

# APPLICATION TO BOARD OF APPEALS

Tel. No. \_\_\_\_\_

Appeal No. 2023-047

Date 9-25-2023

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

I (we) Dave Cellino of 2756 Seneca St  
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 2756 SENECA ST.

3. State in general the exact nature of the permission required, INSTALL MORE SIGNS THAN 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. 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

120-40.12 (c) - WALL SIGN - 10% OF FRADE / 5FT  
REQUESTING - 100 SF ALLOWED // 224 REQUESTED - 5FT TALL // 8FT REQUEST

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

3. Type of Appeal:

- Variance to the Zoning Ordinance.
- Interpretation of the Zoning Ordinance or Zoning Map.
- Special or Temporary Permit or an extension thereof under the Zoning Ordinance.

4. A statement of any other facts or data which should be considered in this appeal. NO SIGNATURES -

COMMERCIAL PROPERTY

Building Inspector

AM

## Amy Kobler

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**From:** ECDEP Document Submission <webmaster@erie.gov>  
**Sent:** Thursday, September 28, 2023 12:30 PM  
**To:** Amy Kobler  
**Subject:** 2756 Seneca St

Your GML 239 Referral for 2756 Seneca St / 134.45-3-24.1 was/were submitted on Thu, 09/28/2023 - 12:30 pm

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

**Contact Person**

Amy Kobler, Town Clerk

**Contact Email**

[akobler@twsny.org](mailto:akobler@twsny.org)

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

Thank you,  
ECDEP

**Amy Kobler**

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**From:** Amy Kobler  
**Sent:** Thursday, September 28, 2023 12:32 PM  
**To:** dot.sm.r05.SEQR  
**Subject:** Variance request  
**Attachments:** 2756 seneca20230928122842.pdf

Please see the attached variance request for the October 25<sup>th</sup> meeting.

**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](http://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:** 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** 10/25/23      **Time** 6pm      **Location** 1300 Union Rd West Seneca

**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: 2756 Seneca St  
West Seneca NY 14224

**5a. S.B.L. of Property:** 134.45-3-24.1

**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 erect a 224-sf wall sign with 8' height (168-sf allowed; maximum 5' height allowed)  
*(specify the action, such as the scope of variances or site plans)*

**8. Other remarks:** \_\_\_\_\_

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

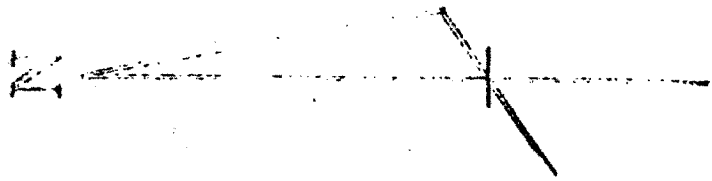
**10. Return Address:** 1250 Union Rd, West Seneca NY 14224

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:** \_\_\_\_\_



Harlem Road (50.0' R.O.W.)

EXIST. 1 1/2" PIPE

N. LINE  
SUBLOTS 8A9

59.42'

SOUTHERLY  
182 FT. OF  
SUBLOTS 8A9  
BLOCK C

PARALLEL

182.0'

39.47'

PORCH

7.03'

ENTRANCE

56N  
LOCATION

CELLAR  
ENTRANCE

BRICK DWELLING  
STORE FRONT

84.36'

275.6'

59.42'

MAIN LINE FENCE

EXISTING PIPE

FENCE 0.5'

OTHER LINE

30'

1.58'


182.0'

1.30'

1.30'

2.45'

5.45'

From: Dave Cellino dave@alross.com   
Subject:  
Date: September 25, 2023 at 11:43 AM  
To:



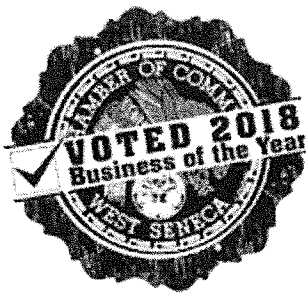
To the Town of West Seneca

At Al Ross we are trying to upgrade our building not only with a new roof, new facade, painting the siding and replacing a few windows. We would also like to upgrade our signage, however it does not meet the current code requirements so we are asking for a variance . See attached pictures.

Thank you for your consideration

Dave Cellino  
Store: 716-825-8358  
Cell: 716-961-8770  
email: dave@alross.com

2756 Seneca Street  
West Seneca NY 14224



10% = 100 SF of SIGN ALLOWED  
224 SF REQUESTED ON EACH SIDE OF BLDG.









**Al-Ross**  
EST. 1988

T-SHIRTS  
Custom Printed

SCREEN PRINTING · EMBROIDERY



9X10

