

Minutes  
Village of Orchard Park  
Zoning Board of Appeals  
August 23, 2023

The Village of Orchard Park Zoning Board of Appeals held a meeting on Wednesday, August 23, 2023 at the Municipal Center, 4295 South Buffalo Street, Orchard Park, New York.

Acting Chairman Scott Hartung called the meeting to order at 5:00 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  
Gary Phillips  
Scott Shular, Alternate

Others present:

Matthew Hartung, 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 July 27, 2023. Gary Phillips made the motion to approve the minutes of the meeting held on July 27, 2023 seconded by Scott Hartung. On the question:

GARY PHILLIPS                      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:

SCOTT HARTUNG	YES
GARY PHILLIPS	YES
SCOTT SHULAR	YES

**ZBA Application**

**Scott and Mary Weltjen  
9 Rainbow Terrace  
Orchard Park, NY 14127  
SBL #162.17-5-8**

*Applicant is requesting a variance to Municipal Code Section 225.11(C)1(A)  
Lot, Height Yard and maximum coverage requirements.*

*Applicant is requesting permission to erect a 6' high fence in a side yard at 9 Rainbow  
Terrace. The code stipulates that the maximum height of a fence in a side yard is 4 ft.*

**APPEARANCE:** Scott Weltjen

**DISCUSSION:** Applicant distributed a letter in support of his fence from neighbor at 19  
Rainbow. He explained he erected the fence for privacy and will be  
landscaping and planting around the fence for aesthetic purposes. No fence  
company was involved in the construction of the fence.

The Acting 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 Acting Chairman asked three times if there was anyone in the audience who would like to  
speak against granting the variance. There were none.

The Acting 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.  
A letter was received from Marykay Flett of 19 Rainbow Terrace in support of granting the  
variance. Attached.

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Gary Phillips made a motion, seconded by Scott Hartung to approve the request for permission to erect a six ft high fence in a side yard at 9 Rainbow Terrace SBL #162.17-5-8.

On the question:

**THE VOTE ON THE MOTIONS BEING:**

SCOTT HARTUNG	APPROVED
GARY PHILLIPS	APPROVED
SCOTT SHULAR	APPROVED

**THE MOTION WAS PASSED.**

**ZBA Application**  
**Paragon Acquisition LLC**  
**273 Thorn Avenue**  
**Orchard Park, NY 14127**  
**SBL #172.12-1-1**

*Applicant is requesting a variance to Municipal Code Section 225-12(F)1(C)  
Accessory uses and structures in I-Districts.*

*Applicant is requesting a side yard setback of 2 feet for an addition to a structure. The  
code stipulates an 8' side yard setback is required.*

**APPEARANCE:** Bill Alico

**DISCUSSION:** Applicant explained he is creating personal storage space. He is extending the building by 40'. The color will remain the same and the structure will match in height. The structure will be built over the existing pavement.

The Acting 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 Acting Chairman asked three times if there was anyone in the audience who would like to speak against granting the variance. There were none.

The Acting 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.

Scott Shular made a motion, seconded by Scott Hartung to approve the request for a side yard setback of two feet for an addition to a structure at 273 Thorn Avenue SBL #172.12-1-1

On the question:

**THE VOTE ON THE MOTIONS BEING:**

SCOTT HARTUNG	APPROVED
GARY PHILLIPS	APPROVED
SCOTT SHULAR	APPROVED

**THE MOTION WAS PASSED.**

Moved by Gary Phillips, seconded by Scott Hartung to adjourn at 7:25 p.m.

On the question:

**THE VOTE ON THE MOTION BEING:**

SCOTT HARTUNG	YES
GARY PHILLIPS	YES
SCOTT SHULAR	YES

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**THE MOTION WAS PASSED.**

Respectfully submitted,

Christine M. Hanavan  
Secretary

Chairman's Approval:

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