

**Town of Hamburg
Board of Zoning Appeals
Meeting - December 4, 2007**

The Town of Hamburg Zoning Board met for a regular meeting on Tuesday December 4, 2007 at 7:00 p.m. in Room 7B to discuss the following applications. Those attending included:

Chairman Peter Blaauboer
Vice-Chairman Michael Chiacchia
Secretary Jack Rahill
Commissioner Shawn Connolly
Commissioner Vincent Gugliuzza
Commissioner Brad Rybczynski
Commissioner Jim Sortisio
Attorney Joseph Shaw
Attorney Tim Quinlivan
Building Inspector Roger Gibson
Recording Secretary Laurie Wutz

Secretary Jack Rahill read the following Legal Notice of Public Hearing:

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Tabled Application #5120 - Pegagus Restaurant for an extension of an electronic message sign located at 5748 South Park Avenue.

Tabled Application # 5155 - Peter Duchmann for a detached electronic message board sign/oversized detached sign at 4207 Southwestern Blvd. Violates 280-252, code-sign not allowed. Variance needed to allow sign. Violates 280-261 F(2), code 40 s.f., actual 50 s.f., variance needed 10 s.f. Applicant requested application to remain tabled.

Application # 5120 and Application # 5155 will remain tabled until the Town Board modifies the code that controls electronic signage. A public hearing is planned in early 2008.

Application # 5176 - Mark Stahlka and Carin Friber for permitted obstruction in (re) open space at 5416 Old Lakeshore Rd. Violates 280-277 A (2) Code 4', actual 5', variance needed 1'. Also violates Code 280-278 (D), limitations on obstructions in required open space, 16' triangular area, starting at driveway cannot be site obstructive above 3'. Code 3', actual 6', variance needed 3'.

Mr. Stahlka explained that the fence is needed because the rear of his property butts up to Lake Erie, leaving only the front yard for his 2 small children to play. Due to traffic on Old Lakeshore Road the fence is a safety issue for his children.

Mr. Stahlka also explained that the fence will be aluminum, resembling a black, wrought iron fence with brick columns (2' wide) with caps, keeping with the aesthetics of the property. The fence would be set back about 16' from the road. The driveway would have a gate (with lights on each side) which can be electronically opened, with enough room to pull in while the gate opens (20 second lag time). There would be no line-of-sight issue as with a stockade fence.

Mr. Stahlka had no letters from neighbors, but had verbal approval from each neighbor. Mr. Stahlka's new neighbor at 5408 Old Lakeshore Rd. is planning on installing the same type of fence, keeping his property consistent with the area.

Findings: Mr. Blaauboer found the safety of the children could not be achieved by any other means. The fence would have no adverse effects on the area, and the request is minimized by the fact that the fence is not of a stockade nature.

Mr. Gugluizza made a MOTION to approve Application # 5176 for variances as requested. Mr. Sortiso seconded the motion, all voted in favor. **Granted**

Application # 5177 - Joseph & Patricia Kozak for approval on home occupation (one chair operated by owner) at 4640 McKinley Pkwy. Violates Code 280-31 B (7), allowed with ZBA approval.

Mr. Kozak currently has a barber shop in the Village of Hamburg on South Park Avenue across from the Library. He has had his barber shop business in the Village since 1960. The owner of the building he runs his shop out of has decided to sell the property.

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Mr. Kozak would like to convert his attached garage (4640 McKinley Pkwy.) into a single chair shop. He has resided at this residence since 1978. His driveway has a 40' turn-around so traffic on McKinley Pkwy. would not be affected. There would be no other employees, and he would run the business on an appointment only basis (1-2 cars at one time). A sign 1' x 2' would be used.

Letters stating no objection from neighbors (John Ford and H.J. Wills) were presented to the Board.

Findings: Mr. Blaauboer found the criteria for a home occupation has been met. There would be no adverse effect on the surrounding area, only one appointment at a time, no other employees, and sufficient parking is available. On the provision of necessary Health Dept. approval, Mr. Blaauboer asked for a motion to approve.

Mr. Rybczynski made a MOTION to approve Application # 5177 for a home occupation. Mr. Rahill seconded, all voted in favor. **Granted**

Minutes from the November 8, 2007 meeting were approved on MOTION by Mr. Rybczynski, seconded by Mr. Rahill. Motion carried.

MOTION to ADJOURN was made by Mr. Rybczynski, seconded by Mr. Blaauboer. Motion carried. Meeting adjourned at 8:00 p.m. The next Zoning Board meeting will be held Tuesday, January 8 at 7:00 pm.

Respectfully Submitted,

Jack Rahill, Secretary
Board of Zoning Appeals

Date: 12/4/07

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