



September 27, 2019

Jeffrey Schieber, Code Enforcement Officer
Town of West Seneca Town Hall
1250 Union Road, Room 210
West Seneca, New York 14224

Re: Proposed Residential Project at 945 Center Street
Rezoning and Special Use Permit Application
Applicant/Project Sponsor: Young Development Inc.
File No. 10023.12

Dear Mr. Schieber:

This updated submission is being made on behalf of Young Development Inc. ("Project Sponsor") in connection with the proposed residential project at 945 Center Street ("Project Site").

The Concept Plan [Drawing C-100] that was included with the Rezoning and Special Use Permit Application filed on Monday, September 23rd depicted thirty-two attached residential units for lease consisting of three two-story buildings comprised of ten units each and one two-story building with two units.

In order to avoid impacting the federal wetland delineation by Earth Dimensions, Inc. consisting of 0.45 acres as depicted at Figure 6 of the Wetland Delineation Report dated September 20th prepared by Scott Livingstone of Earth Dimensions, Inc., the Concept Plan for the proposed project has been updated by Christopher Wood, P.E., to eliminate the previously proposed two-story building with two units and the location of the 0.45 acre federal wetland to be avoided as a result of the modifications to the project layout has been added to the Concept Plan.

Enclosed in connection with this updated project submission is the following documentation.

1. Ten full size copies of the updated Concept Plan prepared by Christopher Wood, P.E. of Carmina Wood Morris DPC [Drawing C-100 – Date: 09/26/19];
2. Ten 11"x 17" color copies of the Elevation Plan for the proposed 2 story buildings consisting of ten units each with attached garages;
3. Ten copies of the Amended Short Environmental Assessment Form dated September 27th prepared pursuant to the State Environmental Quality Review Act [Note: The Amended Short EAF was prepared based on the modifications to the project layout described above];

Correspondence to Jeffrey Schieber, Code Enforcement Officer

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4. Five additional copies of the Wetland Delineation Report prepared by Scott Livingstone of Earth Dimensions, Inc. dated September 20th.

Please feel free to contact me at 510-4338 or via e-mail at shopkins@hsr-legal.com if you have any questions regarding this updated project submission.

Sincerely,

HOPKINS SORGI & ROMANOWSKI PLLC



Sean W. Hopkins, Esq.

Enc.

cc: Jacqueline A. Felser, Town Clerk
Bryan Young, Young Development Inc.
Christopher Wood, P.E., Carmina Wood Morris DPC

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

TOWN OF WEST SENECA

APPLICATION FOR REZONING – SPECIAL PERMIT

TO BE COMPLETED BY APPLICANT

DATE September 23, 2019

FILE # 2019-07

PROJECT NAME Park Lane Villas North

PROJECT LOCATION (Include address and distance to nearest intersection) 9VS
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 GIRA - The Quiet Man LLC [Authorization Letter signed on behalf of property owner attached as Exhibit "1"] PH/FAX _____

ADDRESS 945 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]

SBL # 135.13-5-7 [Note: A completed Short Environmental Assessment Form prepared pursuant to the State Environmental Quality Review Act is provided at Exhibit "2".]

PROJECT DESCRIPTION (Include all uses and any required construction) A Project Description is attached as Exhibit "3" of this Application.

A full size copy of the Concept Site Plan is attached to this Application and a reduced size copy of the Concept Site Plan is provided at Exhibit "4". A color copy of the Concept Site Plan is provided at Exhibit "8".

SIZE OF LOT (acres) 3.83 ACREAGE TO BE REZONED 3.83

ADJACENT ROAD NAMES AND AMOUNT OF FRONTAGE ON EACH The Project Site has 220 ft. of frontage on Center Road.

A reduced size copy of the survey of the Project Site is attached as Exhibit "5" and a full size copy is also attached. The legal description of the property to be rezoned from R-65A and R-75 to R-60A(S) is provided at Exhibit "6".

EXISTING ZONING R-65A and R-75 PROPOSED ZONING R-60A(S)

EXISTING USE(S) ON PROPERTY Single-Family Home

PROPOSED USE(S) ON PROPERTY 32 attached residential units for lease with attached garages along with all related site improvements depicted on the attached Concept Site Plan [Drawing C-100].

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".

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 and privately maintained.] _____

The project requires a Special Use Permit for the proposed use for multiple dwelling use for the attached residential units for lease and the project also requires Site Plan Approval from the Planning Board.

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 _____

**Exhibit 1 - Authorization Letter Executed
on Behalf of GIRA - The Quiet Man LLC**

GIRA - The Quiet Man LLC
425 Stone Road
Pittsford, New York 14534

Town of West Seneca
1250 Union Road
West Seneca, New York 14224

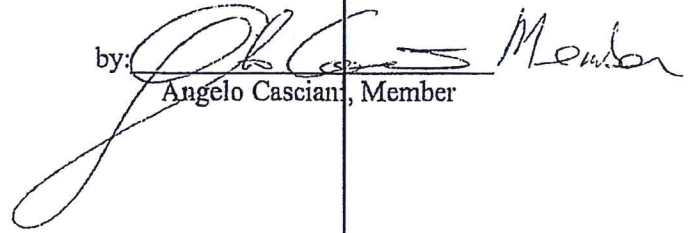
Re: 945 Center Road, West Seneca, New York

Ladies and Gentlemen:

Please be advised that we authorize Young Development, Inc. and its principals and employees to appear before the Town Board in connection with the rezoning of the above property. The rezoning is a condition for Young Development, Inc. to purchase the property.

GIRA - The Quiet Man LLC

by:

A handwritten signature in black ink, appearing to read 'Angelo Casciani', is written over a horizontal line. The signature is stylized and extends to the right of the line.

Angelo Casciani, Member

**Exhibit 2 - Short Environmental
Assessment Form Prepared Pursuant to
the State Environmental Quality Review
Act (“SEQRA”)**

Short Environmental Assessment Form
Part 1 - Project Information

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

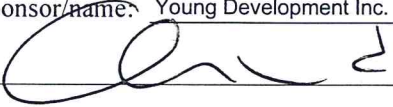
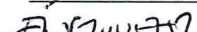
Instructions for Completing

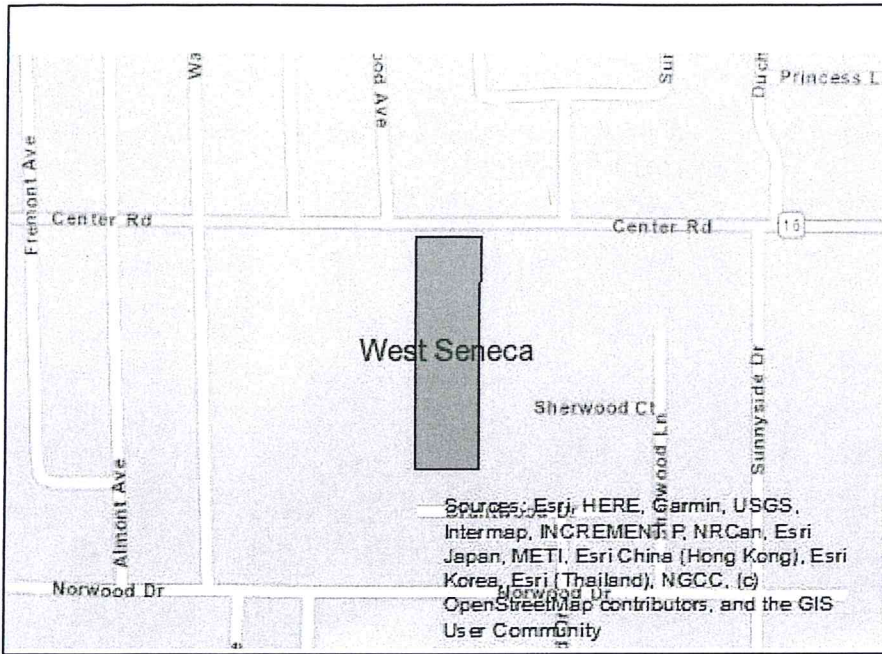
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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.

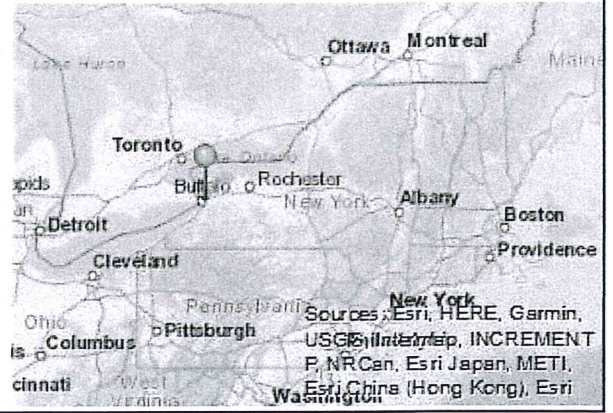
Part 1 – Project and Sponsor Information			
Name of Action or Project: Park Lane Villas North Residential Project			
Project Location (describe, and attach a location map): 945 Center Road - Town of West Seneca - Erie County			
Brief Description of Proposed Action: The proposed project ("action") consists of a residential project consisting of 30 attached residential units (3 two-story buildings with ten units each) on property located at 945 Center Road ("Project Site"). The Project Site is zoned R-65A and R-75 and the proposed use requires a rezoning of the Project Site to R-60A and 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 buildings consisting of attached residential units for lease, a driveway connection to Center Road, access aisles and parking spaces, lighting, landscaping, a minor impact to federal wetlands, a storm water management system complying with the applicable stringent stormwater quality and quantity standards of the New York State Department of Environmental Conservation ("NYSDEC") as well as 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.			
Name of Applicant or Sponsor: Young Development Inc. c/o Sean W. Hopkins, Esq.		Telephone: 510-4338 E-Mail: shopkins@hsr-legal.com	
Address: 5500 Main Street, Suite 343			
City/PO: Williamsville		State: NY	Zip Code: 14221
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Town Bd. - Rezoning & Special Use Permit; Planning Bd. - Site Plan Approval; NYSDEC - SPDES Permit and USACE - Wetland Permit		NO	YES
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		3.4 acres	
b. Total acreage to be physically disturbed?		3.4 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		8.17 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <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			

		NO	YES	N/A
5. Is the proposed action,	[The proposed action requires the zoning classification of the Project Site to be amended from R-65A and R-75 to R-60A(S). The project also requires a Special Use Permit for Multiple Family Dwellings].			
	a. A permitted use under the zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?			NO	YES
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?			NO	YES
If Yes, identify: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. a. Will the proposed action result in a substantial increase in traffic above present levels?			NO	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Does the proposed action meet or exceed the state energy code requirements?			NO	YES
If the proposed action will exceed requirements, describe design features and technologies: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10. Will the proposed action connect to an existing public/private water supply?			NO	YES
If No, describe method for providing potable water: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11. Will the proposed action connect to existing wastewater utilities?			NO	YES
If No, describe method for providing wastewater treatment: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12. a. 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?			NO	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	b. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?			NO	YES
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____				
There are not any mapped wetlands subject to the jurisdiction of the NYSDEC or USACE located on the Project Site. Earth Dimensions Inc. has conducted a wetland delineation of the Project Site and determined that there is a wetland subject to federal jurisdiction on the Project Site with a size of 0.45 acres. The layout of the project as depicted on the Concept Plan results in avoidance of the federal wetland with a size of 0.45 acres.				

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input checked="" type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
An on-site stormwater management system will be installed in accordance with the applicable stringent stormwater quality and quantity standards of the New York State Department of Environmental Conservation ("NYSDEC").		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____ There will be a stormwater detention pond to be installed in connection with the stormwater management system. The size will be approximately 0.44 acres and the approximate location is depicted on the Site Plan [Drawing C-100] prepared by Carmina Wood Morris DPC.	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: Young Development Inc. _____ Date: September 27, 2019 _____		
Signature:  _____ Title: Attorney for Applicant _____ 		



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.



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	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

**Exhibit 3 – Narrative with Project
Description, Description of Requested
Rezoning of Project Site and Justification
for Requested Special Use Permit for
Multiple Family Dwellings**

**EXHIBIT 3 OF REZONING AND SPECIAL
USE PERMIT APPLICATION**

**PROJECT DESCRIPTION & DESCRIPTION OF
REQUESTED REZONING AND SPECIAL USE PERMIT
945 CENTER ROAD - TOWN OF WEST SENECA**

I. Project Description:

The proposed project ("action") consists of a residential project consisting of 32 attached residential units for lease on the approximately 3.83 acre parcel at 945 Center Road ("Project Site"). The proposed project is an expansion of the previously approved and constructed Park Lane Villa North Project located on the parcel contiguous to the Project Site at 965 Center Road.

The layout of the proposed residential project is depicted on the Concept Site Plan prepared by Carmina Wood Morris DPC provided at Exhibit "4" and a full size copy of the Concept Plan is also attached to this Special Use Permit Application. A color copy of the Concept Site Plan [11" x 17"] is provided at Exhibit "8".

The Project Site is zoned R-65A and R-75 pursuant to the Town of West Seneca Zoning Map.¹ The Project Sponsor is requesting that the zoning classification of the Project Site be amended to R-60A(S) to accommodate the proposed residential project. 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.

¹ 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.

The proposed 32 attached residential units for lease will be serviced by private infrastructure including a private driveway connection to Center Road and private sanitary sewer and water infrastructure. Each upscale attached residential unit will include an attached garage.

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 Project Sponsor 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. The project will consist exclusively of upscale attached residential units for lease and each of the four proposed buildings will be two-stories constructed of high quality architectural materials.
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,

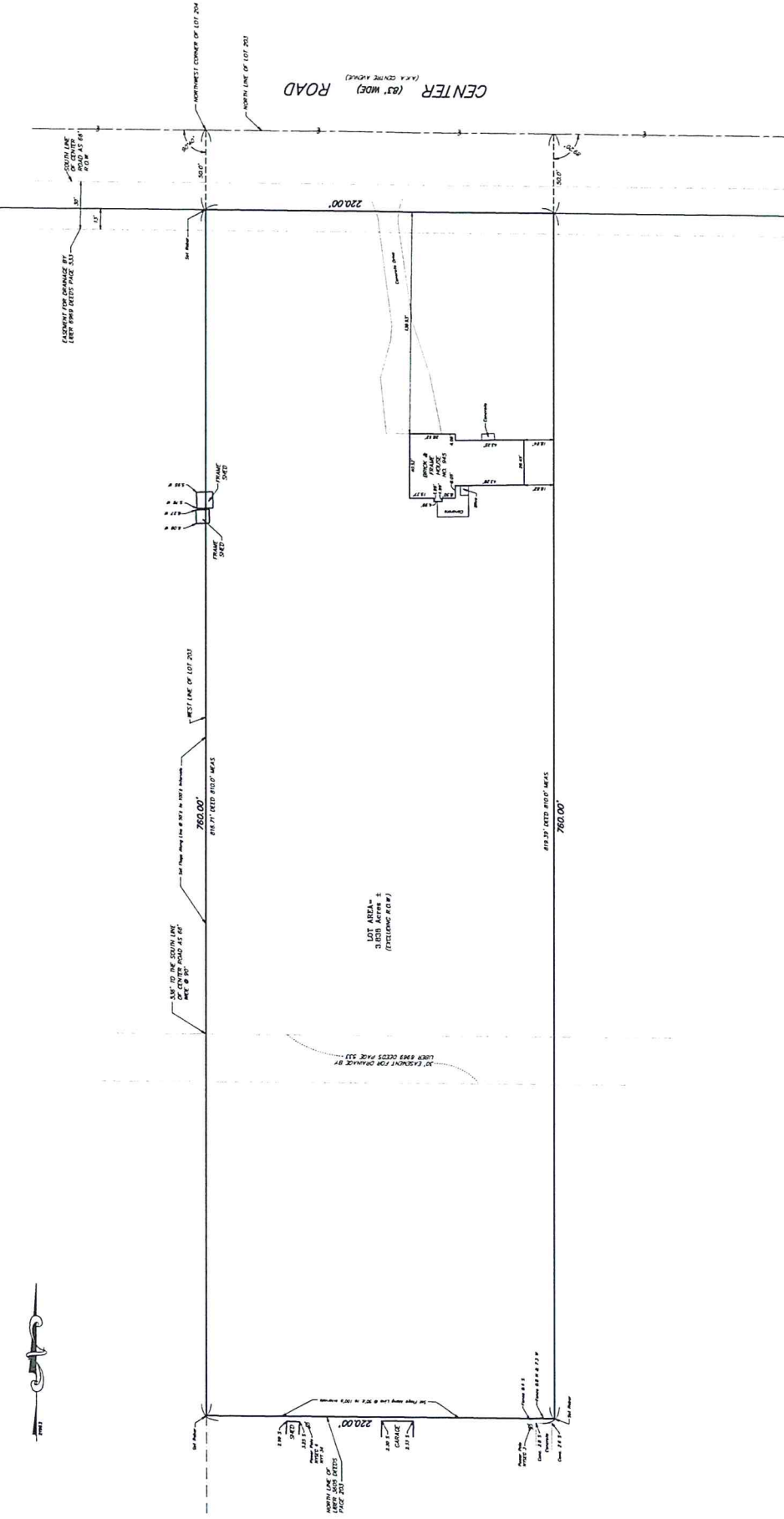
a Landscaping Plan will be reviewed and submitted for review by the Planning Board. The Concept Site Plan prepared by Carmina Wood Morris DPC [Drawing C-100] included with this Application depicts extensive landscaping to be planted on the Project Site including numerous trees, bushes and shrubs.

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 (64 required parking spaces and there will be total of 71 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 rezoning of the Project Site and the requested Special Use Permit for the proposed residential project and that the Town Board issue a negative declaration pursuant to SEQRA and approve the requested rezoning and grant the requested Special Use Permit for the proposed residential project.

**Exhibit 5 – Reduced Size Copy of Survey
of 945 Center Road Prepared by Millard,
MacKay & Delles Land Surveyors, LLP
dated August 5, 2019 [Note: Full Size copy
of Survey also attached]**



LEGEND

- UTILITY / SERVICE POLE
- PIPE / CONDUIT
- FIRE HYDRANT
- MANHOLE (STONY)
- MANHOLE (CONCRETE)
- MANHOLE (METAL)
- MANHOLE (CAST IRON)
- CHECK MARKER
- EIGHT STANDARDS
- N.C. MONOPOL
- GROUND SURFACE
- EXISTING
- GAS LINE
- WATER LINE
- REINFORCEMENT LINE
- UTILITY LINE
- CABLE LINES
- M MEASURED
- P PAZED



AMEND: 2023 BY: Millard Mackay & Delles
 LAND SURVEYORS, LP
 PHONE (714) 334-1415 (M-F)
 FAX (714) 334-1416

DATE: 7-27-23
 SCALE: 1" = 40'
 ALL RIGHTS RESERVED

PART OF LOT 204, SECTION 17, RANGE 47N, COUNTY OF HAWAII, TERRITORY OF HAWAII, SURVEY OF 244 CENTER STREET, Town of Waipahoehoe
 SBL No. 15.17.3-7

**Exhibit 6 - Legal Description of
945 Center Road**

EXHIBIT 6 OF REZONING AND SPECIAL
USE PERMIT APPLICATION

LEGAL DESCRIPTION OF 945 CENTER ROAD

WITNESSETH, that the party of the first part, in consideration of ONE AND NO/100 DOLLARS (\$1.00) lawful money of the United States, and other good and valuable consideration, paid by the party of the second part, hereby grants and releases unto the party of the second part, its heirs or successors and assigns forever,

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. 204, as same as laid out on a map filed in Erie County Clerk's Office and known as the Map of the Ebenezer Lands and more particularly described as follows:

COMMENCING at the northwest corner of said lot which is in the center line of Center Road; thence southerly along the westerly line of said lot 816.71 feet to lands heretofore conveyed to Giuseppe Di Pardo and one by deed recorded in the Erie County Clerk's Office in Liber 3605 of Deeds at Page 203; thence easterly along the northerly line of said lands conveyed, 220 feet; then northerly 819.39 feet to a point in the northerly line of said Lot, distant 220 feet from the point of beginning, measured along said northerly line of said Lot; thence westerly along the northerly line of said Lot, 220 feet to the place of beginning, containing 4.13 acres of land be the same more or less.

**Exhibit 7: Excerpt of Town of West
Seneca Zoning Map**

