

# TOWN OF WEST SENECA

## APPLICATION FOR REZONING – SPECIAL PERMIT

### TO BE COMPLETED BY APPLICANT

DATE 9-30-15

FILE # 2015-011

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 10/21/2015 BY J. Johnson

PLANNING BOARD MEETING DATE 11/05/2015

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

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

NON - REFUNDABLE FILING FEE (Payable to the Town Clerk): \$ 300

Peter L. Goszewski  
5424 Pond Brook Circle  
Hamburg, New York 14075  
(716) 481-1953 cellular

September 24, 2015

Fred & Judy Stamm  
Silvertip Ventures, LLC

RE: West Seneca Properties

To Whom It May Concern,

I, Peter L. Goszewski do verify that Silvertip Ventures, LLC, Fred & Judy Stamm are conducting due diligence on the following properties of 1371 Indian Church Road, 1377 Indian Church Road, 1926 Union Road, 1934 Union Road and 1954 Union Road, West Seneca, NY.

I authorize Silvertip Ventures, LLC and/or Fred and Judy Stamm to work with any agency required and involved in the review process.

Should additional information be necessary, please contact me.

Sincerely,

  
Peter L. Goszewski

## 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.





## 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: Retail and Tim Hortons Restaurant							
Project Location (describe, and attach a location map): 1371 and 1377 Indian Church Road, 1924, 1934 and 1954 Union Road, West Seneca, New York							
Brief Description of Proposed Action: Silvertip Ventures, LLC is proposing to construct a 1,776+/- square foot Tim Hortons restaurant and a 5,837+/- square foot retail building, located at the following parcels: 1371 and 1377 Indian Church Road, 1924, 193 and 1954 Union Road. The parcel that is proposed for development is currently zoned C1 - Commercial District. The applicant is applying to rezone the parcels to C2 zoning in order for a restaurant with drive thru feature to be a permitted use. Additionally, once rezoned, the 5 properties will be merged into one parcel. Currently the proposed site has 3 existing houses and asphalt parking lot. Prior to construction, the 3 existing houses, the existing asphalt parking lot as well as existing utilities will be removed and disposed of in appropriate manner. Construction of the restaurant and retail building will be completed as a single phase and includes all necessary infrastructure (i.e. sanitary sewer lateral, domestic water service line and storm sewer system), associated parking/sidewalk areas and landscaping. (See Attachment 1 Site Plan and Attachment 2 Location Map). The restaurant and retail are proposed to have a combined 48 parking spaces and the restaurant is proposed with a 11 car queue capacity.							
Name of Applicant or Sponsor: Silvertip Ventures, LLC		Telephone: 716-662-7073 E-Mail: judy_h_stamm@hotmail.com					
Address: 3710 Baker Road							
City/PO: Orchard Park		State: New York	Zip Code: 14127				
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? <b>Project parcels are proposed to be rezoned from C1 to C2</b> 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.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">NO</th> <th style="width: 50%;">YES</th> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> </table>	NO	YES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
NO	YES						
<input type="checkbox"/>	<input checked="" 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: Site Plan Approval from Town of West Seneca, Water Service Approval from ECWA, Sanitary Sewer Approval from ECDEP District #1, NYSDOT and Erie County DPW approval for proposed curb cuts and related work within the public right of way			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">NO</th> <th style="width: 50%;">YES</th> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> </table>	NO	YES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
NO	YES						
<input type="checkbox"/>	<input checked="" type="checkbox"/>						
3.a. Total acreage of the site of the proposed action?		1.31 acres					
b. Total acreage to be physically disturbed?		1.10 acres					
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		1.31 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 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							



<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)?          If Yes, explain purpose and size: _____          The proposed construction will include a underground piped detention system for temporary storage of stormwater during rain events.</p>	<p>NO  <input type="checkbox"/></p>	<p>YES  <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?          If Yes, describe: _____          _____</p>	<p>NO  <input checked="" type="checkbox"/></p>	<p>YES  <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?          If Yes, describe: _____          _____</p>	<p>NO  <input checked="" type="checkbox"/></p>	<p>YES  <input 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>Robyn Ciemiak (Agent for Owner)</u> Date: <u>10/19/15</u>          Signature: <u>Robyn Ciemiak</u></p>		

**Attachment 1**

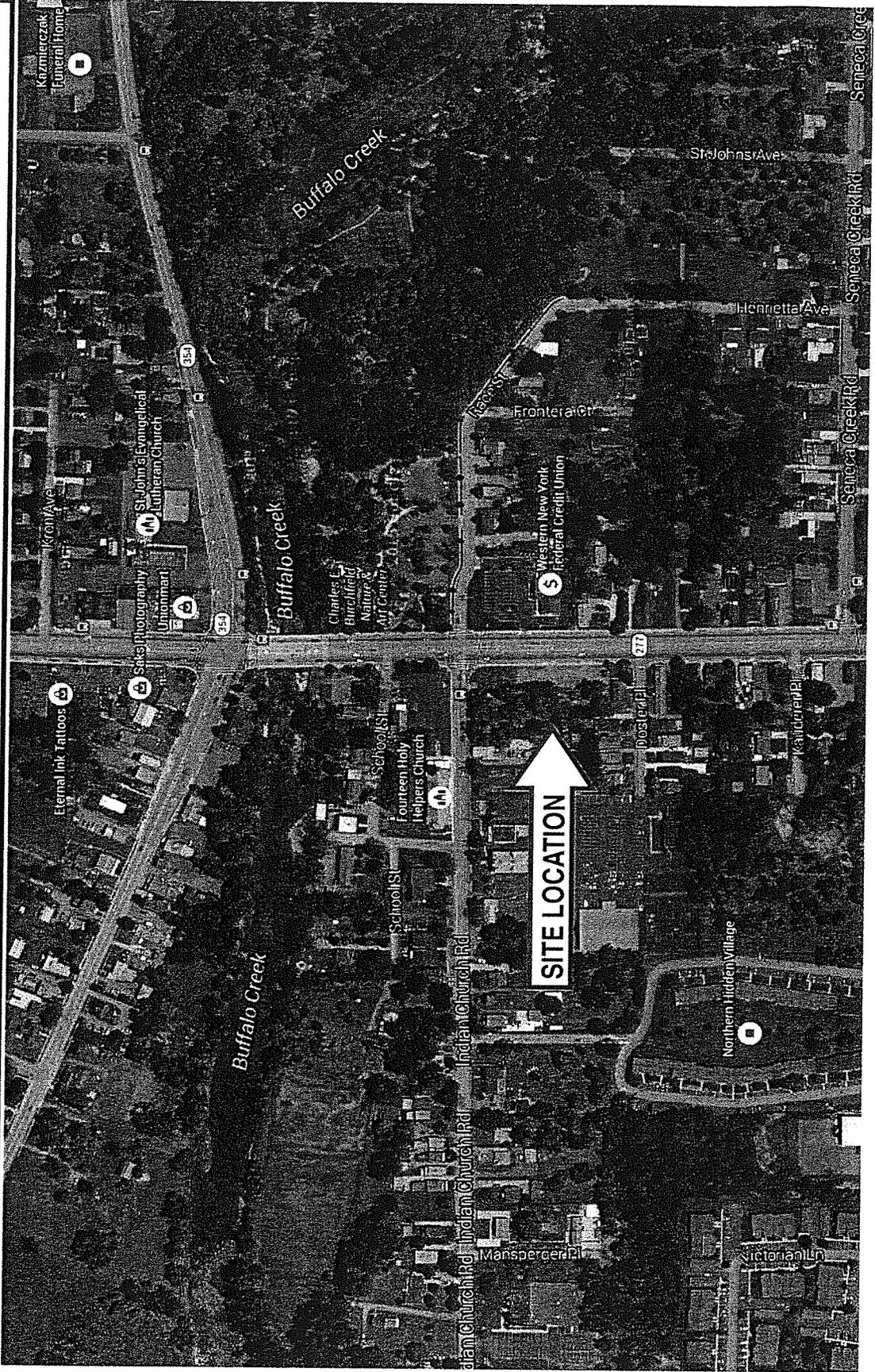
**Project Site Plan**



**Attachment 2**

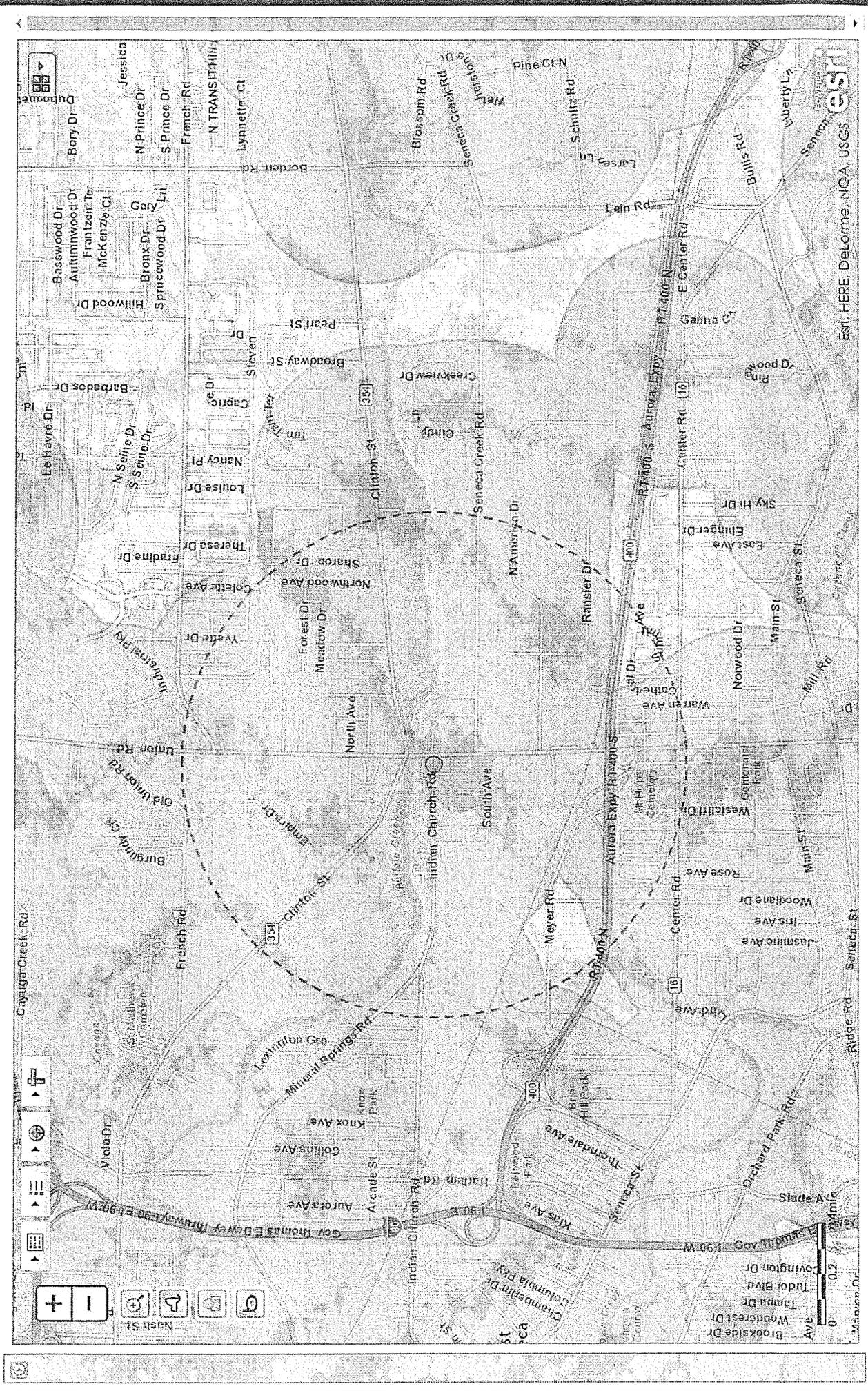
**Project Location Map**

Proposed THD and Retail at Indian Church Road  
(T) West Seneca — Erie County, New York



**Attachment 3**

**NYS Office Parks, Recreation and Historic Preservation  
Cultural Resource Information System**



ESRI

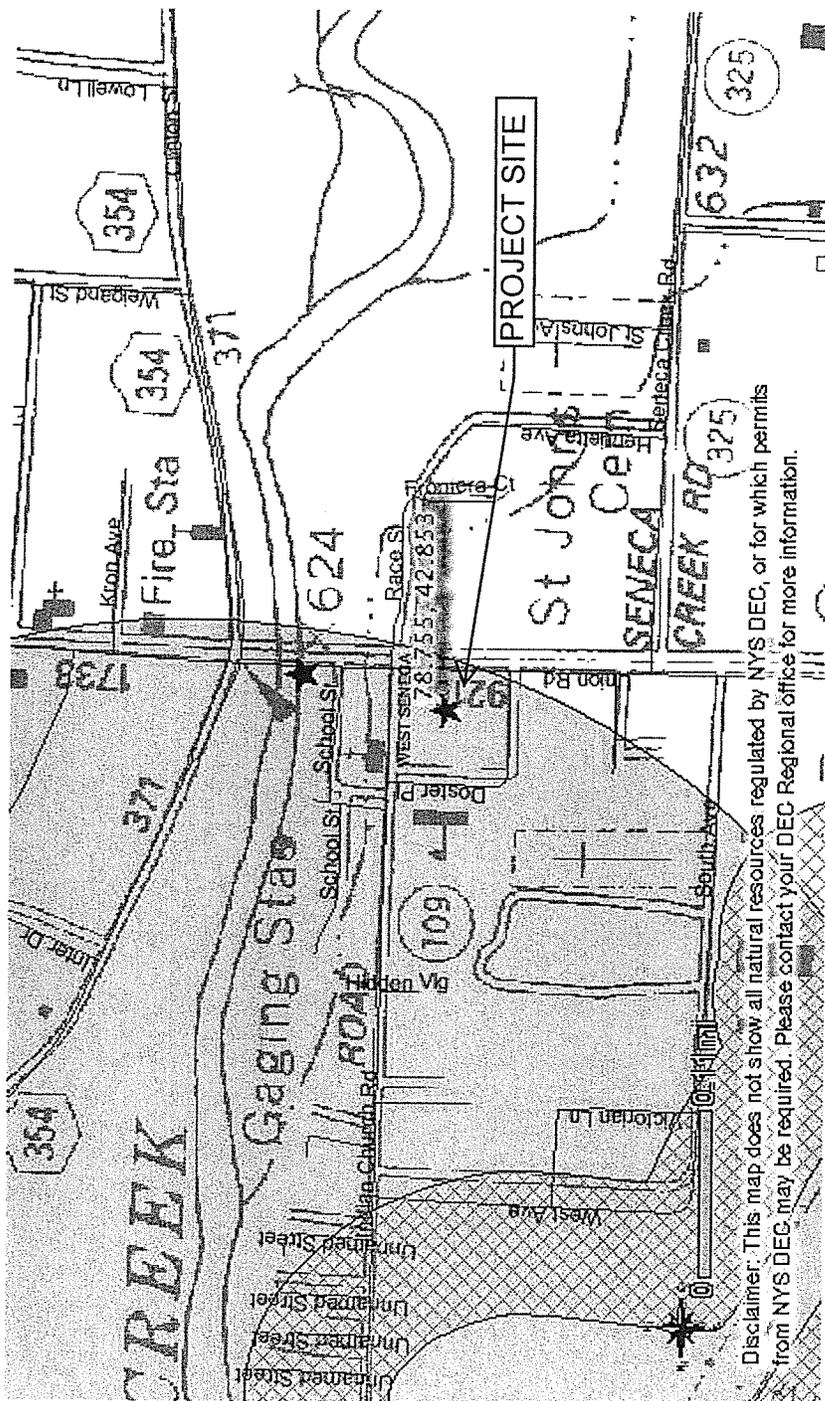
Estn. HERE, Delorme, NCA, USGS

**Attachment 4**

**NYSDEC Environmental Resource Map**

### Visible Layers

-  Classified Streams
-  Classified Ponds
-  State-Regulated Freshwater Wetlands
-  Wetland Checkzone
-  State-Regulated Freshwater Wetlands
-  Rare Plants and Rare Animals
-  Significant Natural Communities Buffered
-  Natural Communities Nearby
-  Significant Natural Communities
-  Interstate Highways
-  Adirondack Park Boundary
-  Counties



Disclaimer: This map does not show all natural resources regulated by NYS DEC, or for which permits from NYS DEC may be required. Please contact your DEC Regional office for more information.

MinX: 192566, MaxX: 193794, MinY: 4751807, MaxY: 4750944

Disclaimer: This map was prepared by the New York State Department of Environmental Conservation using the most current data available. It is deemed accurate but is not guaranteed. NYS DEC is not responsible for any inaccuracies in the data and does not necessarily endorse any interpretations or products derived from the data.

The Coordinates of the point you clicked on are:

NYTM	E: 193110	Longitude/Latitude	W: 78.756
	N: 4751533		N: 42.854

**Classified Streams**

Regulation	Standard	Classification
837-137	B	B

**Rare Plants and Rare Animals**

This location is in the vicinity of one or more :
Rare Animals and/or Rare Plants

**Old or Potential Records (these records are not displayed on the map)**

Common Name	Scientific Name	Date Last Documented	Location	Habitat Where Last Seen	Animal, Plant, or other	NYS Protected Status
Harbinger-of-spring	Erigenia bulbosa	1930-04-19	Cazenovia Creek	Base of hillside in valley.	Rare Plant	Endangered
Yellow Giant-hyssop	Agastache nepeloides	1898-08-02	West Seneca		Rare Plant	Threatened

**USGS Quadrangle**

USGS Quadrangle Name
BUFFALO SE

If your project or action is within or near an area with a rare animal, a permit may be required if the species is listed as endangered or threatened and the department determines the action may be harmful to the species or its habitat.

If your project or action is within or near an area with rare plants and/or significant natural communities, the environmental impacts may need to be addressed.

The presence of a unique geological feature or landform near a project, unto itself, does not trigger a requirement for a NYS DEC permit. Readers are advised, however, that there is the chance that a unique feature may also show in another data layer (ie. a wetland) and thus be subject to permit jurisdiction.

Please refer to the "Need a Permit?" tab for permit information or other authorizations regarding these natural resources.

**Disclaimer:** If you are considering a project or action in, or near, a wetland or a stream, a NYS DEC permit may be required. The Environmental Resources Mapper does not show all natural resources which are regulated by NYS DEC, and for which permits from NYS DEC are required. For example, Regulated Tidal Wetlands, and Wild, Scenic, and Recreational Rivers, are currently not included on the maps.

Attachment 5

FEMA Firmette  
FM 3602620001B

insurance agent or call the National Flood Insurance Program at (800) 638-6620



APPROXIMATE SCALE



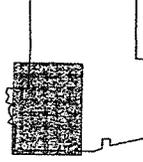
NATIONAL FLOOD INSURANCE PROGRAM

# FIRM FLOOD INSURANCE RATE MAP

TOWN OF  
WEST SENECA,  
NEW YORK  
ERIE COUNTY

PANEL 1 OF 4

(SEE MAP INDEX FOR PANELS NOT PRINTED)



PANEL LOCATION

COMMUNITY-PANEL NUMBER  
360262 0001 B

MAP REVISED:  
SEPTEMBER 30, 1992



Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at [www.msc.fema.gov](http://www.msc.fema.gov)

