

# TOWN OF WEST SENECA

Original

## APPLICATION FOR REZONING – SPECIAL PERMIT

### TO BE COMPLETED BY APPLICANT

DATE October 23, 2017

FILE # \_\_\_\_\_

PROJECT NAME Park Lane Villas North

PROJECT LOCATION (Include address and distance to nearest intersection) 965 Center Road

APPLICANT Young Development Inc. 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 West Seneca Veterans Club Inc. [Authorization Form Signed on Behalf of Seller attached as Exhibit "1"]

PH/FAX \_\_\_\_\_

ADDRESS 965 Center Road, West Seneca, New York 14221

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

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

SEL # 135.13-5-8.1

PROJECT DESCRIPTION (Include all uses and any required construction) A Project Description is attached as Exhibit "2" of this Special Use Permit Application. A full size copy of the Concept Plan is attached to this Application and a reduced size copy is provided at Exhibit "3"

SIZE OF LOT (acres) 4.3 ACREAGE TO BE REZONED Not Applicable [Requesting a Special Use Permit]

ADJACENT ROAD NAMES AND AMOUNT OF FRONTAGE ON EACH The Project Site has 228 ft. of frontage on Center Road.

A copy of the survey of the Project Site is attached as Exhibit "4" and a legal description of the Project Site is provided at Exhibit "5".

EXISTING ZONING R-60A PROPOSED ZONING R-60(s)

EXISTING USE(S) ON PROPERTY VFW Post

PROPOSED USE(S) ON PROPERTY 28 attached residential units with attached garages for lease. There be a total of 80 parking spaces including the attached garages.

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 "6" and a Location Map is provided at Exhibit "7".

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 for attached residential units for lease and the project also requires Site Plan Approval. A discussion of the requested Special Use Permit is provided at the attached Exhibit "2"

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

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

DATE RECEIVED \_\_\_\_\_ BY \_\_\_\_\_

PLANNING BOARD MEETING DATE \_\_\_\_\_

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

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

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**Short Environmental Assessment Form  
Prepared Pursuant to the State  
Environmental Quality Review Act**

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# Short Environmental Assessment Form

## Part 1 - Project Information

Prepared By:  
 Sean W. Hopkins, Esq.  
 Hopkins Sorgi & Romanowski PLLC  
 5500 Main Street, Suite 343  
 Williamsville, New York 14221  
 Tel: 510-4338  
 E-mail: shopkins@hsr-legal.com


### Instructions for Completing

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

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

<b>Part 1 - Project and Sponsor Information</b>			
Name of Action or Project: Park Lane Villas North			
Project Location (describe, and attach a location map): 965 Center Road			
Brief Description of Proposed Action: The proposed project ("action") consists of a residential project consisting of 52 single-family detached patio homes on the 11.56 acre parcel at 965 Center Road ("Project Site"). The Project Site is zoned R-80A and the proposed use requires a special use permit for multifamily use from the Town Board and site plan approval from the Planning Board. The proposed action has been defined broadly to include all required discretionary approvals and permits as well as all proposed site improvements including the proposed attached residential units for lease, driveway connection to Center Road, lighting, landscaping, a storm water management system and all required utility connections and improvements. The project is a Unlisted action pursuant to SEQRA because it does not cross any of the thresholds for a Type I action listed in 6 NYCRR Part 617.4. The Project Sponsor is requesting that the Town of West Seneca Town Board issue a negative declaration pursuant to SEQRA.			
Name of Applicant or Sponsor: Young Development Inc. c/o Sean W. Hopkins, Esq.		Telephone: 510-4337 E-Mail: shopkins@hsr-legal.com	
Address: 5500 Main Street, Suite 343			
City/PO: Williamsville		State: NY	Zip Code: 14221
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/> YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: Town of West Seneca Town Board - Special Use Permit; Town of West Seneca Planning Board - Site Plan Approval; ECDSM - Sanitary Sewer and DSCA; ECWA - Backflow Preventer, NYSDEC - SWPPP; SHPO - cultural resources and			NO <input type="checkbox"/> YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		4.3 acres NYSDOT - curb cut	
b. Total acreage to be physically disturbed?		3.9 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		4.3 acres	
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			



<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p><b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p>		
<p>Applicant/sponsor name: <u>Yeung Development Inc.</u></p>		<p>Date: <u>October 23, 2017</u></p>
<p>Signature: <u></u> Sean Hopkins, Esq.</p>		

**Disclaimer:** The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

**Map Legend:** Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, OpenStreetMap contributors, and the GIS User Community

**Regional Map Legend:** Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong)

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

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**Exhibit 1 - Authorization Letter Executed  
on Behalf of West Seneca Veterans Club  
Inc. dated October 1, 2017**

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**AUTHORIZATION**

West Seneca Veterans Club Inc., as the owner of 965 Center Street [SBL No. 135.13-5-8.1] in the Town of West Seneca ("Project Site"), hereby authorizes Young Development Inc. and its counsel, Hopkins Sorgi & Romanowski PLLC to seek all required approvals from the Town of West Seneca and governmental agencies for its intended use of the Project Site as a multifamily project.

Date: October 1, 2017

**WEST SENECA VETERANS CLUB INC.**

Signature: Kenneth Thompson

Print Name: KENNETH THOMPSON

Title: Board Chairman

STATE OF NEW YORK     )  
  ss.:  
COUNTY OF ERIE         )

On this 2<sup>nd</sup> day of October, 2017, before me, the undersigned, a notary public in and for said state, personally appeared Kenneth Thompson, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to within this instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

  
\_\_\_\_\_  
Notary Public

MARGARET G. BEBAK  
Notary Public, State of New York  
Qualified in Erie County  
My Commission Expires Feb. 10, 2018



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**Exhibit 2 – Narrative with Project  
Description and Justification for  
Requested Special Use Permit for  
Multiple Family Dwellings**

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**EXHIBIT 2 OF SPECIAL USE  
PERMIT APPLICATION**

**PROJECT DESCRIPTION & DESCRIPTION OF  
REQUESTED SPECIAL USE PERMIT  
965 CENTER ROAD - TOWN OF WEST SENECA**

**I. Project Description:**

The proposed project ("action") consists of a residential project consisting of 28 attached residential units for lease on the approximately 4.3 acre parcel at 965 Center Road ("Project Site"). The layout of the proposed residential project is depicted on the Concept Plan prepared by Carmina Wood Morris DPC provided at Exhibit "3" and a full size copy of the Concept Plan is also attached to this Special Use Permit Application. An aerial photograph of the Project Site is provided at Exhibit "8".

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

The proposed 28 attached residential units for lease will be serviced by private infrastructure including a private driveway, and private sanitary sewer and water infrastructure. Each upscale attached residential unit will include an attached garage.

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<sup>1</sup> Section 120-18A(1) of the Zoning Code states that uses permitted in the R-50 zoning district are permitted on property zoned R-60A. Section 120-16A(2) states that group dwellings and multiple-family dwellings are permitted in the R-50 zoning district upon the issuance of a special use permit by the Town Board.

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

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

1. The location and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, the size of the site in relation to it and the location of the site in respect to streets giving access thereto shall be such that such use will be in harmony with the orderly development of the district in which it is located.
2. Screening or other protective measures shall be adequate to protect any adjacent properties in any R District from objectionable aspects of any such special use.
3. Off-street parking areas shall be of adequate size for the particular use, and access drives shall be laid out so as to achieve maximum safety.
4. The Town Board may prescribe any conditions that it deems to be necessary or desirable and shall require a site plan of the proposed development showing pertinent information to aid it in making a determination on the application.

The Applicant believes that its proposed residential use of the Project Site as attached residential units for lease satisfies the criteria in Section 120-23A of the Zoning Code for the following reasons:

1. The location of the Project Site and the nature of the proposed residential use is in harmony with the orderly development of the district in which the Project Site is located.
2. Criteria No. 2 pertains to the need for screening to be considered when a non-residential use with potential negative attributes is being proposed on property that is contiguous to property in an R District. As part of the site plan review process, a Landscaping Plan will be reviewed and submitted for review by the Planning Board.
3. There will be adequate parking provided for the proposed use as attached residential units for lease. The Zoning Code requires two parking spaces per unit and there will be total of 80 parking spaces (including the attached garages).

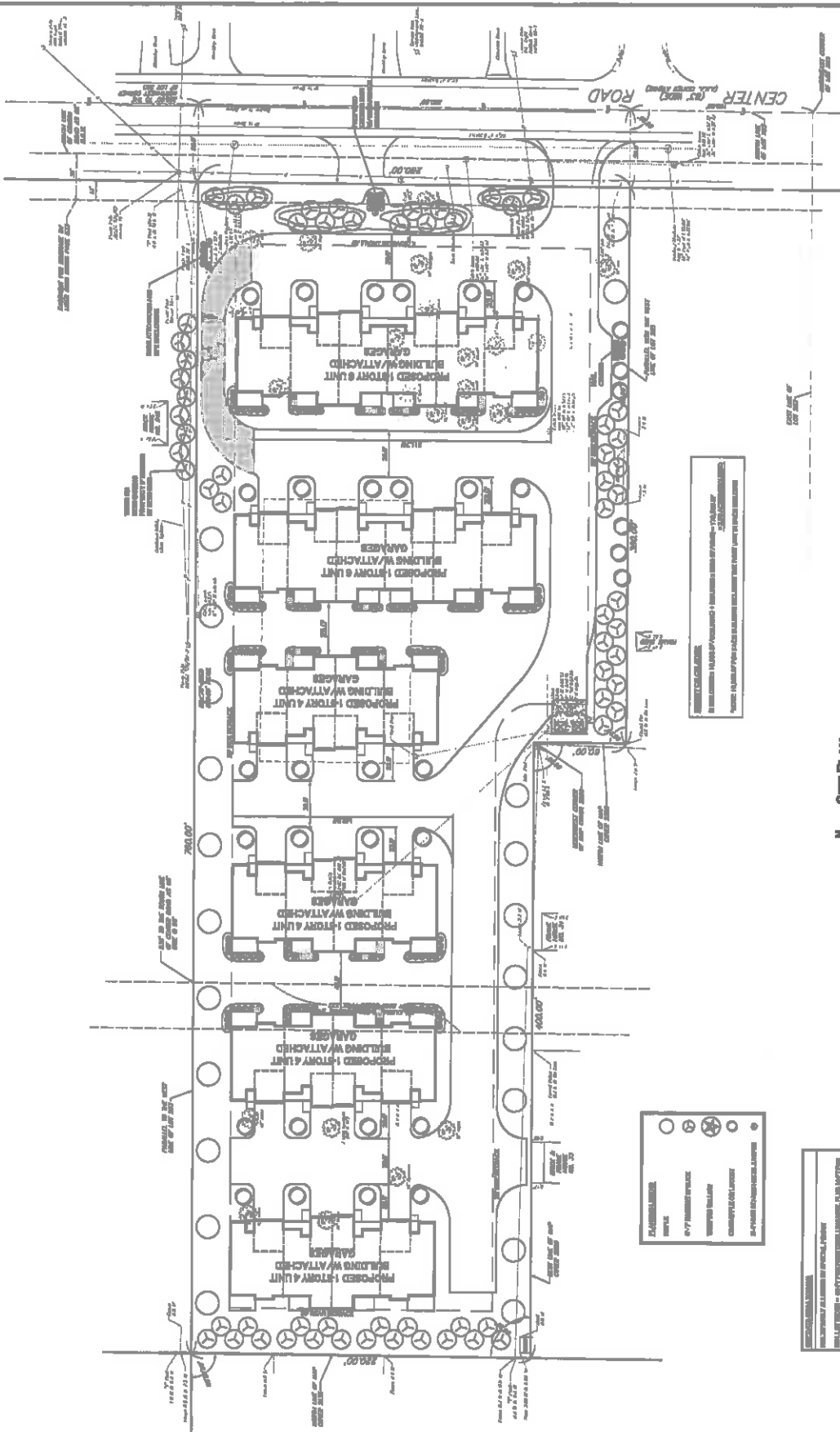
**III. Conclusion:**

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

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**Exhibit 3 – Concept Plan Prepared by  
Carmina Wood Morris DPC dated  
October 23, 2017 [Drawing C-100]**

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**SITE PLAN**  
 SCALE: 1"=40'

○	PROPOSED 1-STORY UNIT
○	PROPOSED GARAGE
○	PROPOSED PARKING SPACE
○	PROPOSED LANDSCAPING

NOT TO SCALE  
 THIS PLAN IS A CONCEPTUAL DESIGN AND IS NOT TO BE USED FOR PERMITS OR CONTRACTS. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE ARCHITECT ASSUMES NO LIABILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT. THE ARCHITECT'S RESPONSIBILITY IS LIMITED TO THE DESIGN OF THE BUILDING AND THE LANDSCAPING AS SHOWN ON THIS PLAN. THE ARCHITECT DOES NOT WARRANT THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT OR THE RESULTS OF ANY INVESTIGATION OR ANALYSIS CONDUCTED BY THE ARCHITECT. THE ARCHITECT'S LIABILITY IS LIMITED TO THE DESIGN OF THE BUILDING AND THE LANDSCAPING AS SHOWN ON THIS PLAN. THE ARCHITECT DOES NOT WARRANT THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT OR THE RESULTS OF ANY INVESTIGATION OR ANALYSIS CONDUCTED BY THE ARCHITECT.

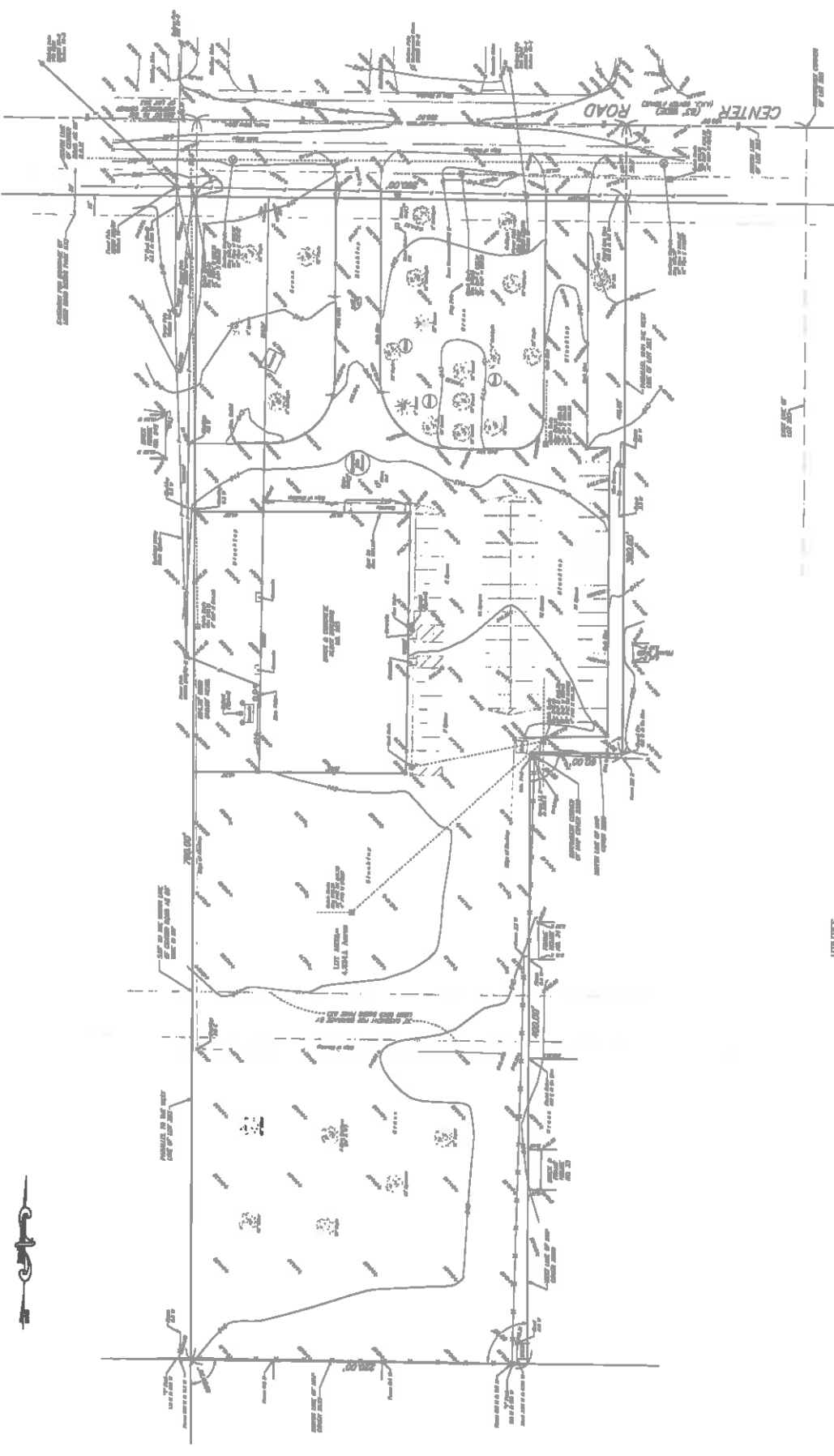
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**Exhibit 4 – Survey of 965 Center Road  
Prepared by Millard, MacKay & Delles  
Land Surveyors, LLP dated  
October 19, 2017**

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REVISION 1



NOTES:

1. The utility lines shown on this plan are based on data furnished to the engineer by the utility companies. It is the responsibility of the applicant to verify the location and depth of all utility lines before construction. The engineer is not responsible for any damage to utility lines or other structures during construction.

2. The proposed buildings are shown on this plan. The applicant is responsible for providing all necessary permits and approvals from the appropriate agencies. The engineer is not responsible for any delays or costs associated with obtaining these permits and approvals.

3. The proposed roads are shown on this plan. The applicant is responsible for providing all necessary permits and approvals from the appropriate agencies. The engineer is not responsible for any delays or costs associated with obtaining these permits and approvals.

4. The proposed easements are shown on this plan. The applicant is responsible for providing all necessary permits and approvals from the appropriate agencies. The engineer is not responsible for any delays or costs associated with obtaining these permits and approvals.

5. The proposed setbacks are shown on this plan. The applicant is responsible for providing all necessary permits and approvals from the appropriate agencies. The engineer is not responsible for any delays or costs associated with obtaining these permits and approvals.

6. The proposed utility lines are shown on this plan. The applicant is responsible for providing all necessary permits and approvals from the appropriate agencies. The engineer is not responsible for any delays or costs associated with obtaining these permits and approvals.

EXISTING UTILITY LINES  
 ALL NEW UTILITY LINES AT 10' OF CLEARANCE FROM ALL OTHER UTILITIES



LEGEND:

- PROPOSED BUILDING FOOTPRINT
- EXISTING BUILDING FOOTPRINT
- PROPOSED ROADS
- EXISTING ROADS
- PROPOSED UTILITY LINES
- EXISTING UTILITY LINES
- PROPOSED EASEMENTS
- EXISTING EASEMENTS
- PROPOSED SETBACKS
- EXISTING SETBACKS

ENGINEER  
**William Mackay & Dallas**  
 11111 Rockwall Road  
 Rockwall, TX 75087  
 PHONE: 972-265-1111  
 FAX: 972-265-1112  
 INTERNET: WWW.WMACKAY.COM

PLANNING & RECREATION SERVICE  
 11111 Rockwall Road  
 Rockwall, TX 75087  
 PHONE: 972-265-1111  
 FAX: 972-265-1112  
 INTERNET: WWW.WMACKAY.COM

DATE: 11-15-05  
 DRAWING NO.: 11111-05-01  
 SHEET NO.: 1 OF 1  
 PROJECT NO.: 11111-05-01



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**Exhibit 5 - Legal Description  
of 965 Center Road**

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**EXHIBIT 5 OF SPECIAL USE**  
**PERMIT APPLICATION**

**LEGAL DESCRIPTION**  
**965 CENTER ROAD - TOWN OF WEST SENECA**

All that tract or parcel of land, situate in the Town of West Seneca, County of Erie and State of New York, being part of Lot 203 of the Ebenezer Lands described as follows;

Beginning in the centerline of Center Road, the north line of Lot 203, 160 feet west of the northeast corner of Lot 203;

Thence westerly along the centerline 280.00 feet to a point 220.00 feet east of the northwest corner of Lot 203;

Thence southerly parallel to the west line of Lot 203, 810.00 feet to the north line of the Norwood Subdivision Part II according to a map filed in the Erie County Clerk's Office under Cover 2135;

Thence easterly along the north line of Cover 2135, 220.00 feet to the west line of the Idlewood Subdivision Part III according to a map filed in the Erie County under 2280;

Thence northerly along the above mentioned west line a distance of 400.00 feet to the northwest corner of lands shown under Cover 2232;

Thence easterly and along the north line of Cover 2232, 60.00 feet;

Thence northerly parallel to the west line of Lot 203, 410.00 feet to the centerline of Center Road at the point of beginning.

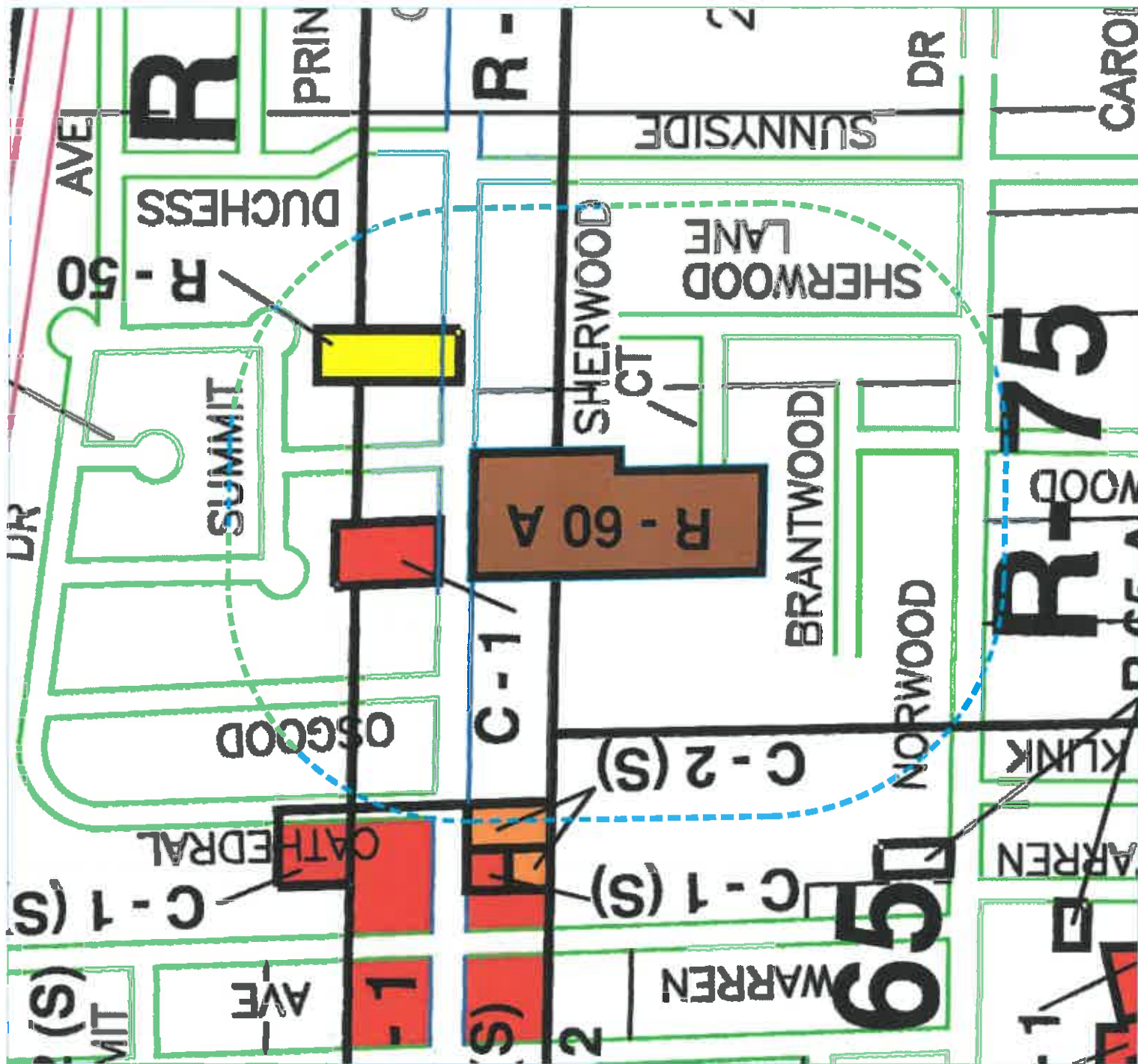
Excepting and reserving there from that portion lying within the bounds of Center Road.

Parcel containing 4.334 acres of land, more or less.

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**Exhibit 6: Excerpt of Town of West  
Seneca Zoning Map**

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**Exhibit 7: Location Map with Parcels  
within 500 Feet of the Project Site**

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**Exhibit 8: Aerial Photograph of  
965 Center Road**

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