

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

The Town of Hamburg Board of Zoning Appeals met for a Regular Meeting on Tuesday, March 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 # 6140 Lenexa Southwestern LLC – Requesting two (2) area variances for two (2) additional attached signs at 5400 Southwestern Blvd (Zoned C-2)**

Jillian Konarski appeared to speak on behalf of Texas Roadhouse for both area variance applications. Her office address is 92 East Main Street Suite 410 in Summerville, NJ. Konarski explained that the first area variance is for a Texas Roadhouse logo sign on the eastern face of the building, facing Walmart parking lot. This sign is to help for way finding since there is going to be a multi-tenant building sitting closer to the road than the Texas Roadhouse. This would allow the people traveling west on Southwestern Blvd to be able to find the restaurant. The second area variance is for the signs on the opposite side of the building facing the parking lot for the restaurant. There would be two small signs above each door – one for the main entrance and one to label the take out door. This will limit the congestion in the restaurant at the hostess stand for pick up orders. A variance is needed for this because it would be two signs on one façade.

Chairman Dimpfl asked Code Enforcement officer Jeffery Skrzypek to clarify why the variances were needed. Skrzypek stated that a variance is needed because the one wall has two signs and code allows a single. The other variance is needed because that side of the building does not have a public entrance or face the public right-of-way which is a requirement in the code.

William Crapo, who lives at 5354 Rogers Road, attended to speak on the variance. He is right across the street from the Walmart exit on Rogers Road. He was curious to see what the sign would look like because it would be facing his house. He was concerned that there would be too much light pollution that would shine into the home at night. Konarski brought up the plans

for the sign and explained to Crapo and his wife where the signs would be. Konarski explained that the multi-tenant building that will be sitting closer to the road will most likely block the signs from their home. She also stated that the signs are not very bright. The couple was happy with that explanation.

The board had no further questions.

**Findings:**

Mrs. Hahn made a motion, seconded by Mr. Adrian, to approve Application # 6140.

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 – 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, so the balancing test favors the applicant
- Whether the alleged difficulty was self-created –

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

**Application # 6141 DATO Development LLC – Requesting one (1) area variance for a proposed real estate sign at 5140 Briercliff Drive (Zoned PUD)**

Stephanie Potter with Ryan Homes appeared to speak on this variance for a temporary sign. There will be a new subdivision tucked away in that existing community. People will not be able to see where this is from the street. This would be a temporary 4 by 8 sign that will be up until all lots are sold in the community. It will be nicely landscaped and have nice street frontage. Right now they have a temporary trailer with the same size sign up, and this new sign would look nicer.

The Board had no further questions.

**Findings:**

Ms. Falkiewicz made a motion, seconded by Mrs. Hahn, to approve Application # 6141.

On the question:

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 – She believes the 24 sq. ft. is substantial
- 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 area variance

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

**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)**

Stephanie Potter with Ryan Homes appeared to speak on these variances. She stated this is very similar to the variance being requested for application #6141. They are requesting another 4 by 8 sign on the corner of Cloverbank. They already came to an agreement with the property owner there to put up the sign temporarily until they have sold the community. Again, this community is tucked away and this sign will allow people driving by to notice the new townhomes.

Commissioner Falkiewicz asked if Potter had documentation to support the use variance, for example, documentation of financial loss if the board does not grant the variance. This documentation would need to come from an accountant and it would need to show substantial loss. Commissioner Falkiewicz also asked Potter how this hardship is unique to the property. Potter stated this is unique because a typical development can be seen from the street, but this one is part of the Briercliff Community that has already been developed. It will be much further in and cannot be seen from the road—they would need to enter the community to find it. Commissioner Falkiewicz asked if they would be doing other forms of advertising via their website. Potter said yes, but the sign would be important so people know how to get to the community. GPS directions will not lead them to the right place.

Chairman Dimpfl stated that even with the information presented, this use variance application needs to be tabled.

The Board had no further questions.

**Findings:**

Mrs. Hahn made a motion, seconded by Mr. Chapman, to table Application # 6142.

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

Chairman Dimpfl stated that the attorney could not make it to speak on this variance so it will be tabled until the April meeting.

**Findings:**

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

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

**Application # 6144 Teresa Russo – Requesting two (2) area variances for a proposed single family dwelling at 4477 Windsor Terrace (Zoned R-1)**

Teresa Russo, the property owner, appeared to speak on the variance. She stated the plan is to demolish the existing home and rebuild. She plans to make the home slightly longer; currently it is 20 by 30 feet on one side, and then it has a small addition on the back left side of the home making it 36 feet long. They are having problems with their kitchen and bathroom at the back of the house. The back room was most likely a porch before, but they did not know this when they purchased the home. This has caused many problems with the piers, and after speaking with multiple builders, they suggested the best route is to demolish the home and rebuild the whole house rather than just the back part of the home. They want to build in the existing space just it a little longer in the back. They will have a footer foundation under the home and build it up two stories.

Commissioner Falkiewicz stated that this project was previously approved and Russo stated yes, but she just could not pull the project together in time.

Chairman Dimpfl asked if the tree on the right hand side facing the house was her tree or the neighbors. Russo stated that it was the neighbor's tree, but she spoke with them, and they are okay with it being removed if needed. Chairman Dimpfl stated that she would need a letter from the neighbor saying this was okay after the project gets started.

Chairman Dimpfl clarified that the house will be knocked down and rebuilt. Russo stated she would have ideally avoided this because of the cost, but it is necessary because the main beam of the house is sagging and all of the piers need to be fixed. Knocking the home down and

rebuilding is more efficient. Chairman Dimpfl asked if any of her neighbors had problems with this, and Russo stated no, they are supportive of the rebuild.

Commissioner Adrian asked Code Enforcement Officer Skrzypek if any plans have been submitted for this. Skrzypek said no, not yet, but when they are submitted they will need to meet all requirements for fire separation. Commissioner Adrian was concerned they would need to alter the variance after the plans are submitted. Skrzypek stated that the front yard variance is where they are located now with the porch. After speaking with Russo they are not planning on going any closer to the road. He said the side yard is kind of where they are already. There is 28 feet he believes in the back yard width and 27 feet in the front. In an R1 zone they require 15ft on one side and 10 feet in the other—it is a tight lot. Commissioner Falkiewicz stated that many of those lots in the neighborhood are non-conforming.

Commissioner Adrian asked Russo if she had an architect. Russo said yes, he walked the lot with the builder today. Commissioner Adrian asked Russo if they think any additional variances would be needed after the site plan is created. He said it is hard to make a decision without seeing a site plan. Russo stated again that they plan to build in the same spot as the existing home, just with the old addition spanning the whole width on the new home, and maybe a few additional feet off the back. They need this for a mudroom and a bigger bathroom. Chairman Dimpfl stated they would be going off the same footprint.

The Board had no further questions.

#### **Findings:**

Mrs. Hahn made a motion, seconded by Ms. Falkiewicz, to approve Application # 6144.

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 with the tight lot
- 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 – She does not believe so
- Whether the alleged difficulty was self-created – Possibly, but the balance test favors the applicant

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

Mr. Falkiewicz made a motion, seconded by Mr. Chapman, to approve the minutes of February 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: March 11, 2026