

Minutes
Village of Orchard Park
Zoning Board of Appeals
June 28, 2023

The Village of Orchard Park Zoning Board of Appeals held a meeting on Wednesday, June 28, 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
Scott Hartung
Gary Phillips
William Riter
Mark Gerwitz, Alternate

Others present:

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

The Chairman asked for the approval of the minutes of the previous meeting held on April 26, 2023. William Riter made the motion to approve the minutes of the meeting held on April 26, 2023 seconded by Scott Hartung. On the question:

STEVE SNYDER	YES
MARK GERWITZ	YES
SCOTT HARTUNG	YES
GARY PHILLIPS	YES
WILLIAM RITER	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:

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

ZBA Application

Michael Bonetto

108 Rainbow Terrace

Orchard Park, NY 14127

SBL #162.17-5-24

Applicant is requesting permission to erect a privacy fence higher than permitted and closer to exterior side yard right of way. The code stipulates the fence is not to exceed 3 ft. in front and side yards and not closer than 5 ft. to the right of way.

APPEARANCE: Michael Bonetto

DISCUSSION: The photos show the fence completed. Applicant is asking for forgiveness. The Board feels the fence doesn't look within keeping with the neighborhood. The applicant stated that he planned to power wash the fence and let it weather naturally. There was discussion on different ways to make the fence a little more decorative. The Board sympathized with the resident's privacy issues.

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 negative referral to grant the variance.

Steve Snyder made a motion, seconded by Scott Hartung to approve the request for permission to erect a privacy fence higher than permitted and closer to exterior side yard right of way at 108 Rainbow Terrace SBL #162.17-5-24 with the following stipulations:

1. The Building Inspector will have the final approval on the fence design and changes.
2. The fence must be maintained with paint, stain, seal, power wash in a uniform color not later than Spring of 2024.
3. 5-6 ft maximum height to include 1 ft. scallop or lattice top for front and side yard.
4. The fence is not to exceed 6 ft. in the rear yard.

On the question:

THE VOTE ON THE MOTION BEING:

MARK GERWITZ	APPROVE
SCOTT HARTUNG	APPROVE
GARY PHILLIPS	APPROVE
WILLIAM RITER	APPROVE
STEVE SNYDER	APPROVE

THE MOTION WAS CARRIED.

ZBA Application

**Clifford Boncore
6479 W. Quaker St.
Orchard Park, NY 14127
SBL #173.05-1-10**

Applicant is requesting permission to install an LED TV monitor in the window with changing images and permission to increase the sq footage for a window sign for the Aesthetic Facial Center LLC located at 4278 S. Buffalo St. The code stipulates revolving, moving, flashing, blinking signs or signs that appear to be in motion are not permitted. Window signs may not exceed 20% of coverage.

APPEARANCE: Carol Boule
Jacquelyn Montemaui, RA (Bammel Architects)

DISCUSSION: The Applicant is asking for forgiveness as the monitor is already installed.

The monitor is LCD matte finish screen with anti-glare. The images on the monitor will not be constantly changing but only once a week and will be turned off each day by 10:00 p.m. The window will be empty except for the TV monitor.

The Chairman asked three times if there was anyone in the audience who would like to speak in favor of granting the variance. Maria Gawronski, Mary Hinterger spoke in favor of granting the variance and a letter was received from Joe Wales of Arthurs Hardware in favor of granting the variance.

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.

William Riter made a motion, seconded by Mark Gerwitz to approve the request to install an LED TV monitor in the window with changing images and permission to increase the square footage for a window sign for the Aesthetic Facial Center LLC located at 4278 S Buffalo St. SBL #173.05-1-10 with the following stipulations:

1. The TV monitor can be operable from 7:00 a.m. – 10:00 p.m.
2. No other signage or lettering allowed in the window.
3. No scrolling or flashing on the TV monitor.
4. The increased square footage is approved for the window sign.

On the question:

THE VOTE ON THE MOTION BEING:

MARK GERWITZ	APPROVED
SCOTT HARTUNG	APPROVED
GARY PHILLIPS	APPROVED
WILLIAM RITER	APPROVED
STEVE SNYDER	APPROVED

THE MOTION WAS CARRIED. .

ZBA Application

Pamela B. Arena

51 Clark Street

Orchard Park, NY 14127

SBL #173.05-2-16

Applicant is requesting permission to install a 6' fence in a side yard at 51 Clark St. The code stipulates that the maximum height of a fence in a side yard is 4 feet.

APPEARANCE: Pamela Arena
Todd Barniak

DISCUSSION: The aesthetic is appealing. The applicant indicated the fence would be white vinyl and want to connect the man door to the garage.

The Chairman asked three times if there was anyone in the audience who would like to speak in favor of granting the variance. Nora Sainte of 47 Clark St., John Joseph of 64 Clark St. and Mike Santoro of 44 Clark St. signed a petition in favor of granting the variance.

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 positive referral to grant the variance.

Scott Hartung made a motion, seconded by William Riter to approve the request to install a 6' fence in a side yard at 51 Clark Street SBL #173.05-2-16 with the following stipulations:

1. The solid fence will be four (4) feet with a two (2) foot lattice or other decorative feature on top.
2. Fence material to be white vinyl.

Zoning Board of Appeals
Village of Orchard Park
June 28, 2023
On the question:

THE VOTE ON THE MOTION BEING:

MARK GERWITZ	APPROVE
SCOTT HARTUNG	APPROVE
GARY PHILLIPS	APPROVE
WILLIAM RITER	APPROVE
STEVE SNYDER	APPROVE

THE MOTION WAS CARRIED.

Moved by Gary Phillips, seconded by William Riter to adjourn at 8:15 p.m.

On the question:

THE VOTE ON THE MOTION BEING:

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

THE MOTION WAS PASSED.

Respectfully submitted,

Christine M. Hanavan
Secretary

Chairman's Approval:

Date: _____