

APPLICATION TO BOARD OF APPEALS

Prepared By: Sean W. Hopkins, Esq.,
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Tel. No. 510-4338 - Sean Hopkins, Esq.

Appeal No. 2020-17

Date March 9, 2020

TO THE ZONING BOARD OF APPEALS, WEST SENECA, NEW YORK:

I (we) Young Development Inc. c/o Sean Hopkins, Esq. of Hopkins Sorgi & McCarthy PLLC
5500 Main Street, Suite 343
Williamsville, New York 14221

HEREBY APPEAL TO THE ZONING BOARD OF APPEALS FROM THE
DECISION OF THE BUILDING INSPECTOR ON AN APPLICATION FOR A BUILDING PERMIT NO. _____,

DATED Mar. 09, 20 20., WHEREBY THE BUILDING INSPECTOR DID DENY TO

a request for a building permit for a proposed multiple dwelling project as depicted on the Concept Site Plan [Drawing C-100]

- A PERMIT FOR USE for a proposed commercial project
- A PERMIT FOR OCCUPANCY
- A TEMPORARY PERMIT OR EXTENSION THEREOF
- A CERTIFICATE OF EXISTING USE
- A CERTIFICATE OF ZONING COMPLIANCE
- AREA PERMIT

1. Applicant is the PROPERTY OWNER
 CONTRACTOR FOR THE WORK CONCERNED HEREIN
 PROSPECTIVE TENANT
 OTHER (Describe) _____
2. LOCATION OF THE PROPERTY 1220 Southwestern Boulevard [Request to rezone to C-2(s) is pending before the Town Board]
3. State in general the exact nature of the permission required. A description of the proposed multiple dwelling project and the requested area variances is provided at Exhibit "2". A reduced size Site Plan is provided at Exhibit "4" and a full size copy is also attached.

N/A 4. PREVIOUS APPEAL. No previous appeal has been made with respect to this decision of the Building Inspector or with respect to this property, except the appeal made in Appeal No. _____, dated _____, 20_____.


5. REASON FOR APPEAL.

A. A Variance to the Zoning Ordinance is requested because strict application of the ordinance would produce undue hardship, or the hardship created is unique and is not shared by all properties alike in the immediate vicinity of this property and in this use district, or the variance would observe the spirit of the ordinance and would not change the character of the district because: _____


A description of the requested area variances for the proposed multiple dwelling project is provided at Exhibit "2" and justification for for the two requested area variances pursuant to the balancing test and five criteria set set forth in NYS Town Law Section 267-b(3)(b) is provided at Exhibit "3" of this Variance Application.

B. Interpretation of the Zoning Ordinance is requested because: _____

C. A Special or Temporary Permit or an Extension thereof Under the Zoning Ordinance is requested pursuant to Article _____, Section _____, Subsection _____, Paragraph _____ of the Zoning Ordinance, because: _____


Sean Hopkins, Esq. Signature

TO BE COMPLETED BY THE BUILDING INSPECTOR

1. Provision(s) of the Zoning Ordinance Appealed, including article, section, subsection or paragraph of the Zoning Ordinance
120-30 25' setback required Requesting 18-94'
- 120-29 C zoning 8000 SF for first dwelling 5000 SF for each additional.
2. Zoning Classification of the property concerned in this appeal 18 Units permitted, Requesting 24 units.
3. Type of Appeal:
 Variance to the Zoning Ordinance.
 Interpretation of the Zoning Ordinance or Zoning Map
 Special or Temporary Permit or an extension thereof under the Zoning Ordinance.
4. A statement of any other facts or data which should be considered in this appeal. 

**Exhibit 1 – 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 W. Hopkins, Esq.
Hopkins Sorgi & McCarthy PLLC
5500 Main Street, Suite 343
Williamsville, NY 14221
Tel: 716.510-4338
E-mail: shopkins@hsr-legal.com

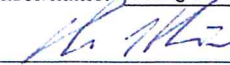
Instructions for Completing

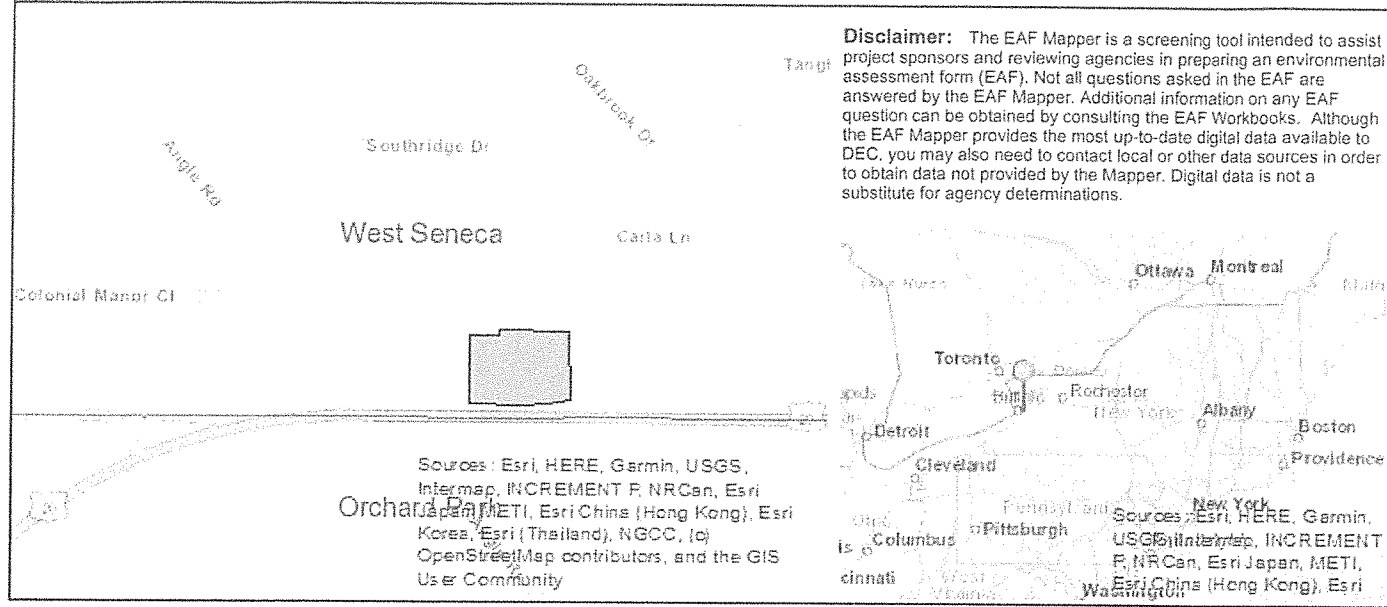
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available.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

Part 1 – Project and Sponsor Information			
Name of Action or Project: Fox Trace East Project			
Project Location (describe, and attach a location map): 1220 Southwestern Boulevard, Town of West Seneca, NY - Erie County			
Brief Description of Proposed Action: Construction of (3) 2-story 8-unit apartments buildings (a total of 24 units). (2) detached garages and associated parking/site improvements are also part of the project. A gated emergency connection is proposed to the existing plaza to the west. The Project Site is currently zoned C-2 and the Project Sponsor is seeking a special permit to change the zoning to C-2(s) is required for multiple dwelling use. The proposed action includes all proposed site improvements as depicted on the Concept Site Plan [Drawing C-100] prepared by Carmina Wood Morris DPC as well as all required discretionary approvals and permits including a request for a special use permit from the Town Board, area variances from the Zoning Board of Appeals and site plan approval from the Planning Board. The proposed project is an Unlisted Action pursuant to the State Environmental Quality Review Act ("SEQRA") since it does not cross any of the thresholds for a Type 1 action per 6 NYCRR Part 617.4.			
Name of Applicant or Sponsor: Young Development, Inc. 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	
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 checked="" type="checkbox"/>	YES <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 Board - Special Use Permit, ZBA - Area Variances and Site Plan Approval - Planning Board		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ 2.182 acres			
b. Total acreage to be physically disturbed? _____ 2 +/- acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 7.2 +/- 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			

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	[The proposed project requires a Special Use Permit for multiple-dwellings from the Town of West Seneca Town Board.]	NO	YES	N/A
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		<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 checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____		NO	YES	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?		NO	YES	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____		NO	YES	
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____		NO	YES	
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____		NO	YES	
		<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? 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?		NO	YES	
		<input checked="" type="checkbox"/>	<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? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____		NO	YES	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	

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 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?	NO	YES
If Yes,	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If Yes, briefly describe:		
Storm water will be conveyed to the adjacent property to the north following the proposed on-site storm water management area to and tie into a Town of West Seneca storm sewer. This adjacent property is owned by the Sponsor and the a drainage easement will be recorded at the Erie County Clerk's Office.		
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)?	NO	YES
If Yes, explain the purpose and size of the impoundment:	<input checked="" type="checkbox"/>	<input 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?	NO	YES
If Yes, describe:	<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?	NO	YES
If Yes, describe:	<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: <u>Young Development Inc.</u> Date: <u>March 9, 2020</u> Signature: <u></u> Title: <u>Attorney for Applicant/Project Sponsor</u>		



- 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] No
- 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 2 – Project Description
Description of the Two Requested Area
Variances**

EXHIBIT 2 OF VARIANCE APPLICATION

**PROJECT DESCRIPTION AND DESCRIPTION OF THE TWO REQUESTED AREA
VARIANCES - PROPOSED FOX TRACE EAST MULTIFAMILY PROJECT
AT 1220 SOUTHWESTERN BOULEVARD**

I. Description of Proposed Project:

The proposed multifamily project at 1220 Southwestern Boulevard ("Project Site") consist of three multifamily building with eight units per building (24 total units) and related site improvements including 60 parking spaces (5 garage units). The Project Site is zoned C-2 and a request for a special use permit multiple-family dwellings is pending before the Town Board. A completed Short Environmental Assessment Form prepared pursuant to the State Environmental Quality Review Act ("SEQRA") is attached as Exhibit "1".

Full size copies of the Concept Site Plan [Drawing C-100] prepared by Carmina Wood Morris DPC and the survey of the Project Site prepared by Millard MacKay and Delles Land Surveyors, LLP are attached. A reduced size copy of the Concept Site Plan is attached as Exhibit "4" and a reduced size copy of the survey of the Project Site is attached as Exhibit "6". The property to the west of the Project Site consists of a commercial plaza, the property to the east of the Project Site consists of a self-storage facility and the property to the north of the Project Site consists of an outdoor storage area for the self-storage facility and a stormwater pond. A color copy of the Concept Site Plan inserted into a color aerial photograph of the Project Site and immediate vicinity is attached as Exhibit "6".

II. Description of Requested Area Variances:

The Applicant is seeking two area variances from the Zoning Board of Appeals in connection with the proposed multiple-family dwelling project are as follows:

1. **The western side yard setback of one of the proposed multiple-family buildings is less than required pursuant to Section 129-30 of the Zoning Code [25 ft. required vs. 18.94 ft. proposed].**

[**Note:** Section 129-30 of the Zoning Code states that for multifamily dwellings, each side yard shall be 25 feet or a distance equal to one-half (1/2) the height of such building, whichever is greater. The total of the two side yards shall be twice that required for one side yard. The proposed building height is less than 40 ft. and as such the 25 ft. setback requirement applies.]

2. **The number of multiple-dwelling units is greater than permitted pursuant to Section 129-29 of the Zoning Code [18 units permitted vs. 24 unit proposed]**

[**Note:** Section 129-29 of the Zoning Code states that the allowable density for a multifamily project on property zoned either R-50 or C is 50 is 8,000 sq. for the first dwelling unit, plus 5,000 sq. ft. for each additional dwelling unit.]

**Exhibit 3 – Justification for Requested Area
Variances Pursuant to the Statutory Mandated
Balancing Test and Five Criteria Contained In
NYS Town Law Section 267-b(3)(b)**

EXHIBIT 3 OF VARIANCE APPLICATION

**JUSTIFICATION FOR REQUESTED AREA VARIANCES PURSUANT
TO THE STATUTORY MANDATED BALANCING TEST AND FIVE CRITERIA
CONTAINED IN NYS TOWN LAW § 267-b(3)(b)
PROPOSED FOX TRACE EAST MULTIFAMILY PROJECT
1220 SOUTHWESTERN BOULEVARD JUSTIFICATION**

NYS Town Law §267-b(3)(b) sets forth a statutorily mandated balancing test to be considered by a zoning board of appeals in connection with its review of a request for area variances. The statutorily mandated balancing test requires a zoning board of appeals to balance the benefits that will be realized against the resulting detriments to the health, safety and welfare of the community.

The granting of the two requested area variances for the proposed multifamily project as at 1220 Southwestern Boulevard (the "Project Site") as depicted on the full size copy of the Concept Site Plan [Drawing C-100] prepared by Carmina Wood Morris DPC attached to this is Variance Application will result in substantial benefits to the Applicant without any resulting detriments to the health, safety and welfare of the community.¹ The benefits that will be received by Applicant if the Zoning Board of Appeals ("ZBA") grants the two requested area variances include the following:

1. The Applicant will be able to develop the Project Site as a 24 unit multifamily project consisting of three 8-unit buildings and related improvements as depicted on the Concept Site Plan [Drawing C-100] at location that is appropriate for the proposed project density given that the surrounding uses consist of a commercial plaza owned by the Applicant, a self-storage facility and a stormwater pond.
2. The Applicant will be able to provide a suitable number of units to justify the substantial investment required in connection with the proposed project including

¹ A reduced size copy of the Concept Site Plan [Drawing C-100] is attached as Exhibit "4". A reduced size copy of the survey of the Project Site is attached as Exhibit "5". A color copy of the Concept Site Plan with a color aerial background is provided at Exhibit "6".

the construction of the three proposed multifamily buildings and all necessary infrastructure improvements.

3. The Applicant will be able to develop the Project Site in a manner consistent with the project layout that has been presented to the Planning Board in connection with its favorable recommendation on the pending requested special use permit.

In applying the statutorily mandated balancing test set forth above, NYS Town Law §267-

b(3)(b) requires a zoning board of appeals to consider the following five criteria:

1. **Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the requested area variance.**

The granting of the requested area variances by the Zoning Board of Appeals will not create an undesirable change in the character of the neighborhood or a detriment to nearby properties. The Project Site is properly zoned for the proposed use. The granting of the two requested area variances will not result in an undesirable change in the character of the neighborhood. The project will require site plan approval from the Planning Board based on its review of fully engineered plans. The contiguous properties are utilized for a commercial plaza and a self-storage facility and no detriments will result to these nearby properties.

2. **Whether the benefit sought by the applicant can be achieved by some other method, feasible for the applicant to pursue, other than an area variance.**

It would not be possible for the Applicant to redevelop the Project Site in manner that would result in the Applicant receiving the benefits described above without the granting of the two requested area variances. The side yard setback variance could potentially be avoided by proposing two larger multifamily buildings but this would not allow the Applicant to receive the benefits it is seeking.

3. Whether the requested area variance is substantial.

The requested area variances are not substantial given the fact that the granting of the requested area variances will not result in any significant adverse impacts. The granting of the two requested area variances will not result in a project that is inappropriate for the Project Site.

The reason the magnitude of the variance is relevant is that, generally, the larger the difference the more likely it is that a negative effect would be generated. See Matter of Human Development Services of Port Chester v. Zoning Board of Appeals of the Village of Port Chester, 110 A.D.2d 135, aff'd, 67 N.Y.2d 702. However, in any particular case, the facts may demonstrate that while a variance may seem noteworthy on paper, no negative effect would be produced and, accordingly, the sought-after variance should be granted.

For example, in Matter of Frank v. Scheyer, 227 A.D.2d 558, 642 N.Y.S.2d 956 (2d Dept. 1996), the parcel was 19,983 square feet. However, the zoning code required a minimum lot size of one acre or 43,560 square feet. The variance at issue was more than 54%. Nevertheless, based on the facts presented, no harm would befall the community and the Court directed the zoning board of appeals to grant the application. The Court took similar action in Matter of Shaughessy v. Roth, 204 A.D.2d 333, 611 N.Y.S.2d 281 (2d Dept. 1994), in which the premises contained 50 feet of frontage and 5,000 square feet of area. The zoning code required 80 feet of frontage and a minimum lot size of 10,000 square feet. Accordingly, the application concerned a 50% reduction in lot area coupled with a second area variance seeking a 62.5% reduction from the required frontage. Nevertheless, based on the facts in the record, the Court directed the respondents to issue the variances. Additionally, in Matter of Sasso v. Osgood, 86 N.Y.2d 374 (1995), the applicant sought area variances for a 60% reduction in lot area and a 50% reduction in lot width. Based on

all of the facts presented, the Court of Appeals, our State's highest court, overturned the holding of the appellate court and directed that the requested area variances be granted.

Merely because a variance may seem noteworthy on paper does not mean that any "harm" would be generated on the surrounding community, and it is "harm" that is balanced against the interest of the applicant according to the Town Law §267-b(3) test. As mentioned previously, the two requested area variances will not result in any "harm" on the surrounding community. It is the position of the Applicant that if the requested area variances are properly viewed as required by the cases discussed above, it is clear that the requested area variances are not substantial since the granting of the two requested area variances in furtherance of the proposed multifamily dwelling project will not result in harm to the community.

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood.

The granting of the requested area variances will not have any adverse effects or impacts on physical or environmental conditions in the neighborhood. A completed Short Environmental Assessment Form prepared pursuant to the declaration pursuant to the State Environmental Quality Review Act ("SEQRA") is attached as Exhibit "1". Additionally, the Planning Board will be required to review the future request for Site Plan Approval, which will ensure compliance with applicable technical standards including stormwater management, landscaping and screening, lighting, etc.

5. Whether the alleged difficulty was self-created.

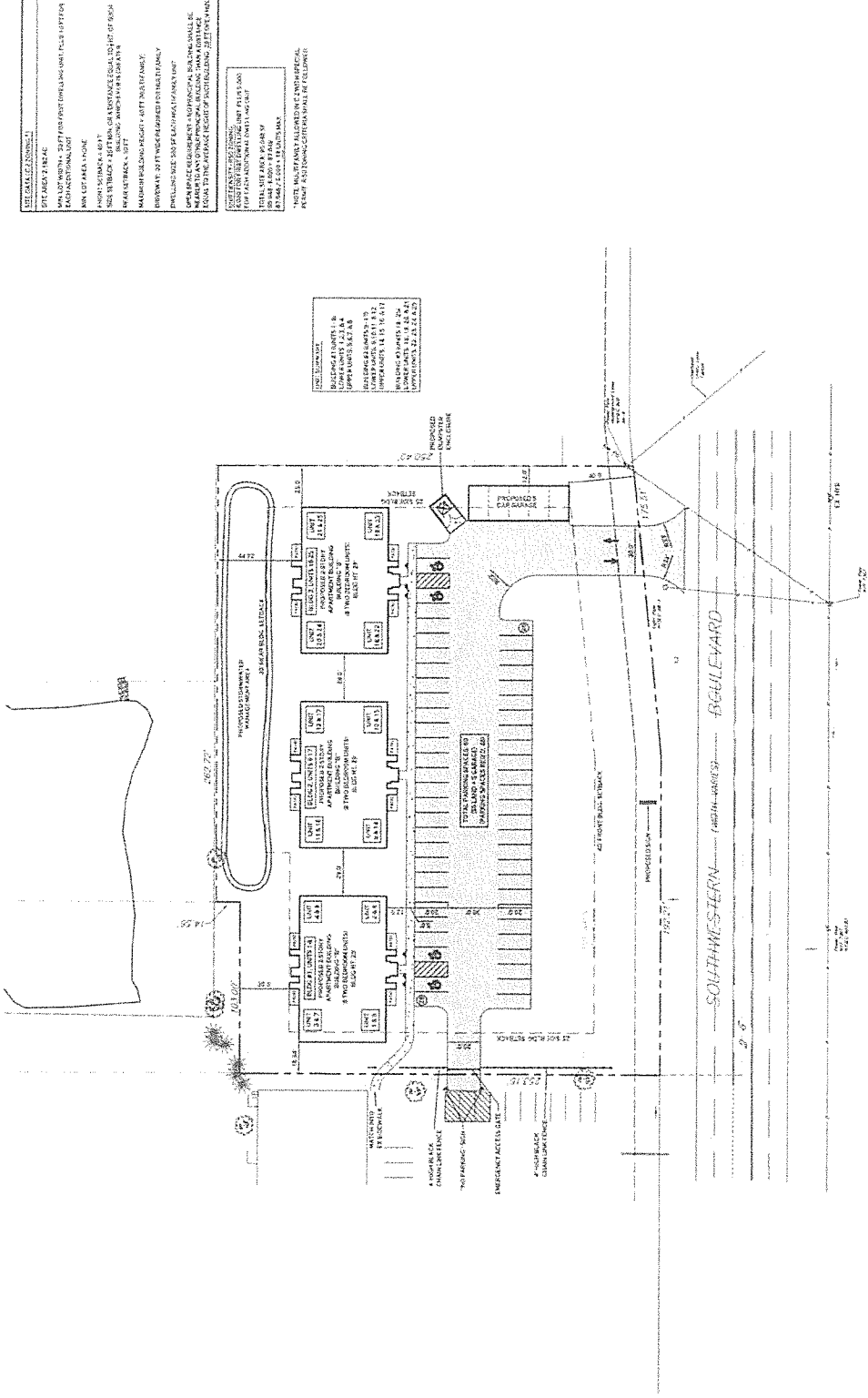
Town Law §267-b(3)(b) expressly states that the issue of whether an alleged difficulty is self-created cannot be utilized as the sole criteria in determining whether to grant requested area variances. The Applicant has knowledge the Zoning Code and as such the requested area variances

could be viewed as being self-created. Nonetheless, if the ZBA determines that the alleged difficulty resulting in the need for the requested area variances is due to a self-created difficulty, such a finding would not lessen the strong justification for the requested area variances per the balancing test and the other four criteria as discussed above.

CONCLUSION:

The benefits that will be received by Applicant if the two requested area variances are granted clearly outweigh any resulting detriments per the statutorily mandated balancing test. The Applicant requests that the ZBA grant the two requested area variances to allow it to move forward with the proposed multifamily project as depicted on the Concept Site Plan [Drawing C-100] attached to this Variance Application.

**Exhibit 4 – Reduced Size Copy of the Concept
Site Plan [Drawing C-100] as Prepared by
Carmina Wood Morris DPC**



REVISIONS:
 1. 11/15/24
 2. 11/15/24
 3. 11/15/24
 4. 11/15/24
 5. 11/15/24

PROJECT NAME:
 Site Development Plans for:
Fox Trace East
 120 Southwestern Boulevard
 West Seneca, New York 14224

DATE: 11/15/24
BY: [Signature]
FOR: [Signature]

DESIGNING FIRM:
Carmina Wood Morris
 11111 11111
 11111 11111

CONCEPT SITE PLAN

DATE: 11/15/24
BY: [Signature]
FOR: [Signature]

DESIGNING FIRM:
Carmina Wood Morris
 11111 11111
 11111 11111

PROJECT NO. 2 - 202405

- GENERAL NOTES:**
1. INSTALL ALL UTILITIES TO MAINTAIN EXISTING RECOMMENDED ROAD WIDTHS AND RIGHT-OF-WAY.
 2. SUBMITTIONS SHALL BE MADE ONLY WITH OWNER APPROVAL AND BE OF EXCELLENT QUALITY.
 3. WORK SHALL BE COMPLETED ACCORDANCE WITH ALL LOCAL, STATE AND FEDERAL SAFETY AND REGULATORY REQUIREMENTS.
 4. VERIFY ALL EXISTING CONDITIONS AND UTILITIES AT THE SITE. VERIFY OWNER'S RECORD DRAWINGS AND UTILITIES RECORDS FOR ACCURACY AND TO MATCH THE WORK.
 5. CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.
 6. CONTRACTOR SHALL MAINTAIN ALL UTILITIES AND STRUCTURES IN EXCELLENT CONDITION.
 7. CONTRACTOR SHALL MAINTAIN ALL UTILITIES AND STRUCTURES IN EXCELLENT CONDITION AND SHALL BE RESPONSIBLE FOR PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.
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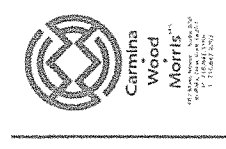
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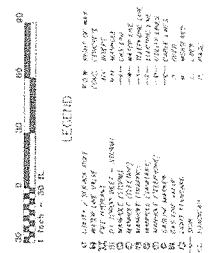
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**Exhibit 5 – Reduced Size Copy of Boundary
and Topographic Survey of the Project Site as
Prepared by Millard MacKay & Delles, Land
Surveyors, LLP dated February 5, 2020**



DISCLAIMER

This drawing is prepared by the Engineer for the purpose of showing the location of the proposed improvements and does not constitute a contract. The Engineer is not responsible for the accuracy of the information furnished by others, and the Engineer is not to be held responsible for the accuracy of the information furnished by others. The Engineer is not to be held responsible for the accuracy of the information furnished by others. The Engineer is not to be held responsible for the accuracy of the information furnished by others.

NOTES

1. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.

2. ALL DISTANCES ARE MEASURED ALONG THE CENTERLINE OF THE DRIVE.

3. ALL DRIVE WIDTHS ARE SHOWN AT THE DRIVE ENDS.

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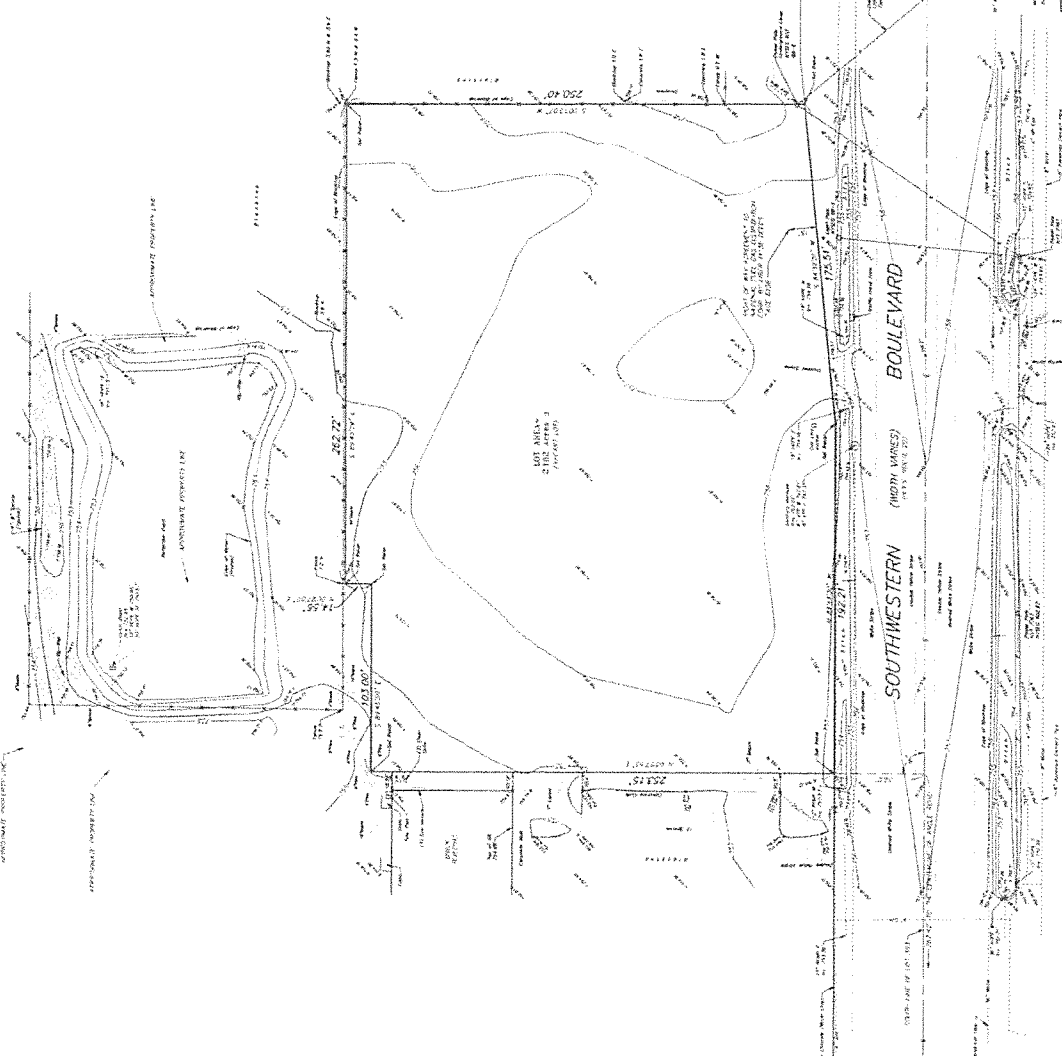
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PROFESSIONAL ENGINEER

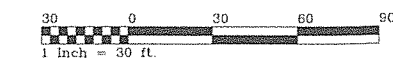
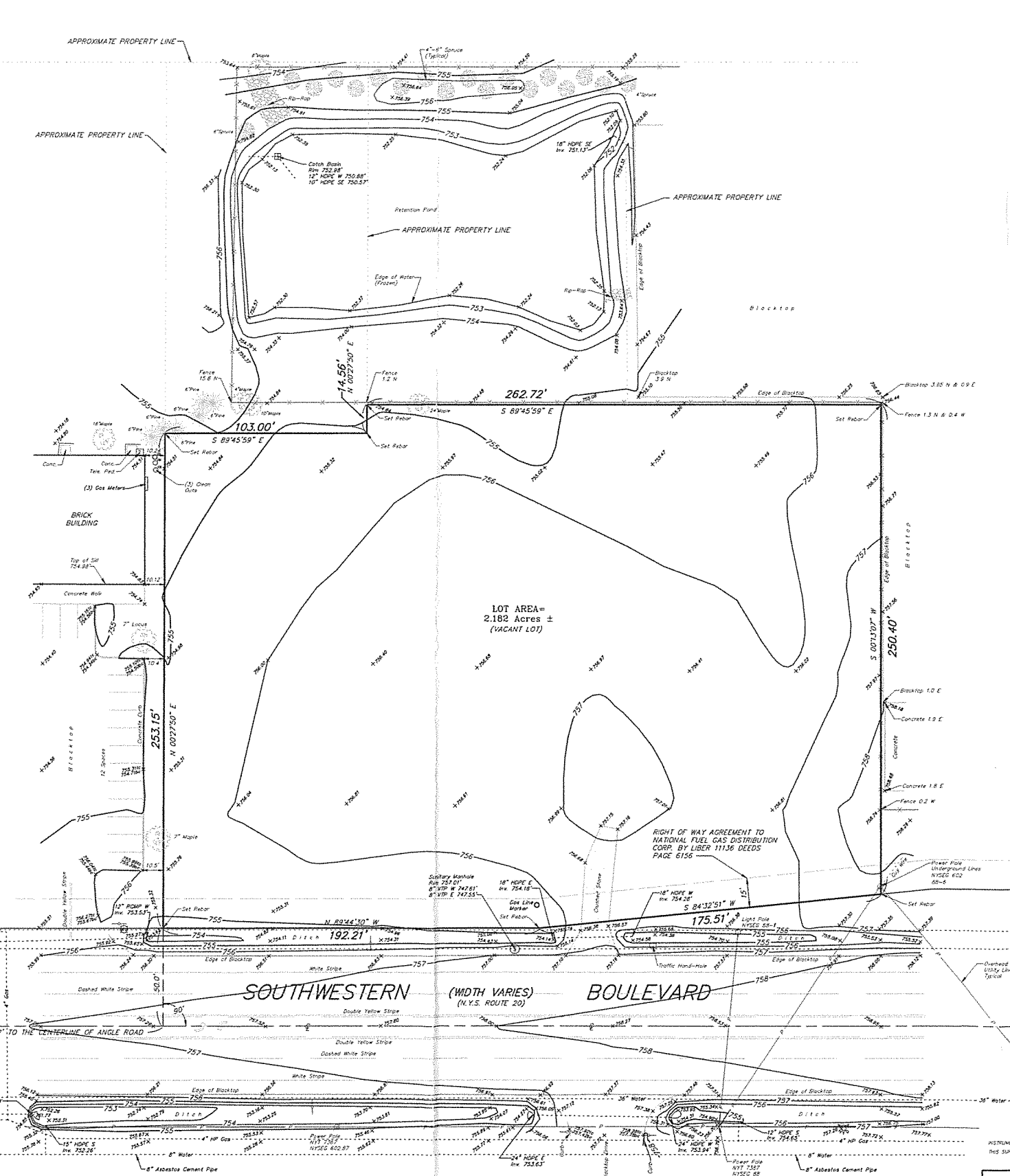
Millard Mackay & Dallas
L.L. MILLARD
DALLAS, TEXAS
PHONE: 521-1234
FAX: 521-5678

REGISTERED PROFESSIONAL ENGINEER
STATE OF TEXAS
NO. 12345
EXPIRES: 12/31/2025

DATE: 11/15/2024
SCALE: AS SHOWN
SHEET: 1 OF 1

11/15/2024
11:00 AM
11/15/2024

**Exhibit 6 – Color Copy of the Concept Site
Plan [Drawing C-100] with Aerial Photo
Background as Prepared by Carmina
Wood Morris DPC**



LEGEND

⊗ UTILITY / SERVICE POLE	R.O.W. RIGHT OF WAY
⊠ WATER LINE VALVE	CONC. CONCRETE
⊙ FIRE HYDRANT	INV. INVERT
⊞ D.I. (DROP INLET - STORM)	M.H. MANHOLE
⊕ MANHOLE (STORM)	-G- GAS LINE
⊕ MANHOLE (ELECTRIC)	-W- WATER LINE
⊕ MANHOLE (TRAFFIC)	-T- TELEPHONE LINE
⊕ MANHOLE (SANITARY)	-E- ELECTRIC LINE
⊕ MANHOLE (TELEPHONE)	-C- CABLE LINES
⊕ GAS LINE VALVE	D. DEED
⊕ LIGHT STANDARD	M. MEASURED
⊕ SIGN	L. LIBER
H.C. HANDICAP	P. PAGE

UTILITIES

The underground utilities shown have been located from field survey information & existing drawings. The surveyor makes no guarantee that the underground utilities shown comprise all such utilities in the area, either in service or abandoned. The surveyor further does not warrant that the underground utilities shown are in the exact location indicated although he does certify that they are located as accurately as possible from the information available. This surveyor has not physically located the underground utilities.

Note: Underground Utility information has been ordered from the respective utility companies. As the information is received, this map will be amended to reflect said information.

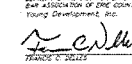
National Fuel Attn: Ed Kulpa (716) 857-7000	Spectrum Cable Attn: Chris Smith (600) 262-8600	Verizon Attn: Anne Baglia (716) 840-8748
Erie County Water Dept. Attn: Daniel Walkowiak (716) 684-1510	N.Y.S. Electric & Gas Attn: Sam Cappaglia (716) 651-5256	National Grid Attn: Eric Wright (716) 857-4031

BENCHMARK
Hydrant #14-C1E A
Top of Nut
Elev. 756.49

BENCHMARK
Iron 755.05'
8" V.P. W 748.60'
8" V.P. E 745.55'

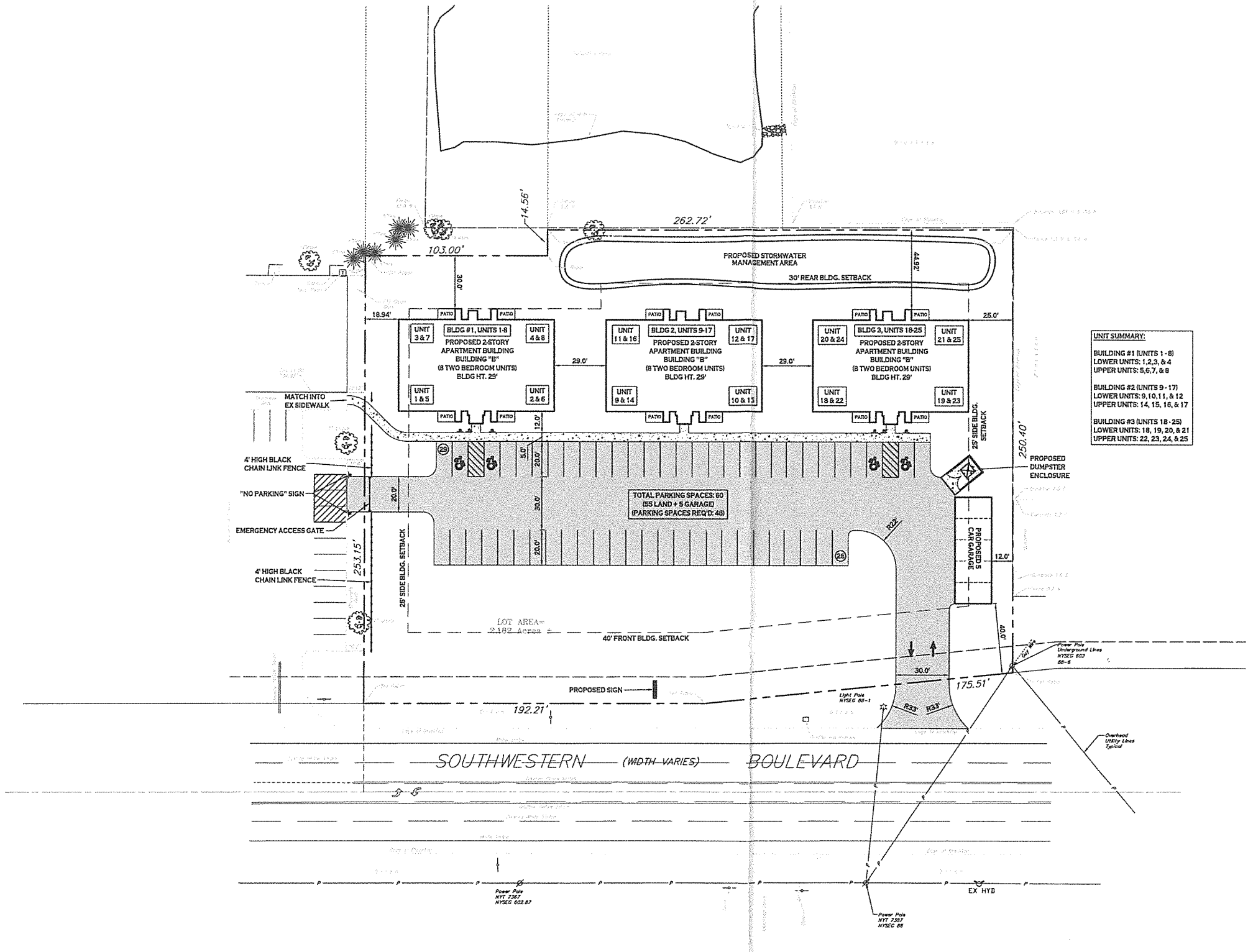
BENCHMARK
Iron 751.01'
8" V.P. W 748.81'
8" V.P. E 748.71'

INSTRUMENT(S) UTILIZED IN DETERMINING LOCATION OF BOUNDARY LINES: Leica Disto
THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT ABSTRACT OF TITLE AND IS SUBJECT TO ANY STATE OF FACTS THAT MAY BE REVEALED IN SAID ABSTRACT
NOTE: THIS SURVEY WAS PERFORMED UNDER SEVERE SNOW AND ICE CONDITIONS.

THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE QUALITY STANDARDS FOR LAND SURVEYING SERVICES BY THE SURVEYING SOCIETY OF THE STATE OF NEW YORK.  7/20/20 0:00000	©COPYRIGHT 2020 BY: Millard, Mackay & Delles LAND SURVEYORS, LLP 150 AERO DRIVE BUFFALO, NEW YORK 14225 PHONE (716) 631-3140 ~ FAX 631-3811	AMEND: "B" SURVEY DATE: 1-31-20 DRAWING DATE: 2-5-20 SCALE: 1" = 30' "ALL RIGHTS RESERVED"
	BOUNDARY & TOPOGRAPHIC SURVEY PARCEL R-B, COVER 3696 PART OF LOT 393 SECTION 10 TOWNSHIP 10 RANGE 7 OF THE Buffalo Creek Reservation SURVEY - Erie COUNTY, N.Y. SURVEY OF: 1220 Southwestern Boulevard, Town of West Seneca	

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© Carmina Wood Morris DPC



N
SITE PLAN
 SCALE: 1"=30'

SITE NOTES:

- ALL RADII SHALL BE 3'-0" UNLESS OTHERWISE NOTED.
- ALL DISTURBED AREAS: SHALL HAVE 4" MIN. OF TOPSOIL AND SEED.
- ALL DIMENSIONS FROM PROPERTY LINES SHALL BE MEASURED PERPENDICULAR TO THE PROPERTY LINE.
- CENTER ENTRANCE SIDEWALKS ON DOOR OPENINGS.
- BUILDING DIMENSIONS ARE APPROXIMATE, REFER TO ARCHITECTURAL DRAWINGS FOR LAYOUT DIMENSIONS.

GENERAL NOTES:

- INSTALL ALL MATERIALS TO MANUFACTURER'S RECOMMENDATIONS AND BEST STANDARDS OF TRADE INVOLVED.
- SUBSTITUTIONS SHALL BE MADE ONLY WITH OWNER'S APPROVAL AND BE OF EQUIVALENT QUALITY TO WHAT IS SPECIFIED.
- WORK SHALL BE COMPLETED IN STRICT ACCORDANCE WITH ALL LOCAL CODES AND OSHA SAFETY RULES AND REGULATIONS.
- VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS AT THE SITE. NOTIFY OWNER & ENGINEER OF DISCREPANCIES IN CONDITIONS SHOWN ON DRAWINGS PRIOR TO PROCEEDING WITH THE WORK.
- CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTION OF ANY EXISTING STRUCTURES TO REMAIN AND ANY FINISH MATERIAL INSTALLED WHILE WORKING ON OTHER COMPONENTS.
- CONTRACTOR SHALL KEEP JOB FREE OF DEBRIS AND MAKE FINAL CLEANUP TO SATISFACTION OF OWNER.
- CONTRACTOR SHALL ASCERTAIN THE LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION SO THAT THIS WORK WILL NOT DISTURB EXISTING LINES AND/OR INSTALLATIONS. COORDINATE ALL WORK WITH THE APPLICABLE UTILITY COMPANIES.
- ALL OTHER PERMITS REQUIRED BY STATE OF NEW YORK, COUNTY OF ERIE, AND TOWN OF WEST SENECA ARE THE RESPONSIBILITY OF THE CONTRACTOR/DEVELOPER/OWNER.

SITE LEGEND

- PROPERTY LINE
- PROPOSED CONCRETE CURB
- PROPOSED CONCRETE SIDEWALK
- PROPOSED ASPHALT PAVEMENT
- PROPOSED SIGN
- PROPOSED PARKING NUMBER
- PROPOSED LIGHT POLE
- PROPOSED WALL MOUNTED LIGHT

NOTE: BOUNDARY AND TOPOGRAPHIC INFORMATION PROVIDED BY OTHERS. CARMINA WOOD MORRIS, D.P.C. ASSUMES NO RESPONSIBILITY FOR ITS ACCURACY.



SITE DATA (C-2 ZONING *)
 SITE AREA: 2.182 AC
 MIN. LOT WIDTH = 50 FT FOR FIRST DWELLING UNIT, PLUS 10 FT FOR EACH ADDITIONAL UNIT
 MIN. LOT AREA = NONE
 FRONT SETBACK = 40 FT
 SIDE SETBACK = 25 FT MIN. OR A DISTANCE EQUAL TO 1/4 HT. OF SUCH BUILDING, WHICHEVER IS GREATER
 REAR SETBACK = 30 FT
 MAXIMUM BUILDING HEIGHT = 40 FT (MULTI-FAMILY)
 DRIVEWAY: 30 FT WIDE REQUIRED FOR MULTI-FAMILY
 DWELLING SIZE: 500 SF EACH MULTI-FAMILY UNIT
 OPEN SPACE REQUIREMENT = NO PRINCIPAL BUILDING SHALL BE NEARER TO ANY OTHER PRINCIPAL BUILDING THAN A DISTANCE EQUAL TO THE AVERAGE HEIGHT OF SUCH BUILDING, 29 FT OPEN MIN.

UNIT DENSITY - R50 ZONING:
 8,000 FOR FIRST DWELLING UNIT, PLUS 5,000 FOR EACH ADDITIONAL DWELLING UNIT.
 TOTAL SITE AREA: 95,048 SF
 95,048 / 8,000 = 11.88
 87,048 / 5,000 = 17.41 UNITS MAX.

*NOTE: MULTIFAMILY ALLOWED IN C-2 WITH SPECIAL PERMIT. R50 ZONING CRITERIA SHALL BE FOLLOWED.

UNIT SUMMARY:
 BUILDING #1 (UNITS 1-8)
 LOWER UNITS: 1, 2, 3, & 4
 UPPER UNITS: 5, 6, 7, & 8
 BUILDING #2 (UNITS 9-17)
 LOWER UNITS: 9, 10, 11, & 12
 UPPER UNITS: 13, 14, 15, 16, & 17
 BUILDING #3 (UNITS 18-25)
 LOWER UNITS: 18, 19, 20, & 21
 UPPER UNITS: 22, 23, 24, & 25



487 Main Street Suite 600
 Buffalo, New York 14203
 P 716.842.3155
 F 716.842.0263

REVISIONS:	No.	Description	Date

PROJECT NAME:
 Site Development Plans for:
Fox Trace East
 1220 Southwestern Boulevard
 West Seneca, New York 14224

Date: 02/17/2020
 Drawn by: C. Wood
 Scale: As Noted

DRAWING NAME:
Concept Site Plan

DRAWING NO.
C-100
 Project no.: 20.005