

TOWN OF EDEN
ZONING BOARD OF APPEALS
2795 EAST CHURCH ST, EDEN, NY 14057

PUBLIC HEARING DATE: October 15, 2026

BOARD MEMBERS PRESENT: Kristin Kent, Chair
Todd Keppler
Curtis Neureuter
Douglas Scheu
Herb Stocksclaeder
Joseph Winiecki

OTHERS: Glenn Christner, Code Enforcement Officer

APPLICANT: Giovanni and Estelle Schifano
Michael Lukaszewski, Architect

RE: **Appeal No. 2026-003**
Schifano – 2356 March Road

Ms. Kent called the hearing to order at 7:00 p.m. Ms. Kent asked for comments on the September 17, 2026 Minutes for (a) RIC's extension request for its 2025 commercial solar use variances and (b) the tabled Schifano hearing. **Mr. Winiecki made a motion to approve the Minutes as written; seconded by Mr. Stocksclaeder. All in favor, Minutes approved.**

Ms. Kent stated this hearing is to revisit the requested area variance to enlarge the existing home at 2356 March Road (to include space that will function as a garage, in effect replacing the soon-to-be-demolished detached garage that is 2.2' from the east property line). Ms. Kent noted that the home's distance from the east property line currently is a grandfathered deviation from the required 25' side yard setback. Enlargement of the home as requested would be mathematically substantial: the drawings show the existing home is 17.1' from the lot line, or 68% compliant, while the extended home would be 2.2' from the lot line, or 1% compliant with the side setback rule.

The Shifanos noted their September 17 responses to the area variance questions are unchanged. The board reviewed the distances shown on the revised drawings, and discussed that despite the mathematical increase in setback spacing for the home, the enlarged building (including the future space designated to serve as a garage) will not impact the neighborhood unfavorably (character of the neighborhood, visual/physical or environmental effects).

Mr. Scheu and Mr. Neureuter asked whether a variance is required, given the obvious intent of Code section 225-37, which allows leniency for reconstruction or enlargement of nonconforming buildings. Does that language support use of the existing noncompliant side setback measurement from the soon-to-be demolished garage? It, too, is a longstanding non-conforming building, and its existing noncompliant side setback of 2.2' appears identical to the setback space requested for the expanded home. Mr. Christner noted the proposed addition to the principal structure increases the nonconformity to the side setback, even though the resulting setback is no closer to the property line than the existing nonconforming detached garage accessory structure to be removed. The board discussed grandfathered structures generally, including that a current or former

noncompliant accessory building's dimensions can be used to measure its compliance with the setback rules, for its reconstruction or enlargement under Code section 225-37, Nonconforming Buildings.

After further discussion of the merits of this variance request, using the home's noncompliance with the side setback rule, the board concluded that, despite the mathematical side setback increase in nonconformity, the expansion will not affect the neighborhood unfavorably.

Ms. Kent made a motion, seconded by Mr. Winiecki, to approve the variance at 2356 March Road to allow expansion of the home to 2.2' from the east property line, in violation of the 25-foot side yard setback rule in Code section 225-14A. Ayes: All. Motion approved.

Mr. Winiecki made a motion to adjourn the meeting, seconded by Mr. Stocksclaeder. Ayes: All. Meeting adjourned.

Respectfully submitted,
Shelly Griebel, Secretary