

Minutes  
Village of Orchard Park  
Zoning Board of Appeals  
May 26, 2021

The Village of Orchard Park Zoning Board of Appeals held a meeting on Wednesday, May 26, 2021 at the Municipal Center, 4295 South Buffalo Street, Orchard Park, New York.

Acting Chairman Scott Hartung called the meeting to order at 7:01 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:

Acting Chairman, Scott Hartung  
Peter Freyer  
Gary Phillips  
Bill Riter  
Alternate Mark Gerwitz

Others present:

Lauren Kaczor, Trustee  
Christine Hanavan, Secretary  
John Gullo, Code Enforcement

Members absent:

Steve Snyder

The Chairman asked for approval of the minutes of the previous meeting held on April 28, 2021. Gary Phillips made the motion to approve the minutes of the previous meeting seconded by William Riter. On the question:

SCOTT HARTUNG	YES
GARY PHILLIPS	YES
WILLIAM RITER	YES

Acting Chairman Hartung 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."

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

PETER FREYER	YES
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MARK GERWITZ	YES
GARY PHILLIPS	YES
WILLIAM RITER	YES
SCOTT HARTUNG	YES

**ZBA Application**

**Woodview Holdings**

**4493 S Buffalo St.**

**Orchard Park, NY 14127**

**SBL #173.09-1-13**

*Applicant is requesting a variance to Municipal Code Section 225-11(c)1(B) Non-Residential*

*Applicant is requesting permission to construct a 7 ft. fence in a side yard at 4493 South Buffalo St. The code stipulates that the maximum height of a fence in a side yard is 6 ft.*

**APPEARANCE:** Joe Deck

**DISCUSSION:** He explained that he would like to erect a fence in the back corner of the property near the garage. The tenants do not mix well and erecting this solid stockage fence would alleviate some of this problem. Joe Deck has permission from the neighbor to remove the old fence. The new fence will be installed in the same footprint as the removed chain link fence.

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.

Moved by Bill Riter, seconded by Gary Phillips to approve construction of a seven (7) foot fence in a side yard at 4493 South Buffalo St. for Woodview Holdings SBL #173.09-1-13 with the stipulation that written approval from the adjacent property owner is received by the Secretary in a timely manner.

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On the question:

**THE VOTE ON THE MOTION BEING:**

PETER FREYER	YES
MARK GERWITZ	YES
GARY PHILLIPS	YES
WILLIAM RITER	YES
SCOTT HARTUNG	YES

**THE MOTION WAS PASSED.**

Moved by Gary Phillips, seconded by Scott Hartung to adjourn at 8:20 p.m.

On the question:

**THE VOTE ON THE MOTION BEING:**

PETER FREYER	YES
MARK GERWITZ	YES
GARY PHILLIPS	YES
WILLIAM RITER	YES
SCOTT HARTUNG	YES

**THE MOTION WAS PASSED.**

Respectfully submitted,

Christine M. Hanavan  
Secretary

Acting Chairman's Approval:

\_\_\_\_\_

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