

Town of Hamburg
Board of Zoning Appeals Meeting
April 2, 2019
Minutes

The Town of Hamburg Board of Zoning Appeals met for a Regular Meeting on Tuesday, April 2, 2019 at 7:00 P.M. in Room 7B of Hamburg Town Hall, 6100 South Park Avenue. Those attending included Chairman Brad Rybczynski, Commissioner Bob Ginnetti, Commissioner Nicole Falkiewicz, Commissioner Ric Dimpfl, Commissioner Louis M. Chiacchia, Commissioner Laura Hahn and Commissioner Ray Gallagher.

Excused: Attorney Tamara Harbold

Others in attendance included Joe Boncore, Code Enforcement Officer.

Chairman Rybczynski asked for a moment of silence to honor our fallen men and women in the military.

Commissioner Chiacchia read the Notice of Public Hearing

Tabled Application # 5724 Ronald Rubino – Requesting two (2) area variances for a proposed new dwelling at 5057 Lakeshore Road.

It was determined that the applicant had withdrawn his request for variances.

Application # 5731 Donald & Donna Silveri – Requesting an area variance to replace an existing detached garage at 5273 Southcrest Avenue

Mr. Donald Silveri, applicant, stated that his previous detached garage was destroyed by fire, and he would like to replace it with a detached garage that would be the same size and would be in the same location.

Mr. Boncore stated that the variance request should have been for 4.04 feet instead of 2.04 feet.

Findings:

Mr. Chiacchia made a MOTION, seconded by Mr. Dimpfl, to approve Application # 5731.

On the question:

Mr. Chiacchia 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 could be argued either way, but on balance it tilts to approval.

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

Application # 5730 CC Land Corp – Requesting an area variance for a proposed parking area at 5809 Camp Road

Mr. Chad Lantaff and Craig Snyder, applicants, appeared on behalf of the requested variances. Mr. Lantaff stated that three (3) proposed parking spaces would not be located the required 35 feet from the front property line.

Mr. Boncore stated that the right-of-way in this area extends from the pavement to the property line a distance of at least 20 feet, and because there are no other driveways in the vicinity there will be no obstruction to visibility.

It was determined that four (4) letters of support from surrounding residents were received by the Board.

Findings:

Mrs. Falkiewicz made a MOTION, seconded by Mr. Dimpfl, to approve Application # 5730.

On the question:

Mrs. 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 – This could be argued either way, but on balance it tilts to approval.

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

Application # 5732 Brian Zylinski – Requesting an area variance for a proposed building lot at 6250 Smith Road

Brian Zylinski, applicant, stated that this variance was granted in 2016, and he was requesting the same variance that was previously granted.

Mark Lorquet, Conservation Advisory Board Chairman and resident of Smith Road, stated that the Smith Road area is unique, and the homes built in the last several years have all had the required 200 feet of width at the building line.

Findings:

Mr. Ginnetti made a MOTION, seconded by Ms. Hahn, to approve Application # 5732.

On the question:

Mr. Ginnetti 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 could be argued either way, but on balance it tilts to approval.

As the vote on the motion was five (5) ayes and two (2) nays (Mrs. Falkiewicz and Mr. Dimpfl), the motion passed. **GRANTED.**

Application # 5733 Raymond Costa – Requesting two (2) area variances for a proposed building lot on vacant land on Greenfield Parkway

Raymond Costa, applicant, stated that he would like to build a duplex on property that does not meet the area or road frontage requirements.

A member of the public stated that he did not understand the reason for the requested variances. Chairman Rybczynski explained what the applicant was requesting.

A member of the public asked about the surface drainage and stated that the Town has failed to address the existing drainage problems in the area.

Mr. Boncore stated that the applicant would have to submit a drainage plan prepared by his engineer/architect to the Town Engineering Department.

Findings:

Mr. Chiacchia made a MOTION, seconded by Mr. Dimpfl, to approve Application # 5733.

On the question:

Mr. Chiacchia 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 could be argued either way, but on balance it tilts to approval.

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

Mrs. Falkiewicz made a MOTION, seconded by Mr. Dimpfl, to approve the minutes of March 5, 2019. All members voted in favor of the motion.

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

The meeting was adjourned at 8:00 P.M.

Respectfully submitted,

L. Michael Chiacchia, Secretary
Board of Zoning Appeals

DATE: April 4, 2019