

Minutes
Village of Orchard Park
Zoning Board of Appeals
June 26, 2024

The Village of Orchard Park Zoning Board of Appeals held a meeting on Wednesday, June 26, 2024 at the Municipal Center, 4295 South Buffalo Street, Orchard Park, New York.

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:

Chairman Steve Snyder
Scott Hartung
Gary Phillips
William Riter
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 April 24, 2024. William Riter made the motion to approve the minutes of the meeting held on April 24, 2024 seconded by Gary Phillips. On the question:

GARY PHILLIPS	Yes
WILLIAM RITER	Yes
SCOTT SCHULER	Yes
SCOTT HARTUNG	Yes
STEVE SNYDER	Yes

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."

Chairman Hartung asked if site inspections for all cases presented were made by all Board members: On the question:

SCOTT HARTUNG	Yes
GARY PHILLIPS	Yes
WILLIAM RITER	Yes
SCOTT SHULER	Yes
STEVE SNYDER	Yes

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ZBA Application

Simon T. and Sarah Kuntz
115 Thorn Avenue
Orchard Park, NY 14127
SBL #172.12-1-10

Applicant is requesting a variance to Municipal Code Section 225 -11(C)(1)A Lot, height, yard and maximum coverage requirements. Wall, hedge or fence not over 4 ft. high in any side yard.

Applicant is requesting permission to erect a six ft. fence in a side yard setback. The code stipulates not to exceed 4 ft. high in a side yard setback.

APPEARANCE: Simon and Sarah Kuntz

DISCUSSION: The residents removed damaged arborvitae and replaced with a fence. The fence was built further than allowed in the side yard. It was a non-intentional mistake.

The Chairman asked three times if there was anyone in the audience who would like to speak in favor of granting the variance. Matthew Hartung of 105 Thorn Ave. stated that he and his wife Nancy approve of the fence and the work they are doing in their yard.

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. Mr. Brandon Janesz of 125 Thorn Ave. wrote a letter indicating he was in favor of granting the variance.

Scott Hartung made a motion, seconded by Gary Phillips to approve the request for a variance to erect a six ft. fence in a side yard setback at 115 Thorn Avenue SBL #172.12-1-10 with the stipulation a natural stain to be applied to the fence.

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On the question:

THE VOTE ON THE MOTION BEING:

SCOTT HARTUNG	APPROVE
GARY PHILLIPS	APPROVE
WILLIAM RITER	APPROVE
SCOTT SHULAR	APPROVE
STEVE SNYDER	APPROVE

THE MOTION WAS PASSED.

Moved by Gary Phillips seconded by William Riter to adjourn at 7:20 p.m.

On the question:

THE VOTE ON THE MOTION BEING:

SCOTT HARTUNG	Yes
GARY PHILLIPS	Yes
WILLIAM RITER	Yes
SCOTT SHULAR	Yes
STEVE SNYDER	Yes

THE MOTION WAS PASSED.

Respectfully submitted,

Chairman's Approval:

Christine M. Hanavan
Secretary

Date: _____