

# TOWN OF WEST SENECA

## APPLICATION FOR REZONING – SPECIAL PERMIT

### TO BE COMPLETED BY APPLICANT

DATE 01-14-16

FILE # 2016-01

PROJECT NAME PROPOSED DEVELOPMENT AT INDIAN CHURCH ROAD

PROJECT LOCATION (Include address and distance to nearest intersection)

NW INTERSECTION OF INDIAN CHURCH ROAD AND UNION ROAD, PARCELS 1371 AND 1377 INDIAN CHURCH ROAD,

PARCELS 1954, 1934 AND 1926 UNION ROAD

APPLICANT SILVERTIP VENTURES, LLC

PH/FAX 716-662-7073

ADDRESS 3710 BAKER ROAD ORCHARD PARK NY 14127

PROPERTY OWNER PETER L. GOSZEWSKI

PH/FAX 716-481-1953

ADDRESS 5424 POND BROOK CIRCLE HAMBURG NY 14075

ENGINEER/ ARCHITECT WM. SCHUTT & ASSOCIATES, P.C.

PH/FAX 716-683-5961

ADDRESS 37 CENTRAL AVENUE LANCASTER NY 14086

SBL # 131.08-1-15, 131.08-1-16, 131.08-1-17, 131.08-1-18, AND 131.08-1-19

PROJECT DESCRIPTION (Include all uses and any required construction)

PROPOSED DEVELOPMENT OF A RESTAURANT AND A SEPARATE RETAIL BUILDING

SIZE OF LOT (acres) 1.3 AC TOTAL ACREAGE TO BE REZONED 1.3 AC TOTAL

ADJACENT ROAD NAMES AND AMOUNT OF FRONTAGE ON EACH

INDIAN CHURCH ROAD - 150 FT, UNION ROAD - 330 FT, DOSTER PLACE - 111 FT

EXISTING ZONING C-1 PROPOSED ZONING C-2

EXISTING USE(S) ON PROPERTY COMMERCIAL and RESIDENTIAL

PROPOSED USE(S) ON PROPERTY COMMERCIAL

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

COMMERCIAL AND RESIDENTIAL

PUBLIC SEWER YES  NO

PUBLIC WATER YES  NO

VARIANCES AND OTHER APPROVALS OR PERMITS REQUIRED

SITE PLAN APPROVAL FROM TOWN OF WEST SENECA, ECWA - WATER SERVICE CONNECTION, ECDEP/DSM -

SANITARY SEWER CONNECTION, NYSDOT - HIGHWAY WORK PERMIT, ERIE COUNTY HIGHWAY - HIGHWAY WORK

PERMIT, NYSDEC - SPDES CONSTRUCTION GENERAL PERMIT,

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

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

DATE RECEIVED 01/19/2016 BY J. Jansen

PLANNING BOARD MEETING DATE 02/11/2016

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

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

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

Civil Engineering  
Environmental Engineering  
Municipal Engineering  
Land Surveying



Project Management  
Construction Support Services  
Landscape Architecture  
SWPPP Services

January 14, 2016

Mr. John Gullo  
Town of West Seneca Building Department  
1250 Union Road  
West Seneca, NY 14224

Re: Proposed Rezone of Commercial Property  
**Letter of Intent**  
1371, 1377 Indian Church Road 1926, 1934 and 1954 Union Road  
(T) West Seneca, NY

Dear Mr. Gullo:

As you know Wm. Schutt and Associates has been retained by Silvertip Ventures, LLC to pursue approval of a rezone request for a combination of parcels in the Town of West Seneca. The parcels slated for rezoning are the following: 1371 Indian Church Road, 1377 Indian Church Road, 1926 Union Road, 1934 Union Road and 1954 Union Road. Each of these parcels are currently zoned C-1 Commercial and we are requesting the parcels be rezoned to C-2 Commercial. The parcels are currently owned by Peter L. Goszewski and a letter of authorization from Mr. Goszewski has been included with the rezone application package.

On November 23, 2015 Wm. Schutt represented Silvertip Ventures at the West Seneca Town Board meeting to request approval of the rezone application. The Town Board denied the request for rezoning of the properties based on the following: 1) evidence shows that traffic generated by the proposed use will have a negative impact on the surrounding community; 2) a residential district abuts the property sought to be rezoned; 3) NYSDOT has commented that due to the placement of the building the driveway is insufficient for vehicle stacking which may cause vehicles to back up in the road and create operational and safety issues at the intersection of Indian Church Road and Union Road; 4) the proposed plan is not reflective of the neighborhood and does not fit with the current Master Plan or the upcoming changes to the Master Plan. Silvertip Ventures, LLC has since sought the counsel of Mr. Ralph Lorigo. Mr. Lorigo has conversed with the West Seneca Town Attorney Mr. John Fenz and received the direction to resubmit an application for rezone of the same properties using a revised site plan of the proposed development. The proposed site plan was significantly revised to adjust the placement of the proposed buildings onsite (moving the Tim Horton's Café & Bake Shop to the south) and extending the car queue to accommodate an eighteen (18) car queue (which is an increase in seven (7) cars).

The proposed project intends to develop the Tim Horton's Café and Bake Shop with a single drive thru lane as well as a separate +/- 5,360 square foot retail building. It is proposed to extend the required utilities (i.e. sanitary, water, storm, etc...), construct parking and provide new landscaping. The proposed restaurant will have an interior seating capacity of 28 seats and the drive thru will

16-01-14-gullo-l-pmb.doc

have an eighteen (18) car queue capacity. The restaurant is proposed to operate from the hours of 5 am to 10 pm daily, with staff arriving at 4 am and leaving at 11 pm. The retail building will likely operate between the hours of 10am and 8pm. The retail building is estimated to house a maximum of three tenants. Possible uses being considered include a dry cleaner with drop off, florist shop, tanning bed salon, massage therapy office, cellular phone store, NYSDMV office or a liquor store. The parcel rezone is necessary to allow for the proposed restaurant and drive thru establishment per Town Code.

The site is currently occupied by a mix of vacant land with grass/trees or asphalt surface as well as dilapidated buildings that will be demolished. It is planned to combine the five (5) separate parcels into one parcel at a future date in the development. [A Conceptual Site Plan has been prepared to showcase the proposed restaurant established at the southern end of the site and the retail building located at the northern end of the project site. Driveway access is proposed onto both Union and Indian Church Roads, to be shared by both the restaurant and retail establishments]

At this time, please find attached the following information for your review and distribution:

- Five (5) copies of the Rezone Application
- Five (5) copies of the Site Plan meeting all current Town Code requirements
- Five (5) copies of the property legal description
- Five (5) copies of the property survey
- Five (5) copies of color buildings elevations and proposed aerial views
- One (1) half size (11" x 17") set of site plan and survey
- One (1) set of documents in PDF format on CD
- One (1) copy of the legal description in MS Word format on CD

We ask that this rezone application package be placed on the next Town Board agenda for consideration and referral to the Town Planning Board.

Please review and contact me with any questions.

Sincerely,



Patricia Bittar  
Senior Project Manager

cc: Judy Stamm, Silvertip Ventures LLC  
15264

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## Proposed Description

**ALL THAT TRACT OR PARCEL OF LAND** situate in the Town of West Seneca, County of Erie and State of New York, being Lots 78 and 79 and part of Lots 80, 81 and 82 as shown on map cover 102 (Village of Middle Ebenezer) Township 10, and Range 7 and subplot 5 and part of sublots 1, 2, 3 and 4 as shown on map cover 1188, bounded and described as follows;

**BEGINNING** at the point of intersection of the north line of Doster Place (50' wide) at the southwest corner of a parcel of land acquired by the State of New York Map No. 249, Parcel No.242 for the reconstruction of Union Road; thence westerly along the north line of Doster Place a distance of 111.0 feet to the east line of subplot 5, as shown on map cover 1188; thence northerly along the east line of said subplot 5 a distance of 156.75 feet to the northeast corner thereof; thence westerly along the north line of said subplot 5 and its westerly extension also being the north line of Lot 81 as shown on map cover 102 a distance of 52.7 feet to the southwest corner of Lot 78, as shown on map cover 102; thence northerly along the west line of said Lot 78 a distance of 213.33 feet to a point on the south line of Indian Church Road; thence easterly along the south line of Indian Church Road a distance of 153.0 feet to the northwest corner of a parcel of land acquired by the State of New York, Map No.250, Parcel No.243 for the reconstruction of Union Road; thence southeasterly along the southwest line of said lands acquired the State of New York Map No.250, Parcel No.243, a distance of 37 feet more or less to a point on the west line of Union Road (width varies); thence southerly along the west line of Union Road being the west line of lands acquired by the State of New York Map No.250, Parcel No.243 and Map No.278, Parcel No.277 a distance of 258.0 feet to a point of curvature; thence continuing southerly along the west line of Union Road being the west line of lands acquired by the State of New York Map No.278, Parcel No.277 and Map No.249, Parcel No.242, having a radius of 34,422.47 feet, an arc distance of 72.76 feet to an angle point therein; thence southwesterly along the northwest line of said lands acquired by the State of New York, Map No.249, Parcel No.242, a distance of 17 feet more or less to the Point of Beginning.