

# APPLICATION TO BOARD OF APPEALS

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Tel. No. Sean Hopkins, Esq.

Appeal No. 2016-040

Date May 10, 2016

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

I (we) Ebenezer Community Landings LLC c/o Sean Hopkins, Esq. of Hopkins Sorgi & Romanowski, PLLC  
5500 Main Street, Suite 343  
Williamsville, New York 14221

, HEREBY APPEAL TO THE ZONING BOARD OF APPEALS FROM THE  
DECISION OF THE BUILDING INSPECTOR ON AN APPLICATION FOR A BUILDING PERMIT NO. \_\_\_\_\_,  
DATED May 10, 2016, WHEREBY THE BUILDING INSPECTOR DID DENY TO

- A PERMIT FOR USE for a proposed residential project
- 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) Contract Vendee pursuant to Purchase Contract with Property Owner

2. LOCATION OF THE PROPERTY 4592 Seneca Street

3. State in general the exact nature of the permission required, A description of the proposed residential project and the requested area variances is provided at Exhibit "A". A reduced size Site Plan is provided at Exhibit "C" and a full size copy is also attached.

N/A 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: \_\_\_\_\_

A description of the requested area variances for the proposed residential project is provided at Exhibit "A" and justification for the requested area variances pursuant to the balancing test and five criteria set set forth in NYS Town Law Section 267-b(3)(b) is provided at Exhibit "B" of this Variance Application

B. Interpretation of the Zoning Ordinance is requested because: \_\_\_\_\_

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: \_\_\_\_\_

May 10, 2016 Sean Hopkins  
Signature

## TO BE COMPLETED BY THE BUILDING INSPECTOR

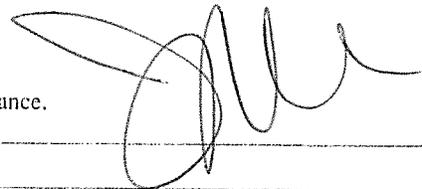
1. Provision(s) of the Zoning Ordinance Appealed, including article, section, subsection or paragraph of the Zoning Ordinance See Exhibit A for description of the requested area variances for the proposed residential project including references to the applicable sections of the Zoning Code.

2. Zoning Classification of the property concerned in this appeal R-50

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.

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



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**Short Environmental Assessment Form  
with Attachment “1” Prepared Pursuant to  
the State Environmental Quality Review  
Act (“SEQRA”)**

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# Short Environmental Assessment Form

## Part 1 - Project Information

Short Environmental  
Assessment Form

### Instructions for Completing

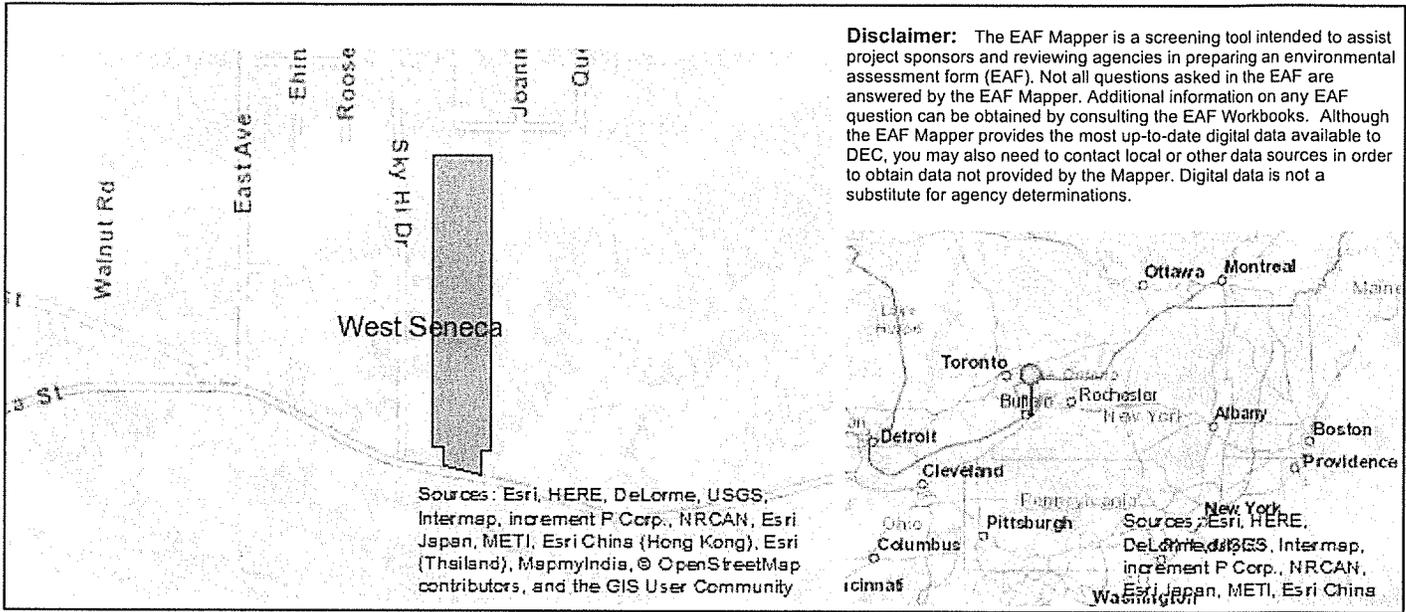
**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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: Ebenezer Woods Project			
Project Location (describe, and attach a location map): 4592 Seneca Street - Town of West Seneca - Erie County			
Brief Description of Proposed Action: The proposed project ("action") consists of a residential project consisting of 48 single-family detached patio homes 30 attached two-story townhome units on the 11.56 acre parcel at 4592 Seneca Street ("Project Site"). The Project Site is zoned R-50(s) and requires a special use permit from the Town Board, area variances from the Zoning Board of Appeals and site plan approval by the Planning Board. The proposed action has been defined broadly to include all required discretionary approvals/permits and all proposed site improvements including the proposed 67 residential units, an internal private roadway, a driveway connection to Seneca Street, a storm water management system and all required utility connections and improvements. The project is a Unlisted action pursuant to SEQRA because it does not cross any of the thresholds for a Type I action listed in 6 NYCRR Part 617.4. It also important to mention that the Town previously issued a negative declaration based on its environmental review of the previously approved project consisting of 52 attached residential units.			
Name of Applicant or Sponsor: Ebenezer Community Landings LLC c/o Sean Hopkins, Esq.		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"/>
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: See Attachment "1" of the attached Short Environmental Assessment Form for list of required permits and approvals for the proposed project.			YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		11.56 acres	
b. Total acreage to be physically disturbed?		11.1 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		11.56 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 type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other (specify): Senior center <input type="checkbox"/> Parkland			



<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><u>There will not a dam but there will be detention ponds provided as part of required stormwater management system for the purpose of satisfying the NYSDEC's stringent storm water quantity standards.</u></p>	<p><b>NO</b></p> <p><input type="checkbox"/></p>	<p><b>YES</b></p> <p><input checked="" 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><b>NO</b></p> <p><input checked="" type="checkbox"/></p>	<p><b>YES</b></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><b>NO</b></p> <p><input type="checkbox"/></p>	<p><b>YES</b></p> <p><input checked="" type="checkbox"/></p>
<p><b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p>		
<p>Applicant/sponsor name: <u>Ebenezer Community Landings LLC c/o Sean Hopkins, Esq.</u>      Date: <u>May 10, 2016</u></p> <p>Signature: <u><i>Sean Hopkins, Attorney for Applicant</i></u></p>		



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National Register of Historic Places]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	Yes

**ATTACHMENT 1 OF SHORT  
ENVIRONMENTAL ASSESSMENT FORM**

**Proposed Residential Project  
4952 Seneca Street  
Town of West Seneca, Erie County**

The proposed project requires the following permits and approvals from the Town of West Seneca and other governmental agencies:

- Special Use Permit - Town of West Seneca Town Board
- Area Variances – Town of West Seneca Zoning Board of Appeals
- Site Plan Approval – Town of West Seneca Planning Board
- Nationwide Permit - U.S. Army Corps of Engineers
- SPDES Permit – NYS Department of Environmental Conservation
- Highway Work Permit – Erie County Department of Public Works
- Sewer Connection – ECDEP – Division of Sewerage Management
- Sewer Connection – Erie County Health Department

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**Exhibit A: Description of Proposed  
Residential Project and Description of  
Requested Area Variances**

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**EXHIBIT A OF VARIANCE APPLICATION**

**PROPOSED RESIDENTIAL PROJECT - 4592 SENECA STREET  
PROJECT DESCRIPTION AND DESCRIPTION  
OF REQUESTED AREA VARIANCES**

**I. Project Description:**

The proposed project ("action") consists of a residential project consisting of 48 detached single-family patio homes and 30 attached two-story townhome units on the 11.56 acre parcel at 4592 Seneca Street ("Project Site"). The layout of the proposed project is depicted on the reduced size copy of the Site Plan prepared by Carmina Wood Morris DPC provided at Exhibit "C" [11" x 17"] and a full size copy of the Site Plan is also attached to this Variance Application.<sup>1</sup>

The proposed residential project requires area variances from the Zoning Board of Appeals ("ZBA") and a description of the required area variances is provided below in **Section II**. The Project Site is zoned R-50(S) pursuant to the Town of West Seneca Zoning Map.<sup>2</sup> It is important to mention that the lots as depicted on the attached Site Plan have been depicted for illustrative purposes only. The proposed residential project is being reviewed as if it was a residential subdivision based on input received from the Planning Board and the Building Department and the same review process was used for the approved patio home project at 3859, 3863 and 3869 Clinton Street in 2014.

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<sup>1</sup> A reduced size copy of the Survey of the Project Site [11" x 17"] is provided at Exhibit "D" and a legal description of the Project Site is provided at Exhibit "E".

<sup>2</sup> The (S) reference in the zoning classification denotes that a special use permit was previously granted for a project on the Project Site. Pursuant to Section 120-16A(2) of the Zoning Code, the 30 attached two-story townhome units require a special use permit for group dwellings and multiple-family dwellings and the 48 detached single-story patio homes require a special use permit for a subdivision for the construction of multiple single-family patio homes on a private road with an appurtenant association to be approved by NYS Attorney General Office. The proposed project will also require Site Plan Approval from the Planning Board.

The detached single-story patio homes on the north side of the ditch will all be located on a single parcel and the group dwelling and multifamily units on the west side and east side of private driveway on the south side of the ditch will be located on separate parcels.

**II. Description of Requested Area Variances:**

The Applicant is seeking the following area variances from the ZBA in connection with the proposed residential project:

**Proposed Detached Single-Story Patio Homes (North of Ditch):**

- 1. The front yard setback of the detached patio homes is less than required per Section 120-30 of the Zoning Code [30 ft. setback required vs. 4 ft. proposed].**

[**Note:** The front yard setback has been measured from the edge of the 60 ft. private right-of-way as depicted on the Site Plan. The front yard setback from paved portion of the private driveway will be a minimum of 25 ft. to provide room for vehicles to be parked in the driveways on the front side of the detached patio homes. A detail for a typical patio home layout is provided on the Site Plan.]

- 2. The minimum lot size for the detached patio homes is less than required per Section 120-29A of the Zoning Code [8,000 sq. ft. required vs. minimum proposed lot size of 4,995 sq. ft.].**

[**Note:** The proposed detached patio homes labelled as Buildings No. 27 and 30 on the Site Plan have lot sizes that exceed 8,000 sq. ft.]

- 3. The rear yard setback of the detached patio homes labelled as Buildings No. 25, 26 and 27 on the Site Plan is less than required per Section 120-30 of the Zoning Code [30 ft. setback required vs. minimum rear yard setback of 10.81 ft. proposed].**

[**Note:** The rear yard setback of the detached patio homes for Buildings No. 25, 26 and 27 reflects the effort of the Applicant for the location of the proposed private driveway to be located as far west on the Project Site as possible in order to provide a larger than 30 ft. rear yard setback for Buildings No. 33 to 47 from the west property line of the lots on the west side of Ski Hi Drive.]

- 4. The minimum lot width for the detached patio homes labelled as Buildings No. 28 and 29 is less than required per Section 120-29A of the Zoning Code [50 ft. required vs. lot width of 47 ft. proposed].**

[**Note:** This area variance only applies to Buildings No. 28 and 29 on the northern side of the proposed cul-de-sac of the proposed private driveway.]

**Proposed Group Dwellings & Multifamily Buildings (South of Ditch):**

- 1. The front yard setback of the group dwellings and multifamily buildings is less than required per Section 120-30 of the Zoning Code [30 ft. setback required vs. 1.74 ft. proposed].**

[**Note:** The front yard setback has been measured from the edge of the attached porches on the front side of Buildings No. 1 to 11 to the proposed 60 ft. wide private right-of-way as depicted on the Site Plan.]

- 2. The minimum building combined side yard setback for the group dwellings and multifamily buildings is less than required per Section 120-30 of the Zoning Code [42.4 ft. combined side yard setback required vs. 8.48 ft. proposed].**

[**Note:** Pursuant to the 2<sup>nd</sup> footnote in Section 120-30 of the Zoning Code, the minimum side yard setback is 25 ft. or a distance that is equal to one-half the height of such building, whichever is greater. The mean average height of the group dwellings and multifamily buildings is 21.2 ft. and as such the minimum combined side yard setback is 42.4 ft. The closest portions of the group dwellings and multifamily buildings are measured from the attached garages and the minimum combined side yard setback from the principal portion of these buildings is a minimum of 31 ft. and is depicted on the Site Plan.]

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**Exhibit B: Justification for Requested  
Area Variances Pursuant to Balancing  
Test and Five Criteria set forth in NSY  
Town Law Section 267-b(3)(b)**

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## EXHIBIT B OF VARIANCE APPLICATION

### JUSTIFICATION FOR REQUESTED AREA VARIANCES PURSUANT TO THE STATUTORY MANDATED BALANCING TEST AND FIVE CRITERIA CONTAINED IN NYS TOWN LAW § 267-b(3)(b)

NYS Town Law §267-b(3)(b) sets forth a statutorily mandated balancing test to be considered by a zoning board of appeals in connection with its review of a request for area variances. The statutorily mandated balancing test requires a zoning board of appeals to balance the benefits that will be realized against the resulting detriments to the health, safety and welfare of the community.

The granting of the requested area variances for the proposed residential project as listed in Exhibit "A" will result in substantial benefits to the Applicant without any resulting detriments to the health, safety and welfare of the community. The benefits that will be received by Applicant if the Zoning Board of Appeals ("ZBA") grants the requested area variances include the following:

1. The Applicant will be able to develop the Project Site as a residential project featuring a mixture of residential uses based on the project layout depicted on the Site Plan prepared by Carmina Wood Morris DPC.
2. The Applicant will be able to develop the Project Site in a manner that utilizes an internal private driveway and other privately owned and maintained infrastructure as opposed to a residential project relying on public owned infrastructure.
3. The Applicant will be able to develop the patio home component of the proposed residential project in accordance with the review process that has previously been utilized for detached patio homes by the Town of West Seneca. As mentioned in Exhibit "A", the proposed lots for the patio homes have been shown on the Site Plan for illustrative purposes only in order to show the relationship of the patio homes to each other and the proposed internal private driveway that will service the residential project.

In applying the statutorily mandated balancing test set forth above, NYS Town Law §267-b(3)(b) requires a zoning board of appeals to consider the following five criteria:

**1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the requested area variance?**

The granting of the requested area variances by the ZBA will not create an undesirable change in the character of the neighborhood or a detriment to nearby properties. An effort has been made to utilize a project layout that provides a thirty foot rear yard setback between all proposed residential structures and contiguous properties currently utilized for residential purposes. The Project Site will be developed in accordance with current stormwater management standards and will include a stormwater management system that complies with the NYSDEC's stringent stormwater quantity and quality standards. The requested area variances will not result in detriments to nearby properties since the Applicant is not proposing for any of the residential buildings to be located closer to existing residential uses than thirty feet.

**2. Whether the benefit sought by the applicant can be achieved by some other method, feasible for the applicant to pursue, other than an area variance?**

It would not be possible for the Applicant to develop the residential project with private infrastructure and the proposed mixture of residential units in order to obtain the benefits it is seeking without the granting of the requested area variances. The area variances for the detached single-story patio homes are required based on the review process the Town utilizes for patio homes and the front yard setback, side yard setback and minimum lot width area variances for the patio homes are all based on the need to show each patio home on an individual lot for illustrative purposes. The side yard setback variances need for the group dwellings and multifamily buildings on the south side of the ditch are necessary in order for these building to include attached garages.

**3. Whether the requested area variance is substantial?**

The requested area variances are not substantial given the fact that the granting of the requested area variances will not result in any significant adverse impacts. The front yard setback,

side yard setback and minimum lot width area variances for the detached patio homes are all based on the need to show each patio home on an individual lot for illustrative purposes. None of the requested area variances will result in a residential project that is not appropriate for the Project Site.

The reason the magnitude of the variance is relevant is that, generally, the larger the difference the more likely it is that a negative effect would be generated. See Matter of Human Development Services of Port Chester v. Zoning Board of Appeals of the Village of Port Chester, 110 A.D.2d 135, aff'd, 67 N.Y.2d 702. However, in any particular case, the facts may demonstrate that while a variance may seem noteworthy on paper, no negative effect would be produced and, accordingly, the sought-after variance should be granted.

For example, in Matter of Frank v. Scheyer, 227 A.D.2d 558, 642 N.Y.S.2d 956 (2d Dept. 1996), the parcel was 19,983 square feet. However, the zoning code required a minimum lot size of one acre or 43,560 square feet. The variance at issue was more than 54%. Nevertheless, based on the facts presented, no harm would befall the community and the Court directed the zoning board of appeals to grant the application. The Court took similar action in Matter of Shaughessy v. Roth, 204 A.D.2d 333, 611 N.Y.S.2d 281 (2d Dept. 1994), in which the premises contained 50 feet of frontage and 5,000 square feet of area. The zoning code required 80 feet of frontage and a minimum lot size of 10,000 square feet. Accordingly, the application concerned a 50% reduction in lot area coupled with a second area variance seeking a 62.5% reduction from the required frontage. Nevertheless, based on the facts in the record, the Court directed the respondents to issue the variances. Additionally, in Matter of Sasso v. Osgood, 86 N.Y.2d 374 (1995), the applicant sought area variances for a 60% reduction in lot area and a 50% reduction in lot width. Based on

all of the facts presented, the Court of Appeals, our State's highest court, overturned the holding of the appellate court and directed that the requested area variances be granted.

Merely because a variance may seem noteworthy on paper does not mean that any "harm" would be generated on the surrounding community, and it is "harm" that is balanced against the interest of the applicant according to the Town Law §267-b(3) test. As mentioned previously, the requested area variance will not result in any "harm" on the surrounding community. It is the position of the Applicant that if the requested area variances are properly viewed as required by the cases discussed above, it is clear that the requested area variances are not substantial since they will not result in harm to the community.

**4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood.**

The granting of the requested area variances will not have any adverse effects or impacts on physical or environmental conditions in the neighborhood. A Short Environmental Assessment Form has been attached to the Variance Application. As mentioned previously, Project Site will be developed in accordance with current stormwater management standards and will include a stormwater management system that complies with the NYSDEC's stringent stormwater quantity and quality standards. There is only one small federal wetland located on the Project Site based on the recently completed comprehensive wetland delineation there will only be small impact to this wetland. The proposed residential buildings will have an upscale appearance that will not result in any adverse impacts and landscaping will be provided pursuant to a landscaping plan that will be included with the Site Plan Application to be reviewed by the Planning Board as part of the comprehensive review process.

**5. Whether the alleged difficulty was self-created?**

Town Law §267-b(3)(b) expressly states that the issue of whether an alleged difficulty is self-created cannot be utilized as the sole criteria in determining whether to grant requested area variances. It is the position of the Applicant that the alleged difficulty that has resulted in the need for area variances for the patio home component of the residential project is not self-created given that the proposed lots have been depicted on the Site Plan for illustrative purposes only. The setback variances for the group dwellings and multifamily buildings are largely attributable to these building including attached garages and no large apartment complex type buildings are being proposed. Nonetheless, if the ZBA determines that the alleged difficulty resulting in the need for the requested area variances is due to a self-created difficulty, such a finding would not lessen the strong justification for the requested area variances per the balancing test and the other four criteria as discussed above.

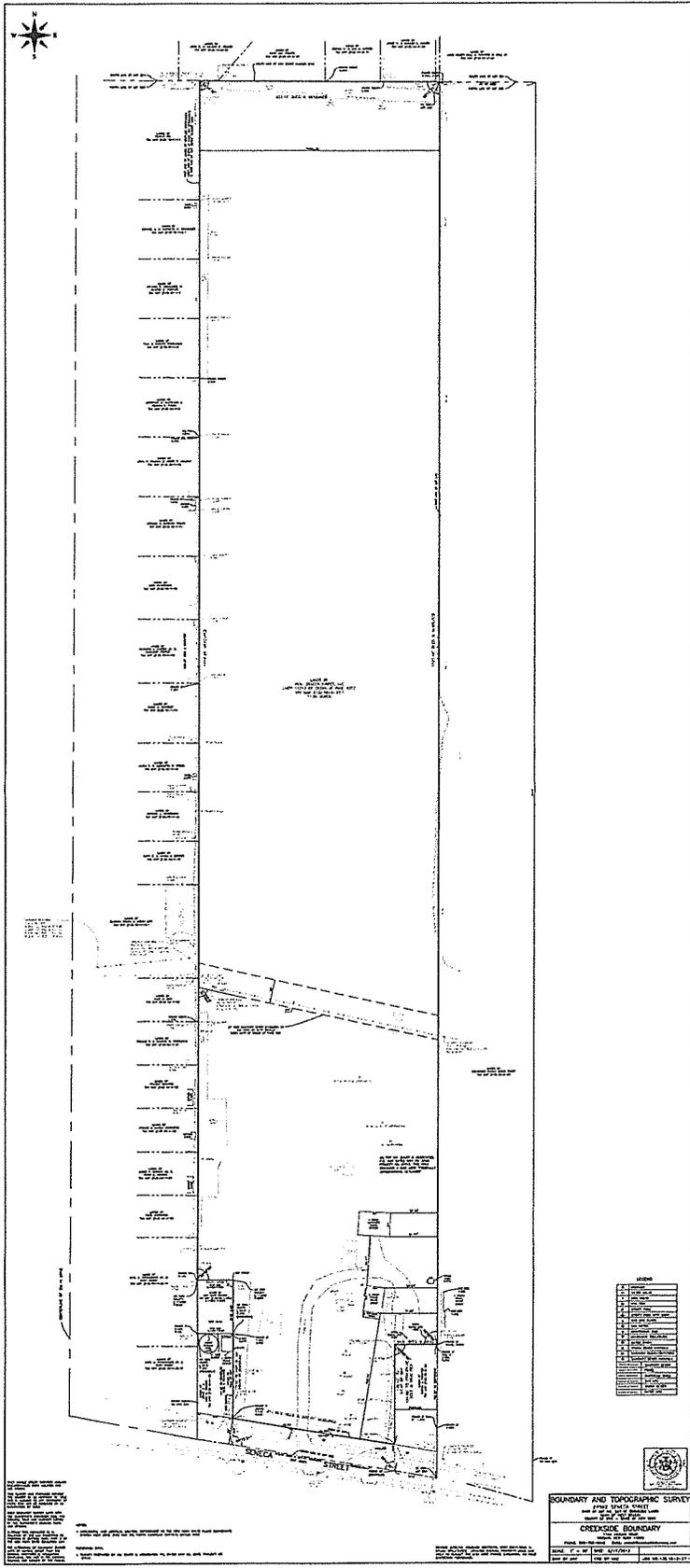
**Conclusion:**

The benefits that will be received by Applicant if the requested area variances are granted clearly outweigh any resulting detriments per the statutorily mandated balancing test. The Applicant requests that the ZBA grant the requested area variances to allow it to move forward with the proposed residential project based on the layout depicted on the full size Site Plan attached to this Variance Application.

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**Exhibit D: Survey of 4592 Seneca Street  
Prepared by Creekside Boundary  
dated May 17, 2013 [11" x 17"]**

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LEGEND	
[Symbol]	Survey Boundary
[Symbol]	Property Boundary
[Symbol]	Water
[Symbol]	Highway
[Symbol]	Other

**BOUNDARY AND TOPOGRAPHIC SURVEY**  
 JOHN J. SMITH  
 Surveyor  
 CREEK SIDE BOUNDARY  
 1985  
 100' = 1" (Horizontal)  
 100' = 1" (Vertical)

**NOTES**  
 1. All bearings and distances are as shown on this map.  
 2. The area shown on this map is the same as shown on the plan of the same name.  
 3. The area shown on this map is the same as shown on the plan of the same name.

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**Exhibit E: Legal Description  
of Property at 4592 Seneca Street**

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**EXHIBIT E OF VARIANCE APPLICATION**

**Metes and Bounds Legal Description of  
4592 Seneca Street - Town of West Seneca**

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. 223 of the Ebenezer Lands, so called, bounded and described as follows:

BEGINNING AT A POINT in the centerline of Seneca Street (66 feet wide), said centerline also being the south line of Lot No. 223, 54.8 feet westerly of the southeast corner of Lot No. 223, running thence northerly parallel with the east line of Lot No. 223, 159.85 feet to a point; thence easterly at right angles with the last described course 54.0 feet to a point in the east line of Lot No. 223, said point being 169.20 feet north of the centerline of Seneca Street; thence northerly along the east line of Lot No. 223, 1595.42 feet to the northeast corner thereof; thence westerly along the north line of Lot No. 223, 303.74 feet to the east line of lands conveyed to Gottlieb Diefenbach by deed recorded in Erie County Clerk's Office in Liber 422 of Deeds at page 387, said east line of Diefenbach also being the east line of lands as shown under Cover Number 1368; thence southerly parallel with the west line of Lot No. 223 and along the east line of lands so conveyed to Diefenbach by deed aforesaid 1514.39 feet to the northwest corner of lands of Lisa Marie Dulack by Deed recorded in the Erie County Clerk's Office in Liber 11229 of Deeds at page 5233; thence easterly along the north line of lands so conveyed to Dulack by Deed aforesaid 45.00 feet to the northeast corner thereof; thence southerly along the east line of lands of Dulack, 209.05 feet to the centerline of Seneca Street; thence easterly along the centerline of Seneca Street, 212.45 feet deed and 207.41 feet measured to the point of beginning.