

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 Tronolone, seconded by Lang, to Open Public Hearing

Ayes: 5 Noes: 0 Abstain: 0 Motion Carried

APPROVAL OF PROOFS OF PUBLICATION

Motion by Bedient, seconded by Lang, to approve proofs of publication.

Ayes: 5 Noes: 0 Abstain: 0 Motion Carried

APPROVAL OF MINUTES

1. Minutes of Meeting #2026-01

The January minutes were discussed at the end of the meeting. The board made recommendations to the new secretary on how to proceed with future minutes. Motion to table January minutes until March meeting.

Motion by Chairperson Stachowski, seconded by Bedient, to table January minutes until March.

Ayes: 5 Noes: 0 Abstain: 0 Motion Carried

OLD BUSINESS

2024-043

Request of Dave Sutton of Sutton Architecture for property located at 555 Orchard Park Road for a variance to allow live music on the property (live music not permitted).

The chair states the case: request by Dave Sutton of Sutton Architecture for a variance to allow live music at 555 Orchard Park Road where live music is not permitted.

Code enforcement Busse informed the board that the applicant couldn't attend.

Motion to table for the March meeting

Motion by Bedient, seconded by Tronolone, to table for March meeting.

Ayes: 5

Noes: 0

Abstain: 0

Motion Carried

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 requests and is granted recusal from applications 2026-001 and 2026-002 due to professional conflict 6:07.

The chair notes the application was discussed briefly in January 2026; this is a continuation of the public hearing.

The applicant is asked to state their name and relationship to the property, and to describe the project and need for the variance.

Microphone access issue is noted; the chair aims to ensure the applicant is recorded.

Kevin Mish, general manager of Kloc's Grove (1245 Seneca Creek Road), proposing a pole barn on an existing concrete pad for storage.

The chair asks for confirmation of owner permission and a brief explanation of why the variance is being requested.

Kevin Mish - Confirms owner permission to appear and that he is proposing a pole barn on an existing concrete pad for storage of tables, chairs, Christmas decorations and a tractor.

Greenan questions visibility and neighbor notifications.

The project is stated as not visible from neighboring properties.

Neighbor letters not required

Code enforcement Busse explains the zoning and height constraints: the property is preexisting nonconforming in a residential district with a 12-foot accessory structure height limit; requested relief is 6 feet 6 inches.

Prior environmental impact concern (drainage) noted as addressed at the permit stage per code enforcement.

The board references prior meeting discussion: potential environmental effects were queried; code enforcement indicated drainage issues would be addressed upon permitting.

Drainage considerations are accounted for; any drainage issues will be handled. Board confirms preexisting slab and necessity of height for storage; queries on utilities are raised without captured response.

Chair confirms: the slab for the barn is preexisting; the height is needed for storage requirements of the property.

Erie County referral (ZR-1) response is received indicating no objection and local concern only due to county road.

reports Erie County ZR-1 referral response received on February 2: no objection to the garage proposal; matter is of local concern only (required because property is on a county road).

Bedient articulates the five variance factors supporting approval, emphasizing no neighborhood impact, cost-effective storage solution, non-substantial relief, no adverse environmental effects, and difficulty not self-created.

Chair Stachowski seeks confirmation that the barn is a standalone project independent of other property developments.

Chair Stachowski questions applicant to confirm the barn project is standalone regardless of other developments; seeks confirmation and asks counsel if further questions are needed.

Counsel Trapp clarifies: Executive session is commonly used by habit, but not technically needed as legal advice is exempt from Open Meetings Law; recommends discussing before any vote is taken

RECESS 6:18pm

RETRUNED 6:27pm

Upon clarification that the prospsed barn qualifies as SEQR Type due to size under 4,000 square feet and deliberation of tabling the item.

Chair Stachowski seeks confirmation of building size.

Bedient confirms the barn will be under 4,000 square feet.

Chair Stachowski states the barn may be considered Type II and that it will be noted in the application later and the board can proceed without SEQR.

Bedient articulates the five variance factors

supporting approval, emphasizing no neighborhood impact, cost-effective storage solution, non-substantial relief, no adverse environmental effects, and difficulty not self-created.

Motion by Bedient, seconded by Greenan, to grant construction of 18'6 accessory building.

Ayes: 4

Noes: 0

Abstain: 0

Motion Carried

NEW BUSINESS

2026-002

A request from Julius Aebly for property located at 1465 Union Rd to reduce the required car stacking at the proposed drive-thru for the proposed bank.

The applicant, represented by Vince, seeks a variance for car stacking requirements for a proposed bank drive-through.

Town code requires eight stacking spaces per lane. The proposal includes two lanes (one teller, one ATM), requiring a total of 16 spaces; the plan accommodates three per lane plus two shared spaces. Code Enforcement Busse officer noted a large overflow area in the parking lot, mitigating concerns about traffic backing up into the roadway.

The applicant stated that, on average, their other branches see about two cars at a time in the drive-through.

ZBA Counsel Trapp clarified that since the code is user-specific (for banks), the variance discussion can also be user-specific.

No undesirable change was found, as drive-through banks are common in the commercial corridor. A feasible alternative would be not to build a drive-through, but the board saw benefit in the proposal. The variance request was substantial on its face (50% reduction) but less so given the applicant's usage data.

The difficulty was self-created, but this does not preclude granting the variance.

Green asked if the area variance analyst was provided?

Code Enforcement Busse states that a copy was provided with the application in board packets.

Motion by Tronolone, seconded by Bedient, to grant the reduction of the required car stacking.

Ayes: 4

Noes: 0

Abstain: 0

Motion Carried

ADJOURN

Paul Lang -Reentred meeting 6:48pm

Discussion on Meeting Minutes and Balancing Test Procedure

A motion was made to table approval of the January meeting minutes.

The board discussed how best to document findings for the area variance balancing test in the official record.

Deputy town attorney Trapp emphasized that clear, documented findings are the first line of defense in case of a legal challenge.

The board agreed to continue incorporating the balancing test analysis directly into the minutes.

The member making a motion will lead the discussion on the five points of the balancing test.

Following the discussion on meeting minutes, a motion was made to close the public hearing and end the meeting.

Motion by Tronolone, seconded by Bedient, to close public hearing.

Ayes: 5

Noes: 0

Abstain: 0

Motion Carried

Future meetings are held the fourth Wednesday of the month at 6:00 pm