

Minutes
Village of Orchard Park
Zoning Board of Appeals
January 28, 2026

The Village of Orchard Park Zoning Board of Appeals held a meeting on Wednesday, January 28, 2026 at the Municipal Center, 4295 South Buffalo Street, Orchard Park, New York.

Acting Chairman Scott Hartung called the meeting to order at 7:04 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 Fryer
Gary Phillips
William Riter
Scott Shular, Alternate

Others present:

David Even, Trustee
John Gullo, Enforcement Officer
Christine Hanavan, Secretary

The Acting Chairman asked for the approval of the minutes of the previous meeting held on October 29, 2025. Peter Fryer made the motion to approve the minutes of the meeting held on October 29, 2025 seconded by Scott Hartung. On the question:

PETER FRYER	Approved
SCOTT HARTUNG	Approved
SCOTT SHULAR	Approved

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:

PETER FRYER	YES
GARY PHILLIPS	YES
WILLIAM RITER	YES

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SCOTT SHULAR YES
SCOTT HARTUNG YES

ZBA Application

Garrett Hoyler
269 Woodland Drive
Orchard Park, NY 14127
SBL #172.16-1-1

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

Applicant is requesting a Variance to erect a 6 ft. high fence in an exterior side yard setback 5 ft. from the exterior side property line. 35 ft. setback required by code.

APPEARANCE: Garrett Hoyler

DISCUSSION: Garrett presented his explanation of his asking for the variance.

Two options were discussed:

1. 6 ft. high with 5 ft. setback
2. 4 ft. high with 5 ft. setback

Applicant has provided a list of support.

Applicant discussed his intention to keep the lattice and the deck.

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

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.

Bill Riter made a motion, seconded by Gary Phillips to approve the request for a Variance to erect a 6 ft. high fence in an exterior side yard setback 5 ft. from the exterior side property line with the following conditions and stipulations:

Fence to begin on the NW corner of the house and proceed 10 ft. toward Elmhurst at 6 ft. high. Proceed west at 6 ft. until corner of the current deck (not to exceed 32 ft.), where it will then proceed at 4 ft. for the remainder sideyard and not to exceed the 5 ft. setback variance on the Elmhurst side lot line.

On the question:

THE VOTE ON THE MOTION BEING:

PETER FRYER	APPROVED
GARY PHILLIPS	APPROVED
WILLIAM RITER	APPROVED
SCOTT SHULAR	APPROVED
SCOTT HARTUNG	APPROVED

THE MOTION IS APPROVED.

Moved by Peter Fryer, seconded by Scott Hartung to adjourn at 7:40 p.m.

On the question:

THE VOTE ON THE MOTION BEING:

PETER FRYER	APPROVED
GARY PHILLIPS	APPROVED
WILLIAM RITER	APPROVED
SCOTT SHULAR	APPROVED
SCOTT HARTUNG	APPROVED

THE MOTION IS APPROVED.

Respectfully submitted,

Christine M. Hanavan
Secretary

Chairman's Approval:



Date: 2.10.26