

Minutes
Village of Orchard Park
Zoning Board of Appeals
September 21, 2016

The Village of Orchard Park Zoning Board of Appeals held a meeting on Wednesday, September 21, 2016 at the Municipal Center, 4295 South Buffalo Street, Orchard Park, New York.

Chairman Ted Pieczonka called the meeting to order at 7:01 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, Ted Pieczonka
Gary Phillips
Bill Riter
Steve Snyder
Alternate David Obrochta

Others present:

William Reuter, Trustee
Christine Hanavan, Secretary
Jeffrey Sweet, Code Enforcement Officer
James Larivey, Asst. Code Enforcement Officer

Members absent:

Amy Glowczynski

Chairman Pieczonka 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 Pieczonka asked if site inspections for all cases presented were made by all Board members:

GARY PHILLIPS	YES
BILL RITER	YES
STEVE SNYDER	YES
DAVID OBROCHTA	YES
TED PIECZONKA	YES

ZBA Referral

St. John's Evangelical Lutheran Church
4516-4536 S Buffalo St.
Orchard Park, NY 14127
SBL #173.09-1-6.1

Applicant is requesting a variance to Section 225-45 Schedule II – Height, Lot, Yard and Bulk Regulations.

Applicant is requesting permission to build an addition with a proposed rear yard setback of 42.1 feet. Code stipulates that the rear yard setback must be 50 feet. The existing setback is 125 feet.

Applicant is also requesting a variance to Section 225-22, C1 – Lot, Height Yard and maximum coverage.

Applicant is requesting permission to build an addition in a required yard. Code stipulates that every part of a required yard must be open to the sky unobstructed.

APPEARANCE: Jim Bammel, Bammel Architects
Norm Marshall, St. John’s Lutheran Church

DISCUSSION: Jim Bammel presented the proposal to the Board. He explained there would be one light in the parking lot, 12 foot pole with light facing down. These specifications are required lighting.

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 if there was anyone in the audience who would like to speak against granting the variance.

Opposing comments were made by: Ron and Sandy Henning, 237 S. Lincoln; Jim Opoka, 231 S. Lincoln; Sheila Fancher, 4488 S. Buffalo; Howard Rost, 300 S. Lincoln. Comments included: the proximity of the parking lot to resident homes, concern for property values, concern about the quality of the Village due to expansion.

The Chairman then asked if the Secretary had received any communications either for, or against, granting the variance. The Secretary stated the Erie County Division of Planning had no recommendation and the Village Planning Board made a positive referral to the Zoning Board of Appeals.

David Obrochta explained to the audience that the Planning Board made a positive referral to the ZBA. He stated that the ZBA’s responsibility is to consider the application from a technical standpoint but that they too would be sensitive to the concerns of the residents. Mayor Litwin Clinton explained the purpose of the variance in terms of Zoning Board responsibility.

Steve Snyder made a motion, seconded by Ted Pieczonka in favor of granting permission to build an addition with a proposed rear yard setback of 42.1 feet. Code stipulates that the rear yard setback must be 50 feet.

FINDING OF FACTS ATTACHED.

THE VOTE ON THE MOTION BEING:

GARY PHILLIPS	YES
BILL RITER	NO
STEVE SNYDER	YES
DAVID OBROCHTA	YES
TED PIECZONKA	YES

THE MOTION WAS PASSED.

Ted Pieczonka made a motion, seconded by Steve Snyder in favor of granting permission to build an addition in a required yard. Code stipulates that every part of a required yard must be open to the sky unobstructed.

FINDING OF FACTS ATTACHED.

THE VOTE ON THE MOTION BEING:

GARY PHILLIPS	YES
BILL RITER	NO
STEVE SNYDER	YES
DAVID OBROCHTA	YES
TED PIECZONKA	YES

THE MOTION WAS PASSED.

Moved by Gary Phillips, seconded by Steve Snyder to adjourn at 7:45 p.m.

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THE VOTE ON THE MOTION BEING:

GARY PHILLIPS	YES
BILL RITER	YES
STEVE SNYDER	YES
DAVID OBROCHTA	YES
TED PIECZONKA	YES

THE MOTION WAS PASSED.

Respectfully submitted,

Christine Hanavan
Secretary

Chairman's Approval:

Date: _____