

# APPLICATION TO BOARD OF APPEALS

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

Appeal No. 2015-038  
Date 6/10/15

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

I (we) TOMMASO BRUNICO ARCHITECT of T.B. ARCHITECTS,  
HEREBY APPEAL TO THE ZONING BOARD OF APPEALS FROM THE

DECISION OF THE BUILDING INSPECTOR ON AN APPLICATION FOR A BUILDING PERMIT NO. \_\_\_\_\_

DATED \_\_\_\_\_, 20\_\_\_\_, WHEREBY THE BUILDING INSPECTOR DID DENY TO

RECEIVED  
CLERKS OFFICE  
WEST SENECA, N.Y.  
2015 JUN 10 AM 11:24

- 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) VARIANCE FOR DRIVE THRU WINDOW

2. LOCATION OF THE PROPERTY 2566 SENECA STREET

3. State in general the exact nature of the permission required, EXISTING DRIVE THRU WINDOW, REDUCTION IN DRIVING STACK FROM 5 TO 2 CARS.

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:

EXISTING GAS STATION & CARWASH/STORKE

B. Interpretation of the Zoning Ordinance is requested because: EXISTING DRIVE THRU // NEW BUSINESS, PLANNING BOARD REQUIRED VARIANCE TO USE

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: \_\_\_\_\_

Tommaso Brunico  
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 120-41(2) REQUIRED STACKING FOR DRIVE THRU - 5 REQUIRED

- 2 REQUESTED

2. Zoning Classification of the property concerned in this appeal C-2(S)

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.

[Handwritten Signature]

4. A statement of any other facts or data which should be considered in this appeal. \_\_\_\_\_

# TOMMASO BRIATICO ARCHITECTS

ARCHITECTURE ■ PLANNING ■ DESIGN

May 11, 2015

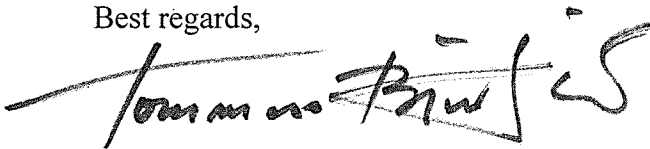
**Town of West Seneca**  
**Planning Board – Site Plan Review**  
1250 Union Road  
West Seneca, NY 14224

Re: 2566 Seneca Street  
Project No. 2014.51

The owner of the gas station and convenience store located at 2566 Seneca Street is seeking an approval for use of a drive-thru window located along the east wall of the recently renovated (1451 SF) building. The drive-thru window is to be utilized for quick purchases and pick up of items sold at the convenience store, (order and pick-up will occur at the window.) The building and site will be maintained and used in the same fashion. All of the existing site features will be maintained, such as the original signage, green space, and parking area. Signage will be provided to clearly indicate the direction of driveway traffic and 4" diameter bollards will be provided to maintain security at the corner of the building, at the pick-up window, near the building entrance, and at the rear mechanical units.

Thank you for your assistance, and if you have any further questions please feel free to call the office and we will answer any questions you have to the best of our ability.

Best regards,

A handwritten signature in black ink that reads "Tommaso Briatico" followed by a stylized flourish.

Tommaso Briatico Architect

120 West Tupper Street Buffalo NY 14201

t 716-856-9131 f 716-849-0683 www.tb-arch.com

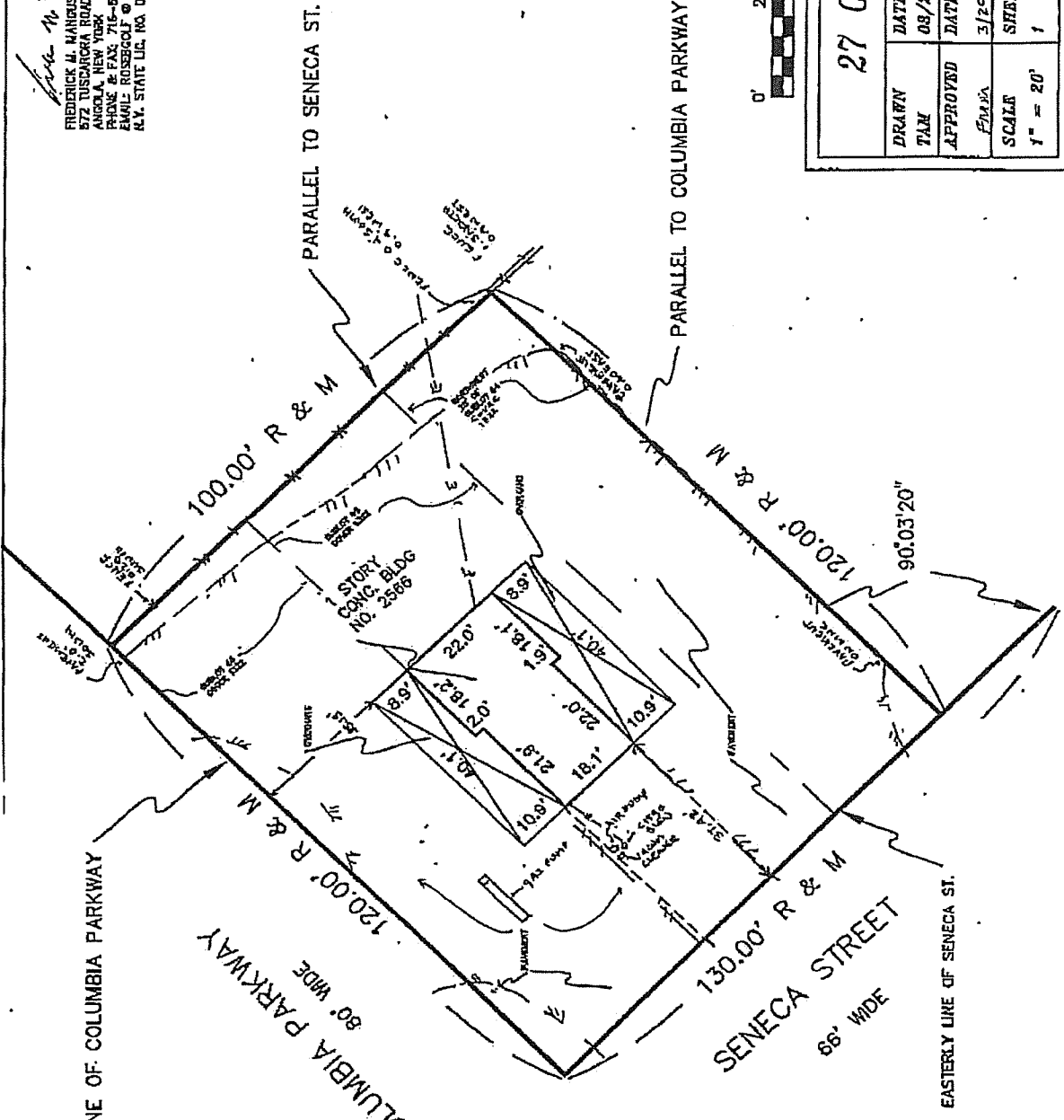
*John M. May*  
 FREDERICK M. MANGISO  
 572 TUSCARORA ROAD  
 ARGOLA, NEW YORK 14005  
 PHONE & FAX 716-848-4717  
 EMAIL: ROSEBOLT@AOL.COM  
 N.Y. STATE LIC. NO. 048775-1

LEGEND

- Thin solid line indicates  
 the boundary of the lot  
 as shown by the survey
- --- ---  
 DISTANCE FROM THE  
 CENTER LINE OF THE  
 ROAD
- --- ---  
 CENTER LINE OF THE  
 ROAD
- --- ---  
 CENTER LINE OF THE  
 ROAD
- --- ---  
 CENTER LINE OF THE  
 ROAD
- --- ---  
 CENTER LINE OF THE  
 ROAD



<b>27 CAYUGA AVE</b>		<b>PART OF LOT 1, SEC 10</b>	<b>T 11, R 6, VILLAGE &amp;</b>
<b>DRAWN</b>	<b>DATE</b>	<b>TOWN OF LANCASTER ERIE</b>	<b>CO., STATE OF NEW YORK</b>
TAM	08/26/04		
<b>APPROVED</b>	<b>DATE</b>	<b>PROJECT NO.</b>	<b>2004083</b>
F.M.A.	3/29/04		
<b>SCALE</b>	<b>SHEET</b>		
1" = 20'	1		



1. UNDESIGNED ALTERATION OR ADJUST TO A SURVEY LINE SHOULD BE AVOIDED UNLESS NECESSARY BY A VARIATION OF SURVEY DATA, BUT THE RECORD OF THE NEW YORK STATE SURVEYING LIST MAY BE A VARIATION OF CORRECTED LATITUDE RECORDS OF THE JITTER AND/OR CORRECTED RECORD IS OBTAINED.
2. ONLY SURVEY DATA WITH THE SURVEYOR'S CORRECTED DATA AND CORRECT COPY OF THE SURVEYOR'S RECORD AND RECORD.
3. "A COPY OF THIS DOCUMENT WITHOUT A PRINTED AND SIGNATURE OF THE SURVEYOR'S CORRECTED RECORD SHOULD BE APPLIED TO BE AN UNAUTHORIZED COPY."

- SURVEY NOTES**
1. "ONLY WHILE SURVEYING THROUGH THE WATERS OF THE STATE OF NEW YORK, THE SURVEYOR SHALL BE HELD RESPONSIBLE FOR THE ACCURACY OF HIS SURVEYING, AND UNDESIRABLE VARIATIONS, ACCIDENTS, AND DAMAGES."
  2. THE LOCATION OF UNDESIGNED IMPROVEMENTS OR ENCROACHMENTS ARE NOT ALWAYS KNOWN AND OFTEN MUST BE ESTIMATED. IF ANY UNDESIGNED IMPROVEMENTS OR ENCROACHMENTS EXIST ON THE SURVEY, THE SURVEYOR OR ENCROACHMENTS ARE NOT KNOWN BY THE SURVEYOR."
  3. "THESE NOTES ARE THE PROPERTY OF THE SURVEYOR AND ARE NOT TO BE REPRODUCED OR USED IN ANY MANNER WITHOUT THE WRITTEN CONSENT OF THE SURVEYOR."

**617.20**  
**Appendix B**  
**Short Environmental Assessment Form**

**Instructions for Completing**

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>			
Name of Action or Project: Drive Thru Pick-up Window at Gas Station and Convenience Store			
Project Location (describe, and attach a location map): 2566 Seneca Street. West Seneca, New York 14224			
Brief Description of Proposed Action: An existing two pump gas station and existing convenience store is seeking approval for use of a drive thru window along the east side of the building. The site is to be maintained and used in the same fashion.			
Name of Applicant or Sponsor: Tommaso Briatico Architects		Telephone: 716.856.9131	
		E-Mail: tbriatico@tb-arch.com	
Address: 120 W. Tupper Street			
City/PO: Buffalo		State: New York	Zip Code: 14201
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		_____ 0.32 acres	
b. Total acreage to be physically disturbed?		_____ 0.0 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ 0.32 acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input checked="" type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?  If No, describe method for providing potable water: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?  If No, describe method for providing wastewater treatment: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? b. Is the proposed action located in an archeological sensitive area?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES  b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES Existing systems will be used and augmented, to capture all runoff and storm drain discharge.	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

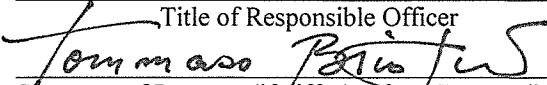
18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor name: <u>TOMMASO BRINTICO</u>	Date: <u>JUNE 10, 2015</u>	
Signature: <u><i>Tommaso Brintico</i></u>		

**Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2.** Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3.** For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input checked="" type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
Tommaso Briatico Architects	05/11/15
_____ Name of Lead Agency	_____ Date
Tommaso Briatico	Tommaso Briatico
_____ Print or Type Name of Responsible Officer in Lead Agency	_____ Title of Responsible Officer
_____ Signature of Responsible Officer in Lead Agency	 _____ Signature of Preparer (if different from Responsible Officer)

**PRINT**

HASSAN MOHAMMAD  
 1150 SHERIDAN DRIVE  
 TONAWANDA, NY 14150

PROJECT  
**GAS STATION  
 CONVENIENCE  
 STORE**  
 2566 SENECA STREET  
 BUFFALO, NY 14224

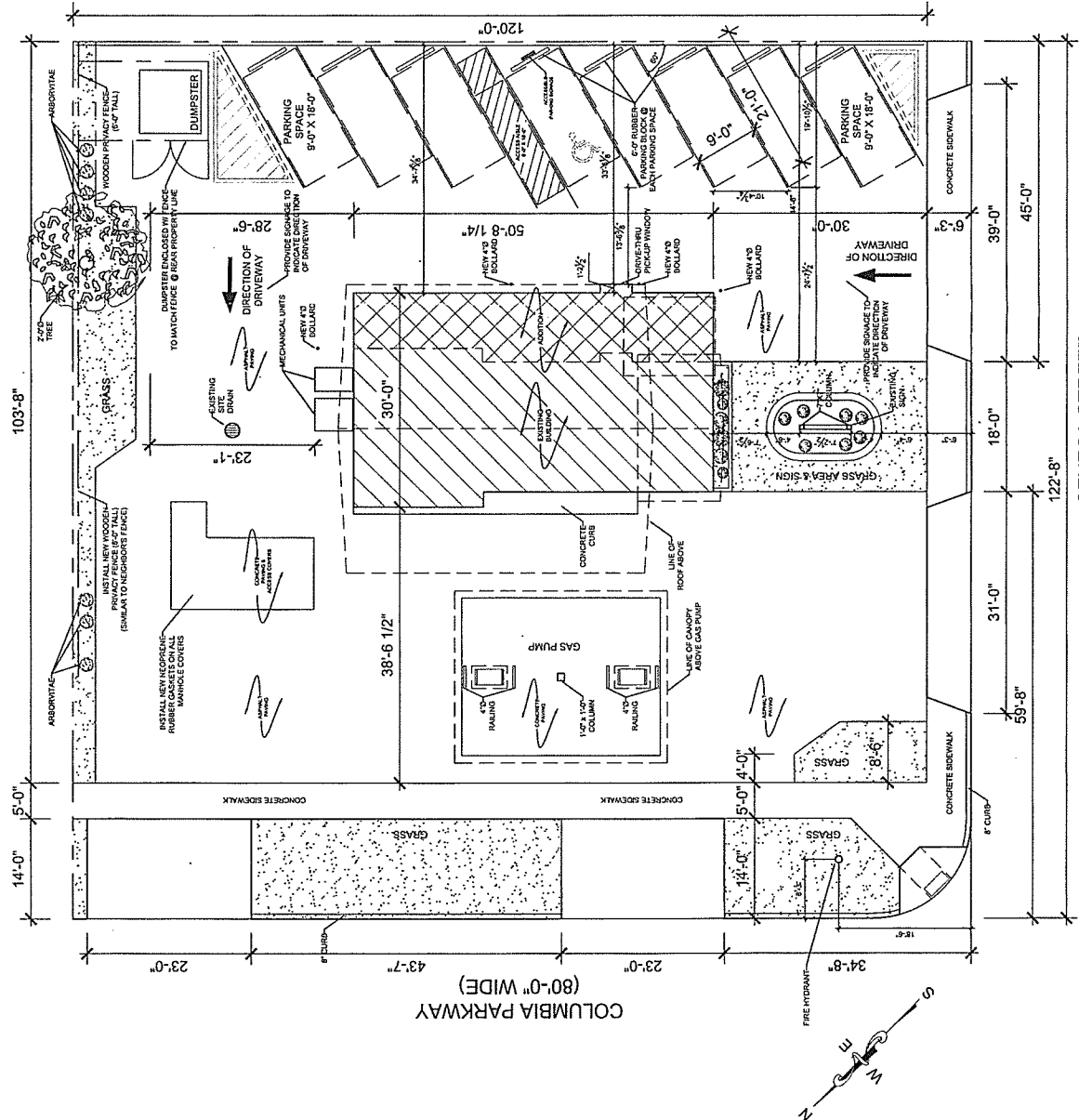
PROJECT NO. 20143  
 NOTES

PROJECT ARCHITECT:  
**TOMMASO BRATICO ARCHITECTS**  
 1201 E. TONAWANDA ST. SUITE 102  
 TONAWANDA, NY 14150  
 716.434.2011  
 www.tb-a.com

DATE: 01/13  
 DRAWING NO.  
**A-101**

PROPOSED  
 SITE PLAN

SCALE: AS SHOWN  
 SHEET NO.  
**A-101**



**1** PROPOSED SITE PLAN  
 SCALE: 1/16" = 1'-0"