

ZONING BOARD OF APPEALS OF THE TOWN OF ORCHARD PARK, Erie County, New York, minutes of the April 21, 2015 meeting held in the Municipal Center Basement Public Meeting Room, S4295 South Buffalo Street.

MEMBERS PRESENT: Joseph Liberti Chairman /Robert Metz/Roland Pigeon
Robert Lennartz/Lauren Kaczor, Alternate

**APPROVED
MINUTES**

EXCUSED: Dwight Mateer

OTHERS PRESENT: Len Berkowitz, Deputy Town Attorney/David Holland, Code Enforcement Officer
Rosemary Messina, Recording Secretary

The members recited the Pledge of Allegiance and the Chairman called the meeting to order at 7:00 P.M., stating that if anyone appearing before the Board was related through family, financial or business relationship with any member of the Board, it is incumbent upon him to make it known under State Law and the Town Code of Ethics.

The Chairman stated that all persons making an appeal before this Board would be heard in accordance with the Town Laws of the State of New York, Article 16, Sections 267, 279 and 280a, Subdivision 3, and the Town of Orchard Park Zoning Ordinance. 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 Town Clerk.

The Chair stated that Ms. Kaczor will be a voting member due to the absence of Mr. Mateer.

Mr. Pigeon made a **MOTION**, seconded by Mr. Metz, to **ACCEPT** the minutes of the March 17, 2015 meeting.

THE **VOTE** BEING UNANIMOUS, THE **MOTION** IS HEREBY **PASSED**.

The Chairman stated that site inspections of all cases presented tonight were made by: KACZOR, AYE; LIBERTI, AYE; METZ, AYE; PIGEON, AYE

NEW BUSINESS

1. ZBA File #06-15, Paul Gorny, 6474 Chestnut Ridge Road, Zoned A-1 (Part of Farm Lot 10, Township 9, Range 7; SBL#197.00-3-18.1). Requests an Area Variance to construct a pole barn which creates a non-conforming side setback and exceeds maximum lot coverage, Section 144-9B, Schedule of Height, Lot, Yard & Bulk Regulations.

The Chair stated that the Applicant asked to be removed from the agenda.

2. ZBA File #07-15, Joanne & Chris Boebel, 2 Fawn Terrace, Zoned R-1 (Sub Lot 64, Map Cover 2240; SBL#173.20-2-28). Requests an Area Variance to construct an addition with a 40-ft. side-street setback. Minimum side-street setback for this R-1 lot is 50-ft., Section 144-9B, Schedule of Height, Lot, Yard and Bulk Regulations.

APPEARANCE: Mr. & Mrs. Chris Boebel, Applicants/Property Owners

Mrs. Boebel explained the hardship they have constructing a much needed garage addition to their home. They have no place on the property for a shed to be located and would like the addition for

storage, and to park their two vehicles in. They do not feel the addition will alter the view of their neighbors and that it will be a positive addition to the neighborhood, house, property and trees. She exhibited photos to the members via her iPhone and answered their questions.

It was established that she had contacted her neighbors and there were no objections to the variance request.

The Chair then asked if there was anyone in the audience who would wish to speak in favor of the granting of the variance.

(Twice) NO RESPONSE

The Chair then asked if there was anyone in the audience who would wish to speak against the granting of the variance.

(Twice) NO RESPONSE

The Chair then asked if the Secretary had received any communications either for, or against, granting the variance. The Secretary stated no communications have been received.

Mr. Lennartz made a **MOTION**, seconded by Mr. Pigeon to **GRANT** the Area Variance based on the following:

1. There will be no undesirable change in the character of the neighborhood or a detriment to nearby properties created.
2. The benefit cannot be achieved in another way.
3. The request is not substantial.
4. There will not be an adverse effect on the physical or environmental conditions of the neighborhood or the district.
5. The difficulty is self-created, but that does not preclude the granting of the variance.

THE VOTE ON THE MOTION BEING:

LENNARTZ	AYE
LIBERTI	AYE
KACZOR	AYE
METZ	AYE
PIGEON	AYE

THE VOTE BEING UNANIMOUS, THE MOTION IS HEREBY PASSED.

There being no further business to be presented to the Board at this time Chairman Liberti adjourned the meeting at 7:10 P.M.

DATED: 5/15/15
REVIEWED: 5/19/15

Rosemary Messina, Secretary
Zoning Board of Appeals

Joseph Liberti, Chairman