

TOWN OF WEST SENECA

APPLICATION FOR REZONING – SPECIAL PERMIT

TO BE COMPLETED BY APPLICANT

DATE 7/10/14

FILE # 2014-09

PROJECT NAME Buffalo Geothermal Heating Headquarters Building

PROJECT LOCATION (Include address and distance to nearest intersection)
117 French Rd w/ frontage on Clinton Street

APPLICANT Buffalo Geothermal Heating PH/FAX 684-8898

ADDRESS 2125 William St. Cheektowaga, NY 14206

PROPERTY OWNER 250 Lein Road LLC PH/FAX _____

ADDRESS _____

ENGINEER/ ARCHITECT Robert Conway PH/ FAX 631-1160

ADDRESS 2320 Wehler Dr. Williamsville, NY 14221

SBL # 129.10-3-5.21

PROJECT DESCRIPTION (Include all uses and any required construction)
Construction of a new concrete building with steel and glass office space and green vegetated roof. Will house warehousing space and vehicles as well as offices for employees.

SIZE OF LOT (acres) 2.0 ACREAGE TO BE REZONED 2.0

ADJACENT ROAD NAMES AND AMOUNT OF FRONTAGE ON EACH

Clinton Street, 600' Frontage

EXISTING ZONING R-100A PROPOSED ZONING C-1

EXISTING USE(S) ON PROPERTY Green space

PROPOSED USE(S) ON PROPERTY Warehouse, office space for business

EXISTING USE(S) AND ZONING ON ALL PROPERTY WITHIN 500 FEET
R-100A residential, C-1 commercial retail,

PUBLIC SEWER YES NO

PUBLIC WATER YES NO

VARIANCES AND OTHER APPROVALS OR PERMITS REQUIRED

Setback variance for frontage to locate proposed building within the required 40' setback area.

APPLICATIONS WILL NOT BE ACCEPTED WITHOUT COMPLETION OF ALL REQUIREMENTS LISTED HEREIN

TO BE COMPLETED BY THE TOWN OF WEST SENECA

DATE RECEIVED 07/21/2014 BY [Signature]

PLANNING BOARD MEETING DATE 08/14/2014

TOWN BOARD MEETING DATE 09/08/2014

TOWN BOARD RESOLUTION DATE _____

NON - REFUNDABLE FILING FEE (Payable to the Town Clerk): \$ 1150.00

June 6, 2014

Town Board of the Town of West Seneca
1250 Union Road
West Seneca, New York 14224

Ref: SBL#124.10-3-5.21, 117 French Road

Town Board,

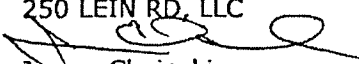
Please let this letter serve as signed authorization by the owner of the above referenced premises permitting Buffalo Geothermal LLC, Jens Ponikau, to submit a petition to amend a portion of the zoning map of the Town of West Seneca, NY.

It is our understanding that the petition is to amend a portion of the present zoning classification of R-100A/C-1 to a proposed classification of all C-2 zoning for 2 Acres with frontage on Clinton Street.

Let this letter also serve as official record, that the owner will negotiate and record an Ingress/Egress easement for the existing driveway and curb cut from Clinton Street for the use of the new development access to Parking and facility.

If any question should remain, please advise.

Sincerely,
250 LEIN RD, LLC


James Choinski
Owner

Cc: Colby A. Smith, Colby Development, LLC

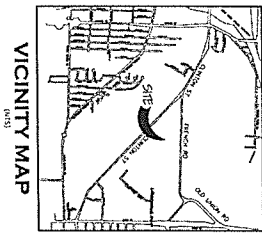
**Legal Description
2 Acre-Vacant Lot
Clinton Street
West Seneca, New York**

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of West Seneca, County of Erie and State of New York, being part of Lot Nos. 13 & 33, Township 10, and Range 7 of the Ebenezer's Lands, as shown on Map Cover 58 filed in the Erie County Clerk's Office, being more particularly bounded and described as follows;

COMMENCING at the northwest corner of Lot 13, which point is also the point of intersection of the centerline of French Road with the centerline of Clinton Street; Thence southeasterly along the centerline of Clinton Street a measured distance of 369.77 feet (363.13 feet record) to the southeast corner of lands now or formerly conveyed to Vincent J. Paszek as recorded in the Erie County Clerk's Office under Liber 10937 of deeds at page 4501; Thence northeasterly along the southeasterly line of said lands conveyed to Paszek at right angles to said centerline of Clinton Street a distance of 59.4 feet to a point on the existing northeasterly line of Clinton Street as conveyed to the County of Erie, Map No. 7, Parcel No. 7 as recorded in the Erie County Clerk's Office under Liber 2376 of deeds at page 416 being the **Point of Beginning**; Thence northeasterly continuing along the southeasterly line of said lands conveyed to Paszek a distance of 78.37 feet to the southeast corner of lands now or formerly conveyed to Mack A. Ellis as recorded in the Erie County Clerk's Office under Liber 11134 of deeds at page 9426; Thence southeasterly along a line at an interior angle of 99°54'30" thru lands conveyed to 250 Lein Road, LLC a distance of 594.86 feet; Thence southwesterly along a line at an interior angle of 80°05'30" continuing thru said lands conveyed to 250 Lein Road, LLC a distance of 207.12 feet to a point on the northeasterly line of Clinton Street; Thence northwesterly along the northeasterly line of Clinton Street at an interior angle of 90°00'00" a distance of 263.15 feet to the southeast corner of said lands conveyed to the County of Erie, Map No. 7, Parcel No. 7; Thence northwesterly continuing along the northeasterly line of Clinton Street being the northeasterly line of said lands conveyed to the County of Erie, Map No. 7, Parcel No. 7 a distance of 323.91 feet to the Point of Beginning, containing 2.00 acres more or less.

SUBJECT to Easements, Rights of Way and Restrictions of record.

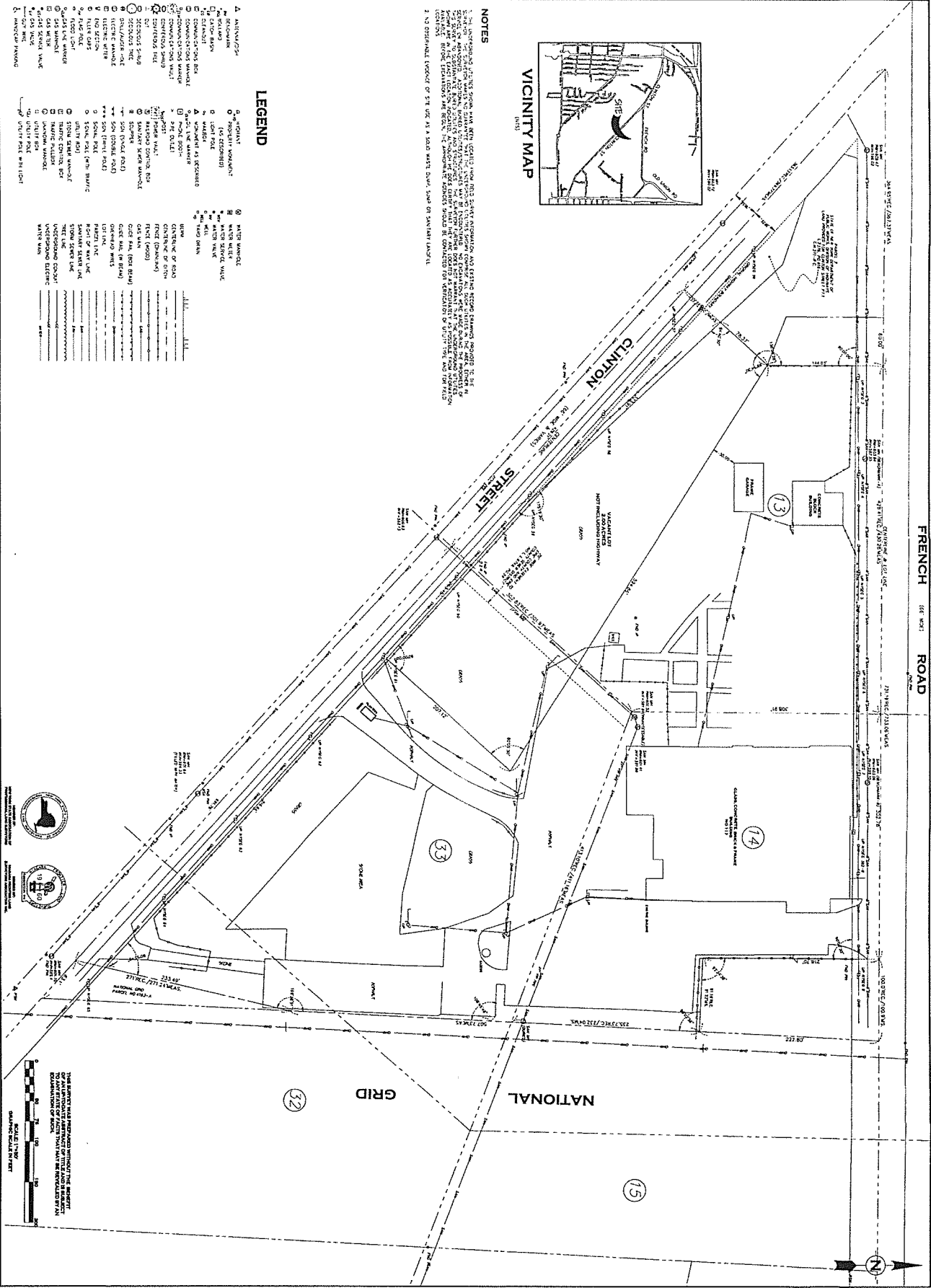
FRENCH ROAD



NOTES
1. THE BOUNDARIES OF THIS SYSTEM SHALL BE THE RESULT OF MEASUREMENTS MADE BY THE SURVEYOR...

LEGEND

- A. ANTENNA
B. WINDOW
C. PROTRUSION
D. GROUND
E. ELEVATION
F. CROWN
G. WATER
H. WALL
I. CURB
J. SIDEWALK
K. DRIVE
L. DRIVE
M. DRIVE
N. DRIVE
O. DRIVE
P. DRIVE
Q. DRIVE
R. DRIVE
S. DRIVE
T. DRIVE
U. DRIVE
V. DRIVE
W. DRIVE
X. DRIVE
Y. DRIVE
Z. DRIVE



TOWN OF WEST SENECA
COUNTY OF ERIE, STATE OF NEW YORK
PART OF LOT 13 & 33
EBENEZER LANDS
VACANT LOT - CLINTON ST
BOUNDARY SURVEY

ENGINEERING
LAND SURVEYING
WM. SCHUTT & ASSOCIATES, P.C.

Table with columns: DESIGNED BY, DRAWN BY, CHECKED BY, DATE. Includes a WARNING section.

Table with columns: ITEM, DATE, DESCRIPTION. Drawing Revisions table.

Short Environmental Assessment Form

Part 1 - Project Information

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.

Part 1 - Project and Sponsor Information			
Name of Action or Project: Buffalo Geothermal Heating Headquarters building			
Project Location (describe, and attach a location map): 117 French Road			
Brief Description of Proposed Action: Construction of a new concrete building with steel and glass office space and green vegetated roof. Minimal impervious parking space and partial underground warehouse and vehicle storage.			
Name of Applicant or Sponsor: Buffalo Geothermal Heating		Telephone: 716-684-8848 E-Mail: cmelonic@gmail.com	
Address: 2125 William Street			
City/PO: Cheektowaga,		State: NY	Zip Code: 14206
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"/>
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: Town of West Seneca			YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action? _____ 2.0 acres			
b. Total acreage to be physically disturbed? _____ 1.0 acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 2.0 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 checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input checked="" type="checkbox"/>	<input 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: Building will utilize geothermal heating and cooling, and have a very low building load. _____	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?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<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"/>	
	<input 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 checked="" type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" 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 checked="" type="checkbox"/> NO <input type="checkbox"/> YES _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

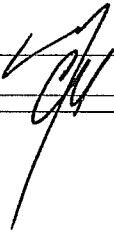
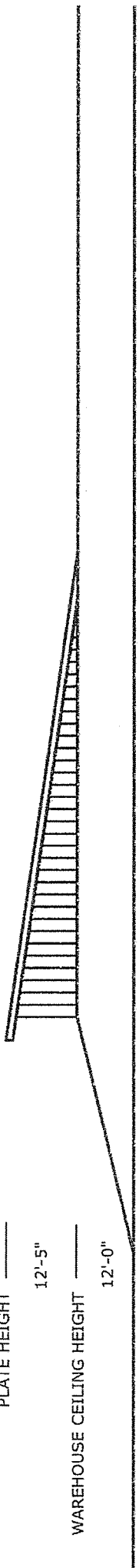
<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p>		
<p>Applicant/sponsor name: <u>Charles T Melonic</u> Date: <u>7-8-2014</u></p> <p>Signature: _____ </p>		

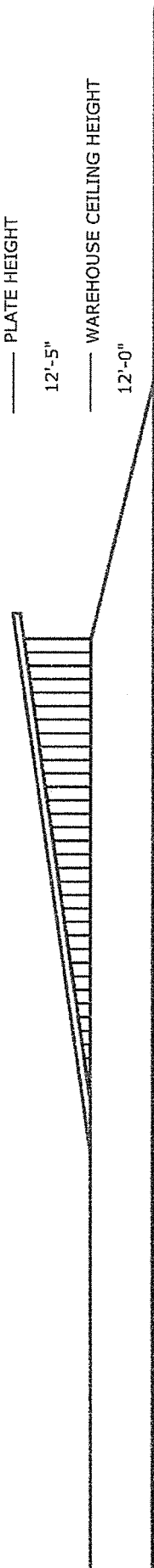
PLATE HEIGHT _____
12'-5"
WAREHOUSE CEILING HEIGHT _____
12'-0"



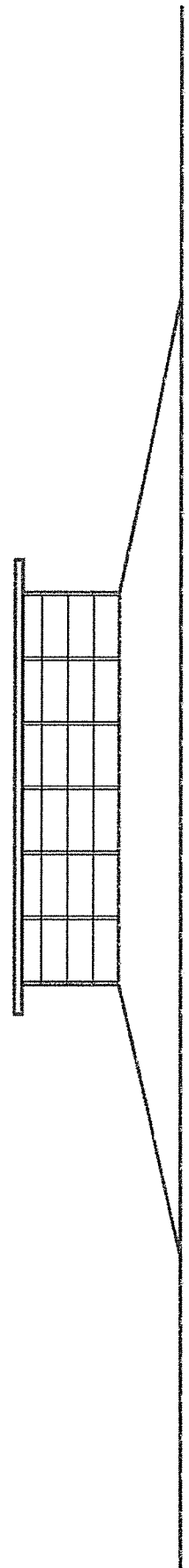
1 NORTH ELEVATION
SCALE: NTS

2 WEST ELEVATION
SCALE: NTS

PLATE HEIGHT
12'-5"
WAREHOUSE CEILING HEIGHT
12'-0"



3 SOUTH ELEVATION
SCALE: NTS

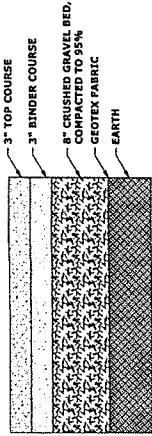


4 EAST ELEVATION
SCALE: NTS



APPLICANT DATA:

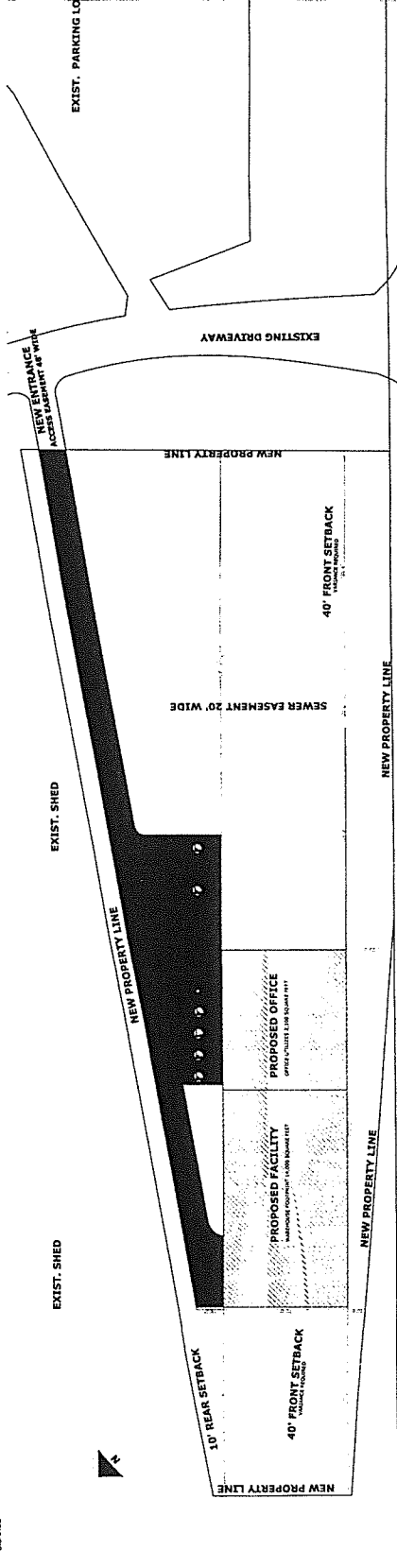
APPLICANT NAME: BUFFALO CENTRAL HEATING, LLC
APPLICANT TELEPHONE: 716-644-2668
OWNER OF RECORD: 250 LEN RD, LLC
DRAWING PREPARED BY: CHARLES MELONGE



PAVEMENT DETAIL
SCALE: 1/16" = 1'-0"

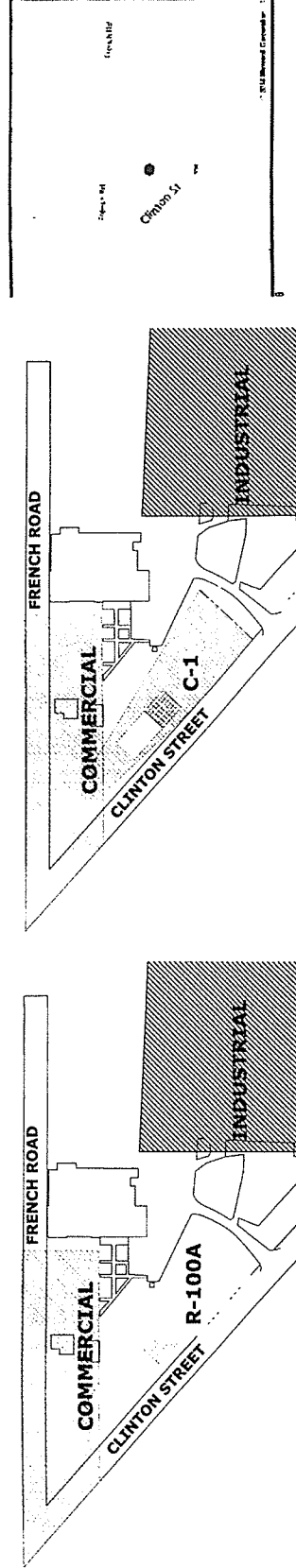
SITE PLANNING DESIGN DATA

DISTRICT AREA	R-100A (TO BE REZONED TO C-1)
TOTAL SITE AREA	87,210 SF (0.2 ACRES)
PROPOSED BUILDING VOLUME	14,000 SF
TOTAL BUILDING AREA	18,100 SF
EXISTING PAVEMENT AREA	13,300 SF
PROPOSED PAVEMENT AREA	10,000 SF
BUILDING COVERAGE ALLOWABLE	60%
PROPOSED	15%
FRONT YARD SETBACK	10.50 FEET
REAR YARD SETBACK	10.50 FEET
PROPOSED	10.50 FEET
REQUIRED	25.00 TO 60.00 FEET
SIDE YARD SETBACK	5.00 FEET
PROPOSED	5.00 FEET
REQUIRED	5.00 FEET
PARKING SPACES	3
REQUIRED OFFICE	3
REQUIRED INDUSTRIAL	1
(1 SPACE PER 12 EMPLOYEES)	1
TOTAL	4
MIN # OF HANDICAPPED SPACES	1
BUILDING MOUNTED	
SEWAGE	



CLINTON STREET 66' WIDE AND VARIES

1 SITE PLAN
SCALE: 1" = 30'-0"



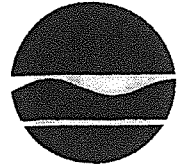
APPROX. EXISTING ZONE BOUNDARIES
SCALE: 1" = 150'-0"

APPROX. PROPOSED ZONE BOUNDARIES
SCALE: 1" = 150'-0"

LOCATION MAP
SCALE: NOT TO SCALE

SURVEY DATA TAKEN FROM
DRAWING PREPARED BY WM
SCHUTT & ASSOCIATES
DECEMBER 23, 2013

New York State Department of Environmental Conservation
Division of Environmental Permits, Region 9
270 Michigan Avenue, Buffalo, New York 14203-2915
Phone: (716) 851-7165 Fax: (716) 851-7168
Website: www.dec.ny.gov



Joe Martens
Commissioner

July 21, 2014

Mr. Jeffrey A. Schieber
Town of West Seneca
1250 Union Road
West Seneca, New York 14224

Dear Mr. Schieber:

SEQR Lead Agency Designation
Buffalo Geothermal Heating Headquarters Building
117 French Road
Town of West Seneca, Erie County

In response to your July 11, 2014 letter regarding the above-noted, please be advised of the following:

1. The whole site appears to be within an archaeologically sensitive area, as shown on the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) map (Website www.oprhp.state.ny.us/nr/main.asp). As part of the SEQR process, the Town of West Seneca should evaluate this concern, unless it can be verified by appropriate documentation that the site has been significantly disturbed in a way that would destroy potential artifacts. Please recognize that normal agricultural activities, such as plowing, would not constitute such land disturbance. If there are any questions regarding this, contact OPRHP (telephone: 518/237-8643). Note: If any of the described Department approvals are required, an appropriate archaeological investigation must be conducted in order to satisfy the New York State Historic Preservation Act.
2. Approximately 30% of the site is located on hydric soils. The project sponsor should contact the United States Department of the Army, Corps of Engineers' Buffalo District Office (COE), telephone: 716/879-4330, concerning COE regulatory jurisdiction to ensure that the project will not involve federally regulated wetlands or any other approval from that agency.
3. Since project activities will involve land disturbance of 1 acre or more, the project sponsor, owner or operator is required to obtain a State Pollutant Discharge Elimination System General Permit for Stormwater Discharges from Construction Activity (GP-0-10-001). This General Permit requires the project sponsor, owner or operator to control stormwater runoff according to a Stormwater Pollution Prevention Plan (SWPPP), which is to be prepared prior to filing a Notice of Intent (NOI) and prior to commencement of the project. More information on General Permit GP-0-10-001, as well as the NOI form, is available on the Department's website at www.dec.ny.gov/chemical/43133.html.

Mr. Jeffrey A. Schieber
July 21, 2014
Page 2

4. The Town of West Seneca is designated as an MS4 community. The project sponsor, owner or operator of a construction activity that is subject to the requirements of a regulated, traditional land use control MS4 shall have their SWPPP reviewed and accepted by the MS4 community. The "MS4 SWPPP Acceptance" form must be signed by the principle executive officer or ranking elected official from the MS4 community, or by a duly authorized representative of that person, and submitted along with the NOI, to the Department at NOTICE OF INTENT, NYSDEC, Bureau of Water Permits, 625 Broadway, 4th Floor, Albany, New York 12233-3505, telephone: 518/402-8111 to receive Department approval before construction commences.

We concur that the Town of West Seneca should act as SEQR Lead Agency, as the environmental impacts of the proposal are primarily of local significance. If you have any questions, please feel free to contact Mr. Bruno Di Bella or me at 716/851-7165.

Sincerely,



David S. Denk
Regional Permit Administrator

BAD:ldg

ecc: Ms. Jacqueline Felser, Town Clerk, Town of West Seneca