

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 11th day of June 2026

PRESENT:

Jenny Schamberger- Chair
Alaina Smith
Tony Hoffman
Rod Simeone
Tony Rosati - Alternate

ABSENT:

Susan Russell
Gary Kimmel-Hurt

ALSO PRESENT:

Melanie Walker, Deputy Clerk
Rich Miga, Assistant Code Enforcement Officer
1 member of the public

Chair Jenny Schamberger opened the meeting at 6:01 PM. Chair Schamberger introduced the members of the Zoning Board of Appeals, which constitutes a quorum. Then Chair Schamberger requested a motion to approve the minutes of the May 14th meeting. Member Hoffman has corrections, so they will be held over until the next meeting. Chair Schamberger requested a motion to approve the minutes of the April 9th meeting. Member Hoffman made a motion to approve the April minutes as corrected, and Member Smith seconded, and it was unanimously carried.

**IN THE MATTER OF THE APPLICATION OF
Richard Hanes-Stetter – 275 Walnut Street
Village Code: §285-30.3A (2) Fences**

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 June 1, 2026 as it appears from the affidavit of publication filed herein and made a part of the record in this proceeding; and findings.

Chair Schamberger requested Rich Miga, Assistant Code Enforcement Officer, to read the denial letter sent to Richard Hanes dated May 1, 2026 stating that relief is needed from the Village, Section §285-30.3A (2) Fences. Requirement: 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 building. The request: 6' fence to be installed in the side yard (south) for 70 linear feet with a variance of 2' in height.

The applicant described the details of the application, with the ZBA asking questions. Then, public comment was opened and closed, and the ZBA deliberated on the findings.

Chair Schamberger read the findings for 275 Walnut Street:

275 Walnut Street is located in the SFR District.

The residence was built in 1914.

The request is for a proposed 6' high multi-rail fence, a substantially open style of fencing, to be installed in the side yard for 70 linear feet on the south side of the dwelling.

The proposed fence is to be installed where neighboring property (south) at 289 Walnut Street fence ends and continues to the rear wall of the dwelling.

The neighboring property (south) at 289 Walnut Street has an approved ZBA variance for a 6' high fence, dated 5/13/21.

There are several trees in the path of the fence that will not be disturbed by this project.

The position of this section of the fence, the neighbors' fence, and the trees in the vicinity minimize the visibility of this fence from the right of way.

The allowable fence height in the side yard in front of the rear-most wall of the dwelling is 4 feet. This is a variance of 2' in height.

An undesirable change will not be produced in the character of the neighborhood and 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.

78 notices were sent to surrounding property owners, and 1 response in support was received.

This is a Type II action under SEQR.

Member Hoffman made a motion to accept the findings and approve the variance for 275 Walnut Street. Member Simeone seconded the motion, and it was unanimously carried forward. Member Smith made the motion to close the hearing, and Member Hoffman seconded the motion, and it was unanimously carried forward.

Member Hoffman made a motion to close this meeting of the Zoning Board of Appeals at 6:35 pm, seconded by Member Smith, and unanimously carried. The Zoning Board of Appeals hearing for the June 11th meeting was closed.

Respectfully Submitted,

Melanie Walker
Deputy Clerk