



CODE ENFORCEMENT OFFICE  
"BUILDING SAFETY IS NO ACCIDENT"

## TOWN OF WEST SENECA

TOWN SUPERVISOR  
GARY A. DICKSON

TOWN COUNCIL  
WILLIAM BAUER  
JOSEPH J. CANTAFIO  
WILLIAM P. HANLEY JR.  
JEFF PIEKAREC

TO: Honorable Town Board

FROM: Jeffrey Schieber  
Code Enforcement Officer

DATE: September 2, 2021

RE: **1465 Union Road**  
**798 Center Road**  
**150 Fremont Avenue**  
**Rezoning Request**

Dear Honorable Town Board Members:

The owner of the above properties is seeking a change in zoning from C-1 to C-2(s) to allow for the redevelopment of the site with new office and restaurant buildings.

Please review the attached letter and the attached documents and refer this matter to the Planning Board for their recommendation, should you find this favorable.

If you have any questions, please contact my office.

Jeffrey Schieber

JS:sl

Attachs.





August 31, 2021

Jeffrey Schieber, Code Enforcement Officer  
Town of West Seneca Town Hall  
1250 Union Road, Room 210  
West Seneca, New York 14224

Re: Rezoning of 1465 Union Road, 798 Center Street and 150 Fremont Avenue from  
C-1 to C-2(s) - Proposed Commercial Redevelopment Project  
Town of West Seneca – Applicant: Julius Aebly  
File No. 10200.1

Dear Mr. Schieber:

Our firm represents Julius Aebly (“Project Sponsor”) in connection with the proposed redevelopment of the contiguous parcels located at 1465 Union Road, 798 Center Road and 150 Fremont Avenue (collectively the “Project Site”) as a commercial project.

The Project Site includes former convenience store and gas station on 1465 Union Road that has been closed for many years. The parcel at 1471 Union Road is zoned C-2(s) and the parcels at 1465 Union Road, 798 Center Street and 150 Fremont Avenue are currently zoned C-1. The Project Sponsor is requesting that the zoning classification of these parcels be amended from C-1 to C-2(s) to accommodate a proposed commercial redevelopment project.

Enclosed are eight (8) copies of the Site Plan [Drawing C-100] prepared by Carmina Wood Morris DPC depicting the conceptual layout of the proposed commercial redevelopment project along with eight (8) copies of the Survey of the Project Site prepared by Millard MacKay & Delles Land Surveyors, LLP. Reduced size copy of the Site Plan [Drawing C-100] and the Survey are also attached as Exhibits “1” and “2”.

The proposed redevelopment project will include a two-story office building with a footprint of approximately 3,080 sq. ft. on the northern portion of the Project Site that will be occupied by Aebly & Associates as well as a future a commercial building to be located along the Union Road frontage of the Project Site intended to consist of a restaurant with a drive-through facility. As was discussed during the project meeting held with Town representatives on August 19<sup>th</sup>, a tenant has not yet been identified for the future commercial building with a conceptual size of approximately 3,057 sq. ft.

The layout of the proposed commercial redevelopment project includes a decorative wall along the frontage of the Project Site at the intersection of Union Road and Center Road in accordance with the Union Road Corridor design standards per Section 120-70 of the Zoning Code and also includes greenspace with a depth of approximately 54 ft. along the Freeman Avenue frontage of the Project Site.

**Correspondence to Jeffrey Schieber, Code Enforcement Officer**

**August 31, 2021**

**Page 2 of 2**

This Project Sponsor is requesting the amendment of the zoning classification of the parcels 1465 Union Road, 798 Center Street and 150 Fremont Avenue from C-1 to C-2(s) be placed on the agenda of the meeting of the Town Board to be held on Thursday, September 9<sup>th</sup> at 7:00 p.m. for the purpose of making a referral of the requested rezoning to the Planning Board. A legal description of the portion of the Project Site to be rezoned from C-1 to C-2(s) is attached as Exhibit "3".

Once the Town Board has made the referral of the requested rezoning of a portion of the Project Site to the Planning Board, a Rezoning Application and the required supporting documentation including a completed Short Environmental Assessment Form prepared pursuant to the State Environmental Quality Review Act ("SEQRA") will be submitted so that the requested rezoning necessary to accommodate the proposed commercial redevelopment project can be placed on the agenda of the meeting of the Planning Board to be held on Thursday, October 14<sup>th</sup> at 7:00 p.m.

Please feel free to contact me at 510-4338 or via e-mail at [shopkins@hsmlegal.com](mailto:shopkins@hsmlegal.com) if you have any questions regarding this letter or the proposed commercial redevelopment project.

Sincerely,

HOPKINS SORGI & MCCARTHY PLLC



Sean W. Hopkins, Esq.

cc: Gary A. Dickson, Supervisor  
William P. Hanley Jr., Councilmember  
Jeff Piekarec, Councilmember  
Joseph Cantafio, Councilmember  
William Bauer, Councilmember  
Amy M. Kobler, Town Clerk/Receiver of Taxes  
Julius Aebly, Aebly & Associates  
Brian Attea, Esq.  
Christopher Wood, P.E., Carmina Wood Morris DPC  
Anthony Pandolfe, P.E., Carmina Wood Morris DPC  
Brian Slevar, R.A., Carmina Wood Morris DPC

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**Exhibit 1 - Site Plan [Drawing  
C-100] as Prepared by  
Carmina Wood Morris DPC**

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**Exhibit 2 - Survey of Project  
Site as as Prepared by  
Millard MacKay & Delles  
Land Surveyors, LLP**

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**Exhibit 3 - Legal Description  
of Property to be Rezoned  
from C-1 to C-2(s)**

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**LEGAL DESCRIPTION OF PROPERTY TO BE REZONED FROM C-1 TO C-2(s)**

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 192 of the Ebenezer lands, so called, bounded and described as follows:

BEGINNING at the point of intersection of the north line of Center Road (as a 66 foot road) and the west line of Freemont Avenue (as a 50 foot road);

Thence westerly along the said north line of Center Road, a distance of 125.08 feet to a point being the southeast corner of lands appropriated by New York State per Map 83 Parcel 76;

Thence northerly along the east line of said lands appropriated by New York State per Map 83 Parcel 76, and at an interior angle of  $92^{\circ}06'39''$ , a distance of 7.00 feet to the northeast corner of said lands appropriated by New York State;

Thence westerly along the north line of lands appropriated by New York State per Map 83 Parcel 76, a distance of 83.10 feet to an angle point therein;

Thence northwesterly and continuing along lands appropriated by New York State per Map 83 Parcel 76, and at an interior angle of  $136^{\circ}05'29''$ , a distance of 43.41 feet to the east line of Union Road (as presently laid out 100 foot wide);

Thence northerly along the east line of said Union Road, at an interior angle of  $136^{\circ}19'10''$ , a distance of 144.38 feet to its intersection with the southerly line of lands conveyed to Sunoco, Inc. by deed recorded in the Erie County Clerk's Office in Liber 11205 of Deeds at page 4376;

Thence easterly along said northerly line of lands conveyed to Sunoco, Inc., a distance of 113.00 feet to the northeast corner thereof;

Thence southerly along the easterly line said lands conveyed to Sunoco, Inc., a distance of 1.00 foot to the northeast corner of Subdivision Lot No. 35, Block "B" as filed on Map Cover Number 467;

Thence easterly along the north line of Subdivision Lot No. 46, Block "B" per map filed in the Erie County Clerk's Office in Map Cover Number 467, a distance of 125.00 feet to a point in the west line of said Freemont Avenue;

Thence southerly at right angles, and along the said west line of Freemont Street, a distance of 189.87 feet to the Point and Place of Beginning.

This parcel containing 0.987 acres of land more or less.

