

Town of Hamburg  
Board of Zoning Appeals  
April 7, 2026  
Unapproved Minutes

The Town of Hamburg Board of Zoning Appeals met for a Regular Meeting on Tuesday, April 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 Laura Hahn, Commissioner Jack Kuebler, Commissioner Mark Yoder and 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.

**Tabled Application # 6142 Kimtron Inc. – Requesting one (1) area variance and one (1) use variance for a proposed real estate sign at 2901 Cloverbank Road (Zoned PUD)**

No one showed up to speak on this variance. Chairman Dimpfl asked if the Building Department has received any additional documentation since the last meeting. Jeff Skrzypek said they did not.

**Findings:**

Chairman Dimpfl stated this would be tabled until next month unless the Building Department hears otherwise. **TABLED**

**Tabled Application # 6143 24 Kt Solid Gold Inc. – Requesting one (1) use variance to allow for a veterinary office, animal rescue and retail space at 3747 Lakeshore Road (Zoned M-3)**

Kathleen Moriarty, attorney with Attea & Attea located at 11 Main Street in Hamburg, spoke on this variance. Moriarty stated that 10 Lives Club is directly adjacent to 3747 Lakeshore Rd. This building has been for sale for a number of years. 10 Lives Club has agreed to purchase this building as long as these approvals go through. They do not intend to do any parking lot work or anything to the outside. The second floor will be used for additional cat shelters. The first floor will be used for retail and a cat café. She stated that a cat café is a coffee shop where cats are freely walking around for people to enjoy and hopefully adopt. They do not plan on having a food establishment. The main goal is to raise funds.

Chairman Dimpfl asked if the retail will just be related to the animals—pet food, accessories, supplies, etc. Moriarty stated she believes so and that is her understanding.

Commissioner Yoder asked if there would be dogs. Moriarty stated no, not to her knowledge.

Commissioner Chapman asked about the condition of the inside of the building. Moriarty stated they did a phase one and nothing turned up on that. There are no serious concerns.

Commissioner Falkiewicz stated that because part of this is a use variance, the board needs documentation to show competent financial evidence; that without this variance, it would be a detriment to the 10 Lives Club and there will be a loss in revenue. As an example, Commissioner Falkiewicz brought up the phase one that was done. She said that probably cost thousands of dollars and asked who paid for that. Moriarty stated that 10 Lives Club paid for that.

Commissioner Falkiewicz stated that the board needs something on paper showing the financial loss. Moriarty stated that her understanding was that the financial loss documentation needed to be for the seller. She wants to be clear on who she needs to get evidence from.

Commissioner Falkiewicz asked who is applying for the variance—10 Lives Club or 24 Karat. Moriarty stated they are applying together because they are under contract for the purchase. Falkiewicz stated that 10 Lives Club needs to get financial hardship documentation from the seller—how long the building has been vacant, bills that have accumulated, property taxes, insurance, real estate listings, etc. She asked if her client got a paper explaining the criteria for the variance when they applied. Moriarty stated she doesn't remember it coming to her but she reviewed the town's zoning code. Moriarty stated that she has been in contact with the seller's attorney regarding this financial documentation of the hardships. She did not know that the board would need bills specifically. The bills have been paid and kept up to date she believes. She has had trouble getting more specifics from the seller. She did state that the seller has not had his liquor license for almost 10 years. With the buildings current use, it is nearly impossible for the business to turn a profit. This would be the main hardship. Falkiewicz stated again that they need a letter from an attorney or an accountant showing this. Moriarty also stated that she believes this has been listed before and there we no takers. She is not sure what led to the agreement with 10 Lives Club five or six years later.

Attorney Joseph Gogan stated that town code section 280- 316 A2 (b) "Appeals for Use Variance" states "demonstrated by competent financial evidence". Moriarty understands this and reviewed the code. She will tell the attorney that this deal will not go through until the board has this information.

The Board had no further questions.

### **Findings:**

Ms. Falkiewicz made a motion, seconded by Mr. Yoder, to table Application # 6143.

All members voted in favor of the motion to table this application. **TABLED**

**Application # 6145 Michael Galley – Requesting two (2) area variances for a proposed detached garage at 4586 Kennison Parkway (Zoned R-2)**

Dave Guido, friend and coworker of the homeowner, showed up to speak on behalf of this variance for the homeowner who was out of town. Guido stated that Michael Galley, the homeowner, walked him through the work he wants to do. The work will include expanding the garage quite a bit, adding a concrete driveway, and an overhang over the pool deck. Part of the variance is for the height of the building. He is going to try to keep that 24 feet or less—roughly 22.6-23 feet. The building will meet all the setbacks from the property lines.

Chairman Dimpfl asked if this garage is needed mostly for storage. Guido stated yes. He explained that the homeowner listed the uses as equipment storage, workshop activities, vehicle storage, RV storage and a covered area over the pool deck. He has a camper he wants to keep inside the garage which would look better than in the driveway. He works on his car and RV with his children.

Chairman Dimpfl asked if this would just be his personal vehicles he would work on. Guido said yes, it would be for personal use only.

Commissioner Chapman wanted to clarify that this is what he meant by “workshop activities”. Guido stated that would only be for personal use on the homeowner’s vehicles.

Commissioner Hahn stated that the variance he is asking for is more than double the code and asked if the homeowner would be willing to go smaller. Guido stated the homeowner knows it’s a big ask. He is willing to go somewhat smaller, but it’s a pole barn construction and he has a lot he needs to fit in there.

Commissioner Hahn asked if he had anything from neighbors. Guido stated no and he has not heard anything.

Chairman Dimpfl asked Jeff Skrzypek if the homeowner when down to 22 ft., would the square footage be reduced. Skrzypek stated no, square footage is not dependent on height.

Commissioner Chapman said he wants to hear from the neighbors. He wants to make sure the 24ft structure won’t obstruct their view. Commissioner Yoder and Skrzypek stated that neighbors within a 100 ft. radius were notified by mail of the proposed detached garage. Commissioner Yoder stated that it doesn’t mean they are for or against it, but personally he would have responded, especially if he was not in support. Commissioner Chapman stated that even though they were notified they don’t know about the 24ft height just from the letter.

The Board had no further questions.

**Findings:**

Ms. Falkiewicz made a motion, seconded by Mr. Kuebler, to table Application # 6145.

Ms. Falkiewicz stated they want to wait until they can talk directly to the homeowner. She thanked Guido for coming and asked him to pass along to the homeowner that their concern is

the size of the structure. Guido asked if he should also have the homeowner talk with his neighbors and show them the plans, and the Board said yes. A letter from neighbors was suggested as well.

All members voted in favor of the motion to table this application. **TABLED**

**Application # 6146 Carl Dinezza – Requesting two (2) area variances for a proposed two lot subdivision 58 North Shore Drive (Zoned R-2)**

Carl Dinezza, the homeowner, spoke on this variance. He has been working with the Planning Board and Building Department to get his lot subdivided into two parcels. His community corporation granted him permission and he has a letter. He filled out the variance information to explain why he needs this. His daughter is coming up from North Carolina with his two grandchildren. She is being priced out of the market. This is a chance for him to bring his daughter closer to home and back to Hamburg. He wants to build her something modest. His wife has also recently suffered from two strokes. Having his daughter close will help with the care of his wife. His neighbors love this idea and will love to have more children in the neighborhood. Right now he does not have any building plans. He is focused on getting the property situated with an address and go from there. He is working with architect Daryl Martin on where to put the structure, and where he can add on to his home. He needs to add to his home in order to care for his wife. He hopes to get this granted so he can get his family here and hopefully start building within the year.

Commissioner Chapman asked how big of an expansion he will be doing on his house to get an idea on the variance he may need in the future. Dinezza stated he will expand 30ft off the back of the house and it will be 20ft wide. It will put him roughly within 30 feet of the property line. Commissioner Chapman asked about the utilities at the new house. Dinezza stated that the new house he will build for his daughter will have all of its own utilities. He talked to the gas company, National Grid, and the sewer department. It was recommended for him to talk to the Building Department too. They could take the existing building that is there now and using the existing footer, add 1000sq ft., and he would still be 50ft away from the property line. He checked these things out because he would not be there if he thought it would not work.

Jeff Skrzypek added that splitting the lot would not put his existing structure into any setback variances. However, a new house depending on how it is plotted, he may have to come back for setbacks. At this point in time without knowing if this subdivision would be approved, he did not spend money on plot plans and house drawings yet.

The Board had no further questions.

**Findings:**

Mrs. Hahn made a motion, seconded by Mr. Yoder, to approve Application # 6146.

On the question:

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 – It will not
- Whether the benefit sought by the applicant can be achieved by some feasible method other than a variance – She does not believe so
- Whether the request is substantial – She does not believe it is
- 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 # 6147 Jennifer Able – Requesting one (1) area variance for a proposed attached garage at 4610 Dorothy Place (Zoned R-3)**

Jennifer Able, the homeowner, appeared to speak on the variance with her husband. They are looking to add on to their current one car garage. They are hoping to turn it into a 2.5-3 car garage. This will put them about 4 feet off of the property line. They spoke directly with the neighbor this would be affecting, Scott Courteau, and he is in support of the project. Courteau wrote a letter of support as well.

The Board had no further questions.

**Findings:**

Ms. Falkiewicz made a motion, seconded by Mrs. Hahn, to approve Application # 6147.

On the question:

Mrs. 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, this is an irregular lot
- 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 – That can go either way, but the balancing test favors granting the variance

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

Mrs. Hahn made a motion, seconded by Mr. Chapman, to approve the minutes of March 2026. All members voted in favor of the motion.

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

The meeting was adjourned at 7:30 PM.

Respectfully submitted,  
Laura Hahn, Secretary  
Board of Zoning Appeals  
Date: April 16, 2026