TOWN OF EDEN

ZONING BOARD OF APPEALS

2795 EAST CHURCH ST, EDEN, NY 14057

PUBLIC HEARING DATE:	September 17, 2026
BOARD MEMBERS PRESENT:	Kristin Kent, Chair Curtis Neureuter Douglas Scheu Herb Stockschlaeder Joseph Winiecki
OTHERS:	James Taravella, RIC Energy
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 Minutes for the Baltes and Sutfin hearings held on April 16, 2026.

Mr. Winiecki made a motion to approve the Minutes as written; seconded by Mr. Neureuter. All in favor, Minutes approved.

RIC Energy – Use Variance Extensions – 2394 W. Church St. and 2023 Eden Evans Ctr. Rd.

The ZBA issued variances on 09/18/2025 to RIC for the construction of two solar farms on West Church Street and Eden Evans Center Road. Zoning Code requires that variances expire after one year unless construction has begun. Mr. Taravella has requested extension of the use variances. Ms. Kent asked Mr. Taravella to explain why the extensions are needed. *We are still waiting for design plans from the utility. Once those are received, we will be able to move forward. With winter weather approaching, we will likely not be able to begin until Spring.*

The Zoning Board of Appeals voted to extend the use variances at 2394 West Church Street and 2023 Eden Evans Center Road for an additional 12 months. The new expiration date will be September 17, 2027. Ayes: All; Opposed: None; Abstain: None. Motion approved.

2356 March Road - Schifano

Ms. Kent read the Legal Notice for this hearing as published in The Hamburg Sun:

> **Schifano: Application for a variance at 2356 March Road, to allow placement of an attached garage, in violation of the 25-foot side yard setback rule in Code section 225-14A.**

Ms. Kent confirmed with Ms. Grieble that the property notice list was completed. Ms. Kent asked the Schifanos to provide the background on this variance request. Mr. Lukaszewski stated that Mr. and Mrs. Schifano recently purchased 2356 March Road. They would like to put an addition on the house to accommodate their growing family, replacing the existing garage and attaching it to the house.

The applicant was then asked questions by the board related to the requirements the board must consider in area variance requests. *Answers by the applicant are in italics.*

1. **Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.** *No. It will be a bigger garage but will be the same footprint*. The application indicates that the new garage would be closer to the property line and therefore, increasing the deviation from the zoning code. *We will actually be placing the garage exactly where the current one is located.*

2. **Whether the benefit sought by the applicant can be achieved by a method feasible for the applicant to pursue, other than an area variance.** Ms. Kent inquired why the garage needed to go in that specific location. *There is a tree line in the back yard. If the garage was placed further back, trees would have to be cleared to have a useable back yard area.*

3. **Whether the requested area variance is substantial.** Ms. Kent noted that, because the current garage is 91% out of compliance, this is a mathematically substantial request.

4. **Whether the requested area variance will have an adverse effect or impact on the physical or environmental condition in the neighborhood or district.** *No. The garage will have gutters that drain out to the front ditch.*

5. **Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.** *No. This issue was present when we purchased the very narrow (80' wide) lot; we are trying to improve it.*

Ms. Kent noted that in Town Code **§225-37 Nonconforming Buildings**, section B states: *Normal maintenance and repair, structural alteration, moving, reconstruction or enlargement of a nonconforming building is permitted, provided that such action does not increase the degree of or create any new nonconformity with regard to the regulations pertaining to such building.* If the renovated garage will be placed in the same location, 2.2 to 2.4 feet from the property line, no variance is needed. The application, as submitted, is perhaps to place the building 2 feet from the property line? The applicant indicated the garage wall would not be demolished.

The board reviewed the survey map and additional drawings submitted, showing the expected setback for the garage. Mr. Stockschlaeder noted the drawings are contradictory with respect to location of the garage wall facing the east lot line; and a building permit application showing the actual measurement wasn't supplied. Mr. Lukaszewski explained that he will prepare a drawing with the actual measurement, and will assist with filing for a building permit.

The board discussed the incompleteness of the project's planning. **Ms. Kent made a motion seconded by Mr. Neureuter to table the ZBA review, to allow the applicant to submit a building permit application and related drawings showing accurate location of the garage wall. Ayes: All. Motion to table approved.**

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

Respectfully submitted,

Shelly Grieble, Secretary
Eden Zoning Board of Appeals