

# APPLICATION TO BOARD OF APPEALS

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

Appeal No. 2021-024

Date 4/12/2021

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

I (we) ERK SUKAF - NARAYAN ENGINEERING of 391 CASCADE DR  
ROCHESTER NY 14614

\_\_\_\_\_, 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 1889 + 1893 UNION RD.

3. State in general the exact nature of the permission required, TRYING TO SPLIT LOT TO ADJUST PROPERTY LINES

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. N/A, 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 DOCUMENTS.

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: \_\_\_\_\_

DAVID AVELL PABONE  
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

SEE BREAKDOWN ON COVER LETTER

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. \_\_\_\_\_

Building Inspector [Signature]



39 Cascade Drive / Rochester, NY 14614 / Phone (585) 458-7770

April 7, 2021

Jeffrey Schieber  
 Town of West Seneca  
 1250 Union Rd, Room 210  
 West Seneca NY 14224

Re: Variance, Resubdivision, and Site Plan Approval  
 1889 & 1893 Union Rd (NYS Route 277)  
 Town of West Seneca, Erie County, State of New York

Dear Jeffrey,

On behalf of our client, Union West LLC, we are pleased to submit plans of the above referenced project for Variance, Resubdivision, and Site Plan Approval.

The project is located on the east side of Union Road, approximately 125 feet north of Seneca Creek Road. The two parcels are zoned Business Commercial – some areas are C-1, others are C-2. The properties to the north, west, and south are zoned C-1. The properties to the east are zoned R-50.

The applicant is proposing to adjust the lot lines so that the easternmost building is entirely on one parcel (1893 Union Rd). Each of the resultant two lots will have a building with 2 housing units. There will be a 10-space parking area on the northern parcel (1893 Union Rd) for use by residents of both buildings. This provides the required 2 spaces for each dwelling unit plus the 2 visitors spaces required for 0 to 10 dwelling units. To facilitate pedestrian access to and from 1889 Union Road, a 5-foot sidewalk is proposed.

We have identified six variances; in addition, there is a pre-existing non-conforming rear setback for 1893 Union Rd for which no changes are proposed.

| Code                   | Item                                     | Req'd  | Prps'd | Comment   |
|------------------------|--|--------|--------|---|
| <i>"New" variances</i> |  |        |        | <i>(6 items)</i>  |
| § 120-29-A             | Lot Area (SF)<br>1889 Union Rd           | 13,000 | 6,600  |   |
| § 120-31-B-2           | Rear Setback (ft)<br>1889 Union Rd       | 30     | 7      |   |
| § 120-41-D-1           | Min # of Parking Spaces<br>1889 Union Rd | 6      | 0      | Shared parking facility on 1893 Union Rd.<br><b>EASEMENT / DEED</b> |

*Going the distance for you.*

Variance and Site Plan Approval  
 1889 & 1893 Union Rd (NYS Route 277)  
 Town of West Seneca, Erie County  
 04/07/2021

| Code   | Item                                   | Req'd  | Prps'd | Comment  |
|--|--|--------|--------|--|
| 120-31 (E)                                   | Parking<br>1893 Union Rd               | 3' MIN | 4'-0'  |  |
| § ??   | Entrance Width (ft)<br>1893 Union Rd   | 30     | 14     | Existing curb-cut;<br>minimal traffic volume     |
| § ??   | Drive Lane width (ft)<br>1893 Union Rd | 24     | 22     | Constrained by lot line<br>and building location |
| <b>Pre-Existing Non-Conforming Condition</b> |  |        |        | <b>(1 item)</b>                                  |
| § 120-31-B-2                                 | Rear Setback (ft)<br>1893 Union Rd     | 30     | 6      | Pre-existing condition                           |

Enclosed is the following information to aid in your review:

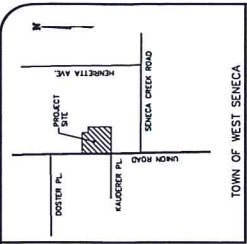
- 1 copy of this Letter of Intent
- 1 copy of the Response to Comments Letter dated 04/07/2021
- 1 Annotated Aerial Image
- 1 copy of the Resubdivision Plan (full size)
- 1 copy of the Site Plan (full size)
- 1 copy of the Boundary Survey (full size)
- 1 Check for the \$160 ZBA Application fee

If you have any questions, or require additional information, please do not hesitate to contact our office.

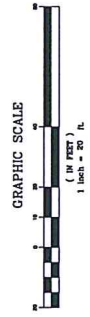
Respectfully submitted,

Eric W Schaaf  
 MARATHON ENGINEERING

cc: Joseph Burkart, Union West LLC



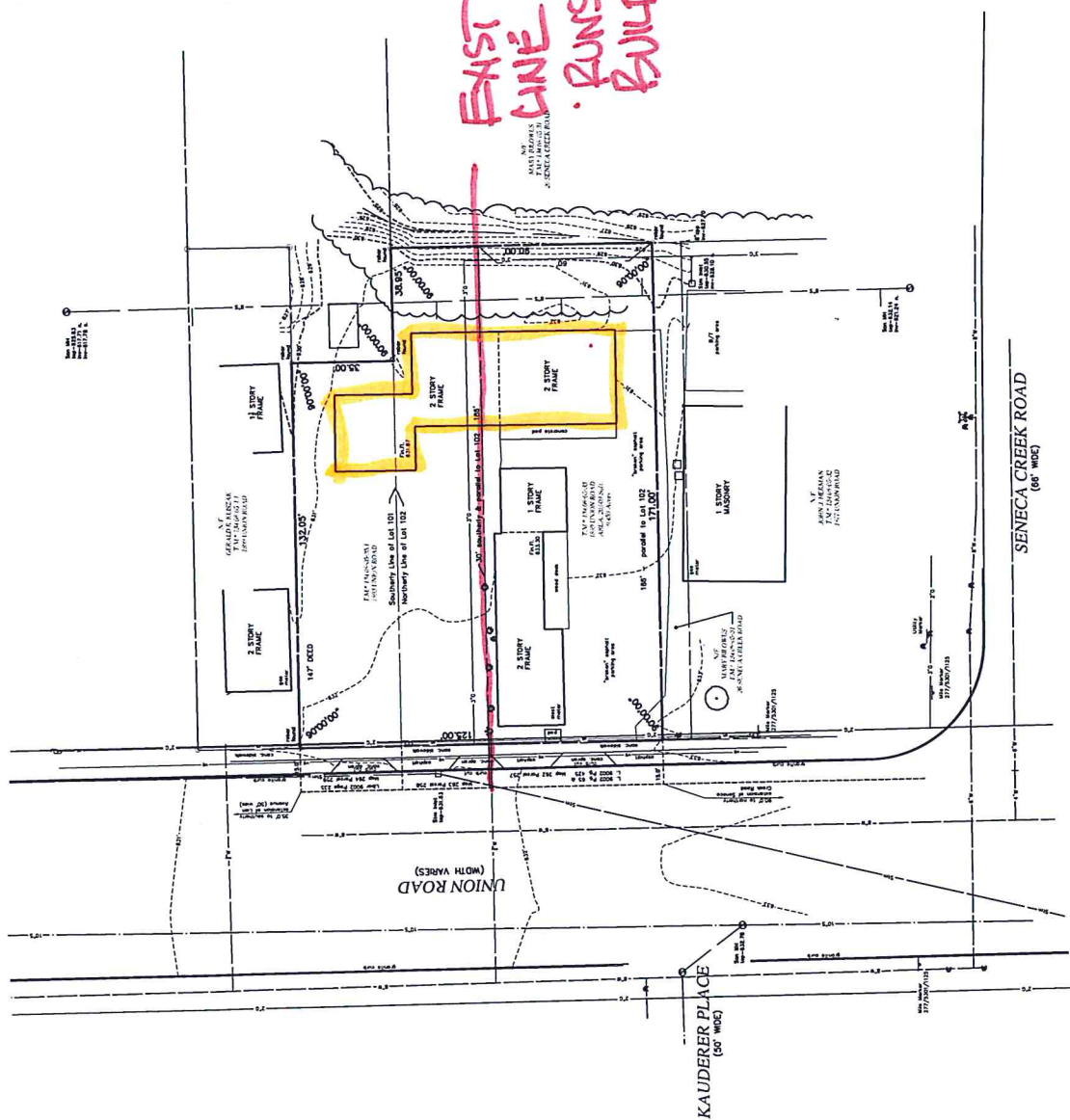
TOWN OF WEST SENECA  
N.T.S.  
LOCATION SKETCH



- REFERENCES:
1. DOWNCO MOBLACED TO HENRY P. KOPONOS BY DEED 1935 7/2/1935 AS LIBER 1182 OF DEEDS.
  2. FIRST ZONING REGULATIONS TO BE ADOPTED BY THE TOWN OF WEST SENECA, NEW YORK, FILED 7/10/2013 AS LIBER 1182 OF DEEDS.
  3. MAP OF THE "VILLAGE OF MOBLE ENGINEER", FILED IN THE OFFICE OF THE CLERK OF SENeca COUNTY, NEW YORK, 1935.
  4. MAP OF PART OF LOT 101 OF SENeca CREEK TRACT, SENeca COUNTY, NEW YORK, FILED IN THE OFFICE OF THE CLERK OF SENeca COUNTY, NEW YORK, 1935.
  5. NY STATE HIGHWAY APPROPRIATION FILED 9/7/1937 IN THE OFFICE OF THE CLERK OF SENeca COUNTY, NEW YORK, 1937.
  6. PARCELS, 2011 MAP P22, 213.
  7. PARCELS, 2011 MAP P24, 214.
  8. PARCELS, 2011 MAP P24, 215.

SURVEY NOTES:  
DISTANCE SHOWN ARE GROUND SURVEY WORK FOR THIS MAP (1:10,000) ON LETTER.

**EXIST PROPERTY LINE RUNS THRU BUILDING**



MAGDE LAND SURVEYING, P.C.  
1460 CULVER ROAD \*\* ROCHESTER \*\* NEW YORK 14622  
email: dmagde@magdesurvey.com

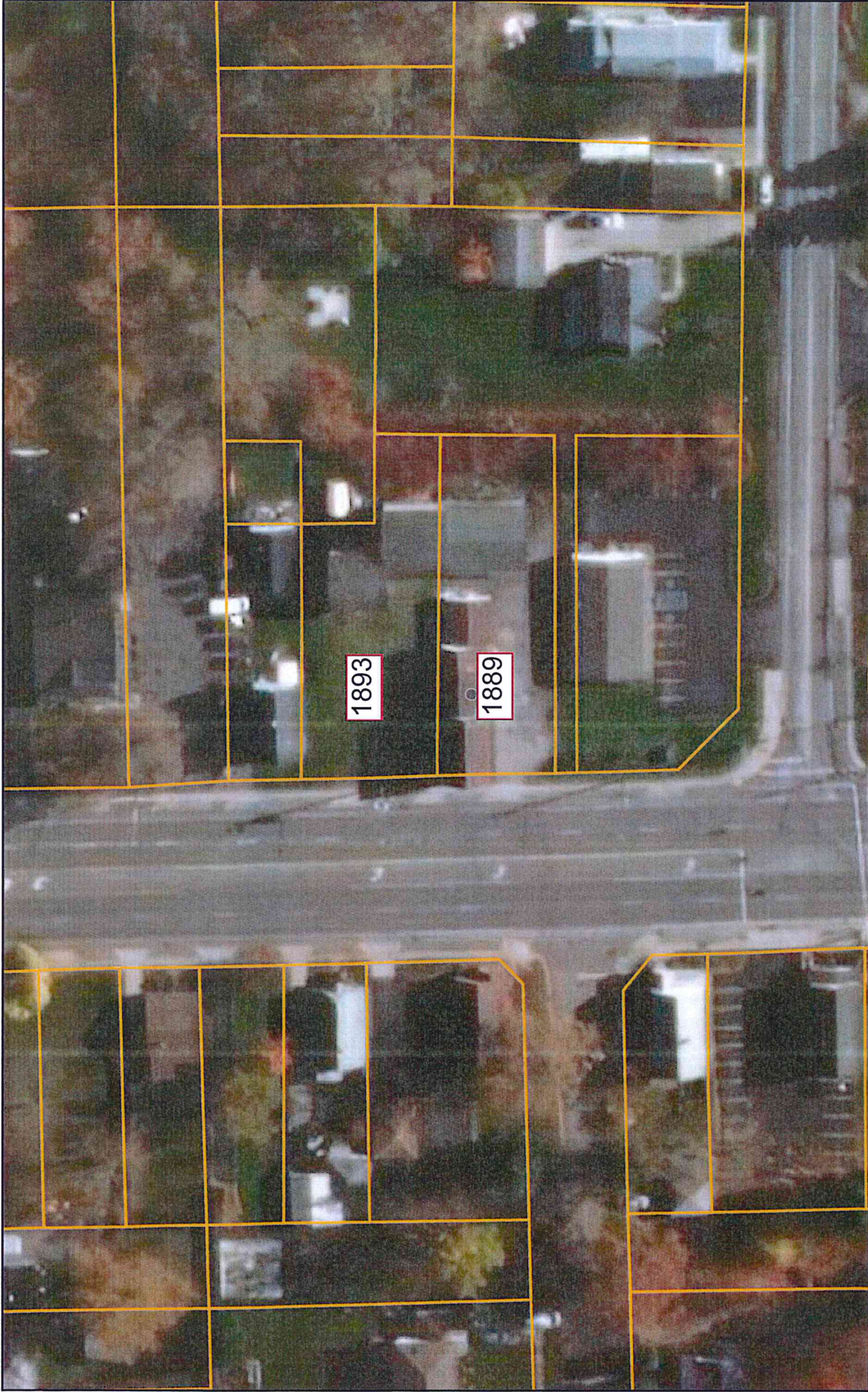


I, GREGORY W. MAGDE, LICENSED PROFESSIONAL ENGINEER, STATE OF NEW YORK, DO HEREBY CERTIFY THAT THE MAP WAS PREPARED FROM NOTES OF A FIELD SURVEY CONDUCTED BY ME OR UNDER MY SUPERVISION AND THAT THE REFERENCES LISTED HEREON ARE SET TO THE FACTS AND THAT I AM AWARE OF THE REQUIREMENTS OF THE MAP REVEAL ACT.

MAP OF A SURVEY  
#1889 & #1891 UNION STREET  
PART OF LOT 101 & 102 OF THE ENGINEERED LANDS OF THE 3600 ACRE TRACT  
TOWN OF WEST SENECA, SENeca COUNTY, NEW YORK

THIS MAP WAS PREPARED BY ME OR UNDER MY SUPERVISION AND I AM AWARE OF THE REQUIREMENTS OF THE MAP REVEAL ACT. I HEREBY CERTIFY THAT THE MAP WAS PREPARED FROM NOTES OF A FIELD SURVEY CONDUCTED BY ME OR UNDER MY SUPERVISION AND THAT THE REFERENCES LISTED HEREON ARE SET TO THE FACTS AND THAT I AM AWARE OF THE REQUIREMENTS OF THE MAP REVEAL ACT.

# 1889 & 1893 Union Rd

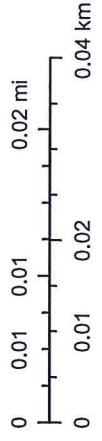


3/30/2021, 3:33:50 PM

 Parcels

 Municipal Boundaries

1:1,128



GeoEye, Maxar, Microsoft, Esri, HERE, Garmin, IPC, NRCan



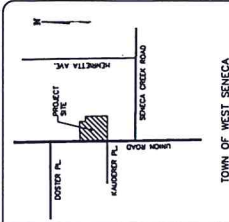
**WEST SENECA, LLC.**  
 FOR  
**SITE PLAN AND SUBDIVISION**

1899 & 1893 UNION ROAD  
 COUNTY OF ERIE  
 TOWN OF WEST SENECA

JOB NO: 0892-21  
 SCALE: 1" = 20'  
 DRAWN: PRG  
 DESIGNED: PRG  
 DATE: 04/07/2021  
 REVISIONS:  
 DATE BY REVISION

DRAWING TITLE:  
**SUBDIVISION PLAN**

SHEET No: **SV1.0**  
 JOB No: 0892-21



**PROPERTY INFORMATION**

1. GENERAL:  
 1.1 PROPERTY OWNER: WEST SENECA, LLC  
 1.2 PROPERTY ADDRESS: 1899 & 1893 UNION ROAD  
 1.3 TAX ACCOUNT #189 1893-02521

**ZONING REQUIREMENTS**  
 C1 AND C2 (BUSINESS COMMERCIAL)

| CRITERIA              | REQUIREMENT                          | MIN            | MAX            |
|-----------------------|--------------------------------------|----------------|----------------|
| LOT AREA              | 11,000 sq. ft.                       | 14,000 sq. ft. | 14,112 sq. ft. |
| LOT WIDTH             | 67'                                  | 65.0'          | 60.0'          |
| LOT DEPTH             | NO MINIMUM                           | 50.0'          | 171.0'         |
| FRONT SETBACK         | 5'                                   | 12.5'          | 6.7'           |
| REAR SETBACK          | 37'                                  | 0'             | 0'             |
| PARKING COUNT         | 7 PER 1,000 sq. ft. GROSS FLOOR AREA | 0'             | 10             |
| PARKING IN FRONT YARD | NOT ALLOWED                          | NO             | 15.1'          |

**NOTICES:**

1. DOMAINS UNLAWFUL TO MOUNT P. UNCONFORMING BY ZONING.
2. THIS ZONING MAP IS SUBJECT TO THE ERIE COUNTY ZONING MAP AS AMENDED BY RESOLUTION NO. 1187 OF 2019, PASSED 7/9/2019 AS UNDER 1187 OF 2019.
3. A MAP OF THE "MIDDLE ENGINEER" FILED IN THE OFFICE OF THE COUNTY CLERK OF ERIE COUNTY, NY, ON 11/14/2019.
4. A MAP OF THE "MIDDLE ENGINEER" FILED IN THE OFFICE OF THE COUNTY CLERK OF ERIE COUNTY, NY, ON 11/14/2019.
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**PROPERTY NOTES:**

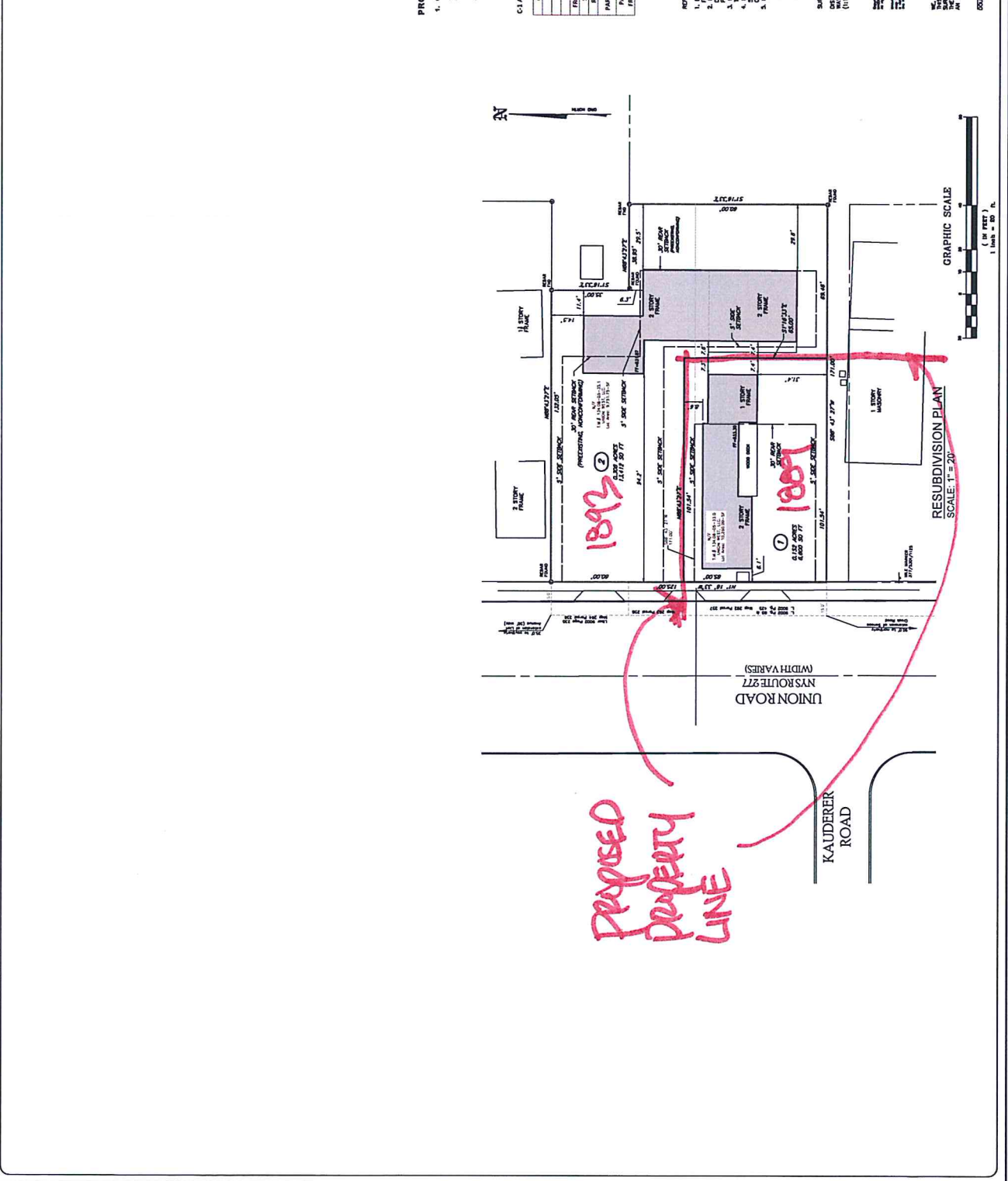
1. DISTANCE SHOWN ARE GROUND SURVEY WORK FOR THIS MAP (1:10,000) OR BETTER.

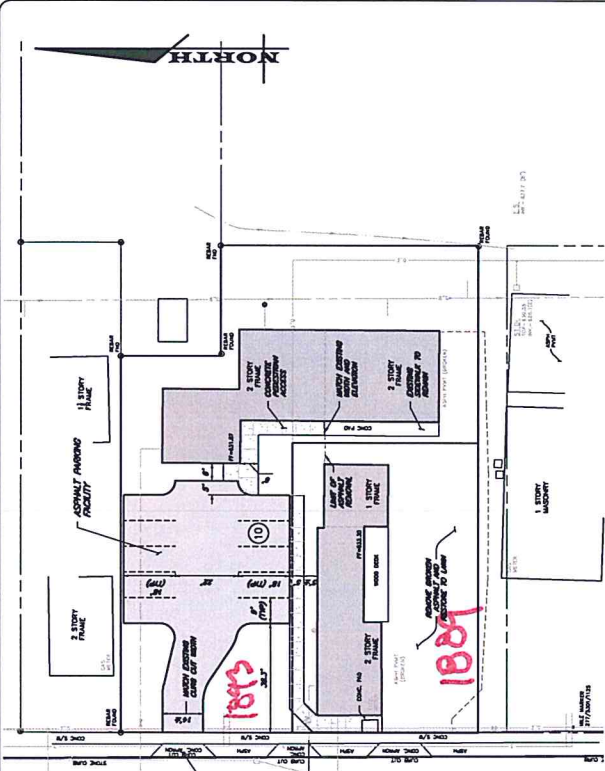
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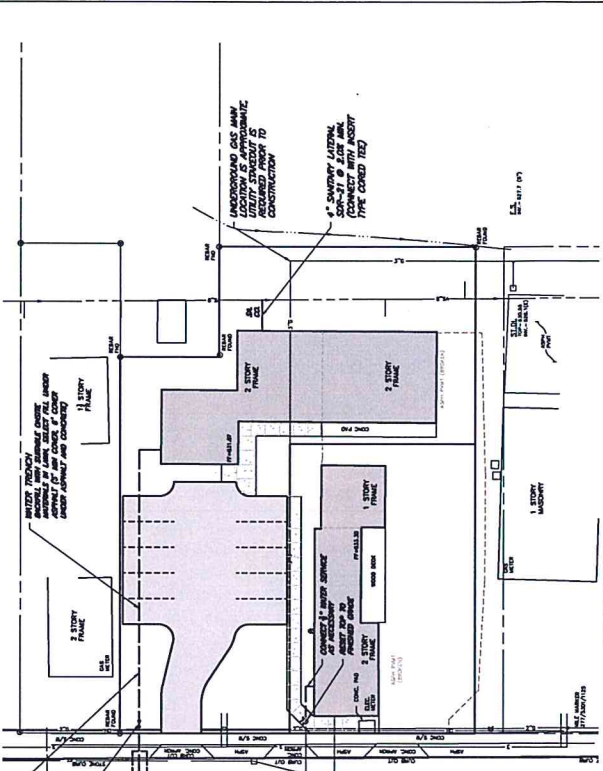
**RESUBDIVISION PLAN**  
 SCALE: 1" = 20'

GRAPHIC SCALE  
 1 inch = 20 ft.





LAYOUT PLAN  
 SCALE: 1" = 20'



UTILITY PLAN  
 SCALE: 1" = 20'

**GENERAL**

- THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE LOCAL, STATE AND FEDERAL AGENCIES AND AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DETERMINING THE HORIZONTAL AND VERTICAL ALIGNMENT OF ALL UTILITIES AND FOR PROVIDING THE NECESSARY RECORD DRAWINGS TO THE CONTRACTOR.
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**CONSTRUCTION**

- BOUNDARY - BOUNDARY INFORMATION WAS TAKEN FROM TITLE PREPARED BY MAZEO LAND SURVEYORS, P.C. DATED 10/20/20 AND IS SHOWN FOR GRAPHICAL REPRESENTATION ONLY.
- ADJUSTMENTS TO THE BOUNDARY INFORMATION WAS TAKEN FROM TITLE PREPARED BY MAZEO LAND SURVEYORS, P.C. DATED 10/20/20 AND IS SHOWN FOR GRAPHICAL REPRESENTATION ONLY.
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**UTILITY NOTES**

**SANITARY**

- ALL SANITARY PIPING SHALL BE 12" POLYETHYLENE GLASS REINFORCED PIPE (PEFRP) UNLESS OTHERWISE SPECIFIED.
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**GENERAL**

- PROPERTY OWNER: MARATHON ENGINEERING, LLC  
 113 PROPERTY ADDRESS: 1081 & 1083 UNION ROAD  
 WEST SENECA, NY 14150  
 113 TAX ACCOUNT # 4191 14182521

**ZONING REQUIREMENTS**  
 C1 AND C2 (BUSINESS COMMERCIAL)

| CATEGORY | REQUIREMENT           | MINIMUM      | MAXIMUM      |
|----------|-----------------------|--------------|--------------|
| GENERAL  | LOT AREA              | 16,000 SQ FT | 13,125 SQ FT |
|          | LOT WIDTH             | 60 FT        | 60 FT        |
|          | LOT DEPTH             | NO DIMENSION | 75 FT 0 IN   |
|          | FRONT YARD SETBACK    | 5 FT         | 12 FT 6 IN   |
|          | SIDE YARD SETBACK     | 5 FT         | 0 FT         |
| PARKING  | PARKING COUNT         | 7            | 0            |
|          | PARKING IN FRONT YARD | NOT ALLOWED  | NO           |

**PROPERTY INFORMATION**

- GENERAL:  
 1.1 PROPERTY OWNER: MARATHON ENGINEERING, LLC  
 1.2 PROPERTY ADDRESS: 1081 & 1083 UNION ROAD  
 WEST SENECA, NY 14150  
 1.3 TAX ACCOUNT # 4191 14182521

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**ZONING REQUIREMENTS**  
 C1 AND C2 (BUSINESS COMMERCIAL)

| CATEGORY | REQUIREMENT           | MINIMUM      | MAXIMUM      |
|----------|-----------------------|--------------|--------------|
| GENERAL  | LOT AREA              | 16,000 SQ FT | 13,125 SQ FT |
|          | LOT WIDTH             | 60 FT        | 60 FT        |
|          | LOT DEPTH             | NO DIMENSION | 75 FT 0 IN   |
|          | FRONT YARD SETBACK    | 5 FT         | 12 FT 6 IN   |
|          | SIDE YARD SETBACK     | 5 FT         | 0 FT         |
| PARKING  | PARKING COUNT         | 7            | 0            |
|          | PARKING IN FRONT YARD | NOT ALLOWED  | NO           |

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 WEST SENECA, NY 14150  
 1.3 TAX ACCOUNT # 4191 14182521

# TOWN OF WEST SENECA



AMY M. KOBLER  
TOWN CLERK

RECEIVER OF TAXES  
REGISTRAR OF VITAL STATISTICS  
NOTARY PUBLIC  
RECORDS MANAGEMENT OFFICER

TOWN SUPERVISOR  
GARY A. DICKSON

TOWN COUNCIL  
WILLIAM BAUER  
JOSEPH J. CANTAFIO  
WILLIAM P. HANLEY JR.  
JEFF PIEKAREC

To: Edward S Rutkowski, P.E.  
NYS DOT, Region

From: Amy M Kobler, Town Clerk

Date: April 13, 2021

Re: Zoning Board application for 1889 and 1893 Union Road

Enclosed is a variance request for the following project:

**2021-024**

Request of Marathon Engineering for a variance for property located at 1889 and 1893 Union Road for the following: 1) 6,600 sf lot area (13,000sf required); 2) 7' rear yard setback (30' setback required); 3) 0 parking spaces (6 parking spaces required); 4) 0' parking setback (3' required); 5) 14' entrance width (30' required); 6) 22' drive lane width (24' required); 7) 6' rear yard setback (30' required)

The West Seneca Zoning Board will be addressing this issue at their next meeting on April 28, 2021 at 6:00 PM at the West Seneca Community Center, 1300 Union Road.

Please submit comments to the West Seneca Town Clerk's office where they will be forwarded to the Zoning Board members.