

# TOWN OF WEST SENECA

Application for Rezoning  
& Special Use Permit  
September 20, 2021

## APPLICATION FOR REZONING – SPECIAL PERMIT

### TO BE COMPLETED BY APPLICANT

DATE September 20, 2021

FILE # \_\_\_\_\_

PROJECT NAME Proposed Office Building and restaurant with drive-thru.

PROJECT LOCATION (Include address and distance to nearest intersection) 1465 & 1471 Union Road, 798 Center Road and 150 Fremont Ave.

APPLICANT Julius Aebly c/o Sean Hopkins, Esq. [Northeast corner of Center Road]  
PH/FAX Tel: 510-4338 - Fax: 242-0606

ADDRESS 5500 Main Street, Suite 100, Williamsville, New York 14221 [E-mail: shopkins@hsr-legal.com]

PROPERTY OWNER Aebly & Associates

PH/FAX \_\_\_\_\_

ADDRESS 3638 Seneca Street, West Seneca, NY 14224

ENGINEER/ ARCHITECT Carmina Wood Morris DPC

PH/ FAX Tel: 842-3165 [Ext. 119]

ADDRESS 487 Main Street, Suite 500, Buffalo, New York 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 to this Application and a reduced size copy is provided at Exhibit "1"

SIZE OF LOT (acres) 1.2

ACREAGE TO BE REZONED 0.99

ADJACENT ROAD NAMES AND AMOUNT OF FRONTAGE ON EACH 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 Avenue. A copy of the survey of the Project Site is attached as Exhibit "2" and a legal description is provided at Exhibit "3".

EXISTING ZONING C-1 & C-2(S) PROPOSED ZONING C-2(S)

EXISTING USE(S) ON PROPERTY Commercial and residential

PROPOSED USE(S) ON PROPERTY Office building and restaurant with drive-thru facility

EXISTING USE(S) AND ZONING ON ALL PROPERTY WITHIN 500 FEET

Uses and zoning of parcels within 500 ft. of the Project Site are commercial and residential (C-1, C-2(S) and R-65).

PUBLIC SEWER YES  NO

PUBLIC WATER YES  NO   
[Note: A completed Short Environmental Assessment Form is attached as Exhibit "4".]

VARIANCES AND OTHER APPROVALS OR PERMITS REQUIRED

The project requires a Special Use Permit for the proposed drive-thru restaurant and site plan approval. Area Variances required include rear yard setback and number of parking spaces.

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

### TO BE COMPLETED BY THE TOWN OF WEST SENECA

DATE RECEIVED \_\_\_\_\_ BY \_\_\_\_\_

PLANNING BOARD MEETING DATE \_\_\_\_\_

TOWN BOARD MEETING DATE \_\_\_\_\_

TOWN BOARD RESOLUTION DATE \_\_\_\_\_

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

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

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

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**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  $92^{\circ}06'39''$ , 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  $136^{\circ}05'29''$ , 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  $136^{\circ}19'10''$ , 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.

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

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# 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.

<b>Part 1 – Project and Sponsor Information</b>				
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 restaurant with drive-through facility. Construction will also include all related site improvements including parking spaces, storm water management, landscaping, site lighting and on-site utility improvements and connections. The project has been defined broadly to include all required approvals from the municipal boards of the Town of West Seneca and all required approvals and permits from involved agencies. The redevelopment project is an Unlisted Action pursuant to the SEQRA Regulations..				
Name of Applicant or Sponsor: Julius Aebly c/o Sean Hopkins (attorney for applicant)		Telephone: (716) 510-4338 E-Mail: shopkins@hsr-legal.com		
Address: 5500 Main Street, Suite 343				
City/PO: Williamsville	State: NY	Zip Code: 14221		
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 government Agency? If Yes, list agency(s) name and permit or approval: Town Board - Rezoning & Special Use Permit, Planning Board - Site Plan Approval), ZBA - Area Variances, ECWA - Backflow,			NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?	_____ 1.2 acres	ECDSM - Sewer, ECDPW - Highway Work Permit, NYSDOT - Highway Work Permit and NYSDEC - SPDES		
b. Total acreage to be physically disturbed?	_____ 1.2 acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?	_____ 1.2 acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:				
5. <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 type="checkbox"/> Parkland				

	NO	YES	N/A
5. Is the proposed action, a. A permitted use under the zoning regulations?	<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 <input type="checkbox"/>	YES <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 <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Are public transportation services 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 the 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 <input type="checkbox"/>	YES <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 <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
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?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
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?	<input type="checkbox"/>	<input checked="" 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?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			



