

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

The Village of Orchard Park Zoning Board of Appeals held a meeting on Wednesday, September 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  
Scott Shular, 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 August 23, 2023. Gary Phillips made the motion to approve the minutes of the meeting held on August 23, 2023 seconded by Scott Shular. On the question:

GARY PHILLIPS	YES
SCOTT SHULAR	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:

Peter Freyer	YES
Mark Gerwitz	YES
Gary Phillips	YES
William Riter	YES
Steve Snyder	YES

**ZBA Application**

**Paul Hogan Jr.**

**190 Forest Drive**

**Orchard Park, NY 14127**

**SBL #173.06-1-14**

*Applicant is requesting a variance to Municipal Code Section 225 Schedule II Height, Lot, Yard and Bulk Regulations*

*Applicant is requesting permission to erect an addition into the exterior side yard setback. A 9 ft. setback is requested. The code stipulates a 35 ft. setback is required.*

**APPEARANCE:** Paul Wodzinsky

**DISCUSSION:** He stated that the resident was asking for a variance to put an addition on the garage. He indicated the setback became necessary when S Meadow was put in. The addition would be exactly the same finish as the house. There will be a sidewalk around the house.

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.

Gary Phillips made a motion, seconded by Mark Gerwitz to approve the request for permission to erect an addition into the exterior side yard with a setback of 9 ft. at 190 Forest Drive SBL #173.06-1-14

On the question:

**THE VOTE ON THE MOTIONS BEING:**

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

**THE MOTION WAS PASSED.**

**ZBA Application**

**Terese Nelson  
101 S Lincoln Avenue  
Orchard Park, NY 14127  
SBL #173.05-1-50**

*Applicant is requesting a variance to Municipal Code Section 225-11  
Lot, Height, Yard and maximum coverage requirements*

*Applicant is requesting permission to erect a 6 ft. fence in an exterior side yard. The code stipulates a maximum of 4 ft. is required.*

*Applicant is requesting permission to erect a fence 16.92 ft. from the exterior side yard lot line. The code stipulates 35 ft. is permitted.*

APPEARANCE: John Fithian, Resident

DISCUSSION: John explained they are long time residents of the Village and plan to stay here. They have three children and a dog. He explained the need for more privacy and coverage in their yard. The Board indicated they like the “preferred” fence but with the shadow box style. It is more visually pleasing. John indicated there would be a new gate and the fence would have a natural wood stain. See below for stipulations needed for approval.

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. Lisa Berst of 110 S. Lincoln spoke against granting the Variance.

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 David Humphrey of 118 S Lincoln in opposition to the Variance request. (see attached)

William Riter made a motion, seconded by Mark Gerwitz to approve the request for permission to erect a 6 ft. fence in an exterior side yard and permission to erect a fence 16.92 ft. from the exterior side yard lot line at 101 S Lincoln Ave. with the following stipulations: the fence must be 5-5 ½ feet high with a scalloped top, uniform natural stain finish and shadowbox style, and wood, not plastic, material. SBL #173.05-1-50.

Zoning Board of Appeals  
Village of Orchard Park  
September 27, 2023

On the question:

**THE VOTE ON THE MOTIONS BEING:**

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

**THE MOTION WAS PASSED.**

Moved by Gary Phillips, seconded by Mark Gerwitz to adjourn at 7:35 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: \_\_\_\_\_