



**WEST SENECA  
ZONING BOARD OF APPEALS  
1300 Union Road, West Seneca, NY 14224  
6:00 PM in the Community Center  
August 26, 2026**

**Start Time: 6:00 PM**

**Call to Order**

- Chairperson Stephen Stachowski
- Zoning Board Member Joette Tronolone
- Zoning Board Member Amelia Greenan
- Zoning Board Member Paul Lang
- Zoning Board Member Edmond Bedient
- ZBA Counsel Joseph Trapp
- Code Enforcement Representative Doug Busse

**Absent: None noted**

**Opening of Public Hearing**

- Motion to open Public Hearing: Tronolone
- Second: Lang
- Vote: Ayes: 5, Noes: 0 (Motion carried)

**Approval of Proofs of Publication**

- Motion to approve proofs of publication: Lang
- Second: Tronolone
- Vote: Ayes: 5, Noes: 0 (Motion carried)

Counsel noted website posting issue; statutory requirement is “as soon as practicable, at least 24 hours in advance” under Public Officers Law. Publication in the newspaper was completed; applications were available at Code Enforcement. Counsel stated readiness to defend the meeting if challenged. Board proceeded.

**Approval of Minutes from Previous Meeting**

- Motion to approve July 2026 minutes: Bedient
- Second: Greenan

- Vote: Ayes: 5, Noes: 0 (Motion carried)

## **Old Business**

### **2026-022, 29 Klas Avenue**

- Applicant not present; motion to table to end of meeting:
  - Motion: Tronolone
  - Second: Lang
  - Vote: Ayes: 5, Noes: 0 (Motion carried)

## **New Business**

### **2026-035, 1310 Seneca Creek Road — Pool Deck Connection (Area Variance)**

Applicant: Jesse Schutt (contractor)

Request: Extend deck to existing pool to improve accessibility and safety for elderly parents; neighbor support letters provided (1320 Seneca Creek, 1300 Seneca Creek).

Code Enforcement Busse: Requires self-closing, self-latching gate; no environmental/drainage concerns.

Counsel Trapp: No comment.

Public: No comments.

- Motion to close public hearing and grant variance:
  - Motion: Greenan
  - Second: Lang
- Condition added: Gate must be self-closing, self-latching; applicant confirmed.
- Vote: Ayes: 5, Noes: 0 (Motion carried)

Area Variance Balancing Test (5 factors):

1. Undesirable change in neighborhood character or detriment to nearby properties: No. Attached pool decks are common; neighbor letters support.
2. Feasible alternatives: Existing separate deck/stairs are impractical for elderly parents; alternatives do not meet needs.
3. Substantiality: Yes numerically, but not determinative in this context.
4. Adverse environmental/physical impacts: No (no drainage or other impacts).
5. Self-created difficulty: No, based on accessibility needs related to elderly parents.

### **2026-036, 84 Annette Drive — Detached Garage Setback (Area Variance)**

Applicant: Henry Ernst (owner)

Request: Single-story, two-car detached garage at 15-foot offset from 30-foot required setback to preserve usable backyard; neighbor letters from 85 Annette, 12 Kathy, 15 Kathy. Applicant owns large parcel along adjacent paper street.

Code Enforcement Busse: Corner-lot constraints; garage size compliant, setback location only issue; no environmental/drainage concerns; will use existing driveway (no second driveway).

Counsel Trapp: No comment (paper street noted; no current town action).

Public: No comments.

- Motion to grant variance:
  - Motion: Tronolone
  - Second: Greenan
- Vote: Ayes: 5, Noes: 0 (Motion carried)

Area Variance Balancing Test (5 factors):

1. Undesirable change/detriment: No. Residential accessory structure consistent with neighborhood.
2. Feasible alternatives: No practical alternatives; locating elsewhere would eliminate viable backyard use and conflict with existing site configuration.
3. Substantiality: Numerically substantial (15 feet of 30-foot setback, 50% reduction), but mitigated by lot constraints.
4. Environmental/physical impacts: No impacts on drainage, utilities, traffic, or visibility.
5. Self-created difficulty: No, due to existing lot configuration and corner-lot constraints.

### **2026-037, 30 Woodcrest Drive — Side Yard Fence Height (Area Variance)**

Applicant: Emily Kawa (owner)

Request: Six-foot privacy fence between sun porch and garage, 60 feet from sidewalk; security/privacy due to nearby bar and prior theft; neighbor letters from 27 Woodcrest, 23 Woodcrest; adjacent vacant lot.

Code Enforcement Busse: No objection.

Counsel Trapp: No comment.

Public: No comments.

- Motion to approve variance:
  - Motion: Lang
  - Second: Tronolone

- Vote: Ayes: 5, Noes: 0 (Motion carried)

#### Area Variance Balancing Test (5 factors):

1. Undesirable change/detriment: No. Fence limited to side yard and terminates along side of house.
2. Feasible alternatives: A four-foot fence is permissible but inadequate for privacy/security needs.
3. Substantiality: No. Increment is limited to side yard; consistent with commonly granted town variances.
4. Environmental/physical impacts: No. No sightline or environmental concerns.
5. Self-created difficulty: Yes, somewhat; not determinative.

## Training Reminder

- ZBA members require 4 hours of annual training. In-house training may be possible; counsel coordinating other CLE activities. Members should complete required training as per email guidance.

## Return to Old Business

- **2026-029, 29 Klas Avenue**
  - Applicant still not present; third attempt.
  - Motion to receive and file (non-denial to allow potential reapplication):
    - Motion: Stachowski
    - Second: Bedient
    - Rationale: Three failed appearances.
    - Vote: Ayes: 5, Noes: 0 (Motion carried)

## Close Public Hearing

- Motion to close:
  - Motion: Tronolone
  - Second: Lang
- Vote: Ayes: 5, Noes: 0 (Motion carried)

## End Time 6:30 PM