

TOWN OF WEST SENECA Amended Special Use Permit Application :

APPLICATION FOR REZONING – SPECIAL PERMIT

TO BE COMPLETED BY APPLICANT

DATE April 28, 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-ae.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 PROPOSED ZONING No change proposed

EXISTING USE(S) ON PROPERTY Vacant Land

PROPOSED USE(S) ON PROPERTY 48 detached single-family patio homes with attached garages and 30 attached two-story townhome units

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 x NO PUBLIC WATER YES x NO

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

The 30 attached townhome units require a special use permit for multifamily and dwelling groups per Section 120-16A(2) and the 48 detached patio homes require a special use permit for a subdivision for the construction of multiple single-family patio homes [cont. below]

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

TO BE COMPLETED BY THE TOWN OF WEST SENECA

on a private road with an appurtenant association to be approved by NYS Attorney General Office.

DATE RECEIVED 04/28/2016 BY J. Felsner

PLANNING BOARD MEETING DATE 05/12/2016

TOWN BOARD MEETING DATE

TOWN BOARD RESOLUTION DATE

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

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# Short Environmental Assessment Form

## Part I - Project Information

Amended Short Environmental  
Assessment Form

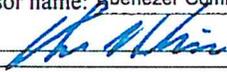
### Instructions for Completing

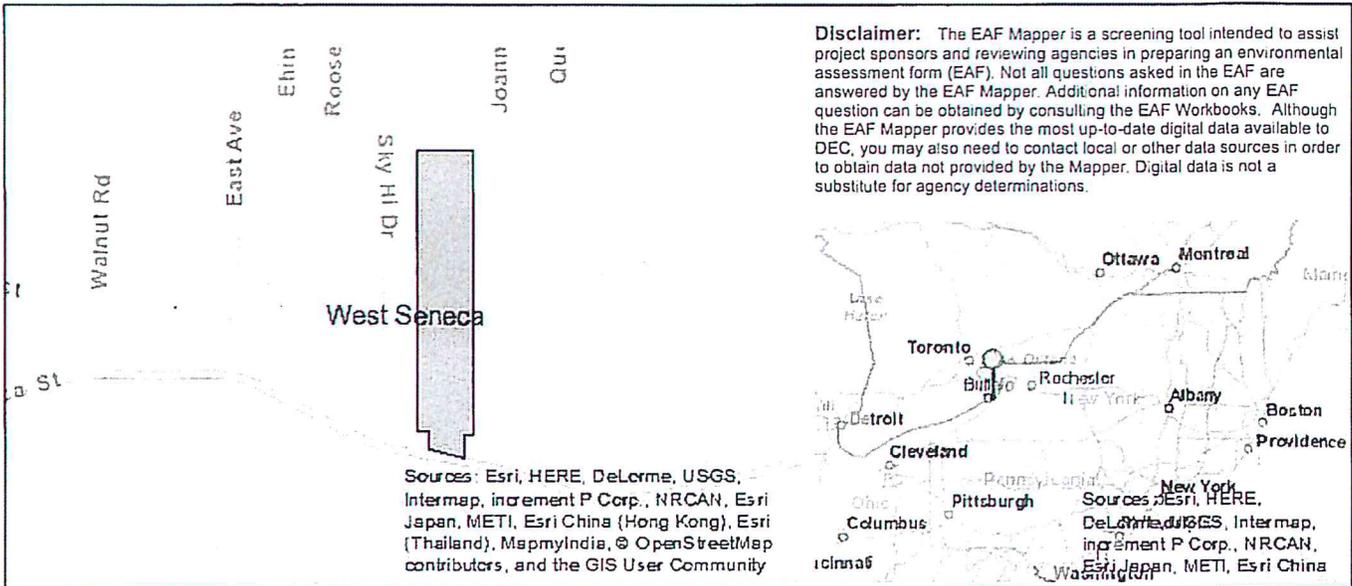
**Part I - Project Information.** The applicant or project sponsor is responsible for the completion of Part I. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part I based on information currently available. 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 I. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part I - Project and Sponsor Information</b>				
Based on the updated Site Plan that Chris e-mailed, the 30 attached townhome units require a special use permit for multifamily and dwelling gr				
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 48 single-family detached patio homes 30 attached two-story townhome units on the 11.56 acre parcel at 4592 Seneca Street ("Project Site"). The Project Site is zoned R-50(s) and requires a special use permit from the Town Board and site plan approval by the Planning Board. The proposed action has been defined broadly to include all required discretionary approvals/permits and 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 residential units.				
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 checked="" 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><b>NO</b></p> <p><input type="checkbox"/></p>	<p><b>YES</b></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><b>NO</b></p> <p><input checked="" type="checkbox"/></p>	<p><b>YES</b></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><b>NO</b></p> <p><input type="checkbox"/></p>	<p><b>YES</b></p> <p><input checked="" type="checkbox"/></p>
<p><b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p>		
<p>Applicant/sponsor name: <u>Ebenezer Community Landings LLC c/o Sean Hopkins, Esq.</u></p>		<p>Date: <u>April 28, 2016</u></p>
<p>Signature: <u></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

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

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**EXHIBIT A OF AMENDED SPECIAL USE  
PERMIT APPLICATION**

**Project Description- 4592 Seneca Street - Town of West Seneca**

**I. Project Description:**

The proposed project ("action") consists of a residential project consisting of 48 detached single-family patio homes and 30 attached two-story townhome units on the 11.56 acre parcel at 4592 Seneca Street ("Project Site"). The layout of the proposed 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.<sup>1</sup> Pursuant to Section 120-16A(2) of the Zoning Code, the 30 attached two-story townhome units require a special use permit for group dwellings and multiple-family dwellings and the 48 detached single-story patio homes require a special use permit for a subdivision for the construction of multiple single-family patio homes on a private road with an appurtenant association to be approved by NYS Attorney General Office. The proposed-project will also require Site Plan Approval from the Planning Board.

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

Section 120-23 of the Zoning Code is titled "Uses requiring special permit by Town Board" and Section 120-23A of the Zoning Code sets forth the four 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

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<sup>1</sup> The (S) reference in the zoning classification denotes that a special use permit was previously granted for a project on the Project Site.

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 and attached residential units) is in harmony with the orderly development of the district in which the Project Site is located. The density of the project is permitted and the mixture of residential housing types will result in an upscale residential project that will be an attractive housing choice for future residents.
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 residential project is compatible with the existing residential uses 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 residents.
3. There will be more than adequate parking provided for the proposed residential project. Each residential unit will include an attached garage. The proposed private internal access road that will service the detached patio homes will comply with the required specifications.

### **III. Conclusion:**

The Project Sponsor is respectfully requesting that the Planning Board issued a favorable recommendation on the requested Special Use Permit for the proposed residential

project and that the Town Board issue a negative declaration pursuant to SEQRA and grant the requested Special Use Permit for the residential project.

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**Exhibit B: Reduced Size Copy of Site Plan  
Prepared by Carmina Wood Morris DPC  
dated April 28, 2016**

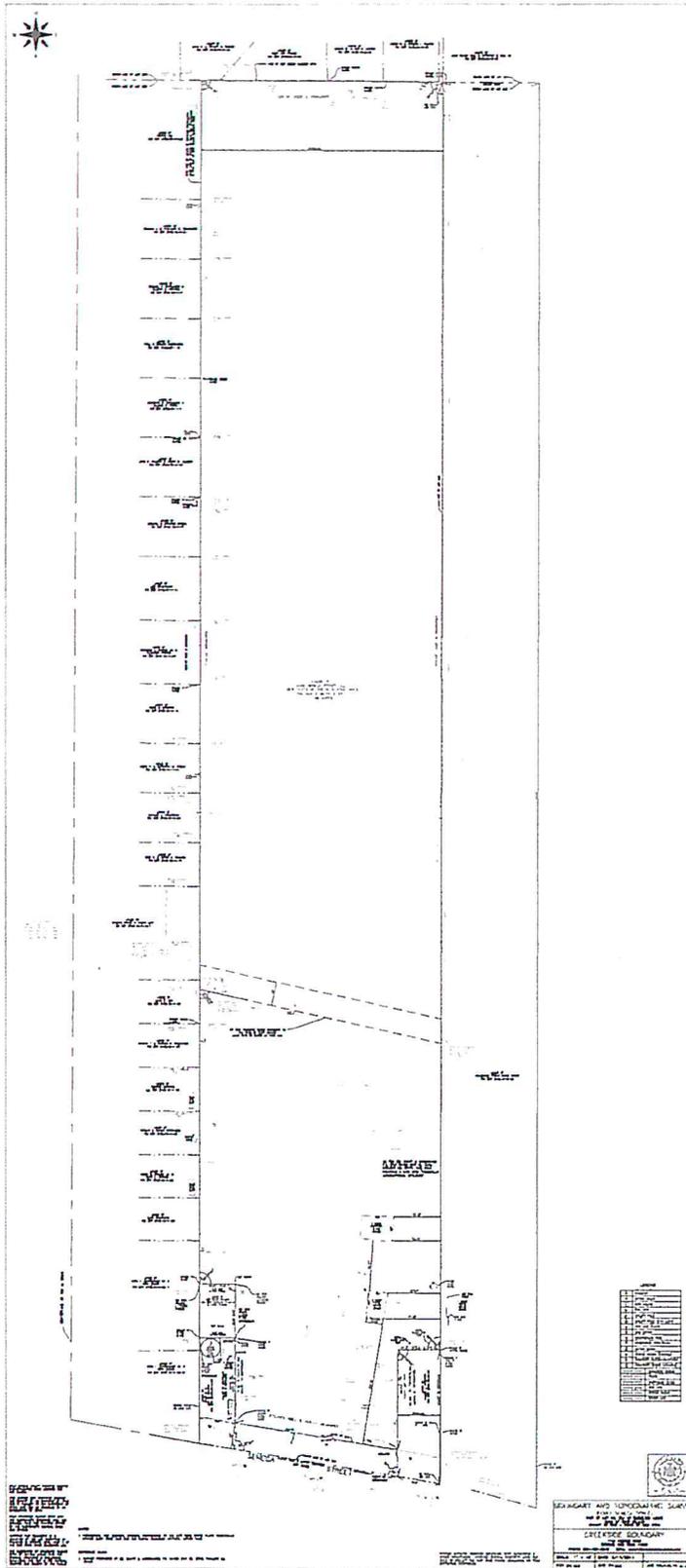
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**Exhibit C: Survey of 4592 Seneca Street**  
**Prepared by Creekside Boundary**  
**Dated May 17, 2013**

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

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**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.

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

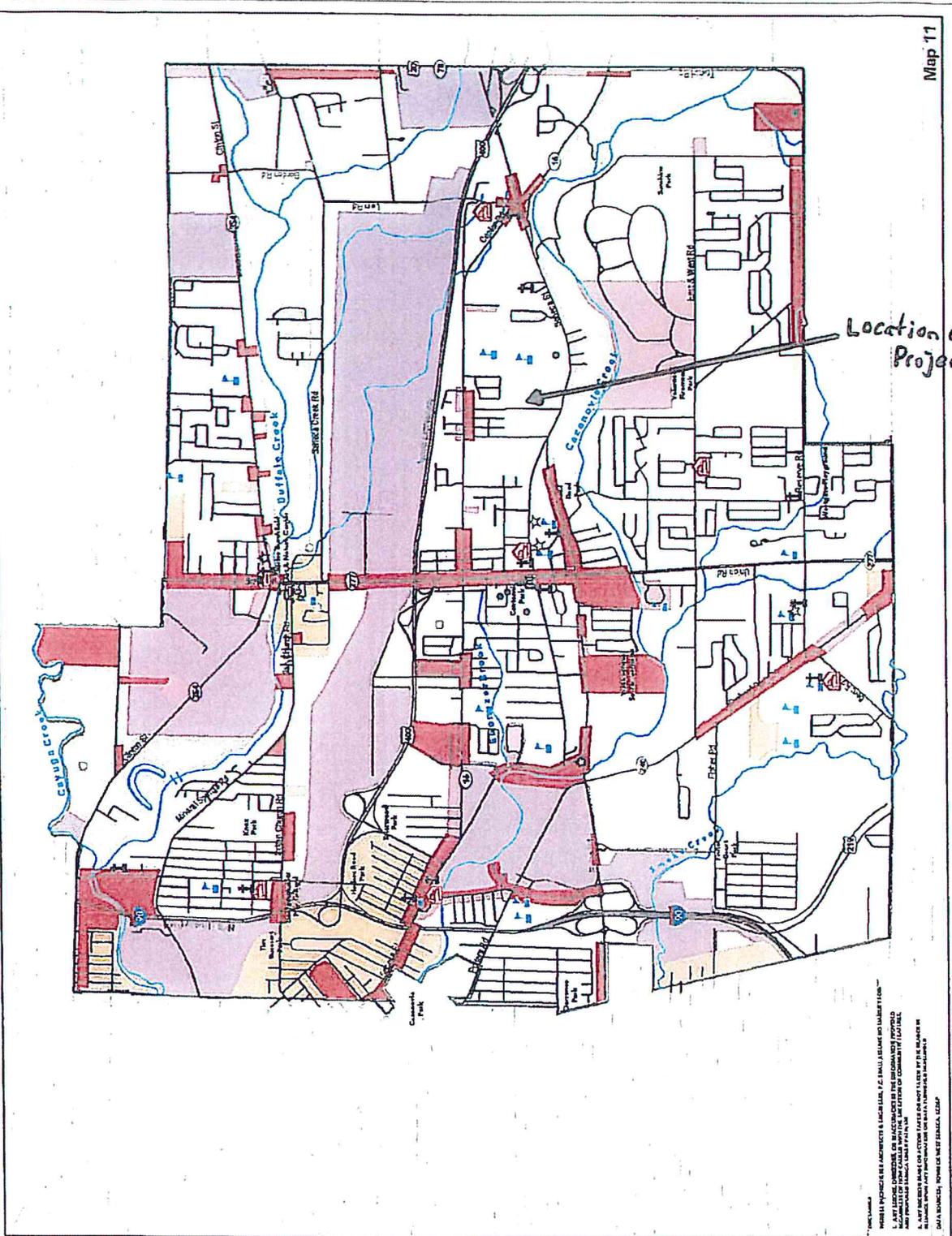
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# Town of West Seneca Generalized Existing Zoning



Legend	
Generalized Zoning	
Mostly Single Family	(Light purple shaded area)
Agriculture/Single Family/2 Family	(Light blue shaded area)
Commercial	(Light yellow shaded area)
Industrial	(Light green shaded area)
Multi Family/Mixed Use	(Light orange shaded area)
2 Family/Office	(Light pink shaded area)
Single/Multi Family	(Light red shaded area)
Roads	(Black line)
Streams	(Blue line)
Town Hall	(Building icon)
Church	(Church icon)
Cemetery	(Circle icon)
Fire Hall	(Fire truck 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.



WEST SENeca PROJECTS BY ARCHITECTS & ENGINEERS, P.C. SHALL BECOME AN AGENCY OF THE TOWN OF WEST SENeca, NEW YORK, AND SHALL BE SUBJECT TO THE TOWN'S ZONING AND SUBDIVISION LAWS. THE TOWN OF WEST SENeca COMMUNITY DEVELOPMENT DEPARTMENT HAS REVIEWED THIS MAP FOR ACCURACY AND COMPLIANCE WITH THE TOWN'S ZONING AND SUBDIVISION LAWS. THE TOWN OF WEST SENeca COMMUNITY DEVELOPMENT DEPARTMENT DOES NOT WARRANT THE ACCURACY OF THIS MAP. DATA SOURCES: TOWN OF WEST SENeca, 2004.

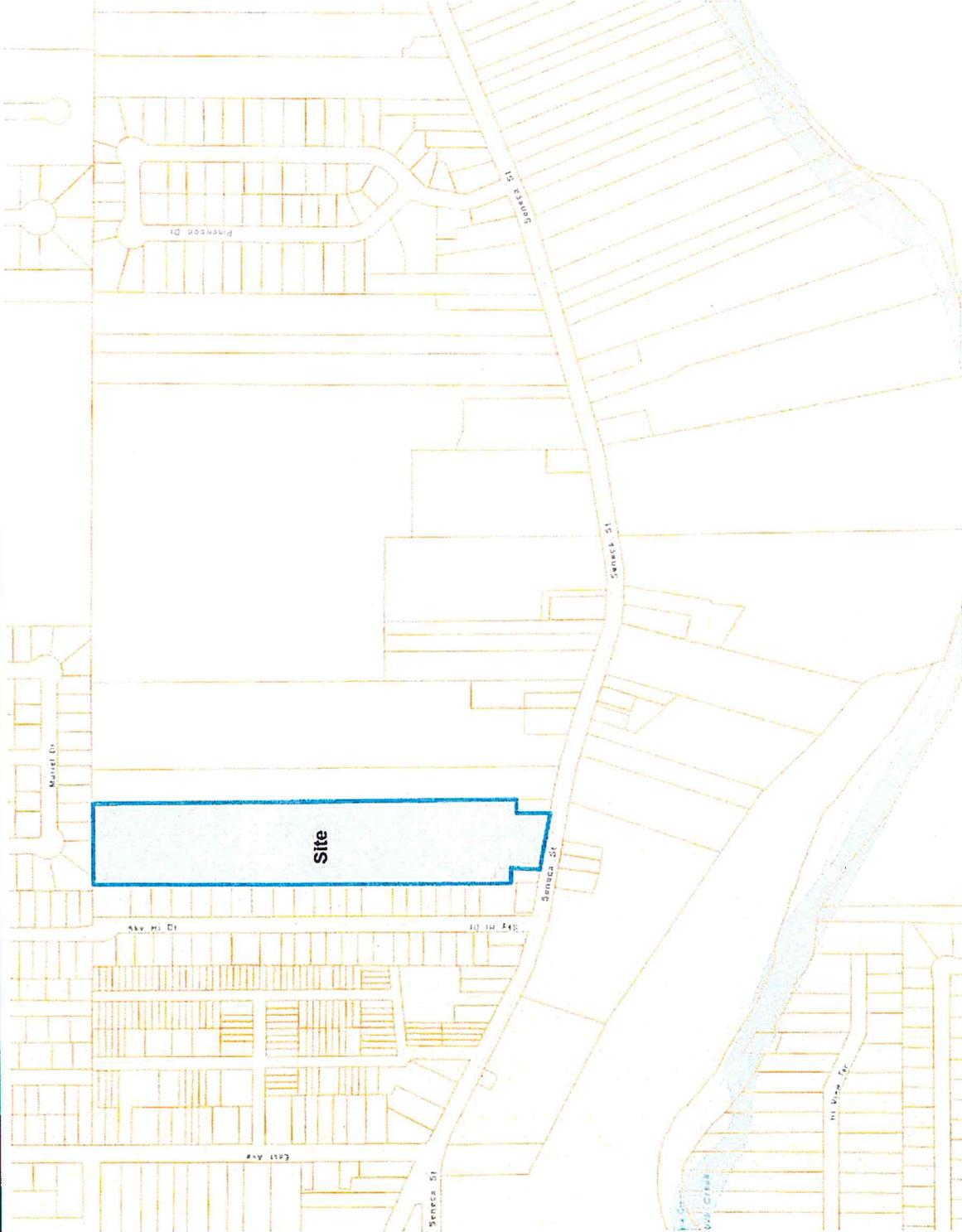
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**Exhibit F: Location Map from Erie  
County On-Line Mapping Application**

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# Erie County On-Line Mapping Application



**Legend**

-  Parcels
-  Municipal Boundaries

0 752.25 1,504.5Feet

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