

Minutes
Village of Orchard Park
Zoning Board of Appeals
October 5, 2022

The Village of Orchard Park Zoning Board of Appeals held a meeting on Wednesday, October 5, 2022 at the Municipal Center, 4295 South Buffalo Street, Orchard Park, New York.

Acting Chairman Scott Hartung called the meeting to order at 6:59 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
William Riter
Mark Gerwitz, Alternate
Scott Schuler, Alternate

Others present:

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

The Acting Chairman asked for the approval of the minutes of the previous meeting held on May 25, 2022. Gary Phillips made the motion to approve the minutes of the meeting held on May 25, 2022 seconded by William Riter. On the question:

PETER FREYER	YES
SCOTT HARTUNG	YES
GARY PHILLIPS	YES
WILLIAM RITER	YES
SCOTT SCHULER	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
SCOTT HARTUNG	YES
GARY PHILLIPS	YES
WILLIAM RITER	YES
SCOTT SCHULER	YES

ZBA Application

Steven J. Ruppel

4527 S Buffalo St.

Orchard Park, NY 14127

SBL #173.09-1-16

Applicant is requesting permission to install a 6' fence in a side yard at 4527 S Buffalo St. The code stipulates that the maximum height of a fence in a side yard is 3 feet.

APPEARANCE: Mr. and Mrs. Steven Ruppel

DISCUSSION: The applicant stated his reason for the variance request for a fence. The purpose of the fence would be to contain their dogs, protect from wild life and to have more privacy. They stated that the gate on the right side would be 5' and the gate on the left would be 4'. Questions were asked and answered why the difference in the size of the gates. Board member Riter asked if landscaping has been considered. The applicant indicated that yes after the fence was installed they would assess the ascetics.

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. A letter was received from Thomas and Nicole Braun of 4523 S Buffalo St. indicating they were in favor of granting the variance.

William Riter made a motion, seconded by Gary Phillips in favor of granting permission to install a 6' fence in a side yard at 4527 S Buffalo St. SBL #173.09-1-16 with the stipulation that the driveway side of the fence is not further than the ½ point of the side of the house and all fence changes must be approved by the Building Inspector.

On the question:

THE VOTE ON THE MOTION BEING:

PETER FREYER	YES
SCOTT HARTUNG	YES
GARY PHILLIPS	YES
WILLIAM RITER	YES
SCOTT SCHULER	YES

THE MOTION WAS PASSED.

ZBA Application

Gerard and Jodie Cappelli
6655 E Quaker St.
Orchard Park, NY 14127
SBL #162.17-7-12.1

Applicant is requesting permission to construct a covered rear porch on the house and accessory structure at 6655 E Quaker St. in a required yard. The code stipulates that every part of a required yard must be open to the sky unobstructed.

Applicant is requesting permission to construct an Accessory Structure in an R-1 zone. The resulting structure will have an area of 720 sq. ft. The code stipulates that any structure exceeding 600 square feet in an R-1 zone must be considered a principal structure.

Applicant is requesting permission to construct an Accessory Structure with a structure height of 26 ft. and have two (2) stories. The code stipulates that an accessory building shall not exceed one story and 14 feet in height and that only one principal building is permitted on a lot of record in an R-1 zone.

Applicant is requesting a side yard setback of 2'6" and 4'6" for the Accessory Structure. The code stipulates an 8' side yard setback.

Applicant is requesting a 2'3" side yard setback to erect a covered porch off the rear of the house. The code stipulates an 8' side yard setback is required.

APPEARANCE: Gerard Cappelli, Applicant

DISCUSSION: Applicant explained the need for an Accessory structure on his property. They currently do not have a garage. The garage would add additional security as well as protection from the weather. The structure would provide storage for tools, snow blower and furniture in the winter. It would also save on unnecessary storage rental.

The Chairman asked three times if there was anyone in the audience who would like to speak in favor of granting the variance. Sally Pyne of 6650 E Quaker stated that the structure would enhance the property as well as provide Mr. Cappelli the ability to safely enter 20A by pulling out forward into traffic. Jason Ehlert of 6642 E Quaker also stated that the accessory structure enhances the overall appearance of Mr. Cappelli's property.

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. Stephen and Lydia Idzuir of 6659 E Quaker reviewed the plans and drawings and do not have any objections. Paige and Jens Carstensen of 6641 E Quaker reviewed the plans and drawings and do not have any objections.

Moved by William Riter, seconded by Gary Phillips, to approve the five (5) variances to Municipal Code Section 225-11 and Section 225-12 of the Village Code with the stipulation that the second floor garage will never be used as residential living space.

On the question:

THE VOTE ON THE MOTION BEING:

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PETER FREYER	YES
SCOTT HARTUNG	YES
GARY PHILLIPS	YES
WILLIAM RITER	YES
SCOTT SCHULER	YES

THE MOTION WAS PASSED.

Moved by William Riter seconded by Gary Phillips to adjourn at 7:35 p.m.

On the question:

THE VOTE ON THE MOTION BEING:

PETER FREYER	YES
SCOTT HARTUNG	YES
GARY PHILLIPS	YES
WILLIAM RITER	YES
SCOTT SCHULER	YES

THE MOTION WAS PASSED.

Respectfully submitted,

Christine M. Hanavan
Secretary

Acting Chairman's Approval:

Date: _____