

23-B LEGAL NOTICES

2. (continued)

Attorney Sean Hopkins of Hopkins, Sorgi & Romanowski PLLC and Project Engineer Christopher Wood of Carmina Wood Morris DPC represented Young Development Inc. Mr. Hopkins submitted a color aerial map and concept plan indicating 28 attached single story residential units, noting the density allows for 34 units and a building height up to 40 feet. The units will have upscale shingles and garage doors and there will be extensive landscaping on all four sides of the site. Rental revenues are projected at \$1500 to \$2000 per month, per unit. Mr. Hopkins stated he met with nearby property owners earlier this month and discussed adequate screening and landscaping. The existing fence will be replaced with a new fence and there will be a staggered row of dense vegetation along Brantwood Drive. There will be no light poles on site. This is an unlisted action for SEQR as there are no wetlands and they will be preparing a stormwater management plan to bring the site into compliance and improve the situation.

Supervisor Meegan questioned if the proposed project will have any intrusion on Sherwood Court and Mr. Hopkins confirmed the project will not connect to Sherwood Court.

Councilman Hanley commented the project will involve less blacktop and more green space than what currently exists on the property and questioned if there will be a dumpster on site. Mr. Hopkins responded there will be a dumpster on site that will be entirely screened.

A Center Road resident commented on sewer overflows along Center Road and backups in basements and expressed concern about raising the grade of the property and adding 28 units to the sewer system, potentially compounding sewer and drainage problems. He felt this would set a precedent for future development of adjacent properties and questioned the impact on home values and quality of life. The resident further referred to the 4:1 mitigation and asked that if money is received for mitigation it be used to fix the sewers on Center Road.

Senior Code Enforcement Officer John Gullo stated the 4:1 mitigation is calculated by the Town Engineer and is part of the site plan review process. Town Attorney John Fenz noted there are several steps in the development process and the Town Board will first need to determine if the proposed project is an appropriate land use.

Supervisor Meegan stated Erie County was recently contacted concerning the sewers and drainage on Center Road. An engineer was sent out to review the situation and will come back with a maintenance plan.

A Center Road resident commented on flooding he has experienced and stated he lives four doors away from the site and did not receive notification of the proposed project. Mr. Hopkins stated they will hold another outreach meeting in the future.

23-B LEGAL NOTICES

2. (continued)

A Covington Drive resident commented the neighborhood is mostly single family homes and the proposed project is not compatible with that. They already have drainage and sewer problems in town and this will add to them. The resident further questioned if money received will go to reduce the debt of the loan. Supervisor Meegan responded the monies will go toward repairs which in turn will reduce the burden on the taxpayers.

A Sherwood Court resident expressed concern regarding where snow will be plowed and the location of the dumpster. Mr. Hopkins stated they will work with the neighbors during site plan review to come up with an appropriate location for the dumpster, noting they preferred to use totes, but the town will not provide them because this is a private development.

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 Hanley, to adopt the following resolution issuing a Negative Declaration and approving a rezoning and special permit to R-60(S) with the following stipulations: 1) no access or connection to Sherwood Court; 2) all single story buildings:

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:

1.) Reviewed Part I of the Short Environmental Assessment Form (the "EAF") as prepared on behalf of Young Development Inc. (the "Applicant") pursuant to the State Environmental Quality Review Act ("SEQRA") in connection with the proposed Special Permit for property located at 965 Center Road, as more specifically described in the attached "Metes and Bounds Legal Description" ("Subject Property"), changing its zoning classification from R-60A to R-60(S) to accommodate a redevelopment project consisting of 28 attached residential units comprised of six single-story buildings with attached garages (total of 80 parking spaces including the attached garages) along with all related site improvements including parking spaces, landscaping, stormwater management improvements, utility lines and connections, etc. (collectively the "Project"); and

2.) Reviewed the draft completed Part II of the EAF for the purpose of analyzing the potential adverse environmental impacts for the Project in connection with taking a hard look at the identified potential environmental impacts utilizing the criteria specified in 6 NYCRR 617.7(c); and

23-B LEGAL NOTICES

2. (continued)

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 classified the Project as an Unlisted Action since none of the identified potential adverse environmental impacts will cross the thresholds for a Type I action contained in 6 NYCRR 617.4, and the Town Board has not identified any potentially significant adverse environmental impacts associated with the Project, 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 justified; and

WHEREAS, the Planning Board reviewed the Project during its meeting held on November 2, 2017 and did not issue a recommendation to the Town Board; and

WHEREAS, the Town Board has reviewed the Application for Rezoning-Special Use Permit with attached Exhibits 1 to 8 as prepared on behalf of the Applicant along with the Concept Plan prepared by Carmina Wood Morris DPC showing the layout of the Project; and

WHEREAS, pursuant to the criteria contained in the Town Code, the Town Board finds that granting a Special Use Permit to allow the Project on the Subject Parcel is consistent with the applicable special use permit criteria contained in Section 120-23A of the Zoning Code, appropriate for the location, will provide adequate off-street parking 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 issue 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 THAT the Town Board hereby adopts Local Law No. 11 for the year 2017, amending the zoning classification of the Subject Parcel from R-60A to R-60(S) and grants a Special Use Permit for the Project.

Ayes: All

Noes: None

Motion Carried
APPENDICES

23-B LEGAL NOTICES

1. 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 A SPECIAL PERMIT FOR PROPERTY LOCATED AT 216 ORCHARD PARK ROAD, BEING PART OF LOT NO. 282, CHANGING ITS CLASSIFICATION FROM C-2 TO C-2(S), FOR A MULTI-FAMILY DEVELOPMENT" in the Town of West Seneca, be received and filed.

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

Michael Metzger of Metzger Civil Engineering represented Brian & Matt Green of the Green Organization and stated their proposal to construct two apartment buildings and one garage building on just less than four acres of land located at 216 Orchard Park Road, noting this is an allowed use in the C-2 zoning district with a special permit. The property has a small frontage on Orchard Park Road and the development will be located in the rear of the property and outside the 100 year flood plain. The first building will be located 250' from the road and is a 10-unit, 2-story townhome building with garages on the end units. Towards the back of the site is a 23-unit, 3-story apartment building with the rents being around \$1200 per month. The third building is a 10-unit garage that will be available for the renters. Mr. Metzger commented that higher density residential housing should be located adjacent to commercial property and the proposed project fits with the town's Comprehensive Plan.

Councilman Hanley referred to the 100 year flood plain and stated new flood plain maps were recently released. Mr. Metzger responded the flood plain is smaller on the new maps and the proposed development is located outside the flood plain.

Supervisor Meegan questioned if the fire company had any concerns about the project. Mr. Metzger responded a fire access lane was added and the plan is in full compliance with the latest stringent fire codes. Senior Code Enforcement Officer John Gullo stated any fire company concerns will be addressed at site plan review. He further noted the plan also meets the new design standards established by the town.

A Potters Road resident stated that one side of Orchard Park Road is commercial, but the other side is residential. She commented the hotels on Slade Avenue lowered her property value and expressed concern that the proposed development will further reduce her property value. The resident also commented on traffic concerns and nearby residents not being notified of the proposed project and questioned how much of the property is woods.

Mr. Metzger stated the area in the flood plain has trees and those will remain. They will also have a landscape plan that will add trees to the site.

23-B LEGAL NOTICES

1. (continued)

An Innes Road resident commented on excessive development on Orchard Park Road so close to a residential neighborhood.

A Belmont Drive resident commented on the notification process for development projects and questioned the cost of the project to the town. Town Attorney John Fenz responded there is no cost to the town as this is a private development which will not be utilizing town services such as plowing or garbage pickup, yet the town will benefit from the tax revenue of an approximate \$4 million project. Town Clerk Jacqueline Felser stated although there is no legal obligation, letters are sent as a courtesy to residents within a 250' radius of the project. The public hearing was also published in the West Seneca Bee and on the town's website.

A Covington Drive resident commented on additional traffic from the project, the impact on the sewers and flood plain and questioned the density. Mr. Gullo advised the bulk area is short 680 sf and Town Clerk Jacqueline Felser confirmed that a variance application was filed for a reduction in bulk area. Mr. Metzger stated the nearest building is 40' from the flood plain.

A Potters Road resident questioned the drainage plan. Mr. Metzger stated stormwater regulations are extremely stringent and they must prepare a stormwater prevention plan and drainage design which must be reviewed and approved by the Town Engineer. The NYSDEC also has oversight.

Mr. Metzger responded to comments and concerns on the traffic and stated this section of Orchard Park Road was studied by the NYSDOT and there are 16,000 vehicles per day that travel that road. The proposed project is low intensity and the NYSDOT will not require any review. Many other uses could go on this site that would generate more traffic and those projects would not require Town Board approval. Mr. Metzger further stated no study has shown that this type of project will have an adverse impact on single family homes values. The apartments will be one and two bedroom units and the primary focus will be geared to young professionals as opposed to families. There will be no tax incentives requested and the project will be market rate.

Councilman Hanley questioned management of the project, noting they will have to comply with the new local law regarding landlords/tenants. Brian Green stated management will be from off site.

A Center Road resident questioned what other projects the developer has done and if this project will be subsidized housing. Mr. Green responded his company is a small family business that has been operating for 25 years and they have over 100 apartments that are self-managed. They have other projects in Amherst and all their projects are 100 percent full.

23-B LEGAL NOTICES

1. (continued)

Mr. Fenz advised the Town Board's decision cannot be influenced by income levels of the occupants of the buildings.

A Burch Avenue resident referred to the DePaul project on Seneca Street and stated the surrounding property values went up when that project was built.

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 Hanley, to adopt the following resolution issuing a Negative Declaration and granting a special permit for the specific project as presented:

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 special permit for property located at 216 Orchard Park Road (SBL 134.17-2-1.1) ("Subject Property"), changing its classification from C-2 to C-2(S), for residential apartments (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 issuance of a Negative Declaration is therefore appropriate; and

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

WHEREAS, pursuant to the Town Code, the Town Board further finds that granting a Special Permit for 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;

23-B LEGAL NOTICES

1. (continued)

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 grants a special permit for the Subject Property.

Ayes: All

Noes: None

Motion Carried

3. Proofs of publication and posting of legal notice: "OF THE ADOPTED RESOLUTION, SUBJECT TO PERMISSIVE REFERENDUM, AUTHORIZING THE SALE OF CERTAIN LANDS OWNED BY THE TOWN OF WEST SENECA TO RAYMOND WEIMER" in the Town of West Seneca, received and filed.

Ayes: All

Noes: None

Motion Carried

23-C COMMUNICATIONS

1. Chief Denz re Budget transfer to police fund

Motion by Supervisor Meegan, seconded by Councilman Hanley, to approve a budget transfer of \$2900 from Police Warrant Clerk Acct. #1.3120.0139 to Detective Acct. #1.3120.0153.

Ayes: All

Noes: None

Motion Carried

2. Chief Denz re Budget transfer to police fund

Motion by Supervisor Meegan, seconded by Councilman Hanley, to approve a budget transfer of \$8136.47 from Community Policing Programs Acct. #1.3120.0164 and re-appropriate funds in the following manner:

Captain Acct. #1.3120.0150	\$ 316.88
Detective Acct. #1.3120.0153	\$ 136.98
Police Officer Acct. #1.3120.0154	\$3320.40
Police Lieutenant Acct. #1.3120.0161	\$4362.21

Ayes: All

Noes: None

Motion Carried

23-C COMMUNICATIONS

3. Finance Director re
Authorized Check Signers

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

WHEREAS, Supervisor Sheila Meegan is authorized to open/close accounts and authorize designated signers to accounts; and

WHEREAS, the town identifies the following officers as signatories on all bank accounts for the town – Sheila Meegan, Supervisor; Matthew English, Deputy Supervisor; Megan Wnek, Director of Finance;

NOW, THEREFORE, BE IT RESOLVED, the town appoints the above officials as signatories on all town bank accounts.

Ayes: All Noes: None Motion Carried

23-D APPROVAL OF WARRANT

Motion by Supervisor Meegan, seconded by Councilman Hart, to approve the vouchers submitted for audit, chargeable to the respective funds as follows: General Fund - \$2,599,925.18; Highway Fund - \$592,321.39; Special Districts - \$69,476.83; Capital Fund - \$300 (vouchers 102276 - 102824) Trust - \$276,574.68 (vouchers 102825 - 102839)

Ayes: All Noes: None Motion Carried

ISSUES OF THE PUBLIC

- A Center Road resident commented on problems with Erie County roads flooding and asked that the town push the county to do something. Supervisor Meegan stated they have asked and Erie County is working on East & West Road from Leydecker Road to Union Road. There is no current plan for Center Road, but she hoped for something in 2020.
- A Covington Drive resident referred to an item at a previous meeting in April 2017 concerning a sewer fund insurance allocation and questioned where the funds came from and what districts were charged. Supervisor Meegan stated she will find out and contact the resident.
- A Covington Drive resident questioned receipt of a \$1.6 million grant from EFC. Supervisor Meegan responded the grant was from Environmental Facilities Corporation and the town will also receive a zero percent interest loan for the remainder of the project.

ISSUES OF THE PUBLIC

- A Covington Drive resident commented that her tax bill has six sewer lines on it and questioned why none have dropped off in the 30 years she has lived there. Councilman Hart asked the resident to provide him with a copy of her tax bill and he will look into it.
- A Covington Drive resident noted there is no information on the Ethics Committee on the new website. Town Clerk Jacqueline Felser stated the information was on the old site but it apparently did not carry over to the new site.
- A Covington Drive resident questioned if any money from the sewer bond was used for other than Sewer District 5 or 13. Supervisor Meegan responded the funds cannot be used elsewhere.
- A Harwood Road resident questioned the status of sidewalk replacements. Senior Code Enforcement Officer John Gullo responded the northeast corner of the town has been done and the southeast corner will be inspected beginning around March 1st.
- A Harwood Road resident questioned if school taxes are still being collected and if the town receives the penalties. Town Clerk Jacqueline Felser responded her office collects school taxes until November 30th and the town keeps the penalties received. Any remaining unpaid taxes on November 30th are turned over to Erie County.

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

EXECUTIVE SESSION

Motion by Supervisor Meegan, seconded by Councilman Hanley, to recess to executive session at 9:00 P.M. to discuss a PBA collective bargaining matter.

Ayes: All

Noes: None

Motion Carried

ADJOURNMENT

Motion by Supervisor Meegan, seconded by Councilman Hart, to adjourn the meeting at 9:15 P.M.

Ayes: All

Noes: None

Motion Carried

JACQUELINE A FELSER, TOWN CLERK

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village

(Select one:)

of West Seneca

Local Law No. 11 of the year 2017

A local law to amend Chapter 120 (Zoning) of the Town Code and the Table of Zoning Map
(Insert Title)
Amendments to change the zoning classification of the property located at 965 Center
Road from R-60A to R-60

Be it enacted by the Town Board of the
(Name of Legislative Body)

County City Town Village

(Select one:)

of West Seneca as follows:

Chapter 120 (Zoning) of the Town Code of the Town of West Seneca is amended to provide that zoning classification of the property located at 965 Center Road (SBL #135.13-5-8.1) in the Town of West Seneca shall be changed from R-60A to R-60, which change shall be reflected in the official minutes of the Town Board meeting at which this local law is enacted, in the Table of Zoning Map Amendments and the Zoning Map.

This local law shall take effect ten days after notice hereof is published in the official town newspaper pursuant to New York Town Law Section 264(1).

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 11 of 2017 of the ~~(County)(City)(Town)(Village)~~ of West Seneca was duly passed by the Town Board on November 27 2017, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

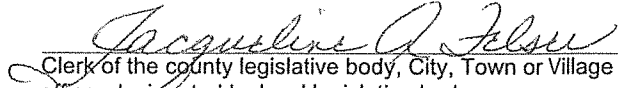
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.


Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 11/28/2017

(Seal)