



**WEST SENECA
ZONING BOARD OF APPEALS**
1300 Union Road, West Seneca, NY 14224
6:00 PM in the Community Center
April 22, 2026

April 22, 2026, Draft Meeting Minutes

#2026-04

Start time: 6:01pm

CALL TO ORDER

Present:

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

Absent: Zoning Board Member Edmund Bedient excused absence.

OPENING OF PUBLIC HEARING

Motion by Lang, seconded by Greenan, to open Public Hearing.

Ayes: 4 Noes: 0 Abstain: 1 Motion Carried

APPROVAL OF PROOFS OF PUBLICATION

Motion by Tronolone, seconded by Lang, to approve Proofs of Publication.

Ayes: 4 Noes: 0 Abstain: 1 Motion Carried

APPROVAL OF MINUTES

1. Minutes of Meeting #2026-03

Motion by Stachowski, seconded by Greenan, to approve March Meeting Minutes.

Ayes: 4 Noes: 0 Abstain: 1 Motion Carried

OLD BUSINESS

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).

- Code Enforcement reported that the applicant, Anthony Nieves Garcia, would not be present at the meeting.
- The board voted to table the item until the next meeting.

Motion by Tronolone, seconded by Greenan, to table until May 27, 2026, meeting.

Ayes: 4 Noes: 0 Abstain: 1 Motion Carried

NEW BUSINESS

2026-14

Request of Joshua Haueise for property located at 77 Marlin Drive to allow for 18" setback for a driveway/ walkway extension. (3' set back is required).

- Project Description: The applicant requested an 18-inch setback variance to replace a deteriorating driveway and widen it to accommodate two vehicles for off-street parking.
- The applicant provided letters of support from neighbors at 83 Marlin, 71 Marlin, 60 Marlin, and 95 Laurelton Drive, which were made part of the record.
- The applicant stated the project is a standard driveway widening that will not change the character of the neighborhood.
- Justification for the chosen location was provided, citing two issues with expanding on the other side of the property:
 - The presence of a water shutoff valve on the front lawn.
 - Expansion in that direction would block access to the front entryway.
- The applicant and Code Enforcement Busse confirmed that water runoff was addressed.
 - The neighboring property has drain tile along the property line to carry water to the storm drain.
 - The applicant's property also has drain tile connected to the gutters.
 - The contractor will pitch the new driveway towards the street to ensure proper drainage.
- The Town Attorney Joe Trapp had no comment on the application.

Greenan presented the area variance test findings:

- Neighborhood Character: The project is a routine residential driveway widening with minimal visibility impact and is not expected to cause an undesirable change.
- Feasible Alternatives: No practical alternative was identified due to site constraints, including the water shutoff valve and the potential loss of pedestrian entry to the front door.
- Substantiality: The variance is considered small in scale.

- Environmental Impact: Drainage concerns were adequately addressed by the proposed pitch of the driveway and existing drain tiles on both properties.

- Self-Created Difficulty: While the desire to widen the driveway is self-created, the water shutoff valve represents a genuine site limitation.

- Motion to approve: Amelia Greenan.

Motion by Greenan, seconded by Lang, to approve 18" setback.

Ayes: 4 Noes: 0 Abstain: 1 Motion Carried

2026-006

Request of Andrew Olivieri for property located at 25 Deerpath to allow construction of a 6' high fence in front/side yard (maximum height in front/side yard is 4' and rear yard 6').

- Project Description: The applicant requested a variance to replace a 26-year-old, deteriorating fence around an in-ground pool with a new six-foot vinyl stockade fence. The new fence would enclose the pool mechanical equipment (generator, heater, filter, pump), which is currently outside the fenced area.

- The applicant provided neighbor support letters from 99 Sunrise Terrace, 29 Deer Path, and 91 Sunrise Terrace.

- Code Enforcement Busse supported the request, noting it would hide the equipment from neighboring properties.

Town attorney Joe Trapp had no comment.

Stachowski presented the area variance test findings:

- Neighborhood Character: The variance improves the neighborhood character by hiding mechanical equipment.

- Feasible Alternatives: A four-foot fence would not conceal the equipment and would not match the rest of the backyard fence. Therefore, a six-foot fence is the only feasible alternative to achieve the applicant's goal.

- Substantiality: While the increase from four to six feet is a 50% increase, the overall impact is not substantial because it only applies to a small portion of the side yard.

- Environmental Impact: No adverse environmental effects or sight line concerns are anticipated due to the fence's location.

- Self-Created Difficulty: The difficulty is self-created, but this is not a determining factor.

Motion by Stachowski, seconded by Lang, to approve construction of 6' fence in front/side yard.

Ayes: 4 Noes: 0 Abstain: 1 Motion Carried

2026-007**Request of Holly O'connell for the property located at 59 North Covington Drive to allow for a 44" setback to lot line for installation of a generator (5' setback required).**

- Project Description: The applicant requested a variance to install a standby generator, requiring a 44-inch setback (16 inches shy of the 5-foot requirement).
- Justification: The proposed location is on the same side of the home as the gas meter and electrical panel, which minimizes trenching and consolidates utilities. The applicant stated there is no other feasible location due to property layout constraints, including an elevated concrete patio and the driveway on the other side.
- Need for Generator: Reliable backup power is necessary for health and safety, including powering a CPAP machine, a sump pump, and the furnace.
- Generator Details: The unit is a Cummins home standby generator designed for residential use, operating only during outages and for weekly 15-20 minute self-tests. Its noise level is approximately 65 decibels.
- The applicant provided letters of support from neighbors at 64 and 65 North Covington, and two from 55 North Covington.
- Code Enforcement Busse confirmed the site constraints and stated that placing the generator elsewhere would require a more significant variance. They did not believe the request was significant.
- The Law Department had no comment.

Holly O'Connell - The applicant confirmed they have already moved a downspout that was pictured near the proposed generator location.

Tronolone presented the area variance test findings:

- Neighborhood Character (No): The structure is typical for a residence, and the minor 16-inch setback reduction in a rear side yard will not create an undesirable change.
- Feasible Alternatives (No): Relocating the generator is likely not practical due to lot size, existing structures, and utility connection points.
- Substantiality (No): The request for a 16-inch variance is minimal.
- Environmental Impact (No): Potential noise and emissions are minimal with modern generators.
- Self-Created Difficulty (Yes): The difficulty is self-created, but this does not preclude granting the variance.

Motion by Tronolone, seconded by Lang, to approve the installation of a generator.

Ayes: 4 Noes: 0 Abstain: 1 Motion Carried

2026-008**Request of Michael Wiley for property located at 104 Norwood Drive to allow construction of a 6' fence in front/ side yard (maximum height in front/side yard 4' and rear yard 6').**

- Request: To allow the construction of a six-foot fence in the front side yard, where a maximum of four feet is permitted.
- Project Description: The applicant wishes to install a six-foot vinyl fence for two primary reasons: to enclose a generator and A/C unit on the east side, and on the west side, to extend past a side garage door to allow two small dogs to go from the garage into a fenced side yard. Aesthetically, the applicant feels this is an improvement.
- The board confirmed that the fence must be located outside the regulated wetland buffer area, a condition the applicant was instructed on during the filing process.
- It was noted for the record that recent litigation has paused some more stringent wetland standards, but this was not believed to impact the current application.

Lang presented the area variance test findings.

- Undesirable Change: No. It serves privacy and containment and is supported by neighbors.
- Feasible Alternative: Yes, but a compliant fence would not meet the desired functionality.
- Substantial Request: No. The height increase is considered negligible.
- Adverse Environmental Impact: No.
- Self-Created Difficulty: Yes, but not a determining factor.

Motion by Lang, seconded by Greenan, to approve construction of 6' fence in front/side yard.

Ayes: 4 Noes: 0 Abstain: 1 Motion Carried

2026-009

Request of Michael Berger with Sutton Architecture for property located at 1976 Ridge Road to allow for 26 parking spaces for a proposed nail salon (66 parking spots required).

- is introduced for an area variance to reduce required parking for a new nail salon at 1976 Ridge Road.
 - Applicant: Michael Berger of Sutton Architecture representing Zen Nails.
 - Location: 1976 Ridge Road, West Seneca, in a C2 commercial district.
 - Project: The proposal involves an addition and alterations to an existing building to create a nail salon with 22 total chairs (12 pedicure, 10 manicure).
 - Variance Request: The code requires 66 parking spaces (3 per chair). The applicant can provide 26, thus seeking a variance for approximately 40 spaces.
- [30:28-33:54] The board reviewed the parking variance justification and employee parking needs for the proposed nail salon.
- The applicant presented the justification for the parking variance:
 - Neighborhood Character: No change is anticipated; the project will improve the building's rundown aesthetics.

- Feasible Alternatives: Efforts to secure shared parking with neighbors were unsuccessful, and alternative site layouts were inefficient.

- Substantiality of Request: While the number (40 spaces) is high, the practical impact is argued to be minimal as the business operates mainly by appointment, allowing for managed customer flow.

- Environmental Impact: No adverse impact is expected.

- Self-Created Difficulty: Acknowledged, but the chair count is necessary for economic viability.

- The applicant assumes overflow parking will use surrounding commercial lots.

- The business anticipates needing 8 to 10 parking spots for employees on an average day.

[33:54-34:23] The board inquires if further reductions to the project were explored to lessen the variance request.

- The applicant confirmed that the design has already been reduced from a much larger initial concept.

- The client reduced the building's footprint and the number of chairs to the current proposal (10 manicure, 12 pedicure) specifically due to site limitations and parking requirements.

- The applicant states that any further reduction would likely impact the economic feasibility of the project.

[34:25-35:02] The applicant explains why efforts to secure shared parking with adjacent properties failed.

- The applicant's letter stated that good faith efforts were made to secure shared parking agreements.

- When asked by the board why these efforts failed, the applicant explained that the neighboring property owners were not willing to enter such an agreement.

- The general stance of the neighbors, one of whom is a large developer owning a majority of the nearby property, was that they "don't believe in sharing their parking with anybody."

[35:03-38:31] The Town Attorney clarifies the variance will be use-specific, and no further environmental review is needed.

- SEQRA: The attorney clarified the project is a Type II action under SEQRA, so no further environmental impact study is needed. Rebuilding with fewer parking spaces is acceptable.

- Variance Specificity: The attorney noted that because the parking requirement is tied to the "barber and beauty shop" use category in the town code, the variance will be specific to that use.

- Key Decision: The variance, if granted, will be tied to the specific use type (barber/beauty shop) rather than being a general variance for the property.

- Another beauty shop could operate under the variance, but a different business type might not.

[38:31-40:51] The board approved a parking variance for a commercial property based on a five-point area variance test.

- Erie County had no concerns with the proposal.

- A board member clarified that with 8-10 employees and 22 chairs, it's possible for all chairs to be occupied, but the appointment-based model makes it unlikely. The business model involves technicians working on multiple clients simultaneously.
- The county had no recommendation on the application, viewing it as a matter of local concern.

Stachowski presented the area variance test findings.

- Detriment to Neighborhood Character: No. The project is a positive development for the site.
- Feasible Alternatives: No viable alternatives were identified.
- Substantiality: Not deemed substantial, as the business is appointment-based and town parking codes may be archaic.
- Adverse Environmental Effects: No. Less pavement is preferable.
- Self-Created Hardship: Acknowledged but not a determining factor.

Motion by Stachowski, seconded by Tronolone, to approve of 26 parking spaces.

Ayes: 4 Noes: 0 Abstain: 1 Motion Carried

2026-010

Request of Joy Kent for property located at 14 Sunrise Terrace to allow for 4' setback to lot line for generator installation (5' setback required).

Joy Kent, owner of 14 Sunrise Terrace, West Seneca, New York.

- Request: A variance to allow a 4-foot setback from the lot line for a generator installation, where a 5-foot setback is required.
- Justification: The applicant needs a 12-inch variance for the ideal placement next to the gas meter and electrical panel. Other locations were deemed infeasible due to cost, practicality, and the need for extensive trenching or tree removal.
- Supporting Information: The applicant submitted letters of support from neighbors, including the one most directly impacted.
- Board Action:
 - Key Decision: The motion to approve the variance was carried. - The board's review concluded the request was minor, typical for a residential accessory structure, and that no other feasible installation methods existed.

Tronolone presented the area variance test findings.

- Detriment to Neighborhood Character: No, the variance will not produce an undesirable change in the character of the neighborhood, nor will it create a detriment to nearby properties. The request is for a typical residential accessory structure, and the one-foot setback is minimal in nature.
- Feasible Alternatives: No alternative locations would require significant modifications, including installation of a new gas line, trenching through the yard, potential removal of a

tree, or routing utilities through the basement, all of which are impractical and cost-prohibitive.

-Substantiality: No, variance is not substantial, as it involves a minimal one-foot deviation from the required setback.

- Adverse Environmental Effects: No, variance will not have an adverse impact on the physical or environmental conditions in the neighborhood.

-Self-created difficulty: Yes, difficulty is self-created, as it arises from the applicant's proposed placement of the structure; however, this factor alone does not preclude the granting of the variance.

Motion by Tronolone, seconded by Greenan, to approve of 4' setback from lot line.

Ayes: 4 Noes: 0 Abstain: 1 Motion Carried

2026-011

Request of Jeremy Kamholz for property located at 2 Vista Court for an 8.5' separation from patio roof to pool (10' separation required).

The board approved a variance for a reduced separation between a new patio roof and a pool at 2 Vista Court.

- Applicant: Eric White (owner) and Jeremy Kamholtz (contractor).

- Request: An 8.5-foot separation between a patio roof and a pool, where a 10-foot separation is required.

- Project Details: The project is a motorized louvered aluminum roof system. The pool's curvature causes a 1.5-foot encroachment into the setback area on one side.

- Justification for Variance: The applicant stated that making the structure smaller to meet code would make the patio space less usable.

- Supporting Information: Neighbor support letters were submitted.

Lang presented the area variance test findings.

-Undesirable Change to Neighborhood Character / Detriment to Nearby Properties:

The proposed variance will not result in an undesirable change in the character of the neighborhood nor create a detriment to nearby properties. The reduced separation is internal to the property and is not readily visible from the surrounding community.

-Feasible Alternatives:

No feasible alternative exists. Strict compliance would limit the reasonable use of the patio, and the area of reduced separation affects only a small portion of the pool.

-Substantiality of the Variance:

The variance is not substantial, as the deviation is minor, consisting of approximately one to one and one-half feet.

-Adverse Environmental Impact:

The proposed variance will not have an adverse impact on the physical or environmental conditions of the neighborhood.

-Self-Created Difficulty:

The difficulty is self-created; however, this factor is not determinative.

Motion by Lang, seconded by Greenan, to approve of 8.5 separation from patio roof to pool.

Ayes: 4 Noes: 0 Abstain: 1 Motion Carried

2026-012

Request of Richard Radwan for the property located at 76 Sunnyside Drive for a variance to allow a 10.5 front setback for a pool (30' front setback required).

The board approved a significant front yard setback variance for a pool installation at 76 Sunnyside Drive, a corner lot with power line restrictions.

- Applicant: Richard, homeowner at 76 Sunnyside Drive.

- Request: A variance to allow a 10.5-foot setback for a pool, where a 30-foot front yard setback is required.

- Justification: The applicant cannot install the pool in the backyard due to overhead NYSEG power lines and the required 18-foot clearance. The only possible location is the side yard, which is considered a front yard on a corner lot.

- Supporting Information: The applicant submitted several neighbor support letters.

- Board Action: The board approved the variance. They noted the request was substantial but recognized the unique physical constraints of the property left no feasible alternative.

- Key Decision: The motion to approve the variance was carried.

Tronolone presented the area variance test findings.

Is there an undesirable change to the neighborhood?

No. It's a corner lot with existing fencing, and the change won't affect the neighborhood's character.

Is there an alternative?

No. Because it's a corner lot, there are two required front yard setbacks plus an additional 18-foot setback from the power line. These limits significantly reduce usable yard space, making other options impractical.

Is the request substantial?

Yes. The requested 10.5-foot setback is a significant deviation, but it is reasonable given the physical constraints of the property.

Does the variance have an impact on the environment?

No. Any drainage or placement concerns will be handled during installation.

Is this a self-created difficulty?

Partially. While the desire to install a pool is a choice, the limitations of the corner lot and power line setbacks are not.

Motion by Tronolone, seconded by Greenan, to approve a 10.5 front setback for a pool.

Ayes: 4 Noes: 0 Abstain: 1 Motion Carried

2026-013

Request of Kristina Lighten for property located at 2 Cheryl Road to allow for construction of a 6' high fence in front/side yard (maximum height in front/side yard 4' and rear yard 6').

The board approved a variance to allow a six-foot-high fence in a required front/side yard area at 2 Cheryl Road.

- Applicant: Christina Layton, owner of 2 Cheryl Road.
- Request: A variance to construct a 6-foot-high privacy fence where a maximum height of 4 feet is allowed.
- Project Details: The property is a corner lot, making the area along the back of the house an official "front side yard." The applicant is replacing a chain-link fence and will keep the portion adjacent to the sidewalk at a compliant 4-foot height, requesting the variance only for the rear portion.
- Supporting Information: Neighbor support letters were received, and the applicant is coordinating with an adjacent neighbor.
- Board Action: The board approved the variance, noting it was an aesthetic improvement, the applicant was minimizing the request, and it was consistent with similar approvals.
- Key Decision: The motion to approve the variance was carried.

Lang presented the area variance test findings.

Is there an undesirable change to the neighborhood?

No. The improvement is consistent with the character of the neighborhood.

Is there an alternative?

Yes. Alternative methods were explored, and the proposal minimizes the variance by limiting the six-foot fence to the back of the home.

Is the request substantial?

No. The request is not substantial and is consistent with other similar variances previously approved.

Does the variance have an impact on the environment?

No. No environmental impact has been identified.

Is this a self-created difficulty?

Somewhat. It is partly due to the chosen fence height, but it is not considered a determining factor.

Motion by Greenan, seconded by Lang, to approve of construction of a 6' fence in front/side yard.

Ayes: 4 Noes: 0 Abstain: 1 Motion Carried

ADJOURN

7:04 pm meeting ended.

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