

Minutes
Village of Orchard Park
Zoning Board of Appeals
August 25, 2021

The Village of Orchard Park Zoning Board of Appeals held a meeting on Wednesday, August 25, 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
Peter Freyer
Gary Phillips
Mark Gerwitz

Others present:

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

Members absent:

William Riter
Scott Shuler

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

GARY PHILLIPS	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:

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PETER FREYER	YES
MARK GERWITZ	YES
SCOTT HARTUNG	YES
GARY PHILLIPS	YES
STEVE SNYDER	YES

ZBA Application

**4260 North Buffalo Inc.
4260 N Buffalo St.
Orchard Park, NY 14127
SBL #162.17-1-14.11**

Applicant is requesting permission to construct a covered porch at 4260 N Buffalo St. in a required yard. The code stipulates that every part of a required yard must be open to the sky unobstructed.

APPEARANCE: Jim Bammel, Bammel Architects, Box 364, Orchard Park, NY

DISCUSSION: Jim stated on behalf of Mangia Restaurant he apologizes for having to ask for forgiveness in the construction of the covered porch. Mr. Ricotta wanted to have the porch finished before Quaker days. The board had questions regarding the rain run off and was assured by Mr. Bammel that he would make every effort to manage the issue and will look into it and the possibilities to resolve. The Board raised the issue of forgiveness and the frequency of these requests. There will be no more forgiveness given to Mr. Ricotta's properties after tonight. Permits and referrals must be submitted timely.

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.

Scott Hartung made a motion, seconded by Gary Phillips in favor of granting permission to construct a covered porch at 4260 N Buffalo St. SBL #162.17-1-14.11 with the stipulation that the porch will never be enclosed, permanent or temporary.

On the question:

THE VOTE ON THE MOTION BEING:

PETER FREYER	YES
MARK GERWITZ	YES
SCOTT HARTUNG	YES
GARY PHILLIPS	YES
STEVE SNYDER	YES

THE MOTION WAS PASSED.

Moved by Gary Phillips seconded by Steve Snyder 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
GARY PHILLIPS	YES
STEVE SNYDER	YES

THE MOTION WAS PASSED.

Respectfully submitted,

Christine M. Hanavan
Secretary

Chairman's Approval:

Date: _____