

# APPLICATION TO BOARD OF APPEALS

X Tel. No. —

Appeal No. 2021-058

Date 10/8/21

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

X I (we) GERRY GOULD of TBF OF WNY

300 Scarsjagueda ST 14211, 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 97 DWYER ST WEST SENECA NY 14224

3. State in general the exact nature of the permission required, Requesting 12' front yard setback w/ new egress window.

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: \_\_\_\_\_

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 [Signature]  
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 R65 Required front yard 30'

Requesting 12' Front yard setback

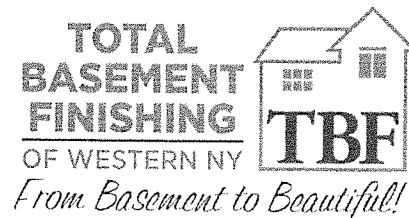
2. Zoning Classification of the property concerned in this appeal R65

### 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. Corner Lot

Building Inspector [Signature]



To whom it may concern,

After applying for a building permit to install an egress window and well at 97 Dwyer Street, the permit was denied for the egress location because the town code does not permit any part of a structure to fall within the required front yard setback. For this zoning, this would be the first 30 feet of any property which abuts a street.

We are being advised to obtain a variance or change the location of the egress window. Our intention is to install the egress window in the location specified to provide egress for an existing living space, and it is the only location available that is not obstructed making it the only accessible location.

We ask that you approve our request for a variance to bring the living space up to code in the location requested on the property survey.

Thank you.

*Theresa Pasinski*

**Production Assistant  
Total Basement Finishing of WNY**

300 Scajaquada Street  
Buffalo, NY 14211  
(716) 331-3218  
[www.tbfofwny.com](http://www.tbfofwny.com)



THIS SURVEY HAS BEEN MADE WITHOUT THE INTERFERENCE OF ANY ADJACENT OWNERS AND IS SUBJECT TO ALL RIGHTS OF EGRESS AND ENJOYMENT OF THE PROPERTY OF THE ADJACENT OWNERS.

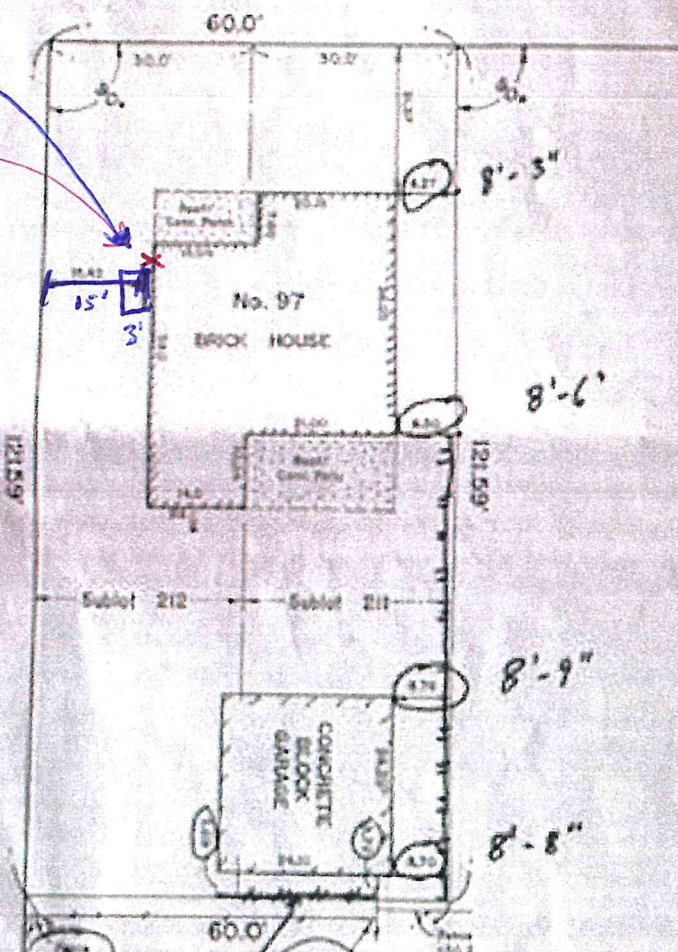
*Requesting Egress Window w/ 12' front yd setback*



DWYER (50' WIDE) STREET

ARCADIE STREET

STREET



*egress*

*6FT HIGH PRIVACY FENCE*

SUBLOTS 211 & 212  
MAP COVER 362  
PART OF LOT 134, TOWNSHIP 10, RANGE 7  
BUFFALO CREEK RESERVATION  
TOWN OF WEST SENECA  
ERIE COUNTY, NEW YORK

Ray L. Sonnenberger  
Land Surveyor  
N.Y.C. Lic. No. 038193  
60 Niagara Street  
Buffalo, New York  
Phone: 716-834-0125 Fax: 716-834-1462

Scale 1" = 20'  
Date NOV. 5, 2007  
Sheet 67989 No. 07-571



approach for 97 Dwyer

Google Maps Arcade St



Image capture: Oct 2012 © 2021 Google

West Seneca, New York  
Google

Street View - Oct 2012

*Requesting 12' setback  
w/ Egress Window*



97 Dwyer side of House



Google

West Seneca, New York



Street View - Oct 2012

Image capture: Oct 2012 © 2011 Google



PROPOSAL

**Total Basement Finishing of WNY**

From Basement to Beautiful  
www.tbtofwny.com

**716-331-3218**

300 Scajaquada Street, Warehouse Office  
Buffalo, NY 14211  
FAX:  
521



**Barone, Mary Ann & Joseph**  
**97 Dwyer Street**  
**Buffalo, NY 14224**

PROPOSAL DATE: **08/16/2021**  
SUBMITTED TO: **Joseph and Mary Ann Barone**  
ADDRESS: **97 Dwyer St Buffalo NY 14224**  
JOB LOCATION: **97 Dwyer St Buffalo NY 14224**

EMAIL:  
HOME: **716-825-2069**  
WORK: --  
CELL: --  
FAX: --

**System Features**

EverLast Perimeter Wall System		2' x 2' Lay In Florescent Light	
EverLast Partition Wall w/ Metal Studs		Nevada Window	
EverLast Insulated Partition Wall System		Wall Surface Mounted Handrail One Side	
EverLast Non-Insulated Wall		Open Mahogany Stair Railing - White	
ZenWall		Half Wall	
Basement to Beautiful Panels		Structural Permit & Electrical Permit	
EverLast Wall Restoration		Basement Rip-out up to 700 sq. ft.	
6 Panel Primed Door - Knobs		Dumpster	
Louvered Door - Knobs		Access Panel	
Bi-Fold Door - Knobs		Decorative Post Surrounds	
Exterior Door Knobs		Modify Existing Ductwork	
Prestige Ceiling 2' x 2'		Electrical Baseboard Heat 200 sq. ft.	
Finished Linen Ceiling 2' x 2'		SaniDry XP Air System	
Box-out Ducts / Girders		FloodRing	
Painted Ceiling		FloodChek Hoses	
EverLast Basement Window		UltraSump Battery Backup Pump	
Egress Window System	1	Full Bathroom Package	
SunHouse Basement Window		Half Bathroom Package	
EverLast Window Insert		Sewage Ejector Installation	
Base Electrical		ThermalDry Carpeted Flooring - Charcoal	
Electrical Sub Panel		ThermalDry Tiled Flooring - Sandstone	
Outlets, Switches & Jacks		MillCreek Flooring - Mahogany	
Electrical Smoke Alarms		Plain ThermalDry	
Recessed Can Lights			

APPROX. INSTALLATION DATE:  
APPROX. COMPLETION DATE:  
(weather & materials permitting)

*Deposit on credit cards*  
*Joseph Barone*  
*4400 6687 2453 0078*  
*exp. 03/26 740 \$1,162*  
*4888 9312 4396 9990*  
*exp 09/23 9990 021*  
*\$ 1,000*  
*4465 4203 5461 5072*  
*exp. 11/24 415 1,000*

DETAILED DRAWING ATTACHED

**SERVICES NOT INCLUDED**

1. Moving of Drains, Gas Lines or Oil Line
2. Painting or Staining (Unless Specified)
3. Modifications to Heating Ducts or Security Systems (Unless Specified)
4. Carpentry or Closet Shelving
5. Waterproofing (Unless Specified)
6. Work required by Building Officials not listed herein
7. Any items or work not specifically listed herein

The basement wall and finishing system is not a basement waterproofing system. Water problems are the responsibility of the Buyer. Mold, mildew, and fungal growth can occur under certain conditions. While the materials used in the basement wall system are mold resistant, the Contractor cannot control the conditions under which they occur. There are no warranties against mold, mildew, and fungal growth by the Contractor or Manufacturer other than the Manufacturers warranties, if any, provided with the products installed under this Agreement. The majority of the components of this basement finishing system are constructed from mold resistant materials to eliminate a large part of the food source that promotes mold growth. This system is mold, water, stain, and fire resistant. Buyer hereby requests, and Contractor, an independently owned and operated dealer, agrees to install the products and perform the services at Buyer's address provided herein. Buyer agrees to sign a completion certificate upon completion of the services and installation of the products. THE TERMS AND CONDITIONS ON THE ATTACHED ADDENDUM ARE INCORPORATED HEREIN IN FULL. BY SIGNING BELOW, BUYER AGREES TO THE TERMS AND CONDITIONS OUTLINED ABOVE AND ON THE ATTACHED ADDENDUM TO THIS AGREEMENT.

Total Contract Price	\$	6324.00
Deposit With Order	50%	\$ 2213.40
Payment on Measure	%	\$
Payment on Start	%	\$
Balance Due on Substantial Completion	50%	\$ 3,162
Total Amount of Balance to be Financed		\$

*\$3,162*

If financed, balance is payable in \_\_\_\_\_ monthly installments of approximately \$ \_\_\_\_\_ per month. Owner will pay said amount plus such interest and credit service charge of lending institution payable directly to the lending institution loaning such monies to "Owner" and will execute a Retail installment obligation and any documents required by such lending institution in connection with said loan.

Authorized signature:  Date *8-16-2021*

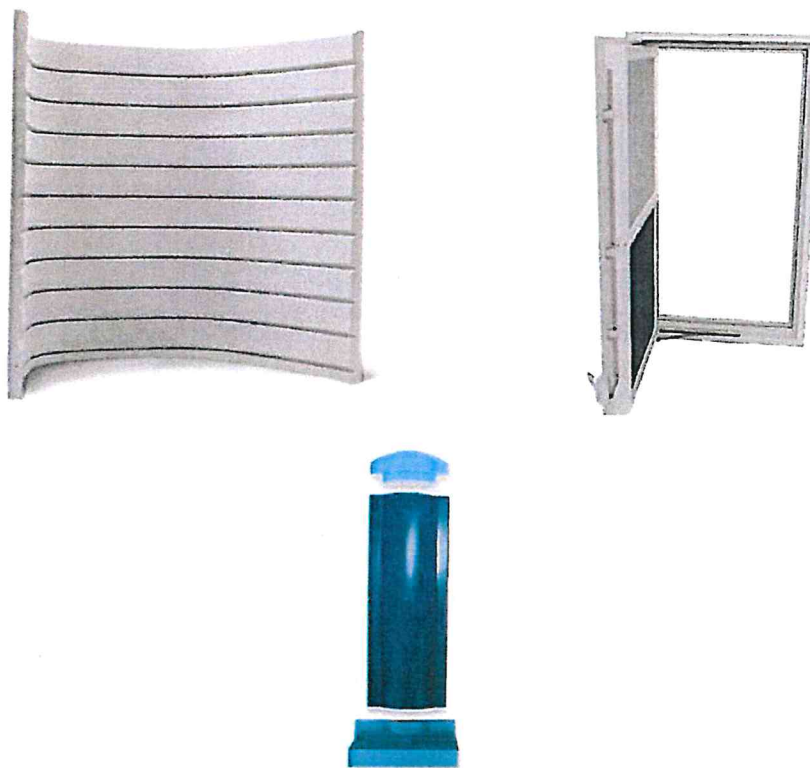
Acceptance of Proposal. The above System Features, prices, specifications, terms and conditions, and attached Addendum are satisfactory and are hereby accepted by Buyer. Contractor is hereby authorized to do the work as specified herein. Payment will be made as outlined above.

Signature X: *Mary Ann Barone* Date *8/16/21*

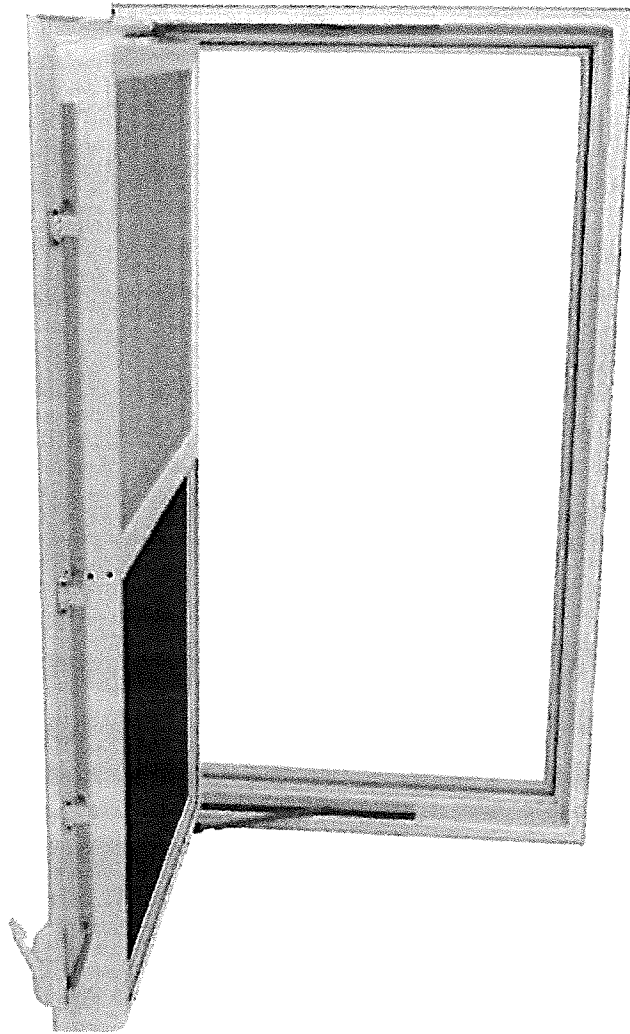
- If stamped drawing is required, Customer will pay Architect directly at initial measurement. X
- Customer will reimburse FBTBF for Permit Fees. X
- If more or less Electrical units are used, X



## ROCKWELL DENALI & ESCAPE EGRESS WINDOW SYSTEM



- **Rockwell Denali WD-583948**
  - 58" Width x 39" Projection x 48" Height
- **ESCAPE Vinyl Hinged Single Hung Egress Window**
  - Egress size has minimum unobstructed opening of 5.7 sq ft.
- **WellDuct Kit**
  - Establishes a drain from your window well to an interior perimeter drain



## **ESCAPE Vinyl Hinged Single Hung Egress Window**

- Meets IRC building code for egress
- All vinyl frame is maintenance free - No painting or rusting
  - Swings inward to open
- Egress size below has minimum unobstructed opening of 5.7 sq/ft.
  - Guardian ClimaGuard glass package
  - Lower sash raises for ventilation
    - Made in USA





# SPEC SHEET

## 2846 Tilt & Turn Window

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### Dimensions

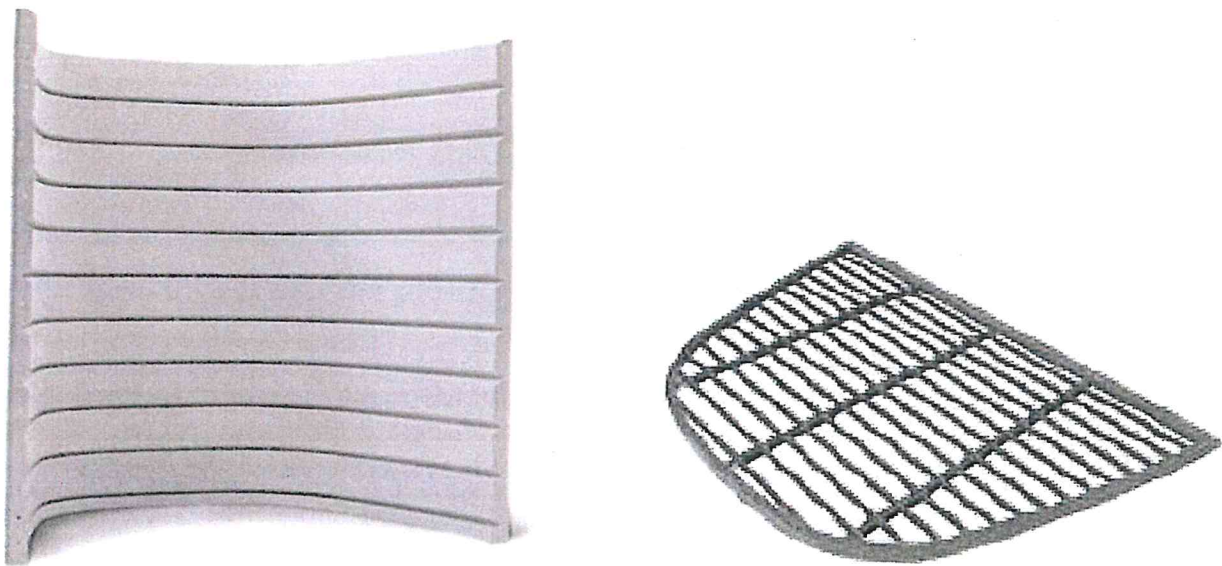
Exterior Frame Width	28.00"	Exterior Frame Height	46.00"
Jamb Depth	2.75"	Product Depth - less handle	3.5625"
Clear Opening Width	23.00"	Clear Opening Height	41.00"
Net Clear Opening	6.55 SF	Light Surface Area	4.67 SF
Vent Opening W x H	21.625" x 38.625"	Ventilation Area	5.80 SF
Wood R/O Width	28.50"	Wood R/O Height	46.50"

### Product Details

Frame/Sash Color	White	Hardware Color	White
Frame Material	Vinyl - welded, steel reinforced	Sash Material	Vinyl - welded, steel reinforced
Sash Lock	One cam-action	Frame Lock	One multi-point single actuator
Weight	75.00 lbs.	Screen	Full removable fiberglass
Frame Type	Block	Window Type	Tilt & Turn
Window Use Type	Remodeling, new construction	Window Handing	Left or Right
Glass Type	Low-E	Glazing Type	Double-pane
U-Factor	0.25	SHGC	0.61

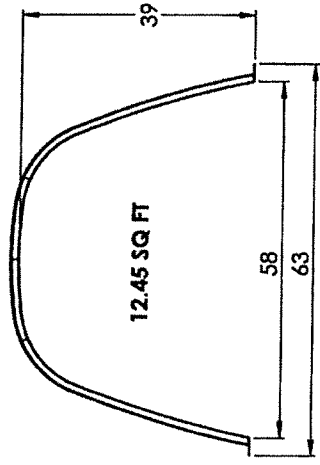
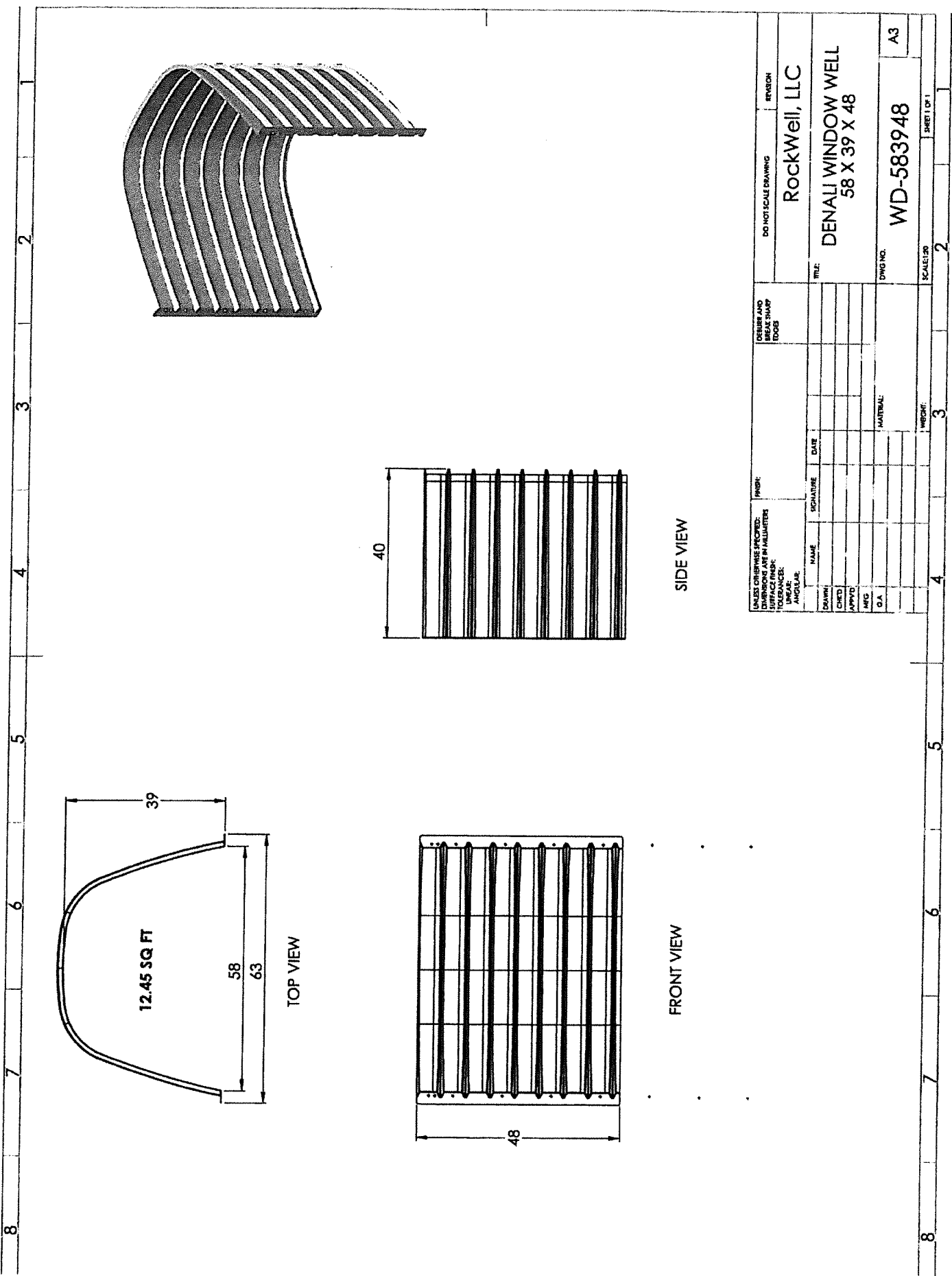
# **ROCKWELL™** WINDOW WELLS

## **ROCKWELL DENALI WD-583948**

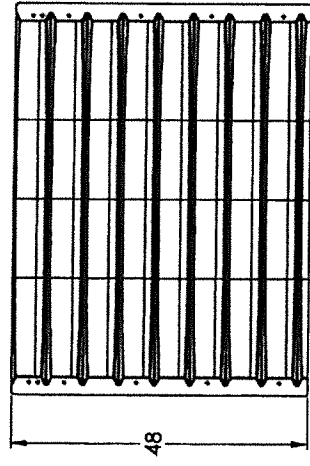


- The Rockwell Denali egress window well is used to keep earth away from basement
  - Made from heavy-duty fiberglass, which will never dent and remain rust free
    - Reduces injury with no sharp edges
  - Grate is manufactured with milled steel and powder coated
    - Rockwell 4' escape ladder included

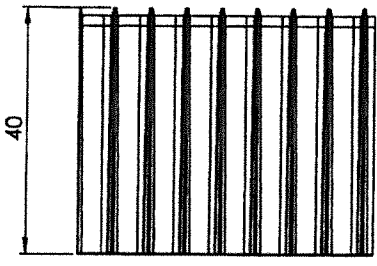




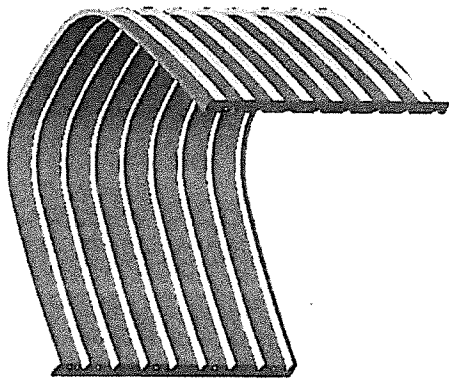
TOP VIEW



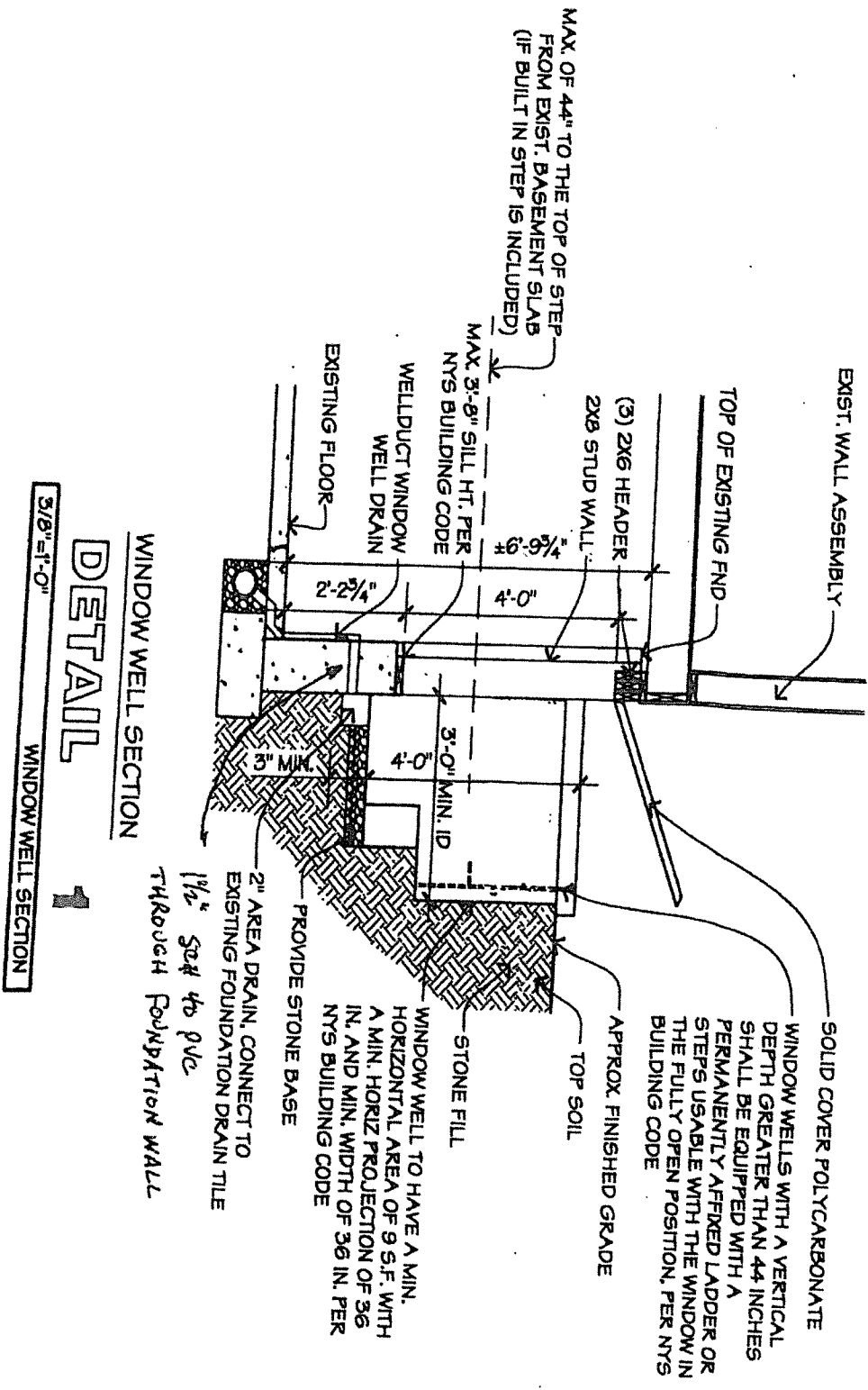
FRONT VIEW



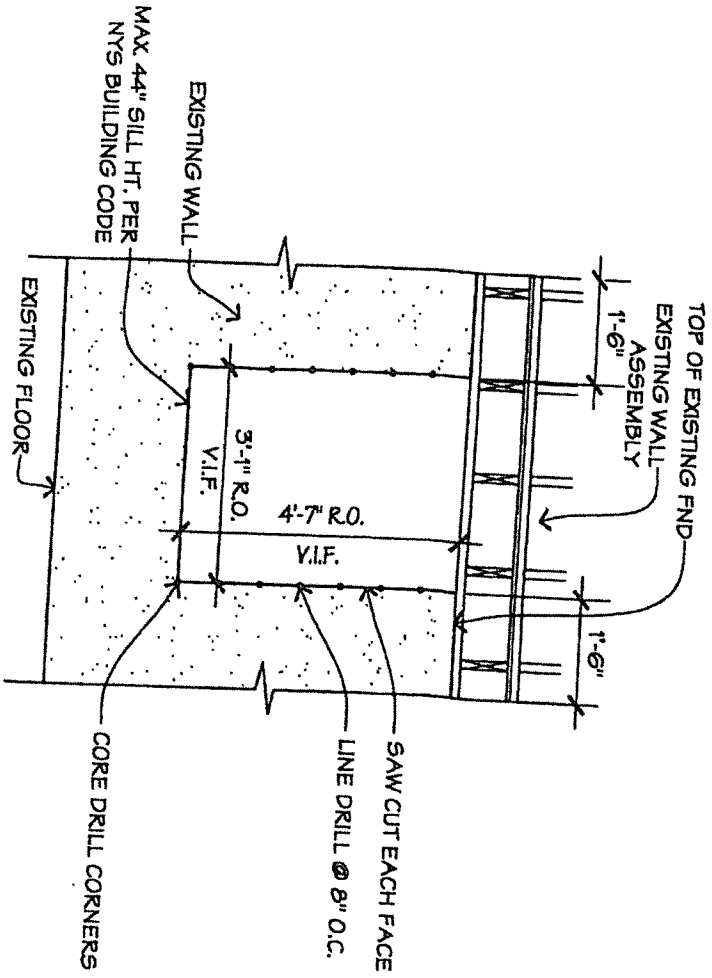
SIDE VIEW



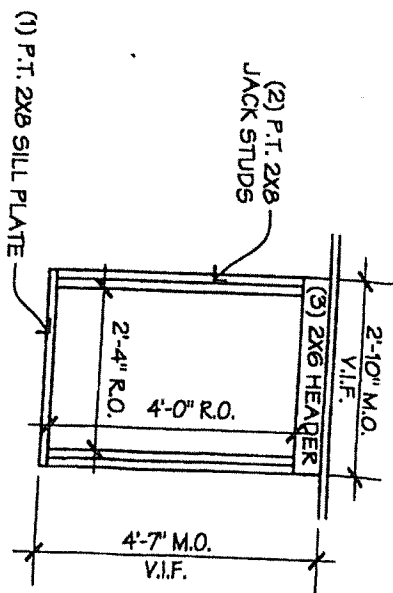
UNLESS OTHERWISE SPECIFIED: DIMENSIONS ARE IN MILLIMETERS DIMENSIONS IN PARENTHESES ARE IN INCHES TOLERANCES: LINEAR: ANGULAR:		PROJ:	DO NOT SCALE DRAWING	REASON
NAME	SIGNATURE	DATE	RockWell, LLC	
DRAWN			TITLE: DENALI WINDOW WELL 58 X 39 X 48	
CHECKED			DWG NO: WD-583948	
APPROVED			SCALE: A3	
MFG			SHEET 1 OF 1	
D.A.			SCALE: 2	
MATERIAL:		3		2
MESH:		4		5
		6		7
		8		8



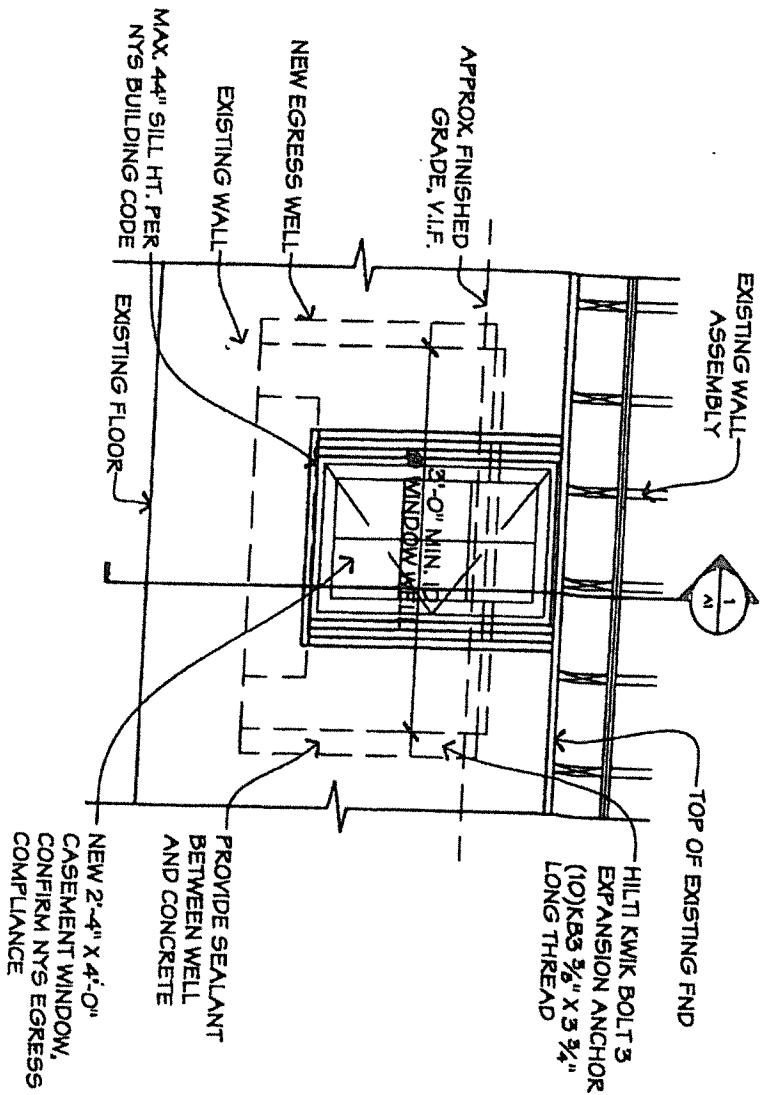




**DETAIL 2**  
 3/8"=1'-0"  
 CONCRETE ROUGH OPENING



**DETAIL 3**  
 3/8"=1'-0"  
 WINDOW FRAMING



# DETAIL 4

3/8" = 1'-0" WINDOW WELL WALL ELEVATION