

Minutes  
Village of Orchard Park  
Zoning Board of Appeals  
April 24, 2024

The Village of Orchard Park Zoning Board of Appeals held a meeting on Wednesday, April 24, 2024 at the Municipal Center, 4295 South Buffalo Street, Orchard Park, New York.

Acting Chairman Scott Hartung 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:

Acting Chairman Scott Hartung  
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 Acting Chairman asked for the approval of the minutes of the previous meeting held on March 27, 2024. William Riter made the motion to approve the minutes of the meeting held on March 27, 2024 seconded by Scott Hartung. On the question:

PETER FREYER	Yes
MARK GERWITZ	Yes
GARY PHILLIPS	Yes
WILLIAM RITER	Yes
SCOTT SCHULER	Yes
SCOTT HARTUNG	Yes

Acting Chairman Hartung 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."

Acting Chairman Hartung 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
GARY PHILLIPS	Yes
WILLIAM RITER	Yes
SCOTT HARTUNG	Yes

**ZBA Application**

**Western New York Railway Historical Society  
2 Highland Avenue  
Orchard Park, NY 14127  
SBL #172.12-1-32.1**

*Applicant is requesting a variance to Municipal Code Section 225 Schedule I  
Use Controls*

*Applicant is requesting a Use Variance to the Village of Orchard Park Municipal Code  
to obtain a conforming use for the buildings and surrounding property at 2 Highland  
Avenue.*

**APPEARANCE:** Jeff Sweet  
Jim Slominski

**DISCUSSION:** Jeff Sweet gave a brief history of the Depot and explained that friends of the  
of the Depot are funding the current expenses. He stated there are two primary  
reasons for this request – 1. Getting a Use Variance in the record books and 2.  
Ensure that all historical buildings are conforming.

The Chairman asked three times if there was anyone in the audience who would like to  
speak in favor of granting the variance.

**Fran Hogenkamp** of 6404 W Quaker St. spoke on the historical aspect of preserving the  
richness of history and was in support of the variance request.

**Pat Leach** of 281 Sunset and President of the Garden Club was in support of the variance request.

**Nancy Wilson** of 358 S. Lincoln stated that the Depot makes wonderful neighbors and was in support of the variance request.

**Jim Smolinski** of 6529 Cole Road is the co-chairman and owner of the Railroad Depot and was in support of the variance request.

**Christine Gibbons** of 7949 Burr Road is a Board member and Treasurer of the Historical Society and was in support of the variance request.

**Gary Ludwig** of 7480 Michael Road was in support of the variance request.

**Carl Youngers**, President of the Historical Railway Society was in support of the variance.

**Howie Holmes**, President of the Historical Society stated that the Depot contributes and enhances the community and was in support of the variance request.

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. The Village Office also received clarifying correspondence from the Orchard Park Chief of Police as well as a supporting letter from the President of the Erie Cattaraugus Rail.

William Riter made a motion, seconded by Gary Phillips to approve or deny the request for a Use Variance to be permitted for the sole purpose and primary use as a museum and an accessory or secondary use of a historical and educational center for the Orchard Park Railroad Depot located at 2 Highland Avenue SBL #172.12-32.1 Any and all events will require a special event contract be completed and approved by the Village of Orchard Park with the stipulation if the ownership changes hands to an entity other than a non-profit organization the approval becomes null and void.

On the question:

**THE VOTE ON THE MOTION BEING:**

PETER FREYER	APPROVE
MARK GERWITZ	APPROVE
GARY PHILLIPS	APPROVE

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WILLIAM RITER	APPROVE
SCOTT HARTUNG	APPROVE

**THE MOTION WAS PASSED.**

Moved by Mark Gerwitz seconded by William Riter to adjourn at 7:36 p.m.

On the question:

**THE VOTE ON THE MOTION BEING:**

PETER FREYER	Yes
MARK GERWITZ	Yes
GARY PHILLIPS	Yes
WILLIAM RITER	Yes
SCOTT HARTUNG	Yes

**THE MOTION WAS PASSED.**

Respectfully submitted,

Chairman's Approval:

Christine M. Hanavan  
Secretary

Date: \_\_\_\_\_