TOWN OF WEST SENECA & Special Use Perm September 20, 2021

Application for Rezoning & Special Use Permit September 20, 2021

APPLICATION FOR REZONING – SPECIAL PERMIT

TO BE COMPLET	ED BY APPLICANT
DATE September 20, 2021	FILE #
PROJECT NAME Proposed Office Building and restaurant wi	th drive-thru.
PROJECT LOCATION (Include address and distance to nearest intersection	¹⁴⁰⁵ & 1471 Union Road, 798 Center Road and 150 Fremont Ave.
APPLICANT	[Northeast corner of Center Read] Tel: 510-4338 - Fax: 242-0606 PH/FAX
ADDRESS 5500 Main Street, Suite 100, Williamsville,	, New York 14221 [E-mail: shopkins@hsr-legal.com]
PROPERTY OWNER Aebly & Associates	PH/FAX
ADDRESS	
ENGINEER/ ARCHITECT Carmina Wood Morris DPC	PH/ FAX Tel: 842-3165 [Ext. 119]
ADDRESS 487 Main Street, Suite 500, Buffalo, New Yo	ork 14203 [E-mail: apandolfe@cwm-ae.com]
SBL # 134.68-1-1, 134.59-4-28.1, 134.68-1-2.1, 134.59-4-1.1	·
PROJECT DESCRIPTION (Include all uses and any required construction) Proposed 2-story office building along with restaurant and with
drive-through facility. A full size copy of the Site Plan is attached t	to this Application and a reduced size copy is provided at Exhibit "1"
SIZE OF LOT (acres) <u>1.2</u> ACR	REAGE TO BE REZONED 0.99
ADJACENT ROAD NAMES AND AMOUNT OF FRONTAGE ON EAC	CH The Project Site has 233.38 ft. of frontage on Union Rd., 208.18 ft. of
frontage on Center Rd. and 189.87 ft. of frontage on Fremont Aven and a legal description is provided at Exhibit "3".	ue. A copy of the survey of the Project Site is attached as Exhibit "2"
	SED ZONING C-2(S)
	cial and residential
	uilding and restaurant with drive-thru facility
EXISTING USE(S) AND ZONING ON ALL PROPERTY WITHIN 500 1	FEET
Uses and zoning of parcels within 500 ft. of the Project Site are con	nmercial and residential (C-1, C-2(S) and R-65).
PUBLIC SEWER YES X NO VARIANCES AND OTHER APPROVALS OR PERMITS REQUIRED	PUBLIC WATER YES X NO NO [<u>Note</u> : A completed Short Environmental Assessment Form is attached as Exhibit "4".]
The project requires a Special Use Permit for the proposed drive-tl	hru restaurant and site plan approval. Area Variances required include rea
yard setback and number of parking spaces.	COMPLETION OF ALL REQUIREMENTS LISTED HEREIN
	HE TOWN OF WEST SENECA
DATE RECEIVED BY	
PLANNING BOARD MEETING DATE	
TOWN BOARD MEETING DATE	
TOWN BOARD RESOLUTION DATE	

Exhibit 1 - Site Plan [Drawing C-100] as Prepared by Carmina Wood Morris DPC

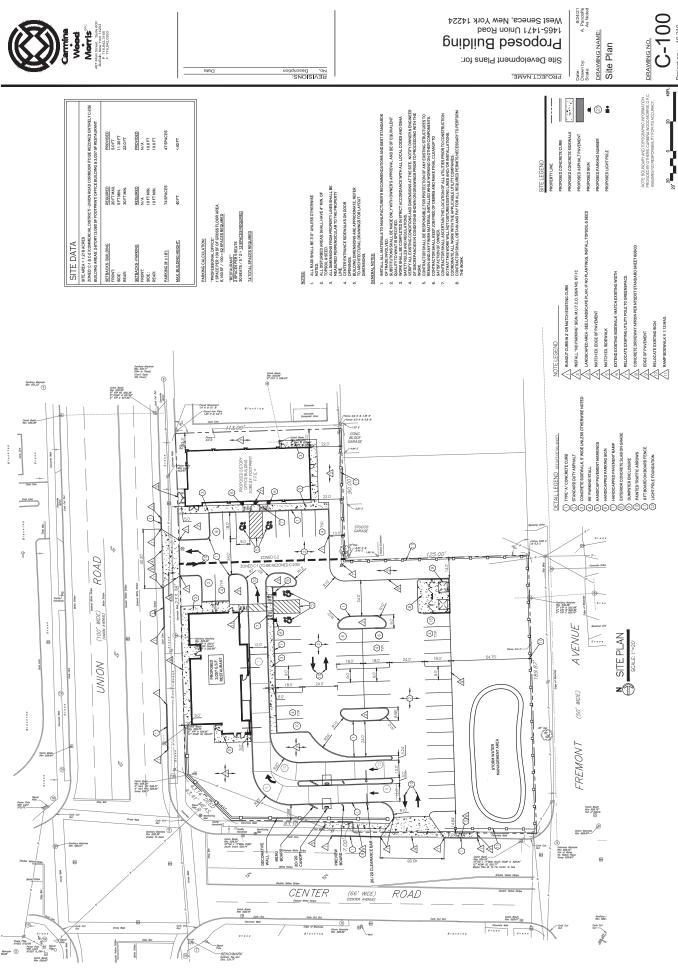


Exhibit 2 - Survey of Project Site as as Prepared by Millard MacKay & Delles Land Surveyors, LLP

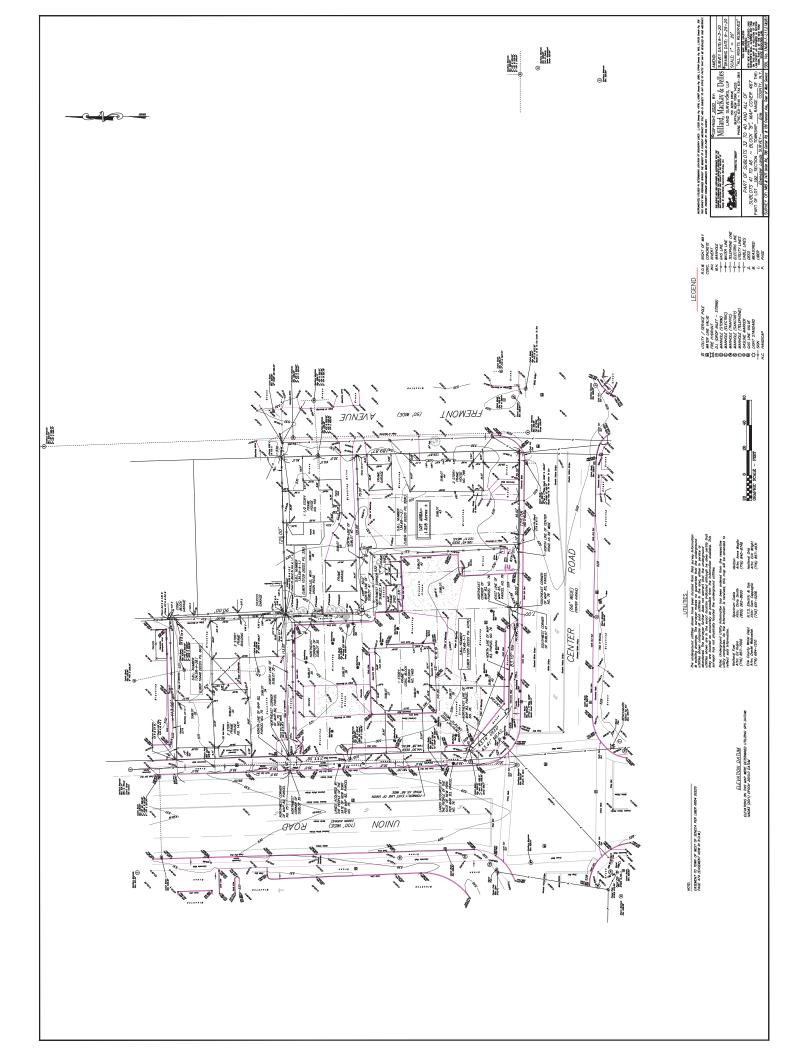


Exhibit 3 - Legal Description of Property to be Rezoned from C-1 to C-2(s)

LEGAL DESCRIPTION OF PROPERTY TO BE REZONED FROM C-1 TO C-2(s)

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 192 of the Ebenezer lands, so called, bounded and described as follows:

BEGINNING at the point of intersection of the north line of Center Road (as a 66 foot road) and the west line of Freemont Avenue (as a 50 foot road);

Thence westerly along the said north line of Center Road, a distance of 125.08 feet to a point being the southeast corner of lands appropriated by New York State per Map 83 Parcel 76;

Thence northerly along the east line of said lands appropriated by New York State per Map 83 Parcel 76, and at an interior angle of 92º06'39", a distance of 7.00 feet to the northeast corner of said lands appropriated by New York State;

Thence westerly along the north line of lands appropriated by New York State per Map 83 Parcel 76, a distance of 83.10 feet to an angle point therein;

Thence northwesterly and continuing along lands appropriated by New York State per Map 83 Parcel 76, and at an interior angle of 136^o05'29", a distance of 43.41 feet to the east line of Union Road (as presently laid out 100 foot wide);

Thence northerly along the east line of said Union Road, at an interior angle of 136°19'10", a distance of 144.38 feet to its intersection with the southerly line of lands conveyed to Sunoco, Inc. by deed recorded in the Erie County Clerk's Office in Liber 11205 of Deeds at page 4376;

Thence easterly along said northerly line of lands conveyed to Sunoco, Inc., a distance of 113.00 feet to the northeast corner thereof;

Thence southerly along the easterly line said lands conveyed to Sunoco, Inc., a distance of 1.00 foot to the northeast corner of Subdivision Lot No. 35, Block "B" as filed on Map Cover Number 467;

Thence easterly along the north line of Subdivision Lot No. 46, Block "B" per map filed in the Erie County Clerk's Office in Map Cover Number 467, a distance of 125.00 feet to a point in the west line of said Freemont Avenue;

Thence southerly at right angles, and along the said west line of Freemont Street, a distance of 189.87 feet to the Point and Place of Beginning.

This parcel containing 0.987 acres of land more or less.

Exhibit 4 - Short Environmental Assessment Form dated September 20, 2021

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.

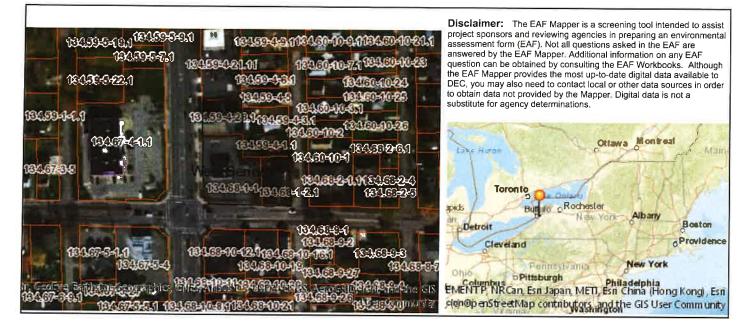
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information		
Name of Action or Project:		
Proposed Office Building and Restaurant with Drive-Through Facility		
Project Location (describe, and attach a location map):		
1465 and 1471 Union Road, 798 Center Road and 150 Fremont Avenue.		
Brief Description of Proposed Action:		
This redevelopment project includes a proposed two-story, 6,160 sq. ft. office building and a r include all related site improvements including parking spaces, storm water management, lan and connections. The project has been defined broadly to include all required approvals from required approvals and permits from involved agencies. The redevelopment project is an Uni	idscaping, site lighting and on the municipal boards of the "	-site utility improvements Town of West Seneca and all
Name of Applicant or Sponsor:	Telephone: (716) 510-43	38
Julius Aebly c/o Sean Hopkins (attorney for applicant)	E-Mail: shopkins@hsr-le	gal.com
Address:		
5500 Main Street, Suite 343		
City/PO:	State:	Zip Code:
Williamsville	NY	14221
 Does the proposed action only involve the legislative adoption of a plan, loca administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the e may be affected in the municipality and proceed to Part 2. If no, continue to quest 	nvironmental resources th	at NO YES
 Does the proposed action require a permit, approval or funding from any other 		
If Yes, list agency(s) name and permit or approval: Town Board - Rezoning & Special Plan Approval), ZBA - Area Varian	Use Permit, Planning Board	Site NO YES
 a. Total acreage of the site of the proposed action? b. Total acreage to be physically disturbed? c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 	1.2 acres Highwa	M - Sewer, ECDPW - ay Work Permit, OT - Highway Work and NYSDEC - SPDES
4. Check all land uses that occur on, are adjoining or near the proposed action:		
5. 🔲 Urban 🔲 Rural (non-agriculture) 🗌 Industrial 🗹 Commercia	l 🔽 Residential (subur	ban)
Forest Agriculture Aquatic Other(Spec	ify):	
Parkland		

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?		\checkmark	
b. Consistent with the adopted comprehensive plan?		\checkmark	
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?		NO	YES
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?			YES
If Yes, identify:		\checkmark	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?		NO	YES
b. Are public transportation services available at or near the site of the proposed action?			
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?			\checkmark
9. Does the proposed action meet or exceed the state energy code requirements?		NO	YES
If the proposed action will exceed requirements, describe design features and technologies:			√
10. Will the proposed action connect to an existing public/private water supply?		NO	YES
If No, describe method for providing potable water:			\checkmark
11. Will the proposed action connect to existing wastewater utilities?		NO	YES
If No, describe method for providing wastewater treatment:	-		
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	Ŀ.	NO	YES
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	I		V
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?		NO	YES
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?		$\overline{\mathbf{V}}$	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres:	_	_	
		1	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
Shoreline Forest Agricultural/grasslands Early mid-successional		
Wetland Urban 🖌 Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or	NO	YES
Federal government as threatened or endangered?	\checkmark	
16. Is the project site located in the 100-year flood plan?	NO	YES
	\checkmark	
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES
If Yes,		\checkmark
a. Will storm water discharges flow to adjacent properties?	\checkmark	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:		\checkmark
Storm water runoff will be discharged to the existing storm sewer system along Center Road.		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?If Yes, explain the purpose and size of the impoundment:	NO	YES
An on-site detention pond will be sized to collect storm water runoff and discharge it at a controlled rate.		\checkmark
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
If Yes, describe:		
20.Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO	YES
If Yes, describe:	\checkmark	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: Julius Aebly Date: September 20, 2	021	
Signature: Of Parlo Title: Project Engineer Anthony Pandolfe, P.E., Carmina Wood Morris DPC		<u>.</u>

EAF Mapper Summary Report



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	No
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No