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

AGENDA

Meeting # 2026-04

CALL TO ORDER

OPENING OF PUBLIC HEARING

APPROVAL OF PROOFS OF PUBLICATION

APPROVAL OF MINUTES

1. Minutes of Meeting #2026-03

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).

NEW BUSINESS

2026-014
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).

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').

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).

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')

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).

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)

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)

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)

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').

ADJOURN

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

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

$160.00

APPLICATION TO BOARD OF APPEALS

Tel. No

Appeal No. 2025-047

Date 11/12/25

TO THE ZONING BOARD OF APPEALS, WEST SENECA, NEW YORK:

I (we) Anthony Nieves Garcia of 137 Fernald ave West Seneca NY 14218, HEREBY APPEAL TO THE ZONING BOARD OF APPEALS FROM THE DECISION OF THE BUILDING INSPECTOR ON AN APPLICATION FOR A BUILDING PERMIT, WHEREBY THE BUILDING INSPECTOR DID DENY PERMIT TO: _____

- ☐ A PERMIT FOR USE
- ☐ A PERMIT FOR OCCUPANCY
- ☐ A TEMPORARY PERMIT OR EXTENSION THEREOF
- ☐ A CERTIFICATE OF EXISTING USE
- ☐ A CERTIFICATE OF ZONING COMPLIANCE
- ☒ AREA PERMIT

1. Applicant is the
   - ☒ PROPERTY OWNER
   - ☐ CONTRACTOR FOR THE WORK CONCERNED HEREIN
   - ☐ PROSPECTIVE TENANT
   - ☐ OTHER (Describe) _____
2. LOCATION OF THE PROPERTY 137 FERNALD AVE W. SENECA NY 14218
3. State in general the exact nature of the permission required, ERECT 4 FT FENCE IN FRONT YARD

4. PREVIOUS APPEAL. No previous appeal has been made with respect to this decision of the Building Inspector or with respect to this property, except the appeal made in Appeal No. NA, dated _____, 20____.

5. REASON FOR APPEAL.

A. A Variance to the Zoning Ordinance is requested because strict application of the ordinance would produce undue hardship, or the hardship created is unique and is not shared by all properties alike in the immediate vicinity of this property and in this use district, or the variance would observe the spirit of the ordinance and would not change the character of the district because: I am asking for a 4ft high Chainlink fence in my front yard because I have two children on the Autism spectrum with different needs, and Cars have driven onto the front yard. The fence provides a safe place for Children & Pets

B. Interpretation of the Zoning Ordinance is requested because: _____

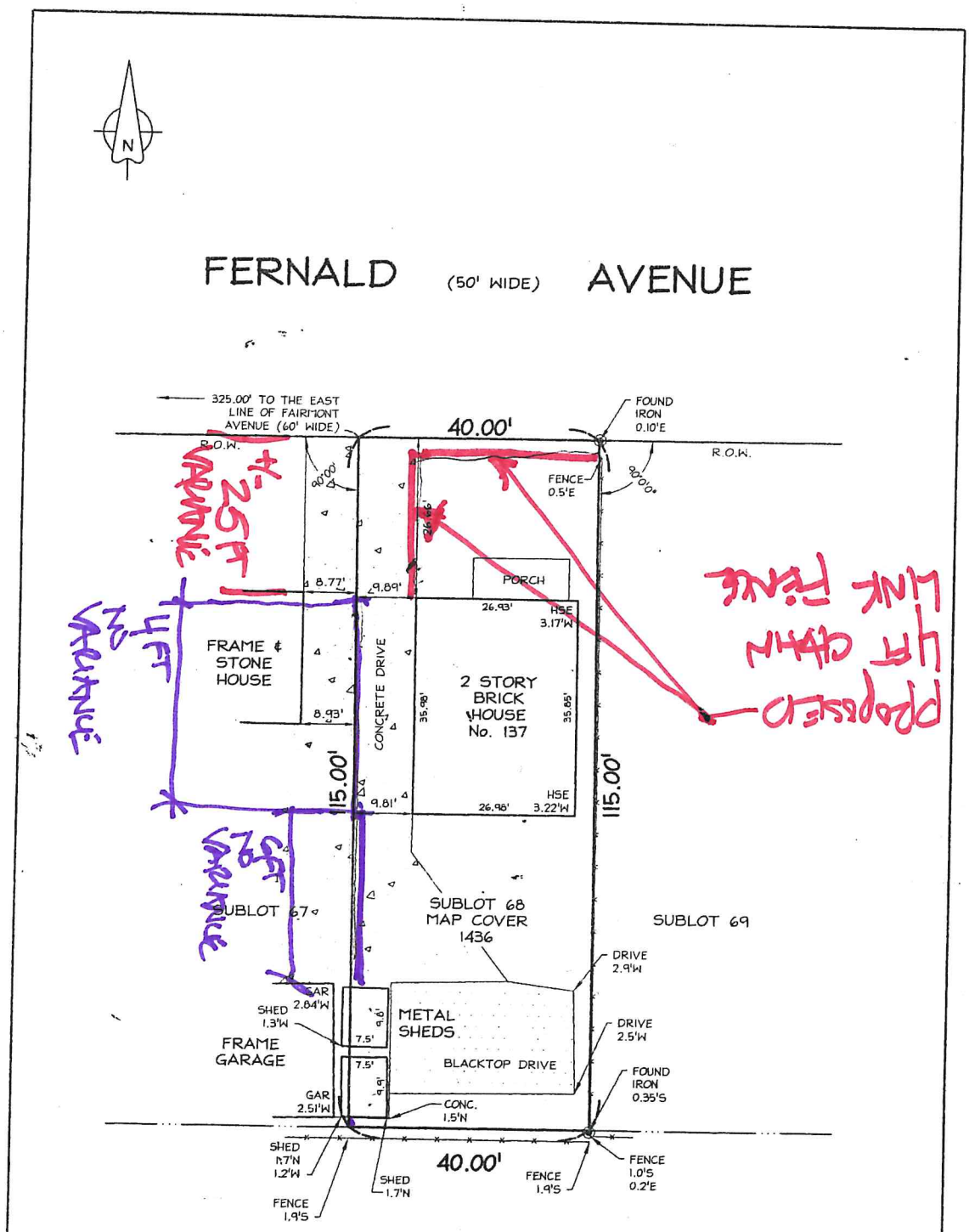
C. A Special or Temporary Permit or an Extension thereof Under the Zoning Ordinance is requested pursuant to Article _____, Section _____, Subsection _____, Paragraph _____ of the Zoning Ordinance, because: _____

Applicant's Signature

TO BE COMPLETED BY THE BUILDING INSPECTOR

1. Provision(s) of the Zoning Ordinance Appealed, including article, section, subsection or paragraph of the Zoning Ordinance
   120-39 (B) - 4 FT FENCE WITH 10 FT PROJECTION ALLOWED
   - 4 FT FENCE WITH 25 FT PROJECTION REQUESTED
2. Zoning Classification of the property concerned in this appeal R-50
3. Type of Appeal:
   - ☒ Variance to the Zoning Ordinance.
   - ☐ Interpretation of the Zoning Ordinance or Zoning Map.
   - ☐ Special or Temporary Permit or an xtension thereof under the Zoning Ordinance.
4. A statement of any other facts or data which should be considered in this appeal. _____

Building Inspector



NO IRONS SET OR FOUND AT PROPERTY CORNERS UNLESS NOTED HEREON.

3556 Lake Shore Road, Suite 500, Buffalo, NY 14219
p (716) 827-8000 f (716) 270-6091 www.nussclarke.com

This survey was prepared without the benefit of an abstract of title and is subject to any state of facts that may be revealed by an examination of such.

Unauthorized alterations or additions to any survey, drawing, design, specification, plan or report is a violation of section 7209, provision 2 of the New York State Education Law.

NUSSBAUMER & CLARKE, INC. ENGINEERS EST. 1953 LAND SURVEYORS

BOUNDARY SURVEY
137 FERNALD AVENUE
Part of Lot 341, Township 10, Range 7
Buffalo Creek Reservation
Town of West Seneca
County of Erie, State of New York

LWK-7012
LWK-3564

ANTHONY NIEVES GARCIA
137 Fernald Ave.
West Seneca, NY 14218

CASTOIORE, ANGEL M.
135 Fernald Ave.
West Seneca NY. 14218

Angel,

This letter is to inform you of your neighbors at 137 Fernald Ave are applying for a variance to erect a four foot chain-link fence on their front facing property.

The purposed fence would extend roughly 25 to 30 feet forward from the front north west corner of the building and roughly 30 feet across the front of the property connecting with the existing fence on the east side of the property.

Any objections can be heard on December 3rd during the next town board meeting.

Thank you for your attention to this matter.

Best regards

Anthony Nieves Garcia

ANTHONY NIEVES GARCIA
137 Fernald Ave.
West Seneca, NY 14218

This letter is to inform you of your neighbors at 137 Fernald Ave are applying for a variance to erect a four foot chain-link fence on their front facing property.

The purposed fence would extend roughly 25 to 30 feet forward from the front north west corner of the building and roughly 30 feet across the front of the property connecting with the existing fence on the east side of the property.

If there are no objections to the purposed fence please print and sign below for submission to the Town of West Secena

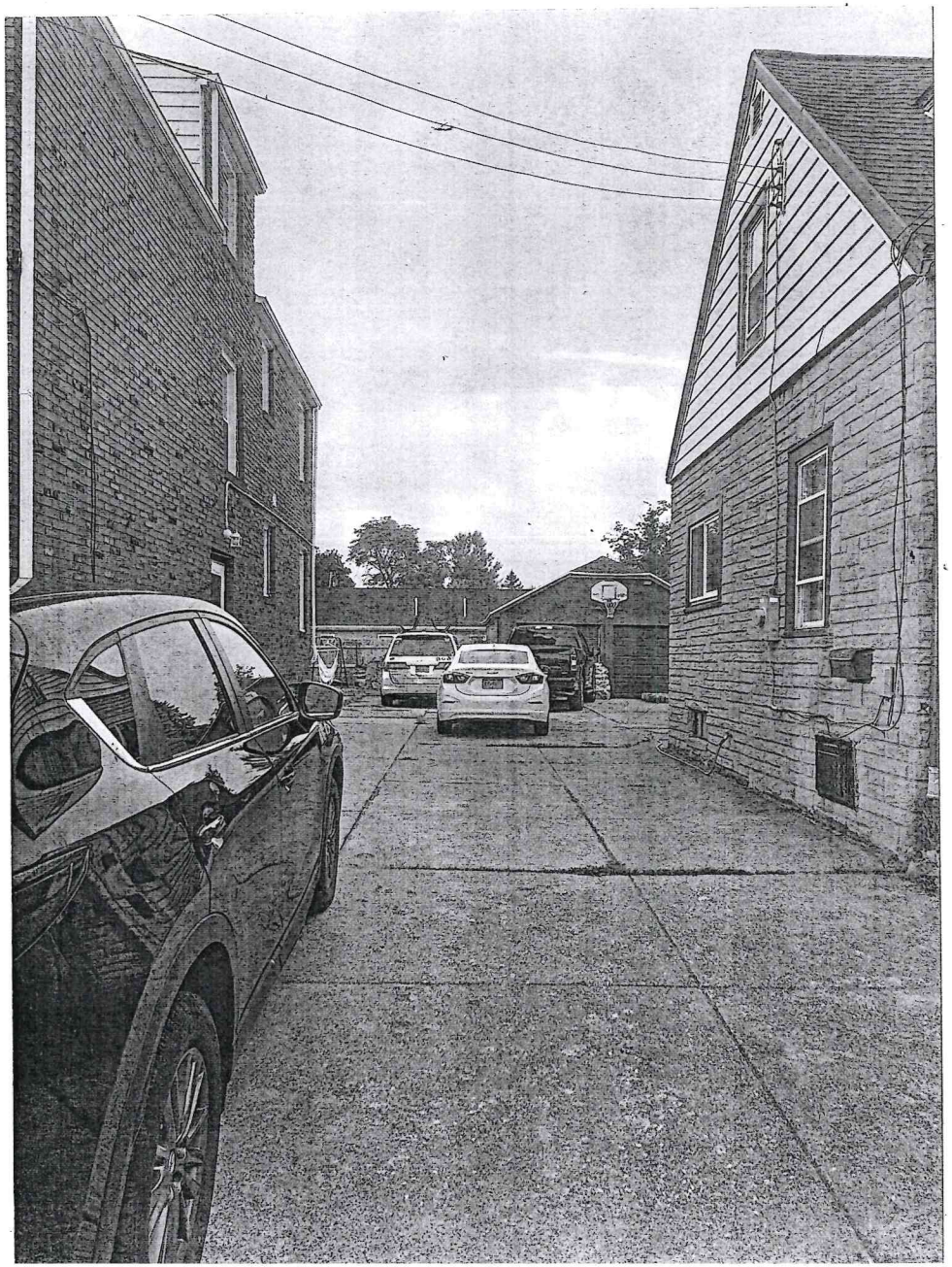
141 Fernald Ave.
West Seneca NY 14218

Print name Thomas J Kapinos Sr

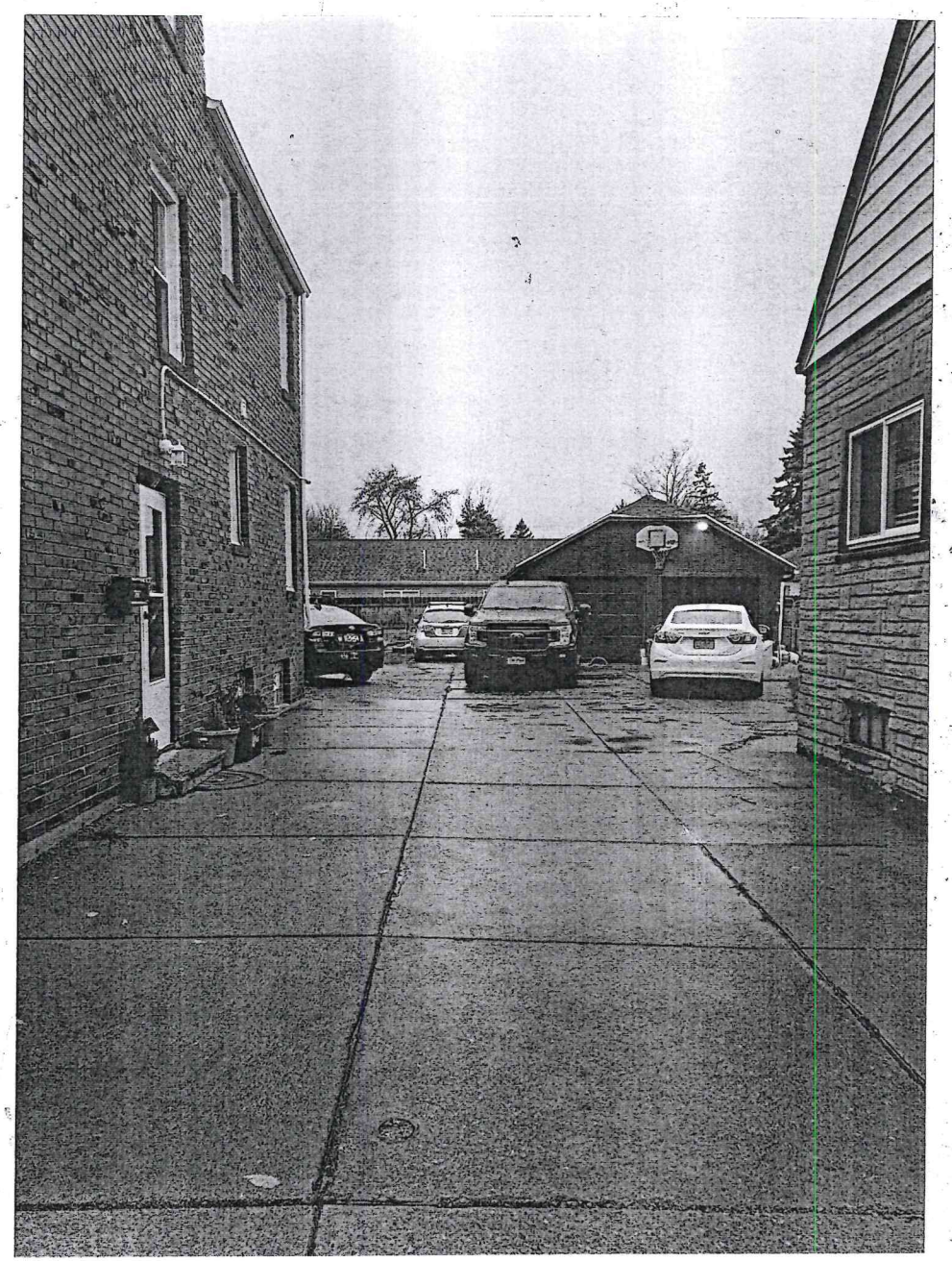
Signature Thomas J Kapinos Sr

~~A~~

July 11th 2025
Police called



Nov. 9th 2025
Police called



$ 160.00

APPLICATION TO BOARD OF APPEALS

Tel. No. -

Appeal No. 2026-014

Date 3/16/2026

TO THE ZONING BOARD OF APPEALS, WEST SENECA, NEW YORK:

I (we) X Joshua Haueisr of 77 Marlin Dr. West Seneca, NY 14224, HEREBY APPEAL TO THE ZONING BOARD OF APPEALS FROM THE DECISION OF THE BUILDING INSPECTOR ON AN APPLICATION FOR A BUILDING PERMIT, WHEREBY THE BUILDING INSPECTOR DID DENY PERMIT TO: _____

- ☐ A PERMIT FOR USE
- ☐ A PERMIT FOR OCCUPANCY
- ☐ A TEMPORARY PERMIT OR EXTENSION THEREOF
- ☐ A CERTIFICATE OF EXISTING USE
- ☐ A CERTIFICATE OF ZONING COMPLIANCE
- ☒ AREA PERMIT

1. Applicant is the ☒ PROPERTY OWNER
   - ☐ CONTRACTOR FOR THE WORK CONCERNED HEREIN
   - ☐ PROSPECTIVE TENANT
   - ☐ OTHER (Describe) _____
2. LOCATION OF THE PROPERTY 77 MARLIN DRIVE
3. State in general the exact nature of the permission required, DRIVEWAY EXTENSION closer than 3FT from SIDE LOT LINE
4. PREVIOUS APPEAL. No previous appeal has been made with respect to this decision of the Building Inspector or with respect to this property, except the appeal made in Appeal No. NA, dated _____, 20____.
5. REASON FOR APPEAL.

A. A Variance to the Zoning Ordinance is requested because strict application of the ordinance would produce undue hardship, or the hardship created is unique and is not shared by all properties alike in the immediate vicinity of this property and in this use district, or the variance would observe the spirit of the ordinance and would not change the character of the district because: _____

SEE ENCLOSED LETTER + PICTURES

B. Interpretation of the Zoning Ordinance is requested because: _____

C. A Special or Temporary Permit or an Extension thereof Under the Zoning Ordinance is requested pursuant to Article _____, Section _____, Subsection _____, Paragraph _____ of the Zoning Ordinance, because: _____

X _____
Applicant's Signature

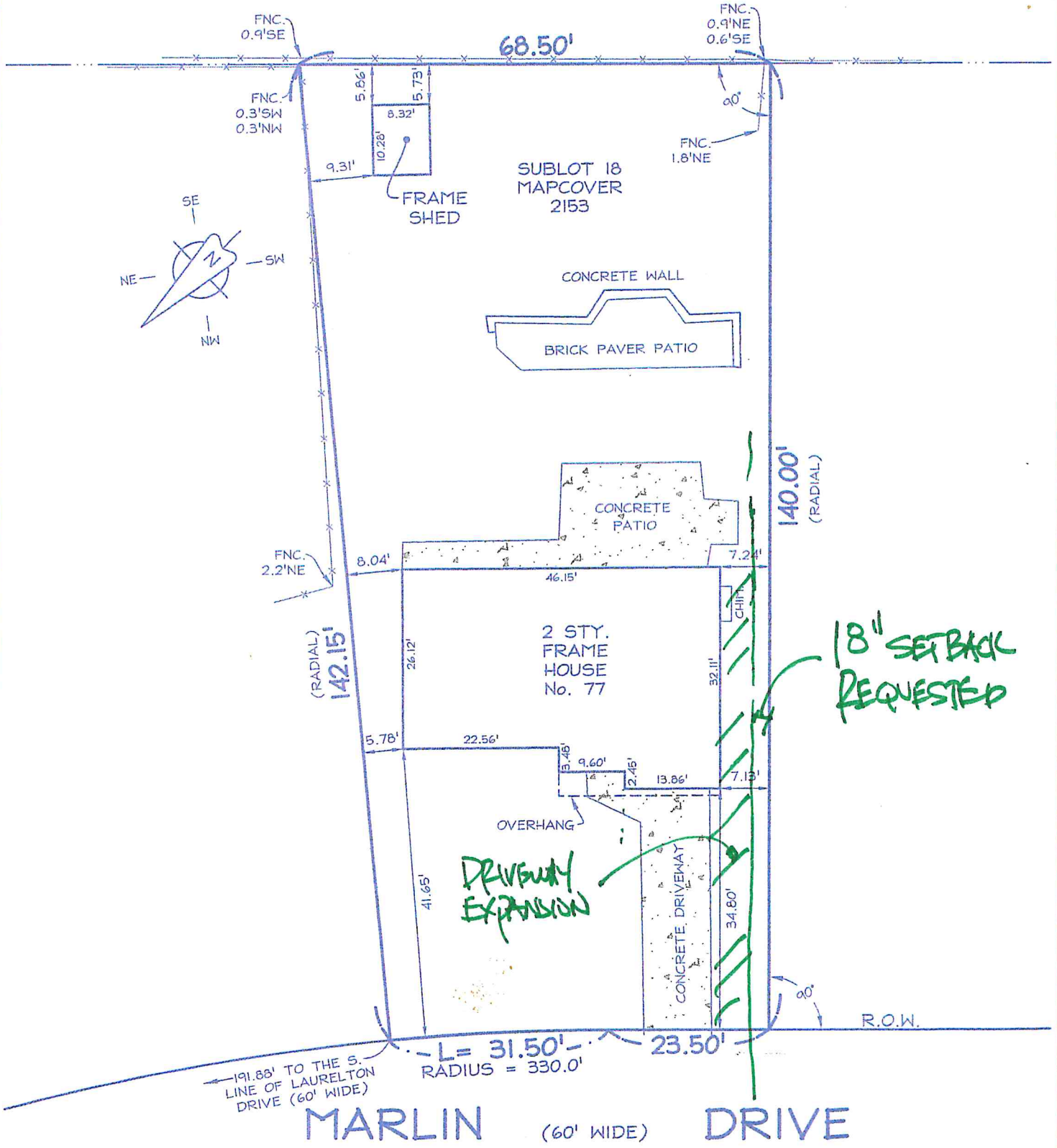
TO BE COMPLETED BY THE BUILDING INSPECTOR

1. Provision(s) of the Zoning Ordinance Appealed, including article, section, subsection or paragraph of the Zoning Ordinance
120-39 (E) - 3FT SETBACK REQUIRED
- 18" REQUEST
2. Zoning Classification of the property concerned in this appeal R-75
3. Type of Appeal:
   - ☒ Variance to the Zoning Ordinance.
   - ☐ Interpretation of the Zoning Ordinance or Zoning Map.
   - ☐ Special or Temporary Permit or an xtension thereof under the Zoning Ordinance.
4. A statement of any other facts or data which should be considered in this appeal. _____

Building Inspector _____

LEGEND:

APPROX.=	APPROXIMATE	COV'D=	COVERED	HSE.=	HOUSE				
AVE.=	AVENUE	℄	CENTERLINE	IP.=	IRON PIPE	PO.=	PORCH	W=	WEST
CB=	CATCH BASIN	D.=	DEED	L.=	LIBER	UP=	UTILITY POLE	W/=	WITH
CH.=	CHAIN	E=	EAST	MH=	MANHOLE	P.=	PAGE	WD.=	WOOD
CONC.=	CONCRETE	EJB=	ELECTRIC JUNCTION BOX	MP.=	MAP	S=	SOUTH	YD=	YARD
COR.=	CORNER	ESMT.=	EASEMENT	N=	NORTH	STY.=	STORY		DRAIN
CTB=	CABLE TV BOX	FNC.=	FENCE	OHW=	OVERHEAD WIRES	TJB=	TELEPHONE JUNCTION BOX		
		GAR.=	GARAGE	O/L=	ON LINE	TYP.=	TYPICAL		



Josh Hauelse
77 Marlin Drive
West Seneca, NY 14224
716-435-6485

March 15, 2026

Zoning Board of Appeals
Town of West Seneca
1250 Union Road
West Seneca, NY 14224

Dear Members of the Zoning Board of Appeals,

I am respectfully requesting a variance from the side-yard setback requirement related to a planned driveway and walkway improvement at my property located at 77 Marlin Drive, West Seneca, NY 14224.

Specifically, I am requesting a variance to allow the proposed driveway and walkway to be located approximately 18 inches from the right-side property line.

The existing driveway is older and has begun to settle and deteriorate in several areas. As part of addressing this, I am proposing to replace the driveway and modestly widen it so that it can more comfortably accommodate two vehicles parked off-street.

Why Expansion to the Left Is Not Feasible

The only alternative to widening toward the right-side property line would be to expand the driveway to the left. However, this is not a practical option for several reasons. First, a municipal water shutoff valve is located in the lawn on the left side of the driveway, directly in the path of leftward expansion. Expanding in that direction would impede access to that valve for future municipal maintenance or emergency use. Second, expanding to the left would eliminate the existing landscaped buffer and pedestrian entry to the front door of the home, leaving no functional separation between the driveway and the front entrance.

Additionally, the proposed widening to the right will allow for a minimum 3-foot concrete walkway along the side of the home connecting the driveway to the rear of the property. This is the standard minimum width for a functional pedestrian walkway. Without the variance, the available space between the edge of the walkway and the existing AC unit and chimney on that side of the home would not accommodate a walkway of this width, eliminating safe and practical access to the rear of the property.

Due to these physical constraints, the only feasible direction to widen the driveway is to the right, which necessitates the requested variance.

Impact on Neighboring Property

While the proposed driveway will be located approximately 18 inches from the right-side property line, it will maintain over 10 feet 10 inches of separation from the neighboring structure itself. The terrain between the two properties is relatively flat, and the driveway will be pitched toward the street by the contractor, ensuring that no water runoff is directed toward the neighboring property.

Water Management

Water runoff has been fully considered. The driveway surface will be pitched toward the street. Additionally, existing drain tile connects the roof downspouts to an outlet at the curb, which already manages roof runoff independently of the driveway surface. The neighboring property has comparable drain tile in place. The flat terrain ensures no natural drainage toward either neighboring property.

Neighbor Notification

I have spoken with the adjacent neighbor whose property line is closest to the proposed improvement, and they have indicated that they have no concerns with the project.

The improvement will not extend onto the neighboring property and will remain entirely within my property boundaries.

The requested variance will not alter the character of the neighborhood and is intended only to improve the safety, functionality, and condition of the existing driveway.

For these reasons, I respectfully request the Board's consideration in granting this variance.

Thank you for your time and consideration.

Sincerely,

Josh Hauelse
77 Marlin Drive
West Seneca, NY 14224
716-435-6485


Note: Drainage
(Drain
tile)
KAX-9849
LET'S GO
BILLS


Note: Neighbor's Drainage
(Drain tile
put in by
neighbor)
LET'S GO
BILLS
LET'S GO
BUFFALO
WELCOME


Note:
Shut off
valve
water


10'10"
Driveway
/walkway

APPLICATION TO BOARD OF APPEALS

Appeal No. 2026-006

Date 3/23/26

TO THE ZONING BOARD OF APPEALS, WEST SENECA, NEW YORK:

I (we) Andrew Olivieri of 25 Deer Path West Seneca New York, HEREBY APPEAL TO THE ZONING BOARD OF APPEALS FROM THE DECISION OF THE BUILDING INSPECTOR ON AN APPLICATION FOR A BUILDING PERMIT, WHEREBY THE BUILDING INSPECTOR DID DENY PERMIT TO: _____

- ☒ A PERMIT FOR USE
- ☐ A PERMIT FOR OCCUPANCY
- ☐ A TEMPORARY PERMIT OR EXTENSION THEREOF
- ☐ A CERTIFICATE OF EXISTING USE
- ☐ A CERTIFICATE OF ZONING COMPLIANCE
- ☒ AREA PERMIT

1. Applicant is the ☒ PROPERTY OWNER
   - ☐ CONTRACTOR FOR THE WORK CONCERNED HEREIN
   - ☐ PROSPECTIVE TENANT
   - ☐ OTHER (Describe) _____
2. LOCATION OF THE PROPERTY X 25 DEER PATH.
3. State in general the exact nature of the permission required, 6 foot fence in side yard, 4' max permitted.
4. PREVIOUS APPEAL. No previous appeal has been made with respect to this decision of the Building Inspector or with respect to this property, except the appeal made in Appeal No. _____, dated _____, 20____.
5. REASON FOR APPEAL.

A. A Variance to the Zoning Ordinance is requested because strict application of the ordinance would produce undue hardship, or the hardship created is unique and is not shared by all properties alike in the immediate vicinity of this property and in this use district, or the variance would observe the spirit of the ordinance and would not change the character of the district because: See. enclosed.

B. Interpretation of the Zoning Ordinance is requested because: R district fences 4 foot permitted front & side yard

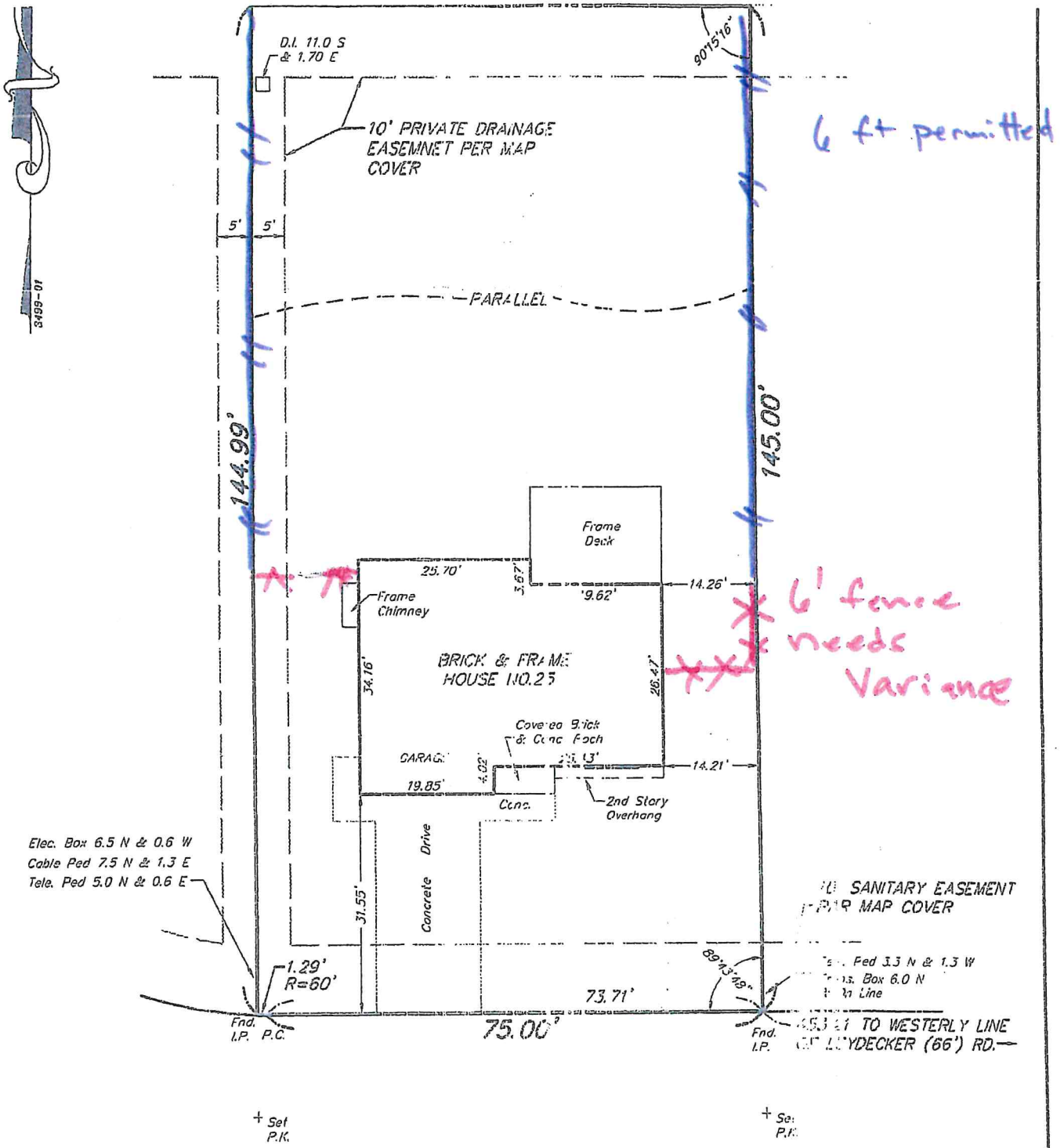
C. A Special or Temporary Permit or an Extension thereof Under the Zoning Ordinance is requested pursuant to Article _____, Section 120, Subsection 39, Paragraph B of the Zoning Ordinance, because: _____

X _____
Applicant's Signature

TO BE COMPLETED BY THE BUILDING INSPECTOR

1. Provision(s) of the Zoning Ordinance Appealed, including article, section, subsection or paragraph of the Zoning Ordinance
   TOWS Zoning Ordinance 120-39 B
2. Zoning Classification of the property concerned in this appeal R-75
3. Type of Appeal:
   - ☒ Variance to the Zoning Ordinance.
   - ☐ Interpretation of the Zoning Ordinance or Zoning Map.
   - ☐ Special or Temporary Permit or an xtension thereof under the Zoning Ordinance.
4. A statement of any other facts or data which should be considered in this appeal. _____

Building Inspector _____



INSTRUMENT(S) UTILIZED IN DETERMINING LOCATION OF BOUNDARY LINES: L.9743 P.394

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT ABSTRACT OF TITLE AND IS SUBJECT TO ANY STATE OF FACTS THAT MAY BE REVEALED IN SAID ABSTRACT.

I HEREBY STATE TO: Paul Notoro Esq. (CLIENT)
THAT THIS SURVEY MAP WAS PREPARED IN ACCORDANCE WITH THE CURRENT STANDARD FOR LAND SURVEYS ADOPTED BY THE ERIE COUNTY BAR ASSOCIATION.

MALCOLM L. MACKAY NYS-LS No. [illegible]95

©COPYRIGHT 2001 BY:

MILLARD & MACKAY
LAND SURVEYORS
150 [illegible]ERO DRIVE
BUFFALO, NEW YORK 14225
PHONE (716) 631-5140 ~ FAX 631-3811

AMENDED
SURVEY DATE: 6-28-01
©DRAWING DATE: 7-2-01
SCALE: 1" = 20'

"ALL RIGHTS RESERVED"
THIS MAP VOID UNLESS

March 23 2026

Andrew Olivieri
25 Deer Path
West Seneca NY 14224
716 507-9750

RE: Fence Variance.

I would like to apply for a variance for a privacy fence on my property at 25 Deer Path West Seneca NY 14224. The new fence will be 6 feet tall and will go past the back corner of my house by approximately 15 feet. The reason I am requesting this is because I would like to have all of my pool equipment, Air Conditioning and whole home generator inside of the fence area.

Respectfully Submitted.
Andrew Olivieri


GENERAC







APPLICATION TO BOARD OF APPEALS

Appeal No. 2026-007

Date x 3/23/26

TO THE ZONING BOARD OF APPEALS, WEST SENECA, NEW YORK:

I (we) x Holly O'Connell of x 59 North Covington Dr Buffalo NY 14220

, HEREBY APPEAL TO THE ZONING BOARD OF APPEALS FROM THE DECISION OF THE BUILDING INSPECTOR ON AN APPLICATION FOR A BUILDING PERMIT, WHEREBY THE BUILDING INSPECTOR DID DENY PERMIT TO: install a generator 44" off property line.

- ☐ A PERMIT FOR USE
- ☐ A PERMIT FOR OCCUPANCY
- ☐ A TEMPORARY PERMIT OR EXTENSION THEREOF
- ☐ A CERTIFICATE OF EXISTING USE
- ☐ A CERTIFICATE OF ZONING COMPLIANCE
- ☒ AREA PERMIT

1. Applicant is the
   - ☒ PROPERTY OWNER
   - ☐ CONTRACTOR FOR THE WORK CONCERNED HEREIN
   - ☐ PROSPECTIVE TENANT
   - ☐ OTHER (Describe)

2. LOCATION OF THE PROPERTY x 59 North Covington Drive Buffalo NY 14220

3. State in general the exact nature of the permission required,

4. PREVIOUS APPEAL. No previous appeal has been made with respect to this decision of the Building Inspector or with respect to this property, except the appeal made in Appeal No. ____, dated _____, 20____.

5. REASON FOR APPEAL.

A. A Variance to the Zoning Ordinance is requested because strict application of the ordinance would produce undue hardship, or the hardship created is unique and is not shared by all properties alike in the immediate vicinity of this property and in this use district, or the variance would observe the spirit of the ordinance and would not change the character of the district because:

☒ See enclosed.

B. Interpretation of the Zoning Ordinance is requested because: Generators to remain a minimum of 5 feet off property lines.

C. A Special or Temporary Permit or an Extension thereof Under the Zoning Ordinance is requested pursuant to Article ____, Section 120, Subsection 39, Paragraph ____ of the Zoning Ordinance, because:

x Holly O'Connell
Applicant's Signature

TO BE COMPLETED BY THE BUILDING INSPECTOR

1. Provision(s) of the Zoning Ordinance Appealed, including article, section, subsection or paragraph of the Zoning Ordinance
   Town Zoning Ordinance 120-39

2. Zoning Classification of the property concerned in this appeal R-75

3. Type of Appeal:
   - ☒ Variance to the Zoning Ordinance.
   - ☐ Interpretation of the Zoning Ordinance or Zoning Map.
   - ☐ Special or Temporary Permit or an xtension thereof under the Zoning Ordinance.

4. A statement of any other facts or data which should be considered in this appeal.

Building Inspector JGR

* * * RECEIPT * * *

Date: 03/23/26 **Receipt#:** 99535

Quantity	Transactions	Reference	Subtotal
1	Zoning Board of Appeals	20160636	$160.00
		Total Paid:	$160.00

Notes: 59 N Covington Drive - ZBA

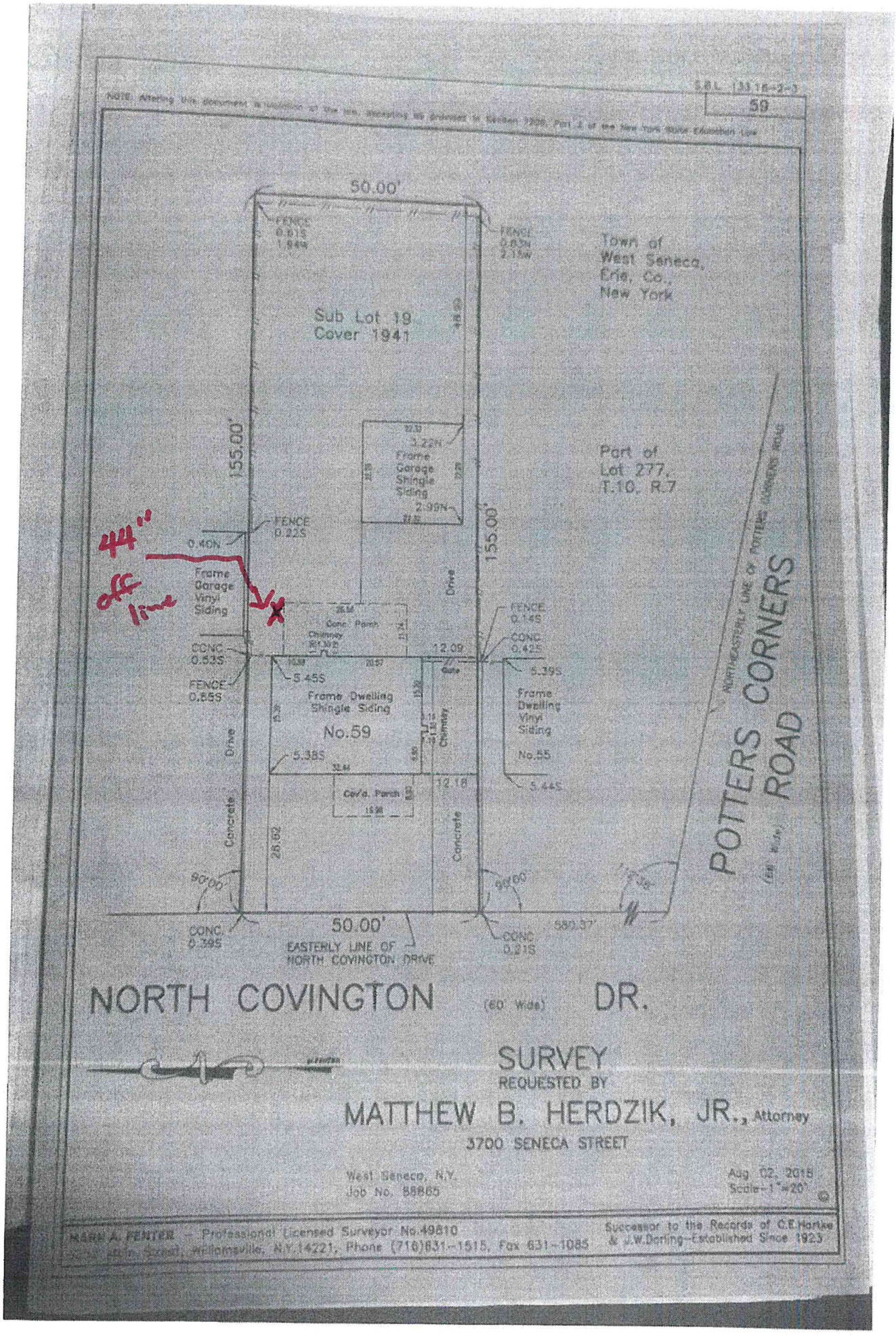
Payment Type	Amount	Paid By
Credit Card-Ref #Visa	$160.00	O'Connell, Holly

Thank you for allowing the West Seneca Town Clerk's office to serve you. Have a wonderful day!
1250 Union Road, Room 212 West Seneca, NY 14224

Name: O'Connell, Holly
59 N. Covington
West Seneca, NY 14224

Clerk ID: KN

Internal ID: 20160636


S.B.L. 133.16-2-3
59
50.00'
FENCE
0.61S
1.84W
FENCE
0.83N
2.15W
Town of
West Seneca,
Erie, Co.,
New York
Sub Lot 19
Cover 1941
155.00'
Frame
Garage
Shingle
Siding
2.99N
3.22N
Part of
Lot 277,
T.10, R.7
155.00'
44"
off
line
FENCE
0.22S
0.40N
Frame
Garage
Vinyl
Siding
Drive
Conc. Porch
Chimney
FENCE
0.14S
CONC.
0.42S
CONC.
0.53S
12.09
Gate
5.45S
FENCE
0.65S
Frame Dwelling
Shingle Siding
No.59
Chimney
5.38S
Frame
Dwelling
Vinyl
Siding
No.55
5.44S
Drive
Cov'd. Porch
12.18
Concrete
Concrete
28.62
90°00'
90°00'
CONC.
0.39S
50.00'
EASTERLY LINE OF
NORTH COVINGTON DRIVE
CONC.
0.21S
580.37'
POTTERS CORNERS ROAD
NORTHEASTERLY LINE OF POTTERS CORNERS ROAD
NORTH COVINGTON DR.
(60' Wide)
SURVEY
REQUESTED BY
MATTHEW B. HERDZIK, JR., Attorney
3700 SENECA STREET
West Seneca, N.Y.
Job No. 88865
Aug. 02, 2018
Scale-1"=20'
©
MARK A. FENTER - Professional Licensed Surveyor No.49810
Successor to the Records of C.E.Hartke
& J.W.Darling-Established Since 1923

Letter of intent for Generator Installation Variance

To whom it may concern,

I am writing to formally request a variance to allow the installation of a standby generator at my property located at 59 North Covington Drive, Buffalo, NY 14220.

Generator placement to be back left side of deck. The home to property line is 5.455 ft. Set back requirements are 5' grass space. The generator will be out 18", dimensions of the generator 34"l x 36" W. 44" Away from property line

The purpose of the installation is to ensure a reliable source of backup power in the event of outages, which is important for maintaining safety, protecting essential systems, and supporting the needs of the household. Due to the layout of the property, and with current zoning/setback requirements, is not feasible without variance for proposed placement.

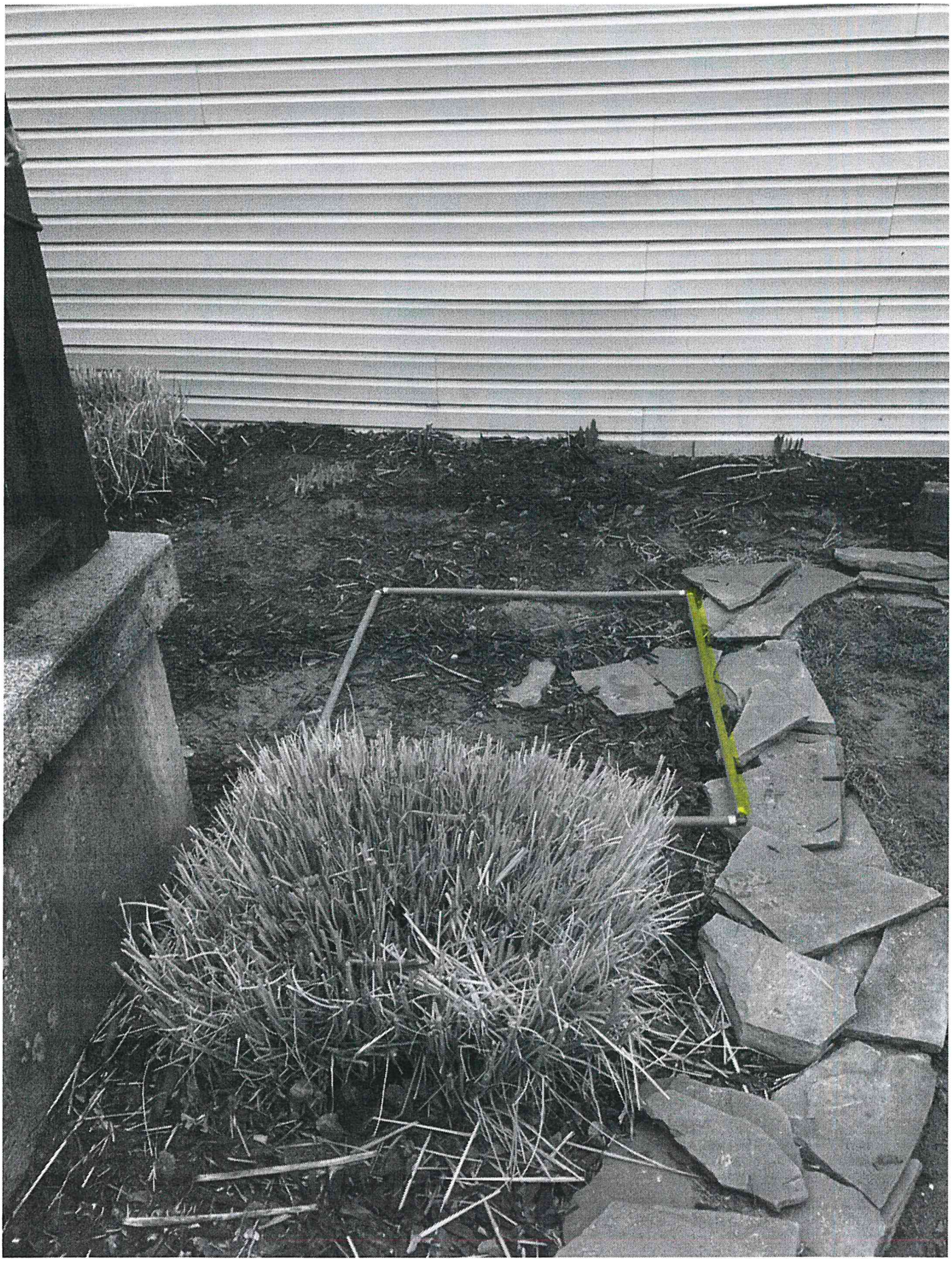
The proposed location has been carefully considered to minimize any potential impact on neighboring properties, including noise, visibility and safety concerns.We have discussed the generator placement with neighbors and they do not foresee any issues.

The generator will be installed in accordance with manufacturer specifications and all applicable safety codes.
We respectfully request approval of this variance so that we may proceed with the installation.

Thank you for your time and consideration.

Sincerely

Holly O'Connell





APPLICATION TO BOARD OF APPEALS

X Tel. No. _

Appeal No. 2026-008

Date 3/25/26

TO THE ZONING BOARD OF APPEALS, WEST SENECA, NEW YORK:

X I(we) Michael Wiley of SAME

, HEREBY APPEAL TO THE ZONING BOARD OF APPEALS FROM THE DECISION OF THE BUILDING INSPECTOR ON AN APPLICATION FOR A BUILDING PERMIT, WHEREBY THE BUILDING INSPECTOR DID DENY PERMIT TO: _____

- ☐ A PERMIT FOR USE
- ☐ A PERMIT FOR OCCUPANCY
- ☐ A TEMPORARY PERMIT OR EXTENSION THEREOF
- ☐ A CERTIFICATE OF EXISTING USE
- ☐ A CERTIFICATE OF ZONING COMPLIANCE
- ☒ AREA PERMIT

1. Applicant is the ☒ PROPERTY OWNER
   - ☐ CONTRACTOR FOR THE WORK CONCERNED HEREIN
   - ☐ PROSPECTIVE TENANT
   - ☐ OTHER (Describe) _____

X 2. LOCATION OF THE PROPERTY 104 Norwood Dr. West Seneca, NY 14224

3. State in general the exact nature of the permission required, _____

4. PREVIOUS APPEAL. No previous appeal has been made with respect to this decision of the Building Inspector or with respect to this property, except the appeal made in Appeal No. _____, dated _____, 20_____.

5. REASON FOR APPEAL.

A. A Variance to the Zoning Ordinance is requested because strict application of the ordinance would produce undue hardship, or the hardship created is unique and is not shared by all properties alike in the immediate vicinity of this property and in this use district, or the variance would observe the spirit of the ordinance and would not change the character of the district because: _____

(See Attached letter)

B. Interpretation of the Zoning Ordinance is requested because: _____

C. A Special or Temporary Permit or an Extension thereof Under the Zoning Ordinance is requested pursuant to Article _____, Section _____, Subsection _____, Paragraph _____ of the Zoning Ordinance, because: _____

X Michael J. Wiley
Applicant's Signature

TO BE COMPLETED BY THE BUILDING INSPECTOR

1. Provision(s) of the Zoning Ordinance Appealed, including article, section, subsection or paragraph of the Zoning Ordinance

120-39(B) Fences shall not exceed 6' in height in side yard. ; Requesting 6' privacy fence 4' permitted.

2. Zoning Classification of the property concerned in this appeal R-1-5

3. Type of Appeal:
   - ☒ Variance to the Zoning Ordinance.
   - ☐ Interpretation of the Zoning Ordinance or Zoning Map.
   - ☐ Special or Temporary Permit or an xtension thereof under the Zoning Ordinance.

4. A statement of any other facts or data which should be considered in this appeal. _____

Building Inspector _____

To Whom It May Concern,

I am respectfully requesting a variance to install a **6-foot vinyl fence** at my property located at **104 Norwood Drive, West Seneca, New York 14224**.

The need for this variance is based on the layout and functionality of my property. On the **northwest side**, there is a side door on my garage that I use regularly. Installing a 6-foot fence will allow me to safely let my dogs out into a secure, enclosed area where they can access the garage directly. This added height is important for ensuring their safety and containment.

On the **southeast side** of the property, I have an **air conditioning unit and a generator** that I would like to enclose within the fenced area for protection, security, and overall organization of the property.

The proposed fence will be **professionally installed** and constructed of **high-quality vinyl materials**. It will be designed to complement the existing aesthetics of my home and maintain the visual character of the neighborhood. I am confident that it will enhance the appearance of my property while serving practical needs.

Thank you for your time and consideration of this request. Please feel free to contact me if any additional information is needed.

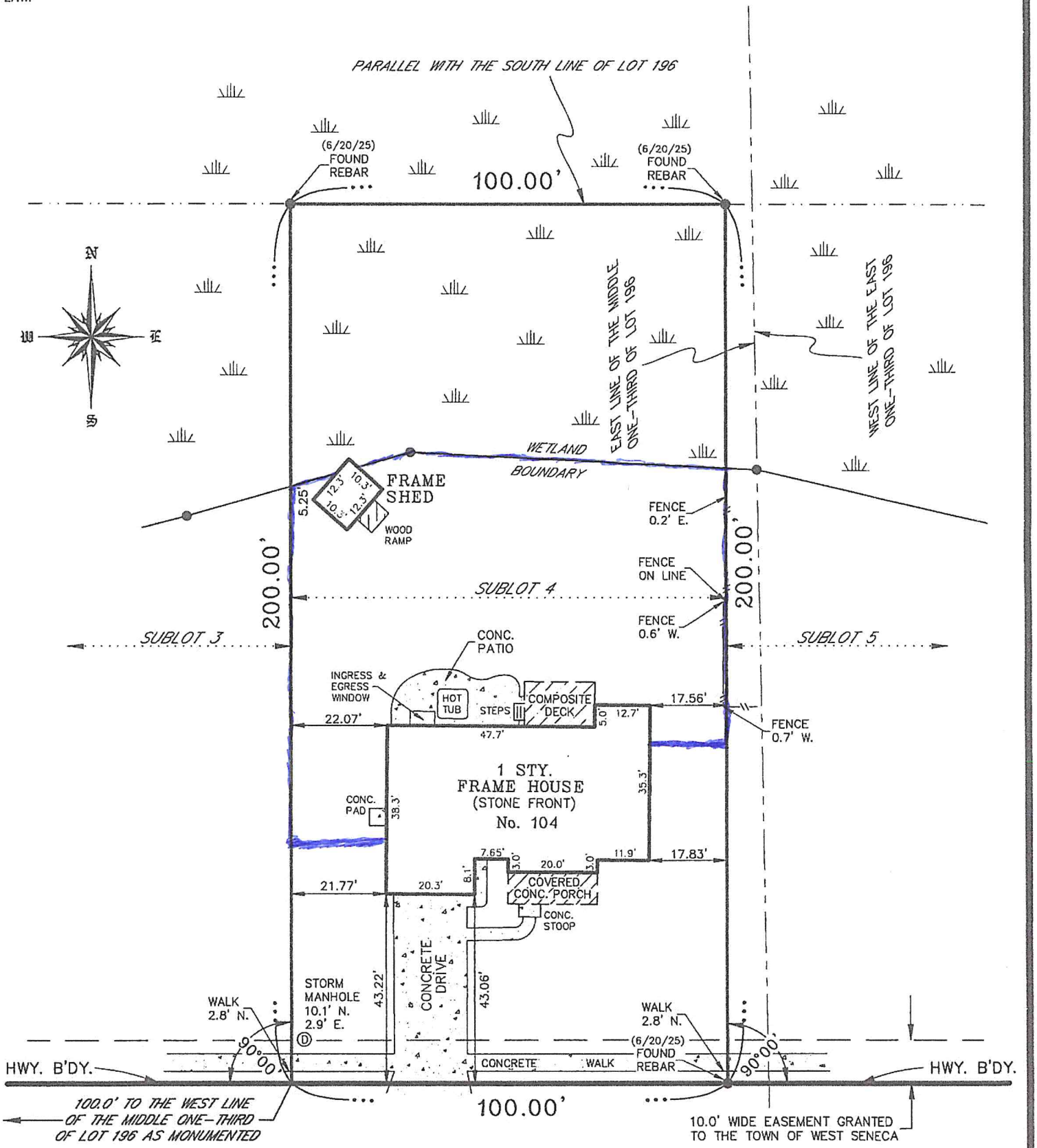
Sincerely,
Michael Wiley
Homeowner

480-343-4534

UNAUTHORIZED ALTERATION OR ADDITION TO ANY SURVEY DRAWING, DESIGN, SPECIFICATION, PLAN OR REPORT IS A VIOLATION OF SECTION 7209, PROVISION 2 OF THE NEW YORK STATE EDUCATION LAW.

*THIS SURVEY VOID IF USED WITH AN "AFFIDAVIT OF NO CHANGE"

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE AND IS SUBJECT TO ANY STATE OF FACT THAT MAY BE REVEALED BY AN EXAMINATION OF SUCH.



NORWOOD (WIDTH VARIES) DRIVE







APPLICATION TO BOARD OF APPEALS

Tel. No. [redacted]

Appeal No. 2026-009

Date 3/26/26

TO THE ZONING BOARD OF APPEALS, WEST SENECA, NEW YORK:

I (we) Michael Berger of Sutton Architecture

, HEREBY APPEAL TO THE ZONING BOARD OF APPEALS FROM THE DECISION OF THE BUILDING INSPECTOR ON AN APPLICATION FOR A BUILDING PERMIT, WHEREBY THE BUILDING INSPECTOR DID DENY PERMIT TO: Reduce Parking from 66 to 26 (request 40 space variance)

- ☐ A PERMIT FOR USE
- ☐ A PERMIT FOR OCCUPANCY
- ☐ A TEMPORARY PERMIT OR EXTENSION THEREOF
- ☐ A CERTIFICATE OF EXISTING USE
- ☒ A CERTIFICATE OF ZONING COMPLIANCE
- ☒ AREA PERMIT

1. Applicant is the
   - ☐ PROPERTY OWNER
   - ☒ CONTRACTOR FOR THE WORK CONCERNED HEREIN
   - ☐ PROSPECTIVE TENANT
   - ☐ OTHER (Describe)

2. LOCATION OF THE PROPERTY 1976 Ridge Road

3. State in general the exact nature of the permission required, Proposal for Nail Salon requires (66) Parking Spaces. Property only has room for (26) Spaces

4. PREVIOUS APPEAL. No previous appeal has been made with respect to this decision of the Building Inspector or with respect to this property, except the appeal made in Appeal No. _____, dated _____, 20____.

5. REASON FOR APPEAL.

A. A Variance to the Zoning Ordinance is requested because strict application of the ordinance would produce undue hardship, or the hardship created is unique and is not shared by all properties alike in the immediate vicinity of this property and in this use district, or the variance would observe the spirit of the ordinance and would not change the character of the district because: The Business intends to operate As Appointment only and will be Able to control Parking to work with the proposed (26) Spaces.

B. Interpretation of the Zoning Ordinance is requested because: Property does not have the required space to Provide (66) Spaces

C. A Special or Temporary Permit or an Extension thereof Under the Zoning Ordinance is requested pursuant to Article _____, Section _____, Subsection _____, Paragraph _____ of the Zoning Ordinance, because: NA

Applicant's Signature

TO BE COMPLETED BY THE BUILDING INSPECTOR

1. Provision(s) of the Zoning Ordinance Appealed, including article, section, subsection or paragraph of the Zoning Ordinance

2. Zoning Classification of the property concerned in this appeal C2

3. Type of Appeal:
   - ☒ Variance to the Zoning Ordinance.
   - ☐ Interpretation of the Zoning Ordinance or Zoning Map.
   - ☐ Special or Temporary Permit or an xtension thereof under the Zoning Ordinance.

4. A statement of any other facts or data which should be considered in this appeal.

Building Inspector

SUTTON
architecture
PLLC

March 25, 2026

Town of West Seneca
Building Department
1250 Union Road
West Seneca, NY 14224
ATTN: Code Enforcement Officer

Re: Proposed Addition & Change of Occupancy

Dear Jeff;

Zen Nails is proposing a new location at 1976 Ridge Road, West Seneca. The subject property is a former car rental facility with associated garage space. The client proposes to construct an addition and renovate the existing interior and exterior façade to accommodate a new nail salon classified as a Business ("B") Occupancy.

Per zoning requirements, parking is required at a rate of three (3) spaces per salon chair. The proposed design provides twenty-two (22) salon chairs, resulting in a required total of sixty-six (66) parking spaces. Due to site constraints, the property is able to accommodate only twenty-six (26) parking spaces, necessitating a request for a parking variance of forty (40) spaces. The client has made a good-faith effort to secure shared parking agreements with adjacent commercial properties that have larger parking facilities; however, no neighboring property owners were willing to enter into such an agreement. The business will operate primarily on an appointment-only basis, allowing the owner to actively manage customer flow and parking demand using the on-site parking provided.

Sutton Architecture, PLLC is submitting a concept design in support of this parking variance request. The drawings reflect the proposed scope of work for the project. Should you have any questions regarding the information provided or the project in general, please feel free to contact our office at your convenience.

Sincerely,
SUTTON ARCHITECTURE, PLLC

REGISTERED ARCHITECT
MICHAEL V. BERGER
No. 034013
STATE OF NEW YORK

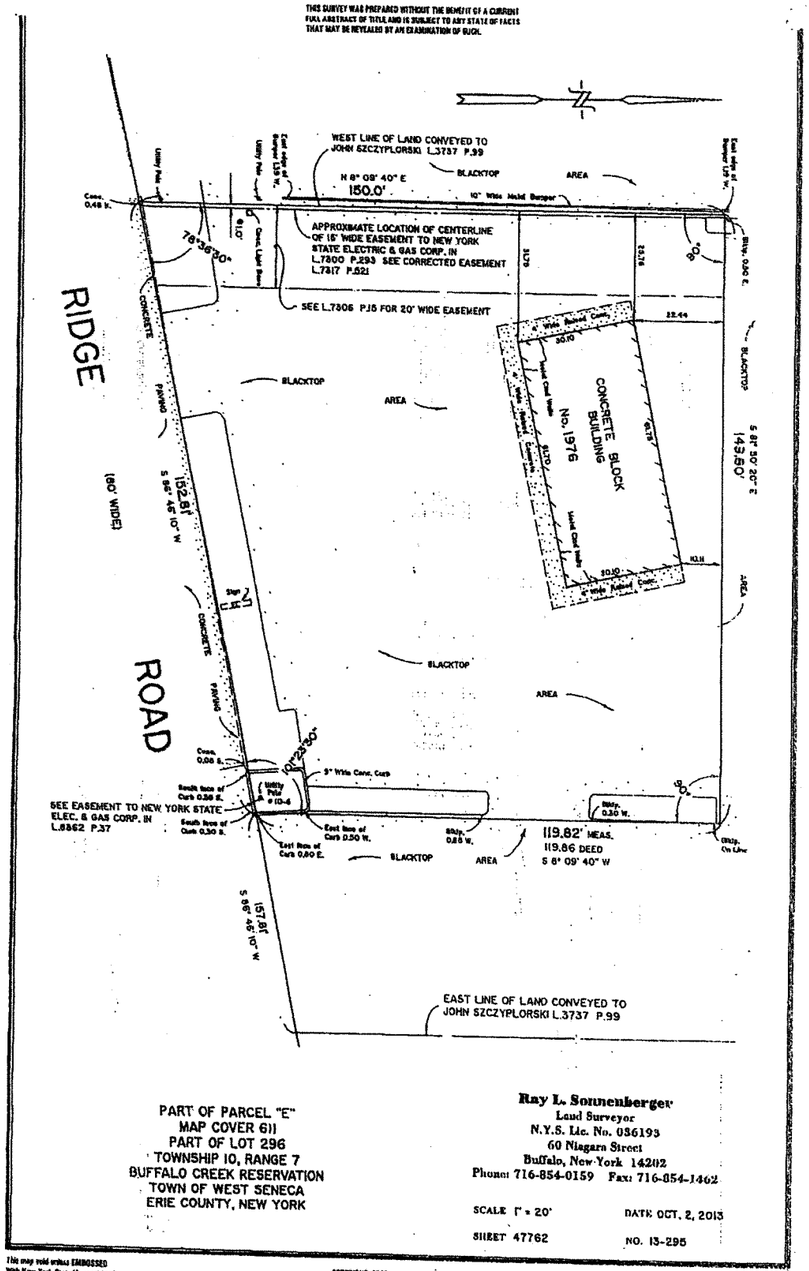
Michael J. Berger, RA
Project Architect/Partner

design2build.com

Tel: 716.932.7156
Fax: 716.932.7873

5409 Main Street
Williamsville, NY 14221

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT FULL ABSTRACT OF TITLE AND IS SUBJECT TO ANY STATE OF FACTS THAT MAY BE REVEALED BY AN EXAMINATION OF SUCH.



PART OF PARCEL "E"
MAP COVER 611
PART OF LOT 296
TOWNSHIP 10, RANGE 7
BUFFALO CREEK RESERVATION
TOWN OF WEST SENECA
ERIE COUNTY, NEW YORK

Ray L. Sonnenberger
Land Surveyor
N.Y.S. Lic. No. 036193
60 Niagara Street
Buffalo, New York 14202
Phone: 716-854-0159 Fax: 716-854-1462

SCALE 1" = 20' DATE OCT. 2, 2013

SHEET 47762 NO. 13-295

This map void unless EMBOSSED With New York State Licensed Land Surveyor's Seal No. 036193

COPYRIGHT 2013

Altering any item on this map is in violation of the law, excepting as provided in Section 7209, Part of the New York State Education Law

SITE PLAN OR ZONING REFERRAL TO COUNTY OF ERIE, N.Y.
AND REPLY TO MUNICIPALITY

Submit this form with full statement of proposed action (as described in GML 239-m(c)) at www.Erie.gov/IRonline, OR mail a hard copy (retain a copy for your files) to: Erie County Division of Planning, 95 Franklin Street, Room 1053, Buffalo, N.Y., 14202

DO NOT WRITE IN THIS SPACE

Case No.:_____

Postmark/Delivery Date:_____

The proposed action described herein is referred in accordance with the provisions of NYS General Municipal Law §239 l - nn

A Municipal Referral Map is available to help determine whether an applicable action is subject to referral.

Description of Proposed Action

1. Name of Municipality: town of west seneca

§239-m(4)(b) provides that the county shall have 30 days after receipt of a full statement of the proposed action to reply.
If the county fails to reply within such period, the referring body may take final action.
However, any county reply received after 30 days but 2 or more days prior to final action by the referring body shall be subject to §239-m(5)
The referring body shall file a report of its final action with the county within 30 days per §239-m(6).

2. Hearing Schedule: **Date** 4/22/2026 **Time** 6:00pm **Location** West Seneca CCL

3. Action is before: ☐ Legislative Body ☑ Board of Appeals ☐ Planning Board

4. Action consists of: ☐ New Ordinance ☐ Rezone/Map Change ☐ Ordinance Amendment

☐ Site Plan ☑ Variance ☐ Special Use Permit ☐ Other: _____

5. Location of Property: ☐ Entire Municipality ☐ Address: 1976 Ridge Rd West Seneca, NY 14224

5a. S.B.L. of Property: _____

6. Referral required as site is within 500' of:

☐ State or County Property/Institution	☐ Municipal Boundary	☐ Farm Operation located in an Agricultural District	
☐ Expressway	☑ County Road	☐ State Highway	☐ Proposed State or County Road, Property, Building/Institution, Drainageway

7. Proposed change or use: *(specify the action, such as the scope of variances or site plans)* Proposed nail salon with 26 parking stalls where 66 are permitted (3 spaces per chair permitted according to Town Code)

8. Other remarks: _____

9. Submitted by: Doug Busse **Email:** dbusse@westseneca.gov

10. Return Address: 1250 Union Rd. West Seneca, NY 14224

Reply to Municipality by Erie County Division of Planning

Receipt of the above-described proposed action is acknowledged on _____. The Division herewith submits its review and reply under the provisions of applicable state and local law, based on the information submitted with this referral.

1. ☐ **The proposed action is not subject to review under the law.**
2. ☐ **Comment on proposed action is attached hereto.**
3. ☐ **The proposed action is subject to review; Recommendation on Proposed Action is attached hereto.**
4. ☐ **No Recommendation; proposed action has been reviewed and determined to be of local concern.**

By the Division of Planning: _____ **Date:** _____

Doug Busse

From: ECDEP Document Submission <webmaster@erie.gov>
Sent: Wednesday, March 25, 2026 1:57 PM
To: Doug Busse
Subject: 1976 Ridge Rd. West Seneca, NY 14224

Your GML 239 Referral for 1976 Ridge Rd. West Seneca, NY 14224 / 143.06-4-19 was/were submitted on Wed, 03/25/2026 - 1:54 pm

We will reply via email within 30 days (except for reports of final action) to:
This submission is primarily a
GML 239 Referral

Address of property
1976 Ridge Rd. West Seneca, NY 14224

SBL of property
143.06-4-19

Action is within 500' of existing or proposed County right of way
Yes

Action is in a County Sewer District
No

Project components requiring referral to ECDOH
None of the above

Contact Person
Doug Busse

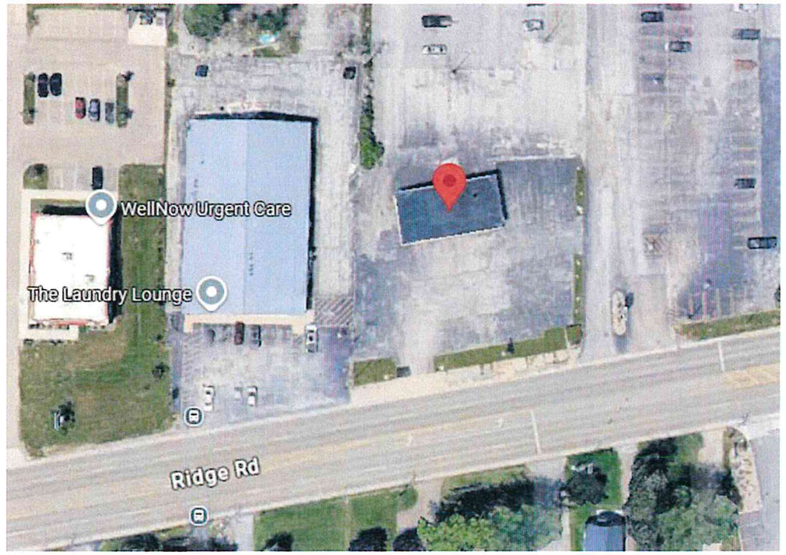
Contact Email
dbusse@westseneca.gov

Referral

zr1-form.pdf

Additional File 1
letter-of-intent-signed.pdf

Additional File 2
concept-2.0-03.12.26.pdf



SK1.1 Aerial Photo

NTS

Parking Analysis:

Total Site Area: 20,074 sf / 0.460 Acres

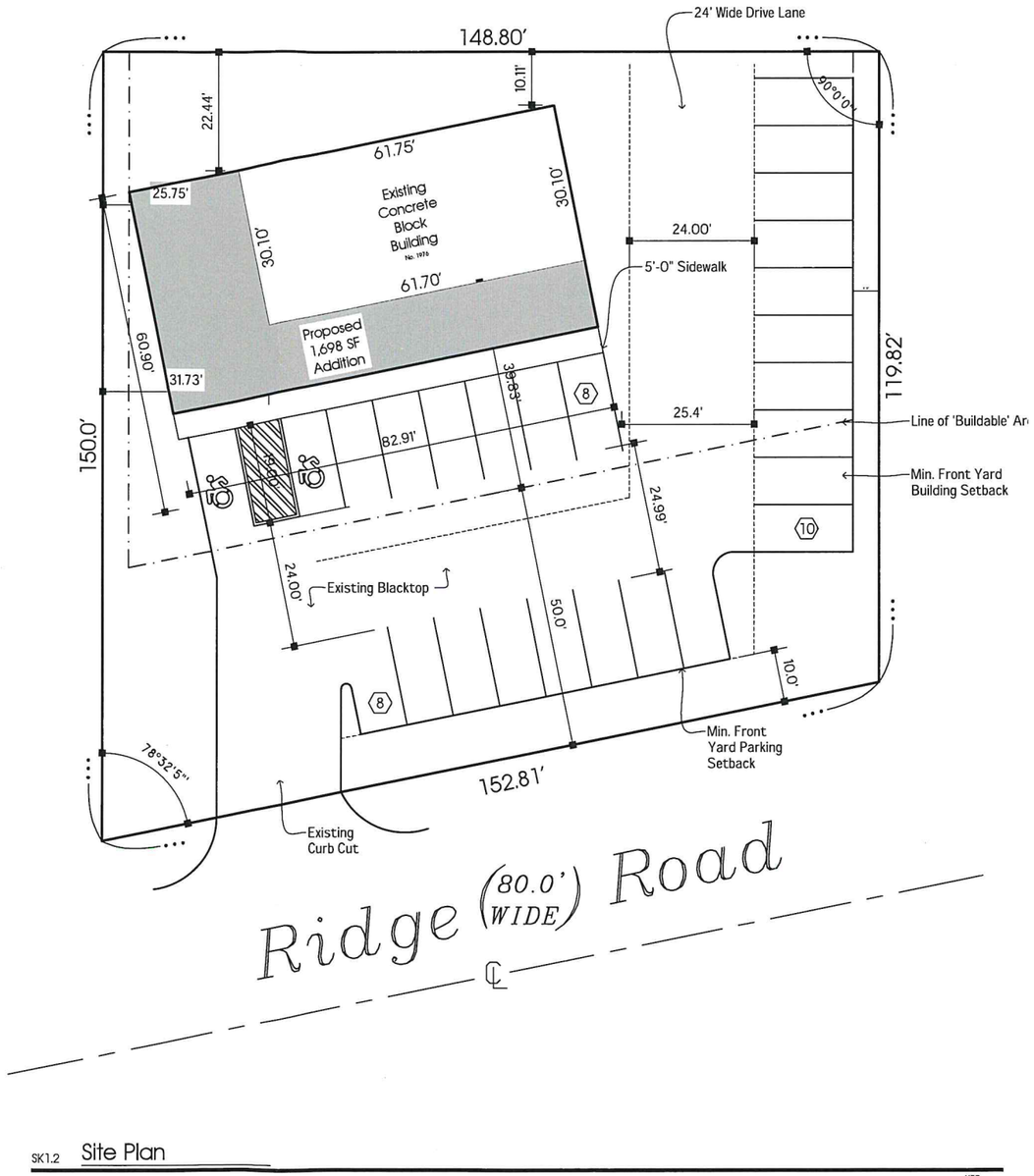
Building Areas:
Retail Area: 3,550 sf / 0.08 Acres

Parking Calculations:
(3) Parking Spaces Per Salon Chair =
22 Chairs = 66 Parking Spaces

Total Parking Requirements: **66 Parking Spaces**

Total Parking Available: 26 Parking Spaces

Additional Parking Needed: *40 Parking Spaces*



SK1.2 Site Plan

NTS

Progress Drawings Not For Construction

SUTTON architecture
"Design 2 Build"
5409 Main Street
(Second Floor)
Williamsville, NY 14221
(716) 932-7156 Fax 932-7873

Job Number:

Proposed Addition For:

Zen Nails

1976 Ridge Road

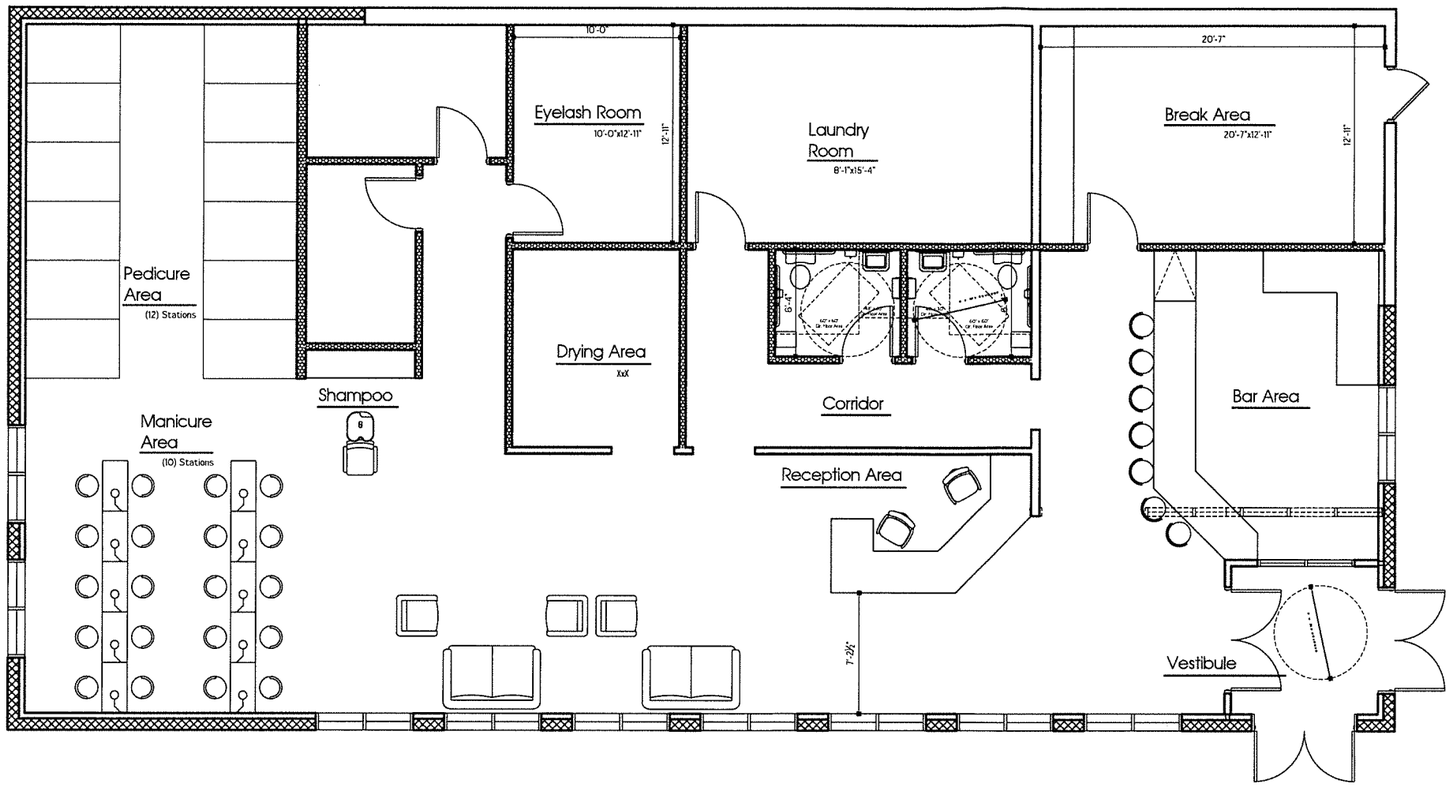
Copyright Sutton Architecture© 2025

No.	Description	Date	By

WARNING:
It is a violation of Article 147, Section 7303 of the New York State Education Law for any person to alter an item, in any way, on this document, unless under the direction of a licensed Architect.

Title: Site Sketch

Drawn By: M. Berger	Sheet No.: SK-1
Date: 03.12.26	
Checked:	
Scale: NTS	



SK2.1 Concept Floor Plan

1/4" = 1'-0"

SUTTON architecture
"Design 2 Build"
5409 Main Street
(Second Floor)
Williamsville, NY 14221
(716) 932-7156 Fax 932-7873

Job Number:

Proposed Addition For:

Zen Nails

1976 Ridge Road

Copyright Sutton Architecture© 2026

No.	Description	Date	By

WARNING:
It is a violation of Article 147, Section 7303 of the New York State Education Law for any person to alter an item, in any way, on this document, unless under the direction of a licensed Architect.

Title:
Building Sketch

Drawn By: M. Berger
Date: 03.12.26
Checked:
Scale: NTS

Sheet No.: **SK-2**

$160.00

APPLICATION TO BOARD OF APPEALS

Tel. No _____

Appeal No. 2026-010

Date 3/26/26

TO THE ZONING BOARD OF APPEALS, WEST SENECA, NEW YORK:

I (we) Jay Kent of 14 Sunrise Terr. WSNY 14224

_____, HEREBY APPEAL TO THE ZONING BOARD OF APPEALS FROM THE DECISION OF THE BUILDING INSPECTOR ON AN APPLICATION FOR A BUILDING PERMIT, WHEREBY THE BUILDING INSPECTOR DID DENY PERMIT TO: _____

- ☐ A PERMIT FOR USE
- ☐ A PERMIT FOR OCCUPANCY
- ☐ A TEMPORARY PERMIT OR EXTENSION THEREOF
- ☐ A CERTIFICATE OF EXISTING USE
- ☐ A CERTIFICATE OF ZONING COMPLIANCE
- ☒ AREA PERMIT

1. Applicant is the
   - ☒ PROPERTY OWNER
   - ☐ CONTRACTOR FOR THE WORK CONCERNED HEREIN
   - ☐ PROSPECTIVE TENANT
   - ☐ OTHER (Describe) _____
2. LOCATION OF THE PROPERTY 14 SUNRISE TERRACE
3. State in general the exact nature of the permission required, GENERATOR ON THE SIDE OF THE HOUSE
4. PREVIOUS APPEAL. No previous appeal has been made with respect to this decision of the Building Inspector or with respect to this property, except the appeal made in Appeal No. NA, dated _____, 20____.
5. REASON FOR APPEAL.

A. A Variance to the Zoning Ordinance is requested because strict application of the ordinance would produce undue hardship, or the hardship created is unique and is not shared by all properties alike in the immediate vicinity of this property and in this use district, or the variance would observe the spirit of the ordinance and would not change the character of the district because: _____

SEE ENCLOSED LETTER

B. Interpretation of the Zoning Ordinance is requested because: _____

C. A Special or Temporary Permit or an Extension thereof Under the Zoning Ordinance is requested pursuant to Article _____, Section _____, Subsection _____, Paragraph _____ of the Zoning Ordinance, because: _____

X _____ Applicant's Signature

TO BE COMPLETED BY THE BUILDING INSPECTOR

1. Provision(s) of the Zoning Ordinance Appealed, including article, section, subsection or paragraph of the Zoning Ordinance
   ~~XXXXXX~~ 120-13(B)(9) - GENERATOR REQUIRED 5'-0" SETBACK - 4 FT REQUESTED
2. Zoning Classification of the property concerned in this appeal R-75
3. Type of Appeal:
   - ☒ Variance to the Zoning Ordinance.
   - ☐ Interpretation of the Zoning Ordinance or Zoning Map.
   - ☐ Special or Temporary Permit or an xtension thereof under the Zoning Ordinance.
4. A statement of any other facts or data which should be considered in this appeal. _____

_____ Building Inspector

Gregory Kent
14 Sunrise Terrace
West Seneca, NY 14224

March 20, 2026

Town of West Seneca Variance Board

Dear Board Members,

My wife and I met with Anderson Water Power on January 24, 2026 to look at having a gas powered generator installed at our home. He evaluated our home for an appropriate location. We both determined that the most sitable location is the North side of the house . For the following reasons.

1. It is closest to the gas meter
2. Adjacent to the Electric Panel in the basement
3. A flat level area suitable for placement
4. IN between our home and the neighbor's garage

When we were told that the Generator could not go there, the company came and scouted other locations on our property.

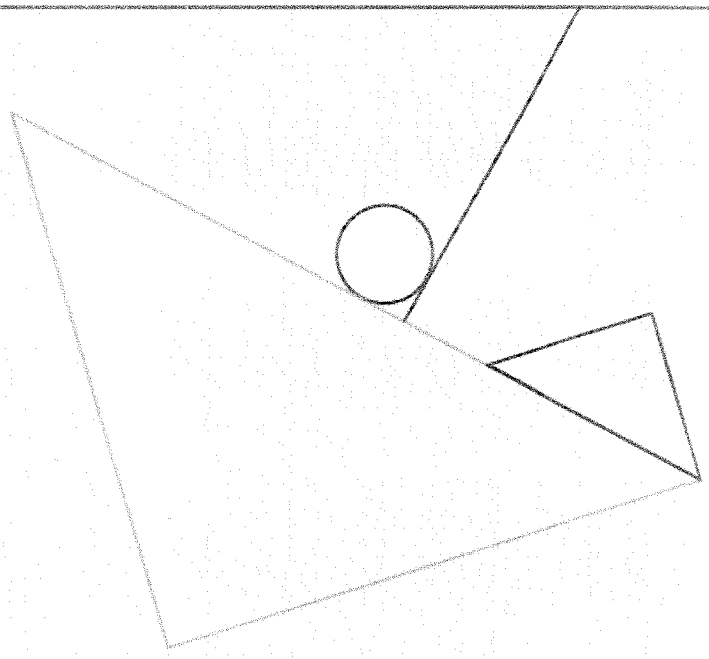
1. The back yard behind our pool house would involve running a new gas line and trenching through the yard.
2. Behind our current concrete patio involves adding a gas line and the land there is not level.
3. Between our pool house and fence around the pool involves taking down a tree and having again a new gas line trenched.
4. The South side does not have enough space between our home and property line.
5. The East Side involves running the gas line through our basement ceiling which is not practical and cost prohibitive.

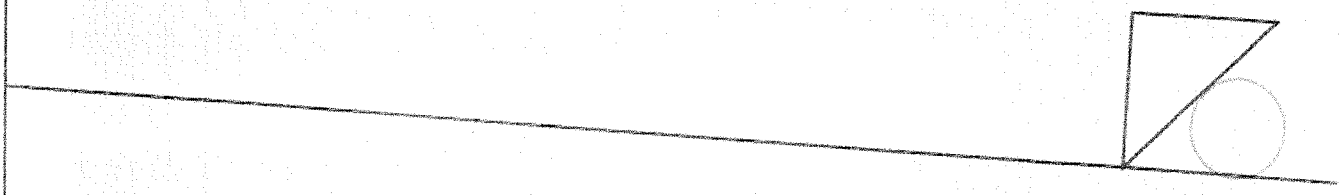
Please take the time to consider our request for this variance. As we tour the neighborhood we notice most homes have their generators in the same spot on their homes.

Respectfully Submitted,

Gregory Kent
Homeowner

Signature

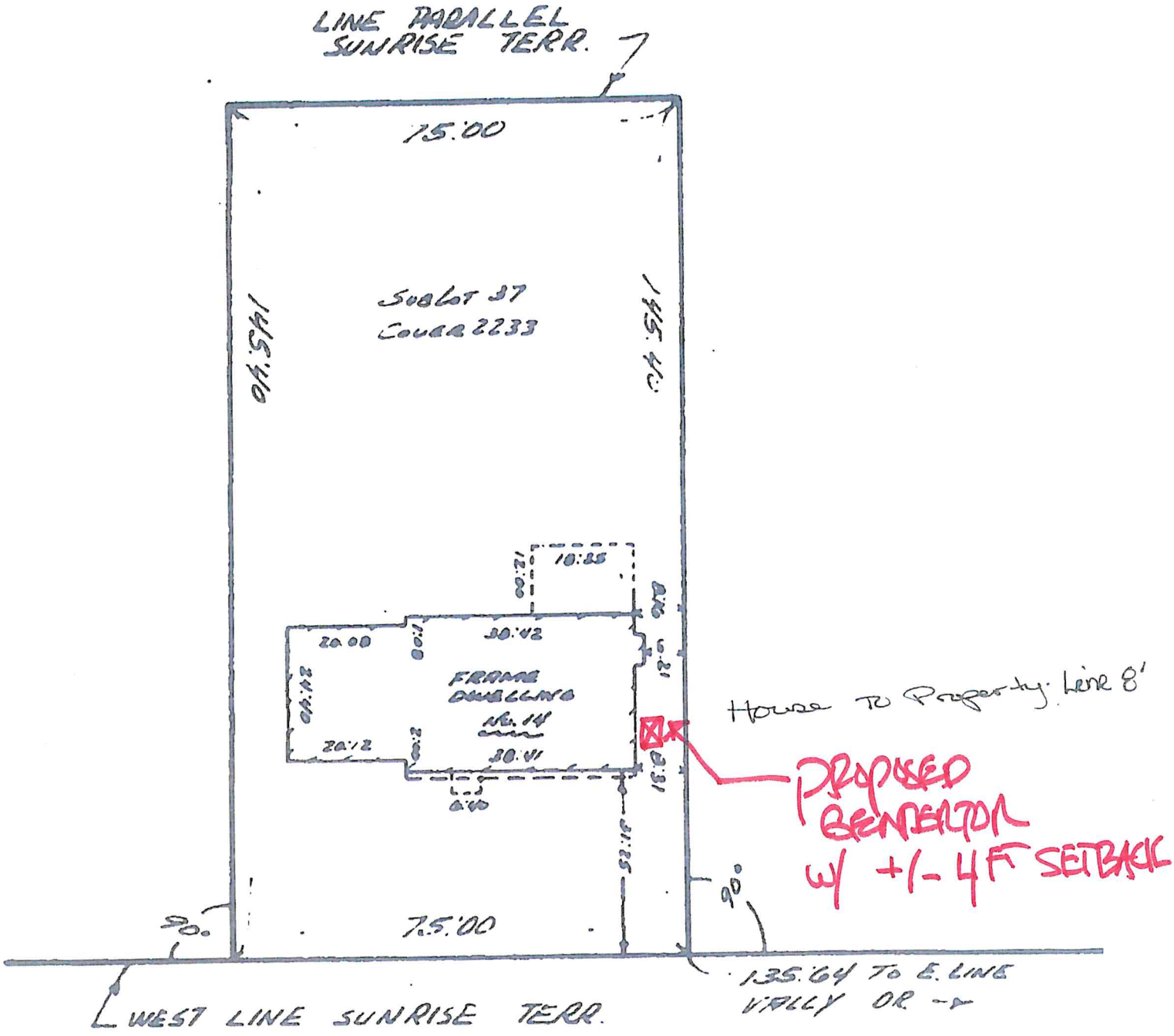




WITH NEW YORK STATE LICENSED LAND

SURVEYOR'S SEAL NO. 51,758

Altering any item on this map is in violation of the law, excepting as provided in Section 7209, Part 2 of the New York State Education Law.



SUNRISE (60.00 WIDE) TERR.

$160.00

APPLICATION TO BOARD OF APPEALS

Tel. No. [redacted]

Appeal No. 2026-011

Date 3/30/26

TO THE ZONING BOARD OF APPEALS, WEST SENECA, NEW YORK:

I (we) Jeremy Kuhnholz of 5641 Seneca Street W.S. NY 14224, HEREBY APPEAL TO THE ZONING BOARD OF APPEALS FROM THE DECISION OF THE BUILDING INSPECTOR ON AN APPLICATION FOR A BUILDING PERMIT, WHEREBY THE BUILDING INSPECTOR DID DENY PERMIT TO: _____

- ☐ A PERMIT FOR USE
- ☐ A PERMIT FOR OCCUPANCY
- ☐ A TEMPORARY PERMIT OR EXTENSION THEREOF
- ☐ A CERTIFICATE OF EXISTING USE
- ☐ A CERTIFICATE OF ZONING COMPLIANCE
- ☒ AREA PERMIT

1. Applicant is the
   - ☒ PROPERTY OWNER
   - ☒ CONTRACTOR FOR THE WORK CONCERNED HEREIN
   - ☐ PROSPECTIVE TENANT
   - ☐ OTHER (Describe) _____
2. LOCATION OF THE PROPERTY 2 VISTA COURT W. SENECA
3. State in general the exact nature of the permission required, ERECT PERGOLA CLOSER TO POOL
4. PREVIOUS APPEAL. No previous appeal has been made with respect to this decision of the Building Inspector or with respect to this property, except the appeal made in Appeal No. NA, dated _____, 20____.
5. REASON FOR APPEAL.

A. A Variance to the Zoning Ordinance is requested because strict application of the ordinance would produce undue hardship, or the hardship created is unique and is not shared by all properties alike in the immediate vicinity of this property and in this use district, or the variance would observe the spirit of the ordinance and would not change the character of the district because: SEE ENCLOSED LETTER

B. Interpretation of the Zoning Ordinance is requested because: _____

C. A Special or Temporary Permit or an Extension thereof Under the Zoning Ordinance is requested pursuant to Article _____, Section _____, Subsection _____, Paragraph _____ of the Zoning Ordinance, because: _____

x _____
Applicant's Signature

TO BE COMPLETED BY THE BUILDING INSPECTOR

1. Provision(s) of the Zoning Ordinance Appealed, including article, section, subsection or paragraph of the Zoning Ordinance
120-39(F) - 10FT SEPARATION REQUIRED FROM POOL AND HOUSE
8-5' SEPERATION REQUESTED
2. Zoning Classification of the property concerned in this appeal R-T5
3. Type of Appeal:
   - ☒ Variance to the Zoning Ordinance.
   - ☐ Interpretation of the Zoning Ordinance or Zoning Map.
   - ☐ Special or Temporary Permit or an xtension thereof under the Zoning Ordinance.
4. A statement of any other facts or data which should be considered in this appeal. _____

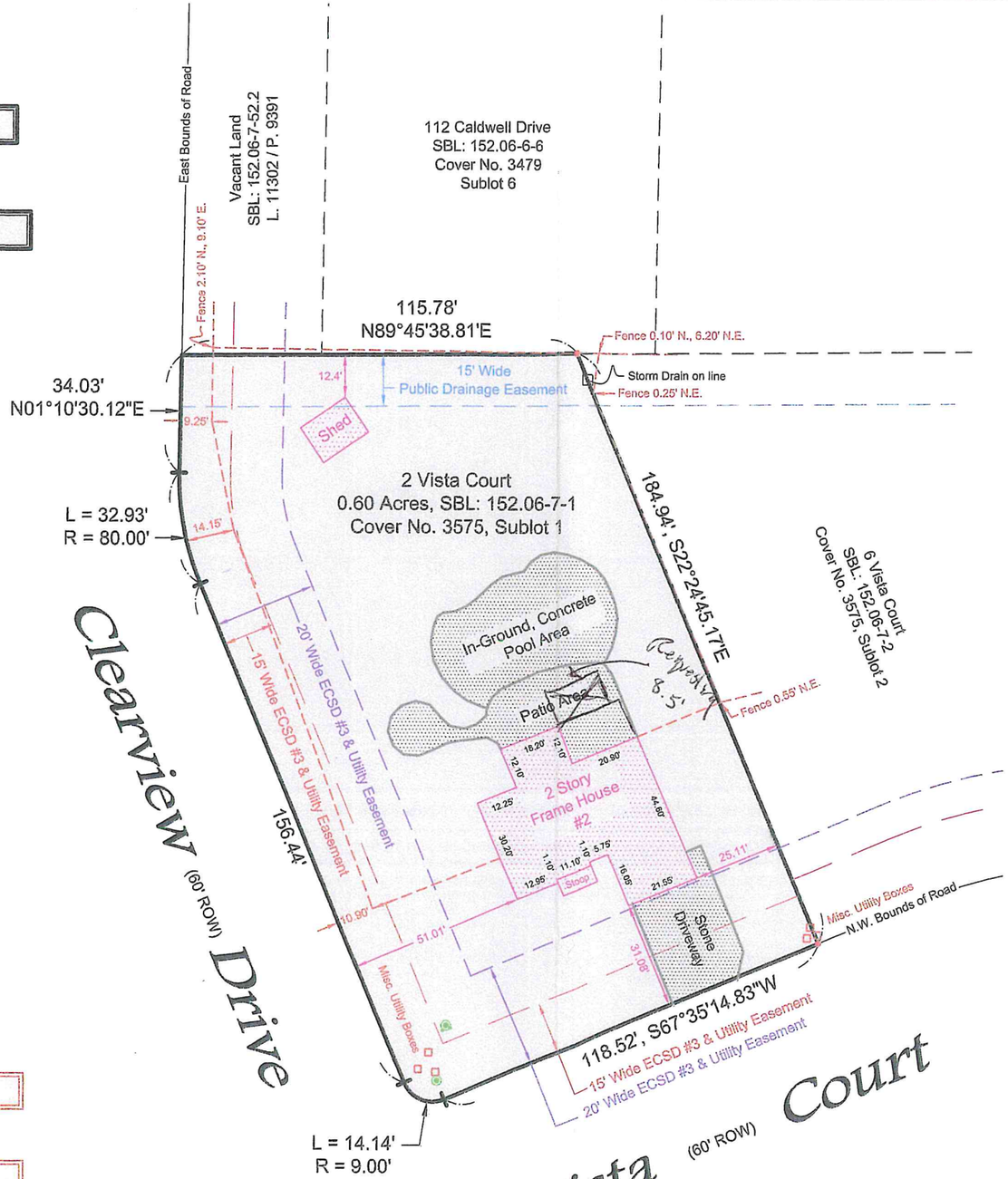
Building Inspector _____

Copyright Information

(1) This Survey is Published in many different colors. Any Black and White reproduction Is not a valid map from Freeman Land Surveying PLLC

Reference Data

(RD1) Maps and notes from the Holland Land Company Survey.



Statement of Encroachments

(A) No encroachments were noted or surveyed to in the original field survey.

Notes

(N1) All dimensions are in the "U.S. Survey Foot" unless specified otherwise on the map.

Miscellaneous Notes

(MN1) Some features shown on this plat may be shown out of scale for clarity.

(MN2) Certain easements and /or utility lines, may or may not be shown hereon, however **this shall not imply** that all easements or utilities affecting premises are shown.

(MN3) Unauthorized Alteration or Addition to this Survey Map is a Violation of Section 7209 Provision 2 of the New York State Education Law.

(MN4) **This Survey was prepared without the benefit of an up-to-date abstract of title** and is subject to any state of facts that may be revealed by an examination of such.

(MN5) THIS MAP IS NOT VALID WITH AFFIDAVIT OF NO CHANGE

Legend of Symbols & Abbreviations

- IP / ReRod
- Power Pole
- Gas Marker
- Gas Valve

N.	North	Enc.	Encroachment
S.	South	ROW	Right-of-way
E.	East	℄	Centerline
W.	West	1	Indicates Mutual Owner
°	Degrees	N/F	Now or Formerly
'	Ft. or Min.	One Chain = 66.0 Ft.	
"	In. or Sec.	One Meter = 3.2808333 Ft.	
R	Record	One Acre = 43,560.0 Sq.Ft.	
M	Measured		
L	Liber		
P.	Page		
Ex.	Existing		

- Property Boundary
- Line of Record
- Edge of R.O.W.
- Buffalo Creek Reservation
- Road Centerline
- Fence

Map of 2 Vista Court

Lot 423 Township 10 Range 7
Buffalo Creek Reservation
Cover No. 3575, Sublot 1
Town of West Seneca
Erie County, New York

Surveyor's Certification

I hereby certify

that this survey was prepared in accordance with the current Code of Practice for Land Surveyors.

This certification does not extend to subsequent owners, mortgages, or insurers unless this survey has been re-surveyed for this purpose by the surveyors. This certification is void unless signed by the surveyor listed below. This certification is null and void if the fee for said certification is not paid.

Survey Prepared By:
Licensed Surveyor: David S. Freeman
License No.: 50480
In the State of: New York
Date of Survey: April 11, 2025
Date of Last Revision:
Drawing Scale: 1" = 40'
Freeman Job No. 15213

Freeman Land Surveying PLLC
Resurveying the Holland Land Company for the 21st Century
10432 Crump Road - Glenwood, N.Y. 14069
Phone: (716) 592-7740, Email: Survey@FreemanSurveyors.com

Freeman Land Surveying PLLC Copyright 2025

Dear Members of the Zoning Board of Appeals,

I am writing on behalf of the homeowner to respectfully request an area variance in connection with a proposed pergola installation at 2 Vista Court.

The proposed pergola is part of a residential outdoor living improvement and has been carefully designed to complement the existing in-ground pool and surrounding layout. Due to the curved, freeform shape of the pool, the pergola encroaches approximately 1.5 feet into the required pool setback at its midpoint only. The remainder of the structure complies with all setback requirements.

It is important to note that the proposed structure is an open-air pergola system. It does not include a solid or climbable roof surface and therefore does not present the same safety concerns as a traditional enclosed or roofed structure.

In support of this request, I would like to address the criteria of the area variance "balance test":

1. **Undesirable change to neighborhood character / detriment to nearby properties:**
   The pergola is consistent with other residential outdoor structures commonly found in the area and will not produce any negative impact on the character of the neighborhood or adjacent properties. It is a high-quality, professionally installed structure that enhances the aesthetic appeal of the property.

2. **Feasible alternatives:**
   Due to the existing pool layout and its curved design, shifting or reducing the pergola to eliminate the minor encroachment would significantly compromise the functionality and intended use of the space. The requested variance is minimal and represents the most practical design solution.

3. **Substantiality of the variance:**
   The encroachment is limited to approximately 1.5 feet and only occurs at a single point due to the pool's curvature. This is a minor and not substantial deviation from the code.

4. **Adverse physical or environmental impacts:**
   The pergola will not create any adverse environmental or physical impacts. As an open-air structure without a solid roof, it does not introduce safety risks related to elevated or accessible surfaces.

5. **Self-created difficulty:**
   While the need for the variance arises from the existing pool design, the request is not the result of any recent or intentional noncompliance. The proposal is a reasonable improvement to an already established site condition.

Based on the above, the requested variance is minimal in nature and does not produce any undesirable impacts. Granting this request would allow for a well-designed outdoor structure that improves the usability and enjoyment of the property while maintaining the intent of the zoning regulations.

Thank you for your time and consideration of this request. I would be happy to provide any additional information and will attend the April hearing to further discuss the proposal.

Respectfully,

Jeremy Kamholz
Partner
Kamholz Outdoor Living

Re: Owner Authorization – Area Variance
Application 3/30/2026
Property: 2 Vista Court

To Whom It May Concern,

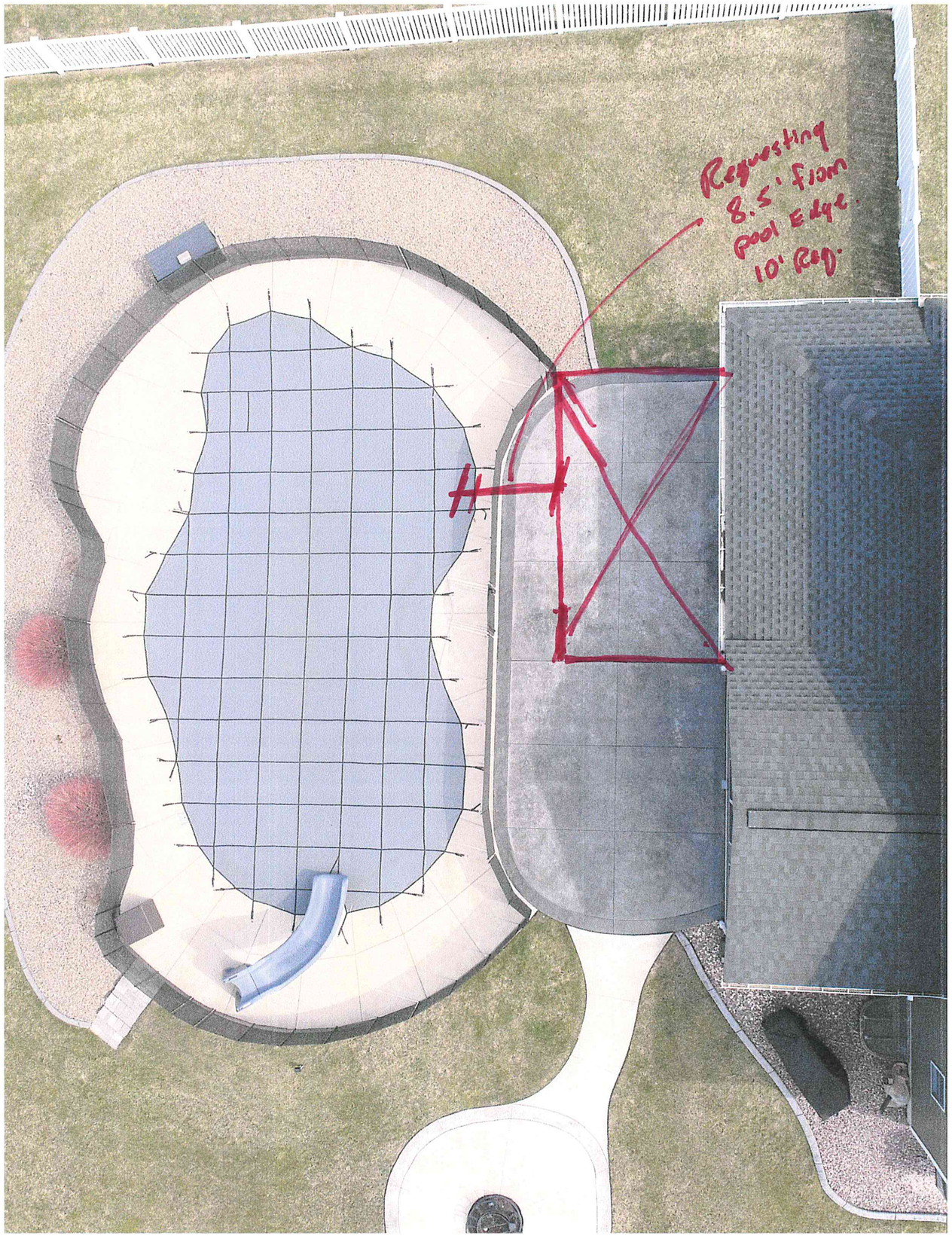
I, the undersigned owner of the property located at 2 Vista Court, West Seneca NY 14224 hereby authorize Jeremy Kamholz / Kamholz Outdoor Living to act on my behalf in applying for a variance from the Zoning Board of Appeals and subsequent Building permit related to the proposed pergola installation.

I fully support the proposed project, including the requested variance for the minor encroachment into the pool setback, and understand the nature of the application.

Please feel free to contact me with any questions.

Sincerely,

Eric White
(716) 609-4092
2 Vista Court
West Seneca, NY 14224


Requesting
8.5' from
Pool Edge.
10' Req.

APPLICATION TO BOARD OF APPEALS

Appeal No. 2026-012

Date 4/2/26

TO THE ZONING BOARD OF APPEALS, WEST SENECA, NEW YORK:

X I (we) Richard J. Radwan of 76 Sunnyside Dr West Seneca NY., HEREBY APPEAL TO THE ZONING BOARD OF APPEALS FROM THE DECISION OF THE BUILDING INSPECTOR ON AN APPLICATION FOR A BUILDING PERMIT, WHEREBY THE BUILDING INSPECTOR DID DENY PERMIT TO: _____

- ☐ A PERMIT FOR USE
- ☐ A PERMIT FOR OCCUPANCY
- ☐ A TEMPORARY PERMIT OR EXTENSION THEREOF
- ☐ A CERTIFICATE OF EXISTING USE
- ☐ A CERTIFICATE OF ZONING COMPLIANCE
- ☒ AREA PERMIT

1. Applicant is the ☒ PROPERTY OWNER
   - ☐ CONTRACTOR FOR THE WORK CONCERNED HEREIN
   - ☐ PROSPECTIVE TENANT
   - ☐ OTHER (Describe) _____
2. LOCATION OF THE PROPERTY 76 Sunnyside
3. State in general the exact nature of the permission required, _____

4. PREVIOUS APPEAL. No previous appeal has been made with respect to this decision of the Building Inspector or with respect to this property, except the appeal made in Appeal No. _____, dated _____, 20____.

5. REASON FOR APPEAL.

A. A Variance to the Zoning Ordinance is requested because strict application of the ordinance would produce undue hardship, or the hardship created is unique and is not shared by all properties alike in the immediate vicinity of this property and in this use district, or the variance would observe the spirit of the ordinance and would not change the character of the district because: Due to power line setback of 18' from fence line and 30' required front yard setback w/ corner lot this is only area pool could go w/ variance. Requesting 10.5' front yard setback

B. Interpretation of the Zoning Ordinance is requested because: _____

C. A Special or Temporary Permit or an Extension thereof Under the Zoning Ordinance is requested pursuant to Article _____, Section _____, Subsection _____, Paragraph _____ of the Zoning Ordinance, because: _____

X Richard J. Radwan
Applicant's Signature

TO BE COMPLETED BY THE BUILDING INSPECTOR

1. Provision(s) of the Zoning Ordinance Appealed, including article, section, subsection or paragraph of the Zoning Ordinance 120-30 Minimum front yard setback 30'; Requesting 10.5' Main Building Parts shall be minimum to Property Line, Requesting
2. Zoning Classification of the property concerned in this appeal R-75
3. Type of Appeal:
   - ☒ Variance to the Zoning Ordinance.
   - ☐ Interpretation of the Zoning Ordinance or Zoning Map.
   - ☐ Special or Temporary Permit or an xtension thereof under the Zoning Ordinance.
4. A statement of any other facts or data which should be considered in this appeal. Corner lot setback and power lines determining location

Building Inspector _____

* * * RECEIPT * * *

Date: 04/02/26 **Receipt#:** 99709

Quantity	Transactions	Reference	Subtotal
1	Zoning Board of Appeals	20160721	$160.00
		Total Paid:	$160.00

Notes: 2026-012 / 76 Sunnyside Dr

Payment Type	Amount	Paid By
CK #2225	$160.00	Radwan, Richard

Thank you for allowing the West Seneca Town Clerk's office to serve you. Have a wonderful day!
1250 Union Road, Room 212 West Seneca, NY 14224

Name: Radwan, Richard
76 Sunnyside Dr
West Seneca, NY 14224

Clerk ID: PAM

Internal ID: 20160721

Richard Radwan and Carrie Choboy

76 Sunnyside Dr.

West Seneca NY 14224

April 2, 2026

Mr. Doug Busse

Town of West Seneca

1250 Union Road

West Seneca NY 14224

Dear Mr. Busse:

We live at 76 Sunnyside Dr. at the corner of Norwood Dr. We have lived here for 18 years.

We are applying for a variance to install a 15-foot round pool. Please see attached drawing. The pool will be for recreational use and leisure activities.

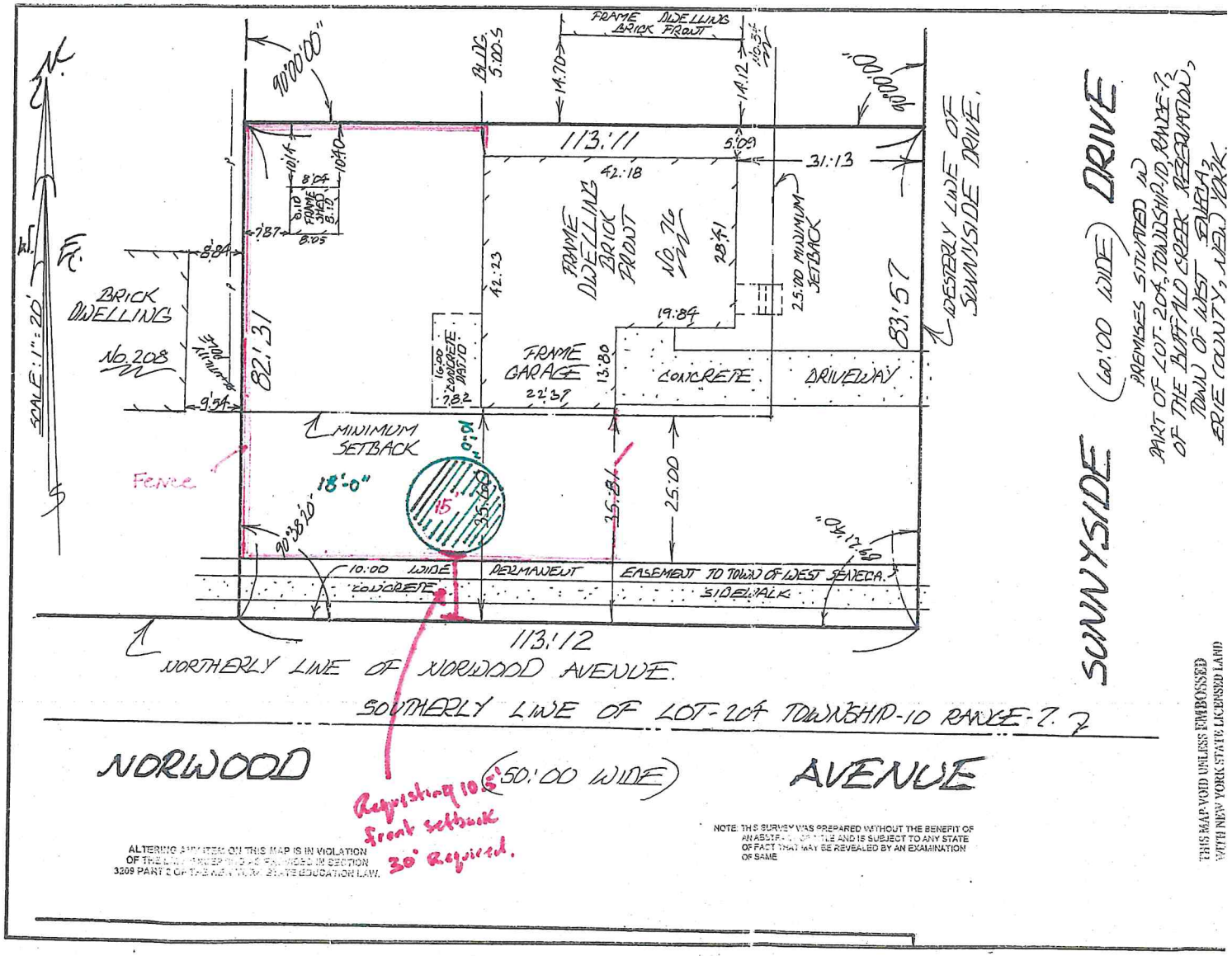
Attached is a survey and a drawing of the proposed pool.

Please let us know if you need any additional information. We plan on attending the town meeting on Wednesday, April 22.

Thank you very much,

Richard Radwan & Carrie Choboy

Richard Radwan and Carrie Choboy


N.
SCALE: 1" = 20'
FRAME DWELLINGS BRICK FRONT
90°00'00"
BLDG. S 00°05'
14.70
14.12
90°00'00"
113.11
5.09
31.13
42.18
FRAME DWELLING BRICK FRONT
No. 76
28.41
25.00 MINIMUM SETBACK
42.23
83.57
EASTERLY LINE OF SUNNYSIDE DRIVE.
BRICK DWELLING
No. 208
8.84
10.14
10.40
8.84
6.10 FRAME SHED 3.12
7.87
8.05
82.31
10.00 CONCRETE PATIO
7.82
FRAME GARAGE
22.37
13.80
19.84
CONCRETE
DRIVEWAY
MINIMUM SETBACK
Fence
18'-0"
N 0°-0"
15
35.00
35.81
25.00
90°28'30"
04°17'50"
10.00 WIDE PERMANENT EASEMENT TO TOWN OF WEST SENECA.
CONCRETE SIDEWALK
113.12
NORTHERLY LINE OF NORWOOD AVENUE.
SOUTHERLY LINE OF LOT-204 TOWNSHIP-10 RANGE-7.7
NORWOOD (50.00 WIDE) AVENUE
SUNNYSIDE (40.00 WIDE) DRIVE
PREMISES SITUATED IN PART OF LOT-204, TOWNSHIP-10, RANGE-7, OF THE BUFFALO CREEK RESERVATION, TOWN OF WEST SENECA, ERIE COUNTY, NEW YORK.
Registering 10.5' front setback 30' Required.
ALTERING ANY ITEM ON THIS MAP IS IN VIOLATION OF THE LAW EXCEPT AS PROVIDED IN SECTION 7209 PART 2 OF THE NEW YORK STATE EDUCATION LAW.
NOTE: THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE AND IS SUBJECT TO ANY STATE OF FACT THAT MAY BE REVEALED BY AN EXAMINATION OF SAME
THIS MAP VOID UNLESS EMBOSSED WITH NEW YORK STATE LICENSED LAND

APPLICATION TO BOARD OF APPEALS

Appeal No. 2026-013

Date 4/16/24

TO THE ZONING BOARD OF APPEALS, WEST SENECA, NEW YORK:

I (we) Kristen Lighter of 2 Cheryl Rd, HEREBY APPEAL TO THE ZONING BOARD OF APPEALS FROM THE DECISION OF THE BUILDING INSPECTOR ON AN APPLICATION FOR A BUILDING PERMIT, WHEREBY THE BUILDING INSPECTOR DID DENY PERMIT TO: _____

- ☐ A PERMIT FOR USE
- ☐ A PERMIT FOR OCCUPANCY
- ☐ A TEMPORARY PERMIT OR EXTENSION THEREOF
- ☐ A CERTIFICATE OF EXISTING USE
- ☐ A CERTIFICATE OF ZONING COMPLIANCE
- ☒ AREA PERMIT

1. Applicant is the
   - ☒ PROPERTY OWNER
   - ☐ CONTRACTOR FOR THE WORK CONCERNED HEREIN
   - ☐ PROSPECTIVE TENANT
   - ☐ OTHER (Describe) _____
2. LOCATION OF THE PROPERTY 2 Cheryl Rd.
3. State in general the exact nature of the permission required, _____
4. PREVIOUS APPEAL. No previous appeal has been made with respect to this decision of the Building Inspector or with respect to this property, except the appeal made in Appeal No. _____, dated _____, 20____.
5. REASON FOR APPEAL.

A. A Variance to the Zoning Ordinance is requested because strict application of the ordinance would produce undue hardship, or the hardship created is unique and is not shared by all properties alike in the immediate vicinity of this property and in this use district, or the variance would observe the spirit of the ordinance and would not change the character of the district because: (See letter)

B. Interpretation of the Zoning Ordinance is requested because: _____

C. A Special or Temporary Permit or an Extension thereof Under the Zoning Ordinance is requested pursuant to Article _____, Section _____, Subsection _____, Paragraph _____ of the Zoning Ordinance, because: _____

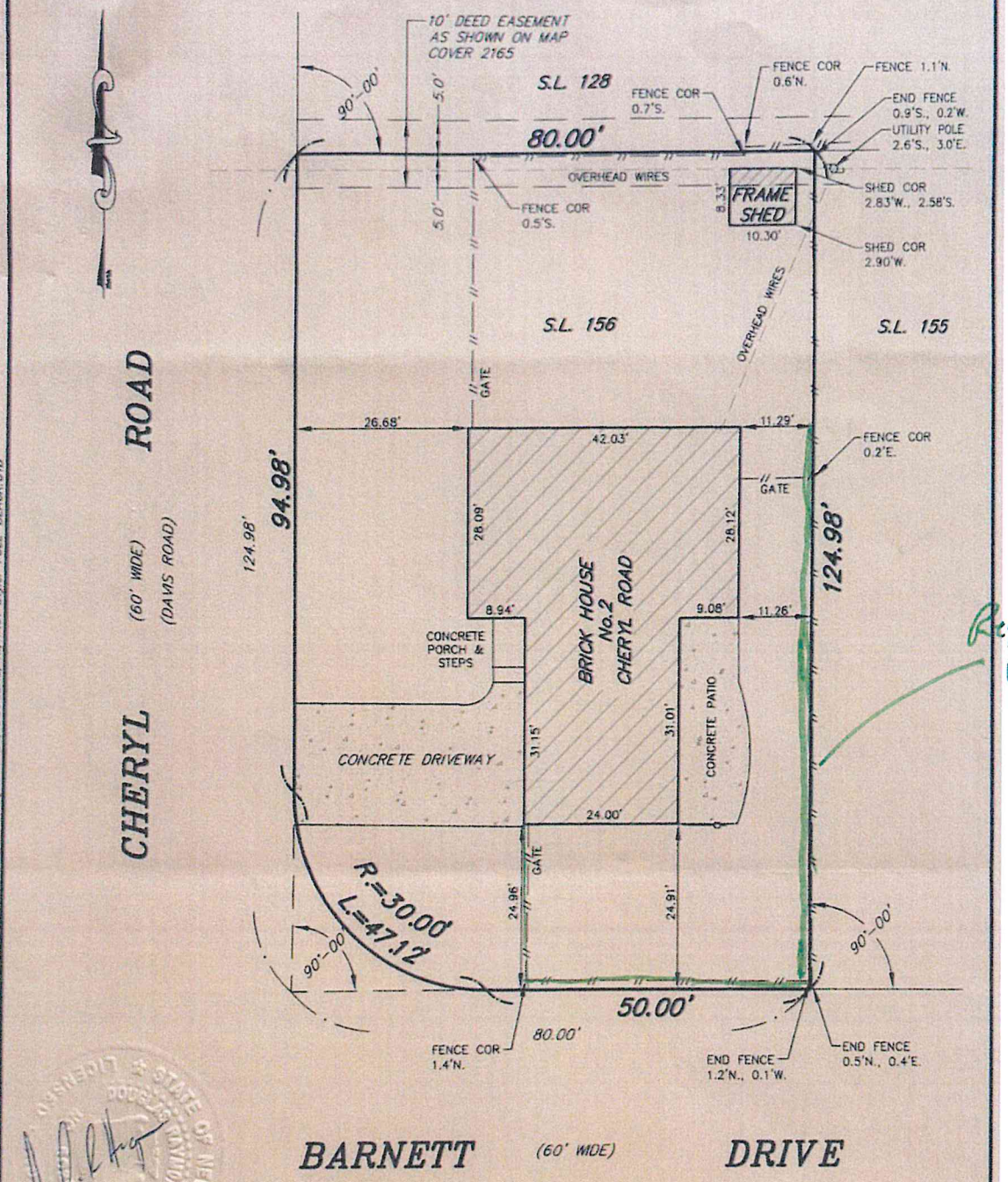
Kristen Lighter
Applicant's Signature

TO BE COMPLETED BY THE BUILDING INSPECTOR

1. Provision(s) of the Zoning Ordinance Appealed, including article, section, subsection or paragraph of the Zoning Ordinance
   120-39 B) Fences shall not exceed 4' in height in front/side yard. Requesting 6' fence front/side yard.
2. Zoning Classification of the property concerned in this appeal R75
3. Type of Appeal:
   - ☒ Variance to the Zoning Ordinance.
   - ☐ Interpretation of the Zoning Ordinance or Zoning Map.
   - ☐ Special or Temporary Permit or an xtension thereof under the Zoning Ordinance.
4. A statement of any other facts or data which should be considered in this appeal. Corner lot

Building Inspector _____

NOTE: THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE AND IS SUBJECT TO ANY STATE OF FACTS THAT MAY BE REVEALED BY AN EXAMINATION OF SUCH.



Requesting 6' fence

S.L. 156 ~ MAP COVER 2165, AS AMENDED BY AFFIDAVIT FILED IN LIBER 6970, PAGE 127

PART OF L 385 S ____ T 10 R 7 OF THE BUFFALO CREEK RESERVATION

VILLAGE OF ____ ~~CITY~~/TOWN OF WEST SENECA ; COUNTY OF ~~ERIE~~ ; STATE OF NEW YORK

NOTE: UNAUTHORIZED ALTERATION OR ADDITION TO ANY SURVEY, DRAWING, DESIGN SPECIFICATION PLAN OR REPORT IS A VIOLATION OF SECTION 7209 PROVISION 2 OF THE NEW YORK STATE EDUCATION LAW.

REVISION	
DATE	DESCRIPTION
9-4-18	AMENDED SUBLOT NUMBERS

KHEOPS
ARCHITECTURE, ENGINEERING & SURVEY, DPC
300 Pearl Street, Suite 500
Buffalo, New York 14202
P. 716.849.8739
F. 716.856.0981
WWW.KHEOPSDPC.COM

DRAWN BY GEM SCALE 1"=20' JOB NO. 18NY001.41

CHECKED BY DRH FIELD DATE 8-22-18

CAD FILE 2 CHERYL-63954 OFFICE DATE 8-23-18

SBL No. 144.17-7-16 BOOK 420 PAGE 4 MAP 63954

File: N:\Residential Surveys\2018 Surveys\2018 Completed\18NY001.41 2 Cheryl Rd\CADD\2 CHERYL-63954.dwg, Plot Date: 9/4/2018, By: HAGER, DOUGLAS, R., Plot Style: FULL-BLACK.CTB

Hello,

I am emailing in regards to the next zoning board meeting (Wednesday, April 22nd, 2026) as I will attend. I purchased my home, 2 Cheryl Rd, West Seneca, NY 14224, in 2018 and since then, the chain link fence on the side of my property has degraded due to weather and the material of choice. Last spring, neighbors moved into the home behind me who I have become friends with. They have made a lot of improvements to their home, with a privacy fence in mind within the next few years. I have been looking into a privacy fence also and after reviewing quotes and different companies, have chosen to work with IKE fencing. I would like to replace my current chain link fence with white vinyl fencing, 4 feet from the side of my garage, and along the sidewalk, and 6 feet along the back of my home. To my understanding, it is the 6 foot portion which requires the variance. I have attached the survey to my property within this request to attend in person on April 22nd. If anything additional is needed prior to then, please let me know.

Thank you,

Kristina Lighten

716-597-4141