

4-B HELD OVER PUBLIC HEARING

1. (continued)

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

Ayes: All

Noes: None

Motion Carried

Motion by Supervisor Meegan, seconded by Councilman Hart, to adopt the following resolution:

WHEREAS, the Town Board of the Town of West Seneca as the lead agency acting pursuant to the State Environmental Quality Review Act, Article 8 of the New York State Environmental Conversation Law, has reviewed Part I of the Short Environmental Assessment Form ("EAF") prepared by the Town Attorney in connection with the proposed Local Law 2017-01: Design Standards ("Local Law 2017-01"), has reviewed the draft completed Part 2 of the EAF analyzing the potential for the Local Law 2017-01 to result in any significant adverse environmental impacts and has otherwise taken a hard look at the potential environmental impacts using the criteria specified in 6 NYCRR 617.7(c); and

WHEREAS, upon such review the Town Board has not identified any potentially significant adverse environmental impacts associated with the proposed Local Law 2017-01, has determined that no environmental impact statement is necessary and that 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 as set forth in Part III of the EAF expressly incorporated herein with respect to the Project; and be it further

RESOLVED, the Town Board hereby adopts Local Law 2017-01.

Ayes: All

Noes: None

Motion Carried
APPENDICES

4-C LEGAL ITEMS

1. Motion by Supervisor Meegan, seconded by Councilman Hart, that proofs of publication and posting of legal notice: "OF A PUBLIC HEARING TO CONSIDER AN INCREASE AND IMPROVEMENT OF FACILITIES KNOWN AS THE VERONICA ESTATES DRAINAGE AREA" in the Town of West Seneca, be received and filed.

Ayes: All

Noes: None

Motion Carried

4-C LEGAL ITEMS

2. (continued)

Motion by Supervisor Meegan, seconded by Councilman Hanley, to approve a special permit for property located at 1711 Union Road, being part of Lot No. 186, 187 & 198, changing its classification from M-1 to M-1(S), for automotive use.

Ayes: All

Noes: None

Motion Carried

3. 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 2730 TRANSIT ROAD, BEING PART OF LOT NO. 362 & 363, CHANGING ITS CLASSIFICATION FROM M-1 TO C-2(S), FOR CONSTRUCTION OF 40 TOWNHOME UNITS WITH ASSOCIATED ACCESS DRIVES/DRIVEWAYS" in the Town of West Seneca.

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

David DePaolo, Executive Vice President of Marrano/Marc Equity, stated their proposal to rezone eight acres of land at 2730 Transit Road for 40 townhome units. Marrano's offices will remain in the front and the two vacant buildings in the rear of the parcel will be demolished for construction of the townhome development. Property to the south of the stream will remain green space. The site is over 500' to the closest residential property and there is room for more units, but they will limit the development to no more than 40 townhomes.

Beverly Leising questioned if the townhomes will be occupied by families or senior citizens downsizing and how will they be taxed.

Mr. DePaolo stated the demographic of owners will be varied and some senior citizens are expected. There will be a homeowner's association that will provide for garbage collection and plowing, so the development will use less town services. The expected starting price for the townhomes will be approximately \$170,000.

Michael Ratajczyk stated he is developing the parcel at 2724 Transit Road for Tri-Town Animal Hospital and expressed concern that the residential development will impact his business. He was specifically concerned that residents will complain about barking dogs.

4-C LEGAL ITEMS

3. (continued)

Senior Code Enforcement Officer John Gullo did not see this as an issue since the townhome development will be zoned commercial. Councilman Hart commented there is a considerable distance from the proposed development to the animal hospital.

Mike Truscott commented while development is good, there is a need to think about the impact of projects on the police and fire departments and additional traffic on the roads.

Tom Stachowiak questioned if the developer will be requesting an additional traffic light at the intersection of Transit Road and the driveway to the property. Mr. DePaolo stated there will not be enough traffic generated by 40 units to warrant a traffic light.

Councilman Hart stated he would like to restrict any business from occupying a townhome.

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

Ayes: All

Noes: None

Motion Carried

Motion by Supervisor Meegan, seconded by Councilman Hart, to adopt the following resolution approving a rezoning and special permit for 2730 Transit Road:

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 in connection with the proposed rezoning for property located at 2730 Transit Road (SBL 136.13-1-8 & 126.13-1-11) ("Subject Property"), changing its classification from M-1 to C-2(S), for 40 townhome units (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 the preparation of an Environmental Impact Statement is not necessary and that the issuance of a Negative Declaration is therefore appropriate; and

WHEREAS, the Planning Board adopted a resolution recommending the granting of the Rezoning and Special Permit and approval of the Project; and

4-C LEGAL ITEMS

3. (continued)

WHEREAS, pursuant to Town Code, the Town Board further finds that granting a Rezoning and Special Permit of the Subject Property to allow for the Project is consistent with the applicable special use criteria contained in the Town Code, appropriate for the location and will not adversely affect surrounding properties; 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; and be it further

RESOLVED the Town Board hereby adopts Local Law No. 2017-02 granting a rezoning from M-1 to C-2 for the Subject Property and grants the Special Permit.

Ayes: All

Noes: None

Motion Carried
APPENDICES

4. Motion by Supervisor Meegan, seconded by Councilman Hart that proofs of publication and posting of legal notice: "OF A PUBLIC HEARING TO CONSIDER A REQUEST FOR SITE PLAN APPROVAL FOR PROPERTY LOCATED AT 3045 SENECA STREET FOR CONSTRUCTION OF A WIRELESS TELECOMMUNICATIONS FACILITY" in the Town of West Seneca.

Ayes: All

Noes: None

Motion Carried

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

Ayes: All

Noes: None

Motion Carried

Corey Auerbach of Barclay Damon represented Upstate Tower and stated their proposal for a 160', self-supported cell tower located in the back of the property at 3045 Seneca Street. A 60' x 60' area with a 6' fence will surround the cell tower with access from Seneca Street. The proposal is for a single antenna and it is almost identical to the tower at Town Hall. Mr. Auerbach noted the tower is substantially setback from residential property and will be placed 800' from Seneca Street. A demolition bond will be submitted as part of the building permit process.

Darryl Dusch questioned what the town will gain from this project. Town Attorney John Fenz responded the cell tower increases the assessed value of the property which increases tax revenue. The tower will also heighten communications during public safety events.

Mr. Auerbach stated the cost to build the structure is between \$150,000 and \$200,000. Town Attorney John Fenz stated the actual assessment of the cell tower may be income based.

4-C LEGAL ITEMS

4. (continued)

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

Ayes: All

Noes: None

Motion Carried

Motion by Supervisor Meegan, seconded by Councilman Hart, to adopt the following resolution granting site plan approval for property located at 3045 Seneca Street, for construction of a wireless telecommunications facility.

WHEREAS, the Town of West Seneca (the "Town") received an application for site plan review from Upstate Tower Co, LLC (the "Applicant") for construction of a telecommunication facility, comprising a 160' self-support tower, access drive and associated telecommunications equipment within a 60' x 60' fenced compound located at 3045 Seneca Street, West Seneca, New York (the "Project"); and

WHEREAS, the Town Board, in compliance with Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act – SEQRA) of the Environmental Conservation Law, has reviewed this action; and

WHEREAS, The Planning Board and Code Enforcement Department have reviewed the proposed project and did not identify any potential significant adverse environmental issues and have indicated that the proposal will not have a significant damaging impact on the environment; and

WHEREAS, the Town has reviewed a Short Environmental Assessment Form, dated September 9, 2016, prepared and signed by the Applicant; and

WHEREAS, the Project will not adversely affect the natural resources of the State and/or the health, safety and welfare of the public and is consistent with social and economic considerations; now, therefore, be it

RESOLVED, that based upon an examination of the Short Environmental Assessment Form the Town determines that the proposed action is not anticipated to result in any significant negative effect of the environment and a Negative Declaration is hereby issued; and be it further

RESOLVED, the Town hereby grants approval of the site plan submitted by the applicant for the aforementioned Project.

Ayes: All

Noes: None

Motion Carried

4-D COMMUNICATIONS

1. Town Attorney re Agreement with Steinmetz Planning Group

Motion by Supervisor Meegan, seconded by Councilman Hanley, to authorize the Supervisor to execute the necessary documents to enter into an agreement with Steinmetz Planning Group that incorporates the terms of the attached proposal for professional services dated December 12, 2016 in an amount not to exceed \$9750.00, noting this agreement shall be subject to legal review and the proposal sets forth a scope of work that Steinmetz Planning Group will perform services to derive near, mid and long term strategies to address and remedy limitations of those sections of the Town Code that pertain to sign regulations.

Ayes: All Noes: None Motion Carried
APPENDICES

2. Town Attorney re Local Law No. 2017-03 Business Investment Tax Exemption

Motion by Supervisor Meegan, seconded by Councilman Hart, to schedule a public hearing on March 27, 2017 at 7:00 P.M. to hear all persons interested in Local Law No. 3 – Business Investment Tax Exemption.

On the question, Councilman Hart stated adoption of this local law will provide an accelerated strategic exemption schedule necessary to encourage targeted economic development.

Ayes: All Noes: None Motion Carried

3. Chief Denz re Replacement vehicle purchase

Motion by Supervisor Meegan, seconded by Councilman Hanley, to authorize the purchase of four new police vehicles at NYS contract pricing to replace four police vehicles as part of the annual fleet replacement rotation.

Ayes: All Noes: None Motion Carried

4. Senior Code Enforcement Officer re Electronic message board - 3502 Clinton Street

Motion by Supervisor Meegan, seconded by Councilman Hart, to approve the use of an electronic message board at 3502 Clinton Street, noting the sign meets the requirements of the electronic sign ordinance and will be approximately 500 feet from the nearest residential house.

4-D COMMUNICATIONS

4. (continued)

On the question, Senior Code Enforcement Officer John Gullo stated this message board will only be used to post gas prices electronically. It will be a steady illuminated sign and the nearest residence is 525' away. Councilman Hanley suggested tabling this item to determine if it meets all the regulations.

Motion by Councilman Hanley, seconded by Councilman Hart, to table this item until the next meeting.

Ayes: All

Noes: None

Motion Carried

5. Senior Code Enforcement Officer re Electronic message board - 1 Arcade Street

Motion by Supervisor Meegan, seconded by Councilman Hart, to approve the use of an electronic message board at 1 Arcade Street, noting a variance was approved at the Zoning Board of Appeals meeting on February 22, 2017.

On the question, Senior Code Enforcement Officer John Gullo stated NYSDOT is requiring that the sign be moved out of the state highway. Rev. Stanton confirmed the sign will be moved entirely on their property. It will be the same sign, but the plastic lettering will be removed and replaced with an electronic message board. A work order has been applied for with NYSDOT.

Ayes: All

Noes: None

Motion Carried

6. Senior Code Enforcement Officer re Rezoning request – 4972 & 4982 Seneca Street

Motion by Supervisor Meegan, seconded by Councilman Hart, to refer to the Planning Board the request for a zoning change for property located at 4972 & 4982 Seneca Street for construction of 24 to 30 luxury townhomes at the rear of the property.

Ayes: All

Noes: None

Motion Carried

7. Supervising Accountant re Zombie Homes Grant

Motion by Supervisor Meegan, seconded by Councilman Hart, to approve the following resolution relative to the Zombie Homes Grant:

4-D COMMUNICATIONS

7. (continued)

WHEREAS, the Town of West Seneca has been awarded a \$175,000 grant from the Local Initiatives Support Corporation – NYS Housing Stabilization Fund (“LISC”) for its zombie and vacant properties remediation and prevention incentives; now, therefore, be it

RESOLVED, the town accepts the grant award of \$175,000 and will record the proceeds from LISC as revenue in account code 001.0001.3989; and be it further

RESOLVED, the budget for the revenue line 001.0001.3989 is amended for receipt of \$175,000; and be it further

RESOLVED, the Town Board establishes appropriation account 001.6989.0451.3333 to account for costs funded by the receipt; and be it further

RESOLVED, the budget for appropriation account 001.6989.0451.3333 is amended for the appropriation in the amount funded by the grant of \$175,000.

Ayes: All

Noes: None

Motion Carried

8. Supervising Accountant re
Budget amendment request

Motion by Supervisor Meegan, seconded by Councilman Hanley, to authorize an amendment of the adopted 2017 General Fund budget to appropriately account for revenue and expenditures of \$943.92 as follows: increase revenue account 10001.3021.333 (JCAP for court) and increase expense account 1.1110.0200.3333 (JCAP for court).

Ayes: All

Noes: None

Motion Carried

9. Supervising Accountant re
Budgetary amendment
request

Motion by Supervisor Meegan, seconded by Councilman Hanley, to adopt the following resolution approving a budget amendment for appropriations and revenues related to the electrical inspector shared services:

WHEREAS, at the January 4, 2016 Organization Meeting the Town Board approved the shared services agreement with the Town of Orchard Park effective January 1, 2016 through December 31, 2016 to share the services of the town’s electrical inspector; and

WHEREAS, the Town of Orchard Park shall reimburse the town quarterly in the amount equal to forty percent of all costs associated with the appointed electrical inspector; and

4-D COMMUNICATIONS

9. (continued)

WHEREAS, 2016 appropriations in the amount of \$37,437.47 were incurred as a result of the shared services agreement; now, therefore, be it

RESOLVED, the Town Board does hereby amend the town's 2016 adopted budget to increase appropriations as follows: Acct. #001.3620.0149.0000.0000 by \$36,607.47; Acct. #001.3620.0419.0000.0000 by \$144; Acct. #001.3620.0414.0000.0000 by \$200; Acct. #001.3620.0481.0000.0000 by \$134; Acct. #001.3620.0448.0000.0000 by \$352; and be it further

RESOLVED, the Town Board hereby amends the town's 2016 adopted budget to increase estimated revenue acct. #001.0001.2210.0000 in the amount of \$37,437.47.

Ayes: All

Noes: None

Motion Carried

10. Recreation Supervisor re
2017 Adult Softball Program

Motion by Supervisor Meegan, seconded by Councilman Hanley, to approve the 2017 Adult Softball Program, noting only wooden bats will be allowed.

Ayes: All

Noes: None

Motion Carried

11. Recreation Supervisor re
Appointment of Alexa Nigro
as Recreation Attendant
part-time

Motion by Supervisor Meegan, seconded by Councilman Hanley, to appoint Alexa Nigro as part-time Recreation Attendant at a rate of \$9.75 per hour effective February 28, 2017 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All

Noes: None

Motion Carried

12. Recreation Supervisor re
West Seneca Community 5K

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 East Spirit Boosters Club to hold the West Seneca Community 5K on June 22, 2017.

Ayes: All

Noes: None

Motion Carried

4-D COMMUNICATIONS

13. Town Attorney re Recycling agreement

Motion by Supervisor Meegan, seconded by Councilman Hart, to authorize the Supervisor to execute the necessary documents to exercise the town's option to renew its agreement with Modern Recycling, Inc. pursuant to paragraph 3 of the attached extension agreement for a period of one year beginning February 1, 2017 at a rate of \$43.64 per unit, per year, noting the number of units to be serviced previously set at 16,500 will need to be confirmed by the town's verified assessment records.

On the question, Councilman Hart stated the board members were discussing bi-weekly collection of recyclables, but with input from residents they decided to continue with a weekly program.

Ayes: All

Noes: None

Motion Carried
APPENDICES

14. Chief Denz re Status change for part-time Public Safety Dispatcher Norman Brem

Motion by Supervisor Meegan, seconded by Councilman Hanley, to change the status of part-time Public Safety Dispatcher Norman Brem to part-time seasonal effective March 1 - 31, 2017 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All

Noes: None

Motion Carried

15. Town Attorney re Interfund advances from General Fund

Motion by Supervisor Meegan, seconded by Councilman Hart, to authorize interfund advances from the town General Fund to those special district funds to be established for Camelot III, Clearview Estates and Veronica Estates lighting districts, noting this will fund energization of lights in those districts as they were not included in the adopted 2017 Benefit Basis Budget and the initial costs are approximately \$16,000.

Ayes: All

Noes: None

Motion Carried

4-E 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 - \$504,803.88; Highway Fund - \$178,683.94; Special Districts - \$148,164.40; Capital Fund - \$359,998.43 (vouchers 95719 - 98664)

Ayes: All

Noes: None

Motion Carried

ISSUES OF THE PUBLIC

COMBAT WOUNDED DESIGNATED PARKING SIGN

James Manley spoke on behalf of veterans and Purple Heart recipients and thanked Supervisor Meegan, Councilman Hanley, Councilman Hart, Assemblyman Michael Kearns and town resident Frank Calieri for their efforts in placing a "Combat Wounded Designated Parking" sign at Town Hall. He further thanked Western New York Federal Credit Union for being the first business to add the sign to their location.

MILITARY TANK

James Manley questioned if the Town Board decided on a location for placement of the military tank as he would like to begin fundraising. Supervisor Meegan stated they have no confirmation, but are considering the hill at the corner of Union Road and Main Street.

ZOMBIE HOMES

Beverly Leising questioned how many zombie homes are in West Seneca. Senior Code Enforcement Officer John Gullo stated the list was reduced from 90+ to approximately 20 and not all are zombie homes, some are just vacant or an estate situation. Supervisor Meegan stated the zombie homes grant is a prevention tool and will help people from having their property become a zombie home.

LIGHT ON HARWOOD ROAD

Beverly Leising stated a light was out on Harwood Road years ago and was moved to another location, but the light still doesn't work. She contacted the Highway Department and was told they can't do anything until the frost is out of the ground. Mrs. Leising asked that this repair be expedited.

ISSUES OF THE PUBLIC

GARBAGE/RECYCLING COLLECTION

Sally Senft stated concerns about a social media post that garbage pickup would be changed to every other week and expressed her opposition to that proposal. Councilman Hart stated the suggestion was put out on Facebook, but it is not going to happen and he thanked the public for their responses.

WNY CHILDREN'S PSYCHIATRIC CENTER

Scott Dobe thanked the Town Board for their support for the WNY Children's Psychiatric Center and welcomed them to join him on a bus that is leaving tomorrow for Albany to lobby for keeping the facility in place.

NATIONAL GRID LIGHTING

Linda Toy commented on issues with lighting on Burch Avenue and questioned if there are any plans for the town to take over National Grid's street lights. Supervisor Meegan stated she will contact National Grid and advise Mrs. Toy of the outcome.

SPCA

Linda Toy questioned if the town is considering teaming up with the SPCA and eliminating the town animal shelter. Supervisor Meegan responded the SPCA is not interested in that proposal.

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

RECREATION DEPARTMENT UPDATES

Recreation Supervisor Lauren Masset gave the following updates for her department:

- All summer program registration is currently taking place. Summer Day Camp registration is about 1/3 full each week and non-resident registration opens Wednesday, March 1st.
- Pirate Skate will take place Sunday, March 12th at 1:15 P.M. Regular admission fees apply.
- Youth basketball starts Wednesday, March 1st and late registration will be accepted in the recreation office through Tuesday, February 28th.
- The final family swim of the season will take place Wednesday, March 1st at East Middle School at 7:00 P.M.
- The Recreation Department is currently accepting applications for clerk typists, summer day camp staff, lifeguards and volunteer positions on the West Seneca Youth Board.

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

CODE ENFORCEMENT OFFICE

Senior Code Enforcement Officer John Gullo shared statistics from his office for 2016 - 39 emergency callouts, 3217 building, plumbing and electrical permits and 10,583 total inspections.

SENIOR CITIZENS CENTER UPDATES

Senior Recreation Therapist of Senior Services Mary Josefiak stated they have a student from D'Youville College interning at the senior citizens center. A St. Patrick's Day lunch will be held on Thursday, March 16th.

WINTER PARKING BAN

Chief Denz questioned if the board members considered lifting the parking ban. It was decided to leave the parking ban in place until March 15th.

WORKER COMPENSATION CASES

Councilman Hanley referred to the town's workers compensation costs and stated he will be presenting figures at the next meeting.

ADJOURNMENT

Motion by Supervisor Meegan, seconded by Councilman Hart, to adjourn the meeting at 9:00 P.M.

Ayes: All

Noes: None

Motion Carried



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 2730 Transit Road from its classification of M-1 to C-2(S) for construction of 40 townhome units with associated access drives/driveways:

Parcel "A": 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. 362 of the Ebenezer Lands and according to map filed in the Erie County Clerk's Office under Cover No. 58, described as follows:

Commencing at a point on the west line of Transit Road 544.33 feet south along said westerly line of Transit Road from the north line of Lot No. 362; thence running southerly along the west line of Transit Road a distance of 319.87 feet and forming an enclosed angle with the west line of Transit Road $57^{\circ} 48'$ a distance of 39 feet; thence proceeding westerly and forming an angle with the extension of the last mentioned line $29^{\circ} 01'$ and proceeding a distance of 585.41 feet to the west line of Lot No. 362; thence running northerly and forming an enclosed angle with the last mentioned line of $92^{\circ} 46'$ a distance of 266.60 feet along the west line of Lot No. 362 to a point on said west line of Lot No. 362; running thence easterly and forming an enclosed angle with the last mentioned line of $90^{\circ} 25'$ a distance of 615.51 feet to the west line of Transit Road at the point or place of beginning.

Parcel "B": 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. 363 of Ebenezer Lands and according to map filed in Erie County Clerk's Office under Cover No. 58, described as follows:

Beginning at a point in the east line of Lot No. 363 which is the northwest corner of lands conveyed to the Mader Construction Group Inc. by Indian Church Road Corporation by deed recorded in Erie County Clerk's Office in Liber 9474 of Deeds at Page 104; thence westerly along the extension westerly of the north line of lands so conveyed to the Mader Construction Group Inc. 281.10 feet to a point in the west line of lands conveyed to Indian Church Road Corporation by deed recorded in Erie County Clerk's Office in Liber 7993 of Deeds at Page 427; thence south along the west line of lands so conveyed to Indian Church Road Corporation 618.01 feet to the northerly line of lands of the Pennsylvania Railroad Company; thence easterly along the northerly line of said Pennsylvania Railroad Company lands 283.49 feet to the easterly line of Lot No. 363; thence northerly along the easterly line of said Lot No. 363, 647.18 feet to the point of beginning.

Whereas, this Town Board held a public hearing on the 27th day of February 2017 at 7:00 P.M., EDT in the Town Hall, 1250 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 be granted and the same is hereby rezoned from M-1 to C-2(S); and

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



TOWN OF WEST SENECA

ARTICLE X | NONRESIDENTIAL DESIGN STANDARDS & GUIDELINES

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SECTION 120-65 | ESTABLISHMENT OF TOWN-WIDE STANDARDS & GUIDELINES

120-65.1 PURPOSE AND INTENT

- A. The purpose of these design standards and guidelines is to describe the desired future development pattern, form, massing, site layout, and architectural detailing for nonresidential and multifamily development in the Town of West Seneca, regardless of the zoning district in which it is to be located.
- B. The intent of applying these standards is to foster a combination of appropriately scaled land uses and activities that support the vision and policies contained in the Town's Comprehensive Plan for increased walkability, and to improve the quality of our nonresidential and multifamily architecture and site plans. In order to accomplish this, the construction or alteration of all nonresidential and multifamily developments within West Seneca shall be in harmony with the objectives listed in the following section.

120-65.2 APPLICABILITY

- A. This Article shall apply to all nonresidential and multifamily developments occurring within the Town of West Seneca. These Town-wide Nonresidential Design Standards and Guidelines are to be consulted and applied during the review of site plan applications before the Planning Board for the construction, reconstruction, alteration, or expansion of nonresidential and multifamily development in the Town.
- B. In the event that any of the terms of this Article conflict with other provisions within the Code of the Town of West Seneca, the provisions of this Article shall take precedence except as otherwise provided or required by state or federal law.

120-65.3 OBJECTIVES

This Article is designed to ensure nonresidential and multifamily development within the Town of West Seneca achieves the following:

- A. Creates lively, pedestrian-friendly, and attractive buildings, sites, open spaces, and streetscapes where residents and visitors enjoy walking, biking, and driving.
- B. Encourages the creation of dynamic, public activity centers for the benefit of residents and visitors alike.
- C. Develops office and industrial parks to resemble a campus-like environment that incorporates open space and pedestrian amenities where appropriate.
- D. Requires that future private development positively contribute to the public realm and ensure compatibility with surrounding developments so as not to detract from the overall streetscape.

- E. Utilizes good site planning techniques that provide visual interest and accommodate multimodal travel such as varying building massing, emphasizing street corners, highlighting points of entry, and integrating multi-modal site circulation and access between uses.
- F. Encourages the development of buildings consistent with the goals of the Leadership in Energy and Environmental Design (LEED) program.
- G. Ensures that new buildings and sites do not negatively impact adjacent residential uses, respecting their existing scale and character.

120-65.4 SITE PLAN REVIEW REQUIRED

- A. In order to ensure that proposals for newly constructed or altered developments, sites, and structures are consistent with the regulations set forth in this Article, it shall be required for said property owner(s) and/or their agent(s) to apply for Planning Board approval via the Site Plan Review process (see Chapter 102).
- B. The Planning Board shall issue their decision based on the project review criteria listed in Section 102-12, as well as conformance with the guidelines and standards set forth in this Article.
- C. The Planning Board may request additional site plan application materials as necessary to perform a complete review of the proposed project with respect to these additional design standards and guidelines.
- D. The Planning Board may waive required site plan application materials should there be a unanimous decision that said materials are unnecessary for review.

SECTION 120-66 | SITE PLANNING

120-66.1 INTENT AND APPLICABILITY

This section primarily addresses the organization of a proposed project's site plan components. They are intended to regulate the location of structures and site features such as parking lots, open space, and service areas, as well as the organization of circulation patterns for vehicles, bicycles, and pedestrians in order to best achieve the purpose and objectives of this Article.

120-66.2 PROJECTS WITH MULTIPLE BUILDINGS

- A. Projects with multiple buildings shall be sited with pedestrian connections between structures, parking areas, and adjacent uses in a manner consistent with Section 120-66.5 of this Article.
- B. Multiple structures shall be placed in a campus-like fashion that creates a well-organized, accessible, and functional site. The Town encourages site layouts that create a unique sense of place including public and open space, and do not result in large parking lots lacking landscaping or pedestrian accommodations.
- C. Projects with multiple structures are encouraged to attend a sketch plan meeting with the Planning Board as described in Chapter 102 (Site Plan Review).

120-66.3 PAD SITES AND BUILDINGS

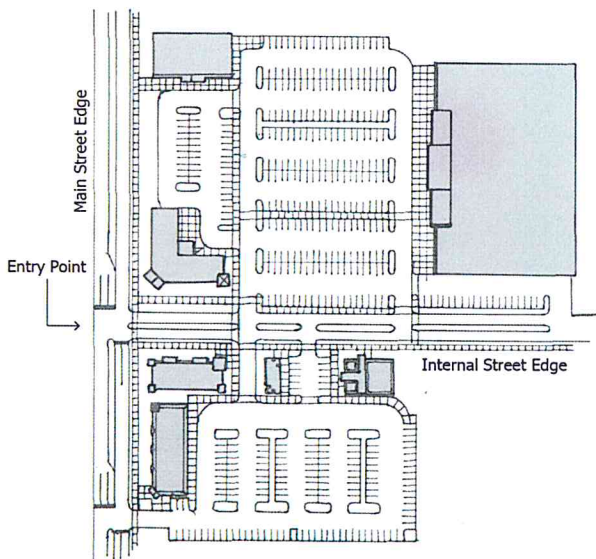


Figure 1 (Pad Sites): Sites with multiple buildings should reduce the number of entry points and orient outparcel to both the main and internal street edges, as shown above. Pedestrian accommodations (shown as connected tiles) should also be provided throughout the site connecting all structures and parking areas.

- A. Pad sites, also known as outparcels, shall be designed and located as follows to ensure that the traditional, "strip commercial" center type developments are avoided along major corridors within the Town and within multi-building developments.
- B. The number, location, and design of independent pad sites shall reinforce, rather than obscure, the identity and function of the primary commercial development.
- C. To the maximum extent practicable, pad sites shall be clustered together to define street edges and entry points or to enclose and create usable places between buildings. The even dispersal of pad sites in a widely-spaced pattern within the development, even if along the street edge(s), is discouraged (see Figure 1).
- D. Wherever practicable, spaces between adjoining pad site buildings should be improved to provide small pockets (preferably heavily-landscaped) of customer parking, pedestrian connections, small-scale project amenities, or focal points. Examples include but are not limited to:
 1. A landscaped pedestrian walkway linking customer entrances between two or more pad site buildings;
 2. A public seating or outdoor eating area;
 3. An area landscaped with a variety of plant materials; or
 4. Sculptures or fountains.

- E. All facades of a building located on a pad site shall be treated as a primary façade to provide consistent and uninterrupted architectural detailing and styling on all sides. The façade containing the primary customer entrance may be oriented in a variety of ways, including, but not limited to, toward the primary access street, toward an internal "main street," framing a primary entrance to the development or center, toward the side (especially when that side faces another pad site building), or toward the interior of the development.
- F. Pad site entrances are appropriate locations to express individual building character or identity. Customer entrances shall be emphasized through incorporation of a building recess, projection, canopy, or similar design element.

120-66.4 FREESTANDING KIOSKS AND AUTOMATED TELLER MACHINE (ATM) STRUCTURES

- A. All kiosk-type buildings and structures shall be integrated with the overall development, and shall be subject to the same guidelines as all other buildings within the development.
- B. Freestanding kiosks and drive-up ATM structures shall not be located along the primary access street frontage.
- C. Access to a freestanding kiosk or drive-up ATM structure shall not be from the adjacent public streets. Access shall be from drives and streets internal to the development.
- D. Freestanding kiosks and drive-up ATM structures shall comply with the building design standards applicable to pad sites set forth in the previous section.

120-66.5 PEDESTRIAN ACCESS AND CIRCULATION

An on-site system of pedestrian accommodations shall be designed to provide direct access and connections between primary entrances, exits, sidewalks, walkways, adjacent land uses, and adjacent public spaces where appropriate. The following regulations shall also apply:

- A. Pedestrian access and circulation patterns shall be shielded and separated from vehicular patterns where possible.
- B. Designated crosswalks shall be located between primary building entrances and exits as well as parking facilities.
- C. Sidewalks and walkways shall be constructed along the entire frontage length at a minimum width of five (5) feet or consistent with adjacent sidewalk widths, or wider at the discretion of the Planning Board based on anticipated pedestrian volumes.
- D. Sidewalks and walkways shall be constructed to provide access from principal building entrances to the sidewalk system.
- E. Where possible, sidewalks and walkways shall traverse parking lot medians and islands to permit safe and efficient pedestrian travel from parked vehicles to building entrances.

- F. Safe, convenient, and efficient pedestrian circulation patterns shall be provided between structures in a multiple structure development.
- G. Sidewalks, walkways, and/or plazas shall be provided with weather protection (e.g., shade trees, awnings/canopies) and appropriate pedestrian amenities (e.g., street tree grates, outdoor seating, trash cans, sidewalk displays, public art, etc.).

120-66.6 BICYCLE ACCOMMODATIONS

- A. Bicycle circulation patterns shall be shielded and separated from vehicular patterns where possible with the use of shoulders and/or bicycle lanes.
- B. Bicycle parking shall be provided at ten percent (10%) of the motorized vehicle parking requirements but not less than two (2) bicycle spaces and not more than twenty (20) bicycle spaces for any use.
- C. Designated bicycle parking facilities shall be provided at building entrances. Additional bicycle accommodations, such as bicycle lockers or shared bicycle services are encouraged.
- D. Safe, convenient, and efficient bicycle circulation patterns shall be provided between structures in a multiple structure development.

120-66.7 VEHICULAR CIRCULATION

- A. Vehicular circulation patterns shall be designed to minimize potential conflicts between vehicles and pedestrians.
- B. Parking and vehicle circulation patterns shall be designed to reduce speeds and increase pedestrian friendliness, efficiency, and convenience.
- C. To the extent practicable, non-residential and mixed-use sites shall be designed to provide cross access and a unified circulation pattern with adjacent sites. Techniques to achieve this include but are not limited to, shared driveways, shared access roads and cross access easements.
- D. To the extent practicable, common or shared service and delivery access shall be provided between adjacent parcels and/or buildings.
- E. Access easements may be required so that pad sites or adjacent parcels have adequate access if ownership patterns change.
- F. Drive-through facilities and associated drive lanes shall be located in either the side yard or rear yard.

120-66.8 PUBLIC TRANSIT STOPS AND ACCESS

- A. Public transit stops shall be constructed to the standards set forth by the Niagara Frontier Transportation Authority, on an easement provided to the Town of West Seneca, with siting and design requiring approval by the Planning Board.
- B. Transit stops that are integrated into the development as a feature of a primary structure or as part of an open space feature are encouraged by the Town.
- C. In all instances, transit stops shall be accessible and integrated into the pedestrian circulation system, and must include uninterrupted sidewalk and crosswalk access to principal building entrances.
- D. Adequate space for an immediate or eventual transit stop must be allocated during the Site Plan Review process if the principal building entrance is greater than 800 feet from an existing transit stop. Actual provision of such transit stop shall be coordinated with the Niagara Frontier Transportation Authority.

SECTION 120-67 | OFF-STREET PARKING DESIGN

120-67.1 INTENT AND APPLICABILITY

This section is intended to address the location, arrangement, orientation, design, and size of off-street parking spaces and lots in an effort to best achieve the purpose and objectives of this Article. The following design regulations are to be applied in addition to the off-street parking lot and space requirements for nonresidential and multifamily developments as defined in Article IV of this Chapter.

120-67.2 LOCATION OF PARKING FACILITIES

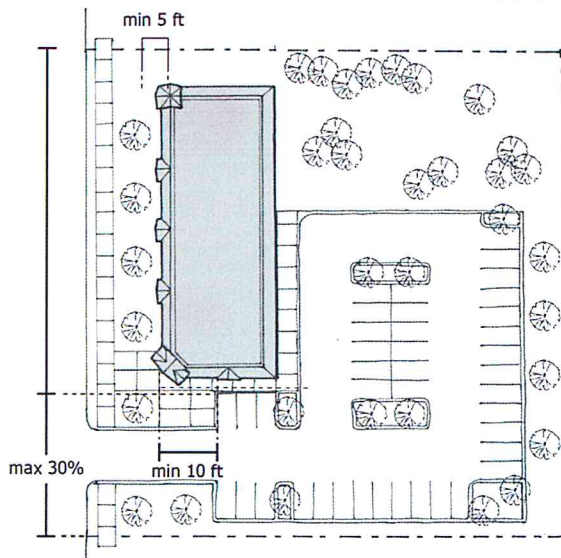


Figure 2 (Parking Lot Location): Side and rear yard parking provided in accordance with maximum 30% of frontage and minimum 10-foot front façade setback including landscaping requirements as required in Section 120-68.6.

- A. Off-street parking may be located in any front, side, or rear yard, or underground. Side yard parking shall be located a minimum of ten (10) feet behind the front facade.
- B. Front yard parking, including access to parking, shall not exceed thirty percent (30%) of the frontage of the lot on which it serves (see Figure 2).
- C. For sites proposed with multiple structures the use of shared, central courtyard parking is encouraged.
- D. Front yard parking shall be prohibited on any lot fronting Union Street.
- E. Corner lots shall be considered to have two front yards.

120-67.3 ARRANGEMENT OF PARKING FACILITIES

- A. Parking lots shall be arranged so that long uninterrupted views across large areas of parking are not visible from the primary access road. In order to reduce the scale of parking areas, the total amount of parking provided shall be broken up into parking blocks containing not more than forty (40) spaces.
- B. Each parking block shall be separated from other parking blocks by buildings, access drives with adjacent landscaped areas at least ten (10) feet wide, a landscaped median or berm at least ten (10) feet wide, or by a pedestrian walkway or sidewalk within a landscaped median at least ten (10) feet wide (see Figure 3).
- C. Each parking block shall have consistent design angles for all parking within the block.
- D. Parking blocks should be oriented to buildings to allow pedestrian movement down and not across rows (typically with parking drive aisles perpendicular to customer entrances).

120-67.4 ORIENTATION OF PARKING FACILITIES

- A. Parking facilities shall be oriented so that drive aisles run perpendicular to the adjacent plane of the building, where applicable.
- B. Parking lots shall be designed and oriented to allow for cross lot access and internal access management whenever possible.

120-67.5 CURBING AND BUMP STOPS

Concrete or granite curbing around parking areas shall be used to delineate vehicular and pedestrian zones and to control drainage, unless otherwise approved by the Planning Board. Asphalt or wood curbing is not permitted.

120-67.6 SHARED PARKING

- A. Shared parking is encouraged to promote efficient use of land and resources by allowing users to share off-street parking facilities for uses located within close proximity to one another with different peak parking demands or different operating hours (see Figure 3).
- B. The Planning Board may approve shared use of parking facilities located on the same property or on separate properties if, in the opinion of the Planning Board:
 1. A convenient pedestrian connection between the properties exists;
 2. The properties are within 500 feet of each other on the same side of the street or within 250 feet of each other on opposite sides of the street; and
 3. The availability of parking for all affected properties is indicated by approved directional signs.
- C. When determining the number of off-street parking spaces required for shared parking facilities, the following shall apply.
 1. Where the uses to be served by shared parking do not have overlapping hours of operation, the property owner or owners shall provide parking stalls equal to the greater of the applicable individual parking requirements.
 2. Where the uses to be served by shared parking have overlapping hours of operations, the property owner or owners shall provide parking stalls equal to the total of the individual parking requirements. If the following criteria are met, that total may be reduced by fifteen percent (15%):
 - a. The parking areas share a property line;
 - b. A vehicular connection between the lots exists;
 - c. A convenient, visible pedestrian connection between the lots exists; and
 - d. The availability of parking for all affected properties is indicated by approved directional signs.

SECTION 120-68 | LANDSCAPING AND SCREENING

120-68.1 INTENT AND APPLICABILITY

Landscaping and screening shall be designed as an integral part of every nonresidential and multifamily development project as opposed to being merely located in leftover or unused portions of a site. The following landscaping and screening regulations are intended to visually tie the entire development together, help to define and announce entryways and circulation patterns (both vehicular and pedestrian), and where appropriate help buffer less intensive adjacent land uses. These regulations shall help to minimize the expansive appearance of parking lots, provide shaded areas for pedestrians, and soften hard edges of buildings and parking lots in an effort to achieve the purpose and objectives of this Article.

120-68.2 SITE LANDSCAPING

- A. Site landscaping shall be required at the location of all entrances, exits, and signage.
- B. Building setback areas along streets, accessways, or along private drives, shall be landscaped with a minimum of one tree for every forty (40) feet of linear frontage.
- C. Building setback areas shall include compact massings of ornamental plant material, such as ornamental trees, flowering shrubs, perennials, and ground covers at a minimum of one plant for every ten (10) feet of linear frontage.
- D. Landscaping shall observe the regulations set forth in Section 120-33 of the Town of West Seneca Code, Visibility at Intersections.
- E. Plantings should decrease in size and increase in detail, color, and variety near entryways into developments.
- F. Planting shall be limited to species endemic, indigenous, hardy, and those known to be non-invasive to this area. Plants should be consistent with the most current USDA Plant Hardiness Zone for the Town of West Seneca (Zone 6a – Average Annual Extreme Minimum Temperature of -10 to -5 degrees Fahrenheit, Accessed July 2016).

120-68.3 FOUNDATION LANDSCAPING

- A. Building foundation landscaping shall be provided along the front façade as well as any facades visible from the public right-of-way.
- B. At least one tree shall be provided for each thirty (30) linear feet of the façade.
- C. At least one shrub shall be provided for each five (5) linear feet of the façade.

- D. Foundation plantings shall consist of woody and/or herbaceous, deciduous, and/or coniferous shrubs, trees, and groundcovers, and shall not be limited to annual/perennial-type plant materials.
- E. In instances where outdoor seating is desired in the frontage of the lot, foundation landscaping may be waived by the Planning Board, or can be used to create a seating courtyard area.
- F. Plantings should decrease in size and increase in detail, color, and variety near entryways into buildings.

120-68.4 MINIMUM PLANT SIZE

- A. Unless otherwise permitted by the Planning Board, all trees and plant materials proposed shall meet the following minimum size standards:
- B. Deciduous trees shall be at least 2 and ½ inches in caliper, unless located in the side or rear yard where they may be a minimum of 1 and ½ inches in caliper.
- C. Evergreen trees shall be five (5) feet in height, unless located in the side or rear yard where they may be a minimum of four (4) feet in height.
- D. Deciduous shrubs shall be at least 24 inches in height, unless located in the side or rear yard where they may be a minimum of 15 inches in height.
- E. Evergreen shrubs shall be a minimum of 18 inches in height, unless located in the side or rear yard where they may be a minimum of 12 inches in height.

120-68.5 FENCES AND WALLS

- A. When a development includes a fence or wall, the following guidelines and standards shall apply. This section does not apply to required retaining walls.
- B. The maximum height and setback for fences and walls shall comply with the regulations set for the district in which it is located (see Section 120-39).
- C. A rear lot line and/or an interior side lot line that abuts a residential use or district shall require additional screening. Screening may include a dense, natural hedge reaching a height of five feet within three years or by a solid fence or masonry wall at least five feet in height.
- D. No fence located in a front yard shall be more than fifty percent (50%) opaque, unless otherwise approved by the Planning Board.
- E. Walls and fences shall be constructed of high quality materials, such as decorative blocks, brick, stone, treated wood, vinyl, hardy plank, and wrought iron. Prohibited materials include:
 - 1. Smooth-faced gray concrete block, smooth-faced painted or stained concrete block, smooth-faced concrete panels;

2. Unfinished wood;
 3. Chain link; and
 4. Corrugated metal siding.
- F. Breaks in the length of a fence shall be made to provide pedestrian connections to the perimeter of a site or to adjacent development.
 - G. The maximum length of continuous, unbroken, and uninterrupted fence or wall plane shall be fifty (50) feet. Breaks shall be provided through the use of columns, landscaping pockets, transparent sections, and/or a change to different materials.
 - H. Fences and walls shall be set back from the front and side lot line to allow a landscape setback area. Such setback area shall be landscaped with a turf, shrubs, and/or trees, using a variety of species to provide seasonal color and plant variety.
 - I. Use of landscaping beyond the minimum required in these standards is strongly encouraged to soften the visual impact of fences and walls.

120-68.6 PARKING LOT LANDSCAPING

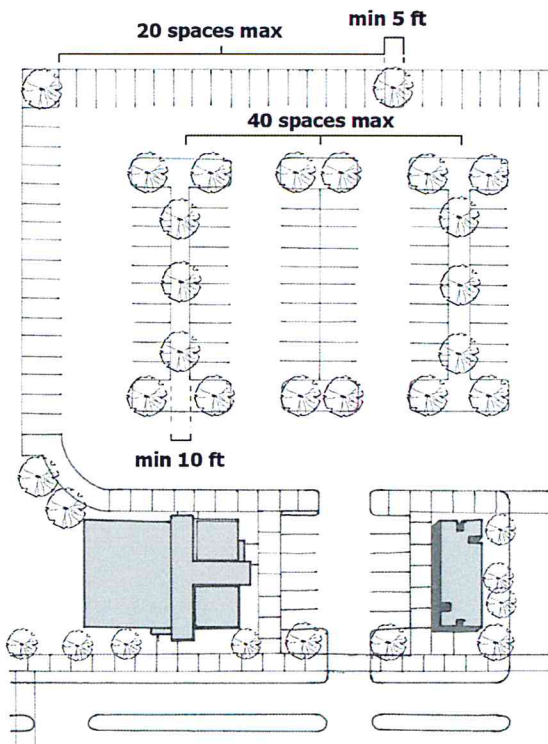


Figure 3 (Landscaping & Shared Parking): Shared lots should maintain a single access point, and ensure blocks of parking (40 spaces) are broken up with the use of medians, either landscaped and/or with pedestrian connections. Additionally, parking lots shall provide a landscaped island for every 20 spaces and one shade tree per 10 spaces. These design elements may be placed as desired, as shown in the 140+ space example above.

- A. Parking lot medians shall be required between parking blocks (maximum 40 parking spaces). Medians shall be a minimum of ten (10) feet in width, and shall be planted to provide visual buffering between sections to a density and arrangement deemed appropriate by the Planning Board.
- B. At least one landscaped island with a minimum width of five (5) feet and minimum size of 160 square feet shall be provided for every twenty (20) parking spaces.
- C. Circulatory drive aisles and landscaped islands shall be installed such that no more than twenty (20) parking spaces in a single row, or forty (40) in a double row, shall go uninterrupted.
- D. The primary landscaping materials used in parking lots shall be trees, which provide shade or are capable of providing shade at maturity. Shrubbery, hedges and other planting materials may be used to complement the tree landscaping, but shall not be the sole means of landscaping. All parking lot landscaping shall be salt tolerant. Effective use of earth berms and existing topography is also encouraged as a component of the landscaping plan.
- E. One shade tree shall be planted for every ten (10) parking spaces. Trees located in paved areas shall be provided with adequate tree pits to permit proper watering.
- F. Landscaped berms shall be at least ten (10) feet wide, a maximum of three (3) feet high, and include a maximum slope of 3:1.
- G. Existing parking lots located along the front setback shall be buffered and/or screened from view using landscaping, attractive fencing consisting of natural materials that does not exceed four (4) feet in height, or a combination of landscaping and fencing.

SECTION 120-69 | ARCHITECTURAL GUIDELINES AND STANDARDS

120-69.1 INTENT AND APPLICABILITY

The following Architectural Guidelines and Standards are intended to address the exterior elements of nonresidential and multifamily buildings and structures so as to define the appearance of a building's roofs, windows, façade articulation, and architectural detailing. These regulations for architectural elements are intended to encourage new nonresidential and multifamily developments to promote the desired character and identity of the area in which they are located. Said character and identity shall relate to the recommendations of the Community Development Strategy contained in the Town of West Seneca Comprehensive Plan, while also allowing for flexibility of expression at the individual building level. New construction, alterations, or renovations, including those incorporating contemporary styles, should have a high level of architectural integrity resulting in attractive, inviting, and visually interesting structures that positively contribute to the streetscape and walkability of the community as outlined in the purpose and objectives of this Article.

120-69.2 BUILDING FORM AND MASSING

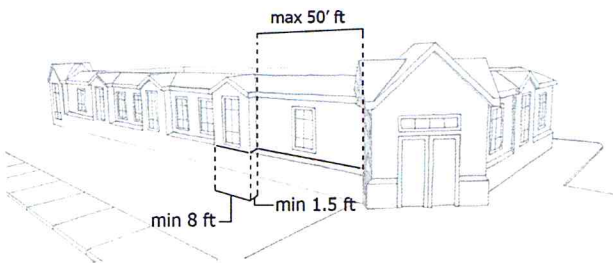


Figure 4 (Façade Articulation): Both single- and multi-story structures must provide a change in plane where the façade exceeds 50 feet in width. The graphic above indicates where these changes may occur in accordance with Subsection 120-69.2

- A. In instances where the front façade is greater than fifty (50) feet in width, appropriate delineations and treatments shall be used to break up the appearance of a single façade (e.g., projecting entry or window features, recessed elements, transparent storefronts, identifiable retail spaces, and awning/entrance canopies) especially at ground level.
- B. No façade shall exceed fifty (50) feet in horizontal length without a change in façade plane. Changes in façade planes shall be no less than 1 and ½ feet in depth and no less than eight (8) feet in length. Not less than twenty-five percent (25%) of the building wall shall be varied in this way. The intent of this standard is to avoid large, undifferentiated wall surfaces. Acceptable substitutes may be granted at the discretion of the Planning Board (see Figure 4).
- C. Ground floor facades of two or more storied structures shall provide areas of transparency of at least sixty percent (60%) (see Figure 8).
- D. Ground floor facades of a single-story structure shall provide a minimum transparency of thirty percent (30%) (see Figure 5).
- E. Ground floor transparency shall be measured between two (2) feet and ten (10) feet above the adjacent sidewalk.
- F. The transparency of upper floor façade space may be reduced to provide a visual transition from the ground floor to upper floor uses. However, upper floor transparency shall not be less than thirty percent (30%).
- G. Building façades facing a parking area shall be at least thirty percent (30%) transparent between the height of two (2) feet and ten (10) feet above the parking area grade for no less than thirty percent (30%) of the horizontal length of the façade.

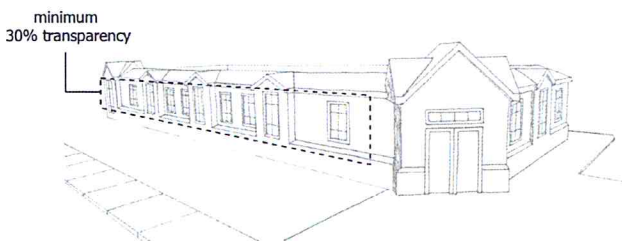


Figure 5 (Transparency): Single story structures, as shown above must provide at least 30% transparency in the area between two and ten feet above the adjacent sidewalk or ground (For a multi-story example see Figure 8).

120-69.3 ARCHITECTURAL DETAILING

tri·par·tite

/trī'pär,tīt/

*adjective*consisting of three parts.
"a tripartite classification"

Figure 6 (Tripartite Design): Both single- and multi-story structures must apply the principles of tripartite design to their facades. The images above and below indicate how a base, midsection, and crown may be defined using a single-story or multi-story structure.



All buildings shall exhibit tripartite design, or a clearly defined base, midsection, and crown (see Figure 6). This can be accomplished using a combination of architectural detailing, material, textures, and colors. Said architectural detailing shall also comply with the following:

A. Foundation Watertable.

Where appropriate, elements that add detail and define the foundation of the building are encouraged.

B. Roofs, Cornices, Eaves, Overhangs, and Parapets.

1. Elements that define the roof and the upper quartile of the façade shall incorporate design details that provide an added level of articulation to the architectural expression of the building.
2. To the maximum extent practicable, all roof-mounted mechanical equipment (e.g. HVAC systems, exhaust pipes, or elevator housing) shall be screened from view or isolated so as not to be visible from any public right-of-way or residential district within 150 feet of the subject lot, measured from a point that is five (5) feet above grade. Screening shall be architecturally compatible with the style, materials, colors, and architectural detailing of the building.

C. Windows.

1. Windows shall be of a scale, proportion, and coverage appropriate to the overall style of architecture of the building.
2. First floor windows shall not be blocked in any manner that restricts visual access of up to three feet into the structure (e.g. furniture, signage, or other decorative elements may not block windows. Passersby should be able to view up to three feet into the window space).

D. Doors and Entryways.

1. Doors and entryways shall be of a scale, proportion, and coverage appropriate to the overall style of architecture of the building.
2. Commercial buildings shall have a transparent primary entryway that will be considered as part of the overall transparency requirement for the building frontage.
3. Entryways shall be detailed and announced to the general public through the use of decorative trim, moldings, overhangs, and other defining architectural features such that its purpose as the primary entrance is evident from the street. The same treatment is encouraged for all secondary entryways near parking locations.

E. High Quality Materials.

1. All exterior building walls and structures shall be constructed or clad with durable, economically-maintained materials that retain their appearance over time, including, but not limited to, painted wood; natural or synthetic stone; brick; stucco; integrally-colored, textured, or glazed concrete masonry units; high-quality pre-

stressed concrete systems; Exterior Insulation Finish Systems (EIFS); or glass.

2. Concrete finishes or pre-cast concrete panels that are not exposed aggregate, hammered, embossed, imprinted, sandblasted, or covered with a cement-based acrylic coating shall not be used as exterior building materials and shall be prohibited on all exterior walls.
3. All changes in building materials shall occur at inside corners.

120-69.4 GREEN INFRASTRUCTURE AND BUILDING DESIGN

- A. Applicants are encouraged to consult the United States Green Building Council's Leadership in Energy and Environmental Design (LEED) certification program for guiding principles and industry best practices that may apply to their proposed development or alteration.
- B. Alternative energy sources, such as solar panels or shingles, are encouraged and should be incorporated into the design of the building so as not to detract from the overall design.
- C. Solar energy systems shall be restricted to the roof of the structure in which they are intended to serve.
- D. Developers and builders are encouraged to utilize roofing materials that reflect sunlight (e.g. lighter colors) or incorporate vegetated roofing on at least fifty percent (50%) of the roof area. Methods such as these decrease heating and cooling needs on a building by reflecting sunlight rather than absorbing it.
- E. The Planning Board may choose to waive applicable zoning district, site plan, landscaping, parking, or architectural regulations for development projects that incorporate green infrastructure or building materials to their satisfaction. Waivers of any such regulation of this Chapter shall be proportional and related to the anticipated benefit of the green infrastructure or materials.

120-69.5 REVIEW ASSISTANCE AND REFERRALS

- A. The Town Planning Board reserves the right to consult with any other board, commission, department, agency, and/or official it deems advisable for the purposes of design review and considerations.
- B. The Town may also engage the services of engineers, planners, architects, or other professional to aid in their review of developments and design. The applicant shall reimburse all costs incurred for such professional services to the Town.

SECTION 120-70 | UNION ROAD CORRIDOR DESIGN STANDARDS

120-70.1 PURPOSE AND INTENT

The purpose of these additional design-based criteria is to enhance and redefine the architectural character of the Union Road Corridor within the Town of West Seneca. In addition to the application of the Town-wide Nonresidential Design Guidelines and Standards, this Section is intended to ensure future development and redevelopment in and around the Union Road Corridor is compatible and harmonious with the desired character as outlined in the Town of West Seneca Comprehensive Plan. Projects subject to the requirements of this Section shall achieve the following objectives:

- A. Encourage a pedestrian-oriented and human-scaled right-of-way, public realm, and streetscape as well as promote safe pedestrian movement, access, and circulation along Union Road.
- B. Develop and maintain a dense concentration of uses (commercial, office, civic, cultural, and residential) that creates a vibrant, vital mixed-use environment along Union Road that encourages sociability and multi-modal activity for residents.
- C. Promote the use of quality building materials and appropriately scaled architectural features that positively impact the relationship between private development and the public realm so as to enhance the streetscape as an aesthetically pleasing and inviting public space.
- D. Require the placement and design of buildings to respect the traditional development pattern that is characterized by little-to-no front or side setbacks, common walls between buildings, and structures that are or appear to be at least two stories in height.
- E. Minimize the visual presence of off-street parking by requiring it placed to the rear of the buildings and screened from view, and utilize alleys and rear entrances to provide safe and convenient access to rear yard parking and the rear of buildings.
- F. Reestablish Ebenezer and Gardenville as the cultural and civic center of the Town and community life within West Seneca.
- G. Promote the vitality of the Town of West Seneca's Union Road Corridor through the encouragement of redevelopment and economic reinvestment that increases property values, protects real estate investment, and attracts or enhances business within the Town.
- H. Promote and protect the public health, safety, comfort, convenience and general welfare by providing for consistent and coordinated treatment of the properties along the Union Road Corridor.

120-70.2 APPLICABILITY

- A. This Article shall apply to all developments, sites, and structures, except single-family structures, located along the Union Road Corridor. This shall include, but is not limited to, all new builds, reconstructions, modifications, additions, expansions, and changes of exterior appearance to any existing building, structure, site, or development in part or in whole.

- B. For the purposes of this Article, the Union Road Corridor area is defined as the parcels directly fronting Union Road from the northern Town boundary to Cazenovia Creek, excluding the Manufacturing District portion south of Gemcor Drive and north of Route 400. The Union Road Corridor area shall also include the parcels directly fronting the following intersecting roadways along Union Road:
1. Clinton Street from Inter Drive (western boundary) to Weigand Street (eastern boundary);
 2. Center Road from Washington Street (western boundary) to Cathedral Drive (eastern boundary);
 3. Main Street from the West Seneca Police Department access drive (western boundary) to Mill Road (eastern boundary); and
 4. Seneca Street from Highland Ave (western boundary) to Mill Road (eastern boundary).

120-70.3 SITE PLANNING

The design guidelines and standards for site planning in the Union Road Corridor area shall be in conformance with the regulations set forth in Section 120-66 of this Article unless otherwise addressed by this Section.

120-70.4 OFF-STREET PARKING DESIGN

In addition to the regulations set forth in Section 120-67 of this Article, the following off-street parking standards and guidelines shall apply:

- A. No parking shall be permitted in the front yard.
- B. Off-street parking may be located in the rear yard, side yard or underground. Side yard parking shall be located a minimum of ten (10) feet behind the front facade.
- C. Parking areas are preferable to be accessed by alleys or rear access drives.
- D. Parking areas shall be bounded by concrete or granite curbing to delineate vehicular and pedestrian zones and to control drainage, as needed.
- E. Alternate paving materials such as permeable pavement, brick or stone, and embossed asphalt are encouraged.

120-70.5 LANDSCAPING AND SCREENING

The design guidelines and standards for landscaping and screening in the Union Road Corridor area shall be in conformance with the regulations set forth in Section 120-68 of this Article in addition to the following:

- A. All nonresidential and multifamily developments on lots that abut a residential use to the side or rear shall provide additional landscaping and screening to the Planning Board's satisfaction to ensure an appropriate buffer is provided from vehicular parking and/or traffic.

120-70.6 UNION ROAD CORRIDOR ARCHITECTURAL STANDARDS

A. Intent and Applicability. These architectural standards shall be applied to the Union Road Corridor area in addition to the regulations of Section 120-69. These additional guidelines and standards intended to ensure new development defines a unique Union Road Corridor identity for the Town of West Seneca, while also allowing for flexibility of expression at the individual building level. New development or renovations, including those incorporating contemporary styles, should have a high level of architectural integrity resulting in attractive, inviting, and visually interesting structures. New development and renovations shall not detract from the desired pedestrian-scaled streetscape and walkability of the corridor, and should respect the documented historic character of Town of West Seneca where applicable. Should there be a conflict between this Section and Section 120-69, the Union Road Corridor area regulations shall take precedence.

B. Building Placement and Orientation. Placement refers to how a building is situated on the lot. Orientation refers to the location of a building's main axis, or front façade.

1. The front façade of all structures shall be oriented to Union Road.
2. Buildings situated at corners shall be considered to have two front facades or primary facades. A corner structure should "wrap" the corner by continuing certain facade elements (such as the cornice or horizontal accent bands) on all street elevations (see Figure 7).
3. Building orientation and main entrances should face Union Road and should be easily identifiable and scaled to the size of the street they are on.
4. The minimum front setback for lots within the Union Road Corridor area shall be zero (0) feet.
5. The maximum front setback for lots within the Union Road Corridor area shall be twenty (20) feet.
6. All other building and lot dimensional and bulk requirements shall be in conformance with the applicable zoning district. The Planning Board may provide relief from regulations listed elsewhere in the Zoning Code for the Union Road Corridor area that are found to be inconsistent with the purpose and objectives of this Article.

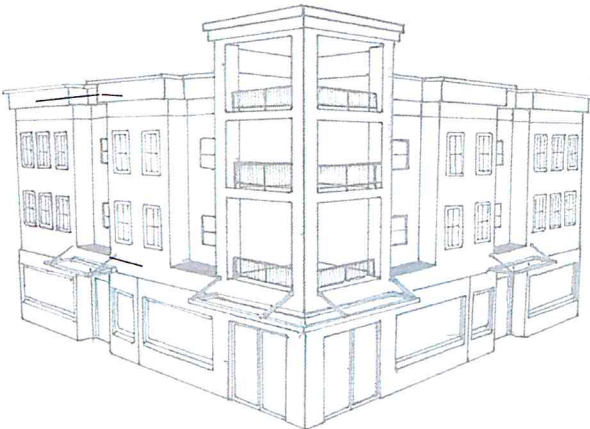


Figure 7 (Corner Buildings): When a structure is sited on a corner parcel the structure must wrap the corner by continuing all primary façade elements. The image above indicates how a corner building might wrap the transparency, façade articulation and entrance requirements of the structure.

C. Massing, Proportion, and Height. Massing refers to the volume and shape of a building. Proportion is the relationship between a building façade's width and its height.

1. All new development shall be at least two (2) stories in height so as to achieve a strong visual "street edge." The Planning Board may permit one-story structures provided that a varied, peaked roof or some other architectural element is included so as to appear to exceed one-story in height.
2. All new development shall be of a similar massing and proportion to those of adjacent and nearby structures unless otherwise approved by the Planning Board.
3. Buildings which are "squat" in proportion or which have very strong horizontal elements that dominate the facade are discouraged.

D. Roof Design. Roof design refers to the form and architectural style of the roof and how it presents itself to the street.

1. Longer buildings should provide fluctuations in the roofline which break up the long run of facade and which attract attention to key places such as entryways.
2. Air-handling equipment, antennas, satellite dishes and other mechanical equipment should be placed in such a manner as not to be visible from the street.
3. Flat roofs shall slope to the back of the building to provide proper drainage, and shall include an ornamental cornice.
4. Peaked or gable roofs are encouraged to include overhangs and ornamental brackets.

E. Façade Composition and Fenestration. The arrangement of façade elements in a recognizable and consistent composition. Fenestration refers to the depth, spacing, and rhythm of openings on a façade.

1. All Façade Elements.

- a. The use of depth is encouraged to highlight façade openings such as windows to create a three-dimensional relief that produces shadows. Windows should not be mounted flush to the exterior of the façade (see Figure 8).
- b. Pairs of window shutters may be used if determined to be typical of the style of building, but should be used consistently and should appear to actually cover the entire window opening when closed. Shutters should not be mounted flush to the exterior of the façade, but hung as if they were functioning on a hinge.
- c. Storefront construction should be recessed enough at the point of entry to allow the door to swing out without obstructing the sidewalk.

2. First Floor (see Figure 8).

- a. The lower floor levels of a façade should provide the highest amount of façade opening and articulation. The ground floor should be very open and inviting to the pedestrian, and employ the strongest use of depth in the façade.
- b. Display windows shall not be covered up, removed, or downsized. The use of opaque or heavily tinted glass is not permitted. If screening is necessary, interior blinds or curtains are encouraged.
- c. Awning or transom windows are encouraged at the street level.
- d. All entrances into upper floors shall be located to afford direct access from the sidewalk.
- e. Corner buildings may have two separate entry points or a single entry point at the corner (see Figure 7).

3. Upper Floors (see Figure 8).

- a. Upper-floor openings shall be residential in size, proportion, and character and provide a reduced transparency than that of the first floor.
- b. Upper-floor windows shall be double-hung with ornamental elements such as a flat stone lintel or hoodmolds.
- c. The spacing of upper-floor openings shall match that of the major storefront elements on the first floor.
- d. Lowered ceilings should have a soffit at each window that allows retention of the full window height.

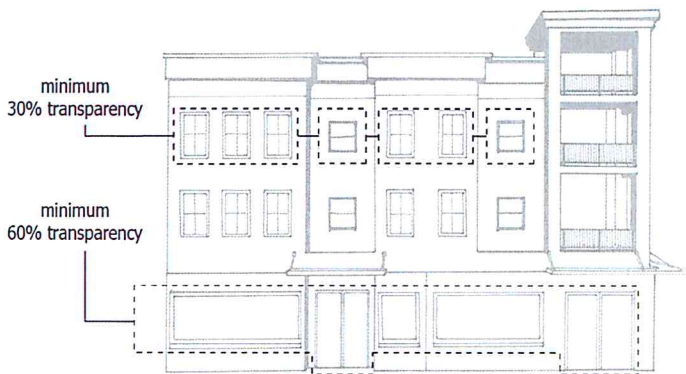


Figure 8 (Façade Elements): All structures within the Union Road Corridor shall provide the minimum level of transparency required by Section 120-69.2, as well the façade requirements of Section 120-70.6 (E) pictured above and outlined at right.

F. Building Materials and Textures.

1. The use of stucco, plastic panels, sheet metal, clear-coated aluminum, concrete block, or smooth concrete is prohibited.
2. The use of modern and/or nontraditional materials or textures may be permitted with Planning Board approval.
3. All wooden materials shall be finished using either stain or paint in order to protect them from the elements.
4. All metal materials shall be finished and colored to match the design of adjacent structures if deemed appropriate by the Planning Board.
5. All materials traditionally left unpainted, especially masonry elements, shall remain unpainted unless otherwise approved by the Planning Board.

G. Additional Regulations.

1. Street level residential occupancies of multi-story, mixed-use structures or structures originally designed for commercial purposes along Union Road shall be prohibited.
2. Any signs, awnings, and storefronts fronting the Union Road Corridor area shall be oriented and scaled to the pedestrian zone so as not to negatively impact the visual character of the street.
3. Existing historical architectural elements and features of buildings identified by the Planning Board shall be retained to the greatest extent practicable, unless otherwise permitted by the Planning Board.
4. Existing historical architectural elements and features of buildings identified by the Planning Board that are in need of repair or replacement shall be done so in kind by either reusing original materials or duplicating the design and materials of the original as closely as possible, unless otherwise permitted by the Planning Board.
5. In the event that historical architectural elements or features identified by the Planning Board have previously been removed or altered from original buildings, subsequent efforts to repair or replace these elements should be done in such a way to return the building to its original historic specifications as closely as possible.

120-70.7 DEMOLITION CONSIDERATIONS

A. Intent and Applicability. The intent of this section is not to prohibit the demolition of structures along the designated Union Road Corridor, but to preserve existing structures that significantly contribute to the desired character or historical significance of the District. This section includes the expectation that owners will assume the role of caretakers for district structures, with responsibility for maintaining and protecting district buildings. Furthermore, this section shall have no limitation on the Town's ability to any demolition action necessary to protect the health, safety, and welfare of the public.

B. Demolition Approval. The demolition of any structure within the designated Union Road Corridor is considered an Unlisted Action under SEQR. Site Plan Approval of a proposed redevelopment plan for the

property must be obtained from the Planning Board prior to the issuance of a demolition permit. The Planning Board shall grant the demolition and issue a demolition permit when the applicant submits suitable evidence that one or more of the following conditions exists:

1. The structure contains no features of architectural and historical significance contributing to the character of the District within which it is located.
 2. The reasonable economic use for the structure as it exists or as it might be preserved is of such minimal level, and the reuse value of the property without the structure is of such level, that there exists no feasible and prudent alternative to demolition.
 3. Deterioration has progressed to the point where it is not economically feasible to preserve and reuse the structure consistent with the standards of this Article.
 4. The proposed redevelopment is consistent with the purpose and objectives of this Article.
- C. Historical Significance.** The Planning Board will also consider the structure's architectural character, historical significance, and physical condition, and whether prohibiting demolition will deny the owner of economically viable use of their land. Principal structures will be afforded more protection than accessory buildings.
- D. Safety Hazards.** The Town Board may grant relief from this provision if the structure is deemed to be an immediate and irreparable safety hazard by the Code Enforcement Officer.
- E. Demolition Without Permit.** Property owners who demolish buildings without obtaining approval of a demolition permit shall be required to rebuild the structure to its original historical specifications if deemed appropriate after consideration by the Planning Board. All expenses incurred as a result of said demolition and rebuild requirements shall be the responsibility of the property owner.

120-70.8 UNION ROAD SIGN REGULATIONS

- A. Purpose and Intent.** The purpose of these sign regulations is to allow for adequate identification of the location or occupant for a parcel of land while protecting public health, safety and general welfare. All signs and signing systems within the Union Road Corridor area are subject to the regulations of Chapter 120 as well as this Section. These additional regulations serve to:
1. Ensure right to free speech as protected under the Constitution;
 2. Protect property values, create a more attractive economic and business climate, and protect the physical appearance of the community;
 3. Provide businesses with effective means of identification while reducing visual clutter through the prevention of excessive and confusing sign displays;
 4. Encourage signs that respect the character and architecture of the building, site, and district in which they are displayed;
 5. Reduce traffic conflicts or hazards by minimizing visual distractions or obstacles in or visible from the public rights-of-way;

6. Minimize the adverse effect of signs on nearby public and private property;
7. Avoid personal injury and property damage from unsafe or confusing signs; and
8. Establish a clear and impartial process for those seeking to install signs.

B. Traffic Safety.

1. No sign shall be erected at or near any intersection of any streets, or alleys, or any railway and any street, in such a manner as to obstruct free and clear vision.
2. No sign shall be of a shape or color that may be confused with any authorized traffic control device.
3. No rotating beam, beacon, or flashing illumination resembling an emergency light shall be used in connection with any sign display.

C. Visibility at Intersections. No sign shall interfere with the visibility of intersections as defined in Section 120-33 of this Chapter.

D. Prohibited Signs.

1. Signs that contain words or pictures of an obscene or pornographic nature;
2. Signs that emit audible sounds, odor, or visible matter;
3. Signs that interfere with official traffic lights or traffic control devices;
4. Flashing, rotating, revolving signs/lights, except barber poles or holiday decorations that do not violate 2 or 3 above;
5. Signs with unshielded lighting devices or reflectors placed to outline or provide the background of a sign;
6. Signs with mirrors;
7. Signs placed on a curb, sidewalk, hydrant, utility pole, trees or other objects located on or in any street or within the public right-of-way;
8. Signs, banners, or pennants mounted on or extending above the roof of any building or structure; and
9. Signs that are defined as "pedestal signs."

SECTION 120-71 | DEFINITIONS

120-71.1 WORD USAGE AND INTERPRETATION

Except where specifically defined in Chapter 120, all words used in this Article shall carry their customary meanings. Words used in the present tense shall include the future tense, and the plural includes the singular, unless the natural construction of the term indicates otherwise.

- A. The term "person" includes a firm, association, organization, partnership, trust, company, corporation, individual, or any other entity.
- B. The term "shall" is mandatory and directory.
- C. The term "may" is permissive.
- D. The term "lot" includes the words "plot," "parcel," "tract," or "site."
- E. The term "building" includes the word "structure."
- F. The terms "premises" or "property" include a lot and all buildings or structures thereon.
- G. The phrases "to erect," "to construct" and "to build" a building or structure each have the same meaning and also include "to excavate" for a building and "to relocate" a building by moving it from one location to another.
- H. Unless otherwise specified, all distances shall be measured horizontally along the ground.

120-71.2 DEFINITIONS

For the purposes of this Article, the following words and terms shall be defined as listed.

A:

APPROVAL — Favorable decision to an application that indicates acceptance and the terms of the application are satisfactory. Includes both approval and approval with conditions.

ARCHITECTURAL FEATURE — Any portion of the outer surface of a structure, including the kind, color and texture of the building material, the type and style of all windows, doors, lights, signs, walls, fences, awnings, canopies, screens, sculptures, decoration, roof shape and materials, and other fixtures appurtenant to a structure. Also referred to as, "architectural detail."

AWNING — A permanent overhanging shelter which projects from the face of a building.

B:

BERM — A man-made earthen mound (usually from two to six feet in height) designed to provide visual interest on a site, screen undesirable views, reduce noise, or fulfill other such purposes.

BLOCK — The length of a street between two intersections.

BUFFER — A unit of land, together with a specified type and amount of planting and/or fencing thereon, which may be required to eliminate or minimize conflicts between land uses. Also referred to as "screening."

BULK — The size and scale of buildings and non-building uses and the physical relationship of their size and scale in relation to the lot on which they are located. Bulk requirements include building height, building footprint, and lot coverage.

C:

CALIPER — A horticultural method of measuring the diameter of nursery stock. For trees less than four inches in diameter, the measurement should be taken at six inches above ground level. For trees greater than four inches in diameter up to and including 12 inches, the caliper measurement must be taken at 12 inches above the ground level. For trees greater than 12 inches in diameter, the trunk is measured at breast height (diameter at breast height or DBH), which is 4.5 feet above the ground.

CHARACTER — The atmosphere or physical environment that is created by the combination of land use and buildings within an area. "Character" is established and influenced by land use types and intensity, traffic generation and also by the location, size and design of structures as well as the interrelationship of all these features.

COMPATIBLE —

- (1) Having a pleasing or congruent arrangement of elements in the design and/or appearance between two or more attributes of a structure;
- (2) Having a pleasing or congruent arrangement of elements in the design and/or appearance between two or more structures;
- (3) Having a pleasing or congruent arrangement of elements in the design and/or appearance between two or more attributes of a neighborhood; or
- (4) Having a pleasing or congruent arrangement of elements in the use or function between two or more attributes of a neighborhood or area.

CONIFEROUS — A plant with foliage that persists and remains green year-round. Also known as "evergreen."

COURT — An unoccupied open space other than a yard. An "outer court" is one which extends to the front, side or rear yards; an "inner court" is any other court.

CORNICE — Any horizontal decorative molding that crowns a building, such as the top edge of a façade or over an external door or window.

CURB — A stone or concrete boundary usually marking the edge of a roadway or paved area.

CURB LEVEL — The established elevation of the street grade at the point that is opposite the center of the wall nearest to and facing the street line. Where a building is on a corner lot, the "curb level" is the average of the mean levels of the curb on the two (2) intersecting streets. Where no such grade has been established, the Superintendent of Public Works shall establish the "curb level" for the purposes of this chapter.

D:

DECIDUOUS — A plant with foliage that is shed annually.

DESIGN REVIEW/DESIGN CONTROL — The comprehensive evaluation of a development and its impact on neighboring properties and the community as a whole, from the standpoint of site and landscape design, architecture, materials, colors, lighting, and signs, in accordance with a set of adopted criteria and standards.

DESIGN STANDARDS — A set of requirements that pertain to the architectural appearance of a building, or improvement, that governs the alteration, construction, demolition, or relocation of a building, or improvement.

DEVELOPMENT — Any man-made changes to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, excluding normal maintenance of farm roads and agricultural practices.

DRIVEWAY — A roadway providing a means of access from a street to a property or off-street parking area. Also may be referred to as an "accessway."

DRIVE-THROUGH FACILITIES — A building or use, which by design of physical facilities a product is sold to, or a service performed for, customers while they are in or near their motor vehicles, including but not limited to fast-food restaurants, drive-up bank tellers, film-processing service booths, etc.

E:

EASEMENT — Any authorization by a property owner for the use by another, for a specified purpose, of any designated portion of a lot.

EAVE — The projecting lower edges of a roof overhanging the wall of a building.

F:

FRONTAGE — The extent of a building or a lot abutting a public street or right-of-way as defined herein.

G:

GRADE, EXISTING — The surface of the ground or pavement at a stated location as it exists before disturbance in preparation for a project regulated by this Zoning Code.

GRADE, STREET — The officially established grade of the street upon which a lot fronts. If there is no officially established grade, the existing grade of the street shall be taken as the street grade.

Note: H, I, J, and K do not apply.

L:

LANDSCAPING — The use of natural plant materials including, but not limited to, ground covers, shrubs, and trees. Landscaping also involves the placement, preservation and maintenance of said plant materials in conjunction with associated improvements such as fences, walls, lighting, earth mounding and structures (principal or accessory).

LOT — Land occupied or to be occupied by a building and its accessory buildings, together with such open spaces as are required, having not less than the minimum area, width and depth required for a lot in the district in which such land is situated and having frontage on a street or other means of access as may be determined by the Planning Board to be adequate as a condition of the issuance of a building permit for a building on such land.

LOT, CORNER — A lot located at the junction of and fronting on two (2) or more intersecting streets. All "corner lots" shall be deemed to have two (2) front yards, two (2) side yards and no rear yard.

LOT FRONTAGE — The distance measured across the width of the lot at the front lot line or the proposed building front line.

Note: M does not apply.

N:

NONRESIDENTIAL USE — All uses of land and buildings except single-family and two-family dwellings.

O:

OPEN SPACE — That portion of a lot that is open, unobstructed and unoccupied from the ground upward and includes permeable walkways not used by vehicles, landscaping, uncovered patios, and uncovered recreation facilities. Recreation buildings may be included as part of a common open space.

OWNER — An individual, firm, association, organization, partnership, trust, corporation, or company holding title to the property.

P:

PARAPET WALL — That portion of a building wall that rises above the level of the roof.

PARKING AREA OR LOT — An off-street area containing one (1) or more parking spaces, with passageways and driveways appurtenant thereto.

PARKING FACILITY — Includes all required off-street parking spaces, loading areas, stacking spaces, aisles, driveways and landscaping as required in this chapter.

PARKING SPACE — An off-street space used for the temporary location of one (1) licensed motor vehicle, not including access driveway(s).

PAVING — Ground surface covered with materials including but not limited to cobblestones, clay-fired bricks, concrete precast paver units poured concrete with or without decorative surface materials, blacktop, or other asphaltic or rubber mixture which may include sand or gravel as an ingredient and which creates a hard surface. A graded natural surface or one covered with rolled stone or overlaid with loose gravel is not considered a paved surface.

PEDESTRIAN-ORIENTED — Refers to a pedestrian-friendly policy providing clear, comfortable pedestrian access to residential and nonresidential areas and transit stops through the combination of land design practices including compact development, mixed-use development, traffic-calming, pedestrian- and public transit-orientation, designated pedestrian circulation systems and amenities, and a mix of housing types.

PROFESSIONAL — An individual or agency authorized to practice their discipline as defined by applicable New York State laws, such as an engineer, architect, or landscape architect.

PROFESSIONAL SERVICES — Individuals or organizations that provide specialized services, including, but not limited to, medical practitioners, attorneys, architects, engineers, photographers, brokers, and other similar services. This classification excludes hospitals, banks, and savings and loan associations.

PROPERTY LINE — A line bounding a lot. Also known as a "lot line."

Note: Q does not apply.

R:

RESIDENTIAL USE — Includes single-family and two-family dwellings.

RIGHT-OF-WAY — The boundary of a road, street, highway, or expressway owned and maintained by any Federal, State, or local municipal entity.

ROOFLINE — In the case of a flat roof, the uppermost line of the roof of a building; in the case of a pitched roof, the lower edge of the eave; or in the case of an extended facade or parapet, the uppermost height of said facade or parapet, provided that the facade or parapet extends around the entire perimeter of the building at the same elevation.

S:

SETBACK — The least required horizontal distance between property line, and any structure on the lot measured at the shortest point, including terraces, porches, or any covered projection thereof, but excluding steps.

SETBACK, FRONT — The setback to the front lot line.

SETBACK, REAR — The setback to the rear lot line.

SETBACK, SIDE — The setback to any property line other than a street or rear lot line.

SETBACK, STREET — The setback to the street or front lot line. On corner lots, both yards bordering the street shall be considered as street setbacks. Such street setback shall be measured from the public right-of-way.

SITE — A lot or group of contiguous lots not divided by any alley, street, other right-of-way or the Town limit that is proposed for development in accord with the provisions of this Zoning Code, and is in a single ownership or has multiple owners, all of whom join in an application for development.

Note: T does not apply.

U:

USE — The specific purpose for which land, building, or structure is designed, intended, arranged, used or maintained.

Note: V does not apply.

W:

WALKWAY — A passage or path designated for pedestrian activity or walking.

WHEEL STOP — An object, often made of concrete, which is placed at the front of a parking space to prevent vehicles from pulling too far into the space and striking the wall, landscape, or other objects that may be on the other side of the space.

Note: X, Y, and Z do not apply.

STEINMETZ PLANNING GROUP

1100 UNIVERSITY AVE, STE 303
ROCHESTER, NY 14607

350 MAIN STREET, STE 1709
BUFFALO, NY 14202

December 12, 2016

Mr. Eugene Hart, Councilman
Town of West Seneca
1250 Union Road
West Seneca, NY 14224

Councilman Hart:

As requested at our November 23, 2016, lunch meeting, I am pleased to submit to you a proposal on the behalf of **Steinmetz Planning Group (SPG)** for the review and update of the Town of West Seneca's Sign Regulations (Chapter 120, Article IIIA). The purpose of this letter is to provide a brief overview of our proposed scope, timeline, and fee. We welcome additional negotiation and guidance from your office, if necessary, to ensure SPG captures the best project approach to suit your needs.

TOWN OF WEST SENECA – CHAPTER 120, ARTICLE IIIA PRELIMINARY ASSESSMENT

Our initial review of the Town's Sign Regulations has provided us with a preliminary assessment of the current regulatory approach, provisions that may be retained, and those that may be found unconstitutional in a court of law. It is our understanding that the Town is looking for assistance in reviewing and revising the current language to better reflect the vision of the Town, improve legality and enforceability, and present requirements in a simple, organized format. The following is a brief summary of our initial recommendations to improve the Sign Regulations of the Town of West Seneca.

- Update sign definitions to include diverse range of sign elements (face, supports, etc.) and types (wall sign, awning sign, etc.).
Dictate clear, concise sign permit application requirements, review procedures, and appeals. Currently reference both the Zoning Officer and Building Inspector as administrators of the sign regulations.
- Remove content-based language as appropriate to conform with US First Amendment rights to free speech and recent US Supreme Court decisions on local sign regulations (Example of Existing Code Section: 120-40.2 A – Permitted Sign Copy. A sign **may contain only the name and/or nature** of the primary goods sold or the services rendered on the premises.)
- Reconcile existing Town requirements permitting signs by use and district to a more defensible approach with supportive language outlining the purpose and intent of the regulations, as well as the compelling governmental interest that the Town seeks to protect and enhance. (e.g. traffic safety, commercial corridor aesthetics).
- Determine appropriate sign design criteria based on varying character areas and/or districts, such as the Union Road Corridor. This language should consider, but is not limited to, specific sign types permitted (pole signs, digital signs, etc.), maximum sign height and area requirements, preferred

illumination techniques, placement of signage on sites or buildings, and the total permitted number of signs per lot and/or use.

Support the right of stakeholders to utilize noncommercial signage for freedom of expression, while ensuring that the size, location, and design of signage is consistent with the Town's goals.

- ★ Review and update existing off-premise (billboard) sign regulations to reflect current community values, as well as state regulations near highways/interchanges.
- ★ Include design language that helps to achieve the applicable policies and objectives of the Town's 2016 Comprehensive Plan Update, including, but not limited to:
 - **Community Identity & Livability, Objective B:** Improve the site design and aesthetics of our shopping and business districts to create inviting environments and more predictability for new investment.
 - **Community Development Strategy, Action Item 3:** Identify, brand, and enhance the primary gateways into the Town.

PROJECT APPROACH

The proposed effort may be completed in three (3) to six (6) months, depending on the length of review periods. This timeframe includes one (1) public hearing, and up to three (3) Steering Committee meetings. Descriptions of the proposed tasks and associated deliverables are provided in the table below.

DELIVERABLES & SCOPE OF WORK

Task	Description	Deliverable(s)
Project Kick-Off (SC Meeting #1)	The SC and SPG will determine the project goals and expectations and review the prepared Sign Code Assessment for the Town. SPG will also conduct a brief Sign Regulation Primer as described below.	<ul style="list-style-type: none"> • Sign Code Assessment • Goals & Expectations
Sign Regulation Primer	SPG will conduct a comprehensive training session for Town staff and decision-makers on the do's and don'ts of sign regulation.	<ul style="list-style-type: none"> • Training Presentation
SC Meeting #2	SPG will provide the SC with the Draft Sign Code for review and comment. A mapping exercise may also be conducted to determine character preferences by district.	<ul style="list-style-type: none"> • Draft Sign Code • Sign Design Preferences
SC Meeting #3	SPG will provide the SC with the revised Draft Sign Code for review. The Draft Sign Code will be edited to reflect any necessary changes.	<ul style="list-style-type: none"> • Revised Draft Sign Code
Public Hearing	SPG will present the Draft Sign Code to the appropriate reviewing bodies as necessary. An informational guide may also be provided to the public in attendance for ease of reference.	<ul style="list-style-type: none"> • Informational Materials • Public Hearing Presentation
Code Adoption	SPG will provide a final draft of the Sign Code to the Town for adoption.	<ul style="list-style-type: none"> • Final Sign Code

It is our recommendation that the Steering Committee used to oversee and guide the Town-wide Design Standards project be utilized to oversee this update process as well.

NOT-TO-EXCEED FEE

Based on the timeline, scope of work, and meetings included in this proposal letter, we have estimated the budget for this project as a not-to-exceed fee of \$9,750. If it is determined that a change in the number of SC meetings or scope is desired, the fee may be adjusted accordingly.

Thank you again for considering SPG to assist the Town of West Seneca with this effort. Should you have any questions or would like a full set of our qualifications; please do not hesitate to contact me directly.

Respectfully submitted,



John Steinmetz, AICP

P: (585) 797-7634

E: john@steinmetzplanninggroup.com

EXTENSION AGREEMENT

This Extension Agreement is made on February __, 2017 and effective February 1, 2017, by and between the Town of West Seneca (the "Town"), a New York municipal corporation, having an office at 1250 Union Road, West Seneca, New York and Modern Recycling, Inc., ("Modern") a New York corporation with an office at 4746 Model City Road, Model City, New York 14107.

Whereas, the Town and Modern entered into an Agreement ("Agreement") dated January 29, 2014, whereby Modern agreed to provide municipal collection, hauling and processing ("Recycling") of recyclable materials;

Whereas that Agreement granted the Town the option to renew the Agreement for three (3) additional one-year terms; and

Whereas, the Town now wishes to exercise its option to extend the term of the Agreement.

Now, therefore, the Town and Modern stipulate and agree to the following extension of the Agreement:

1. The Town hereby exercises its option and extends the term of the Agreement until January 31, 2018.
2. Modern will provide the weekly collection, hauling and processing of recycling at the following rate:
 - a. February 1, 2017: \$43.64 per unit, per year
3. Modern shall, each calendar quarter; pay a rebate to the Town for each ton of acceptable recyclables Modern collects at the following rates.
 - a. February 1, 2017: material credit \$2.75 per ton

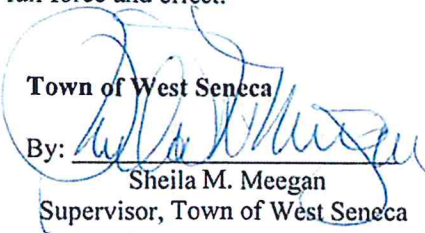
This Extension Agreement is intended to modify the original Agreement executed January 29, 2014, only to the extent that the Agreement is consistent with the terms stated herein. All of the other terms and conditions of the original Agreement shall remain in full force and effect.

Modern Recycling, Inc.

By: 
Joseph M. Hickman
Sales and Municipal Accounts Manager

Date: 2/28/2017

Town of West Seneca

By: 
Sheila M. Meegan
Supervisor, Town of West Seneca

Date: 2-27-17