

TOWN OF WEST SENECA

APPLICATION FOR REZONING – SPECIAL PERMIT

TO BE COMPLETED BY APPLICANT

DATE 11/14/18

FILE # 2018-10

PROJECT NAME Union Concrete & Construction Corp. Rezoning

PROJECT LOCATION (Include address and distance to nearest intersection)
101 Center Road; 105 Center Road; 3050 Seneca Street

APPLICANT Union Concrete & Construction Corp. PH/FAX 716-864-0261

ADDRESS 105 Center Road, West Seneca, NY 14224

PROPERTY OWNER Same PH/FAX _____

ADDRESS Same

ENGINEER/ ARCHITECT Daniel Regan, PLS PH/ FAX 716-560-4259

ADDRESS 7231 Tricia Lane, Boston, NY 14025

SBL # 134.14-4-5.2; 134.14-1-20; 134.13-4-6

PROJECT DESCRIPTION (Include all uses and any required construction)
Rezoning 105 Center Rd and easterly 60' 3050 Seneca St. from R-65 to M-1; Rezone 101 Center Road from C-2 to M-1.

SIZE OF LOT (acres) 3.0 ACREAGE TO BE REZONED 2.7

ADJACENT ROAD NAMES AND AMOUNT OF FRONTAGE ON EACH
Center Road (North) 459 feet; Seneca St. (South) 165 feet

EXISTING ZONING See Project Description PROPOSED ZONING See Project Description

EXISTING USE(S) ON PROPERTY Contractor Yard.

PROPOSED USE(S) ON PROPERTY Permitted M-1 Uses

EXISTING USE(S) AND ZONING ON ALL PROPERTY WITHIN 500 FEET
EAST - Railroad Row (M-1); South - Industrial (M-1); West - commercial/Residential (C-2; R-65); North - commercial (R60A)

PUBLIC SEWER YES NO _____ PUBLIC WATER YES NO _____

VARIANCES AND OTHER APPROVALS OR PERMITS REQUIRED
None - No physical changes contemplated - only rezoning

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

TO BE COMPLETED BY THE TOWN OF WEST SENECA

DATE RECEIVED 11/26/2018 BY J. Felsner

PLANNING BOARD MEETING DATE 12/13/2018

TOWN BOARD MEETING DATE _____

TOWN BOARD RESOLUTION DATE _____

THE GARAS LAW FIRM, LLP

8203 Main Street, Suite 13

Williamsville, NY 14221

Phone: (716) 842-6200 Fax: (716) 332-3575

November 19, 2018

Town of West Seneca Planning Board
1250 Union Road, Room 10
West Seneca, NY 14224

Re: Union Concrete & Construction Corp. Rezoning Request

Ladies and Gentlemen:

I represent Union Concrete & Construction Corp. the owner of the following 3 parcels of property in the Town of West Seneca (collectively the "Premises"):

1. 101 Center Rd.—SBL No. 134.14-4-5.2
2. 105 Center Rd.—SBL No. 134.14-1-20
3. 3080 Seneca Street—SBL No. 134.13-4-6

105 Center Rd. and 3080 Seneca Street are zoned R-65 and 101 Center Road is zoned C-2. The land records demonstrate that these parcels are owned variously by "UCC Constructors, Inc." and "Union Concrete & Construction Corp." The company was known by different names at different times and is currently known as Union Concrete & Construction Corp. Accordingly, all three parcels are owned by Union Concrete & Construction Corp.

Most of the Premises has been utilized for decades by my client as a "contractor's yard" incident to its business as a highway contractor. I believe the use of portions of the Premises predate the enactment of the Town's zoning ordinance. My client has outgrown the Premises and is planning to construct a new facility on property it owns on Meyer Road in the Town. My client will ultimately not require the Premises and it desires to rezone the Premises in order to make them more usable by a future purchaser.

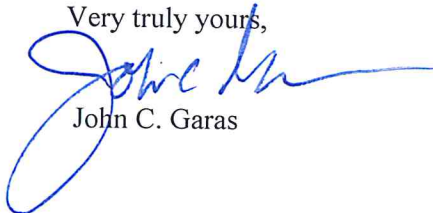
It is my client's desire to cause all of 101 and 105 Center Road and the easterly 60 feet of 3080 Seneca Street to be rezoned to the M-1 zoning classification and to retain the existing R-65 zoning on the westerly 66+/- feet of 3080 Seneca Street. To that end, I enclose the following:

- A. Application for Rezoning.
- B. An original, full sized survey of the Premises dated 7/25/18.
- C. A legal description of each parcel to be rezoned.
- D. Short form EAF.
- E. Letter from Owner acknowledging zoning change request.
- F. Check in the amount of \$350.00. Union Concrete & Construction Corp

My client does not plan to make any physical changes to the Premises; therefore, the survey also constitutes a site plan. It is not contemplated that any changes to my client's business or its hours of operation will be made.

Thank you for your kind attention to this matter.

Very truly yours,

A handwritten signature in blue ink, appearing to read "John C. Garas", with a large, stylized flourish at the end.

John C. Garas

Cc Mr. Robert Hill
Mr. Nicholas Osinski

Property Description: 101 Center Road

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. 127 of the Ebenezer Lands, described as follows:

Beginning at a point in the center line of Center Road at its intersection with the east line of Lot No. 127; thence westerly along the center line of Center Road two hundred twelve and fifty two hundredths (212.52) feet to the boundary line established by agreement recorded in the Erie County Clerk's Office in liber 1772 of Deeds page 6; thence southerly parallel with the east line of Lot No. 127 and along said boundary line, one hundred ninety-seven and four tenths (197.4) feet; thence easterly along a line drawn at right angles to the east line of Lot No. 127, two hundred twelve and fifty-two hundredths (212.52) feet to the east line of Lot No. 127; thence northerly along the east line of Lot No. 127, one hundred ninety-eight and eighty-one hundredths (198.81) feet to the center line of Center Road at the point of beginning.

Property Description: 105 Center Road

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. 126 of the Ebenezer Lands, described as follows:

Beginning at a point in the center line of Center Road at its intersection with the east line of Lot No. 127 and the west line of Lot No. 126; thence southerly along the east line of Lot No. 127 and the west line of Lot No. 126 a measured distance of 495.69 feet and a record distance of 495.18 feet to a point in the center line of Seneca Street; thence southeasterly along the center line of Seneca Street a distance of 15.66 feet; thence northeasterly at an exterior angle of $90^{\circ}03'01''$ a distance of 554.86 feet; thence westerly along the centerline of Center Road, a distance of 247.01 feet to the point or place of beginning.

Property description of portion of 3080 Seneca Street to be rezoned:

BEGINNING at a point in the north line of Seneca Street at the southwest corner of lands deeded by Dorothea Benz to William J. Vergien and wife by deed recorded in Erie County Clerk's Office in Liber 1830 of Deeds at page 301 on September 25, 1925 which point is 95 feet southeast of the point of intersection of the north line of Seneca Street with the center line of said Lot No. 127; thence southeast along the north line of Seneca Street a distance of 75.18 feet to the point or place of beginning; thence north, a distance of 233.81 feet; thence east at an interior angle of $81^{\circ}34'45''$, a distance of 59.82 to the east line of said Lot No. 127; thence south and along the east line of said Lot No. 127, a record distance of 260 feet and a measured distance of 260.72 feet to the north line of Seneca Street; thence northwest and along the north line of Seneca Street 64.03 feet to the point of beginning.

Short Environmental Assessment Form

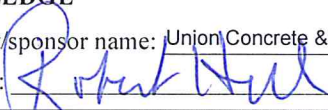
Part 1 - Project Information

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.

Part 1 - Project and Sponsor Information			
Union Concrete & Construction Corp.			
Name of Action or Project: Rezoning 101 Center Road; 105 Center Road; part of 3080 Seneca St.			
Project Location (describe, and attach a location map): 101 Center Road; 105 Center Road; 3080 Seneca St, West Seneca, NY			
Brief Description of Proposed Action: Rezone 101 Center Road (SBL No. 134.14-4-5.2) from C-2 to M-1. Rezone 105 Center Road (SBL No. 134.14-1-20) from R-65 to M-1. Rezone westerly 66 +/- feet of 3080 Seneca Street (SBL No. 134.13-4-6) from R-65 to M-1. No physical changes to property contemplated. Proposed Action consists entirely of rezoning.			
Name of Applicant or Sponsor: Union Concrete & Construction Corp.		Telephone: 716-864-0261	
		E-Mail: bronco15@roadrunner.com	
Address: 105 Center Road			
City/PO: West Seneca		State: NY	Zip Code: 14224
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 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:			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 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 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)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input 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>_____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</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>_____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p>		
<p>Applicant/sponsor name: <u>Union Concrete & Construction Corp.</u></p>		<p>Date: <u>11/19/18</u></p>
<p>Signature: <u></u> Robert Hill, President</p>		

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?		
11. Will the proposed action create a hazard to environmental resources or human health?		

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<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 may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<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.	
_____	_____
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)

UNION CONCRETE & CONSTRUCTION CORP.
105 Center Road
West Seneca, NY 14224

Telephone: 716-822-5755

November 19, 2018

Town of West Seneca Planning Board
1250 Union Road, Room 10
West Seneca, NY 14224

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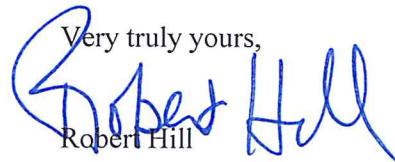
Ladies and Gentlemen:

I am the President of Union Concrete & Construction Corp. the owner of the following 3 parcels of property in the Town of West Seneca (collectively the "Premises"):

1. 101 Center Rd.—SBL No. 134.14-4-5.2
2. 105 Center Rd.—SBL No. 134.14-1-20
3. 3080 Seneca Street—SBL No. 134.13-4-6

This letter will acknowledge that Union Concrete & Construction Corp. has submitted an application for the rezoning of 101 and 105 Center Road and the easterly 60 feet of 3080 Seneca Street to the M-1 zoning classification and to retain the existing R-65 zoning on the westerly 66+/- feet of 3080 Seneca Street.

This letter will further acknowledge that the Town or Planning Board might condition any rezoning upon the placement of restrictions or conditions on the Premises.

Very truly yours,

Robert Hill