

Town of Hamburg
Board of Zoning Appeals
July 7, 2026
Minutes

The Town of Hamburg Board of Zoning Appeals met for a Regular Meeting on Tuesday, July 7, 2026 at 7:00 P.M. in Room 7B of Hamburg Town Hall, 6100 South Park Avenue. Those attending included Chairman Ric Dimpfl, Vice-Chairman Nicole Falkiewicz, Commissioner Jeff Adrian, Commissioner Catherine Mika, Commissioner Laura Hahn, Commissioner Jack Kuebler and alternate Commissioner Mark Yoder filling in for Commissioner Dennis Chapman.

Also in attendance were Code Enforcement Officer Jeffrey Skrzypek and Board of Zoning Appeals Attorney Joseph Gogan.

Board members recited the Pledge of Allegiance.

Chairman Dimpfl asked for a moment of silence in honor of our active military and those who have made the ultimate sacrifice.

Chairman Dimpfl pointed out the location of the two (2) fire exits in the room.

Commissioner Hahn read the Notice of Public Hearing.

Application # 6150 Donald Spittler – Requesting one (1) use variance to allow for a tier 3 battery energy storage system at 6433 Railroad Ave (Zoned NC)

Chairman Dimpfl stated this will be tabled until August.

Findings:

TABLED

Application # 6154 Benderson Development – Requesting (1) area variance for a proposed wall sign on rear of building at 6000 South Park Ave (Zoned C-2)

Rick Johnson with Express Signs spoke on this variance. He submitted a packet for front elevation and rear elevation to the board. What they are asking for is basically the same as what the rest of the building has; identification behind the plaza.

The Board had no further questions.

Findings:

Ms. Hahn made a motion, seconded by Mr. Yoder, to approve Application # 6154.

Ms. Hahn reviewed the area variance criteria as follows:

- Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties – No
- Whether the benefit sought by the applicant can be achieved by some feasible method other than a variance – No
- Whether the request is substantial – It is not
- Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district – It will not
- Whether the alleged difficulty was self-created – No

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

Application # 6155 David Korzen – Requesting two (2) area variances for a proposed detached garage at 1660 North Creek Rd (Zoned RA)

Homeowner Dave Korzen spoke on this variance. He is asking to build a detached garage and needs the variances for a bigger overall footprint and for exceeding the allowed height.

Commissioner Falkiewicz asked if there is going to be a second story. Korzen stated no. Commissioner Falkiewicz asked if the height was for RV clearance. Korzen stated yes, it is so he can future proof and put in a 14 foot door.

The Board had no further questions.

Findings:

Ms. Falkiewicz made a motion, seconded by Mr. Adrian, to approve Application # 6155.

Ms. Falkiewicz reviewed the area variance criteria as follows:

- Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties – No
- Whether the benefit sought by the applicant can be achieved by some feasible method other than a variance – No
- Whether the request is substantial – It is not
- Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district – No
- Whether the alleged difficulty was self-created – Yes, but the balancing test favors granting the variance

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

Application # 6156 ZAK Management LLC– Requesting one (1) area variance for a proposed play area for a day-care at 4090 Jeffrey Blvd (Zoned M-2)

Steve Geltz with Daryl Martin Architect Management spoke on this variance. They are asking for a reduction in the size of the outdoor playground. The Town Code requires a certain percentage based on the age number of the children. The total number of the children times the square footage. There is a different square footage based on age. Younger children are 75 sq. ft. per child and older children are 100 sq. ft. per child. The total based on the number of children that will actively use the playground (excluding infants) would be 4,500 sq. ft., which is just under the square footage of the interior build out, which includes offices and bathrooms, etc. They are asking for a 1/3 reduction to get down to 3,000 sq. ft. for the outdoor playground.

Commissioner Falkiewicz asked the capacity of the day care. Geltz stated it is 66 children total.

The Board had no further questions.

Findings:

Mr. Adrian made a motion, seconded by Ms. Hahn, to approve Application # 6156.

Mr. Adrian reviewed the area variance criteria as follows:

- Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties – No there is not
- Whether the benefit sought by the applicant can be achieved by some feasible method other than a variance – No it can not
- Whether the request is substantial – Not that substantial
- Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district – No it will not
- Whether the alleged difficulty was self-created – It is, but he believes the balancing test favors granting the variance

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

Application # 6157 Joseph Russo – Requesting one (1) area variance for adding two proposed accessory structures at 6584 Boston State Rd (Zoned RA)

Adam Perino with Elevate Architecture spoke on this variance on behalf of Joe Russo who was also in attendance. They are looking to build two new structures around the pool—one is a pool house and the other is like a pool dining room. The existing square footage on the lot is 2,395 sq. ft. They are demoing an existing shed that is roughly 200 sq. ft. They will be adding about 360 sq. ft. of accessory structure. The variance is for 1447, and to his understanding the existing accessory structures are over the current zoning for the area. This is a 9 acre lot. Both of these structures are residential in nature, on each side of the pool, and directly next to the house. They are relatively low in height and small—12 by 30 and 12 by 16.

The Board had no further questions.

Findings:

Ms. Hahn made a motion, seconded by Mr. Adrian, to approve Application # 6157.

Ms. Hahn reviewed the area variance criteria as follows:

- Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties – No it will not
- Whether the benefit sought by the applicant can be achieved by some feasible method other than a variance – Possibly
- Whether the request is substantial – Yes
- Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district – It will not
- Whether the alleged difficulty was self-created – She believes that balancing test favors granting the variance

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

Application # 6158 Niki Watson – Requesting one (1) area variance for a proposed covered porch at 6385 L13 Boston State Rd (Zoned PRD)

Jim Deuschle, the current owner spoke on this variance. Niki Watson was the previous owner. Chris Repp, the contractor, was also in attendance to speak on the variance. Deuschle is asking for a variance to increase the roof size of a covered patio by 3 ft. and 9 in. This will allow enough covering for the tables they need. His wife has lupus and needs to stay out of the sun so the extra covering would be very helpful. Their property backs up into the woods. There is additional property beyond the woods owned by the Condominium Association, and there are additional woods beyond that. Condominium Association approves of the variance they are looking for.

The Board had no further questions.

Findings:

Ms. Falkiewicz made a motion, seconded by Mr. Kuebler, to approve Application # 6158.

Ms. Falkiewicz reviewed the area variance criteria as follows:

- Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties –No
- Whether the benefit sought by the applicant can be achieved by some feasible method other than a variance – No
- Whether the request is substantial – It is not
- Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district – No
- Whether the alleged difficulty was self-created – Yes, but the balancing test still favors granting the variance

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

Application # 6159 Michael Mack – Requesting one (1) area variance for a proposed detached garage at 6586 Taylor Rd (Zoned RA)

Tina and Michael Mack, the homeowners, spoke on this variance. They are asking for a variance of 280 sq. ft. to build a cold storage garage/barn. It is a 16 ft. by 40 ft. garage with an overhang that adds additional square footage over 1000 feet. It would be in the back of their property.

Commissioner Yoder clarified that the overhang is what puts them over the allowed square footage. Tina Mack said yes. She said it will not be a two story building.

Chairman Dimpfl clarified that it will only be used for cold storage. Tina Mack said yes.

The Board had no further questions.

Findings:

Mr. Kuebler made a motion, seconded by Mr. Adrian, to approve Application # 6159.

Mr. Kuebler reviewed the area variance criteria as follows:

- Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties – He does not think so

- Whether the benefit sought by the applicant can be achieved by some feasible method other than a variance – No
- Whether the request is substantial – It is not
- Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district – No it will not
- Whether the alleged difficulty was self-created – It is, but the balancing test favors granting the variance

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

Application # 6160 CECB Properties LLC – Requesting two (2) area variances for a proposed sign at 4110 St Francis Dr. (Zoned C-2)

Paul Stratta, owner of NAS Sign Company, and Cal Wilson, spoke on this variance. They are looking to repurpose the existing ground sign. There have been many changes with the property over the years and they need better identification. One of the problems is the placement of the rear building on the St. Francis side. Because of this, the stores are not visible from the street, so they need to utilize the ground sign. The proposal is to add an LED display. They need one variance for total square footage, and another for the height of the sign. There are two businesses sharing one sign. The visibility on the building is a hardship because the stores are not visible from St. Francis. There will not be an undesirable change in the character of the neighborhood because the sign is similar to other signs in the neighborhood. This cannot be achieved by any other means because the stores are not visible from the street for west bound traffic. This variance is not substantial because there are other signs in the neighborhood the same size or larger. This is the minimum size to make an investment in the property and keep the businesses viable. The proposed variance will not have an adverse effect on the environmental conditions of the neighborhood because it is not an environmentally sensitive area. This problem may be self-created, however it is the minimum required to keep these businesses viable. The benefit sought outweighs any negative impact. Other than that, the sign meets all other sign criteria.

The Board had no further questions.

Findings:

Ms. Falkiewicz made a motion, seconded by Ms. Mika, to approve Application # 6160.

Ms. Falkiewicz reviewed the area variance criteria as follows:

- Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties – No

- Whether the benefit sought by the applicant can be achieved by some feasible method other than a variance – No
- Whether the request is substantial – It is not
- Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district – No
- Whether the alleged difficulty was self-created – Yes, but the balancing test favors granting the variance

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

Mr. Yoder made a motion, seconded by Ms. Falkiewicz, to approve the minutes of June 2026. All members voted in favor of the motion.

Mr. Yoder made a motion, seconded by Ms. Hahn, to adjourn the meeting. All members voted in favor of the motion.

The meeting was adjourned at 7:22 PM.

Respectfully submitted,
Laura Hahn, Secretary
Board of Zoning Appeals
Date: July 21, 2026