

APPLICATION TO BOARD OF APPEALS

Tel. No. _____

Appeal No. 2023-043

Date 08/23/2023

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

I (we) Agile Cold Buffalo LLC. of 3117 Athens Hwy. Gainesville Ga.
30507

, 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: _____

- | | |
|--|---|
| <input type="checkbox"/> A PERMIT FOR USE | <input type="checkbox"/> A CERTIFICATE OF EXISTING USE |
| <input type="checkbox"/> A PERMIT FOR OCCUPANCY | <input type="checkbox"/> A CERTIFICATE OF ZONING COMPLIANCE |
| <input type="checkbox"/> A TEMPORARY PERMIT OR EXTENSION THEREOF | <input checked="" type="checkbox"/> AREA PERMIT |

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

2. LOCATION OF THE PROPERTY 160 Empire Drive West Seneca 14224

3. State in general the exact nature of the permission required, A height variance to build a 70-foot-tall manufacturing warehouse facility

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: _____
We are partnering with a local frozen food manufacturer and the facility needed to be as close as possible to thier current operations. to build the type of facility needed on the current site we will have to go 70-foot-tall, or we will not be able to move forward with the program.

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: _____

Craig Cardwell
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

120-34 c(2) Max building height in District 40'
Requesting 70' tall building

2. Zoning Classification of the property concerned in this appeal M1

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 [Signature]

Amy Kobler

From: ECDEP Document Submission <webmaster@erie.gov>
Sent: Wednesday, September 6, 2023 12:53 PM
To: Amy Kobler
Subject: 160 Empire Dr

Your GML 239 Referral for 160 Empire Dr / 124.15-2-4 was/were submitted on Wed, 09/06/2023 - 12:53 pm

We will reply via email within 30 days (except for reports of final action) to:

Contact Person

Amy Kobler

Contact Email

akobler@twsny.org

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

Thank you,
ECDEP

Amy Kobler

From: Amy Kobler
Sent: Wednesday, September 6, 2023 12:56 PM
To: dot.sm.r05.SEQR
Subject: 160 Empire Dr
Attachments: 160 empire dr20230906125121.pdf

Please see attached and let me know if you have any comments on the variance request.

Amy Kobler
West Seneca Town Clerk
1250 Union Road, Room 212
West Seneca, NY 14224
716-558-3215

**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 1 - 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** 09/27/23 **Time** 6pm **Location** 1300 Union Rd

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: 160 Empire Drive
West Seneca NY 14224

5a. S.B.L. of Property: 124.15-2-4

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: to construct a 70' tall manufacturing facility (maximum 40' height allowed)
(specify the action, such as the scope of variances or site plans)

8. Other remarks: _____

9. Submitted by: Amy Kobler, Town Clerk **Email:** akobler@twsny.org

10. Return Address: 1250 Union Road, 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:** _____

08/23/2023

West Seneca Zoning Board
1250 Union Road
West Seneca, NY. 14224

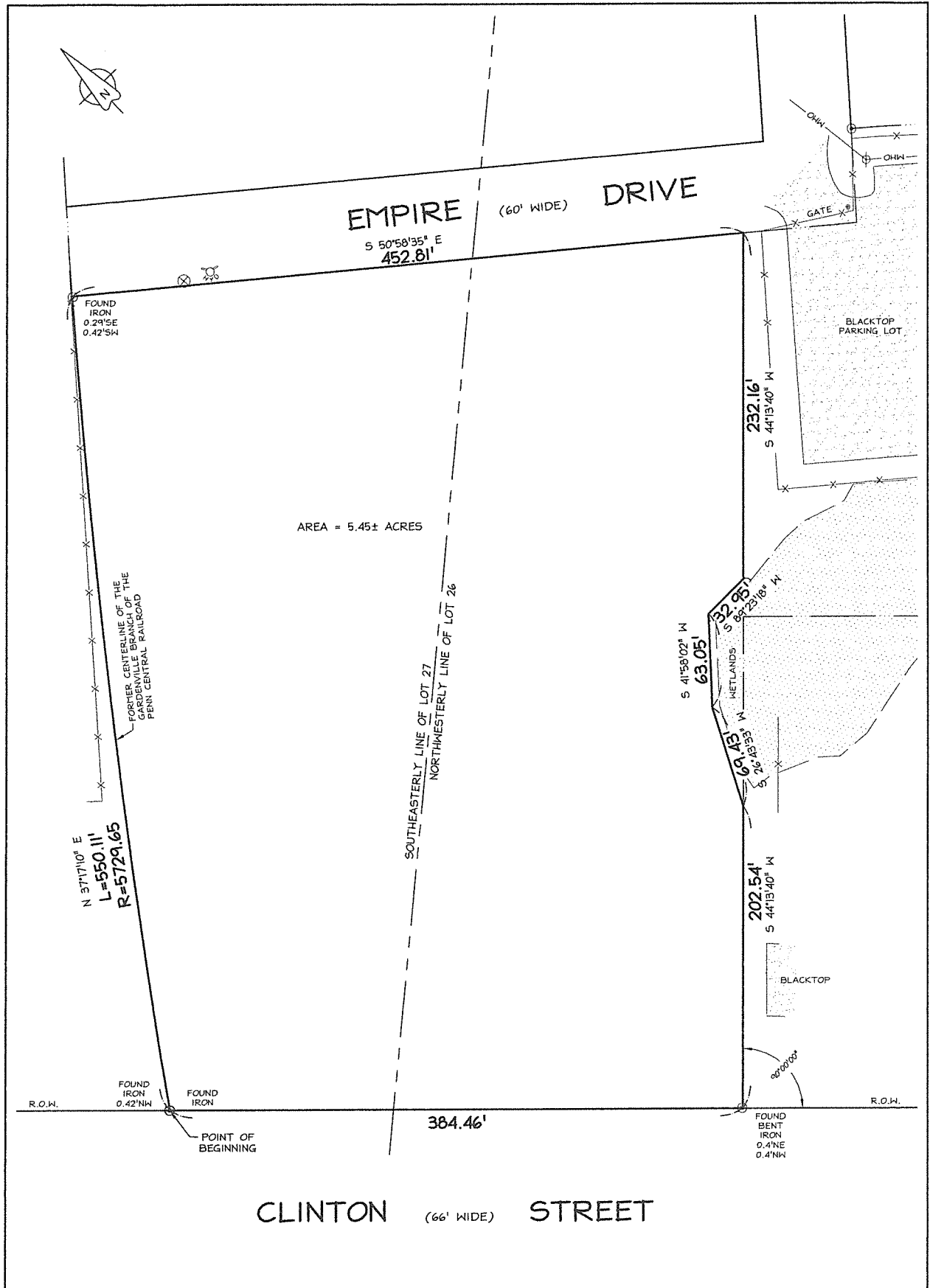
Ladies and Gentlemen,

On Behalf of Agile Cold Buffalo LLC. We are thankful to submit this application for a Height Variance for our new construction of a 125,000 square foot 70-foot-tall manufacturing and warehousing facility in West Seneca. The reason for the variance is we are partnering with a local frozen food manufacturer and the facility must be located as close to their current operations as possible. The site we are hoping to build on is directly next to them, and to build the facility needed we are going to have to make the warehouse 70-foot-tall. Our hours of Operation will be two ten-hour shifts Monday through Friday and one ten-hour shift on Saturday, this facility should employ around 70 to 100 full time employees. Thank you for your consideration, and we look forward to becoming part of the West Seneca community.

Regards,



Craig Cardwell
Agile Cold Buffalo LLC



CLINTON (66' WIDE) STREET

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

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.

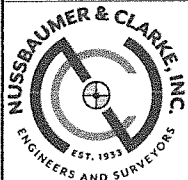


EXHIBIT MAP
 160 Empire Drive
 Part of Lots 26 & 27
 Ebenezer Lands
 Town of West Seneca
 County of Erie, State of New York
 Date of Survey: 08/11/23 Scale: 1" = 60' Project No.: 23J2-0913

