

**Town of Hamburg  
Board of Zoning Appeals  
Meeting - September 1, 2009**

The Town of Hamburg Zoning Board met for a regular meeting on Tuesday September 1, 2009 at 7:00 p.m. in Room 7B to discuss the following applications. Those attending included:

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

Secretary Rahill read the following Legal Notice of Public Hearing:

Board of Zoning Appeals  
September 1, 2009

**Tabled Application # 5262** - B/B Real Estate Assoc. for a height variance on a detached sign at 5400 Southwestern Blvd.

Violates 280-261 (F) 4 Pylon sign height - code 18', actual 35', variance needed 17'

Revised variance request - 30' sign, variance needed 12'.

Attorney for B/B Real Estate Assoc., James Boglioli presented a diagram of Brierwood Square showing the location of the proposed sign. He explained that the original plan for the sign included Walmart, but Walmart has received approval for their own signage. Without having Walmart on the pylon sign, the height has been reduced to 30', requiring a variance of 12'. The sign is the same height as the Walmart sign which has already received approval. The site line of the sign starts at 10' off the ground, accommodating for the parking lot being lower than the road. The 5' reduction of the sign will be taken off the top portion.

Mr. Gugliuzza explained that Planning Board has sent a positive recommendation to the Zoning Board. Mr. Gugliuzza also stated that the sign is in compliance with the SEQR report.

**Findings:** Mr. Gugliuzza asked for a motion to approve this application stating that the Planning Board has sent a positive recommendation, the sign is in compliance with the plan and the SEQR report, and has passed the balancing test.

Mr. Rybczynski made a MOTION to approve Application #5262 for a 12' height variance on a sign at 5400 Southwestern Blvd. Mr. Morlock seconded, all voted in favor. **Granted**

**Application # 5263** - Adam & Santina Ziccardi for a home occupation at 4477 McKinley Pkwy. Violates 280-31 B (7) Accessory uses - Tax services and bookkeeping (mainly off-site pick up and delivery)

Mr. Zaccardi came before the Board to explain that he has a tax preparation and bookkeeping business, and that he meets with his clients at their homes. His clients do not come to his house unless they are dropping off additional paperwork, so there would be no additional traffic caused by the business. Mr. Zaccardi mainly wants to be able to put up a sign advertising his business. There are no other employees.

Two letters from neighbors stating they had no objection to the variance were presented to the Board, but not read into record. (Letters attached)

**Findings:** Mr. Rybczynski read through the balancing test: can the benefit be achieved by other means? Mr. Zaccardi wants to work from his home, no additional traffic would be generated by it. The character of the neighborhood would not be changed, there are other home occupations in the area, it's not a substantial request given that there would be no additional traffic, there would be no adverse effects, and it's not self-created given the nature of his business.

Mr. Rybczynski made a MOTION to approve Application #5263 for a home occupation at 4477 McKinley Pkwy. Mr. Eustace seconded, all voted in favor. **Granted**

Board of Zoning Appeals  
September 1, 2009

**Application # 5264** - First Niagara Bank for two attached signs at 5334 Southwestern Blvd. Violates 280-261 (A), code - must front public street or contain a public entrance, actual (2) signs, variance to allow 1 sign on east side and 1 sign on west side of building.

Mike Ulrich, from Ulrich Signs Company was present on behalf of First Niagara Bank to explain the requested variances for 2 signs. The signs will not be illuminated, but will have lighted lettering, which will be lit until about 10:00pm. The sign sizes comply with the code, they will be placed on the east and west side of the building.

Mr. Rybczynski asked if the sign on the west side wasn't redundant being that the pylon sign is on the west side of the lot? Mr. Ulrich agreed but stated that the signage is typical for First National Bank, and is important for internal traffic. The lot connects with the Walmart parking lot and clearly identifies the building. Mr. Rybczynski agreed that without the sign on the building, it's very plain looking.

Mr. Quinlivan requested pictures of the other signs for which permits have already been issued. Mr. Ulrich showed the Board a drawing of the other signs and their locations.

**Findings:** Mr. Gugliuzza stated that Board was concerned about having too many signs in the area, looking too commercial. Mr. Ulrich explained that the signage for the First Niagara Bank is consistent with the new look for the bank. Mr. Rybczynski read through the area variance criteria: the new look for the bank with regards to signage can not be achieved by any other means; no undesirable change to the neighborhood, it's a commercial area; not a substantial request, there would be no adverse effects, and it is not self-created, it's a commercial area.

Mr. Rybczynski made a MOTION to approve Application # 5264 for 2 attached signs at 5334 Southwestern Blvd. Mr. Rahill seconded, all voted in favor. **Granted**

**Application # 5265** - Robert & Claudia Hasendehrl for an area variance for minimum lot size in R-A zoning at 5871 Smith Road.  
Violates 280-18 A (1) - code 2 acres, actual 1.58 acres, variance needed .42 acres.  
(vacant lot next to 5843 Smith Road)

Mr. Hasendehrl came before the Board to request an area variance for a minimum lot size so he could split his property, having two lots of 250' x 300'. The lots would be consistent with the neighboring lots so the character of the neighborhood would not be changed. Mr. Hasendehrl spoke with his neighbors who expressed they had no objection, but did not have any letters stating so.

Mr. Gugliuzza stated that since the Planning Board was willing to waive the requirement from 3 acres to 2 acres, then we are clear to act on it. The Planning Board has sent a positive recommendation regarding the split (copy attached).

Board of Zoning Appeals  
September 1, 2009

**Findings:** Mr. Gugliuzza stated that the owner wants to split his property, his neighbors have no problems with it, and the Planning Board has given a positive recommendation.

Mr. Rybczynski read through the area variance criteria: this is the most fair division of the property; the Planning Board addressed the issue of the change to the neighborhood, there would be no undesirable change; it's not a substantial request, and it's not self-created.

Mr. Rybczynski made a MOTION to approve Application # 5265 for a variance of .42 acres on each lot at 5871 Smith Road. Mr. Rahill seconded, all voted in favor. **Granted**

Mr. Rybczynski made a MOTION to approve the minutes from August 4, 2009. Mr. Connolly seconded, all voted in favor motion carried.

MOTION to ADJOURN was made by Mr. Gugliuzza, seconded by Mr. Connolly. Motion carried. Meeting adjourned at 7:15 pm. The next Zoning Board meeting will be held Tuesday, October 6, 2009.

Respectfully Submitted,

Jack Rahill, Secretary  
Board of Zoning Appeals

**Date: 8/5/09**