



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

AGENDA

Meeting # 2026-03

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
Town Board Liaison Jeffery Piekarec

Absent: Zoning Board Member Edmund Bedient absent at roll call but was present for majority of the meeting. He was a few minutes late and is excused for the tardiness.

OPENING OF PUBLIC HEARING

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

Ayes: 4 Noes: 0 Abstain: 1 Motion Carried

APPROVAL OF PROOFS OF PUBLICATION

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

Ayes: 4 Noes: 0 Abstain: 1 Motion Carried

APPROVAL OF MINUTES

1. Minutes of Meeting #2026-01 & #2026-02

Motion by Stachowski, seconded by Tronolone to approve ZBA January 28, 2026, and February 25, 2026, meeting minutes.

Ayes: 4 Noes: 0 Abstain: 1 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).

Dave Sutton of Sutton Architecture, owner of the property and partner at The Ridge, presented an application to continue offering live music. The business has successfully offered live music for the past six to twelve months without any known complaints. The applicant requested a use variance to allow live music from 6:00 PM to 11:00 PM, Monday through Sunday, for both indoor and outdoor spaces. The music is primarily indoors, with limited, smaller-scale music on the outdoor patio.

Live music is considered a necessity for the business, contributing to a documented 20% increase in income on evenings when it is offered.

Board Member Greenan questioned the applicant about this documentation, which had not been formally submitted.

The property is in a commercial area with no residential aspect, and there have been no noise complaints.

Code enforcement Busse noted the local noise ordinance does not change between 10:00 PM and 11:00 PM.

The board approved the use variance for live music from 6:00 PM to 11:00 PM for a period of one year. The motion passed.

Discussion on Financial Documentation and Future Regulations

ZBA Counsel Trapp advised that requesting financial information is common for a use variance and can be kept confidential.

The board decided that while no formal documentation was needed for this meeting, an affidavit would be appropriate for future requests.

It was discussed that the town is in the process of changing the regulations for live music, potentially reclassifying it as a special use permit instead of a use variance, which has a stricter financial hardship requirement. This new local law is in the early stages.

Use Variance:

Stachowski: given the nature of the business. 1 Can a reasonable return be achieved by another method? It seems necessary to have the ability to produce live music in order to have a viable business and to use the building in a viable way. 2 Is this a unique circumstance? Running a business with the cost of goods and labor in 2026 is a difficult endeavor, therefore having live music presents a necessity to overcome the uniqueness of a restaurant business. 3 Does the variance change the character of the neighborhood? It's mostly all commercial around that property, there is not really a residential aspect to that area where the business exists, so grants this will not affect the essential character of the neighborhood. 4 Is this a self-created hardship? No, it's not self-created, the restaurant is a difficult business, and live music can ensure a viable return.

Motion by Stachowski, seconded by Greenan, to approve live music on property.

Ayes: 4 Noes: 0 Abstain: 1 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).

The applicant for case 2025-47 requested their item be tabled until the April meeting.

The applicant is still in conversation with their contractor regarding the board's request for other fence options.

The board approved the motion to table this application until the April meeting.

Motion by Tronolone, seconded by Greenan, to table fence variance.

Ayes: 4 Noes: 0 Abstain: 1 Motion Carried

NEW BUSINESS

Chairperson Stachowski announced member Ed Biedent now present for the record.

6:18pm

2026-003

Request of Brianne Zhang for property located at 2806 Seneca Street for a variance 120-29(a) requesting 18 dwelling units (5 dwelling units permitted) and 120-41 (d)(1) requesting 31 parking spaces (41 spaces required).

Brianne Zhang presented a project to convert a 30,000 sq. ft. dormant landmark building into 18 residential units, primarily studio and one-bedroom apartments. The building's exterior footprint will not be altered, except for a new elevator tower.

A density variance was required as the code allows only 5 units. The applicant argued developing only 5 units would be economically unfeasible.

Chairperson Stachowski asked Code Enforcement what their position is on the 18 dwelling units.

Code Enforcement Busse responded they do not have a position on it, being an existing structure it's a unique situation to utilize the entirety of the building, stating all the units exceed the minimum square footage requirement for town code.

Chairperson Stachowski inquired about neighbor letters, and county and state comment. Code Enforcement Busse said all board members have been provided with all the comments from NYS DOT, Erie County DOT and DOE planning. The neighbor letters were not required/ necessary. This matter has already been in front of the planning board along with other path of approval and didn't fall in the 250' requirement.

Greenan AREA Variance balancing test 1 change to the neighborhood, no there is no exterior changes to this existing building it will be adaptive reuse of the vacant building. 2 is there an alternative? The applicant pointed out that the number of units is critical to this project. Five units would be physically and economically unworkable. 3 is the request substantial? This might be considered a substantial increase but seems necessary for the layout of the building. 4 Does the variance have an impact on the environment? We have no reason to believe there would be. 5 is this a self-created difficulty? Not a self-created hardship, in this case it's a reasonable adaptive reuse project.

Motion by Greenan, seconded by Lang, to approve 18 Dwelling units.

Ayes: 5 Noes: 0 Abstain: 0 Motion Carried

A parking variance was also required, proposing 31 spaces instead of the required 41. The applicant argued that full compliance would require partial demolition of the historic building. They cited data showing lower car usage for studio/one-bedroom units in transit-oriented locations, noting the property is near an NFTA park-and-ride and a bus route.
Conclusion

Greenan AREA/USE Variance test 1 can a reasonable return be achieved? Thirty-one parking spaces seem reasonable and the NFT lot was cited as overflow. 2 is there an alternative method? The only way for full compliance is demotion, which defeats the purpose of the project. 3 Is it substantial? It's proportionate for this unit mix. 4 is there an environmental impact? The fewer parking spaces reduces stormwater benefit. 5 is this a self-created difficulty? No, it's a fixed location and pre-existing.

Motion by Greenan, seconded by Lang, to approve 31 parking spaces.

Ayes: 5 Noes: 0 Abstain: 0 Motion Carried

2026-004

Request of Richard Eppolito for property located at 247 Elmsford Drive to allow for installation of a standby generator in front yard 23.06' from property line (minimum front yard installation 30.0')

Variance Request for a Standby Generator at 247 Elmsford

The property owner, Richard Eppolito, requested a variance to install a standby generator 7 feet from a property line, where a 30-foot setback is required for the corner lot. Alternative locations were not feasible, and the applicant provided signatures from six adjacent neighbors who had no objections.

Tronolone AREA variance balancing 1 is there an undesirable change to the neighborhood? No proposed generator is a typical residential accessory structure. 2 is there an alternative? No, due to site constraints, including a covered patio and adjacent outdoor grill and entertaining living space. 3 is the request substantial? No, the structure is small in scale and low in height. 4 does the variance have an impact on the environment? It will comply with all applicable building and safety codes including noise and emission standards. 5 is this a self-created difficulty? The difficult can be considered self-created, as it arises from the applicant's desire to install a generator, however this is not the determining factor of granting the variance.

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

Ayes: 5 Noes: 0 Abstain: 0 Motion Carried

2026-005

Request of Susan Burton for property located at 41 Iris Ave to allow construction of a fence 6' in side yard (maximum height in side yard 4' allowed)

Variance Request for a 6-Foot Fence at 41 Iris Avenue

The applicant, Susan Burton, requested a variance to build a 6-foot fence in the side yard to connect with her neighbor's existing 6-foot fence, where code allows a maximum of 4 feet.

The new fence will match the neighbor's height and will be less restrictive to the neighboring driveway than the old fence. The applicant provided signatures from supportive neighbors.

Lang AREA variance 1 is there an undesirable change to the neighborhood? No, fencing is more likely improving the neighborhood. 2 Is there an alternative? No, a compliant fence height would not provide the same level of privacy for the backyard and would be rendered a less desirable aesthetic. 3 is the request substantial? No, the increase is minor. 4 does the variance have an impact on the environment? No, it will not impact drainage or the environment. 5 is this a self-created difficulty? Yes, to a degree. However, it's not a determining factor.

Motion by Lang, seconded by Greenan, to approve construction of 6' fence.

Ayes: 5 Noes: 0 Abstain: 0 Motion Carried

ADJOURN

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