

Minutes
Village of Orchard Park
Zoning Board of Appeals
October 27, 2021

The Village of Orchard Park Zoning Board of Appeals held a meeting on Wednesday, October 27, 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
Peter Freyer
Scott Hartung
William Riter
Alternate Mark Gerwitz
Alternate Scott Shuler

Others present:

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

Members absent:

Gary Phillips

The Chairman asked for the approval of the minutes of the previous meeting held on August 25, 2021. Scott Hartung made the motion to approve the minutes of the meeting held on August 25, 2021 seconded by Peter Freyer. On the question:

SCOTT HARTUNG YES
PETER FREYER YES
MARK GERWITZ 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:

PETER FREYER YES
MARK GERWITZ YES

SCOTT HARTUNG	YES
WILLIAM RITER	YES
SCOTT SHULER	YES
STEVE SNYDER	YES

ZBA Application

Tom and Lisa Kieso
81 Potter Avenue
Orchard Park, NY 14127
SBL #173.05-3-22

Applicant is requesting permission to install a generator with a 3 ft. side yard setback at 81 Potter Avenue. The code stipulates that the minimum side yard setback must be 8 ft.

APPEARANCE: Rich Petschke, Contractor

DISCUSSION: Contractor explained he was placing the generator in the only feasible location on the property. It would be on a concrete pad and would be in accordance with fire and village codes. A Board member asked do they cycle and the answer was yes, twice yearly, for one hour. A discussion was had regarding the placement of a hood and the sound decibel for the neighbor.

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.

Mark Gerwitz made a motion, seconded by Scott Hartung in favor of granting permission to install a generator with a 3 ft. side yard setback at 81 Potter Avenue SBL #173.05-3-22 with the stipulation that a hood be placed on the exhaust to drive the exhaust down and away from the driveway.

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On the question:

THE VOTE ON THE MOTION BEING:

PETER FREYER	YES
MARK GERWITZ	YES
SCOTT HARTUNG	YES
WILLIAM RITER	YES
SCOTT SHULER	YES
STEVE SNYDER	YES

THE MOTION WAS PASSED.

Moved by Bill Riter seconded by Scott Hartung to adjourn at 7:13 p.m.

On the question:

THE VOTE ON THE MOTION BEING:

PETER FREYER	YES
MARK GERWITZ	YES
SCOTT HARTUNG	YES
WILLIAM RITER	YES
SCOTT SHULER	YES
STEVE SNYDER	YES

THE MOTION WAS PASSED.

Respectfully submitted,

Christine M. Hanavan
Secretary

Chairman's Approval:

Date: _____