

Minutes
Village of Orchard Park
Zoning Board of Appeals
July 27, 2023

The Village of Orchard Park Zoning Board of Appeals held a meeting on Thursday, July 27, 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
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 June 28, 2023. Gary Phillips made the motion to approve the minutes of the meeting held on June 28, 2023 seconded by Mark Gerwitz. On the question:

STEVE SNYDER	YES
MARK GERWITZ	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
PETER FREYER	YES
MARK GERWITZ	YES
GARY PHILLIPS	YES
WILLIAM RITER	YES

ZBA Application

**Elisabeth Britton
49 Potter Avenue
Orchard Park, NY 14127
SBL #173.05-3-28**

Applicant is requesting a variance to Municipal Code Section 225.12(F) 1(C) & (E) Accessory structures in R-Districts.

Applicant is requesting permission to extend the existing garage .5 feet from the side lot line. The code stipulates a resident can build no closer than 8 feet from the side.

Applicant is also requesting permission to increase the garage structure to 817 square feet. The code stipulates not more than 600 square feet in an R1 zone.

APPEARANCE: Heather Nemec, Architect

DISCUSSION: Three family members live in the area and they would like to bring their mother here to live. There is currently a two car garage with an apartment behind it. The apartment is in disrepair. The intention is to make it handicap accessible, keeping it within the character of the neighborhood and the existing garage is not large enough. The plan is to leave the garage as is and investigate further the back building and then expand it.

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.

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

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 all three requests for the variance.

Mark Gerwitz made a motion, seconded by William Riter to approve the request for permission to extend the existing garage .5 feet from the side lot line, to increase the garage structure to 817 square feet and permanently extend the existing apartment to match the rear lot line with the stipulation that no additional living space is allowed beyond the current drawings.

On the question:

THE VOTE ON THE MOTIONS BEING:

PETER FREYER	APPROVED
MARK GERWITZ	APPROVED
GARY PHILLIPS	APPROVED
WILLIAM RITER	APPROVED
STEVE SNYDER	APPROVED

THE MOTION WAS CARRIED.

Moved by William Riter, seconded by Gary Phillips to adjourn at 7:30 p.m.

On the question:

THE VOTE ON THE MOTION BEING:

PETER FREYER	YES
MARK GERWITZ	YES
GARY PHILLIPS	YES
WILLIAM RITER	YES
STEVE SNYDER	YES

THE MOTION WAS PASSED.

Respectfully submitted,

Christine M. Hanavan
Secretary

Chairman's Approval:

Date: _____