



**WEST SENECA
ZONING BOARD OF APPEALS
1300 Union Road, West Seneca, NY 14224
6:00 PM in the Community Center
February 25, 2026**

AGENDA

Meeting # 2026-02

CALL TO ORDER

OPENING OF PUBLIC HEARING

APPROVAL OF PROOFS OF PUBLICATION

APPROVAL OF MINUTES

1. Minutes of Meeting #2026-01

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).

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).

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.

ADJOURN

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

DRAFT

WEST SENECA COMMUNITY CENTER
1300 Union Road
West Seneca, NY 14224

Zoning Board of Appeals
Minutes #
January 28, 2026

ROLL CALL: Present: Joette Tronolone
Deputy Supervisor Amelia Greenan
Paul Lang
Edmund Bedient
Chairperson Stephen Stachowski

Absent:

CALL TO ORDER

OPENING OF PUBLIC HEARING

Motion by Deputy Supervisor 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 Deputy Supervisor 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 tress 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.
Motion by Deputy Supervisor 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 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.

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).

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

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

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

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).

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

Ayes: 4 Noes: 0 Abstain: 1 Motion

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.

ZBA Council 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.

ADJOURN

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

Ayes: 5

Noes: 0

Abstain: 0

Motion

Paul Lang reentered at 7:39.

**SITE PLAN OR ZONING REFERRAL TO COUNTY OF ERIE, N.Y.
AND REPLY TO MUNICIPALITY**

Submit this form with [full statement of proposed action](#) (as described in GML 239-m(c)) at www.Erie.gov/IRonline, OR mail a hard copy (retain a copy for your files) to: Erie County Division of Planning, 95 Franklin Street, Room 1053, Buffalo, N.Y., 14202

DO NOT WRITE IN THIS SPACE

Case No.: 435-ZR-24

Postmark/Delivery Date: 8/5/24

The proposed action described herein is referred in accordance with the provisions of [NYS General Municipal Law §239 l - nn](#).
A [Municipal Referral Map](#) is available to help determine whether an applicable action is subject to referral.

Description of Proposed Action

1. Name of Municipality: West Seneca

§239-m(4)(b) provides that the county shall have 30 days after receipt of a full statement of the proposed action to reply.

If the county fails to reply within such period, the referring body may take final action.

However, any county reply received after 30 days but 2 or more days prior to final action by the referring body shall be subject to §239-m(5).

The referring body shall file a report of its final action with the county within 30 days per §239-m(6).

2. Hearing Schedule: **Date** August 28, 2024 **Time** 6pm **Location** 1300 Union Road, West Seneca, NY

3. Action is before: ☐ Legislative Body ☒ Board of Appeals ☐ Planning Board

4. Action consists of: ☐ New Ordinance ☐ Rezone/Map Change ☐ Ordinance Amendment

☐ Site Plan ☐ Variance ☒ Special Use Permit ☐ Other: _____

5. Location of Property: ☐ Entire Municipality ☐ Address: 555 Orchard Park Road, West Seneca, NY

5a. S.B.L. of Property: 143.06-4-2.1

6. Referral required as site is within 500' of: ☒ State or County Property/Institution ☐ Municipal Boundary ☐ Farm Operation located in an Agricultural District

☐ Expressway ☒ County Road ☐ State Highway ☐ Proposed State or County Road, Property, Building/Institution, Drainageway

7. Proposed change or use: live music
(specify the action, such as the scope of variances or site plans)

8. Other remarks: _____

9. Submitted by: Kate Newton, Town Clerk **Email:** knewton@twsny.org

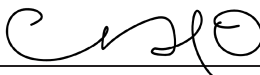
10. Return Address: 1250 Union Road, West Seneca, NY 14224

Reply to Municipality by Erie County Division of Planning

Receipt of the above-described proposed action is acknowledged on 8/19/24. The Division herewith submits its review and reply under the provisions of applicable state and local law, based on the information submitted with this referral.

1. ☐ The proposed action is not subject to review under the law.
2. ☐ Comment on proposed action is attached hereto.
3. ☐ The proposed action is subject to review; Recommendation on Proposed Action is attached hereto.
4. ☒ No Recommendation; proposed action has been reviewed and determined to be of local concern.

By the Division of Planning: _____



Date: 8/19/24

APPLICATION TO BOARD OF APPEALS

Tel. No. _____

Appeal No. 2024-043
Date 7/30/24

TO THE ZONING BOARD OF APPEALS, WEST SENECA, NEW YORK:

I (we) Dave Sutton / The Ridge of Sutton Architecture
5409 Main St. 2nd Floor Williamsville 14221, HEREBY APPEAL TO THE ZONING BOARD OF APPEALS FROM THE
DECISION OF THE BUILDING INSPECTOR ON AN APPLICATION FOR A BUILDING PERMIT, WHEREBY THE BUILDING
INSPECTOR DID DENY PERMIT TO: Have live music

- | | |
|--|---|
| ☒ A PERMIT FOR USE | ☐ A CERTIFICATE OF EXISTING USE |
| ☐ A PERMIT FOR OCCUPANCY | ☐ A CERTIFICATE OF ZONING COMPLIANCE |
| ☐ A TEMPORARY PERMIT OR EXTENSION THEREOF | ☐ AREA PERMIT |

1. Applicant is the ☒ PROPERTY OWNER

- ☐ CONTRACTOR FOR THE WORK CONCERNED HEREIN
☐ PROSPECTIVE TENANT
☐ OTHER (Describe) _____

2. LOCATION OF THE PROPERTY 555 Orchard Park Rd.

3. State in general the exact nature of the permission required, _____

4. PREVIOUS APPEAL. No previous appeal has been made with respect to this decision of the Building Inspector or with respect
to this property, except the appeal made in Appeal No. _____, dated _____, 20____.

5. REASON FOR APPEAL.

A. A Variance to the Zoning Ordinance is requested because strict application of the ordinance would produce undue hardship, or
the hardship created is unique and is not shared by all properties alike in the immediate vicinity of this property and in this use district,
or the variance would observe the spirit of the ordinance and would not change the character of the district because: _____

(See Letter)

B. Interpretation of the Zoning Ordinance is requested because: _____

C. A Special or Temporary Permit or an Extension thereof Under the Zoning Ordinance is requested pursuant to Article _____,
Section _____, Subsection _____, Paragraph _____ of the Zoning Ordinance, because: _____

Dave Sutton
Applicant's Signature

TO BE COMPLETED BY THE BUILDING INSPECTOR

1. Provision(s) of the Zoning Ordinance Appealed, including article, section, subsection or paragraph of the Zoning Ordinance

120-20(A)8(D) Live Music Not Permitted

Requesting live music.

2. Zoning Classification of the property concerned in this appeal MU(S)

3. Type of Appeal:

- ☒ Variance to the Zoning Ordinance.
☐ Interpretation of the Zoning Ordinance or Zoning Map.
☐ Special or Temporary Permit or an extension thereof under the Zoning Ordinance.

4. A statement of any other facts or data which should be considered in this appeal. _____

Building Inspector D. J. Borne



July 24, 2024
REVISED 7-25-24

Town of West Seneca
Building Department
1250 Union Road
West Seneca, NY 14224
Attn: Doug Busse; Code Enforcement Officer
Email: dbusse@TWSNY.org

RE: The Ridge @ 555 Orchard Park Road

Dear Doug,

Thank you for taking the time to work with the partners of The Ridge @ 555 Orchard Park Road regarding our ability to have outdoor patio dining and live music on the premises.

It is our wish to apply to the Zoning Board of Appeals for a variance to do so.

Kindly note, our hours of operation for outdoor seating are as follows:

11am-12am Sunday-Wednesday
11am-2am Thursday-Saturday

We are anticipating hours of operation for live music, between 6pm-11pm Monday-Saturday and 12pm-6pm. We anticipate 3 live music events per week, with dates and times to be determined. Our website events calendar can be reviewed in advance of dates and times of the events.

Also, we would like to renew the variance in place for outdoor seating at same.

Thank you for your time and cooperation in this matter. If you have any further questions or need anything further; please feel free to call my office.

Sincerely,
The Ridge West Seneca, LLC

David J. Sutton
Managing Member

Cc: Jeffrey Schieber <jschieber@TWSNY.ORG>
Randy Pawlik <rpawlik@bisonelevator.com>

design2build.com

Tel: 716.932.7156
Fax: 716.932.7873

5409 Main Street
Williamsville, NY 14221



APPLICATION TO BOARD OF APPEALS

1. No. _____

Appeal No. 2020-02

Date 2/2/26

TO THE ZONING BOARD OF APPEALS, WEST SENECA, NEW YORK:

I (we) Julius Aebly c/o Anthony Pandolfe, PE of Carmina Wood Design
80 Silo City Row, Suite 100
Buffalo, NY 14203

, HEREBY APPEAL TO THE ZONING BOARD OF APPEALS FROM THE
DECISION OF THE BUILDING INSPECTOR ON AN APPLICATION FOR A BUILDING PERMIT, WHEREBY THE BUILDING
INSPECTOR DID DENY PERMIT TO: a single-story bank w/ drive-thru as depicted on the Site Plan Sheet C-100

- | | |
|--|---|
| ☐ A PERMIT FOR USE | ☐ A CERTIFICATE OF EXISTING USE |
| ☐ A PERMIT FOR OCCUPANCY | ☐ A CERTIFICATE OF ZONING COMPLIANCE |
| ☐ A TEMPORARY PERMIT OR EXTENSION THEREOF | ☒ AREA PERMIT |

1. Applicant is the ☐ PROPERTY OWNER
☒ CONTRACTOR FOR THE WORK CONCERNED HEREIN
☐ PROSPECTIVE TENANT
☐ OTHER (Describe) _____

2. LOCATION OF THE PROPERTY 1465 Union Road

3. State in general the exact nature of the permission required, Requesting a variance for the number of required stacking spaces for the drive-thru customer service window and ATM

4. PREVIOUS APPEAL. No previous appeal has been made with respect to this decision of the Building Inspector or with respect to this property, except the appeal made in Appeal No. N/A, dated _____, 20____.

5. REASON FOR APPEAL.

A. A Variance to the Zoning Ordinance is requested because strict application of the ordinance would produce undue hardship, or the hardship created is unique and is not shared by all properties alike in the immediate vicinity of this property and in this use district, or the variance would observe the spirit of the ordinance and would not change the character of the district because: _____

Strict application of the ordinance will result in the loss of parking spaces that are needed to serve both the bank and adjacent office building located on 1471 Union Road. Furthermore, the requested variance will not result in any adverse physical or environmental impacts to the surrounding neighborhood.

B. Interpretation of the Zoning Ordinance is requested because: _____

C. A Special or Temporary Permit or an Extension thereof Under the Zoning Ordinance is requested pursuant to Article _____, Section _____, Subsection _____, Paragraph _____ of the Zoning Ordinance, because: _____

Anthony J. Pandolfe, PE
Applicant's Signature

TO BE COMPLETED BY THE BUILDING INSPECTOR

1. Provision(s) of the Zoning Ordinance Appealed, including article, section, subsection or paragraph of the Zoning Ordinance
120-41 (D)(2) - 16 STAKING SPACES REQUIRED AT DRIVE THRU
- 8 REQUESTED

2. Zoning Classification of the property concerned in this appeal C-2(S)

3. Type of Appeal:

- ☒ Variance to the Zoning Ordinance.
☐ Interpretation of the Zoning Ordinance or Zoning Map.
☐ Special or Temporary Permit or an extension thereof under the Zoning Ordinance.

4. A statement of any other facts or data which should be considered in this appeal. UNION RD CORRIDOR
OVERLAY DISTRICT

Building Inspector: [Signature]

CARMINAWOOD DESIGN

February 3, 2026

Mr. Jeffrey Schieber
Town of West Seneca
Code Enforcement Officer
1250 Union Road - Room 210
West Seneca, NY 14224

Re: **ZBA Submittal
Proposed Bank
1465 Union Road
West Seneca, NY 14224**

Dear Mr. Schieber:

On behalf of our client, Julius Aebly, please find enclosed the following documents for sketch plan review of a proposed bank at the above referenced parcel:

- (12) Application to the Board of Appeals
- (12) 24x36 Site Plan C-100

Project Description: The proposed project involves the construction of a 2,750 s.f., single story bank with drive-thru located at 1465 Union Road. Construction will also include associated parking, storm water management, on-site utility improvements, site landscaping and lighting. A proposed masonry wall will be constructed at the corner of Union and Center Road. The project is located at the corner of Union and Center Road. The site will share parking and access with the adjacent parcel to the north, 1471 Union Road and will also utilize the existing curb cuts on Union Road and Center Road.

Project History: On November 15, 2021 the Town Board of West Seneca approved the rezoning and granted a special use permit for the properties of 1465 & 1471 Union Road, 798 Center Road and 150 Fremont Avenue from C-1 & C-2(S) to C-2(S). The parcels were then combined and subdivided into two parcels, 1465 and 1471 Union Road.

On January 26, 2022 the Zoning Board of Appeals granted two variance requests in connection with the proposed construction of a 2-story office building and related site improvements located on the 1471 Union Road parcel (Phase 1). The variances granted were for a 22' rear yard setback and eight (8) parking spaces for the proposed office building.

On February 10, 2022 the Planning Board of West Seneca granted site plan approval for the construction of a 2-story office building and related site improvements located on the 1471 Union Road parcel (Phase 1). Site improvements included parking and the Center Road curb cut on the 1465 Union Road parcel. The storm water management system, including the underground detention area, was designed to accommodate both the Phase 1 and proposed developments.

CARMINA WOOD

DESIGN

Requested Variance: The requested variance being sought by the applicant is for relief from the number of required stacking spaces for the bank's drive-thru. Chapter 120-41 D.(2) of the Town of West Seneca Zoning Code states that a drive-in bank, accessory to offices, shall require eight (8) spaces per booth, customer facility or service window. As depicted on the enclosed Site Plan, the proposed drive-thru can accommodate three (3) stacking spaces for both the ATM and customer service lanes with and additional two (2) stacking spaces for either. Strict compliance with the zoning ordinance would result in the loss of parking spaces that are needed to serve both the bank and adjacent office building located on 1471 Union Road. Furthermore, the requested will not result in any adverse physical or environmental impacts to the surrounding neighborhood.

Union Road Corridor: The project site is located within the Union Road Corridor. Site planning and architectural design will conform to the requirements set forth in Chapter 120-70 of the Town of West Seneca Zoning Code.

If you should have any questions regarding this letter, please contact me at (716) 213-3750 or via email at apandolfe@carminawooddesign.com.

Thank you.

Sincerely,
Carmina Wood Design



Anthony J. Pandolfe, PE | Senior Associate