

**WEST SENECA COMMUNITY CENTER**  
1300 Union Road  
West Seneca, NY 14224

**TOWN BOARD PROCEEDINGS**  
Minutes #2019-14  
July 15, 2019

Supervisor Sheila M. Meegan called the meeting to order at 7:00 P.M. with 30 seconds of silent prayer followed by the Pledge of Allegiance led by Chief Denz.

**ROLL CALL:** Present - Sheila M. Meegan Supervisor  
Eugene P. Hart Councilman  
William P. Hanley, Jr. Councilman

Absent - None

Supervisor Meegan read the Fire Prevention Code instructing the public where to exit in case of a fire or an emergency.

The meeting was dedicated to the memory of Jack Broderick, Eugene Bauer & Paul Humphrey.

**14-A MINUTES TO BE APPROVED**

- Motion by Supervisor Meegan, seconded by Councilman Hanley, to approve Minutes #2019-13 of July 1, 2019.

Ayes: All Noes: None Motion Carried

- Motion by Supervisor Meegan, seconded by Councilman Hart, to approve minutes from the July 9, 2019 bid opening for the West Seneca Animal Shelter Improvements Project.

Ayes: All Noes: None Motion Carried

**14-B LEGAL NOTICES**

1. Motion by Supervisor Meegan, seconded by Councilman Hanley, that proofs of publication and posting of legal notice: "OF A PUBLIC HEARING TO CONSIDER A REQUEST FOR A REZONING AND SPECIAL PERMIT FOR PROPERTY LOCATED AT 1343, 1347 & 1353 UNION ROAD, BEING PART OF LOT 194 & 195, CHANGING ITS CLASSIFICATION FROM R-65 & C-1 TO C-2(S), FOR A CAR WASH" in the Town of West Seneca, be received and filed.

Ayes: All Noes: None Motion Carried

Motion by Supervisor Meegan, seconded by Councilman Hanley, to open the public hearing.

Ayes: All Noes: None Motion Carried

**14-B LEGAL NOTICES**

1. (continued)

Attorney Sean Hopkins of Hopkins, Sorgi & Romanowski PLLC represented the applicant, Joseph Spino, and gave a presentation on the proposed project:

- ✓ The front portion of the building along Union Road is consistent with the adopted design standards for Union Road. It will be two-story with an emphasis on the façade and pedestrian friendly amenities including office space and a small facility for washing dogs. The single story section of the building located in the rear will house the car wash.
- ✓ An emphasis was placed on ensuring a pedestrian friendly environment along Union Road with extensive green space and landscaping along Norwood Drive and also along other portions of the project.
- ✓ Under no circumstances will there be a driveway or roadway connection to Fremont Avenue.
- ✓ The site is currently zoned C-1 and R-65; the petitioner is seeking to amend the classifications to C-2 to accommodate the project. If approved, the project will go back to the Planning board for site plan approval, which includes review of lighting, engineering, drainage, etc.
- ✓ Two informational meetings were held with nearby neighbors and approximately 15 – 20 residents attended each of the meetings. The plan was revised to respect the bordering residential neighborhood to include a high quality 6' fence along Norwood Drive and Fremont Avenue. The back portion of the site will have extensive green space with a diversity of trees, shrubs and bushes. They will continue to work with nearby property owners on the technical aspects of the project.
- ✓ Submitted signatures of support for the project from 52 nearby property owners along with 50 other town residents. Not a single property owner within 100 feet of the site is opposed to the project; therefore, there is not a valid protest petition pursuant to Town Law §265.
- ✓ To comply with the State Environmental Quality Review Act the site will be cleaned up and the asbestos removed at a cost of several hundred thousand dollars. Clean up will take approximately three weeks after the site plan is approved. Green space and landscaping will be provided leaving the impacts positive rather than negative.
- ✓ There is adequate parking with in excess of the minimum requirements along with stacking and access aisles.
- ✓ To ensure pedestrian friendliness, sidewalk connections were added to the front entrances and to the southern driveway. The northern driveway along Union Road has been made an exit only with the ability to turn right or left.

**14-B LEGAL NOTICES**

1. (continued)

Mr. Hopkins further proposed the following conditions:

1. The only allowed principal use of the portion of the Project Site to be rezoned from R-65 to C-2 shall be a portion of the single-story portion of the car wash building. No other principal uses allowed in the C-2 zoning district as set forth in Section 120-20A (expressly permitted principal uses) and Section 120-20B (uses requiring a special use permit) of the Zoning Code shall be permitted on the portion of the Project Site to be rezoned from C-1 to C-2.

2. The only allowed accessory uses of the portion of the Project Site to be rezoned from R-65 to C-2 shall be those accessory uses incidental to the proposed car wash project such as stacking spaces, parking spaces, stormwater management improvements, landscaping and screening, lighting, etc.

3. There shall not be any driveway or roadway connection from the Project Site to Fremont Avenue. This condition shall be permanent.

4. The Applicant shall be required to record a Declaration of Restrictions at the Erie County Clerk's Office restricting the use of the Project Site in accordance with special use permit conditions No. 1, 2 and 3 upon receiving site plan approval for the proposed car wash project from the Planning Board. The Declaration of Restrictions shall state that the restrictions are enforceable upon the successors and assigns of the Applicant and shall run with the land and that the Declaration of Restrictions cannot be modified unless approved by a majority vote of the Town Board after holding a public hearing. A copy of the recorded Declaration of Restrictions and recording receipt shall be provided to the Town Clerk's Office, Town Attorney's Office and the Code Enforcement Officer.

Five residents spoke in opposition to the proposed car wash with the following comments:

- ✓ The Comprehensive Plan identifies the town center as a mix of shops with a walkable neighborhood and future development needs to be consistent with that plan. Vehicles using the car wash will impede traffic and pedestrians.
- ✓ A car wash is not compatible with a residential neighborhood and there is no way to guarantee noise from the equipment will not disturb surrounding residential neighborhoods; also exhaust fumes and overspray from chemicals.
- ✓ If the car wash closes in the future, the C-2 zoning will allow for less desirable businesses to locate on the property; future developers could challenge the proposed restrictions.
- ✓ Fourteen years ago a car wash was proposed for property across from Southgate Plaza and was rejected because it was not a good fit for the town. The proposed project should not be approved just because it is a quick fix for the eyesore that exists.

Two residents expressed support for the project with the following comments:

- ✓ Mr. Spino has already made efforts to clean up the property.
- ✓ Business belongs on Union Road.
- ✓ Union Road is a four lane highway, not a residential road, and the traffic will be absorbed.
- ✓ Realtors and appraisers stated the project will not devalue the surrounding neighbors' homes.

**14-B LEGAL NOTICES**

1. (continued)

- ✓ Presented pictures of other car washes in town that have been in existence for many years and still look nice.
- ✓ Submitted a petition signed by 52 residents of Fremont Avenue, Almont Avenue and Norwood Drive that are directly impacted by the project and are in favor of the project.

Councilman Hart stated this is a difficult decision to make as a car wash is not what the Comprehensive Plan Committee anticipated for Union Road, but the building design conforms to the design standards. The project is a significant investment and the car wash would be an improvement to the property, but he had concerns with what it will look like in the future.

Mr. Spino commented on his business history and ability to keep a business going, noting he will own and operate the car wash himself. Mr. Hopkins stated Mr. Spino has a very clear and successful track record of being an entrepreneur. He easily has the resources to develop the location and is looking for other locations in WNY.

Mr. Spino stated the hours of operation will be typical business hours, closing at 9 P.M. Monday – Friday and 6 or 7 P.M. on Saturday & Sunday. The facility will employ approximately 25 people and there will be four to five employees working at any given time.

Councilman Hanley stated the Assessor's office had advised the business will bring in \$30,000 in tax revenue for the town. He further referred to the ingress/egress and asked if it could be changed. Mr. Hopkins responded Union Road is a state highway and is subject to the NYS Department of Transportation. Their goal is to have separate left and right exiting lanes from the facility.

Councilman Hart questioned the signage for the business and Mr. Spino responded there will be a sign on the building.

Motion by Supervisor Meegan, seconded by Councilman Hanley, to close the public hearing.

Ayes: All

Noes: None

Motion Carried

Town Attorney Tina Hawthorne advised the petition submitted in opposition to the rezoning and special permit contained 26 signatures and she worked with the Assessor's office to determine if a super majority vote from the Town Board was required in accordance with §120-23(B)(1). New signatures were submitted from residents withdrawing their opposition and the petition is insufficient to require a super majority.

**14-B LEGAL NOTICES**

1. (continued)

Motion by Supervisor Meegan, seconded by Councilman Hart, to adopt the following resolution issuing a negative declaration with regard to SEQR for the above project:

**WHEREAS**, the Town Board of the Town of West Seneca, as lead agency acting pursuant to the State Environmental Quality Review Act, Article 8 of the New York State Environmental Conservation Law, has reviewed Part I of the Short Environmental Assessment Form ("EAF") prepared by the applicant for property located at 1343, 1347 and 1353 Union Road and 0 Fremont Avenue ("Subject Property"), for construction of a car wash facility, associated parking, landscaping, storm water design and utilities (the "Project") and reviewed the draft completed Part II of the EAF analyzing the potential for the Project to result in any significant adverse environmental impacts and has otherwise taken a hard look at the identified potential environmental impacts utilizing the criteria specified in 6 NYCRR 617.7(c); and

**WHEREAS**, upon review of Parts I and II of the EAF and documentation and plans submitted by the applicant in connection with the review of the Project, the Town Board has not identified any potentially significant adverse environmental impacts associated with the proposed use of the Subject Property, has determined that preparation of an Environmental Impact Statement is not necessary and that the issuance of a Negative Declaration is therefore appropriate; now, therefore, be it

**RESOLVED**, that pursuant to 6 NYCRR 617.7(a) the Town Board does hereby adopt a Negative Declaration with respect to the Project based on its determination that the Project will not result in any potentially significant adverse environmental impacts.

Ayes: All

Noes: None

Motion Carried

Motion by Supervisor Meegan, seconded by Councilman Hanley, to adopt the following resolution approving a rezoning and special permit for property located at 1343, 1347 & 1353 Union Road:

**WHEREAS**, JSEK West Seneca LLC made an application for rezoning of 1343, 1347 and 1353 Union Road and 0 Fremont Avenue, West Seneca, New York from R-65 and C-1 to C-2(S) with a special use permit for a car wash facility; and

**WHEREAS**, the matter was heard before the Planning Board and referred to the Town Board; now, therefore, be it

**RESOLVED**, the West Seneca Town Board does hereby adopt Local Law No. 2019-03 amending the zoning classification of 1343, 1347 & 1353 Union Road and 0 Fremont Avenue, West Seneca, New York from R-65 and C-1 to C-2(S) and grants a special use permit for a car wash facility, noting the special use permit is subject to the following conditions:

**14-B LEGAL NOTICES**

1. (continued)

1. The only allowed principal use of the portion of the Project Site to be rezoned from R-65 to C-2 shall be a portion of the single-story portion of the car wash building. No other principal uses allowed in the C-2 zoning district as set forth in Section 120-20A (expressly permitted principal uses) and Section 120-20B (uses requiring a special use permit) of the Zoning Code shall be permitted on the portion of the Project Site to be rezoned from C-1 to C-2.

2. The only allowed accessory uses of the portion of the Project Site to be rezoned from R-65 to C-2 shall be those accessory uses incidental to the proposed car wash project such as stacking spaces, parking spaces, stormwater management improvements, landscaping and screening, lighting, etc.

3. There shall not be any driveway or roadway connection from the Project Site to Fremont Avenue. This condition shall be permanent.

4. The Applicant shall be required to record a Declaration of Restrictions at the Erie County Clerk's Office restricting the use of the Project Site in accordance with special use permit conditions No. 1, 2 and 3 upon receiving site plan approval for the proposed car wash project from the Planning Board. The Declaration of Restrictions shall state that the restrictions are enforceable upon the successors and assigns of the Applicant and shall run with the land and that the Declaration of Restrictions cannot be modified unless approved by a majority vote of the Town Board after holding a public hearing. A copy of the recorded Declaration of Restrictions and recording receipt shall be provided to the Town Clerk's Office, Town Attorney's Office and Code Enforcement Officer.

On the question, Councilman Hart stated the project varies somewhat from the Comprehensive Plan vision, but looking at the current condition of the property this is a step forward and the restrictions put on the property affords protection to neighboring residents. There is a need to encourage investment within the town and this is a \$3 million investment.

Ayes: All

Noes: None

Motion Carried

**REPORT ON BURCHFIELD CENTER REPAIRS**

Code Enforcement Officer Jeffrey Schieber gave a report on repairs needed at the Burchfield Center:

- ✓ Shore up two gallery areas which are the portions of the roof that are flat
- ✓ Demolish walls in poor condition and install masonry units to windowsill height to eliminate wood below grade; install new windows
- ✓ Repair flat roof areas with the application of liquid coating with reinforcement
- ✓ Remove fiberglass insulation and spray roof structure with foam; new roof shingles and siding; cost of roofing, siding and windows is approximately \$200,000

**REPORT ON BURCHFIELD CENTER REPAIRS** (continued)

- ✓ Abandon mechanicals that are installed above the ceiling and install new mechanicals at ground level; cost is approximately \$140,000
- ✓ Repairs inside the building – minor electrical, floors, ceiling, etc.
- ✓ Rough numbers from contractors is around \$500,000 and encompasses an allowance for unexpected findings; approximately a six month process
- ✓ Cost to demolish the building is approximately \$40,000 to \$45,000; Town Engineer Steven Tanner estimated \$350 per sf to rebuild, totalling \$1.9 million based on square footage
- ✓ Portions of repairs may be able to be performed by town employees – i.e. shoring up the existing roof; demolishing exterior walls and windows; regrading exterior and planting grass seed; reinstalling electrical; drywall, paint, trim & doors
- ✓ Main roof and siding would go to bid; no bid is required for brick work due to cost

**14-C PUBLIC COMMENTS ON COMMUNICATIONS** - None

**14-D COMMUNICATIONS**

1. Town Attorney re Dedication of Jaycee Lane & Samantha Court      Motion by Supervisor Meegan, seconded by Councilman Hanley, to adopt the following resolution for the dedication of Jaycee Lane and Samantha Court:

WHEREAS, a certain parcel of land designated as Jaycee Lane and Samantha Court have been offered for dedication to the Town of West Seneca for highway purposes by Marrano/Marc-Equity Corporation, the owner of said land as shown on a plot for the Princeton Park Subdivision; and

WHEREAS, the Town Highway Superintendent has recommended acceptance of said parcel for dedication for highway purposes having indicated that the road has been completed in accordance with the Town of West Seneca specifications; and

WHEREAS, the Town Engineer has also reviewed the request for acceptance of the dedication and acknowledges receipt of the maintenance bond in the amount of \$291,979.00 to be posted with the Town Clerk to guarantee any maintenance and repairs required to said roadways by the Town for a period of one (1) year from July 15, 2019 to July 15, 2020; and

WHEREAS, the Town Attorney has reviewed the proposed title report for the roads to be issued in favor of the Town; now, therefore, be it

RESOLVED, the Town Board of the Town of West Seneca agrees to accept the Deed of Dedication on said roads, to be known as Jaycee Lane and Samantha Court, and authorizes the Supervisor to execute the necessary documents to complete the transfer.

Ayes: All

Noes: None

Motion Carried

14-D COMMUNICATIONS

2. Town Attorney re Creation of Lighting District No. 64 – Princeton Park

Motion by Supervisor Meegan, seconded by Councilman Hanley, to schedule a public hearing on August 12, 2019 at 7:00 P.M. in the Community Center & Library, 1300 Union Road, to hear all persons interested in creation of Lighting District No. 64 – Princeton Park, noting the property boundary subject to the special district is described on the attached schedule A and the proposed improvement includes installation of fifteen (15) new LED lights with connection cost to be paid by the developer Marrano/Marc Equity and noting the approximate cost to the district for a typical property is \$76.51.

Ayes: All                      Noes: None                      Motion Carried  
\*APPENDICES\*

3. Town Engineer re Bid award for West Seneca Animal Shelter Improvements Project

Motion by Supervisor Meegan, seconded by Councilman Hart, to award the bid for the West Seneca Animal Shelter Improvements Project to MGR Constructors at their low bid of \$154,000, noting the bid includes a \$10,000 contingency allowance that may or may not be necessary once they tear off the old roofing materials and much of the work is being covered by a grant from the NYS Department of Agriculture.

Ayes: All                      Noes: None                      Motion Carried

4. Recreation Supervisor re Resignation of Brooke Hogle

Motion by Supervisor Meegan, seconded by Councilman Hart, to accept the resignation of part-time Lifeguard Brooke Hogle effective July 15, 2019 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All                      Noes: None                      Motion Carried

5. Recreation Supervisor re Adjusted rate of pay for Carson Drews

Motion by Supervisor Meegan, seconded by Councilman Hart, to amend the hourly rate of pay for part-time Lifeguard Carson Drews to \$12 per hour retroactively to June 3, 2019, noting if Mr. Drews submits his valid WSI/PSI Certification his pay rate should return to \$12.50 per hour with no further Town Board approval.

Ayes: All                      Noes: None                      Motion Carried



**14-D COMMUNICATIONS**

6. Recreation Supervisor re  
WSCSD use of facilities

Motion by Supervisor Meegan, seconded by Councilman Hanley, to authorize the Supervisor to execute the necessary documents to enter into an agreement with West Seneca Central School District for use of Town of West Seneca owned athletic facilities for the 2019-2020 school year, noting a separate agreement will be required for ice rink usage.

Ayes: All                      Noes: None                      Motion Carried

7. Chief Denz re Resignation of  
Jacob Fibich

Motion by Supervisor Meegan, seconded by Councilman Hanley, to accept the resignation of part-time Public Safety Dispatcher Jacob Fibich effective July 12, 2019 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All                      Noes: None                      Motion Carried

8. Director of Finance re  
Resignation of Jodie Wysocki

Motion by Supervisor Meegan, seconded by Councilman Hanley, to accept the resignation of Jodie Wysocki effective July 26, 2019 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All                      Noes: None                      Motion Carried

9. Supervisor Meegan re  
Celebrate Summer event

Motion by Supervisor Meegan, seconded by Councilman Hanley, to approve the Celebrate Summer event for the Lions Club on July 25, 2019.

Ayes: All                      Noes: None                      Motion Carried

**14-E REPORTS**

- Jacqueline A Felser, Town Clerk's report & Receiver of Taxes' report for June 2019 received and filed.
- Jeffrey Schieber, Code Enforcement Officer's, building & plumbing reports for June 2019 received and filed.

**14-F APPROVAL OF WARRANT**

Motion by Supervisor Meegan, seconded by Councilman Hanley, to approve the vouchers submitted for audit, chargeable to the respective funds as follows: General Fund - \$104,775.35; Highway Fund - \$40,663.07; Capital Project - \$748.28; Sewer Fund - \$2,050,193.48; Electric Lighting - \$25.03 (vouchers 2022 - 6279)

Ayes: All

Noes: None

Motion Carried

**ISSUES OF THE PUBLIC**

- A resident commented on the numerous concerts and events held at the Burchfield Center and the need to repair and restore the building for the community; suggested opening a dedicated building account to accept donations to repair/restore the building
- Michael Harmon, Property Manager of Harmon Homes Realty, stated he manages Burchfield Village, Hillcrest Heights, Hillcrest Heights North and Westview Park. In the past, the communities have contracted with Modern Disposal for garbage service. Recently, unit owners were notified they have been incorrectly receiving condo status on their taxes and they were reassessed similar to a single family home. Mr. Harmon requested the Town Board review this issue and offer the homeowners in these communities the same garbage service received by other taxpayers within the town. Town Attorney Tina Hawthorne thanked the homeowners for their patience and stated the Town Board will review this and get back to them.
- A resident questioned the following with regard to the Burchfield Center:
  - ✓ What is being done to keep further damage from happening inside and outside the building - Councilman Hart responded animal control is trying to find where the openings are and seal them up.
  - ✓ Status of litigation - Town Attorney Tina Hawthorne responded litigation is still in the appeal process and has yet to be scheduled.
- A resident commented on neighbor issues on Knox Avenue and asked for assistance, noting Code Enforcement Officer Jeffrey Schieber and Chief Denz are already aware of the problems. Councilman Hanley stated he will visit the site tomorrow with Mr. Schieber and Chief Denz stated he will consult with Councilman Hanley after their inspection.
- James Manley of the West Seneca Veterans Committee provided the following update on the Walkway of Freedom:
  - ✓ All engraved bricks have been placed in the walkway with the Path of Honor being extended.
  - ✓ Four paths extend off the Path of Honor; the end of the paths will display the WWI, WWII, Korean War and Vietnam War monuments. Mr. Manley questioned the status of the monuments at the cemetery. Town Attorney Tina Hawthorne responded she has made initial contact with the cemetery and will follow up. Mr. Manley stated he will contact Highway Sup't. Matthew English on the concrete needs.
  - ✓ Vinyl graphics are being installed on windows in the Veterans Annex displaying the American flag, dedication statement and the symbols of all branches of the military.
  - ✓ Engraved veterans bricks will be on sale again in September.
  - ✓ Two mannequins are needed to display WWII uniforms.
  - ✓ Supervisor Meegan advised a new flag pole was ordered for the front of Town Hall.

**ISSUES OF THE PUBLIC**

- A resident read a thank you note from Seneca Manor for the donations received last Christmas; Supervisor Meegan suggested collecting donations again this year
- A resident commented on residents that habitually leave extra garbage bags next to their totes - Councilman Hanley responded he will talk to Highway Sup't. Matthew English on this issue.

**PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS**

**RECREATION SUPERVISOR LAUREN MASSET**

- July is National Parks & Recreation month; residents are encouraged to obtain a valid resident ID card and check out what the Recreation Department has to offer at both low cost and no cost; a list of amenities at each park can be found online or in the Recreation Department
- Open interviews for a part-time Clerk Typist will be held on July 31, 2019, 2:00 – 3:00 PM; applications for various fall positions are being accepted; see website for more information

**ADJOURNMENT**

Motion by Supervisor Meegan, seconded by Councilman Hart, to adjourn the meeting at 8:40 P.M.

Ayes: All

Noes: None

Motion Carried

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**JACQUELINE A FELSER, TOWN CLERK**

Please take notice that the following change was made in the Zoning Ordinance of the Town of West Seneca, County of Erie and State of New York, and notice thereof is hereby given, pursuant to §264 and 265 of the Town Law.

Whereas, the Town Board of the Town of West Seneca received a request for a rezoning and special permit for the following described property located at 1343, 1347 & 1353 Union Road from its classification of R-65 & C-1 to C-2(S) for a car wash:

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 194 & 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.

Whereas, this Town Board held a public hearing on the 15<sup>th</sup> day of July 2019 at 7:00 P.M., EDT in the Community Room, 1300 Union Road, in said town, to consider granting a rezoning and special permit for the above-described property; and

Whereas, at such time and place this Town Board did meet to hear any and all persons interested in the subject thereof concerning the same.

Now, therefore, be it resolved, that a rezoning and special permit is granted and the same is hereby rezoned from R-65 & C-1 to C-2(S), conditioned upon:

1. The only allowed principal use of the portion of the Project Site to be rezoned from R-65 to C-2 shall be a portion of the single-story portion of the car wash building. No other principal uses allowed in the C-2 zoning district as set forth in Section 120-20A (expressly permitted principal uses) and Section 120-20B (uses requiring a special use permit) of the Zoning Code shall be permitted on the portion of the Project Site to be rezoned from C-1 to C-2.

2. The only allowed accessory uses of the portion of the Project Site to be rezoned from R-65 to C-2 shall be those accessory uses incidental to the proposed car wash project such as stacking spaces, parking spaces, stormwater management improvements, landscaping and screening, lighting, etc.

3. There shall not be any driveway or roadway connection from the Project Site to Fremont Avenue. This condition shall be permanent.

4. The Applicant shall be required to record a Declaration of Restrictions at the Erie County Clerk's Office restricting the use of the Project Site in accordance with special use permit conditions No. 1, 2 and 3 upon receiving site plan approval for the proposed car wash project from the Planning Board. The Declaration of Restrictions shall state that the restrictions are enforceable upon the successors and assigns of the Applicant and shall run with the land and that the Declaration of Restrictions cannot be modified unless approved by a majority vote of the Town Board after holding a public hearing. A copy of the recorded Declaration of Restrictions and recording receipt shall be provided to the Town Clerk's Office, Town Attorney's Office and the Code Enforcement Officer.

Be it further resolved that the Town Clerk is hereby ordered and directed to make such change on the zoning map and to enter a copy of this resolution with the zoning regulations in a book appropriate for its use.

Jacqueline A Felser  
West Seneca Town Clerk

# SCHEDULE A

All that tract of land situate in the Town of West Seneca, County of Erie, and State of New York. Being part of Lot(s) No. 421 and 422, Township 10, Range 7 of the Buffalo Creek Reservation, also being the outer limits of Croglia Subdivision as recorded in the Office of the County Clerk, Erie County, New York under Map Cover 3701, more particularly described as follows:

Beginning at northeast corner of Lot No. 421;

Thence south 00 degrees 27 minutes 02 seconds west and along the east line of Lot No. 421 a distance of 270.02 feet;

Thence, leaving said east line, north 89 degrees 32 minutes 10 seconds west a distance of 130.00 feet;

Thence south 00 degrees 27 minutes 02 seconds west a distance of 160.00 feet;

Thence north 89 degrees 32 minutes 10 seconds east a distance of 130.00 feet to the east line of Lot 421;

Thence south 00 degrees 27 minutes 02 seconds west and along the east line of Lot No. 421 a distance of 429.14 feet;

Thence, leaving said east line, north 89 degrees 32 minutes 10 seconds west a distance of 130.00 feet;

Thence south 00 degrees 27 minutes 02 seconds west a distance of 304.83 feet;

Thence north 89 degrees 32 minutes 10 seconds east a distance of 130.00 feet to the east line of Lot 421;

Thence south 00 degrees 27 minutes 02 seconds west and along the east line of Lot No. 421 a distance of 81.96 feet;

Thence, leaving said east line, north 89 degrees 32 minutes 10 seconds west a distance of 130.00 feet;

Thence south 00 degrees 12 minutes 22 seconds west a distance of 53.20 feet;

Thence north 88 degrees 55 minutes 09 seconds west a distance of 709.67 feet to the east line of Lot 422;

Thence south 00 degrees 59 minutes 54 seconds west and along the east line of Lot No. 422 a distance of 1374.32 feet to the south line of Lot 422;

Thence north 88 degrees 53 minutes 09 seconds west and along the south line of Lot No. 422 a distance of 100.00 feet;

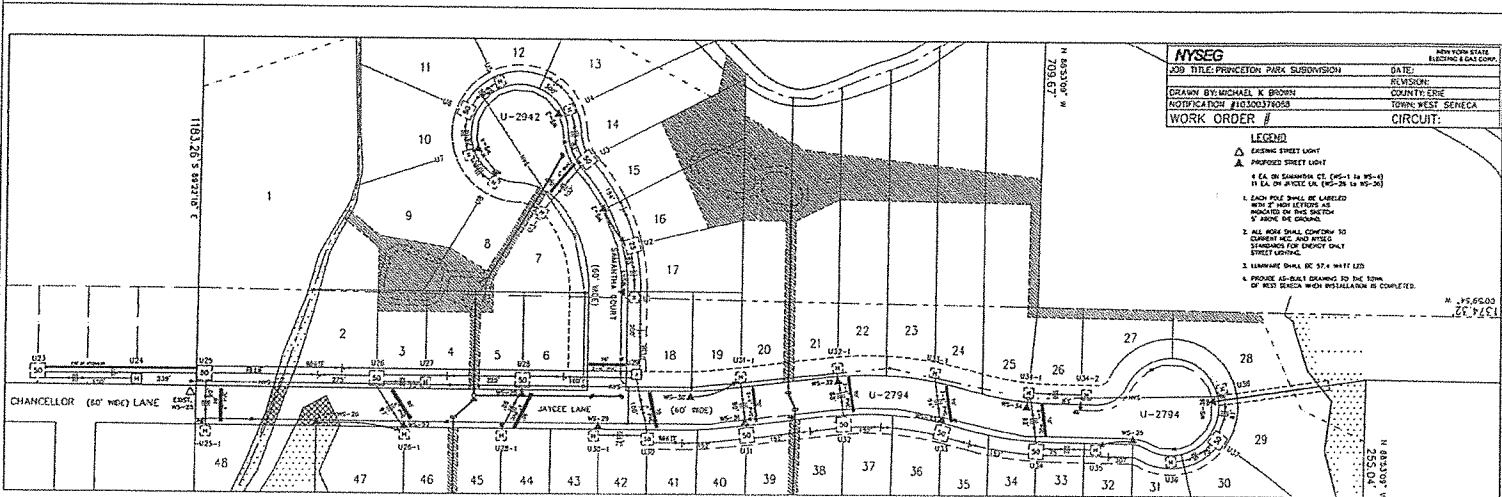
Thence, leaving said south line, north 00 degrees 59 minutes 54 seconds east a distance of 855.00 feet;

Thence north 88 degrees 53 minutes 09 seconds west a distance of 255.04 feet;

Thence north 00 degrees 58 minutes 12 seconds east a distance of 1810.42 feet to the north line of Lot No. 422;

Thence south 89 degrees 22 minutes 18 seconds east along the north line of Lot(s) No. 421 and 422 a distance of 1183.26 feet to the northeast corner of Lot No. 421 and the Point or Place of Beginning.

Containing 40.03 acres of land more or less.



<b>NYSEG</b>		NEW YORK STATE ELECTRIC & GAS CORP.
JOB TITLE: PRINCEYON PARK SUBDIVISION	DATE:	
DRAWN BY: MICHAEL K. BROWN	REVISION:	
NOTIFICATION #1000037005	COUNTY: ERIE	
WORK ORDER #	TOWN: WEST SENECA	
	CIRCUIT:	

- LEGEND**
- ▲ EXISTING STREET LIGHT
  - ▲ PROPOSED STREET LIGHT
  - 1 EA. ON SANDHILL CT (WS-1 to WS-3)
  - 11 EA. ON JAYCEE LN. (WS-38 to WS-48)
  - EACH POLE SHALL BE LABELED WITH IT'S IDENTIFICATION NUMBER AS INDICATED BY THE NUMBER 5' ABOVE THE GROUND.
  - 2. ALL HOLE SHALL CONFORM TO CURRENT NEC AND NYSEG STANDARDS FOR EMERGENCY ONLY STREET LIGHTING.
  - 3. LUMINAIRE SHALL BE 57A WHITE LED.
  - 4. PROVIDE 48-BOLT DRAWING TO THE TOP OF EACH POLE WITH INSTALLATION IS COMPLETED.

M. 25.6602  
E. 7.4.1