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

OPENING OF PUBLIC HEARING

APPROVAL OF PROOFS OF PUBLICATION

APPROVAL OF MINUTES

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

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).

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

2026-003
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).

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')

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)

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: _____

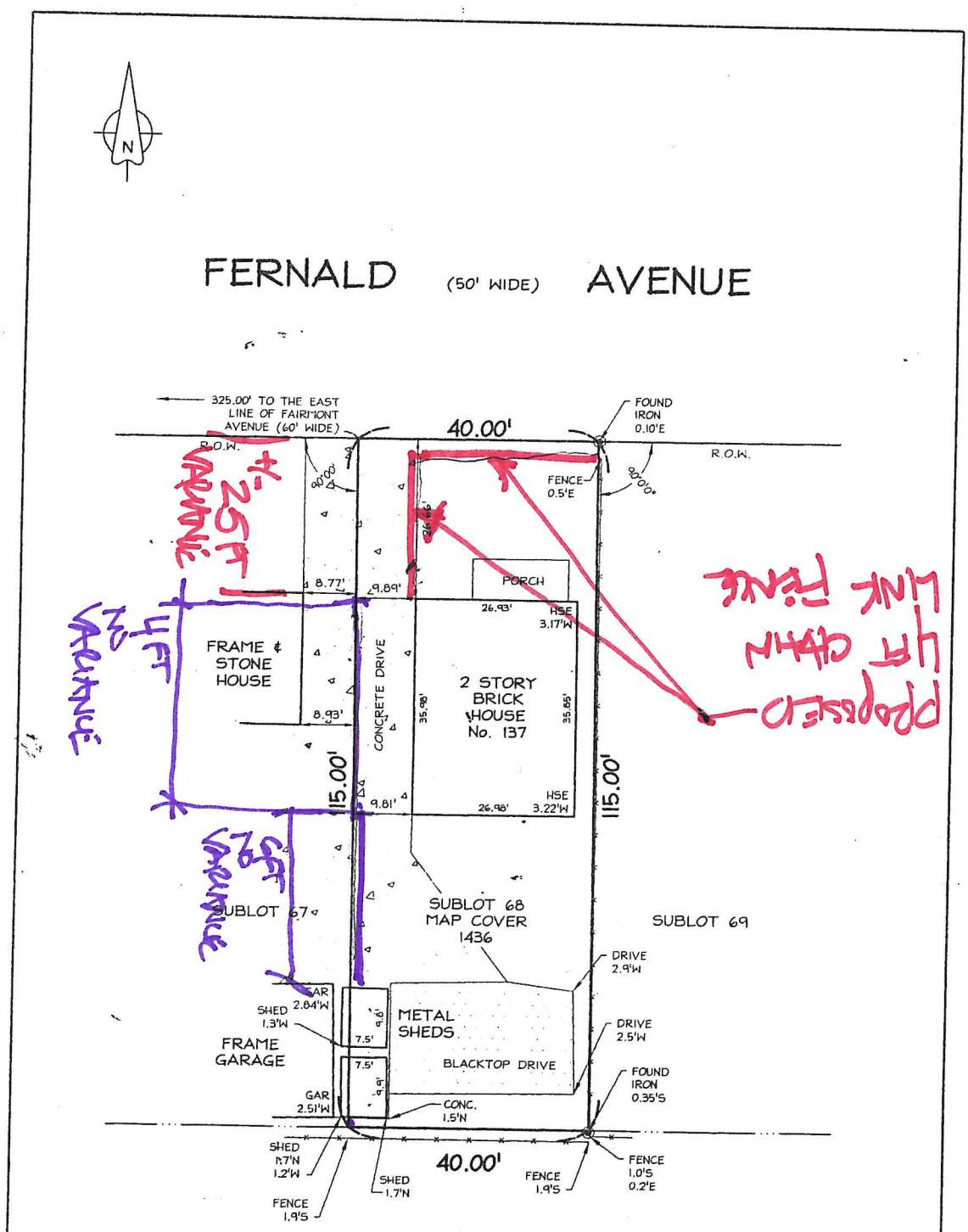
C. A Special or Temporary Permit or an Extension thereof Under the Zoning Ordinance is requested pursuant to Article _____, Section _____, Subsection _____, Paragraph _____ of the Zoning Ordinance, because: _____

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 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

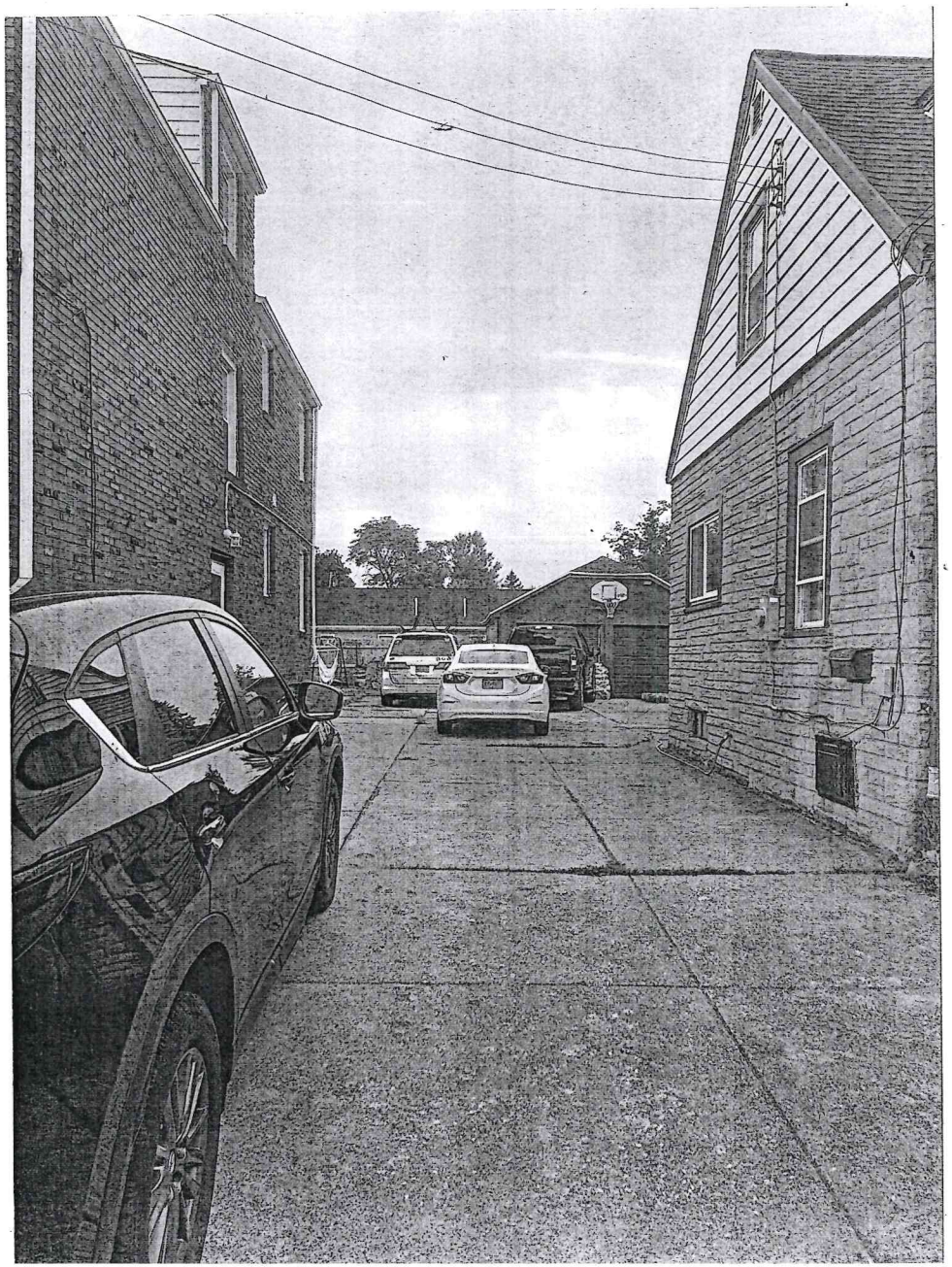
141 Fernald Ave.
West Seneca NY 14218

Print name Thomas J Kapinos Sr

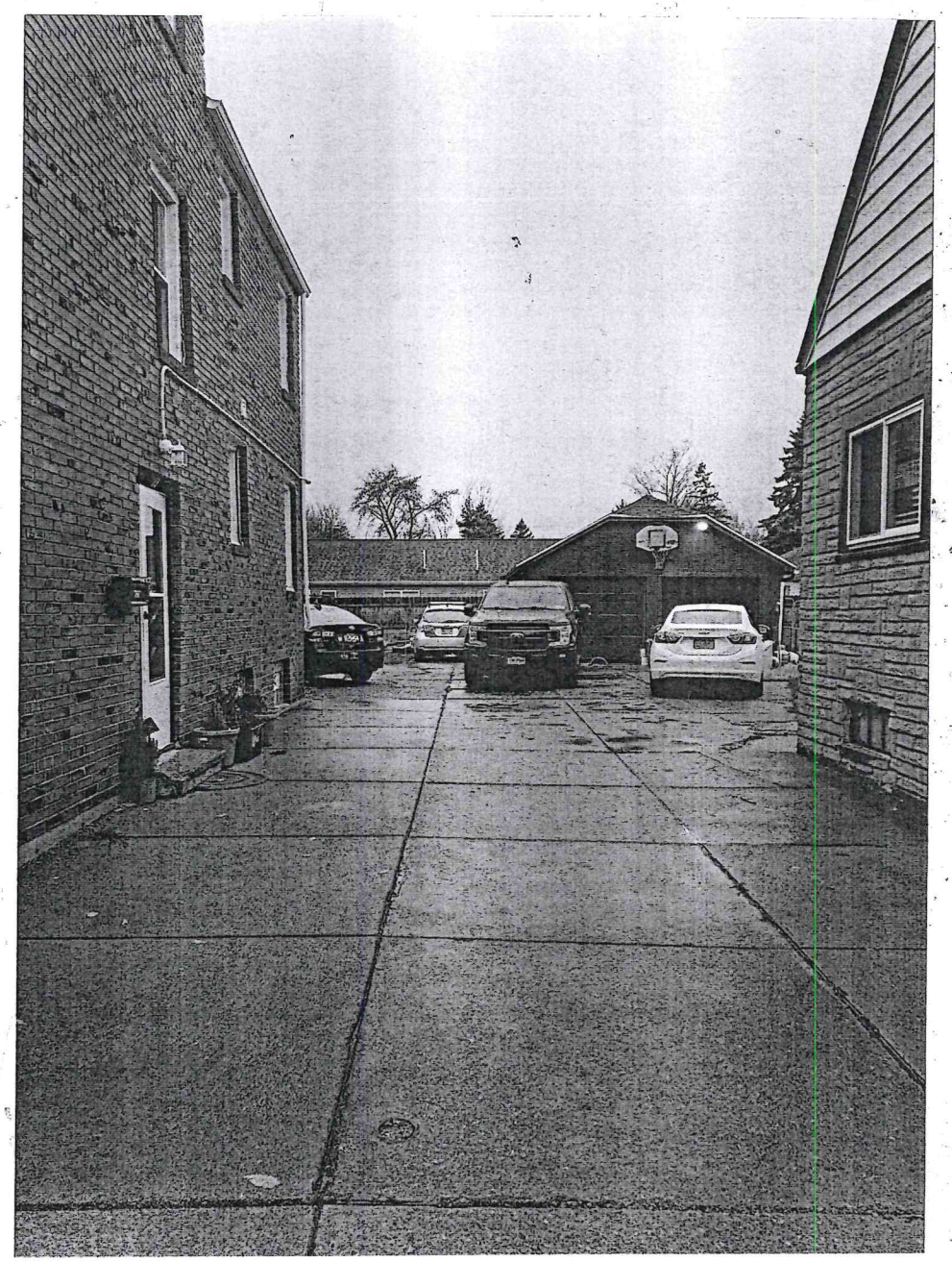
Signature Thomas J Kapinos Sr

~~A~~

July 11th 2025
Police called



Nov. 9th 2025
Police called



APPLICATION TO BOARD OF APPEALS

Tel. No. —

Appeal No. 2026-003

Date 2/23/26

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

I (we) Brianne Zhang of VisreCo Site Development LLC + Metzger Engineering

9829 Main St, Clarence NY 14031, 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 2806 Seneca St.
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: _____

Brianne Zhang
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
   120-29(A) Requesting 18 Dwelling Units (5 Dwelling Units Permitted)
   120-41(D)(1) Requesting 31 Parking Spaces (41 Parking Spaces Required)
2. Zoning Classification of the property concerned in this appeal C1
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 _____

VISONECO
SITE DEVELOPMENT

9829 Main Street, Clarence, NY 14031 | Phone: 716-759-1715 | Fax: 716-759-1501

Letter of Intent

Town of West Seneca
1250 Union Road
West Seneca, New York 14224

RE: 2806 Seneca St, Bellwood School

This Letter of Intent is submitted in support of our application for the adaptive reuse and conversion of the former school building located at 2806 Seneca Street into 18 multifamily housing units (mix of studios and one-bedroom units ranging from 570 sf to 1,536 sf). The project as proposed will require 2 variances: one for density and one for parking. Below are outlines of the 5 prongs of New York State's balancing test for each variance requested.

Density: VisoneCo is proposing adding 18 multifamily units to the existing vacant building, while only 5 units are allowed based on the lot size per code.

1. **Character of the Neighborhood**: The building is a four-story, 30,000 sf, 1928 institutional structure. A 5-unit limit would result in nearly 6,000 square feet per unit, which is physically and economically impossible for a school conversion. 18 units fit the scale of the building's footprint without changing its historic exterior profile.
2. **Alternate Methods:** There is no viable way to rehabilitate an over 30,000 sf, 4-story school into only 5 residential units. The cost of remediation and structural stabilization requires a higher unit count to be financially feasible, especially since historic tax credits were denied. 18 units is the minimum number of units that would make this project economically viable given the existing layout of the concrete building.
3. **Substantiality:** While numerically high (18 v. 5), the impact is mitigated by the fact that all 18 units are larger in size than the minimum code requirement (500 sf). We are not "cramming" units into the building; we are efficiently using the *existing* square footage and layout of a very large building.
4. **Environmental/Physical Impact**: 18 units are contained entirely within the existing building envelope. The only new massing added to the building is the addition of an elevator and there is no height increase. There will not be a substantial increase in traffic due to these units (traffic count on Seneca St at Bellwood Ave exceeds 16,000 cars/day, so an additional 18 studio and one-bedroom units will not have significant impact).

5. **Self-Created Hardship:** While the building was purchased with the current zoning/building restrictions, the hardship is inherent in the physicality of the 1928 structure. The building's size and layout dictate a higher density than a vacant lot would.

Parking: VisoneCo is requesting a variance of 10 spaces. The proposed plan provides 31 spaces while code would require 41 spaces (2 units per dwelling unit plus 5 for visitor parking).

1. **Character of the Neighborhood**: Providing the full 41 spaces would require demolition of existing building, which would hurt the neighborhood's aesthetic more than a 10-space deficit. We believe that 31 spaces will be sufficient parking for the 18 studio or one-bedroom units. There are many municipalities in the Western New York area that require only one space per unit, and the City of Buffalo does not require any parking per residential unit. In the unlikely event that all 31 spaces are taken, there is parking available on nearby neighboring streets as well as an NFTA lot across the street (developer is reaching out to confirm if public/tenants can park overnight).
2. **Alternate Methods**: As previously mentioned, the only way to increase parking to the required amount would be to demolish existing buildings. Demolishing the building would reduce the unit count, making the project infeasible.
3. **Substantiality**: A 10-space variance is not substantial for a project of this scale. Furthermore, our unit mix consists of studios and one-bedrooms. Statistically, these households own fewer vehicles than the multi-bedroom family units the code likely anticipates.
4. **Environmental/Physical Impact:** Fewer paved spaces means less impervious surface, which results in better stormwater management and less runoff—a direct benefit to the Town's infrastructure.
5. **Self-Created Hardship:** The hardship is created by the fixed location of the building on the lot. Unlike new construction, we cannot shift the building to make more room for a larger parking lot.

These variances are necessary to reposition this underutilized asset as a high-quality residential community. We look forward to working with the Town of West Seneca on bringing this building back to life. Attached are the survey, concept site plan, and concept floor plans. Thank you for your consideration.

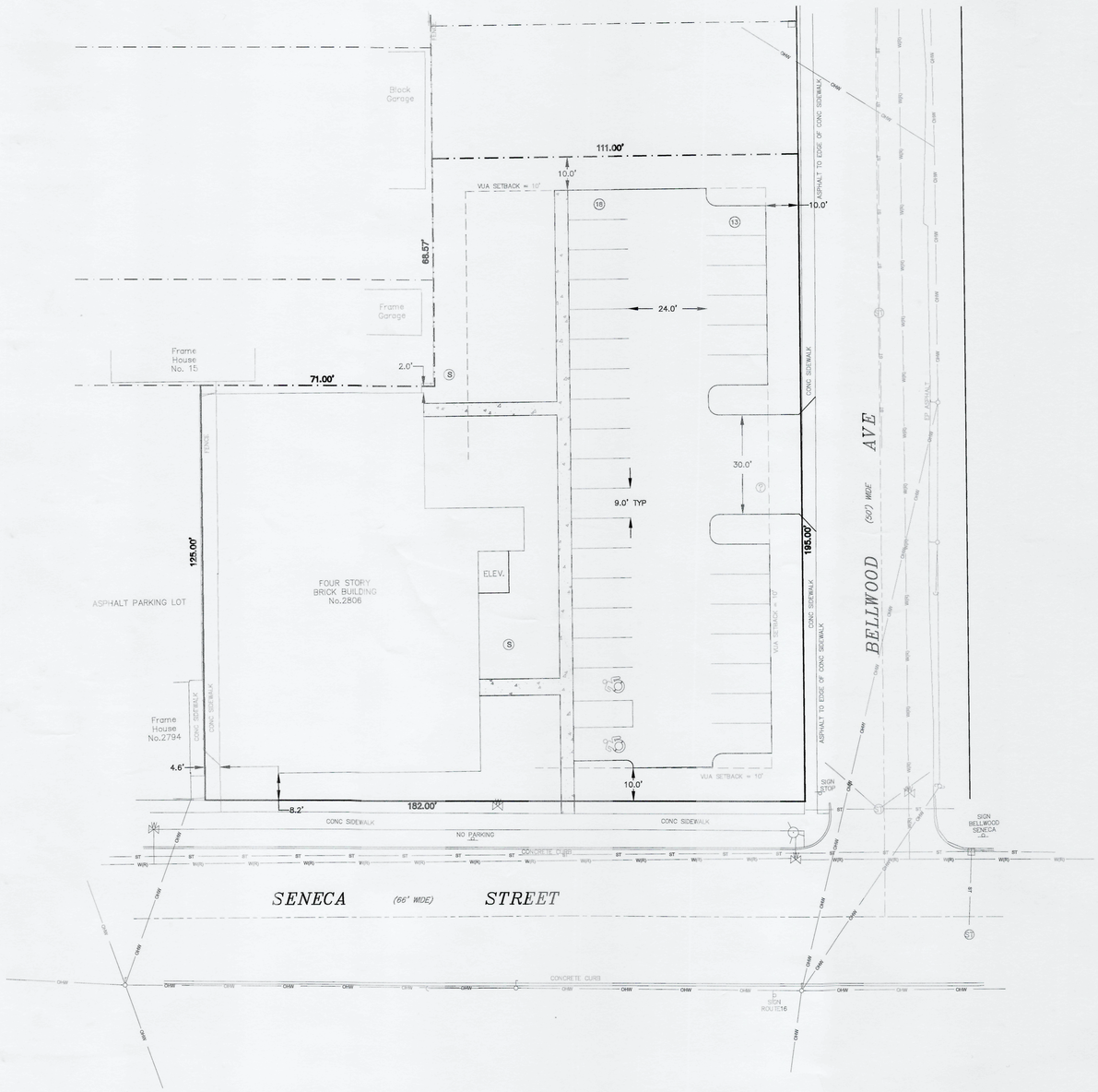
Sincerely,

Brianne Zhang

Director of Real Estate
VisoneCo Site Development, LLC

PROJECT DATA:

ZONING CLASSIFICATION:	C–1(S)
FRONT YARD SETBACK REQUIRED:	40.0'
FRONT YARD SETBACK PROVIDED:	8.2' (EXISTING)
REAR YARD SETBACK REQUIRED:	10.0'
REAR YARD SETBACK PROVIDED:	2.0' (EXISTING)
SIDE YARD SETBACK REQUIRED:	5.0'
SIDE YARD SETBACK PROVIDED:	4.6' (EXISTING)
MINIMUM INGRESS/EGRESS (MULTI–FAMILY):	30.0'
INGRESS/EGRESS PROVIDED:	30.0'
REQUIRED PARKING SPACES FOR DU:	34 ~~32~~ (2 PER DU)
PARKING SPACES FOR VISITORS:	5 ~~10~~ (FOR 26–50 SPACE PARKING LOT)
TOTAL REQUIRED PARKING SPACES:	41 ~~42~~
TOTAL PARKING SPACES PROVIDED:	31
VEHICLE USE AREA SETBACK TO ROW:	10.0'
VEHICLE USE AREA SETBACK PROVIDED:	10.0'
VEHICLE USE AREA SETBACK R DISTRICT:	10.0'
VEHICLE USE AREA SETBACK R DIST PROV.:	10.0'



NOTES:

1) THESE PLANS HAVE BEEN DEVELOPED FROM THE BOUNDARY OR TOPOGRAPHY SURVEY COMPLETED BY KHEOPS ARCHITECTURE, ENGINEERING, AND SURVEY, DPC DATED FEBRUARY 25, 2025

THIS IS NOT A PROPERTY SURVEY.

DESIGNED BY:	JCM
DRAWN BY:	JCM
CHECKED BY:	MJM
CAD FILE:	M2515

NOTE: UNAUTHORIZED ALTERATION OR ADDITION TO THIS DRAWING IS A VIOLATION OF SECTION 7209, PROVISION 2 OF THE NEW YORK STATE EDUCATION LAW

REVISIONS	DATE	BY/CHK
ELEVATOR & DATA TABLE REVISIONS	12.09.25	JCM

METZGER CIVIL ENGINEERING, PLLC
8245 SHERIDAN DRIVE
WILLIAMSVILLE, NY 14221
PH: 716–633–2601
FAX: 716–633–2704
CIVIL ENGINEERING
LAND PLANNING
SITE DESIGN
MUNICIPAL ENGINEERING

©2025 METZGER CIVIL ENGINEERING, PLLC

MULTIFAMILY DEVELOPMENT
2806 SENECA STREET
TOWN OF WEST SENECA, ERIE COUNTY, NEW YORK

CONCEPT PLAN

SCALE:	1" = 20'
DATE:	APRIL 23, 2025
JOB NO:	M2515
DRAWING NO:	CP–1

V:\2515\ZDA-Files\Environment\DwgSave\M2515 2806 Seneca Street\DWG\M2515 - 2 dwg, 12/9/2025 3:45:48 PM, AutoSave

Doug Busse

From: ECDEP Document Submission <webmaster@erie.gov>
Sent: Wednesday, February 25, 2026 9:15 AM
To: Doug Busse
Subject: 2806 Seneca St.

Your GML 239 Referral for 2806 Seneca St. / 134.53-1-1.1 was/were submitted on Wed, 02/25/2026 - 9:12 am

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
2806 Seneca St.

SBL of property
134.53-1-1.1

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
application.pdf

Additional File 2
floor-plan.pdf

Additional File 3
floor-plan-2.pdf

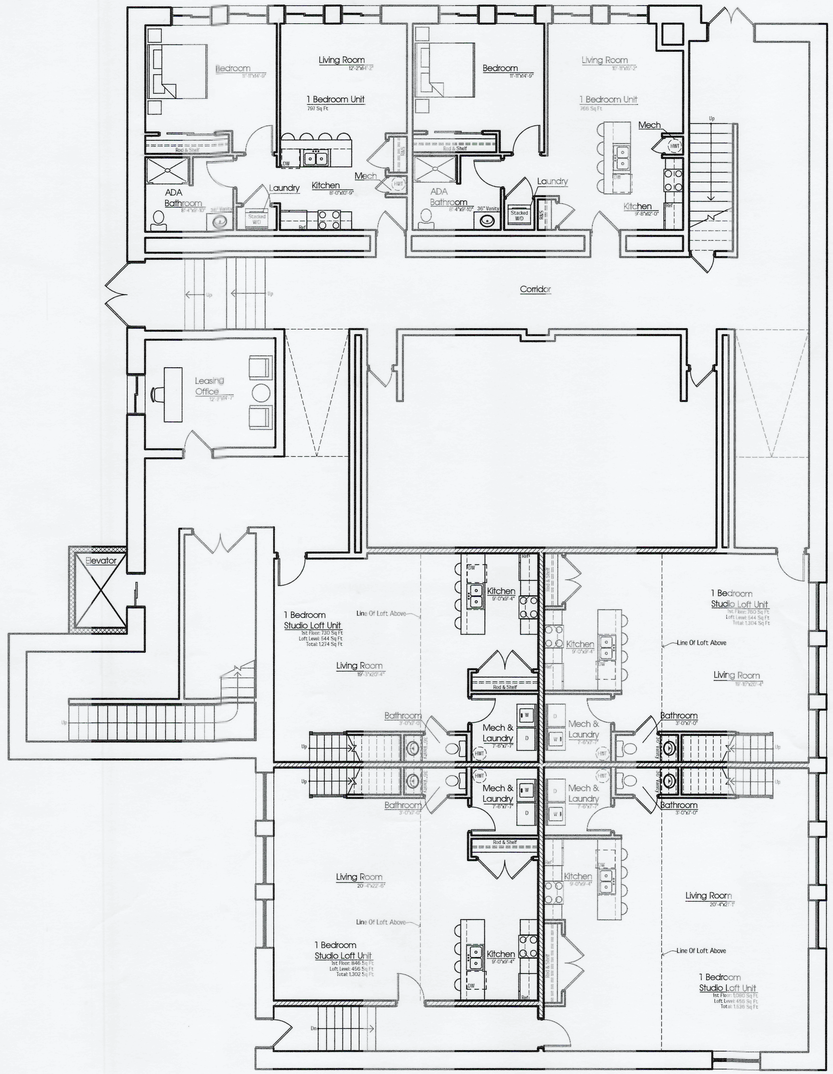
Additional File 4
letter-of-intent.pdf

Additional File 5
survey.pdf

Additional File 6
concept-plan.pdf

Contact us at 716-858-8390 for any urgent issues.

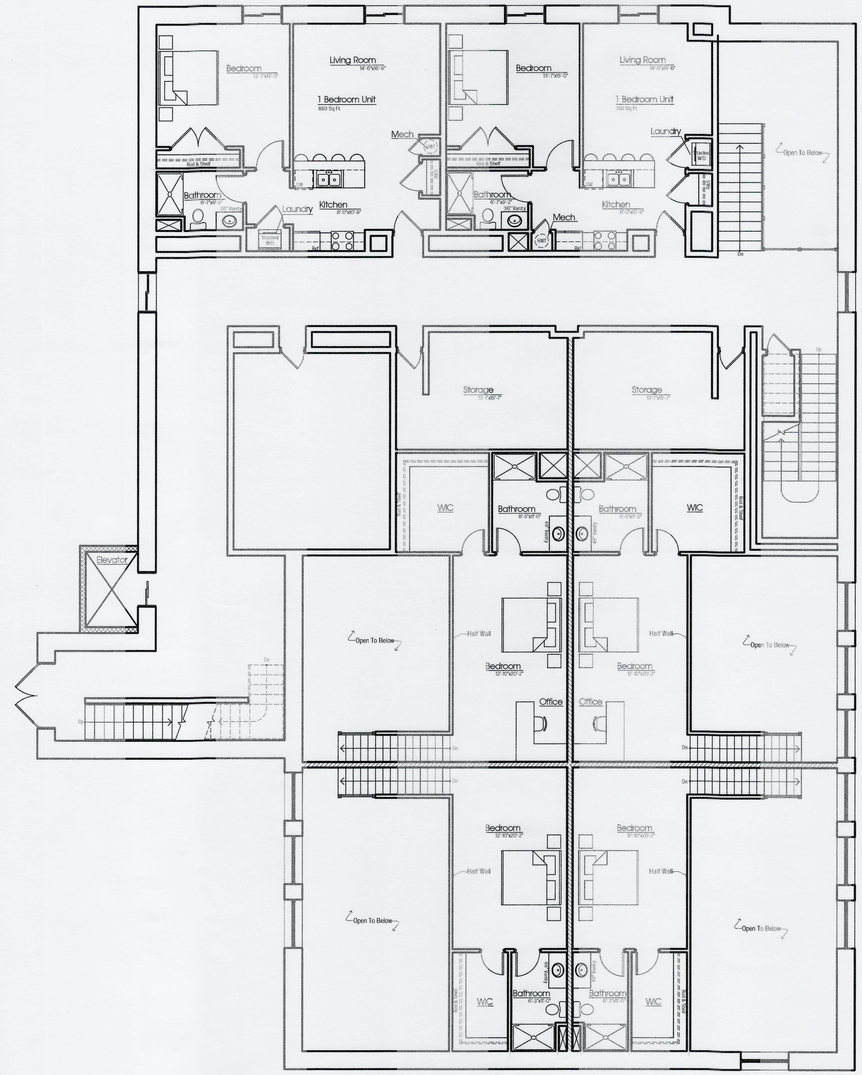
Thank you,
ECDEP



Concept First Floor Plan

6 Units

1/8" = 1'-0"



Concept Second Floor Plan

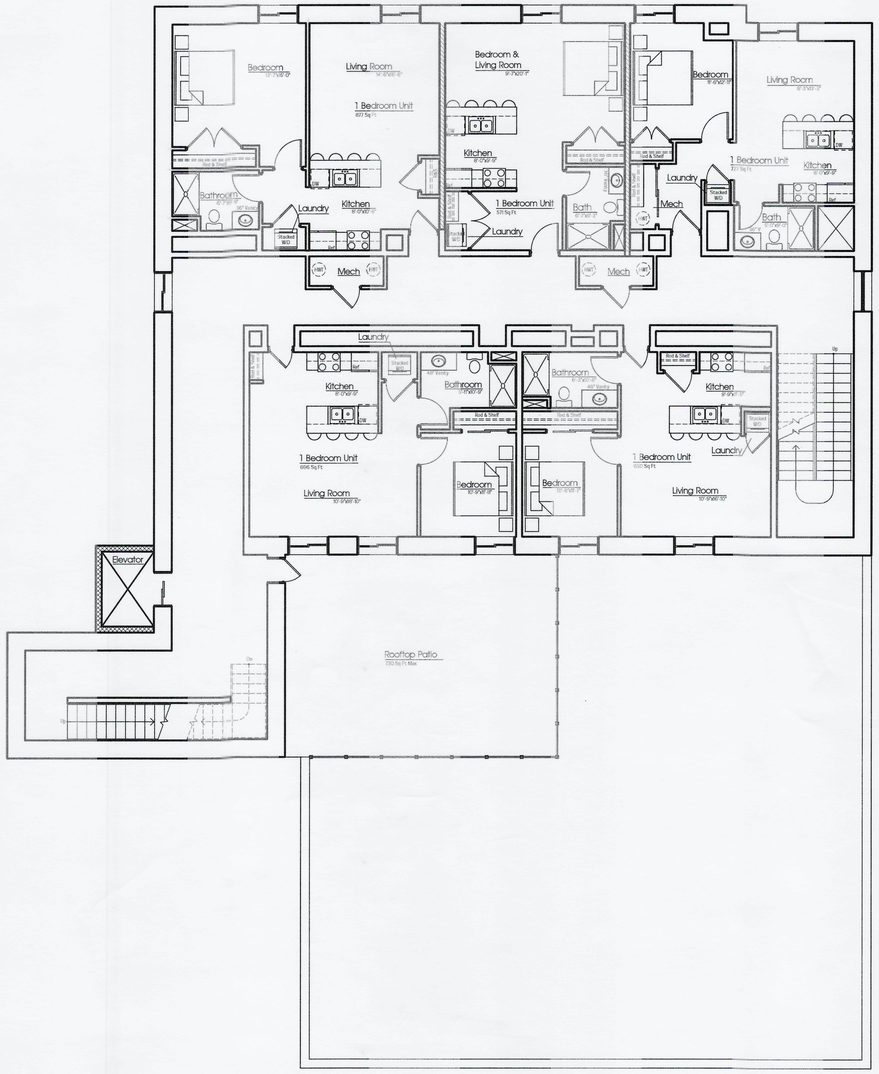
2 Units

1/8" = 1'-0"

Bellwood School - Concept Floor Plans

2806 Seneca Street
West Seneca, NY 14224
12/4/2025

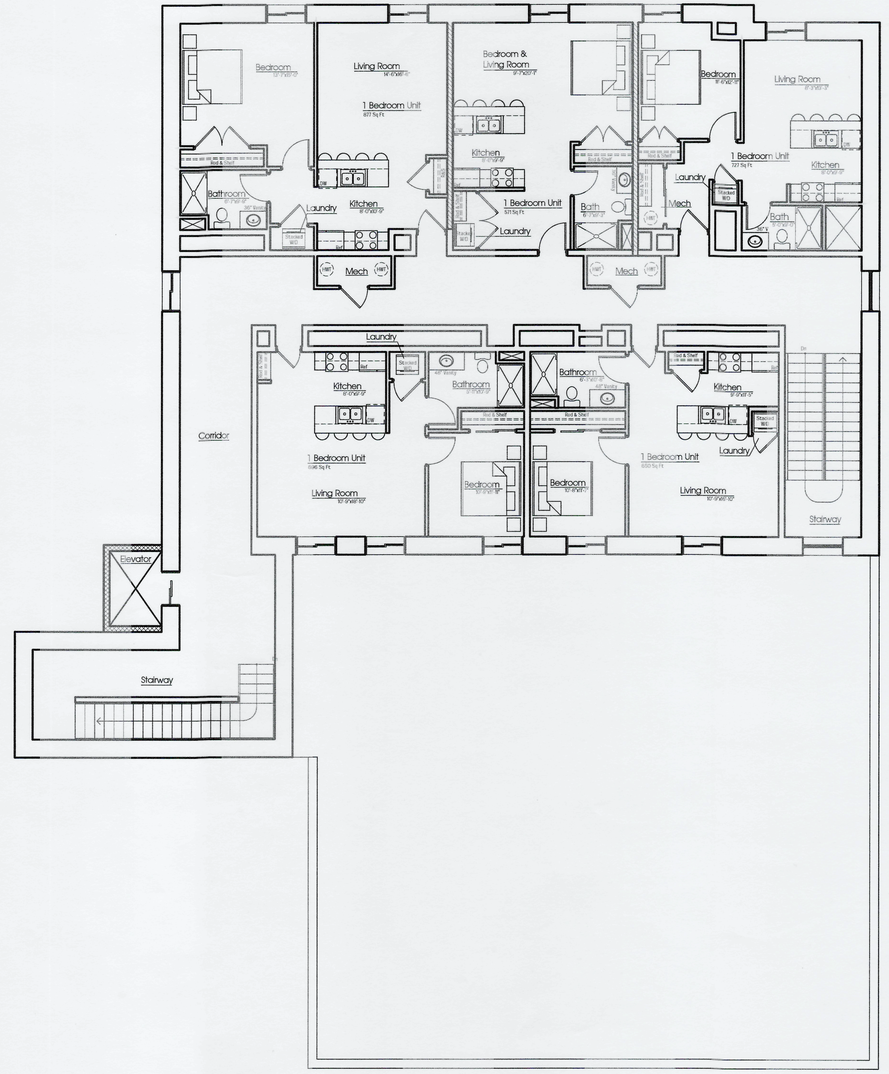
SUTTON architecture
"Design 2 Build"



Concept Third Floor Plan

5 Units

1/8" = 1'-0"



Concept Fourth Floor Plan

5 Units

1/8" = 1'-0"

Bellwood School - Concept Floor Plans

2806 Seneca Street
West Seneca, NY 14224
12/4/2025

SUTTON architecture
"Design 2 Build"

VISONECO
SITE DEVELOPMENT
9829 Main Street, Clarence, NY 14031 | Phone: 716-759-1715 | Fax: 716-759-1501

Letter of Intent

Town of West Seneca
1250 Union Road
West Seneca, New York 14224

RE: 2806 Seneca St, Bellwood School

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Density: VisoneCo is proposing adding 18 multifamily units to the existing vacant building, while only 5 units are allowed based on the lot size per code.

1. **Character of the Neighborhood**: The building is a four-story, 30,000 sf, 1928 institutional structure. A 5-unit limit would result in nearly 6,000 square feet per unit, which is physically and economically impossible for a school conversion. 18 units fit the scale of the building's footprint without changing its historic exterior profile.
2. **Alternate Methods:** There is no viable way to rehabilitate an over 30,000 sf, 4-story school into only 5 residential units. The cost of remediation and structural stabilization requires a higher unit count to be financially feasible, especially since historic tax credits were denied. 18 units is the minimum number of units that would make this project economically viable given the existing layout of the concrete building.
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Substantiality: A 10-space variance is not substantial for a project of this scale. Furthermore, our unit mix consists of studios and one-bedrooms. Statistically, these households own fewer vehicles than the multi-bedroom family units the code likely anticipates.

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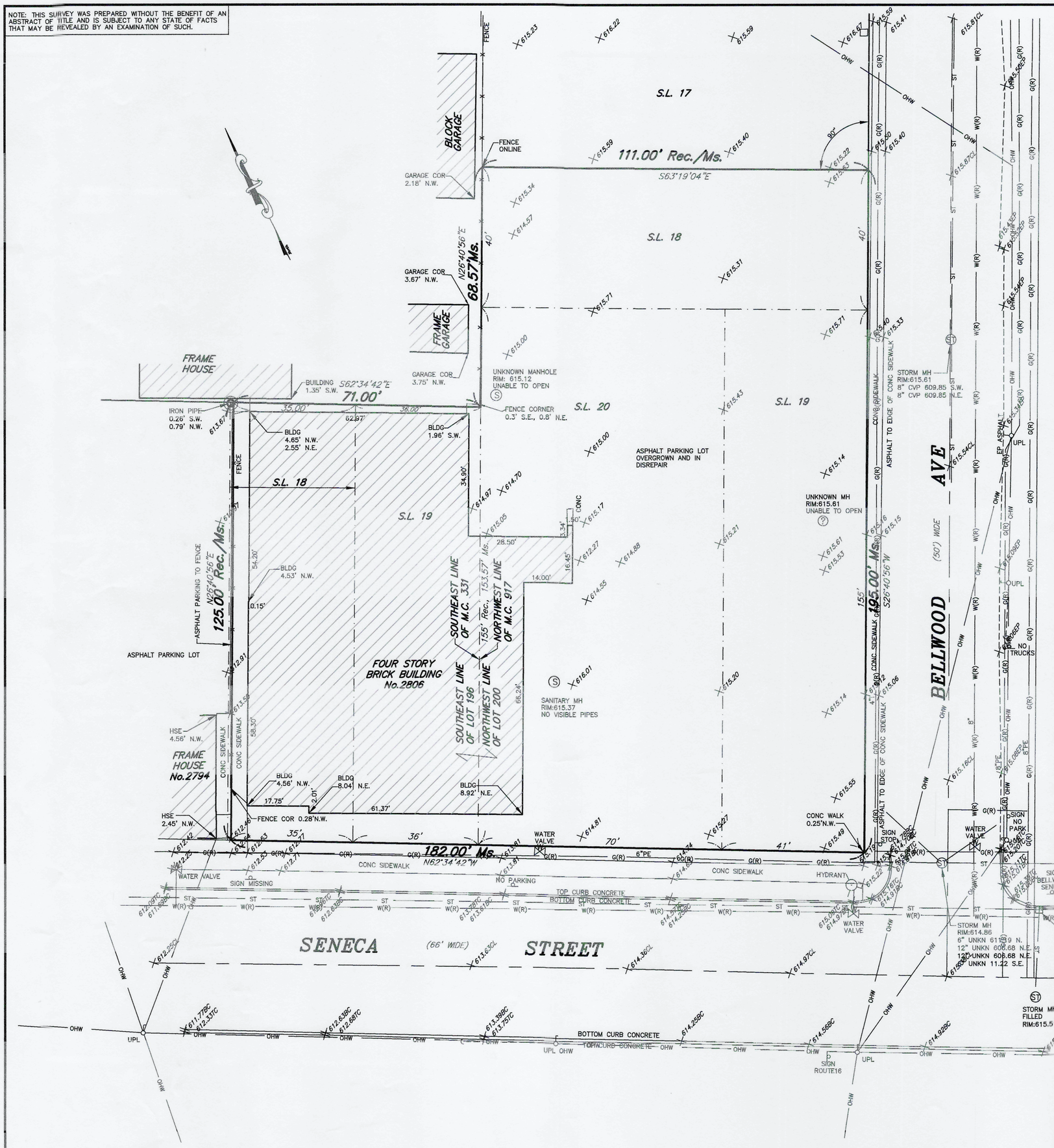
These variances are necessary to reposition this underutilized asset as a high-quality residential community. We look forward to working with the Town of West Seneca on bringing this building back to life. Attached are the survey, concept site plan, and concept floor plans. Thank you for your consideration.

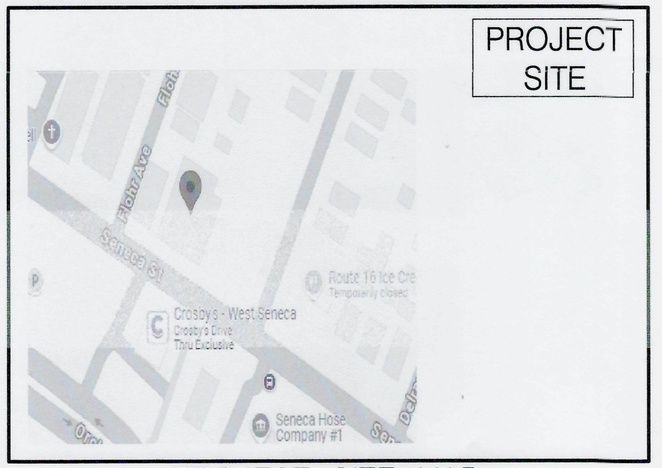
Sincerely,

Brianne Zhang

Director of Real Estate
VisoneCo Site Development, LLC

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.





PROJECT SITE MAP:

LEGEND:

- CATCH BASIN (SQUARE)
- GUY WIRE
- HYDRANT
- IRON PIPE
- SIGN 1 POST
- SANITARY MANHOLE
- STORM MANHOLE
- UNKNOWN MAN HOLE
- UTILITY POLE
- UTILITY POLE WITH LIGHT
- WATER VALVE

UTILITY LINE TYPES:

ELECTRIC LINE	E
GAS LINE	G
GAS LINE RECORD)	G(R)
OVERHEAD WIRES	OHW
SANITARY SEWER LINE	SAN
STORM SEWER LINE	ST
WATER LINE	W
WATER LINE (RECORD)	W(R)

GENERAL NOTES:

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY AND RECORD INFORMATION PROVIDED. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED. ALTHOUGH THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM RECORD INFORMATION AVAILABLE, THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. IT IS THE CLIENTS' RESPONSIBILITY TO VERIFY THE LOCATION OF ALL UTILITIES (WHETHER SHOWN OR NOT) AND TO PROTECT SAID UTILITIES FROM ANY DAMAGE.

COORDINATES ARE REFERENCED TO THE NEW YORK STATE PLANE COORDINATE SYSTEM WEST ZONE, NAD 83.

ELEVATIONS ARE REFERENCED TO THE NAVD 88 VERTICAL DATUM.

AT THE TIME OF SURVEY THERE WAS 4" +/- OF SNOW AND ICE ON THE SITE. SOME IMPROVEMENTS MAY NOT HAVE BEEN VISIBLE.

GRAPHIC SCALE

1X 0 .5X 1X 2X 4X

(IN FEET)

1 inch = 20 ft.

SUBLOT'S 18, 19 & 20 ~ BLOCK "G" ~ MAP COVER 917 & THE NOTHWESTERLY 35.0' OF SUBLOT 18 & ALL OF SUBLOT 19 ~ MAP COVER 331

PART OF LOT 196/200 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	JOB	DESCRIPTION

KHEOPS
ARCHITECTURE, ENGINEERING & SURVEY, DPC
392 Pearl Street, Suite 401
Buffalo, New York 14202
P. 716.849.8739
F. 716.856.0981
WWW.KHEOPSDPC.COM

DRAWN BY MJK SCALE 1"= 20'

CHECKED BY GEM JOB NO. 25NY024.01

CAD FILE 2806SENECA-66075 FIELD/OFFICE DATE 12/25FEB25

SBL No. 134.53-1-1.1 BOOK 434 PAGE 25 MAP 66075

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** 3/25/2026 **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: 2806 Seneca St 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)* requesting 18 units (5 units permitted) requesting 31 parking spaces (41 parking spaces required)

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:** _____

$160.00

APPLICATION TO BOARD OF APPEALS

Tel. No

Appeal No. 2026-004

Date 2/24/26

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

I (we) RICHARD EPPOLITO of 247 ELMSFORD 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 247 ELMSFORD DR W. SENECA
3. State in general the exact nature of the permission required, STAND BY GENERATOR 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: 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: _____

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'-0"
   - REQUESTING 23.06'
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

Building Inspector

* * * RECEIPT * * *

Date: 02/24/26 **Receipt#:** 99093

Quantity	Transactions	Reference	Subtotal
1	Zoning Board of Appeals	20160511	$160.00
		Total Paid:	$160.00

Notes: 2026-004 / 247 Elmsford Dr

Payment Type	Amount	Paid By
CK #8398	$160.00	Eppolito, 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: Eppolito, Richard
247 Elmsford Dr
West Seneca, NY 14224

Clerk ID: ELYSE

Internal ID: 20160511

RICHARD EPPOLITO
247 Elmsford Drive - West Seneca, NY 14224
Mobile: 716-982-5244 E-mail: reppolito1@yahoo.com

Variance Request – Proposed Installation of Standby Generator at 247 Elmsford Dr West Seneca, NY 14224

I Richard Eppolito, am making a request for a variance for the installation of a standby generator on our property as per attached/marked up property survey.

The reason for selecting this install location eliminates placement on the backside corner (5.16 ft dimension) resulting in less than 1.00 feet from our property line, along with the echoing (engine running) effect between our home and our adjacent neighbor at 253 Elmsford Dr.

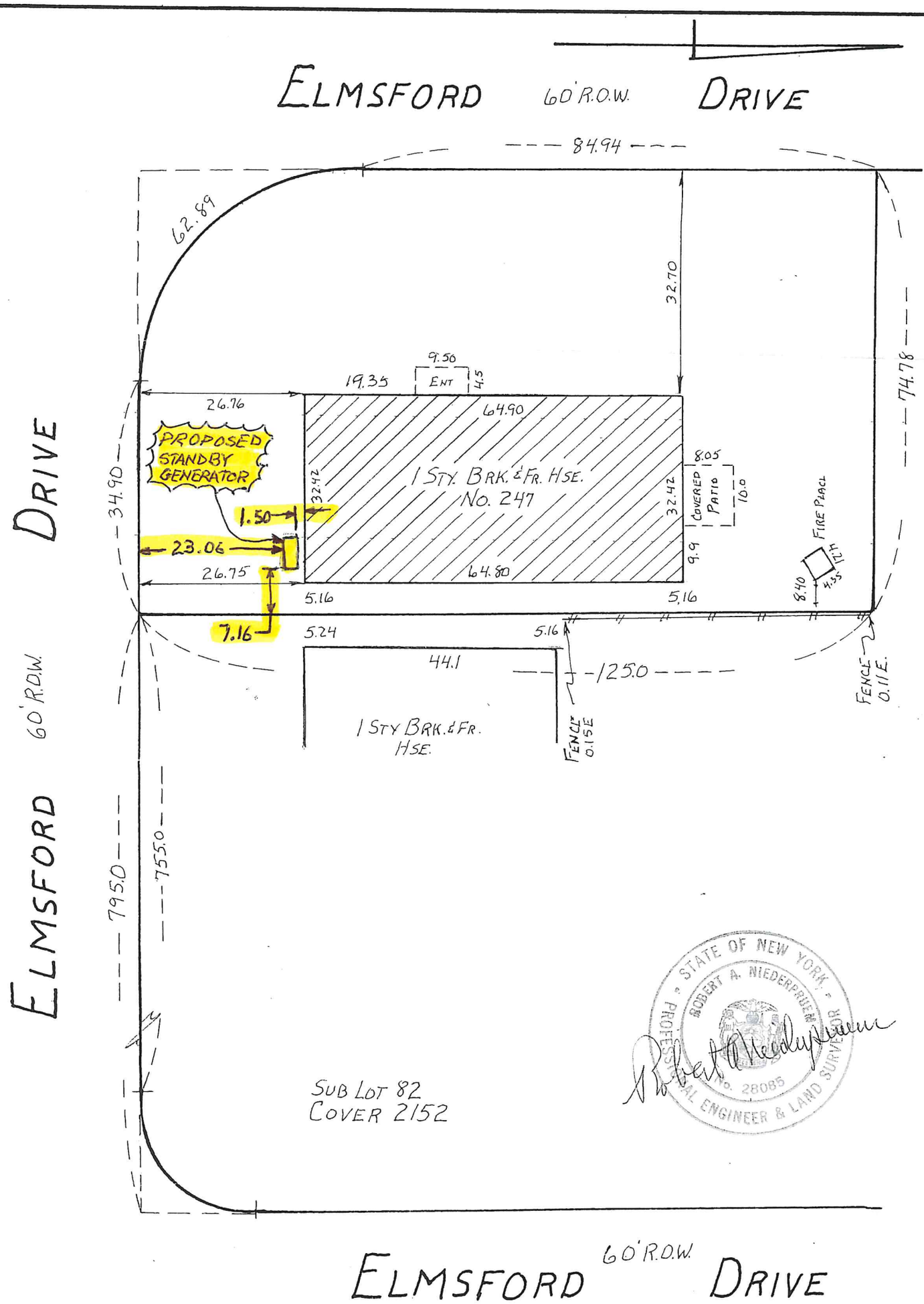
Additionally, an install location at the opposite end of our home (covered patio and adjacent outdoor grilling/entertainment/living space) would be compromised. Please note our home placement on said property essentially makes this our practical backyard area.

I have attached acknowledgements/sign offs by our surrounding neighbors relating to this matter.

I appreciate the town of West Senecas' time in considering my request.

Respectfully submitted,

Richard Eppolito
Attach.



PART OF LOT 334 T. 10, R. 7
TOWN OF WEST SENECA
ERIE CO., NEW YORK

ROBERT A. NIEDERPRUEM
Engineer - Surveyor
19 CIRCLE END DRIVE 674-5618 WEST SENECA, NY 14224

RE-SURVEYED	DATE MAY 14, 2009
	SCALE 1" = 20'
	FB 100 - 32
	JOB NO. 9059

This map void unless STAMPED with New York State Licensed Land Surveyor's Seal No. 028085.

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.

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.

APPLICATION TO BOARD OF APPEALS

Tel. No.

Appeal No. 2026-005

Date 3-6-2026

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

I (we) Susan Burton of 41 Iris Ave. 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: erect a 6' fence in side yard

- ☐ 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 41 Iris Ave

3. State in general the exact nature of the permission required, 6 foot fence in side yard as per survey

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

B. Interpretation of the Zoning Ordinance is requested because: R district fences - 4 foot maximum permitted in front and side yard - 6 foot requested.

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: R district fence

X Susan Burton
Applicant's Signature

TO BE COMPLETED BY THE BUILDING INSPECTOR

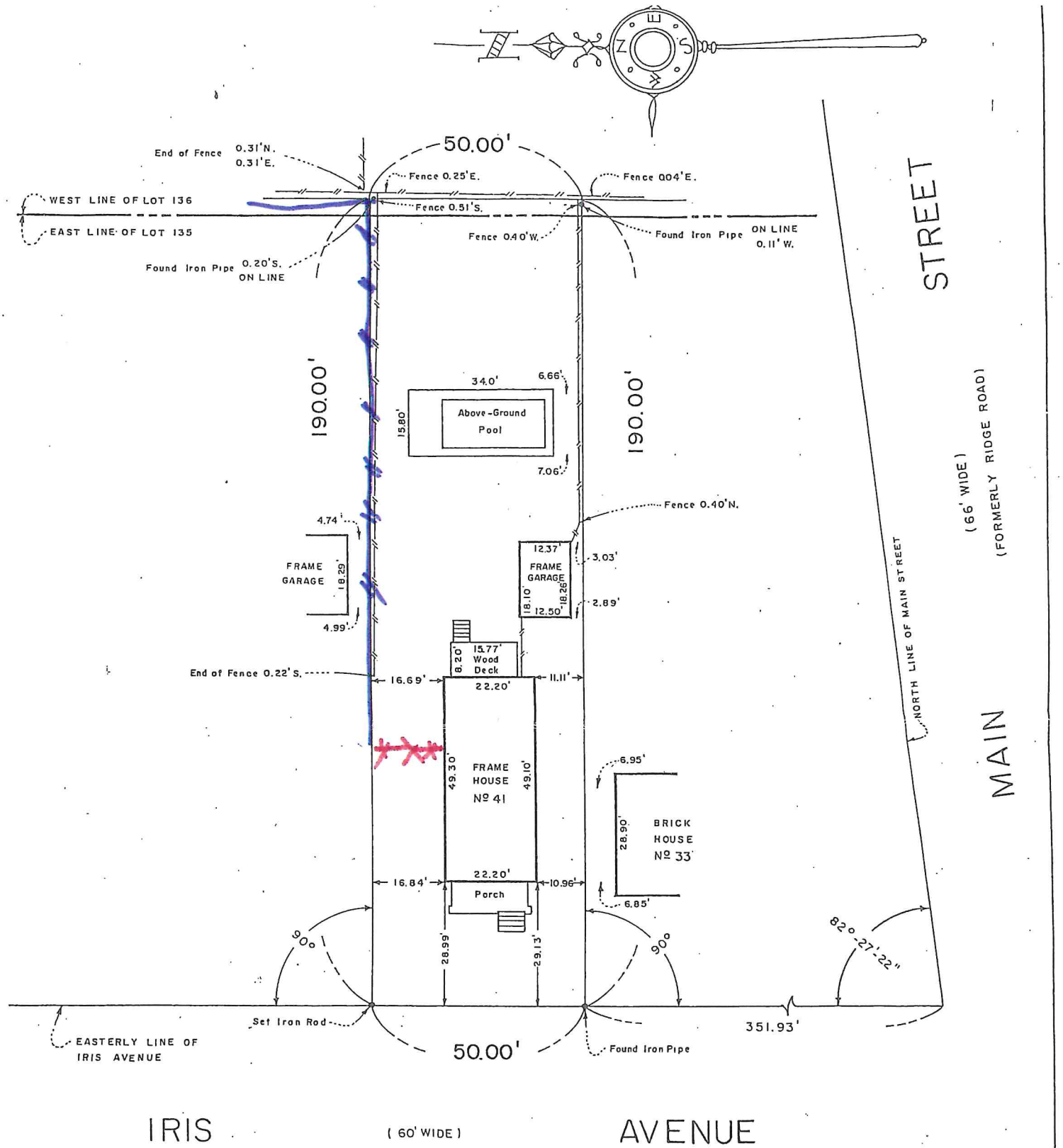
1. Provision(s) of the Zoning Ordinance Appealed, including article, section, subsection or paragraph of the Zoning Ordinance
   Tows Zoning Code 120-39 B

2. Zoning Classification of the property concerned in this appeal R-6S

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 _____



Existing neighbor fence 6'

Requested 6 foot fence

Unauthorized alteration or addition to this Survey Map is a violation of Section 7209, Subdivision 2, of the New York State Education Law.

This Map Void Unless EMBOSSED with New York State Land Surveyor's Seal No. 043754

NOTE: SNOW and ICE COVER

BEING PART OF LOTS 135 AND 136, T. 10, R. 7 OF THE EBENEZER LANDS

BEING ALSO SUB LOT 120, MAP COVER 1286 — "WINDERMERE GARDENS"

LOCATION TOWN OF WEST SENECA, COUNTY OF ERIE, N. Y.

SURVEY | JOB Nº | JOHN TAYLOR L.S.P.C.

March 6, 2026

Susan Burton
41 IRIS AVE.

I am requesting a variance to erect a 6' high fence with a gate across my 17' wide side yard.

The fence would start where my addition meets the original house (original back wall), the fence would go across the side yard and butt up the neighbors at 45 Iris 6' high fence. Their 6' high fence already borders about 22' of my side yard and ends at the back of their house.

I would like to have a 6' high fence ~~to~~ match the height of their 6' high fence because it would look ~~better~~ ~~[illegible]~~ IF it matches. Also for safety of my large grand-dogs when they visit and for privacy ~~[illegible]~~, and safety when grandkids visit

Thank you for your consideration of this request -

Susan Burton

* * * RECEIPT * * *

Date: 03/06/26 **Receipt#:** 99285

Quantity	Transactions	Reference	Subtotal
1	Zoning Board of Appeals	20160560	$160.00
		Total Paid:	$160.00

Notes: 2026-005

Payment Type	Amount	Paid By
CK #5690	$160.00	Burton, Susan M.

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: Burton, Susan M.
41 Iris Ave
West Seneca, NY 14224

Clerk ID: MAM

Internal ID: 20160560