

Minutes
Village of Orchard Park
Zoning Board of Appeals
April 26, 2023

The Village of Orchard Park Zoning Board of Appeals held a meeting on Wednesday, April 26, 2023 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
Gary Phillips
William Riter
Mark Gerwitz, Alternate

Others present:

Matthew Hartung, Trustee
John Gullo, Code Enforcement Officer
Christine Hanavan, Secretary

The Chairman asked for the approval of the minutes of the previous meeting held on March 1, 2023. Scott Hartung made the motion to approve the minutes of the meeting held on March 1, 2023 seconded by Mark Gerwitz. On the question:

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|---------------|-----|
| STEVE SNYDER | YES |
| SCOTT HARTUNG | YES |
| GARY PHILLIPS | YES |
| MARK GERWITZ | 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 |
| SCOTT HARTUNG | YES |
| GARY PHILLIPS | YES |
| WILLIAM RITER | YES |
| STEVE SNYDER | YES |

ZBA Application

**1700 Union Rd. LLC
7645 Quaker Rd.
Orchard Park, NY 14127
SBL #172.12-1-25.1**

*Applicant is requesting permission to reduce the rear yard setback to 5' at 75 Bank St.
The code stipulates that a 30' rear yard setback is required.*

APPEARANCE: Jimmy Jerge and Daniel Martin, Architect

DISCUSSION: Applicant explained that trailers and trucks would be housed inside the warehouse to maximize space and is the reason for the width of the building. There will be four units @ 2,000 sq. ft. each. The setbacks are in line with other properties. There will be floor drains in the warehouse.

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 to approve or deny the request for permission to reduce the rear yard setback to 5' at 75 Bank St. SBL #172.12-1-25.1.
On the question:

THE VOTE ON THE MOTION BEING:

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|---------------|---------|
| PETER FREYER | APPROVE |
| SCOTT HARTUNG | APPROVE |
| GARY PHILLIPS | APPROVE |
| WILLIAM RITER | APPROVE |
| STEVE SNYDER | APPROVE |

THE MOTION WAS PASSED.

ZBA Application

6506 E Quaker RE, LLC
6506 E Quaker St.
Orchard Park, NY14127
SBL #162.17-2-12

Applicant is requesting permission to have a drive-up lane for customers to pick up take-out food from OP Social Tap & Grille located at 4247 N Buffalo Rd. The code stipulates Drive-Through Facility is defined as a establishment which includes provision for a customer to conduct business at a financial institution while remaining within a motor vehicle.

APPEARANCE: Jillian Avery

Alan Incorvaia, VP of Operations for Hart Hotels

DISCUSSION: Jillian read her request for the variance to the Zoning Board. Mr. Incorvaia presented his appeal for use of the parking spaces. There was a discussion regarding the use of the public parking spaces during the active Covid pandemic. Codes were forgiven in order for businesses to remain open during this time.

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 Village Planning Board gave a negative referral to grant the variance.

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William Riter made a motion, seconded by Gary Phillips to approve or deny the request to have a drive-up lane for customers to pick up take-out food from OP Social Tap & Grille located at 4247 N Buffalo Rd. SBL #162.17-2-12

On the question:

THE VOTE ON THE MOTION BEING:

| | |
|---------------|------|
| PETER FREYER | DENY |
| SCOTT HARTUNG | DENY |
| GARY PHILLIPS | DENY |
| WILLIAM RITER | DENY |
| STEVE SNYDER | DENY |

THE MOTION WAS DENIED.

Moved by Gary Phillips, seconded by Scott Hartung to adjourn at 7:37 p.m.

On the question:

THE VOTE ON THE MOTION BEING:

| | |
|---------------|-----|
| PETER FREYER | YES |
| SCOTT HARTUNG | YES |
| GARY PHILLIPS | YES |
| WILLIAM RITER | YES |
| STEVE SNYDER | YES |

THE MOTION WAS PASSED.

Respectfully submitted,

Christine M. Hanavan
Secretary

Acting Chairman's Approval:

Date: _____