

# TOWN OF WEST SENECA

## APPLICATION FOR REZONING – SPECIAL PERMIT

### TO BE COMPLETED BY APPLICANT

DATE January 30, 2019

FILE # 2019-01

PROJECT NAME Proposed Multifamily Project

PROJECT LOCATION (Include address and distance to nearest intersection) 299 Leydecker Road [East and West Road]

APPLICANT DATO Development, LLC c/o Sean Hopkins, Esq. PH/FAX Tel: 510-4338

ADDRESS 5500 Main Street, Suite 100, Williamsville, New York 14221 [E-mail: shopkins@hsr-legal.com]

PROPERTY OWNER DATO Development, LLC [Authorization Letter attached as Exhibit 1] PH/FAX \_\_\_\_\_

ADDRESS 5540 Southwestern Boulevard, Hamburg, NY 14075

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

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

SBL # 144.16-6-8

PROJECT DESCRIPTION (Include all uses and any required construction) A Project Description is attached as Exhibit "3" of this Special Use Permit Application. A full size copy of the Site Plan is attached to this Application and a reduced size copy is provided at Exhibit "4".

SIZE OF LOT (acres) 8.63 Acres ACREAGE TO BE REZONED Not Applicable

ADJACENT ROAD NAMES AND AMOUNT OF FRONTAGE ON EACH The Project Site has 225 ft. of frontage on Leydecker Road.

A reduced size copy of the survey of the Project Site is attached as Exhibit "5" and a legal description is provided at Exhibit "6".

EXISTING ZONING R- 60A PROPOSED ZONING No change proposed [Seeking a Special Use Permit]

EXISTING USE(S) ON PROPERTY Vacant Structure and parking

PROPOSED USE(S) ON PROPERTY 74 unit multifamily project

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

The predominant use and zoning of parcels within 500 ft. of the Project Site is single-family residential. A color copy of the Zoning Map showing the approximate location of the Project Site is provided at Exhibit "7" and a Location Map is provided at Exhibit "8".

PUBLIC SEWER YES \_\_\_ NO X

PUBLIC WATER YES \_\_\_ NO X

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

The project requires a Special Use Permit for the proposed use as 74 unit multifamily project and it also requires Site Plan Approval. A narrative describing the requested Special Use Permit is provided at the attached Exhibit "3".

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

### TO BE COMPLETED BY THE TOWN OF WEST SENECA

DATE RECEIVED 02/01/2019 BY J. Nelson

PLANNING BOARD MEETING DATE 02/14/2019

TOWN BOARD MEETING DATE \_\_\_\_\_

TOWN BOARD RESOLUTION DATE \_\_\_\_\_

---

**Exhibit 1 – Authorization Form Signed  
by David Burke of DATO  
Development, LLC dated January 24,  
2019**

---

**AUTHORIZATION**

DATO Development, LLC, as the record owner of a parcel located 299 Leydecker Road the Town of West Seneca ("Subject Parcel") hereby authorizes Hopkins Sorgi & Romanowski PLLC and Carmina Wood Morris DPC to file a Special Use Permit Application, Site Plan Application and all other applications for approvals and permits required from governmental agencies in connection with the proposed development of the Subject Parcel as a multifamily project.

Date: January 24, 2019

DATO DEVELOPMENT, LLC

Signature: 

Print Name: David Burke

Title: Member

---

**Exhibit 2 – Part 1 of Full  
Environmental Assessment Form  
Prepared pursuant to the State  
Environmental Quality Review Act  
("SEQRA")**

---

**Full Environmental Assessment Form  
Part 1 - Project and Setting**

Prepared By: Sean Hopkins, Esq.  
Hopkins Sorgi & Romanowski PLLC  
5500 Main Street, Suite 343  
Williamsville, NY 14221  
Tel: 716.510-4338  
E-mail: shopkins@hsr-legal.com

**Instructions for Completing Part 1**

**Part 1 is to be completed by the applicant or project sponsor.** Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

**A. Project and Applicant/Sponsor Information.**

Name of Action or Project: Proposed Multifamily Project		
Project Location (describe, and attach a general location map): 299 Leydecker Road - Town of West Seneca - Erie County		
Brief Description of Proposed Action (include purpose or need): The proposed project ("action") consists of a residential project consisting of 74 attached residential units with attached garages for lease on the 8.63 acre parcel at 299 Leydecker Road ("Project Site"). The residential buildings will each consist of two-stories. The Project Site is properly zoned R-60A. The layout of the proposed project is depicted on the Site Plan [Drawing C-100] prepared by Carmina Wood Morris DPC. The proposed action has been defined broadly to include all required discretionary approvals/permits including a Special Use Permit from the Town Board and Site Plan Approval from the Planning Board and all proposed site improvements including the 74 proposed residential units, a driveway connection to Leydecker Road, access aisles and the proposed 173 parking spaces, a storm water management system, lighting, landscaping, and all required utility connections and improvements. The easternmost 115 ft. of the Project Site [1.38 acres] will consist of Permanent Open Space. The project is a Unlisted action pursuant to SEQRA because it does not cross any of the thresholds for a Type I action listed in 6 NYCRR Part 617.4.		
Name of Applicant/Sponsor: DATO Development, LLC c/o Sean Hopkins, Esq.		Telephone: 716.510-4338 E-Mail: shopkins@hsr-legal.com
Address: 5500 Main Street, Suite 343		
City/PO: Williamsville	State: NY	Zip Code: 14221
Project Contact (if not same as sponsor; give name and title/role): Sean Hopkins, Esq., Attorney for Project Sponsor		Telephone: 716.510-4338 E-Mail: shopkins@hsr-legal.com
Address: 5500 Main Street, Suite 343		
City/PO: Williamsville	State: NY	Zip Code: 14221
Property Owner (if not same as sponsor): Same as Project Sponsor		Telephone: E-Mail:
Address:		
City/PO:	State:	Zip Code:

**B. Government Approvals**

<b>B. Government Approvals, Funding, or Sponsorship.</b> ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
<b>Government Entity</b>	<b>If Yes: Identify Agency and Approval(s) Required</b>	<b>Application Date (Actual or projected)</b>
a. City Counsel, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	Town Board - Special Use Permit	January 30, 2019
b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Site Plan Approval - Planning Board	To be determined
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
d. Other local agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Building Department - Building Permit	To be determined
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	ECDPW - Highway Work Permit, ECDSM - DSCA and sanitary sewer; ECWA - RPZ	To be determined
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYSDEC - SPDES; NYSOPRHP - evaluation of cultural resources	To be determined
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**C. Planning and Zoning**

<b>C.1. Planning and zoning actions.</b>	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> <li>• If Yes, complete sections C, F and G.</li> <li>• If No, proceed to question C.2 and complete all remaining sections and questions in Part 1</li> </ul>	
<b>C.2. Adopted land use plans.</b>	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, identify the plan(s): NYS Heritage Areas: West Erie Canal Corridor	
_____	
_____	
c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, identify the plan(s):	
_____	
_____	
_____	

**C.3. Zoning**

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance.  Yes  No  
If Yes, what is the zoning classification(s) including any applicable overlay district?  
The Project Site is zoned R -60A pursuant to the Town of West Seneca Zoning Map.

b. Is the use permitted or allowed by a special or conditional use permit?  Yes  No

c. Is a zoning change requested as part of the proposed action?  Yes  No  
If Yes,  
i. What is the proposed new zoning for the site? \_\_\_\_\_

**C.4. Existing community services.**

a. In what school district is the project site located? West Seneca School District

b. What police or other public protection forces serve the project site?  
Town of West Seneca Police Department

c. Which fire protection and emergency medical services serve the project site?  
Volunteer

d. What parks serve the project site?  
Various parks located in the Town of West Seneca

**D. Project Details**

**D.1. Proposed and Potential Development**

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Multifamily project and related site improvements.

b. a. Total acreage of the site of the proposed action? \_\_\_\_\_ 8.63 acres  
b. Total acreage to be physically disturbed? \_\_\_\_\_ 6.6 acres  
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? \_\_\_\_\_ 8.63 acres

c. Is the proposed action an expansion of an existing project or use?  Yes  No  
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % \_\_\_\_\_ Units: \_\_\_\_\_

d. Is the proposed action a subdivision, or does it include a subdivision?  Yes  No  
If Yes,  
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) \_\_\_\_\_

ii. Is a cluster/conservation layout proposed?  Yes  No

iii. Number of lots proposed? \_\_\_\_\_

iv. Minimum and maximum proposed lot sizes? Minimum \_\_\_\_\_ Maximum \_\_\_\_\_

e. Will the proposed action be constructed in multiple phases?  Yes  No

i. If No, anticipated period of construction: \_\_\_\_\_ months

ii. If Yes:

- Total number of phases anticipated \_\_\_\_\_
- Anticipated commencement date of phase 1 (including demolition) \_\_\_\_\_ month \_\_\_\_\_ year
- Anticipated completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year

• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: \_\_\_\_\_

f. Does the project include new residential uses?

Yes  No

If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	6	_____	68
At completion of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)?

Yes  No

If Yes,

i. Total number of structures \_\_\_\_\_

ii. Dimensions (in feet) of largest proposed structure: \_\_\_\_\_ height; \_\_\_\_\_ width; and \_\_\_\_\_ length

iii. Approximate extent of building space to be heated or cooled: \_\_\_\_\_ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage?

Yes  No

If Yes,

i. Purpose of the impoundment: Stormwater management

ii. If a water impoundment, the principal source of the water:  Ground water  Surface water streams  Other specify: Stormwater runoff

iii. If other than water, identify the type of impounded/contained liquids and their source. \_\_\_\_\_

iv. Approximate size of the proposed impoundment. Volume: \_\_\_\_\_ million gallons; surface area: \_\_\_\_\_ .3 acres

v. Dimensions of the proposed dam or impounding structure: \_\_\_\_\_ height; \_\_\_\_\_ length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete):

Impoundment is an excavation and therefore no proposed dam involved with project.

## D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both?  Yes  No  
(Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)

If Yes:

i. What is the purpose of the excavation or dredging? \_\_\_\_\_

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): \_\_\_\_\_
- Over what duration of time? \_\_\_\_\_

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. \_\_\_\_\_

iv. Will there be onsite dewatering or processing of excavated materials?  Yes  No

If yes, describe. \_\_\_\_\_

v. What is the total area to be dredged or excavated? \_\_\_\_\_ acres

vi. What is the maximum area to be worked at any one time? \_\_\_\_\_ acres

vii. What would be the maximum depth of excavation or dredging? \_\_\_\_\_ feet

viii. Will the excavation require blasting?  Yes  No

ix. Summarize site reclamation goals and plan: \_\_\_\_\_

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area?  Yes  No

If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): \_\_\_\_\_



ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

iii. Will the proposed action cause or result in disturbance to bottom sediments?  Yes  No

If Yes, describe: \_\_\_\_\_

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation?  Yes  No

If Yes:

- acres of aquatic vegetation proposed to be removed: \_\_\_\_\_
- expected acreage of aquatic vegetation remaining after project completion: \_\_\_\_\_
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): \_\_\_\_\_
- proposed method of plant removal: \_\_\_\_\_
- if chemical/herbicide treatment will be used, specify product(s): \_\_\_\_\_

v. Describe any proposed reclamation/mitigation following disturbance: \_\_\_\_\_

c. Will the proposed action use, or create a new demand for water?  Yes  No

If Yes:

i. Total anticipated water usage/demand per day: \_\_\_\_\_ 16,280 gallons/day

ii. Will the proposed action obtain water from an existing public water supply?  Yes  No

If Yes:

- Name of district or service area: ECWA Consolidated Water District
- Does the existing public water supply have capacity to serve the proposal?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No
- Do existing lines serve the project site?  Yes  No

iii. Will line extension within an existing district be necessary to supply the project?

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_
- Source(s) of supply for the district: \_\_\_\_\_

iv. Is a new water supply district or service area proposed to be formed to serve the project site?  Yes  No

If, Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- Proposed source(s) of supply for new district: \_\_\_\_\_

v. If a public water supply will not be used, describe plans to provide water supply for the project: \_\_\_\_\_

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: \_\_\_\_\_ gallons/minute.

d. Will the proposed action generate liquid wastes?  Yes  No

If Yes:

i. Total anticipated liquid waste generation per day: \_\_\_\_\_ 16,280 gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): \_\_\_\_\_

Sanitary wastewater.

iii. Will the proposed action use any existing public wastewater treatment facilities?  Yes  No

If Yes:

- Name of wastewater treatment plant to be used: Bird Island Waste Water Treatment Plant
- Name of district: Town of West Seneca
- Does the existing wastewater treatment plant have capacity to serve the project?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No

- Do existing sewer lines serve the project site?  Yes  No
  - Will a line extension within an existing district be necessary to serve the project?  Yes  No
- If Yes:
- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_

- iv. Will a new wastewater (sewage) treatment district be formed to serve the project site?  Yes  No
- If Yes:
- Applicant/sponsor for new district: \_\_\_\_\_
  - Date application submitted or anticipated: \_\_\_\_\_
  - What is the receiving water for the wastewater discharge? \_\_\_\_\_

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):

\_\_\_\_\_

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: \_\_\_\_\_

\_\_\_\_\_

- e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction?  Yes  No

If Yes:

- i. How much impervious surface will the project create in relation to total size of project parcel?
- \_\_\_\_\_ Square feet or 2.9 acres (impervious surface)
- \_\_\_\_\_ Square feet or \_\_\_\_\_ acres (parcel size)

ii. Describe types of new point sources. Runoff from impervious surfaces (driveway, access aisles and parking spaces) and buildings

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

On-site stormwater mangement system.

- If to surface waters, identify receiving water bodies or wetlands: \_\_\_\_\_

- Will stormwater runoff flow to adjacent properties?  Yes  No

iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater?  Yes  No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations?  Yes  No

If Yes, identify:

i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

\_\_\_\_\_

ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

\_\_\_\_\_

iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

\_\_\_\_\_

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit?  Yes  No

If Yes:

i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year)  Yes  No

ii. In addition to emissions as calculated in the application, the project will generate:

- \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)
- \_\_\_\_\_ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)
- \_\_\_\_\_ Tons/year (short tons) of Perfluorocarbons (PFCs)
- \_\_\_\_\_ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)
- \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflourocarbons (HFCs)
- \_\_\_\_\_ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)?  Yes  No

If Yes:

i. Estimate methane generation in tons/year (metric): \_\_\_\_\_

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): \_\_\_\_\_

---

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations?  Yes  No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): \_\_\_\_\_

---

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services?  Yes  No

If Yes:

i. When is the peak traffic expected (Check all that apply):  Morning  Evening  Weekend  
 Randomly between hours of \_\_\_\_\_ to \_\_\_\_\_.

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): \_\_\_\_\_

iii. Parking spaces: Existing \_\_\_\_\_ Proposed \_\_\_\_\_ Net increase/decrease \_\_\_\_\_

iv. Does the proposed action include any shared use parking?  Yes  No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: \_\_\_\_\_

vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site?  Yes  No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles?  Yes  No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes?  Yes  No

---

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy?  Yes  No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: \_\_\_\_\_

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): \_\_\_\_\_

iii. Will the proposed action require a new, or an upgrade, to an existing substation?  Yes  No

---

l. Hours of operation. Answer all items which apply.

i. During Construction:		ii. During Operations:	
• Monday - Friday:	_____ 7:00 to 7:00 _____	• Monday - Friday:	_____ Not Applicable _____
• Saturday:	_____ 8:00 to 5:00 _____	• Saturday:	_____ _____
• Sunday:	_____ As needed _____	• Sunday:	_____ _____
• Holidays:	_____ Not Applicable _____	• Holidays:	_____ _____

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both?  Yes  No

If yes:

i. Provide details including sources, time of day and duration:  
The project will result in temporary and short-term unavoidable noise impacts associated with construction activities during daytime hours.

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen?  Yes  No  
 Describe: \_\_\_\_\_

---

n. Will the proposed action have outdoor lighting?  Yes  No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:  
The project will include low intensity residential type lighting per the applicable lighting standards of the Town of West Seneca. The project will not result in any lighting spillover onto contiguous parcels.

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen?  Yes  No  
 Describe: \_\_\_\_\_

---

o. Does the proposed action have the potential to produce odors for more than one hour per day?  Yes  No  
 If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: \_\_\_\_\_

---

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage?  Yes  No

If Yes:

i. Product(s) to be stored \_\_\_\_\_

ii. Volume(s) \_\_\_\_\_ per unit time \_\_\_\_\_ (e.g., month, year)

iii. Generally, describe the proposed storage facilities: \_\_\_\_\_

---

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation?  Yes  No

If Yes:

i. Describe proposed treatment(s):  
 \_\_\_\_\_  
 \_\_\_\_\_

ii. Will the proposed action use Integrated Pest Management Practices?  Yes  No

---

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)?  Yes  No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: \_\_\_\_\_ tons per \_\_\_\_\_ (unit of time)
- Operation : \_\_\_\_\_ tons per \_\_\_\_\_ (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction: \_\_\_\_\_
- Operation: \_\_\_\_\_

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction: \_\_\_\_\_
- Operation: \_\_\_\_\_

s. Does the proposed action include construction or modification of a solid waste management facility?  Yes  No  
 If Yes:  
 i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): \_\_\_\_\_  
 ii. Anticipated rate of disposal/processing:  
 • \_\_\_\_\_ Tons/month, if transfer or other non-combustion/thermal treatment, or  
 • \_\_\_\_\_ Tons/hour, if combustion or thermal treatment  
 iii. If landfill, anticipated site life: \_\_\_\_\_ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste?  Yes  No  
 If Yes:  
 i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: \_\_\_\_\_  
 \_\_\_\_\_  
 ii. Generally describe processes or activities involving hazardous wastes or constituents: \_\_\_\_\_  
 \_\_\_\_\_  
 iii. Specify amount to be handled or generated \_\_\_\_\_ tons/month  
 iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: \_\_\_\_\_  
 \_\_\_\_\_  
 v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility?  Yes  No  
 If Yes: provide name and location of facility: \_\_\_\_\_  
 \_\_\_\_\_  
 If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:  
 \_\_\_\_\_  
 \_\_\_\_\_

**E. Site and Setting of Proposed Action**

**E.1. Land uses on and surrounding the project site**

a. Existing land uses.  
 i. Check all uses that occur on, adjoining and near the project site.  
 Urban  Industrial  Commercial  Residential (suburban)  Rural (non-farm)  
 Forest  Agriculture  Aquatic  Other (specify): \_\_\_\_\_  
 ii. If mix of uses, generally describe:  
 \_\_\_\_\_  
 \_\_\_\_\_

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	2.3	2.9	.6
• Forested	2	2	0
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0	0	0
• Wetlands (freshwater or tidal)	0	0	0
• Non-vegetated (bare rock, earth or fill)	0	0	0
• Other Describe: <u>maintained grass/greenspace</u>	4.3	3.7	(.6)

c. Is the project site presently used by members of the community for public recreation?  Yes  No  
i. If Yes: explain: \_\_\_\_\_

---

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site?  Yes  No  
If Yes,  
i. Identify Facilities: \_\_\_\_\_  
\_\_\_\_\_

---

e. Does the project site contain an existing dam?  Yes  No  
If Yes:  
i. Dimensions of the dam and impoundment:  
• Dam height: \_\_\_\_\_ feet  
• Dam length: \_\_\_\_\_ feet  
• Surface area: \_\_\_\_\_ acres  
• Volume impounded: \_\_\_\_\_ gallons OR acre-feet  
ii. Dam's existing hazard classification: \_\_\_\_\_  
iii. Provide date and summarize results of last inspection: \_\_\_\_\_  
\_\_\_\_\_

---

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility?  Yes  No  
If Yes:  
i. Has the facility been formally closed?  Yes  No  
• If yes, cite sources/documentation: \_\_\_\_\_  
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: \_\_\_\_\_  
\_\_\_\_\_

---

iii. Describe any development constraints due to the prior solid waste activities: \_\_\_\_\_  
\_\_\_\_\_

---

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste?  Yes  No  
If Yes:  
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: \_\_\_\_\_  
\_\_\_\_\_

---

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site?  Yes  No  
If Yes:  
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply:  Yes  No  
 Yes – Spills Incidents database Provide DEC ID number(s): \_\_\_\_\_  
 Yes – Environmental Site Remediation database Provide DEC ID number(s): \_\_\_\_\_  
 Neither database  
ii. If site has been subject of RCRA corrective activities, describe control measures: \_\_\_\_\_  
\_\_\_\_\_

---

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database?  Yes  No  
If yes, provide DEC ID number(s): \_\_\_\_\_  
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): \_\_\_\_\_  
\_\_\_\_\_

v. Is the project site subject to an institutional control limiting property uses?  Yes  No

- If yes, DEC site ID number: \_\_\_\_\_
- Describe the type of institutional control (e.g., deed restriction or easement): \_\_\_\_\_
- Describe any use limitations: \_\_\_\_\_
- Describe any engineering controls: \_\_\_\_\_
- Will the project affect the institutional or engineering controls in place?  Yes  No
- Explain: \_\_\_\_\_

---

**E.2. Natural Resources On or Near Project Site**

a. What is the average depth to bedrock on the project site? \_\_\_\_\_ >10 feet

b. Are there bedrock outcroppings on the project site?  Yes  No  
 If Yes, what proportion of the site is comprised of bedrock outcroppings? \_\_\_\_\_ %

c. Predominant soil type(s) present on project site: Niagara Silt Loam \_\_\_\_\_ 30 %  
 [Source: USDA Web Soil Survey] Collamer Silt Loam \_\_\_\_\_ 55 %  
Hudson Silty Clay \_\_\_\_\_ 15 %

d. What is the average depth to the water table on the project site? Average: \_\_\_\_\_ feet

e. Drainage status of project site soils:  Well Drained: \_\_\_\_\_ % of site  
 Moderately Well Drained: \_\_\_\_\_ % of site  
 Poorly Drained 100 % of site

f. Approximate proportion of proposed action site with slopes:  0-10%: \_\_\_\_\_ 95 % of site  
 10-15%: \_\_\_\_\_ 5 % of site  
 15% or greater: \_\_\_\_\_ % of site

g. Are there any unique geologic features on the project site?  Yes  No  
 If Yes, describe: \_\_\_\_\_

---

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)?  Yes  No

ii. Do any wetlands or other waterbodies adjoin the project site?  Yes  No  
 [Note: There are not any wetlands subject to the jurisdiction of either the United States Army Corps of Engineers or the NYS Dept. of Conservation on the Project Site.]

If Yes to either i or ii, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency?  Yes  No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name 837-141 \_\_\_\_\_ Classification C \_\_\_\_\_
- Lakes or Ponds: Name \_\_\_\_\_ Classification \_\_\_\_\_
- Wetlands: Name Federal Waters \_\_\_\_\_ Approximate Size \_\_\_\_\_
- Wetland No. (if regulated by DEC) \_\_\_\_\_

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies?  Yes  No  
 If yes, name of impaired water body/bodies and basis for listing as impaired: \_\_\_\_\_

---

i. Is the project site in a designated Floodway?  Yes  No

j. Is the project site in the 100-year Floodplain?  Yes  No

k. Is the project site in the 500-year Floodplain?  Yes  No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer?  Yes  No  
 If Yes:  
 i. Name of aquifer: \_\_\_\_\_

m. Identify the predominant wildlife species that occupy or use the project site: \_\_\_\_\_  
 Typical suburban species \_\_\_\_\_  
 \_\_\_\_\_

n. Does the project site contain a designated significant natural community?  Yes  No  
 If Yes:  
 i. Describe the habitat/community (composition, function, and basis for designation): \_\_\_\_\_  
 ii. Source(s) of description or evaluation: \_\_\_\_\_  
 iii. Extent of community/habitat:  
 • Currently: \_\_\_\_\_ acres  
 • Following completion of project as proposed: \_\_\_\_\_ acres  
 • Gain or loss (indicate + or -): \_\_\_\_\_ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species?  Yes  No  
 If Yes:  
 i. Species and listing (endangered or threatened): \_\_\_\_\_  
 \_\_\_\_\_

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern?  Yes  No  
 If Yes:  
 i. Species and listing: \_\_\_\_\_  
 \_\_\_\_\_

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing?  Yes  No  
 If yes, give a brief description of how the proposed action may affect that use: \_\_\_\_\_  
 \_\_\_\_\_

**E.3. Designated Public Resources On or Near Project Site**

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304?  Yes  No  
 If Yes, provide county plus district name/number: \_\_\_\_\_

b. Are agricultural lands consisting of highly productive soils present?  Yes  No  
 i. If Yes: acreage(s) on project site? \_\_\_\_\_  
 ii. Source(s) of soil rating(s): \_\_\_\_\_

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark?  Yes  No  
 If Yes:  
 i. Nature of the natural landmark:  Biological Community  Geological Feature  
 ii. Provide brief description of landmark, including values behind designation and approximate size/extent: \_\_\_\_\_  
 \_\_\_\_\_

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area?  Yes  No  
 If Yes:  
 i. CEA name: \_\_\_\_\_  
 ii. Basis for designation: \_\_\_\_\_  
 iii. Designating agency and date: \_\_\_\_\_



e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?  Yes  No

If Yes:

i. Nature of historic/archaeological resource:  Archaeological Site  Historic Building or District

ii. Name: \_\_\_\_\_

iii. Brief description of attributes on which listing is based: \_\_\_\_\_

---

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?  Yes  No [Note: Cultural resource investigation will be completed.]

g. Have additional archaeological or historic site(s) or resources been identified on the project site?  Yes  No

If Yes:

i. Describe possible resource(s): \_\_\_\_\_

ii. Basis for identification: \_\_\_\_\_

---

h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?  Yes  No

If Yes:

i. Identify resource: \_\_\_\_\_

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): \_\_\_\_\_

iii. Distance between project and resource: \_\_\_\_\_ miles.

---

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?  Yes  No

If Yes:

i. Identify the name of the river and its designation: \_\_\_\_\_

ii. Is the activity consistent with development restrictions contained in 6 NYCRR Part 666?  Yes  No

**F. Additional Information**


Attach any additional information which may be needed to clarify your project.

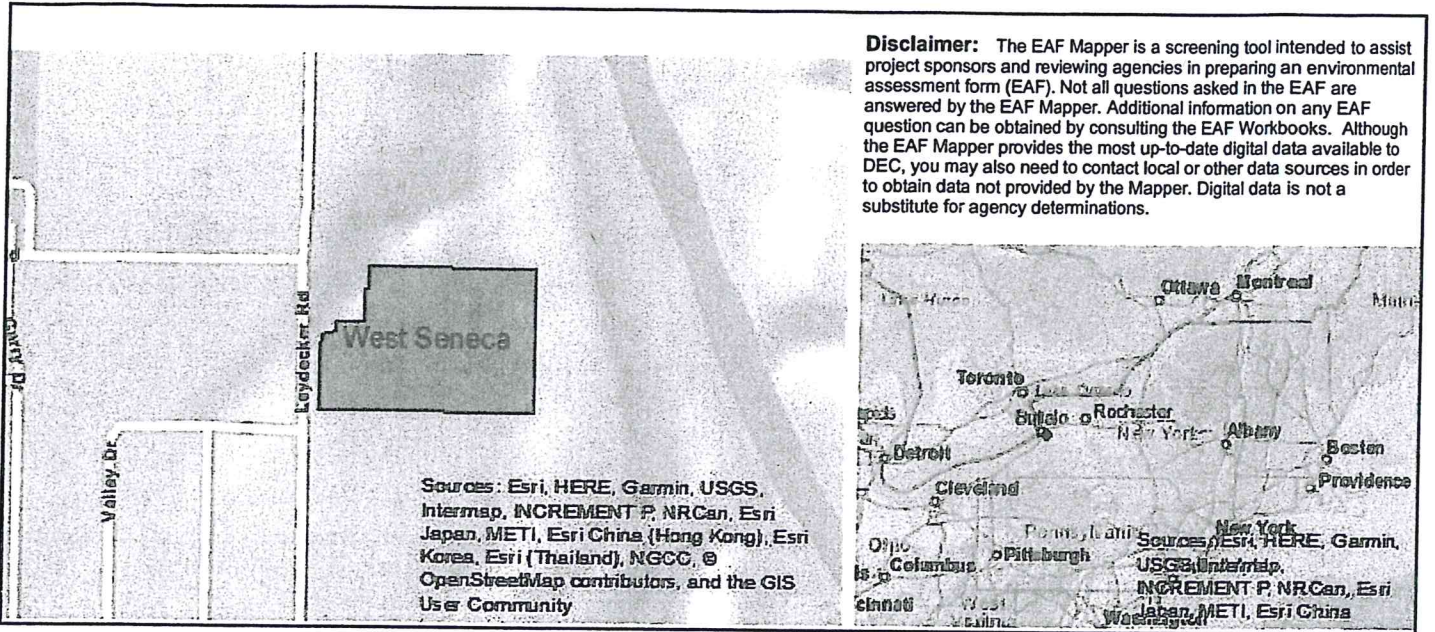
If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

**G. Verification**

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name DATO Development, LLC Date January 30, 2019

Signature  Title Attorney for Project Sponsor  
 Sean W. Hopkins, Esq.



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYS Heritage Areas: West Erie Canal Corridor
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Stream Name]	837-141
E.2.h.iv [Surface Water Features - Stream Classification]	C
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No

E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National Register of Historic Places]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

---

**Exhibit 3 – Project Description and  
Special Use Permit Criteria for  
Multifamily Project**

---

**EXHIBIT 3 OF SPECIAL USE  
PERMIT APPLICATION**

**PROJECT DESCRIPTION AND DESCRIPTION  
OF REQUESTED SPECIAL USE PERMIT  
299 LEYDECKER ROAD - TOWN OF WEST SENECA**

**I. Project Description:**

The proposed residential project consisting of 74 attached multifamily units and related site improvements on the 8.63 acre parcel at 299 Leydecker Road ("Project Site").<sup>1</sup> The layout of the proposed project is depicted on the Site Plan prepared by Carmina Wood Morris DPC [Drawing C-100] provided at Exhibit "4" and a full size copy of the Site Plan is also attached to this Special Use Permit Application. The five 10-unit buildings will be two floors each and the six buildings with duplex style units (total of 24 units) will be one floor each. Each of the attached residential units will have two parking spaces including an attached garage space. There will also be 25 parking spaces available for visitors [total of 173 parking spaces]. The easternmost 115 ft. of the Project Site will be Permanent Open Space to be protected via the recording of a Declaration of Restrictions at the Erie County Clerk's Office (1.38 acres of the Project Site).

A reduced size copy of the survey of the Project Site prepared by Millard MacKay & Delles Land Surveyors, LLP is attached as Exhibit "5" and a full size copy of the Survey is also attached to this Special Use Permit Application. Conceptual Elevation Plans for the residential buildings to be constructed on the Project Site as Daryl Martin Architect PC are provided at Exhibits "9" and "10".

---

<sup>1</sup> A location map printed from the Erie County online mapping program is provided at Exhibit "8".

The Project Site is zoned R-60A pursuant to the Town of West Seneca Zoning Map.<sup>2</sup> Pursuant to Sections 120-18A(1) and 120-16A(2) of the Zoning Code, multiple-family dwellings are permitted on property zoned R-60A upon the issuance of a special use permit by the Town Board.<sup>3</sup> The proposed project will also require Site Plan Approval from the Planning Board.

The proposed multifamily project will be serviced by private infrastructure including private on-site sanitary sewer and water infrastructure as well as a stormwater management system to be installed in accordance with the stringent stormwater quality and quantity standards of the NYS Department of Environmental Conservation (“NYSDEC”).

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

Section 120-23 of the Zoning Code is titled “Uses requiring special permit by Town Board” and Section 120-23A of the Zoning Code sets forth the four criteria applicable to the review of a requested special use permit. The four special use permit criteria are as follows:

1. The location and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, the size of the site in relation to it and the location of the site in respect to streets giving access thereto shall be such that such use will be in harmony with the orderly development of the district in which it is located.
2. Screening or other protective measures shall be adequate to protect any adjacent properties in any R District from objectionable aspects of any such special use.
3. Off-street parking areas shall be of adequate size for the particular use, and access drives shall be laid out so as to achieve maximum safety.

---

<sup>2</sup> A color excerpt of a portion of the Town of West Seneca Zoning Map depicting the Project Site as being zoned R-60A is provided at Exhibit “7”.

<sup>3</sup> A completed Part of the Full Environmental Assessment Form prepared pursuant to the State Environmental Quality Review Act (“SEQRA”) is provided at Exhibit “2” of this Special Use Permit Application. The Applicant is requesting that the Town Board issue a negative declaration pursuant to SEQRA since the proposed residential project will not result in any potentially significant adverse environmental impacts.

4. The Town Board may prescribe any conditions that it deems to be necessary or desirable and shall require a site plan of the proposed development showing pertinent information to aid it in making a determination on the application.

The Applicant believes that its proposed use of the Project Site exclusively as an upscale multifamily project satisfies the special use permit criteria in Section 120-23A of the Zoning Code for the following reasons:

1. The location of the Project Site and the nature of the proposed use (upscale multifamily project consisting of one-story and two-story buildings) is in harmony with the orderly development of the district in which the Project Site is located. The Project Site is properly zoned R-60A and the proposed redevelopment project represents an appropriate use of the Project Site.
2. The Project Sponsor does not believe the upscale multifamily project involves an “objectionable” aspects. Nonetheless, a Landscaping Plan will be prepared and submitted for review and approval as part of the site plan review process. In addition, the layout of the proposed project reflects a deliberate effort to preserve existing vegetation on the easternmost 115 ft. of the Project Site that will consist of Permanent Open Space to be protected via the recording of a Declaration of Restrictions at the Erie County Clerk’s Office.
3. There will be adequate parking provided for the proposed residential project. Each of the proposed units will have two parking spaces including an attached garage space. There will also be 25 parking spaces available for visitors. There will a total of 173 parking spaces [2.34 parking spaces per unit]. The layout of the project complies with applicable standards for access by emergency personnel as contained in Appendix D of the NYS Fire Code.
4. A Site Plan depicting the layout of the proposed residential project has been provided with this Special Use Permit Application as required by Criteria No. 4. As indicated previously, the Project Sponsor is proposing a condition that would require the easternmost 115 ft. of the Project Site [1.38 acres] to be Permanent Open Space to be protected via the recording of a Declaration of Restrictions at the Erie County Clerk’s Office.

### **III. Conclusion:**

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

---

**Exhibit 4 – Reduced Size Copy of Site  
Plan [Drawing C-100] Prepared by  
Carmina Wood Morris DPC dated  
January 24, 2019 [Note: Full Size Copy  
of the Site Plan is also Attached]**

---





---

**Exhibit 5 – Reduced Size Copy of  
Topographic Survey of Project Site  
Prepared by Millard MacKay & Delles  
Land Surveyors, LLP dated November  
8, 2018 [Note: Full Size Copy of the  
Survey is also Attached]**

---



---

**Exhibit 6 – Legal Description of 299  
Leydecker Road**

---

EXHIBIT 6 OF SPECIAL USE  
PERMIT APPLICATION

LEGAL DESCRIPTION OF 299  
LEYDECKER ROAD

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. 396, Township 10, Range 7 of the Buffalo Creek Reservation, bounded and described as follows:

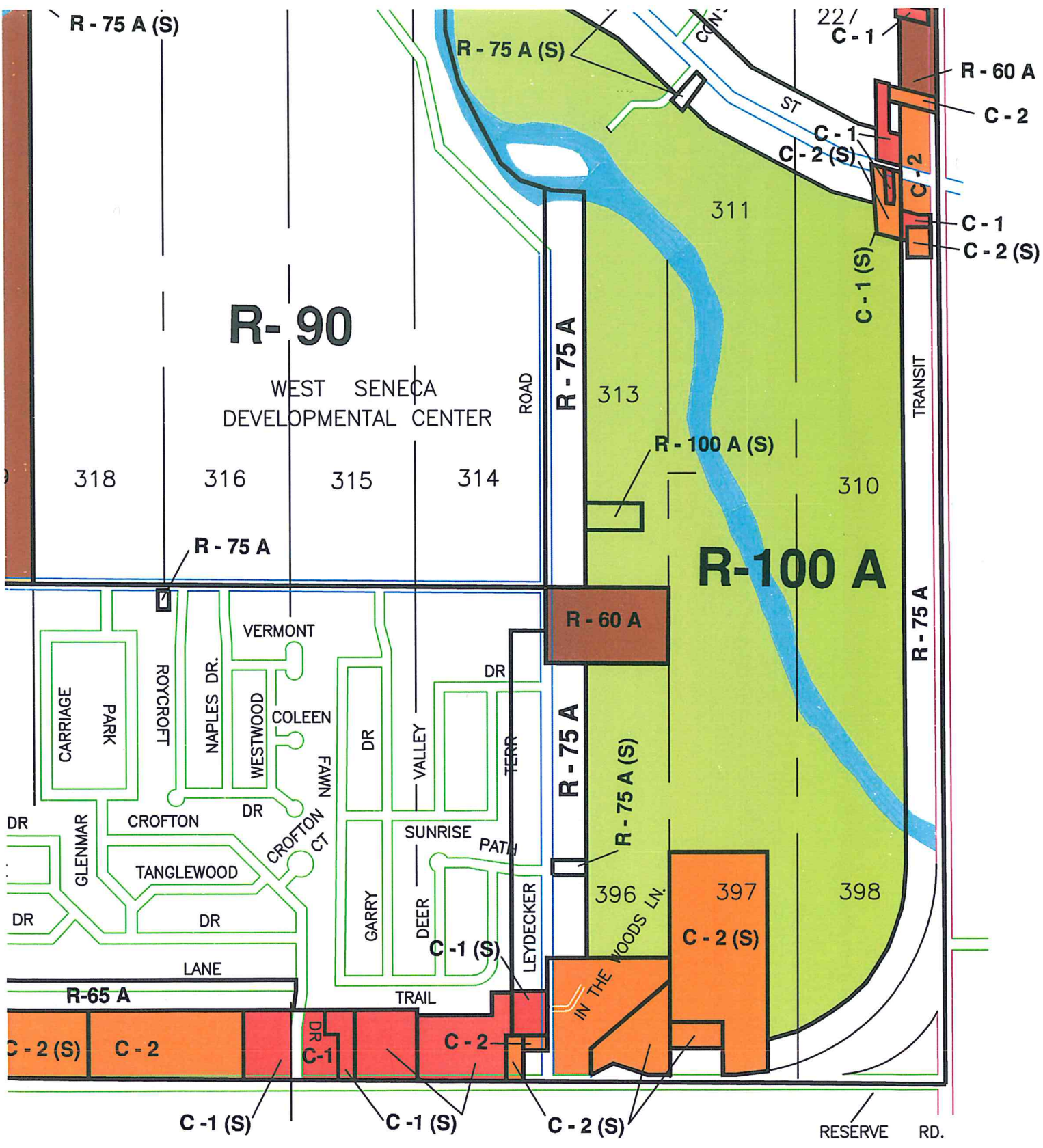
BEGINNING at a point in the center line of Leydecker Road (which is also the west line of Lot No. 396) distant 220 feet southerly from the northwest corner of said lot; thence easterly at right angles to the center line of Leydecker Road 208 feet; thence northerly at right angles to the last described line of and parallel with the center line of Leydecker Road 120 feet; thence easterly at right angles to the center line of Leydecker Road 15 feet; thence northerly at right angles to the last described line and parallel with the center line of Leydecker Road 79.36 feet to a point in the north line of lands conveyed to Charles E. Bugbee and Adeline G. Bugbee, his wife distant 223 feet easterly from the center line of Leydecker Road as measured along said north line of lands conveyed to Bugbee; thence easterly along said north line of lands conveyed to Bugbee; and parallel with the north line of Lot No. 396, 610.58 feet to the east line of said lot; thence southerly along the east line of Lot No. 396, 523.38 feet to the southeast corner of said lands conveyed to Bugbee; thence westerly along the south line of said lands conveyed to Bugbee 832.26 feet to the center line of Leydecker Road; thence northerly along the center line of Leydecker Road 323.38 feet to the place of beginning.

Excepting and reserving therefrom that portion of the above premises which was conveyed to the County of Erie by deed recorded in Erie County Clerk's Office in Liber 7270 of Deeds at page 143.

---

**Exhibit 7 – Color Excerpt of the Town  
of West Seneca Zoning Map**

---



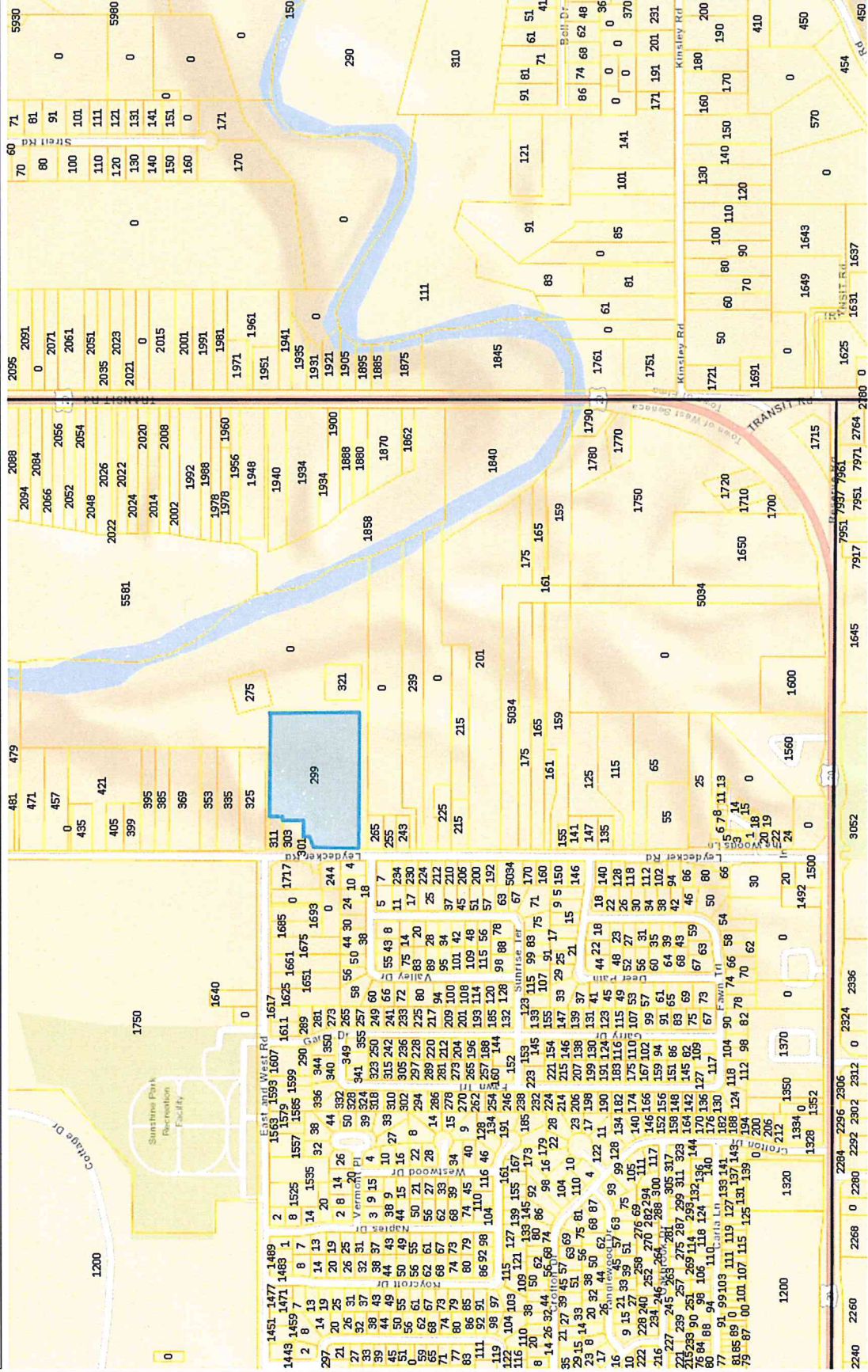
---

**Exhibit 8 – Color Location Map of Project  
Site and Surrounding Vicinity**

---



# Erie County On-Line Mapping Application



**Legend**  
 Parcels  
 Municipal Boundaries

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

1 : 9,028

ERIE COUNTY  
 DEPARTMENT OF ENVIRONMENT & PLANNING  
 OFFICE OF GIS

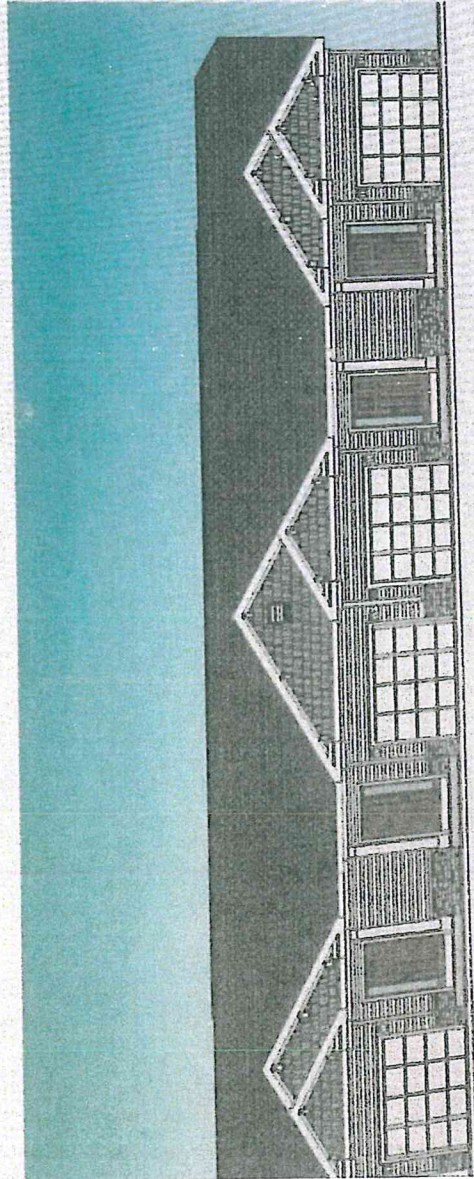
1,504.7  
 0 752.33 1,504.7 Feet

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

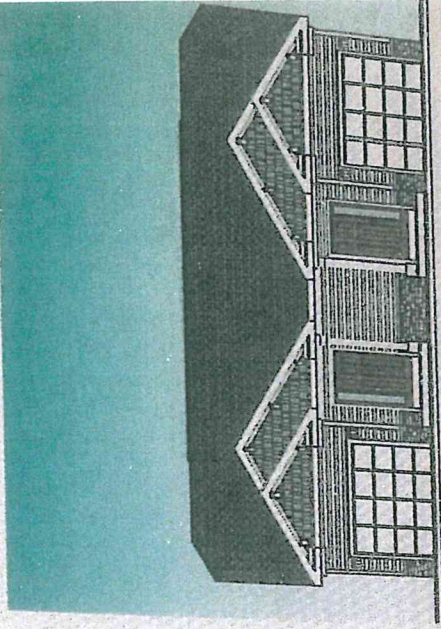
---

**Exhibit 9 – Conceptual Front  
Elevation Plan for Proposed Two-Story  
Buildings with Ten Units Prepared by  
Daryl Martin Architect PC**

---



FRONT ELEVATION



FRONT ELEVATION

DATO DEVELOPMENT 2 & 4-UNIT TOWNHOUSES  
709 LEYDECKER ROAD - WEST SENECA, NY



1000 S. STATE ST.  
WEST SENECA, NY 14224



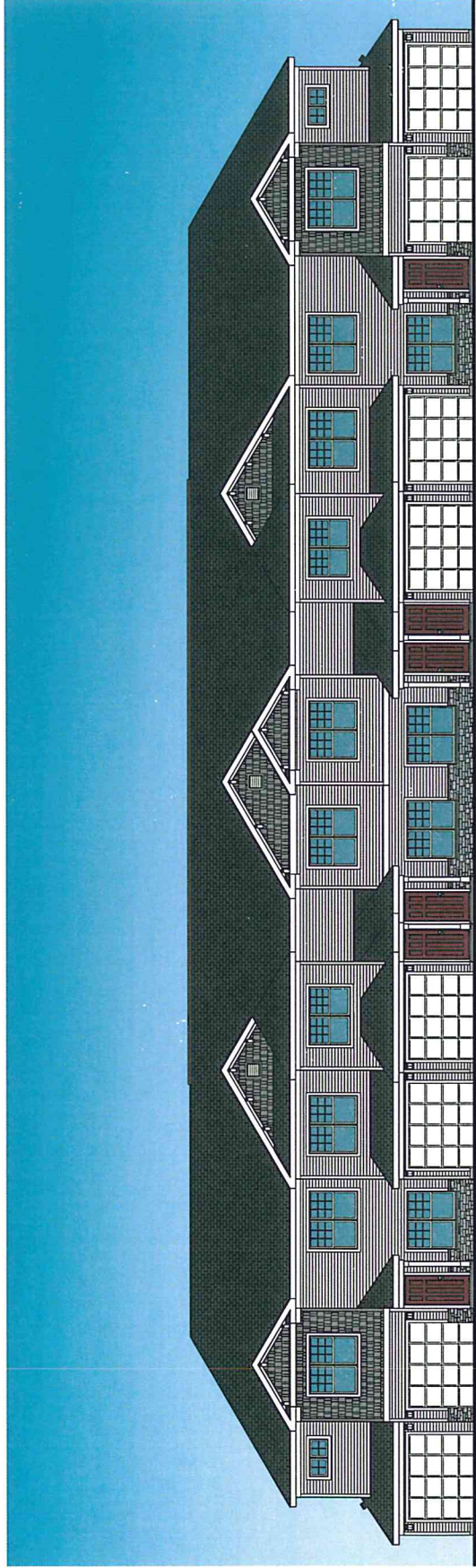




---

**Exhibit 10 – Conceptual Front  
Elevation Plan for Proposed Single-  
Story Buildings with Two Units and  
Eight Units Prepared by Daryl Martin  
Architect PC**

---



FRONT ELEVATION

**DATO DEVELOPMENT: 10-UNIT APARTMENT BUILDING  
299 LEYDECKER ROAD - WEST SENECA, NY**



PH: (716) 667-1106  
FAX: (716) 667-0163  
dmarchitect@gmail.com

3033 Forest Road, Orchard Park, N.Y. 14127