

Town of Hamburg
Board of Zoning Appeals
September 1, 2026
Minutes

The Town of Hamburg Board of Zoning Appeals met for a Regular Meeting on Tuesday, September 1, 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 Catherine Mika, Commissioner Laura Hahn, Commissioner Jack Kuebler, Commissioner Dennis Chapman and alternate Commissioner Mark Yoder filling in for Commissioner Jeff Adrian. Also in attendance were Code Enforcement Officer Paul Ryerse 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 #6166 Rick Saunders – Requesting one (1) area variance for a proposed single family dwelling at 171.17-4-2.2 Scranton Rd (Zoned R-2)

Rick Saunders, 6347 Benning Rd West Falls NY, spoke on this variance. He would like to build a single family home on Scranton Rd. The variance is needed for the back of the home. It would be a bedroom area. He needs an additional 24 sq. ft. past the 30 ft. offset of the back property line. Behind the property is the railroad so that should not affect anyone. He is looking to extend a corner on the side, but he owns the lot next door, so that also won't affect anyone else.

The Board had no further questions.

Findings:

Ms. Falkiewicz made a motion, seconded by Mrs. Hahn, to approve Application # 6166.

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 – No

- 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 #6167 Eduardo Gonzalez – Requesting one (1) area variance for a proposed pool at 3540 Howard Rd (Zoned R-2)

Eduardo Gonzalez, homeowner, spoke on this variance. He and his wife just moved to Hamburg in May. They would love to have a pool for their family in the summer. The yard is on the smaller side. He was hoping to place the pool 3ft from the property line instead of 10ft. He spoke with the side neighbor that this would affect and he did not have any problems with this. Gonzalez brought a signed letter of approval from this neighbor and gave it to the Board. He wants to place the pool here so his children still have space to play, practice their sports, etc.

Commissioner Falkiewicz asked if he would be willing to place the pool 5 ft. from the property line instead of 3ft so it is half of the code rather than a full 7ft. She is concerned that there is not enough space and water will go into the neighbor's yard. Gonzalez said he is not sure if they are doing above ground or in ground. When he spoke with some companies he was told that there would be 3ft of concrete around the pool. Falkiewicz pointed out that this would then go right up to the property line and there should be more space there. The 7ft variance is substantial and he has other feasible methods besides the variance to put a pool in his yard. Gonzalez asked if he went above ground would this change her concern. Falkiewicz stated no, it would still be the same concern—it would still be a substantial 70% request, it is self-created, and he would still be able to place the pool in the middle of the yard without a variance.

Commissioner Kuebler stated that coming over 2 more feet would potentially allow him to pass the balancing test for the variance. Gonzalez said that he is willing to compromise he is just trying to maximize the space in his yard. He said again that his neighbor was fine with this. Commissioner Falkiewicz understands but he also might not live there forever so they need to think down the road as well. Once this is granted it sticks with the property forever.

Commissioner Chapman said he went by to look at this today and he does not have a problem with it. The land is level and there is a lot of space between anything in the neighbor's yard.

The Board had no further questions.

Findings:

Ms. Falkiewicz made a motion to approve Application # 6167 as a 5 ft. variance instead of a 3 ft. variance.

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 – Yes
- Whether the request is substantial – At 50%, no
- 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 5ft variance

As the vote on the motion was six (6) ayes and one (1) nay (Mr. Chapman), the motion carried.
GRANTED (with condition of 5ft)

Application #6168 Eileen Mahoney – Requesting one (1) area variance for a proposed deck at 5610 Sterling Rd (Zoned R-1)

Eileen Mahoney, homeowner, spoke on this variance. Kim Petrie, 5548 Sterling Rd, spoke as well. Petrie stated that Mahoney is asking for a 10 by 10 deck porch in front of her front door. The variance is needed because they need 35 ft. from the property line so they would be encroaching about 10 ft. to place the deck.

Commissioner Chapman asked what was across the street. Petrie stated that it was another house.

Chairman Dimpfl stated that he believes there are other homes on the street that have structures closer than 35 ft. Petrie stated yes, there is one a few houses down.

Commissioner Falkiewicz asked if it was going to be covered and Petrie stated no.

The Board had no further questions.

Findings:

Mrs. Hahn made a motion, seconded by Mr. Kuebler, to approve Application # 6168.

Mrs. 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 – It is already small so she does not think they could go much smaller

- 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 the applicant

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

Application #6169 Laurie Toporek – Requesting one (1) area variance for a proposed covered porch at 3399 McKinley Pkwy (Zoned R-2)

Laurie Toporek, 3399 McKinley Pkwy, spoke on this variance. She is requesting a variance for a covered porch in front of the home.

Chairman Dimpfl and Commissioner Falkiewicz asked Code Enforcement Officer Ryerse to clarify the variance. Ryerse stated the code is 35ft and they are asking to have a 29ft set back, which is a 6ft variance.

The Board had no further questions.

Findings:

Mrs. Hahn made a motion, seconded by Ms. Mika, to approve Application # 6169.

Mrs. 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 – Possibly, they could go smaller
- 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 factors the applicant

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

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

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

The meeting was adjourned at 7:20 PM.

Respectfully submitted,
Laura Hahn, Secretary
Board of Zoning Appeals
Date: September 10, 2026