WEST SENECA
ZONING BOARD OF APPEALS
1300 Union Road, West Seneca, NY 14224
6:00 PM in the Community Center
September 23, 2026

September 23, 2026, Meeting Minutes

Start Time: 6:00 PM

Roll Call

- **Chairperson Stephen Stachowski**
- **Zoning Board Member Joette Tronolone**
- **Zoning Board Member Amelia Greenan**
- **Zoning Board Member Edmund Bedient**
- **Zoning Board Member Paul Lang:** Absent (Excused)
- **ZBA Counsel Joseph Trapp**
- **Code Enforcement Representative Doug Busse**

Opening of Public Hearing

- **Motioned by:** Tronolone
- **Seconded by**: Greenan to open the Public Hearing.
- **Vote:** Ayes: 4, Noes: 0. The motion carried.

Approval of Proofs of Publication

- **Motioned by:** Greenan, and
- **Seconded by:** Bedient to approve proofs of publication.
- **Vote:** Ayes: 4, Noes: 0. The motion carried.

Approval of Minutes from previous meeting

- **Motioned by:** Tronolone
- **Seconded by**: Bedient for approval of the August 2026 Minutes.
- A correction was made to change an agenda item number under Old Business from 2026-029 to 2026-22 for 29 Class Avenue. The motion was amended to include this correction.
- **Vote:** Ayes: 4, Noes: 0. The motion carried as amended.

OLD BUSINESS

There was no old business to discuss.

NEW BUSINESS

Agenda Item 2026-038: 91 Circle N Drive

The applicant's representative, contractor Pearson Wing, requested a height variance for a new detached garage. The original garage was dilapidated and non-compliant, located one foot from the property line. The new garage is being built 10 feet from the house and three feet from the property line to meet code. However, a significant dip in the property's grade causes the rear of the new garage to exceed the height limit. Signatures of support were provided from all adjacent neighbors, and Erie County had no objections.

AREA Variance Balancing Test

1. **Will an undesirable change be produced in the character of the neighborhood or a detriment to nearby properties?** No. Replacing a dilapidated structure with a new, mostly compliant one is an improvement. The applicant provided letters of support from neighbors.
2. **Can the benefit sought by the applicant be achieved by some method, feasible for the applicant to pursue, other than an area variance?** No. The applicant explored other placements, but they would either create drainage issues for neighbors or be unsafe due to the steep grade. This location is the best option.
3. **Is the requested area variance substantial?** No. The request is modest, with only the rear portion of the garage exceeding the height limit by approximately two feet.
4. **Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?** No. Any potential drainage or environmental issues will be addressed during the standard inspection process. The slight height increase is not expected to affect neighbor sight lines.
5. **Was the alleged difficulty self-created?** Partially. While the applicant chose to build the garage, the difficulty is primarily caused by the property's natural topography, which is not the applicant's fault. The contractor acted in good faith by stopping work when the issue was discovered.

- **Motioned by:** Greenan
- **Seconded by**: Tronolone for approval.
- **Vote:** Ayes: 4, Noes: 0. The motion carried.

Agenda Item 2026-039: 1151 Center Road

The applicant, property owner Kevin Smith, requested a variance to install a six-foot privacy fence that extends 13 feet past the rear of the house into the side yard. Town code requires fences in the side yard to be no more than four feet tall. The purpose is to provide privacy and screen a new gas generator from view. The applicant provided signatures of support from neighboring properties, and Erie County offered no objection.

AREA Variance Balancing Test

1. **Will an undesirable change be produced in the character of the neighborhood or a detriment to nearby properties?** No. Fences are common, and this one will improve curb appeal by hiding a generator and providing privacy.
2. **Can the benefit sought by the applicant be achieved by some method, feasible for the applicant to pursue, other than an area variance?** No. A compliant four-foot fence would not provide the desired level of privacy or effectively screen the generator.
3. **Is the requested area variance substantial?** No. The increase from a four-foot to a six-foot fence is not considered substantial.
4. **Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?** No. The professionally installed fence will not have any adverse physical or environmental impact.
5. **Was the alleged difficulty self-created?** Yes, but this was not the determining factor in the board's decision.

- **Motioned by:** Tronolone
- **Seconded by**: Greenan for approval.
- **Vote:** Ayes: 4, Noes: 0. The motion carried.

Agenda Item 2026-040: 111 Summit Avenue

Mark Filipski, representing his daughter (the homeowner), requested a variance for a six-foot privacy fence on a corner lot. The proposed fence would extend 40 feet along the side yard, connecting to an existing fence. The purpose is to create privacy. The fence will match the neighbor's existing fence. Letters of support were provided from multiple neighbors.

AREA Variance Balancing Test

1. **Will an undesirable change be produced in the character of the neighborhood or a detriment to nearby properties?** No. With letters of support from neighbors, the board viewed the fence as an improvement to the property's appearance.
2. **Can the benefit sought by the applicant be achieved by some method, feasible for the applicant to pursue, other than an area variance?** No. Alternatives like shrubbery would require more maintenance and might not provide the same level of privacy or aesthetic appeal.

3. **Is the requested area variance substantial?** No. The request for a fence is not considered substantial.
4. **Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?** No. The fence is seen as a visual improvement with no negative environmental effects.
5. **Was the alleged difficulty self-created?** No. The difficulty arises from the property being a corner lot, a pre-existing condition not created by the homeowner.

- **Motioned by:** Bedient
- **Seconded by:** Stachowski for approval.
- **Vote:** Ayes: 4, Noes: 0. The motion carried.

Other Business

- Chairperson Stachowski reminded the board to complete their annual training.
- The board discussed improving the variance application form, potentially modeling it after the City of Buffalo's form, which asks applicants to address the area variance test questions directly.
- A discussion was held regarding clarifying the meeting schedule on future agendas. The board typically meets on the fourth Wednesday of the month, but there is no meeting in November, and the December meeting is on the first Wednesday. The board secretary and counsel agreed to ensure the public schedule is clear on the website and in official notices.

Adjournment

- **Motioned by:** Bedient
- **Seconded by** Greenan to close the Public Hearing.
- **Vote:** Ayes: 4, Noes: 0. The motion carried.
- The meeting was adjourned.

End Time: 6:29 PM