

At a meeting of the Zoning Board of Appeals  
of the Village of East Aurora, New York,  
held at the Village Hall, East Aurora, New York  
on the 11<sup>th</sup> day of December 2025

PRESENT:

Gary Kimmel-Hurt  
Susan Russell  
Tony Hoffman  
Alania Smith  
Rod Simeone

ABSENT:

Jenny Schamberger- Chair

ALSO PRESENT:

Melanie Walker, Deputy Clerk  
Rich Miga, Code Enforcement Officer  
Joe Trapp – Deputy Village Attorney  
12 members of the public

Acting Chair Tony Hoffman opened the meeting at 6:01 PM. Acting Chair Hoffman introduced the members of the Zoning Board of Appeals which constitutes a quorum.

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**IN THE MATTER OF THE APPLICATION OF**

**Ken Scibetta – 634 Main Street**

**Village Code: §285-7B (1); §285- 44.9, Table 44.9F Awning Signs; §285- 44.9, Table 44.9F Awning Signs, footnote 1**

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A motion by Member Kimmel-Hurt to bring the application up from the table, seconded by Member Smith and unanimously opened.

Acting Chair recapped from the previous meeting. The applicant needs three variances: awning sign location, number of signs, and sign height. Member Simeone asked about Code §285-44.2 C1. Previously, there was an awning. It was taken down and put up again, not realizing they were not conforming to code. Member Smith asked about the stitching. The applicant said it is not possible to take out the stitching and lacquer. The Planning Commission, Council, and the applicant continued to discuss the application's reasons and options.

Acting Chair Hoffman read the Preliminary Findings for 634 Main St (awning sign location):

634 Main St is in the Village Center (VC) District.

Village code allows for an awning sign on the bottommost edge of the canvas, often referred to the valance.

An awning with a sign on the body of the awning was installed and would require a variance to remain in its current location.

An undesirable change will not be produced in the character of the neighborhood or a detriment to nearby properties will not be created by granting of the area variance.

The benefits sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.

The proposed variance is substantial in relation to the requirement.

The proposed variance will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district.

The alleged difficulty was self-created.

The proposed variance is the minimum variance deemed necessary and adequate and at the same time preserves and protects the character of the neighborhood and the health, safety and welfare of the community.

There were 119 notices sent out and 0 responses.

This is a type II action under SEQR

The board notes that there are other legal non-conforming signs on awnings throughout the village that predate the installation of the applicant's awning. Given those pre-existing awnings, and the applicant's particular location – a high traffic corner, with poor visibility due to the railroad overpass – a printed awning in this location may be allowed with a time limit, giving the members of the community more time to evaluate the overall impact of signage on awnings with relation to the village code.

Condition:

The variance will expire at the earliest, when all other legal non-conforming signs on awnings are removed or by January 1, 2031.

Member Smith made a motion to accept the findings for the awning sign location at 634 Main Street. Member Russell seconded the motion and unanimously carried. Member Smith made a motion to approve this variance based on the condition that it will expire by the earliest of all other legal non-conforming signs on awnings are removed or by January 1, 2031 and pending the approval of the additional variances for this application, Member Simeone seconded the motion, and unanimously carried. The applicant has withdrawn the variance request for a third sign.

Acting Chair Hoffman read the Preliminary Findings for 634 Main St (awning sign height):

634 Main St is in the Village Center (VC) District.

Village code allows for an awning sign with a maximum height of 6”.

An awning with a sign on the body of the awning was installed with a sign height of 42” and would require a variance of 36”. The 42” sign height is measured across the length of the canvas, but the projected vertical height of the sign measures approximately 16.5”.

An undesirable change will not be produced in the character of the neighborhood or a detriment to nearby properties will not be created by granting of the area variance.

The benefits sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than an area variance. The proposed variance is not substantial in relation to the requirement.

Member Smith made a motion to accept the findings at 634 Main Street. Member Russell seconded the motion and unanimously carried. Member Russell made a motion to approve the variance for awning sign height for 634 Main Street, which was seconded by Member Kimmel-Hurt, and the variance carried forward.

Acting Chair Hoffman closed the hearing for 634 Main Street and opened the hearing for 330 Parkdale Avenue.

**IN THE MATTER OF THE APPLICATION OF  
Leo and Cheryl Ferrante – 330 Parkdale Avenue  
Village Code: §285-30.3A(2) & §285-30.3A(1) Fences**

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IT APPEARING that all parties entitled to notice pursuant to statute were given due and timely notice of the hearing in this matter as it appears from an affidavit of mailing filed herein and made a part of the record in this matter and that the required notice of hearing was published in the official newspaper of the Village of East Aurora on November 26, 2025 as it appears from the affidavit of publication filed herein and made a part of the record in this proceeding; and findings.

Acting Chair Hoffman requested Code Enforcement Officer Rich Miga, to read the denial letter sent to Leo & Cheryl Ferrante: The denial letter from the Code Enforcement Officer dated September 17, 2025 stating that relief is needed from the Village, Section §285-30.3A(2) Fences Requirements: Fences shall be permitted in all districts, provided the height of a fence does not exceed four feet where located to the side or in front of the main residence. Requested: 6'-2" (top of the arch) high fence installed 21" in front of the rear-most wall of the dwelling, extending from the dwelling to the west property line, and then along the west property line for a total length of west property line and then along the west property line for a total length of 7'-9". Variance: 2'-2". Section §285-30.3A(1) Fences. Required: Fences shall be permitted in all districts, provided the height of a fence does not exceed six feet where located behind the rear wall of the dwelling. Requested: 6'-2" high (top of the arch) for approximately 46'-9" linear feet along the west property line. Variance: 2"

Acting Chair Hoffman called up Leo Ferrante to speak about his application. The applicant had to replace the fence due to the wind; the old fence broke and had to be replaced. The applicant explained that the fence was installed with some space between the ground and the bottom of the fence to help lessen the effect of high winds on the face that takes the full brunt of seasonal storms.

Acting Chair Hoffman read the Preliminary Findings for 330 Parkdale (rear yard height)

330 Parkdale Ave, is located in the SFR District.

The requested 6'-2" (top of the arch) high arched top privacy fence was installed along the west rear yard property line for 46' -9" linear feet.

The allowable fence height in the rear yard behind the rear-most wall of the dwelling is 6 feet.

This is a variance of 2 inches.

An undesirable change will not be produced in the character of the neighborhood or a detriment to nearby properties will not be created by granting of the area variance.

The benefits sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than an area variance.

The proposed variance is not substantial in relation to the requirement.

The proposed variance will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district.

The alleged difficulty was self-created.

The proposed variance is the minimum variance deemed necessary and adequate and at the same time preserves and protects the character of the neighborhood and the health, safety and welfare of the community.

There were 91 notices sent out and 0 responses.

This is a Type II action under SEQR.

Member Kimmel-Hurt made a motion to accept the findings for 330 Parkdale (rear yard height) and approve the variance, Member Smith seconded the motion, and it was unanimously carried.

Acting Chair read the Preliminary Findings for 330 Parkdale (side yard height)

330 Parkdale Ave. is located in the SFR District.

The requested 6'-2" (top of the arch) high fence was installed 21" in front of the rear-most wall of the dwelling. The fence extends 6' from the dwelling to the west property line and then along the west property line for a total length of 7'-9" in the side yard.

The fence will then continue into the rear yard at the same height (6' -2") for an additional 46'-9" linear feet along the west property line.

The allowable fence height in the front or side yard is 4 feet.

This is a variance of 2'-2".

An undesirable change will not be produced in the character of the neighborhood or will a detriment to nearby properties will not be created by granting the area variance.

The benefits sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than an area variance.

The proposed variance is substantial in relation to the requirement.

The proposed variance will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district.

The alleged difficulty was self-created.

The proposed variance is the minimum variance deemed necessary and adequate and at the same time preserves and protects the character of the neighborhood and the health, safety and welfare of the community.

There were 91 notices sent out and 0 responses.

This is a type II action under SEQR.

Member Russell made a motion to accept the findings and approve the variance for 330 Parkdale. Member Smith seconded the motion and unanimously carried. Acting Chair Hoffman closed the hearing for 330 Parkdale and opened the hearing for 155 Olean Street

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**IN THE MATTER OF THE APPLICATION OF  
John Lyons – 155 Olean Street  
Village Code: Section/table §285-20.4 (LDR) shed**

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IT APPEARING that all parties entitled to notice pursuant to statute were given due and timely notice of the hearing in this matter as it appears from an affidavit of mailing filed herein and made a part of the record in this matter and that the required notice of hearing was published in the official newspaper of the Village of East Aurora on November 26, 2025 as it appears from the affidavit of publication filed herein and made a part of the record in this proceeding; and findings.

Acting Chair Hoffman requested Code Enforcement Officer Rich Miga to read the denial letter sent to John Lyons: The denial letter from the Code Enforcement Officer dated October 20, 2025 stating that relief is needed from the Village, Section/table §285-20.4 (LDR). Requirements: Accessory structure (shed) shall be a minimum of 5' (60") from the side property line. Requested: Location of shed to be 4' from the north property and 2.5' from the west property line. Variance: 1' from the north property line and 2.5' from the west property line.

The Zoning Board of Appeals and John Lyons went on to discuss the application. PC is looking for additional information, not sure where the lines are. Code enforcement said property would have to be resurveyed since the property pin has been removed. Table application, code enforcement to review.

Acting Chair opened public comment – Dwight Jenkins, 692 Persons Street, is concerned: Chelsea Root (daughter), 91 North Willow not in favor.

Acting Chair Hoffman suspended public comment. Member Kimmel-Hurt made a motion to table the application for 155 Olean Street. Member Smith seconded the motion and unanimously carried.

On 12.15.25, Liz Cassidy of Code Enforcement advised that John Lyons has withdrawn the application and will move the shed.

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**IN THE MATTER OF THE APPLICATION OF  
Scott Uebelhoer– 211 Hamlin Avenue  
Village Code: §285-20.4 Residential District Lot & Yard; Table 20.4E – Side Yard**

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IT APPEARING that all parties entitled to notice pursuant to statute were given due and timely notice of the hearing in this matter as it appears from an affidavit of mailing filed herein and made a part of the record in this matter and that the required notice of hearing was published in the official newspaper of the Village of East Aurora on November 26, 2025 as it appears from the affidavit of publication filed herein and made a part of the record in this proceeding; and findings

Acting Chair Hoffman, requested Code Enforcement Officer Rich Miga to read the denial letter sent to Scott Uebelhoer: The denial letter from the Code Enforcement Officer dated October 20, 2025 stating that relief is needed from the Village, Section/table §285-20.4 Residential District Lot & Yard; Table 20.4E – Side Yard. Requirements: Minimum 10' side yard. Requested: 6.8'. Variance: 3.2'

The Zoning Board of Appeals and Michael Anderson, the Architect, went on to discuss the application, which is a revision of the previous variance. The contractor proceeded with construction at their own risk, as advised by code enforcement; the applicant decided to go forward without initiating the variance process.

Acting Chair read the Preliminary Findings for 211 Hamlin Avenue

211 Hamlin Ave is located in the SFR District.

This existing building was built in approximately 1993.

Zoning Code for Single-Family Residential (SFR) zoning district requires a minimum of 10' side yard setback.

The proposed addition will extend 3' from the south side of the dwelling making the side yard setback 6.8', a variance of 3.2'.

The ZBA previously approved a 1.7' setback on 3/13/25.

An undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by granting of the area variance.

The benefits sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.

The proposed variance is substantial in relation to the requirement.

The proposed variance will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district.

The alleged difficulty was self-created.

The proposed variance is not the minimum variance deemed necessary and adequate and at the same time preserves and protects the character of the neighborhood and the health, safety, and welfare of the community.

There were 42 notices sent out and 0 responses.

This is a Type II action under SEQR.

Member Kimmel-Hurt made a motion to accept the findings for 211 Hamlin Avenue. Member Smith seconded the motion and unanimously carried.

Member Smith made a motion to deny the variance for 211 Hamlin Avenue. Member Russell seconded the motion, with two Members in favor of the motion and Acting Chair Hoffman not in favor of the motion. Acting Chair Hoffman closed the hearing for 211 Hamlin Avenue and opened the hearing for 500 North Street.

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**IN THE MATTER OF THE APPLICATION OF  
Mike Lukaszewski – 500 North Street  
Village Code: §285-20.4 Residential District Lot & Yard; Table 20.4E**

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IT APPEARING that all parties entitled to notice pursuant to statute were given due and timely notice of the hearing in this matter as it appears from an affidavit of mailing filed herein and made a part of the record in this matter and that the required notice of hearing was published in the official newspaper of the Village of East Aurora on November 26, 2025 as it appears from the affidavit of publication filed herein and made a part of the record

in this proceeding; and findings

Acting Chair Hoffman, requested Code Enforcement Officer Rich Miga to read the denial letter sent to Mike Lukaszewski: The denial letter from the Code Enforcement Officer dated November 14, 2025 stating that relief is needed from the Village, Section §285-20.4-Residential District Lot & Yard. Table 20.4E – Side Yard Attached Requirements: Minimum 10' side yard Requested: 6.8' Variance: 3.2'

Acting Chair Hoffman called on Mike Lukaszewski, architect, who spoke of the project. Joanne Wilson of 500 North St spoke of the project as well and is looking for the ability to be able to age in place. Code Enforcement read the letter of support from 504 North Street.

Acting Chair Hoffman read the Preliminary Findings for 500 North St

500 North St is located in the SFR District.

The residence was built in approx. 1924.

The lot has an existing non-conforming width of 52'.

The residence has an existing non-conforming side yard setback of 9.53' to the west property line.

The proposed construction is an attached 1.5 car garage with interior ramp and a mudroom at the rear of the structure.

The proposed garage addition would be located 5' from the west property line and would require a 5' variance.

An undesirable change will not be produced in the character of the neighborhood or a detriment to nearby properties will not be created by granting of the area variance.

The benefits sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than an area variance.

The proposed variance is substantial in relation to the requirement.

The proposed variance will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district.

The alleged difficulty was self-created.

The proposed variance is the minimum variance deemed necessary and adequate and at the same time preserves and protects the character of the neighborhood and the health, safety and welfare of the community.

There were 55 notices sent out and 1 response in favor of the variance.

This is a Type II action under SEQR.

Member Russell made a motion to accept the findings and approve the variance for 500 North Street. Member Simeone seconded the motion and unanimously carried. Acting Chair Hoffman closed the hearing for 500 North Street and opened the hearing for 541 Girard Avenue.

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**IN THE MATTER OF THE APPLICATION OF  
Courtney Carter – 541 Girard Avenue  
Village Code: Section/table §285-30.3A (2) Fences**

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IT APPEARING that all parties entitled to notice pursuant to statute were given due and timely notice of the hearing in this matter as it appears from an affidavit of mailing filed herein and made a part of the record in this matter and that the required notice of hearing was published in the official newspaper of the Village of East Aurora on November 26, 2025 as it appears from the affidavit of publication filed herein and made a part of the record in this proceeding; and findings.

Acting Chair Hoffman requested Code Enforcement Officer Rich Miga to read the denial letter sent to Courtney Carter: The denial letter from the Code Enforcement Officer dated November 17, 2025 stating that relief is needed from the Village, Section §285- 20.4, Residential District lot & Yard Requirements; Table 20.4E Side Yard Requirements: Minimum 10' side yard Variance: 3.2'

Charlie and Courtney Carter of 541 Girard Avenue were called up to speak of the application by Acting Chair Hoffman. The property is lower than the adjacent property and is looking for privacy. The applicants want to add trees and landscaping.

Acting Chair read the Preliminary Findings for 541 Girard Ave 2nd Revision

541 Girard Ave is located in the SFR District.

The existing residence was built in approximately 1950.

The existing lot has non-conforming width and side yard setbacks for the residence.

There is a change in elevation from this property to the adjacent property at 549 Girard – specifically, the home at 541 Girard Avenue is at a lower elevation to the home closest to the proposed fence.

Code allows for a 4' fence to the side or in front of the principal building.

A permit has been issued for a 4' fence in the side yard.

The fence has partially been installed and is 6.47' for 2 lin. ft. and the remainder to be installed is to be 6.2' for approximately 38.5 lin. ft.

The fence would require a variance of 2.47' for 2 lin. ft and 2.2' for 38.5 lin. ft.

Following a consultation with the applicant, the proposed variance and following findings are made with the understanding that the fence would be no higher than 4' in front of the house, and the constructed remainder – approximately 32.5' -- of the fence between the homes would be reduced 8" in height (the approximate height of one plank).

An undesirable change will not be produced in the character of the neighborhood or a detriment to nearby properties will not be created by granting of the area variance.

The benefits sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than an area variance.

The proposed variance is substantial in relation to the requirement.

The proposed variance will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district.

The alleged difficulty was self-created.

The proposed variance is the minimum variance deemed necessary and adequate and at the same time preserves and protects the character of the neighborhood and the health, safety, and welfare of the community.

There were 78 notices sent out and 1 opposed response.

This is a Type II action under SEQR.

Member Russell made a motion to approve the variance with the conditions stated in the findings for 541 Girard Avenue. Member Kimmel-Hurt seconded the motion with 3 members in favor and 2 opposed. Acting Chair Hoffman closed the application for 541 Girard Avenue.

Acting Chair Hoffman requested a motion to approve the minutes of the November 13<sup>th</sup> meeting. Member Kimmel-Hurt made a motion to approve the minutes from the November 13<sup>th</sup> meeting, and it was seconded by Member Smith with 1 abstention and carried. Member Smith made a motion to close this hearing of the Zoning Board of Appeals at 9:45 pm, seconded by Member Simone and unanimously carried. The Zoning Board of Appeals hearing for the December 11<sup>th</sup> meeting was closed.

Respectfully Submitted,

Melanie Walker  
Deputy Clerk