

Town of Hamburg
Board of Zoning Appeals
February 1, 2022
Minutes

The Town of Hamburg Board of Zoning Appeals met for a Regular Meeting on Tuesday, February 1, 2022 at 7:00 P.M. in Room 7B of Hamburg Town Hall, 6100 South Park Avenue. Those attending included Chairman Brad Rybczynski, Vice-Chairman Ric Dimpfl, Commissioner Nicole Falkiewicz, Commissioner Louis M. Chiacchia, Commissioner Jeff Adrian, Commissioner Mark Yodar and Commissioner Laura Hahn.

Also in attendance was Board of Zoning of Appeals Attorney Michelle Parker.

Chairman Rybczynski asked for a moment of silence to honor Scott Koschino, a member of the Hamburg Police Department who recently passed away.

Chairman Rybczynski made a motion, seconded by Mr. Adrian, to appoint Commissioner Dimpfl as Vice-Chairman and Commissioner Falkiewicz as Secretary. Carried.

Commissioner Falkiewicz read the Notice of Public Hearing.

Application # 5915 Ronald & Antoinette Wiley – Requesting two (2) area variances for a proposed detached garage at 4663 Milestrip Road

Ronald Wiley, applicant, stated that a one-foot variance from the side yard setback requirement was being requested because the new garage is planned in the same spot as the garage that was taken down, which was too close to the fence. He stated that the original garage was 20' X 20' and he would like to construct a 24' X 40' garage to house a summer car, motorcycle and two (2) every day vehicles.

In response to a question from Chairman Rybczynski, Mr. Wiley stated that no work would be performed in the new garage.

It was determined that four (4) letters of support were submitted by the applicant from the following property owners:

- Joseph Snyder, 4680 Milestrip Road
- Troy Kruszka, 4671 Milestrip Road
- Denise Feider, 4670 Milestrip Road
- Ricky Pede, 4660 Milestrip Road

Findings:

Ms. Falkiewicz made a motion, seconded by Mr. Dimpfl, to approve Application # 5915.

On the question:

Ms. Falkiewicz reviewed the area variance criteria as follows:

1. Whether the benefit sought can be achieved by other means feasible to the applicant – No.
2. Whether there would be an undesirable change in neighborhood character or to nearby properties – No.
3. Whether the request is substantial – No.

4. Whether the request will have adverse physical or environmental effects – No.
5. Whether the alleged difficulty is self-created – Possibly, but the balance test favors the applicant.

All members voted in favor of the motion. **GRANTED.**

Application # 5916 Bayview Road Associates – Requesting a use variance to allowed a second and third ground sign at 3920 Bayview Road (Amazon)

A representative of the applicant clarified that the request was for the tenant’s name to be displayed on the directional signs at the road.

Mr. Adrian stated that these are directional signs with the tenant’s name on them.

It was determined that there are three (3) entrances to the property and each one serves a distinct purpose. It was further determined that it is a requirement of Amazon to have its name on the directional signage

Findings:

Ms. Falkiewicz made a motion, seconded by Mrs. Hahn, to approve Application # 5965.

On the question

Ms. Falkiewicz reviewed the use variance criteria as follows:

1. The applicant cannot realize a reasonable return provided that the lack of return is substantial as demonstrated by competent financial evidence – This request is being made by the tenant of the building, who is in financial control of the property.
2. The alleged relating to the property is unique and does not apply to a substantial portion of the district or neighborhood – It is unique.
3. The requested use variance, if granted, will not alter the essential character of the neighborhood – No.
4. Whether the alleged hardship has been self-created – No.

All members voted in favor of the motion. **GRANTED.**

Application # 5917 Nicholas & Charlene Gechell – Requesting an area variance for a proposed addition to the existing home at 5148 Glendale Avenue

Nicholas Gechell, applicant, stated that he would like to construct an addition to his home for his father’s living quarters. He confirmed that there would be no cooking facilities in the addition.

In response to a question from Ms. Falkiewicz, Mr. Gechell stated that his neighbors have no objections to his proposal.

Findings:

Mrs. Hahn made a motion, seconded by Mr. Yodar, to approve Application # 5917.

On the question:

Mrs. Hahn reviewed the area variance criteria as follows:

1. Whether the benefit sought can be achieved by other means feasible to the applicant – No.
2. Whether there would be an undesirable change in neighborhood character or to nearby properties – No.
3. Whether the request is substantial – No.
4. Whether the request will have adverse physical or environmental effects – No.
5. Whether the alleged difficulty is self-created – Yes, but the balance test favors the applicant.

All members voted in favor of the motion. **GRANTED.**

Application # 5918 WNY Fuels, LLC – Requesting an area variance for a proposed new walk-in cooler at 3405 Big Tree Road (Corner Market)

A representative of the applicant stated that there already is a walk-in cooler addition on the rear of the building and he would like to expand it.

Findings:

Mr. Dimpfl made a motion, seconded by Mrs. Hahn, to approve Application # 5918.

On the question:

Mr. Dimpfl reviewed the area variance criteria as follows:

1. Whether the benefit sought can be achieved by other means feasible to the applicant – No.
2. Whether there would be an undesirable change in neighborhood character or to nearby properties – No.
3. Whether the request is substantial – No.
4. Whether the request will have adverse physical or environmental effects – No.
5. Whether the alleged difficulty is self-created – This can be argued, but the balance test favors the applicant.

All members voted in favor of the motion. **GRANTED.**

Mr. Dimpfl made a MOTION, seconded by Mr. Adrian, to approve the minutes of January 4, 2022. All members voted in favor of the motion.

Chairman Rybczynski stated that the meeting would be adjourned in memory of Jim Bush and Kenneth Farrell, Sr., both of whom passed away.

Mr. Dimpfl made a MOTION, seconded by Mrs. Hahn, to adjourn the meeting. All members voted in favor of the motion.

The meeting was adjourned at 7:15 P.M.

Respectfully submitted,
Nicole Falkiewicz, Secretary
Board of Zoning Appeals

DATE: February 9, 2022