

# James E. Boy, Architects

124 Linden Avenue, Kenmore, New York 14217 - 716-863-1380

April 23, 2019

Town of West Seneca Planning Board  
1250 Union Road  
West Seneca, New York 14224

Re: Proposed Car Wash Project – 1343, 1347 and 1353 Union Road  
& 0 Freemont Avenue – Request for Rezoning of Property  
from R-65 and C-1 to C-2 and Special Use Permit  
Applicant: JSEK West Seneca LLC c/o Joe Spino

To Whom it May Concern:

Attached please find the following information regarding the above request for rezoning and special use:

5 copies of the following:

1. Signed authorization from owner
2. Town of West Seneca Application for Rezoning -Special Permit.
3. Copy of letter to Town Supervisor.
4. Exhibit 1 – Description of proposed car wash facility redevelopment project.
5. Exhibit 2 – Short Environmental Assessment Form (SEQRA.)
6. Exhibit 3 – Legal Description of Property.
7. Current property survey.
8. Proposed Site Plan of Car Wash.

1 copy of survey and site plan – 11” x 17”

1 CD will all of the above.

If you have any questions or need additional information, please feel free to contact Sean Hopkins, Esq. at 510-4338 or via e-mail at [shopkins@hsr-legal.com](mailto:shopkins@hsr-legal.com) or me at 863-1380 or via e-mail at [jboy@jeb-architecture.com](mailto:jboy@jeb-architecture.com).

Sincerely

James E. Boy, RA, AIA, NCARB

**AUTHORIZATION**

JSEK West Seneca LLC, as the record owner of 1343, 1347 and 1353 Union Road and 0 Fremont Road in the Town of West Seneca (collectively the "Project Site"), hereby authorizes Hopkins Sorgi & Romanowski PLLC and James Boy RA, to seek the required approvals and permits for the development of the Project Site as a car wash facility from the municipal boards of the Town of West Seneca including a rezoning, special use permit, site plan approval and any necessary area variances. JSEK West Seneca LLC acknowledges that the municipal boards of the Town of West Seneca may impose conditions in connection with the issuance of any approvals and/or permits for the project.

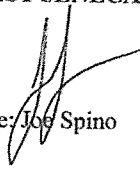
Date: April 22, 2019

**JSEK WEST SENECA**

**LLC**

Signature:

Print Name: Joe Spino



# TOWN OF WEST SENECA

Application for Rezoning  
and Special Use Permit -  
Proposed Car Wash Facility

## APPLICATION FOR REZONING – SPECIAL PERMIT

### TO BE COMPLETED BY APPLICANT

DATE April 23, 2019

FILE # 2019-04

PROJECT NAME Proposed Car Wash Facility

PROJECT LOCATION (Include address and distance to nearest intersection) 1343, 1347 and 1353 Union Road

APPLICANT JSEK West Seneca LLC C/o Sean Hopkins, Esq. PH/FAX Tel: 510-4338 - Fax: 242-0606

ADDRESS 5500 Main Street, Suite 100, Williamsville, New York 14221 [E-mail: shopkins@hsr-legal.com]

PROPERTY OWNER JSEK West Seneca LLC [Authorization Letter attached] PH/FAX 238-4667

ADDRESS 30 Buffalo Creek Road, Elma, NY 14059

ENGINEER/ ARCHITECT James Boy, RA PH/ FAX Tel: ADD

ADDRESS ADD ADDRESS [E-mail: jboy@jeb-architecture.com]

SBL # 134.76-23.1, 134.76-1-25 and 134.76-3.11

PROJECT DESCRIPTION (Include all uses and any required construction) A Project Description is attached as Exhibit "1" of this Rezoning and Special Use Permit Application. A full size copy of the Concept Site Plan is attached to this Application.

SIZE OF LOT (acres) 1.436 Acres ACREAGE TO BE REZONED 1.436 Acres

ADJACENT ROAD NAMES AND AMOUNT OF FRONTAGE ON EACH The Project Site has 174.5 ft. of frontage on Union Road. A copy of the survey of the Project Site is attached to this Application and a legal descriptions of property to be rezoned from C-1 and R-65 to C-2 are provided at Exhibit "3" of this Application. The site is approximately 180 ft. north of the intersection of Union Road and Norwood Ave.

EXISTING ZONING R-65 & C-1 PROPOSED ZONING C-2(S)

EXISTING USE(S) ON PROPERTY Vacant Former Nursery/Greenhouse and two residential structures

PROPOSED USE(S) ON PROPERTY Car Wash Facility

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

The predominant uses of parcels within 500 ft. are commercial uses along Union Road and residential uses on street connecting to Union Road. The zoning classifications of parcels within 500 ft. includes C-1, C-1(S) and R-65 per the Town's Zoning Map.

PUBLIC SEWER YES \_\_\_ NO X PUBLIC WATER YES \_\_\_ NO X

VARIANCES AND OTHER APPROVALS OR PERMITS REQUIRED [Note: On-site sanitary sewer and water lines will be privately owned and will be connected into the municipal systems.]

The project requires an amendment of the zoning classification of the Project Site from R-65 and C-1 to C-2, a Special Use Permit for the proposed car wash facility and it also requires Site Plan Approval from the Planning Board.

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

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

DATE RECEIVED 04/23/2019 BY [Signature]

PLANNING BOARD MEETING DATE 05/09/2019

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

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

# James E. Boy, Architects

124 Linden Avenue, Kenmore, New York 14217 - 716-863-1380

April 15, 2019

Sheila M. Meegan, Supervisor  
Town of West Seneca Town Board  
1250 Union Road  
West Seneca, New York 14224

Re: Proposed Car Wash Project – 1343, 1347 and 1353 Union Road  
& 0 Freemont Avenue – Request for Rezoning of Property  
from R-65 and C-1 to C-2 and Special Use Permit  
Applicant: JSEK West Seneca LLC c/o Joe Spino

Dear Supervisor Meegan and Councilmembers Hanley and Hart:

JSEK West Seneca LLC (“Project Sponsor), the owner of parcels consisting of 1343, 1347 and 1353 Union Road and 0 Freemont Road (collectively the “Project Site”) is interested in redeveloping the Project Site as a car wash facility and related site improvements in a manner generally consistent with the attached Concept Plan showing the layout of the redevelopment project.

The Union Road frontage of the Project Site is zoned C-1 pursuant to the Town of West Seneca Zoning Map (“Zoning Map”) and the remainder of the Project Site is zoned R-65. A car wash facility is allowed in the C-2 zoning district upon the issuance of a Special Use Permit.

The proposed car wash redevelopment project would include a new car wash building consisting of a two-story structure along the Union Road frontage of the Project Site and the remainder of the building would be a single-story structure. The size of the proposed car wash building would be approximately 6,500 sq. ft. In connection with the redevelopment project, there would not be any driveway connection to Freemont Avenue and screening consisting of fence and landscaping will be provided along those portions of the Project Site that are adjacent to residential uses.

The first step in the review process for the redevelopment project consists of the Town Board making a referral of the request to amend the zoning classification of a portion of the Project Site from R-65 and C-1 to C-2 to the Planning Board. Upon this occurring, the Project Sponsor will file an Application and the required supporting documentation to facilitate the Planning Board’s review and issuance of recommendation to the Town Board on the requested amendment of the zoning classification of a portion of the Project Site from R-65 and C-1 to C-2 and the required Special Use Permit.

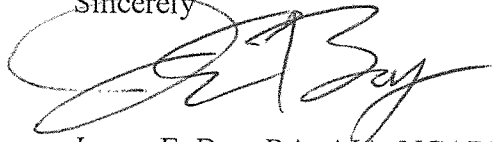
# James E. Boy, Architects

124 Linden Avenue, Kenmore, New York 14217 - 716-863-1380

The Applicant is requesting that the request for an amendment of the zoning classification of a portion of the Project Site from R-65 and C-1 to C-2 and the request for a Special Use Permit be referred to the Planning Board by the Town Board during the upcoming meeting of the Town Board on April 22<sup>nd</sup> at 7:00 p.m.

If you have any questions or need additional information, please feel free to contact Sean Hopkins, Esq. at 510-4338 or via e-mail at [shopkins@hsr-legal.com](mailto:shopkins@hsr-legal.com) or me at 863-1380 or via e-mail at [jboy@jeb-architecture.com](mailto:jboy@jeb-architecture.com).

Sincerely

A handwritten signature in black ink, appearing to read 'J. E. Boy', written over the word 'Sincerely'.

James E. Boy, RA, AIA, NCARB

Enc.

cc: William P. Hanley, Councilmember  
Eugene Hart, Councilmember  
Jackie Felser, Town Clerk  
Tina Hawthorne, Esq., Town Attorney  
Jeffrey Schieber, Code Enforcement Officer  
Joe Spino, JSEK West Seneca LLC  
Sean Hopkins, Esq., Hopkins Sorgi & Romanowski PLLC

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**Exhibit 1 – Description of  
Proposed Car Wash Facility  
Redevelopment Project**

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**EXHIBIT 1 OF REZONING AND SPECIAL USE  
PERMIT APPLICATION**

**PROJECT DESCRIPTION AND DESCRIPTION  
OF REQUESTED REZONING AND SPECIAL USE PERMIT  
1343, 1347 AND 1353 UNION ROAD - TOWN OF WEST SENECA**

**I. Project Description:**

The proposed car wash redevelopment project includes a new car wash building consisting of a two-story structure along the Union Road frontage of the Project Site and the remainder of the building will be a single-story structure. The size of the proposed car wash building will be approximately 6,500 sq. ft. The layout of the redevelopment project is depicted on the Concept Site Plan attached to this Application. A copy of the Survey of the Project Site is also attached to this Application.

The Project Site is zoned C-1 and R-65 pursuant to the Town of West Seneca Zoning Map. The Applicant is requesting an amendment of the zoning classifications of the Project Site to C-2 in order to accommodate the proposed redevelopment project and is also requesting a Special Use Permit for the proposed car wash facility.<sup>1</sup> The proposed redevelopment project will also require Site Plan Approval from the Planning Board.

The proposed project will be serviced by private infrastructure including private on-site sanitary sewer and water infrastructure as well as a stormwater management system to be installed in accordance with the applicable standards.

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<sup>1</sup> A completed Short Environmental Assessment Form is prepared pursuant to the State Environmental Quality Review Act ("SEQRA") is provided at Exhibit "2" of this Rezoning and Special Use Permit Application. The Applicant is requesting that the Town Board issue a negative declaration pursuant to SEQRA since the proposed redevelopment project will not result in any potentially significant adverse environmental impacts.

## **II. Justification for Requested Special Use Permit:**

Section 120-23 of the Zoning Code is titled “Uses requiring special permit by Town Board” and Section 120-23A of the Zoning Code sets forth the four criteria applicable to the review of a requested Special Use Permit. The four Special Use Permit criteria are as follows:

1. The location and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, the size of the site in relation to it and the location of the site in respect to streets giving access thereto shall be such that such use will be in harmony with the orderly development of the district in which it is located.
2. Screening or other protective measures shall be adequate to protect any adjacent properties in any R District from objectionable aspects of any such special use.
3. Off-street parking areas shall be of adequate size for the particular use, and access drives shall be laid out so as to achieve maximum safety.
4. The Town Board may prescribe any conditions that it deems to be necessary or desirable and shall require a site plan of the proposed development showing pertinent information to aid it in making a determination on the application.

The Applicant believes that its proposed use of the Project Site as a car wash facility in manner generally consistent with the layout depicted on the Concept Site Plan submitted with this Application satisfies the special use permit criteria in Section 120-23A of the Zoning Code for the following reasons:

1. The location of the Project Site and the nature of the proposed use (a car wash facility) is in harmony with the orderly development of the district in which the Project Site is located. The proposed redevelopment project represents an appropriate use of the Project Site.
2. The Project Sponsor does not believe the proposed car wash facility involves an “objectionable” aspects. Nonetheless, a Landscaping Plan will be prepared and submitted for review and approval as part of the site plan review process. The Project Sponsor is not proposing any vehicular connection to Fremont Avenue and appropriate screening will be provided.
3. There will be adequate parking provided on the Project Site for the proposed car wash facility



4. The Applicant is willing to engage in discussions with the Planning Board and the Town Board regarding conditions that may be deemed necessary or desirable in connection with their review of the requested amendment of the zoning classification of the Project Site from C-1 and R-65 to C-2 and the requested Special Use Permit.

**III. Conclusion:**

The Applicant respectfully requests that the Planning Board issued a favorable recommendation on the requested amendment of the zoning classification of the Project Site from C-1 and R-65 to C-2 and the requested Special Use Permit for the proposed car wash facility and that the Town Board issue a negative declaration pursuant to SEQRA and approve the requested zoning amendment and requested Special Use Permit for the redevelopment project.

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Exhibit 2 – Short Environmental  
Assessment Form Prepared pursuant  
to the State Environmental Quality  
Review Act (“SEQRA”)

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# Short Environmental Assessment Form

## Part 1 - Project Information

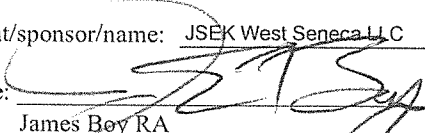
### Instructions for Completing

**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part I. 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: Proposed Car Wash Facility			
Project Location (describe, and attach a location map): 1343, 1347 and 1353 Union Road, West Seneca, New York 14224			
Brief Description of Proposed Action:  The proposed project consists of the redevelopment of the Project Site as a car wash facility that will include a care wash building consisting of two-stories along the Union Road frontage and the remainder of the building will be one-story. The size of the car wash building will be approximately 6,500 sq. ft. The proposed action has been defined broadly to include all proposed site improvements including the car wash building, stacking spaces, access aisles, parking spaces, lighting, signage, landscaping, utility improvements and connections, storm water management improvements, etc. as well as other required approvals including but not limited to an amendment of the zoning classification of the Project Site from C-1 and R-65 to C-2 and a special use permit for the car wash facility from the Town of West Seneca Town Board and site plan approval from the Town of West Seneca Planning Board. The proposed redevelopment project is an Unlisted Action pursuant to the State Environmental Quality Review Act ("SEQRA") since none of the impacts will cross any of the thresholds for a Type I action contained in 6 NYCRR Part 617.4 of the SEQRA Regulations.			
Name of Applicant or Sponsor: JSEK West Seneca LLC	Additional Contact: Sean Hopkins, Esq. Hopkins Sorgi & Romanowski PLLC - 5500 Main Street, Suite 343 - Williamsville, NY 14221 Tel: 510-4338 - E-mail: shopkins@hsr-legal.com	Telephone: 716-238-4667	E-Mail: spinojoe@gmail.com
Address: 30 Buffalo Creek Road			
City/PO: Elma	State: New York	Zip Code: 14059	
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 checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Town Board - Rezoning and Special Use Permit; Planning Board - Site Plan Approval; NYSDOT - Highway Work Permit		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____		1.436 acres	
b. Total acreage to be physically disturbed? _____		1.436 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____		1.436 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <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			

		NO	YES	N/A
5. Is the proposed action,	[Note: The proposed car wash facility requires the issuance of Special Use Permit by the Town Board per the criteria contained in Section 120-23A of the Town of West Seneca Zoning Code.]			
	a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If Yes, identify: _____				
8. a. Will the proposed action result in a substantial increase in traffic above present levels?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b. Are public transportation services available at or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Does the proposed action meet or exceed the state energy code requirements?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If the proposed action will exceed requirements, describe design features and technologies: _____ _____				
10. Will the proposed action connect to an existing public/private water supply?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If No, describe method for providing potable water: _____ _____				
11. Will the proposed action connect to existing wastewater utilities?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If No, describe method for providing wastewater treatment: _____ _____				
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____				

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES
If Yes,	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If Yes, briefly describe:		
Storm water runoff from impervious surfaces will conveyed into Town of West Seneca storm water system using underground drainage system. Drainage plans and calculations demonstrating compliance with applicable standards will be prepared as part of the site plan review process for the redevelopment project.		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?	NO	YES
If Yes, explain the purpose and size of the impoundment:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
A retention pond [approximately 1,600 cubic feet] with will be utilized in connection with the storm water management system.		
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	NO	YES
If Yes, describe:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO	YES
If Yes, describe:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Asbestos located on the Project Site will be properly disposed of per applicable stringent standards.		
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor/name: <u>JSEK West Seneca LLC</u> Date: <u>April 23, 2019</u>		
Signature:  Title: <u>Project Architect</u>		
James Boy RA		

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**Exhibit 3 – Legal Description of  
Property to be Rezoned from  
C-1 and R-65 to C-2**

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PROPOSED DESCRIPTION  
1343-1347 UNION ROAD  
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 Nos. 194 and 195 of the Ebenezer Land according to a map filed under Cover No. 58, bounded and described as follows:

Beginning at a point in the westerly line of Fremont Avenue at its intersection with the south line of lands deeded to the Town of West Seneca by deed recorded in the Erie County Clerk's Office in Liber 1922 of Deeds at page 74; thence northerly along the westerly line of Fremont Avenue a distance of 70.00 feet; thence westerly parallel with the south line of lands deeded to Lawrence M. Kavanaugh by deed recorded in the Erie County Clerk's Office in Liber 8969 of Deeds at page 1 and along the southerly line of lands deeded to Richard J. Flett by deed dated October 20, 1982 a distance of 115.42 feet to the east line of said lands deeded to Flett; thence southerly along the east line of said lands deeded to Flett and parallel with Fremont Avenue a distance of 70.00 feet to the south line of said lands deeded to the Town of West Seneca; thence westerly along the south line of said lands deeded to the Town of West Seneca a distance of 118.48 feet to the east line of Union Road as appropriated by the State of New York in a deed filed in the Erie County Clerk's Office in Liber 7550 of Deeds at page 255; thence southerly along the east line of lands appropriated by the State of New York by deeds filed in the Erie County Clerk's Office in Liber 7550 of Deeds at page 255, Liber 7470 of Deeds at page 295 and Liber 7470 of Deeds at page 291 a distance of 175.45 feet; thence easterly parallel with the south line of Lot 195 a distance of 132.98 feet; thence northerly parallel with the west line of Lot 195 a distance of 29.00 feet; thence easterly parallel with the south line of Lot 195 a distance of 213.28 feet; thence northerly parallel with the west line of Lot 195 a distance of 146.45 feet to the south line of Fremont Avenue; thence westerly along the south line of Fremont Avenue a distance of 112.37 feet to the point of beginning.

Also being the same land deeded to JSEK WEST SENECA, LLC by deed recorded in the Erie County Clerk's Office in Liber 11342 of Deeds at page 990.