

150.00

TOWN OF WEST SENECA

APPLICATION FOR REZONING – SPECIAL PERMIT

TO BE COMPLETED BY APPLICANT

DATE 10/24/12

FILE # 2012-06

PROJECT NAME SERVICE OF ALCOHOL AT EXISTING RESTAURANT

PROJECT LOCATION (Include address and distance to nearest intersection)
2343 UNION RD. W. SENECA NY 14224

APPLICANT JOHN TERZAKIS JORDAN BLACHOWICZ PH/FAX

ADDRESS 2343 UNION RD. WEST SENECA 14224

PROPERTY OWNER John Terzakis PH/FAX

ADDRESS 2343 UNION RD. WEST SENECA 14224

ENGINEER/ ARCHITECT N/A PH/ FAX

ADDRESS _____

SBL # 124.16-2-1.1

PROJECT DESCRIPTION (Include all uses and any required construction)

SERVICE OF ALCOHOL

SIZE OF LOT (acres) .99 ACREAGE TO BE REZONED ENTIRE

ADJACENT ROAD NAMES AND AMOUNT OF FRONTAGE ON EACH

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

EXISTING USE(S) ON PROPERTY RESTAURANT NO ALCOHOL

PROPOSED USE(S) ON PROPERTY RESTAURANT SERVING ALCOHOL

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

PUBLIC SEWER YES NO PUBLIC WATER YES NO

VARIANCES AND OTHER APPROVALS OR PERMITS REQUIRED

NO VARIANCES REQUIRED.

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

TO BE COMPLETED BY THE TOWN OF WEST SENECA

DATE RECEIVED 10/24/12 BY JKS

PLANNING BOARD MEETING DATE Nov 14th 2012

TOWN BOARD MEETING DATE _____

TOWN BOARD RESOLUTION DATE TBD

NON – REFUNDABLE FILING FEE (Payable to the Town Clerk): \$ 150.00

RECEIVED
TOWN CLERK'S OFFICE
WEST SENECA, N.Y.
2012 OCT 24 PM 1:59

Appendix C
State Environmental Quality Review
SHORT ENVIRONMENTAL ASSESSMENT FORM
For UNLISTED ACTIONS Only

PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT/SPONSOR Catherine Terzakis	2. PROJECT NAME THE OLIVE BRANCH - REST.
3. PROJECT LOCATION: Municipality <u>WEST SENECA</u> County <u>ERIE</u>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <u>2343 UNION RD.</u> <u>WEST SENECA NY 14224</u>	
5. PROPOSED ACTION IS: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration <u>SERVICE OF ALCOHOL</u>	
6. DESCRIBE PROJECT BRIEFLY: <u>RE OPEN EXISTING RESTAURANT WITH SERVICE OF ALCOHOL.</u>	
7. AMOUNT OF LAND AFFECTED: Initially <u>Nil</u> acres Ultimately _____ acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe: <u>EXISTING RESTAURANT.</u>	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, list agency(s) name and permit/approvals: <u>SPECIAL USE PERMIT REQUIRED BY TOWN OF WEST SENECA</u>	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, list agency(s) name and permit/approvals: <u>TOWN OF WEST SENECA BUILDING PERMIT.</u>	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: <u>Catherine Terzakis</u>	Date: <u>04.30/2018</u>
Signature: <u>Catherine Terzakis - 656-0517 // 443-813-2746</u>	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible) C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly: C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly: C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly: C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly: C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly: C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly: C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:	
D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, explain briefly:	
E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, explain briefly:	

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

<input type="checkbox"/> Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.	
<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 WILL NOT result in any significant adverse environmental impacts AND provide, on attachments as necessary, the reasons supporting this determination.	
_____	_____
Name of Lead Agency	Date
_____	_____
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)

Reset

After Recording Return to:)
)
 Christ Gaetanos, Esq.)
 Amigone, Sanchez & Mattrey, LLP)
 1300 Main Place Tower)
 350 Main Street)
 Buffalo, New York)
)
 Box: 180(CG))
)
) -----Above this line Reserved of Official Use Only-----

DEED WITH FULL COVENANTS

THIS INDENTURE, made the ____ day of June 2012, between DENNY’S REALTY, LLC (“Grantor”), a Delaware limited liability company with an address of 203 East Main Street, Spartanburg, South Carolina, 29319, and formerly known as Denny’s Realty, Inc.; and JCT Holdings, LLC (“Grantee”), a New York limited liability company with an address of 2343 Union Road, West Seneca 14224.

Witnesseth, that Grantor, in consideration of One and More Dollars (\$1.00 and more), lawful money of the United States, paid by Grantee, does hereby grant and release unto Grantee, its successors and assigns forever, real property more particularly described on Schedule “A” attached hereto and made a part hereof (“Premises”), together with the appurtenances and all the estate and rights of Grantor in and to said Premises,

To have and to hold the Premises herein granted unto Grantee, its successors and assigns forever.

And Grantor covenants as follows:

First. That Grantor is seized of the said Premises in fee simple and has good right to convey the same;

Second. That Grantee shall quietly enjoy the said Premises;

Third. That the said Premises are free from encumbrances;

Fourth. That Grantor will execute or procure any further necessary assurance of the title to said Premises;

Fifth. That Grantor will forever warrant the title to said Premises;

AND Grantor, in compliance with Section 13 of the Lien Law, covenants that Grantor will receive the consideration for this conveyance and will hold the right to receive such consideration for this conveyance as a trust fund to be applied first for the purpose of paying the costs of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

In witness whereof, Grantor has caused its corporate seal to be hereunto affixed, and these presents to be signed by its duly authorized officer the day and year first above written.

IN WITNESS WHEREOF, Grantor has duly executed this Deed with Full Covenants the day and year set forth in the acknowledgment and this Deed with Full Covenants was delivered on this day and year first above written.

DENNY'S REALTY, LLC

By: DFO, LLC, its Sole Member

By: Denny's, Inc., its Sole Member

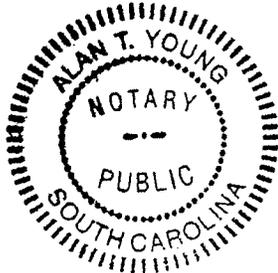
By: Timothy E. Flemming

Name: Timothy E. Flemming

Title: Senior Vice President

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG) ss.:

On the 21 day of June, in the year 2012, before me, the undersigned, personally appeared Timothy E. Flemming, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, that by his signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.



Alan T. Young
Alan T. Young, Notary Public
My Commission Expires February 1, 2020

Exhibit A

PARCEL 1

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 No. 294 of the Ebenezer Lands, described as follows:

BEGINNING at a point in the easterly line of Union Road as a 66 foot road at its intersection with the north line of said Lot No. 294; running thence southerly along said easterly line of Union Road 150 feet to a point; running thence easterly parallel with the north line of said Lot No. 294, 200 feet to a point; running thence northerly parallel with the easterly line of Union Road 150 feet to the north line of said Lot No. 294; running thence westerly along the northerly line of said Lot No. 294, 200 feet to the place of beginning.

EXCEPTING THEREFROM that portion of premises conveyed to the County of Erie as described in a deed recorded in the Erie County Clerk's Office in Liber 2688 of Deeds at page 112.

FURTHER EXCEPTING THEREFROM all that portion of premises appropriated by the People of the State of New York pursuant to Appropriation Map recorded in the Erie County Clerk's Office in Liber 9002 at Page 217 and Liber 9005 of Deeds at Page 461.

PARCEL 2

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND situate, lying and being in the Town of West Seneca, County of Erie and State of New York, and being a portion of Lot 294, of the Ebenezer Lands, Map Cover 58 and being more particularly bounded and described as follows:

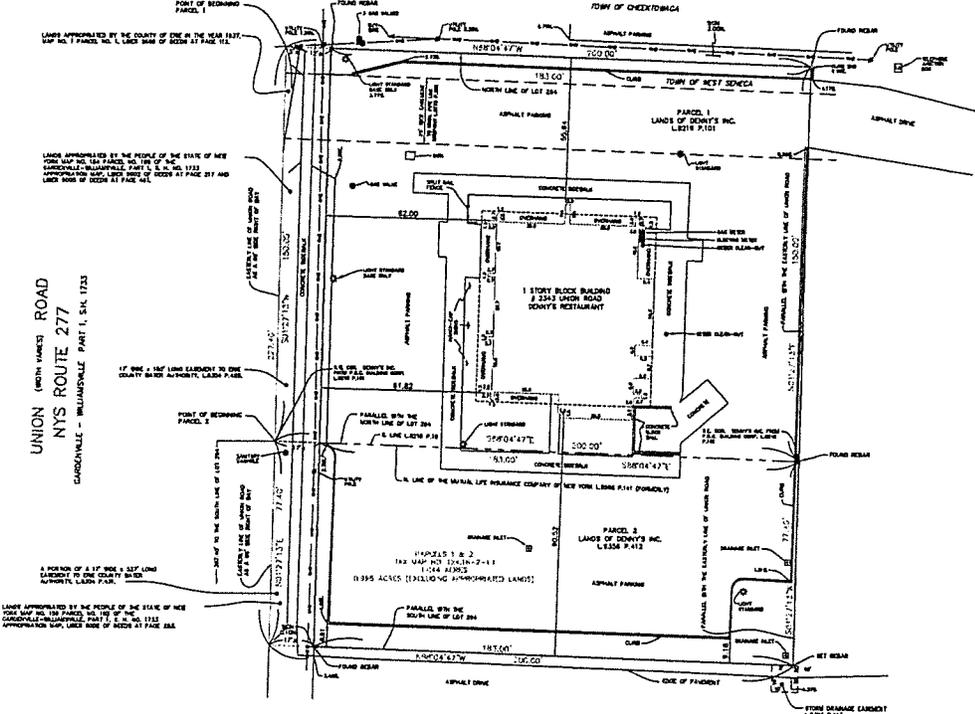
COMMENCING at a point in the east boundary of Union Road, as a 66.00 foot right of way, prior to its widening and reconstruction, said point being the intersection of the south line of Lot 294 with the east boundary of Union Road (as a 66.0 foot wide right-of-way prior to the widening and reconstruction); thence northerly along the east boundary of Union Road for a distance of 387.40 feet to the point and place of beginning, said point also being the southwest corner of lands conveyed to Denny's, Inc., from P.D.C. Building Corp. by deed dated September 27, 1974 and recorded in the Erie County Clerk's Office in Liber 8216 of Deeds at page 10 thence easterly along the division line between, lands of Denny's, Inc., on the north and lands conveyed to The Mutual Life Insurance Company of New York by deed recorded in the Erie County Clerk's Office in Liber 8596 of Deeds at page 141 on the south, parallel to the north line of Lot 294 for a distance of 200.00 feet to the southeast corner of lands of Denny's, Inc.; thence southerly parallel with the easterly boundary of Union Road (as a 66.0 foot wide right-of-way prior to the widening and reconstruct for a distance of 77.40 feet to a point; thence westerly parallel to the south line of Lot 294 a distance of 200.00 feet to a point in the easterly boundary of Union Road (as a 66.0 foot wide right-of-way prior to the widening and reconstruction); thence northerly along the easterly boundary of Union Road (as a 66.0 foot wide right-of-way prior to the widening and Road reconstruction) for a distance of 77.40 feet to the point and place of beginning.

EXCEPTING AND RESERVING THEREFROM that part acquired by the State of New York for the reconstruction of Union Road, also known as Gardenville-Williamsville.

FURTHER EXCEPTING THEREFROM all that portion of premises appropriated by the People of the State of New York pursuant to Appropriation Map recorded in the Erie County Clerk's Office in Liber 9002 at Page 283.



UNION (WITH MARKS)
 NYS ROUTE 277
 CAROLDALE - MALLARDVILLE PART 1, S.H. 1253



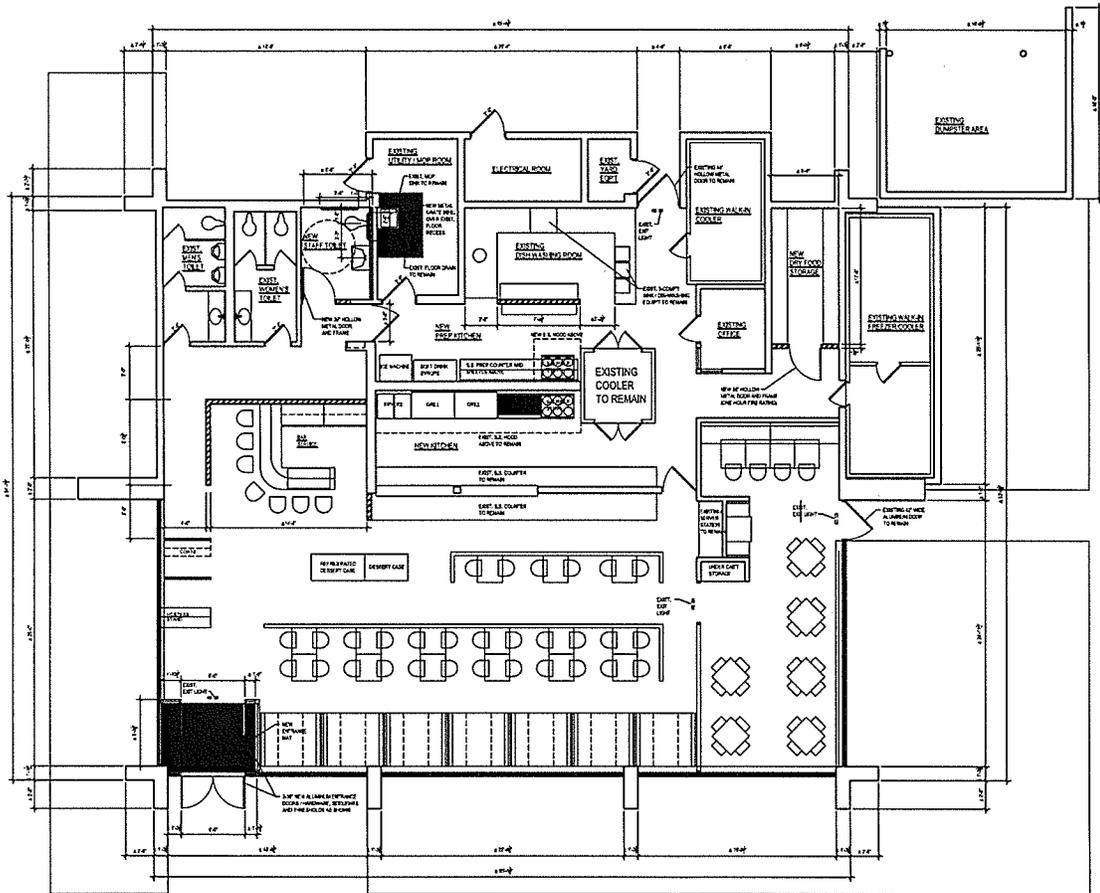
ALL RIGHTS RESERVED AND NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE SURVEYOR.

PROPERTY MAY BE DIVIDED BY THE FOLLOWING:
 1. SURVEY TO THE CENTER LINE OF THE ROAD.
 2. SURVEY TO THE CENTER LINE OF THE ROAD.
 3. SURVEY TO THE CENTER LINE OF THE ROAD.

NOTES:
 A. APPROVED BY THE STATE OF NEW YORK.
 B. APPROVED BY THE STATE OF NEW YORK.
 C. APPROVED BY THE STATE OF NEW YORK.



BOUNDARY SURVEY	
ESSEN'S INC.	
2343 UNION ROAD	
TOWN OF WEST SENeca	
COUNTY OF ONEIDA - STATE OF NEW YORK	
CREEKSIDE BOUNDARY	
1342 GEORGE ROAD	
MORRIS, NEW YORK	
PHONE 361-780-0940	EMAIL morris@essensurvey.com
SCALE 1" = 20'	DATE 6/29/2012
JOHN BRYLAC	ERIC BRYLAC



PROPOSED FLOOR PLAN
1/4" = 1'-0"

GENERAL NOTES:

GENERAL CONSTRUCTION NOTES:

THERE IS NO CHANGE OF USE. USE WHICH MAY BE DIFFERENT FROM THAT SPECIFIED IN THE ZONING ORDINANCE SHALL BE APPROVED BY THE ZONING BOARD. THE ZONING BOARD SHALL BE ADVISED OF ANY CHANGES TO THE ZONING BOARD. THE ZONING BOARD SHALL BE ADVISED OF ANY CHANGES TO THE ZONING BOARD. THE ZONING BOARD SHALL BE ADVISED OF ANY CHANGES TO THE ZONING BOARD.

PLUMBING NOTES:

EXISTING PLUMBING SHALL BE MAINTAINED AND REPAIRED AS NECESSARY. ALL NEW PLUMBING SHALL BE INSTALLED IN ACCORDANCE WITH THE PLUMBING CODE. ALL NEW PLUMBING SHALL BE INSTALLED IN ACCORDANCE WITH THE PLUMBING CODE. ALL NEW PLUMBING SHALL BE INSTALLED IN ACCORDANCE WITH THE PLUMBING CODE.

HVAC NOTES:

ALL HEATING AND COOLING UNITS TO BE MAINTAINED AND REPAIRED AS NECESSARY. ALL HEATING AND COOLING UNITS TO BE MAINTAINED AND REPAIRED AS NECESSARY. ALL HEATING AND COOLING UNITS TO BE MAINTAINED AND REPAIRED AS NECESSARY.

ELECTRICAL NOTES:

ALL ELECTRICAL SYSTEMS TO BE MAINTAINED AND REPAIRED AS NECESSARY. ALL ELECTRICAL SYSTEMS TO BE MAINTAINED AND REPAIRED AS NECESSARY. ALL ELECTRICAL SYSTEMS TO BE MAINTAINED AND REPAIRED AS NECESSARY.

FIRE ALARM NOTES:

THERE IS NO FIRE ALARM SYSTEM TO BE INSTALLED. THERE IS NO FIRE ALARM SYSTEM TO BE INSTALLED. THERE IS NO FIRE ALARM SYSTEM TO BE INSTALLED.

SEATING:

BAR/STOOL SEATING	54
DINING SEATING	56
DRINKS BAR SEATING	67
TOTAL	99

OLIVE BRANCH
FAMILY RESTAURANT
2343 UNION ROAD - WEST SENeca, NY

PROJECT No.:	12101
ISSUED:	1 AUGUST 2012
REVISED:	19 AUGUST 2012
DRAWING	
A - 2	