

ROLL CALL: Present: ZBA Member Joette Tronolone
 ZBA Member Amelia Greenan
 ZBA Member Paul Lang
 ZBA Member Edmund Bedient
 Chairperson Stephen Stachowski
 ZBA Counsel Joseph Trapp
 Code Enforcement Representative Doug Busse
 Town Board Liaison Jeff Piekarec

Absent:

CALL TO ORDER

OPENING OF PUBLIC HEARING

Motion by Greenan, seconded by Lang, to open the public hearing

Ayes: 5 Noes: 0 Abstain: 0 Motion Carried

APPROVAL OF PROOFS OF PUBLICATION

Motion by Tronolone, seconded by Greenan, to approve the proofs of publication

Ayes: 5 Noes: 0 Abstain: 0 Motion Carried

APPROVAL OF MINUTES

Motion by Tronolone, seconded by Lang, to approve the December 2025 meeting minutes

Ayes: 4 Noes: 0 Abstain: 1 Motion Carried

1. Minutes of Meeting #2025-11

OLD BUSINESS

2025-042

Request of Young Development, Inc. for property located at 2852 Transit Road to allow construction of a fence 8' in height (maximum height in front/side yard 4' and rear yard 6').

Joe Young of Young Development to create separation between a new building and an adjacent residential parcel at 359 Schultz Road. The applicant reached an agreement with the neighboring property owner, Frank Annarino.

Paul Lang and **Ed Bedient** recused themselves due to professional conflict and left the meeting room at 6:07pm.

Code Enforcement Officer Busse noted a similar fence was previously approved and agreed the separation is beneficial.

Ms. Greenan asked Joe Young if there were any alternatives considered. Mr. Young stated that after speaking with the neighbors Frank Annarino, and his wife that the fence seems to be the best solution with some trees to help the separation as well.

Chairman Stachowski found the request substantial (a 100% increase) but beneficial for separation between multi-family and single-family properties.

Area Variance Balancing Test

Is there an undesirable change to the neighborhood? No this variance was requested in partnership with the neighbors.

Was there an alternative? Again, this was in the best interest of the neighbors.

Is this a substantial request? No

Will this have an impact on the environment? No

Is this a self-created difficulty? No, an opportunity to work collaboratively with the neighbors.

Motion by Greenan, seconded by Chairperson Stachowski, to grant the request for the 8ft fence.

Ayes: 3

Noes: 0

Abstain: 2

Motion Carried

2025-047

Request of Anthony Nieves Garcia for property located at 137 Fernald Avenue to allow construction of a fence 4' in height in the front yard with a 25' projection (maximum projection 10' allowed).

Applicant Garcia is looking to create a secure play area in the front yard for his two children, who are on the autism spectrum, and his dogs. The fence would also serve as a barrier from traffic.

Public Comment: A neighbor from 135 Fernald Avenue, **Angel Casori**, raised concerns about the fence complicating parking and snow removal in the shared driveway and questioned if the 4-foot fence was sufficient to contain the applicant's large dog, which has gotten loose before.

Board Discussion & Deliberation:

The board explored alternatives, including fencing the backyard (which the applicant noted is mostly gravel parking) or enclosing the front porch.

The applicant also cited issues with neighbors encroaching on the driveway, leading to police calls.

Code Enforcement Officer Busse states there's no fence allowed in this front yard because the home does not meet the required 30' front setback, so there's no projection past the house allowed.

Board members expressed concern that the request was substantial, would change the neighborhood's character, and could set a precedent. Most members indicated they would not approve the application as it stands.

The board discussed considering the request as an ADA (Americans with Disabilities Act) accommodation due to the child's safety needs.

Conclusion: The board voted to table the motion until the March meeting. This allows the applicant time to consult with their fence company (Guardian Fences) and develop less substantial alternative proposals.

A picture of the property was submitted and also Bedient did look up the property on google maps to review property lay out for other options.

Area Varaince Balancing Test

Is there an undesirable change to the neighborhood? A neighbor came forward with concerns.

Is there an alternative? Yes. Possibly the backyard.

Is the request substantial? Yes

Motion by Chairperson Stachowski, seconded by Bedient, to table this item until the March 2026 meeting.

Ayes: 5

Noes: 0

Abstain: 0

Motion Carried

NEW BUSINESS

2025-049

Request of Kristin L. Arcuri for property located at 3 Rene Drive to allow for a fence projection 15' past home dwelling (maximum projection 10' allowed).

Applicant Carey is looking to maximize usable green space for five young grandchildren and their dogs, as a portion of the yard is already occupied by a fenced-in pool.

Details: The proposed fence is a four-foot-high, see-through, wrought-iron style. The applicant provided letters of support from three neighbors. Utility easements exist on the property.

Tronolone asked if there was any approval needed from NYS DOT or Erie County.

Code Enforcement Officer Busse stated no requirement need if they are not within 500 feet of a county road.

Conclusion: The motion was approved 5-0, contingent on the applicant providing letters from utility companies (National Fuel, NYSEC) confirming no issues with building over the easements.

NO PUBLIC COMMENT

Area Variance Balancing Test

Is there an undesirable change to the neighborhood? No, it's a compatible structure and will not block sight lines, reduce visibility for traffic or affect neighboring problems.

Is there an alternative? No, the request is to make it functional and give privacy and safety to children and pets.

Is the request substantial? No, it's not substantial. The difference in the projection is 5 feet. The height of the fence may be compliant of four feet.

Does the variance have an impact on the environment? No, the fence is low, open in appearance, and will not affect drainage, light, or airflow, environmental features, or traffic pattern in public safety.

Is this a self-created difficulty? Possibly, but this alone does not preclude granting a variance. The applicant is trying to secure seasonable use of the air to protect her grandchildren and pets and wants privacy.

Motion by Chairperson Stachowski, seconded by Bedient, to close the public hearing and grant a variance for property located at 3 Rene Drive.

Ayes: 5

Noes: 0

Abstain: 0

Motion

2025-050

Request of Colin McLaughlin for property located at 80 Greenspring Court to allow construction of a fence 6' in height in the front/side yard (maximum height in front/side yard 4' permitted).

Applicant Colin McLaughlin is looking to provide family privacy in the backyard of a new home.

Details: The applicant provided three letters of support from neighbors. The fence would be more than three feet from the sidewalk. A public utility easement exists, which will be reviewed during the permit process.

Conclusion: The board voted 5-0 to approve the variance request.

NO PUBLIC COMMENT

Area Variance Balancing Test

Is there an undesirable change to the neighborhood? No

Is there an alternative? You could go with 4 feet but it doesn't give you the desired security.

Is the request substantial? No.

Does the variance have an impact on the environment? No

Is this a self-created difficulty? Probaby, but not our determining factor.

Motion by Chairperson Stachowski, seconded by Greenan, to Approve

Ayes: 5

Noes: 0

Abstain: 0

Motion

2026-001

Request of Precision Remodels for property located at 1245 Seneca Creek Road construction of an accessory building with a height of 18' 6" to midspan (maximum height 12' is permitted).

Paul Lang recused himself due to professional conflict and left the meeting room at 7:20pm.

Applicant Mike Evans with Precision Remodels is looking to build a pole barn with the height that is required to accommodate a tractor and to create a second-floor storage space for tables and chairs. The structure would be built on an existing concrete pad and its visibility would be minimal.

Deputy Town Attorney Joseph Trapp inquired if a zoning change would have to happen in order to build this barn.

Code Enforcement Busse said there would not need to be a change in order to build.

Code Enforcement Busse also added details regarding the application. The application was submitted January 7th. Busse submitted the 239 ZR1 form to Erie County Department of Planning on that same day.

He was notified that Erie County received the email but he has not heard back on whether they have concerns. This is part of the reason your not able to be heard on this matter tonight.

Greenan asked Busse to speak to the possibility of any effect on the environment from this particular variance.

Code Enforcement Officer Busse stated that drainage issues will be taken into consideration upon the permit. That will be sorted out with engineering, if necessary, and the contractor.

Discussion: A letter of concern from a resident was reviewed. The board was advised to table the decision pending feedback from the Erie County Department of Planning, which has 30 days to respond. The project's "type 2" exemption under SEQR was discussed.

Conclusion: The application was tabled until the February meeting. The applicant must provide a letter confirming the project is standalone and not part of a larger development.

PUBLIC COMMENT: Dan Warran submitted a letter.

Motion by Chairperson Stachowski, seconded by Tronolone, to table to February 2026 meeting.

Ayes: 4 Noes: 0 Abstain: 1 Motion

ADJOURN

Paul Lang reentered at 7:39.

Motion by Deputy Supervisor Greenan, seconded by Bedient, to adjourn the meeting at 7:44pm.

Ayes: 5 Noes: 0 Abstain: 0 Motion