

**Town of Hamburg
Board of Zoning Appeals
Meeting - April 7, 2009**

The Town of Hamburg Zoning Board met for a regular meeting on Tuesday April 7, 2009 at 7:00 p.m. in Room 7B to discuss the following applications. Those attending included:

Chairman Vincent Gugliuzza
Vice-Chairman Brad Rybczynski
Secretary Jack Rahill
Commissioner Shawn Connolly
Commissioner Paul Eustace
Commissioner Chuck Morlock
Commissioner Jim Sortisio **Excused**
Attorney Joseph Shaw
Attorney Tim Quinlivan
Building Inspector Roger Gibson
Recording Secretary Laurie Wutz

Secretary Rahill read the following Legal Notice of Public Hearing:

Application #5251- Patricia and Michael Allexenberg for a side yard variance at 4835 Bayview Rd. Violates 280-34 B (1), Code 10', actual 7', variance needed 3'.

Michael Allexenberg was present to request a 3' side yard variance needed to put an addition onto the back of his house. The addition would be two stories and blend in with the rest of the house. He is planning on doubling the size of the kitchen and adding a playroom on for his grandchildren on the first floor. The second floor would add a master bathroom and a large walk in closet.

Mr. Allexenberg presented one letter from neighbor Mark Messina, 4825 Bayview Rd., stating he had no objection to the variance. Mr. Messina owns the lot to the left of 4835 Bayview Rd. Mr. Allexenberg owns the lot to the right.

Mr. Allexenberg explained that the house was built in 1989, the lot is on an angle, but the house is squared to the road. At the time the house was built the builder was supposed to leave 20' on the left side property line, he actually only left 9.5'. Mr. Allexenberg was granted a variance of 6" from the Zoning Board at that time.

Roger Gibson, Building Inspector, stated that the total side yards was greater than the required 25'.

Findings: Mr. Rybczynski read through the area variance criteria finding that the benefit could not be achieved by any other means, there would be no undesirable change the neighborhood, the request was not substantial, there would be not adverse effects, and the difficulty is not self-created.

Mr. Rybczynski made a MOTION to approve Application #5251 for a 3' side yard variance at 4835 Bayview Rd. Mr. Rahill seconded, all voted in favor. **Granted**

Application # 5252 - Howard Bradt for a 8' high fence at 4353 Fairview Pkwy. Violates 280-277 A (2), code 6', actual 8', variance needed 2'. (Building Inspection Note: Also see 280-310 (D))

Howard Bradt explained that the 8' fence was necessary for noise abatement. He purchased the house in November and realized that the wooded lot between the Thruway and their home acted as a noise barrier until the foliage fell. He did some research with the U.S Department of Transportation on noise barriers, and found that in order to block the noise of the large trucks (8' high trucks) which travel the Thruway, the fence would need to 8' high. An 8' high fence is as good a 200' of summer woods to block noise.

Mr. Bradt further explained that his bedroom is on the Thruway side of his house. The proposed fence would be on the Thruway side of the neighboring wooded lot which he also owns.

Mr. Gugliuzza stated that he spoke with Kurt Allen, the Building Inspector and it was determined that having the fence 10' off the property line would not be in violation of the building code given the circumstances.

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Findings: Mr. Gugluizza felt that in order to block the noise and pollution from the Thruway requesting an 8' fence was not unreasonable. Normally a fence does not extend beyond the front of the house, but the application request is for 184' which is the entire length of the property. Mr. Shaw suggested that the record show that the request was granted being mindful of the fact that the fence will run 4' beyond the front of the house. The approval of the application requires that the 2 lots that Mr. Bradt owns are merged to one SBL number.

Mr. Rybczynski read through the area variance criteria finding that the benefit could not be achieved by any other means, there would be no undesirable change the neighborhood, because the fence would be hidden by the woods. The request was not substantial due to the unique situation, there would be no adverse effects, and the difficulty is not self-created.

Mr. Rybczynski made a MOTION to approve Application # 5252 for a 2' variance on the height of the fence, and for a 4' variance on the fence running from the front of the house to the front property line at 4353 Fairview Pkwy. Mr. Eustace seconded, all voted in favor. **Granted**

Mr. Rybczynski made a MOTION to approve the minutes from March 3, 2009. Mr. Rahill seconded, all voted in favor motion carried.

MOTION to ADJOURN was made by Mr. Rybczynski, seconded by Mr. Eustace . Motion carried. Meeting adjourned at 7:45 pm. The next Zoning Board meeting will be held Tuesday, May 5, 2009.

Respectfully Submitted,

Jack Rahill, Secretary
Board of Zoning Appeals

Date: 4/8/09