard setback of 50 feet in an R-4 zone.*

APPEARANCE: Andy Gernold of 84 N Lincoln

DISCUSSION: Applicant explained he wants to build a single-family home. The lot is long and rectangular and if the lot had a different orientation so many variances would not be required. He wants to rework and renew the parking lot to a more appropriate size. The Board asked the applicant about the utility pole. He explained it would be to the South and not be an issue. He plans to construct fencing on the east side of the property and the fence on the south side of 6390

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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. 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. Mr. Gary Girardet of 72 Harvard Place sent an email (attached) and attended the meeting as well. Overall he is not opposed to the applicant's requests but he did have some concerns and questions. He addressed the Board members as well as the applicant and received answers to all of his questions.

Moved by Steve Snyder, seconded by Scott Hartung to approve the seven (7) variances to Section 225 Schedule II with the following conditions (see attached).

On the question:

**THE VOTE ON THE MOTION BEING:**

SCOTT HARTUNG	YES
GARY PHILLIPS	YES
WILLIAM RITER	YES
STEVE SNYDER	YES

**THE MOTION WAS PASSED.**

Moved by Scott Hartung seconded by Gary Phillips to adjourn at 7:30 p.m.

On the question:

**THE VOTE ON THE MOTION BEING:**

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

**THE MOTION WAS PASSED.**

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Respectfully submitted,

Christine M. Hanavan  
Secretary

Chairman's Approval:

\_\_\_\_\_

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