

TOWN OF WEST SENECA

Prepared By: Sean Hopkins
5500 Main Street, Suite 343
Williamsville, NY 14221
Tel: 510-4338
E-mail: shopkins@hsr-legal.com

APPLICATION FOR SITE PLAN REVIEW APPROVAL

TO BE COMPLETED BY APPLICANT

DATE August 26, 2019

FILE # _____

PROJECT NAME Proposed Car Wash Facility

PROJECT LOCATION (Include address and distance to nearest intersection)
1343, 1347 and 1353 Union Road and 0 Freemont Avenue

APPLICANT JSEK West Seneca LLC c/o Sean Hopkins, Esq. PH/FAX 510-4338

ADDRESS 5500 Main Street, Suite 343, Williamsville, NY 14221

PROPERTY OWNER JSEK West Seneca LLC PH/FAX 238-4667

ADDRESS 30 Buffalo Creek Road, Elma, NY 14059

ENGINEER/ ARCHITECT James E. Boy, R.A. PH/ FAX 863-1380

ADDRESS 124 Linden Avenue, Kenmore, NY 14217

SBL # 134.76-1-27.12, 134.76-1-23.1, 134.76-1-25 and 134.76-1-3.11 [Note: A completed Short Environmental Assessment Form is provided at Exhibit "1".]

PROJECT DESCRIPTION (Include all uses and any required construction) New car wash facility as depicted on the Site Plan.

The building shall be wood frame with masonry walls. Additional information provided at Exhibit "2".

SIZE OF LOT (acres) 1.436 acres ACREAGE TO BE REZONED Not Applicable

ADJACENT ROAD NAMES AND AMOUNT OF FRONTAGE ON EACH

The Project Site has 175.45 ft. of frontage on Union Road and 182.37 ft. of frontage on Freemont Avenue.

EXISTING ZONING C-2(S) PROPOSED ZONING Not Applicable

EXISTING USE(S) ON PROPERTY Vacant former greenhouse and two homes along Union Road frontage.

PROPOSED USE(S) ON PROPERTY Car Wash Facility and related site improvements

EXISTING USE(S) AND ZONING ON ALL PROPERTY WITHIN 500 FEET The parcels with frontage on Union Road are zoned C-1, C-1(S) and C-2(S) and used for various commercial uses and parcels without frontage on Union Road are zoned R-65 and used for residential uses.

PUBLIC SEWER YES NO PUBLIC WATER YES NO

VARIANCES AND OTHER APPROVALS OR PERMITS REQUIRED

Area variances for setback of the vehicular access aisle for ingress from the southern property line and for egress from the northern property line will be needed.

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

TO BE COMPLETED BY THE TOWN OF WEST SENECA

DATE RECEIVED _____ BY _____

PLANNING BOARD MEETING DATE _____

TOWN BOARD MEETING DATE _____

TOWN BOARD RESOLUTION DATE _____

NON-REFUNDABLE FILING FEE (SEE TOWN OF WEST SENECA CHARTER)

**Exhibit 1 – Short Environmental
Assessment Form Prepared
Pursuant to the State
Environmental Quality Review Act
("SEQRA")**

Short Environmental Assessment Form

Part 1 - Project Information

Prepared By: Sean Hopkins, Esq.
5500 Main Street, Suite 343
Williamsville, NY 14221
Tel: 510-4338
E-mail: shopkins@hsr-legal.com


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				
Name of Action or Project: Proposed Car Wash Facility				
Project Location (describe, and attach a location map): 1343, 1347 and 1353 Union Road and 0 Freemont Avenue - Town of West Seneca - Erie County				
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 all required approvals and permit including 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. The Town Board previously issued a negative declaration pursuant to SEQRA on July 15, 2019 and a copy of the resolution of the Town Board issuing a negative declaration is provided at Exhibit "4" the Site Plan Application.				
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 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: Planning Board - Site Plan Approval; ZBA - Area Variances; NYSDOT - Highway Work Permit and NYSDEC - SPDES 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 Town Board amending the zoning classification of the Project Site to C-2(S) and granted a Special Use Permit for the proposed car wash facility on July 15, 2019.]			
	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?		NO	YES	
		<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?		NO	YES	
If Yes, identify: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?		NO	YES	
		<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"/>	
	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"/>	
9. Does the proposed action meet or exceed the state energy code requirements?		NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?		NO	YES	
If No, describe method for providing potable water: _____ _____		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?		NO	YES	
If No, describe method for providing wastewater treatment: _____ _____		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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?		NO	YES	
		<input checked="" 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"/>	
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?		NO	YES	
		<input checked="" 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"/>	
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 checked="" 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? If Yes,	NO	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 the on-site stormwater management system and then into the public stormwater management system. The on-site stormwater management system will comply with the applicable stormwater quality and quantity standards of the New York State Department of Environmental Conservation ("NYSDEC").		
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)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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:	NO	YES
	<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? If Yes, describe:	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Asbestos located on the Project Site will be properly disposed of per applicable stringent standards.		
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: JSEK West Seneca LLC		Date: August 25, 2019
Signature: 		Title: Attorney for Project Sponsor
Sean W. Hopkins Esq.		

**Exhibit 2 – Project Description and
Project History**

EXHIBIT 2 OF SITE PLAN APPLICATION

PROJECT DESCRIPTION AND PROJECT HISTORY 1343, 1347 AND 1353 UNION ROAD & 0 FREEMONT AVENUE 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 including the proposed site improvements is depicted on the Site Plan [Drawing C-2] prepared by Schenne & Associates included with the fully engineered plans submitted with this Site Plan Application. A reduced size copy of the Site Plan is attached as Exhibit “3”. A reduced size copy of the Topographic Survey prepared by Nussbaumer & Clarke, Inc. is provided at Exhibit “4” of this Site Plan Application.¹ A reduced size copy of the Elevation Plan prepared by James E. Boy, R.A., is attached as Exhibit “5”.

The Project Site is zoned C-2(S) pursuant to the decision of the Town Board issued on July 15, 2019. The Town Board also issued a negative declaration pursuant to the State Environmental Quality Review Act (“SEQRA”).² A copy of the resolution adopted by the Town Board on July 15, 2019 approving an amendment of the zoning classification of the Project Site from C-1 and R-65 and C-2 and granting a special use permit for the proposed car wash facility is attached as

¹ A legal description of the Project Site is provided at Exhibit “8” of this Site Plan Application.

² The Short Environmental Assessment Form prepared pursuant to the State Environmental Quality Review Act (“SEQRA”) in connection with the request for Site Plan Approval for the proposed redevelopment project is provided at Exhibit “1” of this Site Plan Application.

Exhibit “6”.³ A copy of the resolution adopted by the Town Board issuing a negative declaration pursuant to SEQRA is attached as Exhibit “7”. The Project Site is also located in the Union Road Corridor, which includes site development standards as set forth in Section 120-70 of the Town of West Seneca Zoning Code (“Zoning Code”).

II. State Environmental Quality Review Act (“SEQRA”):

The proposed redevelopment project is an Unlisted Action pursuant State Environmental Quality Review Act (“SEQRA”). A copy of the Short Environmental Assessment Form prepared pursuant to the State Environmental Quality Review Act (“SEQRA”) is provided at Exhibit “1” of this Site Plan Application. The proposed redevelopment project includes the clean-up of the Project Site including the required asbestos remediation per applicable federal, state and local requirements.

The proposed redevelopment project will not result in any potentially significant adverse environmental impacts. As such, the issuance of a negative declaration pursuant to the State Environmental Quality Review Act (“SEQRA”) by the Planning Board is both appropriate and justified.

III. Conclusion:

Applicant requests that the Planning Board issue a negative declaration pursuant to the State Environmental Quality Review Act (“SEQRA”) and approve the Site Plan Approval for the proposed redevelopment project.

³ The Town Board imposed four conditions in connection with its decision granting a Special Use Permit. The conditions are set forth in the resolution provided at Exhibit “6”.

**Exhibit 3 – Reduced Size Copy of Site
Plan [Drawing C-2] as Prepared by
Schenne & Associates**

**Exhibit 4 – Reduced Size Copy of
Topographic Survey as Prepared by
Nussbaumer & Clarke, Inc.**

**Exhibit 5 – Reduced Size Copy of
Elevation Plan as Prepared by
James E. Boy, R.A.**

Proposed Union Road Car Wash
West Seneca, New York

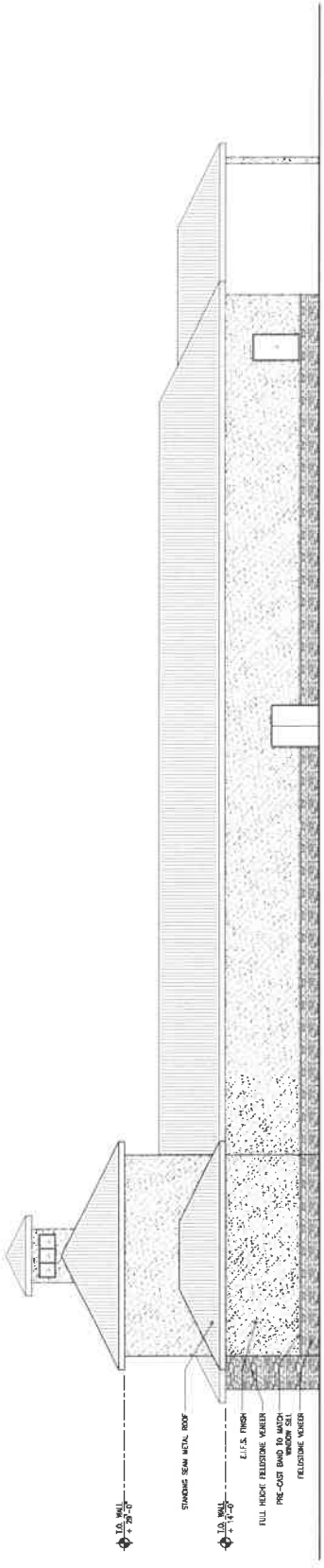
JAMES. E. BOY ARCHITECTS, PC
124 LINDEN AVE
ROCHESTER, NY 14617
PHONE: (716) 853-1300

PROJECT TITLE: CAR WASH
PROJECT NO.: 10-001
DRAWN BY: AJ
CHECKED BY: AJ
DATE: 1-21-18

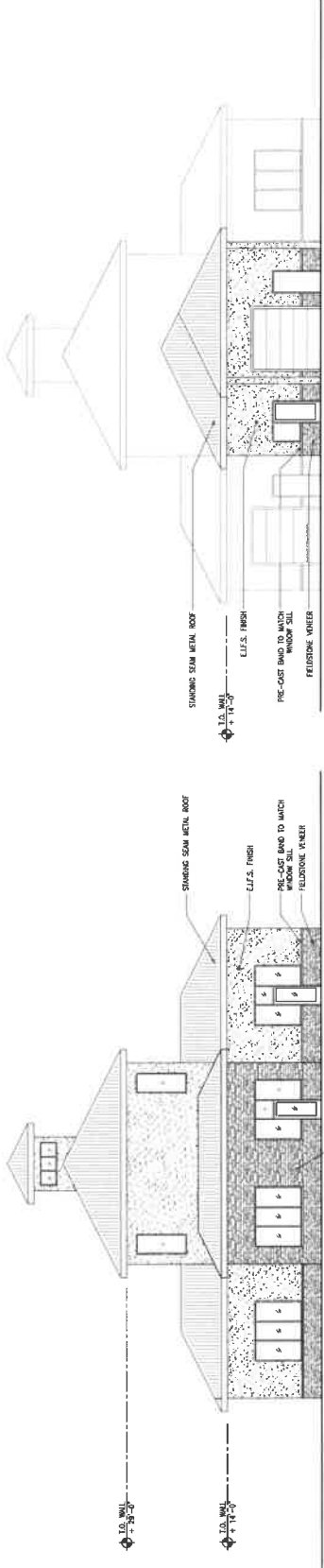
REV. NO. DATE DESCRIPTION



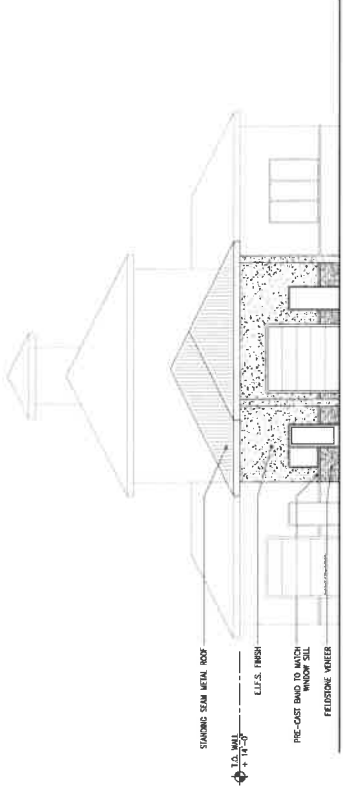
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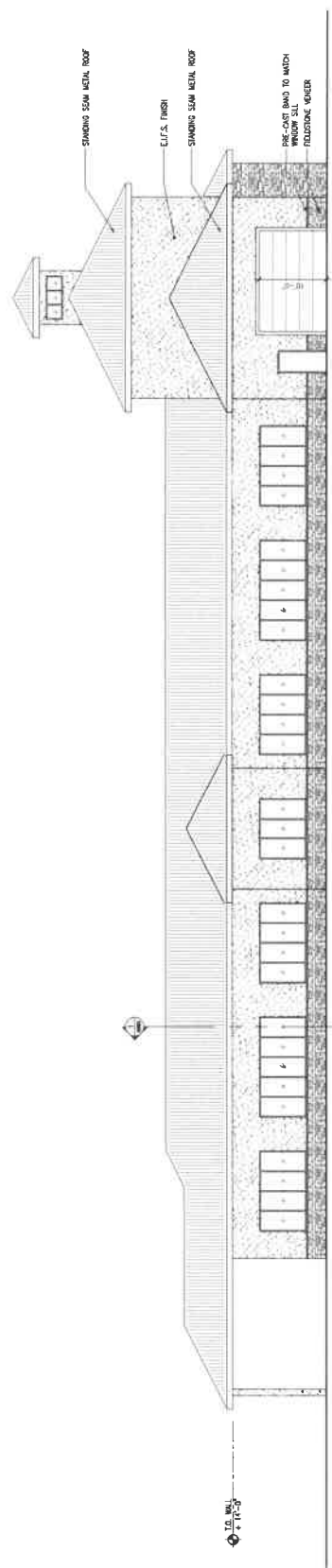
1 EXTERIOR ELEVATION
SCALE: 1/8" = 1'-0"



2 EXTERIOR ELEVATION
SCALE: 1/8" = 1'-0"



3 EXTERIOR ELEVATION
SCALE: 1/8" = 1'-0"



1 EXTERIOR ELEVATION
SCALE: 1/8" = 1'-0"

**Exhibit 6 – Resolution Adopted by
the Town Board on July 15, 2019 for
the Purpose of Amending the
Zoning Classification of the Project
Site from C-1 and R-65 to C-2 and
Granting a Special Use Permit
Subject to Four Conditions**

TOWN OF WEST SENECA



JACQUELINE A. FELSER
TOWN CLERK

RECEIVER OF TAXES
REGISTRAR OF VITAL STATISTICS
NOTARY PUBLIC
RECORDS MANAGEMENT OFFICER

TOWN SUPERVISOR
SHEILA M. MEEGAN

TOWN COUNCIL
EUGENE P. HART
WILLIAM P. HANLEY JR.

July 22, 2019

TOWN BOARD PROCEEDINGS Meeting #2019-14 July 15, 2019

Legal Item #1

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:

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.

TOWN OF WEST SENECA



JACQUELINE A. FELSER
TOWN CLERK

RECEIVER OF TAXES
REGISTRAR OF VITAL STATISTICS
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TOWN SUPERVISOR
SHEILA M. MEEGAN

TOWN COUNCIL
EUGENE P. HART
WILLIAM P. HANLEY JR.

- 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.

Ayes: All

Noes: None

Motion Carried

STATE OF NEW YORK)
COUNTY OF ERIE) SS:
OFFICE OF THE CLERK OF THE
TOWN OF WEST SENECA

This is to certify that I, JACQUELINE A FELSER, Town Clerk and Registrar of Vital Statistics of the Town of West Seneca in said County of Erie, have compared the foregoing copy of resolution with the original resolution now on file in my office, and which was passed by the Town Board of the Town of West Seneca in said County of Erie, on the 15th day of July, 2019 and that the same is a correct and true transcript of such original resolution and whole thereof.

IN WITNESS WHEREOF, I HAVE HERE UNTO SET MY HAND AND AFFIXED THE SEAL OF SAID TOWN THIS 22ND DAY OF JULY, 2019.


TOWN CLERK AND REGISTRAR OF VITAL STATISTICS, TOWN OF WEST SENECA

**Exhibit 7 –Resolution Adopted by
the Town Board on July 15, 2019 for
the Purpose of Issuing a Negative
Declaration Pursuant to the State
Environmental Quality Review Act
("SEQRA")**

TOWN OF WEST SENECA



JACQUELINE A. FELSER
TOWN CLERK

RECEIVER OF TAXES
REGISTRAR OF VITAL STATISTICS
NOTARY PUBLIC
RECORDS MANAGEMENT OFFICER

TOWN SUPERVISOR
SHEILA M. MEEGAN

TOWN COUNCIL
EUGENE P. HART
WILLIAM P. HANLEY JR.

July 22, 2019

TOWN BOARD PROCEEDINGS
Meeting #2019-14
July 15, 2019

Legal Item #1

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

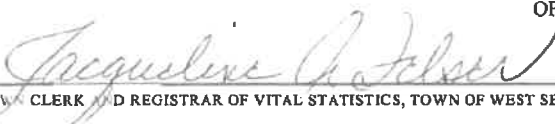
Noes: None

Motion Carried

STATE OF NEW YORK)
COUNTY OF ERIE) SS:
OFFICE OF THE CLERK OF THE
TOWN OF WEST SENECA

This is to certify that I, JACQUELINE A FELSER, Town Clerk and Registrar of Vital Statistics of the Town of West Seneca in said County of Erie, have compared the foregoing copy of resolution with the original resolution now on file in my office, and which was passed by the Town Board of the Town of West Seneca in said County of Erie, on the 15th day of July, 2019 and that the same is a correct and true transcript of such original resolution and whole thereof.

IN WITNESS WHEREOF, I HAVE HERE UNTO SET MY HAND AND AFFIXED THE SEAL OF SAID TOWN THIS 22ND DAY OF JULY, 2019.


TOWN CLERK AND REGISTRAR OF VITAL STATISTICS, TOWN OF WEST SENECA

**Exhibit 8 – Legal Description of the
Project Site**

EXHIBIT 8

LEGAL DESCRIPTION OF PARCELS COMPRISING THE PROJECT SITE

PARCEL "A" – 0 FREEMONT AVENUE [S.B.L. NO. 134.76-1-27.12]:

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. 194 of the Ebenezer Lands and according to a Map filed under Cover No. 58, described as follows:

BEGINNING at a point in the westerly line of Fremont Avenue at its intersection with the south line of lands conveyed to the Town of West Seneca by Deed recorded in the Erie County Clerk's Office in Liber 1922. of Deeds at Page 74; running thence northerly along the westerly line of Fremont Avenue, 70 feet to a point; running thence westerly and parallel to the southerly line of lands conveyed 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 conveyed to Richard J. Flett by Deed dated October 20, 1982, 115.42 feet to the east line of lands conveyed to Flett by the above referred to Deed; running thence southerly along the east line of Flett as aforesaid 70 feet to the south line of lands conveyed to the Town of West Seneca as aforesaid; running thence easterly and along the south line of said lands conveyed to the Town of West Seneca, 115.42 feet to the point or place of beginning.

EXCEPTING THEREFROM the part thereof that is described in Liber 1922 of Deeds at Page 74.

ALSO 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 Lots Nos. 194 and 195 of the Ebenezer Lands and according to a Map filed under Cover No. 58, described as follows:

BEGINNING at a point in the westerly line of Fremont Avenue at its intersection with the south line of lands conveyed to the Town of West Seneca by Deed recorded in the Erie County Clerk's Office in Liber 1922 of Deeds at Page 74; running thence westerly and along the south line of said lands conveyed to the Town of West Seneca, 115.42 feet to the southeast corner of lands conveyed to Richard J. Flett by Deed dated October 20, 1982; thence northerly along said east line of Flett, 50 feet to the north line of said lands conveyed to the Town of West Seneca; thence easterly along the north line of lands so conveyed to the Town of West Seneca, 115.42 feet to said westerly line of Fremont Avenue; thence southerly along the westerly line of Fremont Avenue, 50 feet to the point or place of beginning.

PARCEL "B" - 1343 UNION ROAD [S.B.L. NO. 134.23.1]:

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. 195 of the Ebenezer Lands, described as follows:

COMMENCING at a point in the east line of Union Road, distant 175 feet northerly from the intersection of said east line of Union Road with the south line of said measured along said east line of Union Road; thence easterly parallel with the south line of said Lot, 150 feet; thence northerly parallel with the easterly line of Union Road, 50 feet; thence westerly parallel to the south line of said Lot, 150 feet to , the east line of Union Road; thence southerly along the east line of Union Road, 50 feet to the place of beginning.

ALSO, 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. 195 of the Ebenezer Lands, described as follows:

COMMENCING at a point in the easterly line of Union Road, distant 150 feet northerly from the intersection of said easterly line of Union Road with the southerly line of said Lot measured along said easterly line of Union Road; thence easterly parallel with the southerly line of said Lot, 150 feet; thence northerly parallel with the easterly line of Union Road, 25 feet; thence westerly parallel to the southerly line of said Lot, 150 feet to the easterly line of Union Road; thence southerly along the easterly line of Union Road, 25 feet to the place of beginning.

EXCEPTING THEREFROM that part acquired by Notice of Appropriation recorded in the Erie County Clerk's office in Liber 7470 of Deeds at Page 291.

PARCEL "C" - 1347 UNION ROAD [S.B.L. NO. 134.76-1-25]:

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. 195 of the Ebenezer Lands, so called, bounded and described as follows:

COMMENCING at a point in the easterly line of Union Road distant 225 feet northerly from its intersection with the southerly line of said Lot; thence northerly along the easterly line of Union Road, 50 feet; thence easterly parallel to the southerly line of said Lot, 150 feet; thence southerly parallel to Union Road, 50 feet; thence westerly parallel to the southerly line of said Lot, 150 feet to the place of beginning.

EXCEPTING THEREFROM that part acquired by Notice of Appropriation recorded in the Erie County Clerk's Office in Liber 7470 of Deeds at Page 295.

PARCEL "D" - 1353 UNION ROAD [S.B.L. NO.134.76-1-3.11]:

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. 195 of the Ebenezer Lands according to Map filed in Erie County Clerk's Office under Cover No. 58, described as follows:

COMMENCING at a point in a line drawn parallel to the northerly line of said Lot and twenty-five

(25) feet southerly therefrom, which point is distant one hundred fifty (150) feet easterly from the easterly line of Union Road, measured along said parallel line; thence easterly along said parallel line and along part of the southerly line of Fremont Avenue, two hundred thirteen and twenty-eight hundredths (213.28) feet; thence southerly parallel to the westerly line of said Lot No. 195, one hundred forty-six and forty-three hundredths (146.43) feet; thence westerly parallel to the southerly line of said Lot, two hundred thirteen and twenty-eight hundredths (213.28) feet to a point distant one hundred fifty (150) feet easterly from the easterly line of Union Road; thence northerly parallel to the westerly line of said Lot, one hundred forty-six and thirty-eight hundredths (146.38) feet to the place of beginning.

PARCEL "E" - 1353 UNION ROAD [B.L. NO. 134.76-1-3.11]:

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. 195 of the Ebenezer Lands, described as follows:

BEGINNING at a point in the easterly line of Union Road, as a 100 foot wide road distant 140 feet south of the southwest corner of lands conveyed to Lawrence M. Kavanaugh by Deed recorded in Liber 8969 of Deeds at Page 1; thence easterly and parallel to the south line of Kavanaugh and along the south line of lands conveyed to the Town of West Seneca by Deed recorded in Liber 1922 of Deeds at Page 74, 150 feet to the northwest corner of the first described parcel in Liber 10120 of Deeds at Page 91; thence southerly and parallel with Union Road as a 100 foot wide road, 50.46 feet; thence westerly and parallel with the north line of Lot No. 195, 150 feet to the east line of Union Road, as a 100 foot wide road; thence northerly and along the east line of Union Road as a 100 foot wide road, 50.46 feet to the point or place of beginning.

EXCEPTING THEREFROM lands appropriated by the People of the State of New York by Notice of Appropriation recorded in Liber 7550 of Deeds at Page 255.