

Town of Hamburg
Board of Zoning Appeals
February 3, 2026
Minutes

The Town of Hamburg Board of Zoning Appeals met for a Regular Meeting on Tuesday, February 3, 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 Jeff Adrian 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.

Application # 6137 Paul Lenahan — Requesting one (1) area variance for a proposed residential addition at 3669 Second Street (Zoned R-3)

Paul Lenahan, applicant, stated he is asking for a rear set back variance to allow for a small accessory dwelling unit on his property. The purpose of this addition is for family use only, not rental income or increased density. Lenahan stated that his son, partner and three children would move into the main house and he would move into the addition. Maintaining the full 30 foot rear set back would make the project impractical. He is requesting a 12 foot set back and stated this is the minimum necessary to allow for this addition while avoiding greater impacts elsewhere on the property. He stated this project is modest in scale, consistent with surrounding homes and will not negatively impact neighboring properties. Lenahan provided a petition from surrounding neighbors.

Chairman Dimpfl asked if everyone on the list was in support of the project and Lenahan said yes.

The Board had no further questions.

Findings:

Mrs. Hahn made a motion, seconded by Mr. Kuebler, to approve application # 6137.

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 - No
- 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 - 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 balancing test favors the applicant

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

Application # 6138 Cathy Fabiatos – Requesting one (1) use variance for adult use cannabis retail at 3233 Lakeshore Road (Zoned M-3)

Attorney Cory Auerback from Barclay Damen, representing the applicant, stated that he appeared before the Zoning Board two months ago requesting a use variance for the adjoining property. The contract negotiations for that previous building were not effective. He wants to withdraw the previously approved variance and submit a new application with the exact same facts for the immediately adjoining building on the corner of Lakeshore and Lake. This building has been vacant for the last five years. This will bring the building back into productive reuse. He has submitted the documentation to reflect entitlement pursuant to NYS 267 B2B, essentially the same documentation submitted two months ago for the variance that was approved next door.

Commissioner Chapman asked if this is the same location as the old gas station where they were going to do a carwash and withdrew. The attorney and the board said yes. Commissioner Falkiewicz said it is right on the corner by the bottle and can place that approved the previous variance. Commissioner Chapman said that anything there would be an improvement.

Auerback stated again that if the board approves this variance, the previously approved variance will be withdrawn.

The Board had no further questions.

Findings:

Ms. Falkiewicz made a motion, seconded by Mr. Adrian, to approve application # 6138.

Ms. Falkiewicz stated she would like to attach a condition that the applicant will need to go back to the Planning Board for site plan approval.

On the question:

Ms. Falkiewicz reviewed the use variance criteria as follows:

- The applicant cannot realize a return, provided that lack is substantial as demonstrated by competent financial evidence – Yes, there was documentation provided to show financial loss
- The alleged hardship relating to the property is unique and does not apply to a substantial portion of the district or neighborhood - Yes
- The requested use variance, if granted, will not alter the essential character of the neighborhood - No
- The alleged hardship has not been self-created – No

Ms. Falkiewicz stated the balancing test favors granting this use variance.

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

Application # 6139 Jacob Matthew Vernon – Requesting two (2) area variances for a proposed detached garage at 2150 Lakeview Road (Zoned R-1)

Jacob Vernon, applicant, stated he is asking for a variance for a pole barn he wants to put up on his property. The variance is for the height and square footage. He recently moved there and took over ownership after his father, the previous owner, passed away. He wants to be able to bring all the items from his previous home to this new property and put them inside a shop like he had before.

Commissioner Falkiewicz asked if the intention is for residential use only and not for any car repairs, oil changes, etc. Vernon stated this would be for personal use only and storage for things he does not want in front of the house and exposed to the elements.

The Board had no further questions.

Findings:

Mr. Kuebler made a motion, seconded by Mr. Adrian, to approve application # 6139.

On the question:

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 – He does not believe so

- Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district – He does not believe so
- Whether the alleged difficulty was self-created – Can go either way but passes with the balancing test

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

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

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

The meeting was adjourned at 7:15 PM.

Respectfully submitted,
Laura Hahn, Secretary
Board of Zoning Appeals
Date: February 11, 2026