

TOWN OF WEST SENECA

APPLICATION FOR REZONING – SPECIAL PERMIT

TO BE COMPLETED BY APPLICANT

DATE March 30, 2016

FILE # 2016-04

PROJECT NAME Ebenezer Woods

PROJECT LOCATION (Include address and distance to nearest intersection) 4592 Seneca Street [East of intersection of Seneca St. and Sky Hi Dr.]

APPLICANT Ebenezer Community Landings 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 4592 Seneca Street LLC PH/FAX _____

ADDRESS 295 Main Street, Suite 210, Buffalo, New York 14230

ENGINEER/ ARCHITECT Christopher Wood, P.E., Carmina Wood Morris DPC PH/ FAX Tel: 842-3165 [Ext. 103]

ADDRESS 487 Main Street, Suite 600, Buffalo, New York 14203 [E-mail: cwood@cwm-ac.com]

SBL # 135-18-2-27.1

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

SIZE OF LOT (acres) 11.56 ACREAGE TO BE REZONED Not Applicable

ADJACENT ROAD NAMES AND AMOUNT OF FRONTAGE ON EACH The Project Site has 207.41 ft. of frontage on Seneca Street.

A copy of the survey of the Project Site is attached as Exhibit "C" (11" x 17") and a legal description is provided at Exhibit "D".

EXISTING ZONING R-50(S) PROPOSED ZONING No change proposed

EXISTING USE(S) ON PROPERTY Vacant Land

PROPOSED USE(S) ON PROPERTY 52 detached single-family patio homes on a single lot

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

The predominant use and zoning of parcels within 500 ft. of the Project Site is single-family residential. A color copy of the Zoning Map showing the approximate location of the Project Site is provided at Exhibit "E" and a Location Map is provided at Exhibit "F".

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.]

The project requires a Special Use Permit for the proposed use as 52 detached single-family patio homes on a single lot and it also requires Site Plan Approval. A detailed discussion of the requested Special Use Permit is provided at the attached Exhibit "A"
APPLICATIONS WILL NOT BE ACCEPTED WITHOUT COMPLETION OF ALL REQUIREMENTS LISTED HEREIN

TO BE COMPLETED BY THE TOWN OF WEST SENECA

DATE RECEIVED 03/31/2016 BY J. Felser

PLANNING BOARD MEETING DATE 04/14/2016

TOWN BOARD MEETING DATE _____

TOWN BOARD RESOLUTION DATE _____

Short Environmental Assessment Form
with Attachment “1” Prepared Pursuant to
the State Environmental Quality Review
Act (“SEQRA”)

Short Environmental Assessment Form

Part 1 - Project Information

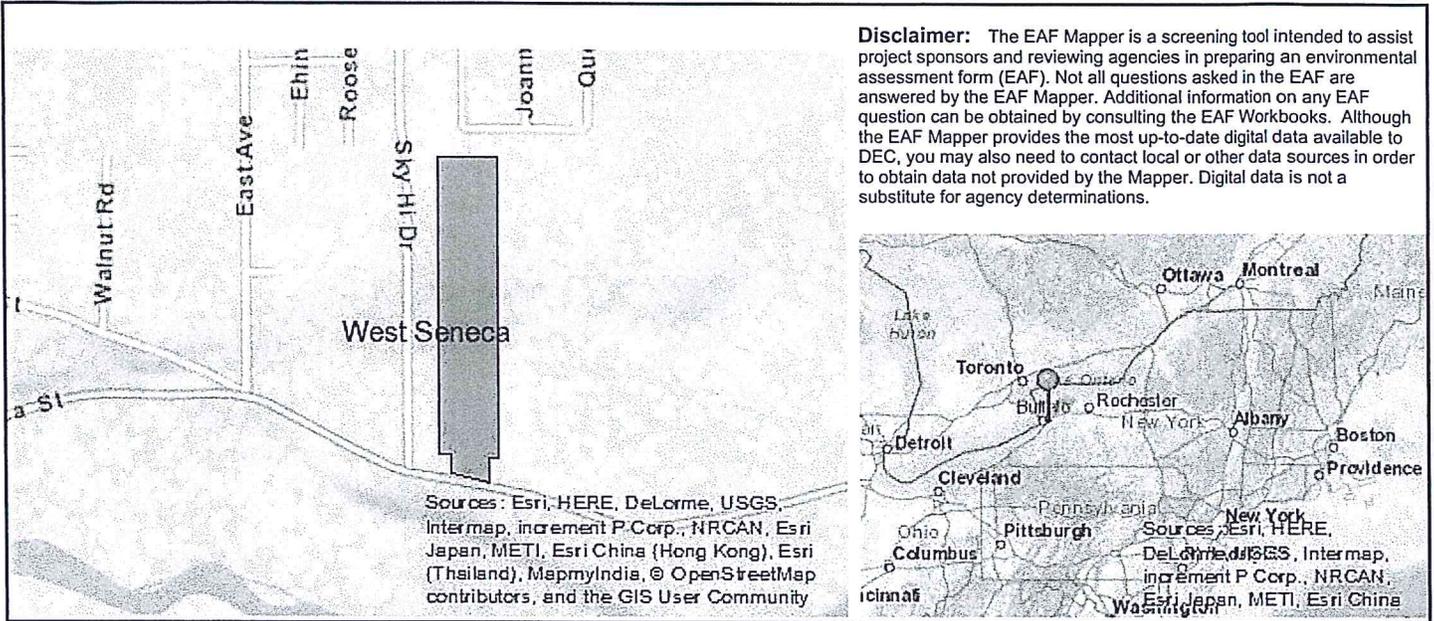
Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project: Ebenezer Woods Project			
Project Location (describe, and attach a location map): 4592 Seneca Street - Town of West Seneca - Erie County			
Brief Description of Proposed Action: The proposed project ("action") consists of a residential project consisting of 52 single-family detached patio homes on the 11.56 acre parcel at 4592 Seneca Street ("Project Site"). The Project Site is zoned R-50(s) and the proposed use requires a special use permit for patio homes from the Town Board and site plan approval from the Planning Board. The proposed action has been defined broadly to include all required discretionary approvals and permits as well as all proposed site improvements including the proposed 52 single family detached patio homes, an internal private roadway, a driveway connection to Seneca Street, a storm water management system and all required utility connections and improvements. The project is a Unlisted action pursuant to SEQRA because it does not cross any of the thresholds for a Type I action listed in 6 NYCRR Part 617.4. It also important to mention that the Town previously issued a negative declaration based on its environmental review of the previously approved project consisting of 52 attached townhomes consisting of 26 two-family unit buildings.			
Name of Applicant or Sponsor: Ebenezer Community Landings LLC c/o Sean Hopkins, Esq.		Telephone: 716.510-4338	
		E-Mail: shopkins@hsr-legal.com	
Address: 5500 Main Street, Suite 343			
City/PO: Williamsville		State: NY	Zip Code: 14221
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 governmental Agency? If Yes, list agency(s) name and permit or approval: See Attachment "1" of the attached Short Environmental Assessment Form for list of required permits and approvals for the proposed project.			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		_____ 11.56 acres	
b. Total acreage to be physically disturbed?		_____ 11.1 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ 11.56 acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input 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			

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p> <p><u>There will not a dam but there will be detention ponds provided as part of required stormwater management system for the purpose of satisfying the NYSDEC's stringent storm water quantity standards.</u></p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input checked="" type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input checked="" type="checkbox"/></p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p>		
<p>Applicant/sponsor name: <u>Ebenezer Community Landings LLC c/o Sean Hopkins, Esq.</u></p>		<p>Date: <u>March 30, 2016</u></p>
<p>Signature: <u><i>Sean Hopkins</i></u></p>		



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National Register of Historic Places]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	Yes

**ATTACHMENT 1 OF SHORT
ENVIRONMENTAL ASSESSMENT FORM**

**Proposed Patio Home Project
4952 Seneca Street
Town of West Seneca, Erie County**

The proposed project requires the following permits and approvals from the Town of West Seneca and other governmental agencies:

- Special Use Permit - Town Board
- Site Plan Approval - Planning Board
- Nationwide Permit - U.S. Army Corps of Engineers
- SPDES Permit – NYS Department of Environmental Conservation
- Highway Work Permit – Erie County Department of Public Works
- Sewer Connection – ECDEP – Division of Sewerage Management
- Sewer Connection – Erie County Health Department

**Exhibit A: Project Description and
Description of Requested
Special Use Permit**

**EXHIBIT A OF SPECIAL USE
PERMIT APPLICATION**

**Project Description, History of Project Site & Description
of Requested Special Use Permit
4592 Seneca Street - Town of West Seneca**

I. Project Description:

The proposed project ("action") consists of a residential project consisting of 52 detached single-family patio homes on the 11.56 acre parcel at 4592 Seneca Street ("Project Site"). The layout of the proposed patio home project is depicted on the Site Plan prepared by Carmina Wood Morris DPC provided at Exhibit "B" and a full size copy of the Site Plan is also attached to this Special Use Permit Application.

The Project Site is zoned R-50(S) pursuant to the Town of West Seneca Zoning Map.¹ Pursuant to Section 120-16A(2) of the Zoning Code, group dwellings and multiple-family dwellings on property zoned R-50 require the issuance of a special use permit by the Town Board.² The proposed project will also require Site Plan Approval from the Planning Board and three of the patio homes [labelled as Buildings 9, 10 and 11] on the Site Plan will require a rear yard setback variance.³

¹ The (S) reference in the zoning classification denotes that a special use permit was previously granted for a project on the Project Site. A description of the previously proposed project is provided in Part II below.

² "Dwelling Group" is defined in Section 120-64 of the Zoning Code as "a group of two or more dwellings located on the same lot and having any yard or open space in common. The proposed detached single-family patio homes fall within this definition because the detached patio homes will be located on a single lot.

³ Article III of the Zoning Code is titled "Bulk Regulations" and Section 120-30 of the Zoning states that the required rear yard setback for one and two-family dwellings on property zoned R-50 is thirty feet.

The proposed 52 detached single-family patio homes will be owner occupied and serviced by private infrastructure including a private road, and private sanitary sewer and water infrastructure. A conceptual front Elevation Plan for the patio homes is provided at Exhibit "G". Each upscale patio home will include an attached garage and high quality building materials. The target market for the detached patio homes is seniors, empty nester and single professionals and detached patio homes typically generate very little demand for educational services based on the demographics of the residents.

II. Description of Previously Proposed Attached Townhome Project:

The history of the Project Site is important given that the Applicant believes the currently proposed project is preferable to the previously proposed project, which consisted of 52 attached townhome units comprised of 26 duplexes. A copy of the Site Plan for the previously proposed project is provided at Exhibit "H" (11" x 17"). The reason the Applicant believes the currently proposed residential project is preferable to the previous project is because the residential units will consist exclusively of detached patio homes, which is consistent with the current of the property directly to the west consisting of single-family homes on individual lots.

It is the Applicant's understanding that although the Town Board issued a negative declaration pursuant to SEQRA for the previously proposed project on July 14, 2014 and also subsequently approved a rezoning and issued a special use permit, the approval process for the

previously proposed project including the receipt of various approvals and permits required from involved agencies was not finalized.⁴

III. 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 standards applicable to the review of a requested special use permit. The four 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 exclusively as detached single-family homes satisfied the 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 (detached single-family patio homes) is in harmony with the orderly development of the district in which the Project Site is located. The density of the project as compared to the previously approved project has not been increased and the size of the residential buildings has decreased, resulting in the project being more compatible with the

⁴ A completed Short Environmental Assessment Form prepared pursuant to the State Environmental Quality Review Act (“SEQRA”) is attached to this Special Use Permit Application. The Applicant is requesting that the Town Board issue a negative declaration pursuant to SEQRA since the proposed project will not result in any potentially significant adverse environmental impacts.

character and scale of nearby single-family homes on individual lots than the previous project.

2. Criteria No. 2 pertains to the need for screening to be considered when a non-residential use with potential negative attributes is being proposed on property that is contiguous to property in an R District. The proposed detached patio homes is consistent with single-family homes on nearby parcels and as such the proposed project will not result in objectionable impacts. As part of the site plan review process, a landscaping plan will be reviewed and submitted for review by the Planning Board and the Applicant's goal is for the aesthetics of the Project Site to be viewed as an amenity by prospective purchasers.
3. There will be adequate parking provided for the proposed use as detached single-family patio homes. Each patio home will feature an attached garage for two vehicles and a driveway that can accommodate an additional two vehicles. The proposed private road that will service the detached patio homes will comply with the required specifications.

IV. Conclusion:

The Project Sponsor is respectfully requesting that the Planning Board issued a favorable recommendation on the requested Special Use Permit for the proposed patio home project and that the Town Board issue a negative declaration pursuant to SEQRA and grant the requested Special Use Permit for the patio home project.

**Exhibit D: Legal Description
of 4592 Seneca Street**

EXHIBIT D OF SPECIAL USE
PERMIT APPLICATION

Metes and Bounds Legal Description of
4592 Seneca Street - 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 No. 223 of the Ebenezer Lands, so called, bounded and described as follows:

BEGINNING AT A POINT in the centerline of Seneca Street (66 feet wide), said centerline also being the south line of Lot No. 223, 54.8 feet westerly of the southeast corner of Lot No. 223, running thence northerly parallel with the east line of Lot No. 223, 159.85 feet to a point; thence easterly at right angles with the last described course 54.0 feet to a point in the east line of Lot No. 223, said point being 169.20 feet north of the centerline of Seneca Street; thence northerly along the east line of Lot No. 223, 1595.42 feet to the northeast corner thereof; thence westerly along the north line of Lot No. 223, 303.74 feet to the east line of lands conveyed to Gottlieb Diefenbach by deed recorded in Erie County Clerk's Office in Liber 422 of Deeds at page 387, said east line of Diefenbach also being the east line of lands as shown under Cover Number 1368; thence southerly parallel with the west line of Lot No. 223 and along the east line of lands so conveyed to Diefenbach by deed aforesaid 1514.39 feet to the northwest corner of lands of Lisa Marie Dulack by Deed recorded in the Erie County Clerk's Office in Liber 11229 of Deeds at page 5233; thence easterly along the north line of lands so conveyed to Dulack by Deed aforesaid 45.00 feet to the northeast corner thereof; thence southerly along the east line of lands of Dulack, 209.05 feet to the centerline of Seneca Street; thence easterly along the centerline of Seneca Street, 212.45 feet deed and 207.41 feet measured to the point of beginning.

**Exhibit E: Color Copy of Zoning Map
Showing Approximate Location of the
Project Site (8.5" x 11")**

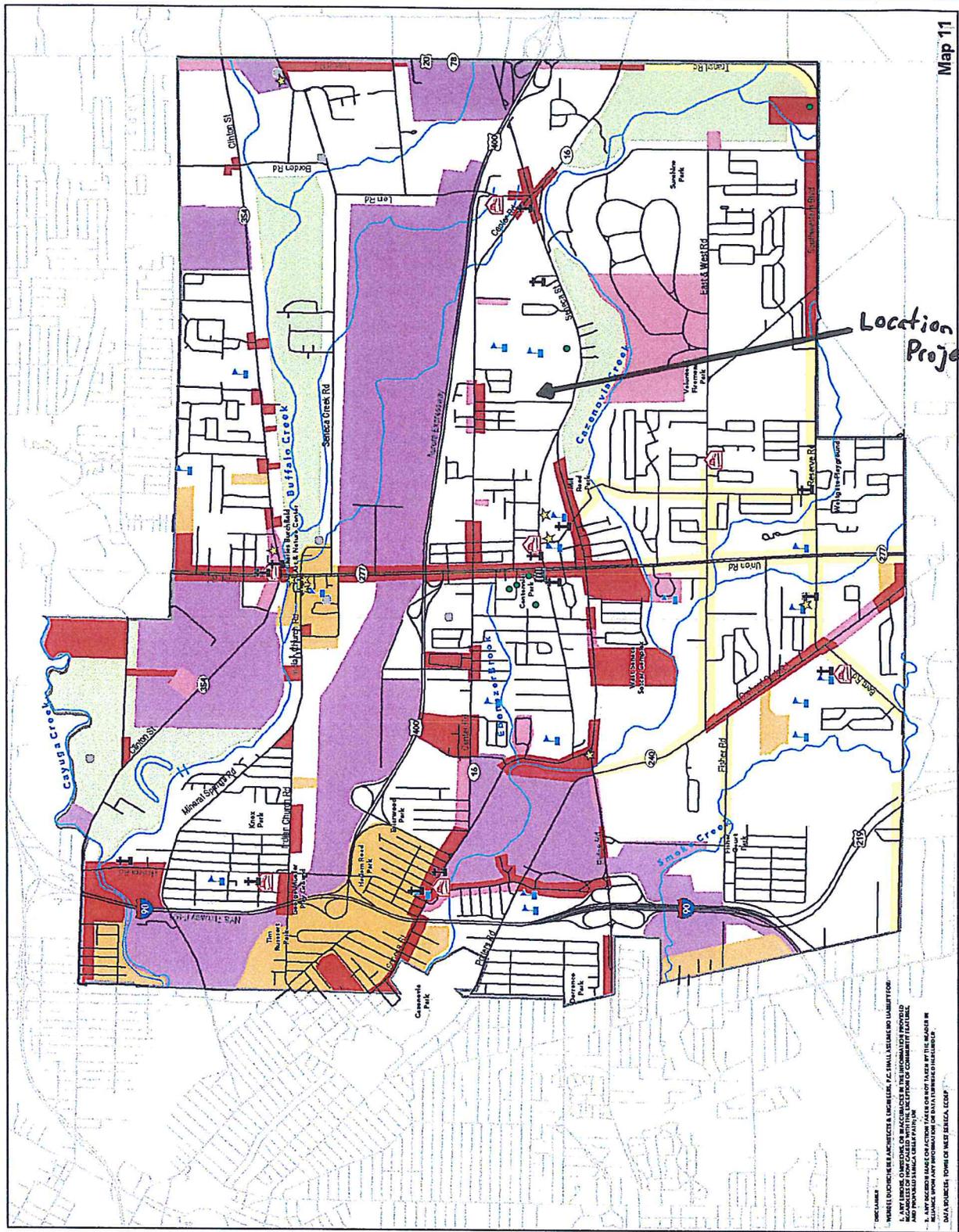
Town of West Seneca

Generalized Existing Zoning



Legend	
Generalized Zoning	
Mostly Single Family	(Light Green)
Agriculture/Single Family/2 Family	(Light Yellow)
Commercial	(Red)
Industrial	(Purple)
Multi Family/Mixed Use	(Light Blue)
2 Family/Office	(Yellow)
Single/Multi Family	(Light Purple)
Roads	(Black line)
Streams	(Blue line)
Town Hall	(Building icon)
Church	(Church icon)
Cemetery	(Cemetery icon)
Fire Hall	(Fire hall icon)
School	(School icon)
Local Cultural/Historical Significance	(Star icon)
Other	(Circle icon)

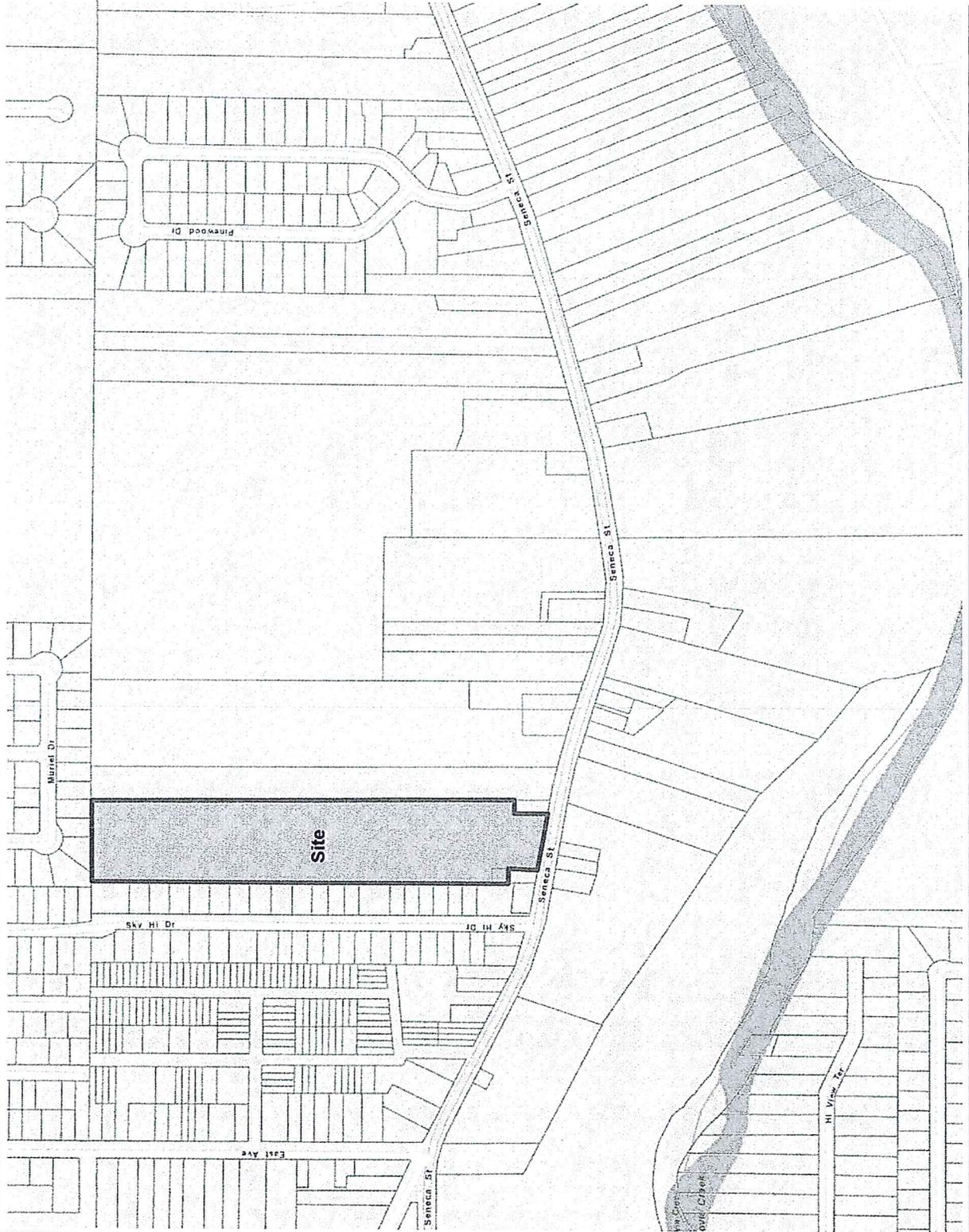
* This is a very generalized depiction of the existing zoning of the town. Districts have been combined and areas have been generally located.



**Exhibit F: Location Map from Erie
County On-Line Mapping Application**



Erie County On-Line Mapping Application



Legend

-  Parcels
-  Municipal Boundaries

0 752.25 1,504.5 Feet

WGS 1984 Web Mercator Auxiliary Sphere
THIS MAP IS NOT TO BE USED FOR NAVIGATION

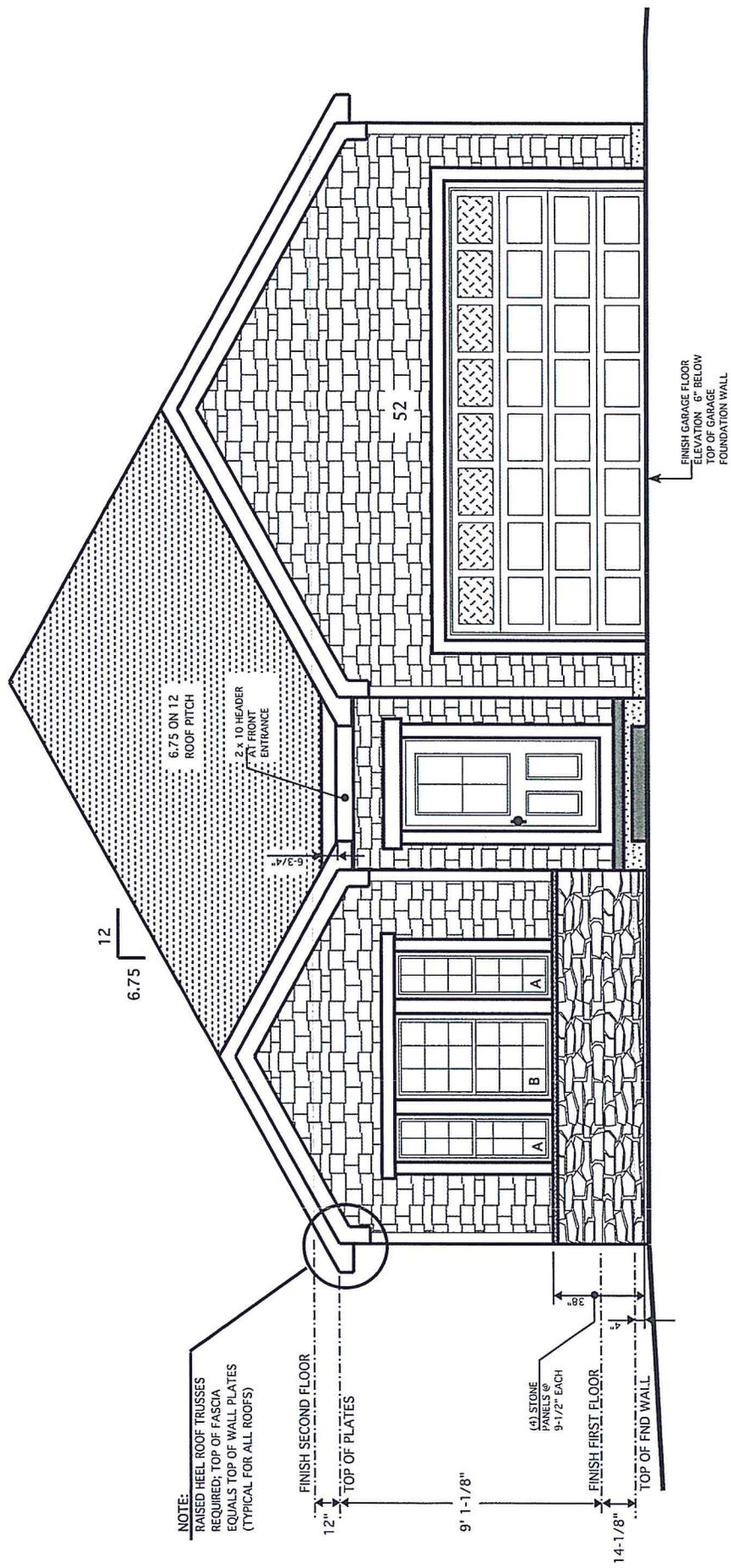
ERIE COUNTY
DEPARTMENT OF ENVIRONMENT & PLANNING
OFFICE OF GIS

This map is a user generated static output from an internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

1: 9,027



**Exhibit G: Conceptual Front Elevation
for Proposed Detached Single-Family
Patio Homes**



NOTE:
 RAISED HEEL ROOF TRUSSES
 REQUIRED; TOP OF FASCIA
 EQUALS TOP OF WALL PLATES
 (TYPICAL FOR ALL ROOFS)

FINISH SECOND FLOOR
 TOP OF PLATES

(4) STONE
 PANELS @
 9'-1/2" EACH

FINISH FIRST FLOOR
 TOP OF FND WALL

FINISH GARAGE FLOOR
 ELEVATION 6" BELOW
 TOP OF GARAGE
 FOUNDATION WALL

TYPICAL FRONT ELEVATION

SCALE: NTS

**Exhibit H: Copy of Previous Site Layout
Plan for Townhomes at Ebenezer Woods
Prepared by Optima Design &
Engineering PLLC (11" x 17")**
