

TOWN OF WEST SENECA

APPLICATION FOR SITE PLAN REVIEW APPROVAL

TO BE COMPLETED BY APPLICANT

DATE March 13, 2020

FILE # _____

PROJECT NAME Multi-Family Development

PROJECT LOCATION (Include address and distance to nearest intersection)
299 Leydecker Road (300 feet south of East and West Road)

APPLICANT DATO Development c/o Sean Hopkins, Esq.

PH/FAX (716) 510-4338

ADDRESS 5500 Main Street, Suite 343 - Williamsville, NY 14221

E-mail: shopkins@hsr-legal.com

PROPERTY OWNER DATO Development, LLC

PH/FAX (716) 646-0047

ADDRESS 5540 Southwestern Boulevard, Hamburg NY 14075

ENGINEER/ ARCHITECT Carmina Wood Morris, DPC

PH/ FAX (716) 842-3165 [Ext. 119]

ADDRESS 487 Main Street, Suite 500 Buffalo, NY 14203

SBL # 144.16-6-8

[A completed Part 1 of the Full Environmental Assessment Form with Attachments "A" and "B" is provided at Exhibit "1" of this Site Plan Application.]

PROJECT DESCRIPTION (Include all uses and any required construction)

Construction of 74 attached residential units with garages and all other related site improvements as depicted on the fully engineered plans prepared by Carmina Wood Morris DPC. A more detailed project description is provided at Exhibit "2". A reduced size copy of the Site Plan [Drawing C-100] is provided at Exhibit "3" and a reduced size copy of the Landscape Plan [Drawing L-100] is provided at Exhibit "4".

SIZE OF LOT (acres) 8.63

ACREAGE TO BE REZONED 0

ADJACENT ROAD NAMES AND AMOUNT OF FRONTAGE ON EACH

Valley Drive and East and West Road (40 feet required for R-75A, 30 feet required for R-90)

EXISTING ZONING R-60A PROPOSED ZONING R-60A

EXISTING USE(S) ON PROPERTY Former VFW Post and parking lot

PROPOSED USE(S) ON PROPERTY Multifamily Residential Project

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

Residential uses in the R-100A, R-75A and R-90 zoning districts.

PUBLIC SEWER YES NO

PUBLIC WATER YES NO

VARIANCES AND OTHER APPROVALS OR PERMITS REQUIRED

The Town Board issued a negative declaration pursuant to the State

Environmental Quality Review Act ("SEQRA") and issued a special use permit for multiple-family dwellings on December 16, 2019

[Copies of resolutions adopted by the Town Board are provided at Exhibits "4" and "5".]

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 _____

NON - REFUNDABLE FILING FEE (Payable to the Town Clerk): \$ _____

**Exhibit 1 – Part 1 of Full Environmental
Assessment Form Prepared Pursuant to the
State Environmental Quality Review Act
("SEQRA") with Attachments "A" and "B"**

**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 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. The Town Board issued a negative declaration pursuant to SEQRA on December 16, 2019 and also granted a special use permit.		
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. Government Approvals, Funding, or Sponsorship. (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, <input type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees		
b. City, Town or Village <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Planning Board or Commission	Site Plan Approval - Planning Board	March 2020
c. City, Town or <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Village Zoning Board of Appeals		
d. Other local agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Building Department - Building Permit, Engineering Department - DSCA and sanitary	To be determined DSCA Approved on 9/16/19
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	ECDPW - Highway Work Permit, 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	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

C.1. Planning and zoning actions.	
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"> • If Yes, complete sections C, F and G. • If No, proceed to question C.2 and complete all remaining sections and questions in Part 1 	
C.2. Adopted land use plans.	
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? 5.4 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: 0.18 million gallons; surface area: 0.34 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: _____ 17,380 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? Yes No

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: _____ 17,380 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 3.3 acres (impervious surface)
 _____ Square feet or 8.6 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 management 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 (CO₂)
- _____ Tons/year (short tons) of Nitrous Oxide (N₂O)
- _____ Tons/year (short tons) of Perfluorocarbons (PFCs)
- _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆)
- _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (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 ½ 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	2.5	3.3	0.8
• 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: _____ 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?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
<i>i.</i> Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District	
<i>ii.</i> Name: _____	
<i>iii.</i> 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?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site?	
If Yes:	
<i>i.</i> Describe possible resource(s): _____	
<i>ii.</i> 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?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
<i>i.</i> Identify resource: _____	
<i>ii.</i> Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____	
<i>iii.</i> 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?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
<i>i.</i> Identify the name of the river and its designation: _____	
<i>ii.</i> Is the activity consistent with development restrictions contained in 6NYCRR Part 666?	
<input type="checkbox"/> Yes <input type="checkbox"/> 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.

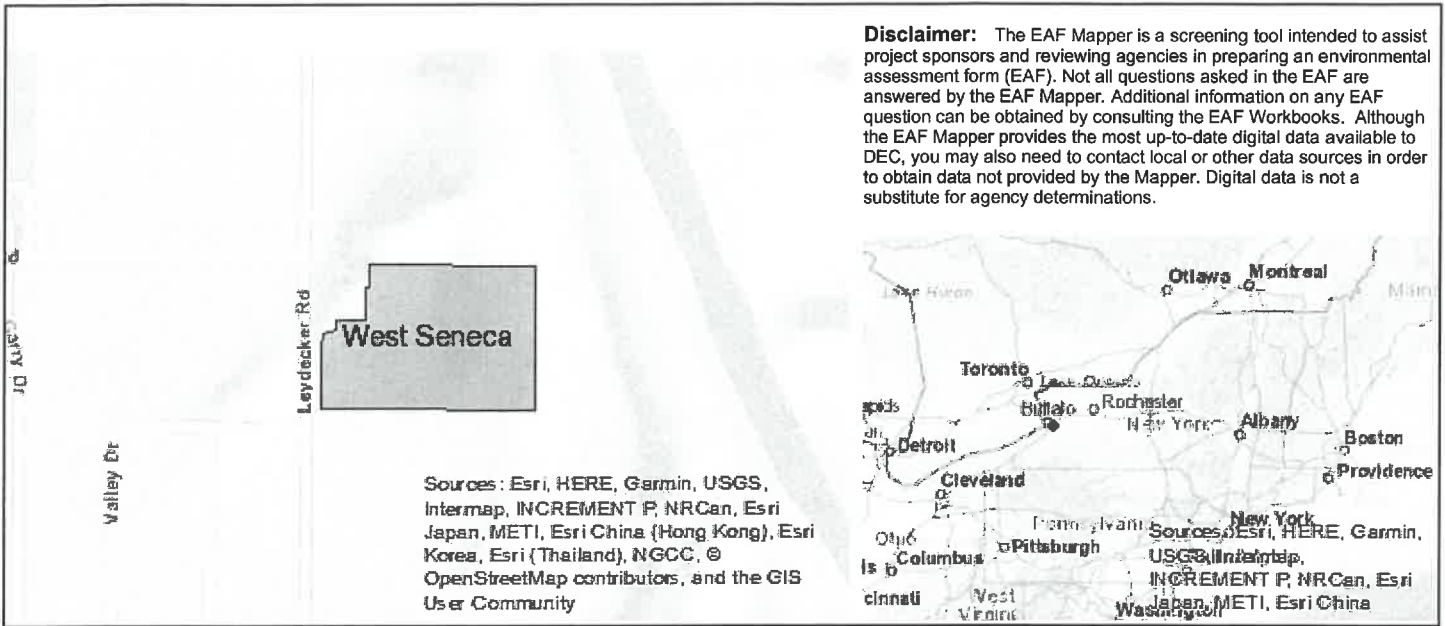
A copy of the No Impact Determination letter issued by the New York State Office of Parks, Recreation and Historic Preservation on September 5, 2019 is provided at Attachment "A" of this Part 1 of the Full Environmental Assessment Form. A copy of the comment letter issued by Gina Wilkolaski, P.E., of the Erie Cty. Dept. of Public Works dated July 22, 2019 is provided at Attachment "B".

G. Verification

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

Applicant/Sponsor Name DATO Development, LLC Date March 12, 2020

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

**Attachment A of Part 1 of Full Environmental
Assessment Form – No Impact
Determination Letter of the NYS Office of
Parks, Recreation and Historic Preservation
dated September 5, 2019**



**Parks, Recreation,
and Historic Preservation**

ANDREW M. CUOMO
Governor

ERIK KULLESEID
Commissioner

September 5, 2019

Mr. David Burke
DATO Development LLC
5540 Southwestern Boulevard
Hamburg, NY 14075

Re: DEC
Multi-Family DATO Development Project
299 Leydecker Road, West Seneca, Erie County, NY
19PR04930.002

Dear Mr. Burke:

Thank you for requesting the comments of the Division for Historic Preservation of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the report prepared by Panamerican Consultants, Inc. entitled "Phase I Cultural Resources Investigation for the Proposed 8.7-Acre Development at 299 Leydecker Road, Town of West Seneca, Erie County, New York" (Hanley et al. July 2019), in accordance with the New York State Historic Preservation Act of 1980 (section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the Division for Historic Preservation and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8) and its implementing regulations (6NYCRR Part 617).

Based upon this review, it is the opinion of OPRHP that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project. This recommendation pertains only to the Project Area examined during the above-referenced investigation. It is not applicable to any other portion of the project property. Should the project design be changed OPRHP recommends further consultation with this office.

If you have any questions, I can be reached at (518) 268-2218 or via e-mail at Josalyn.Ferguson@parks.ny.gov.

Sincerely,

Josalyn Ferguson, Ph.D.
Scientist Archaeology

via e-mail only

c.c. Jeffrey Schieber, Town of West Seneca
c.c. Robert Hanley, Panamerican Consultants

c.c. Sean Hopkins

Division for Historic Preservation

P.O. Box 189, Waterford, New York 12188-0189 • (518) 237-8643 • parks.ny.gov

**Attachment B of Part 1 of Full Environmental
Assessment Form – Comment Letter of Gina
M. Wilkolaski, P.E., Traffic Safety Engineer,
Erie County Department of Public Works,
dated July 22, 2019**



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

WILLIAM E. GEARY JR.
COMMISSIONER

DEPARTMENT OF PUBLIC WORKS
RATH BUILDING 14TH FLOOR

TELEPHONE: 716.858.8300
FAX: 716.858.8228

July 22, 2019

Sean W. Hopkins, Esq.
Hopkins Sorgi & Romanowski PLLC
5500 Main Street, Suite 343
Williamsville, NY 14221

Re: Proposed Multi-Family Project
299 Leydecker Road (CR 364)
(T) of West Seneca, County of Erie

Dear Mr. Hopkins:

This Erie County Department of Public Works has received your request for Traffic Impact Study (TIS) review of the proposed multi-family project located at 299 Leydecker Road (CR 364) in the Town of West Seneca. After review of the TIS, this Department has no further traffic related concerns with regard to Leydecker Road.

Additional Comments:

1. Prior to construction within the Leydecker Road highway right-of-way, the Developer will be required to apply for and obtain an Erie County Highway Non-Utility Work Permit (Perm 3) prior to construction of the new driveway.

Please feel free to call should you have any questions.

Sincerely,

ERIE COUNTY DEPARTMENT OF PUBLIC WORKS

Gina M. Wilkolaski, P.E.
Traffic Safety Engineer

cc: John Dennee, P.E., Deputy Commissioner – Highways
Darlene Svilokos, P.E., Director of Engineering
Garrett Hacker, P.E., Senior Civil Engineer
Richard Denning, Senior Highway Maintenance Engineer
File: CR-364

Exhibit 2 – Project Description

EXHIBIT 2 OF SITE PLAN APPLICATION

DESCRIPTION OF PROPOSED MULTIFAMILY PROJECT 299 LEYDECKER ROAD - TOWN OF WEST SENECA PLANNING BOARD

The proposed residential project consists of 74 attached multifamily units and related site improvements on the 8.63 acre parcel at 299 Leydecker Road ("Project Site"). The layout of the proposed project is depicted on the Site Plan prepared by Carmina Wood Morris DPC [Drawing C-100] provided at Exhibit "3" and a full size copy of the Site Plan is also included with the fully engineered plans prepared by Carmina Wood Morris DPC. A reduced size copy of the Landscape Plan [Drawing L-100] is attached as Exhibit "4" and a full size copy of the Landscape Plan is also included with the fully engineered plans.

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).

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").

The Town Board previously completed an environmental review of the proposed project pursuant to the State Environmental Quality Review Act ("SEQRA") that concluded with its issuance of a negative declaration on December 16, 2019. A copy of the resolution adopted by the Town Board for the purpose of issuing a negative declaration is attached as Exhibit "5". The Town

Board also issued a special use permit for multiple-family dwelling use on December 16, 2019. A copy of the resolution adopted by the Town Board for the purpose of issuing a special use permit is attached as Exhibit "6".

**Exhibit 3 – Reduced Size Copy of
Site Plan [Drawing C-100] Prepared by
Carmina Wood Morris DPC**



Carmina Wood Morris

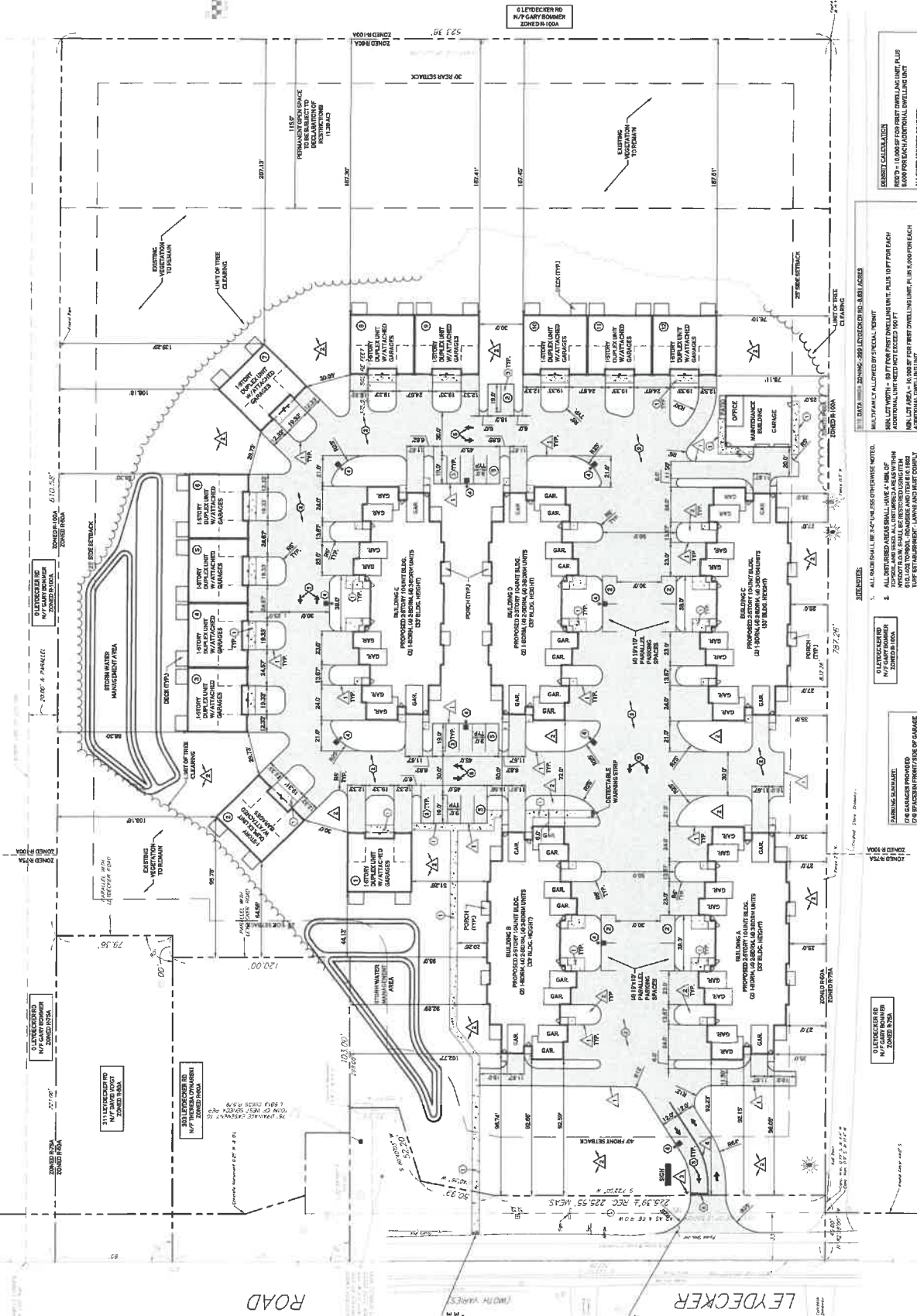
401 Main Street, Suite 200
West Seneca, NY 14224
Tel: 716.337.8220
Fax: 716.337.8225

Site Improvements for
Multi-Family Development
299 Leydecker Road
West Seneca, New York

PROJECT NAME:
DRAWING NAME:
Scale:
Date:
Drawn by:
Checked by:
As Noted

REVISIONS:
DATE

DRAWING NO.
C-100
PROJECT NO.: 18.230



PERMITTED CALCULATED
NET GROSS FLOOR AREA: 100,000 SF
GROSS FLOOR AREA: 100,000 SF
TOTAL FLOOR AREA: 100,000 SF
TOTAL ALLOWED UNITS: 74 UNITS

NOTICE:
MULTI-FAMILY DEVELOPMENT SHALL BE SUBJECT TO THE FOLLOWING RESTRICTIONS:
1. ALL GARAGES SHALL BE 20' x 20' UNLESS OTHERWISE NOTED.
2. ALL DRIVEWAYS SHALL HAVE A MINIMUM WIDTH OF 10' AND SHALL BE PROTECTED BY 4" RUBBER TIRE CURBS.
3. ALL DRIVEWAYS SHALL BE PAVED WITH ASPHALT OR CONCRETE.
4. ALL DRIVEWAYS SHALL BE 10' WIDE.
5. ALL DRIVEWAYS SHALL BE 10' WIDE.
6. ALL DRIVEWAYS SHALL BE 10' WIDE.

TABLE SUMMARY:
74 GARAGES PROVIDED
175 TOTAL SPACES PROVIDED

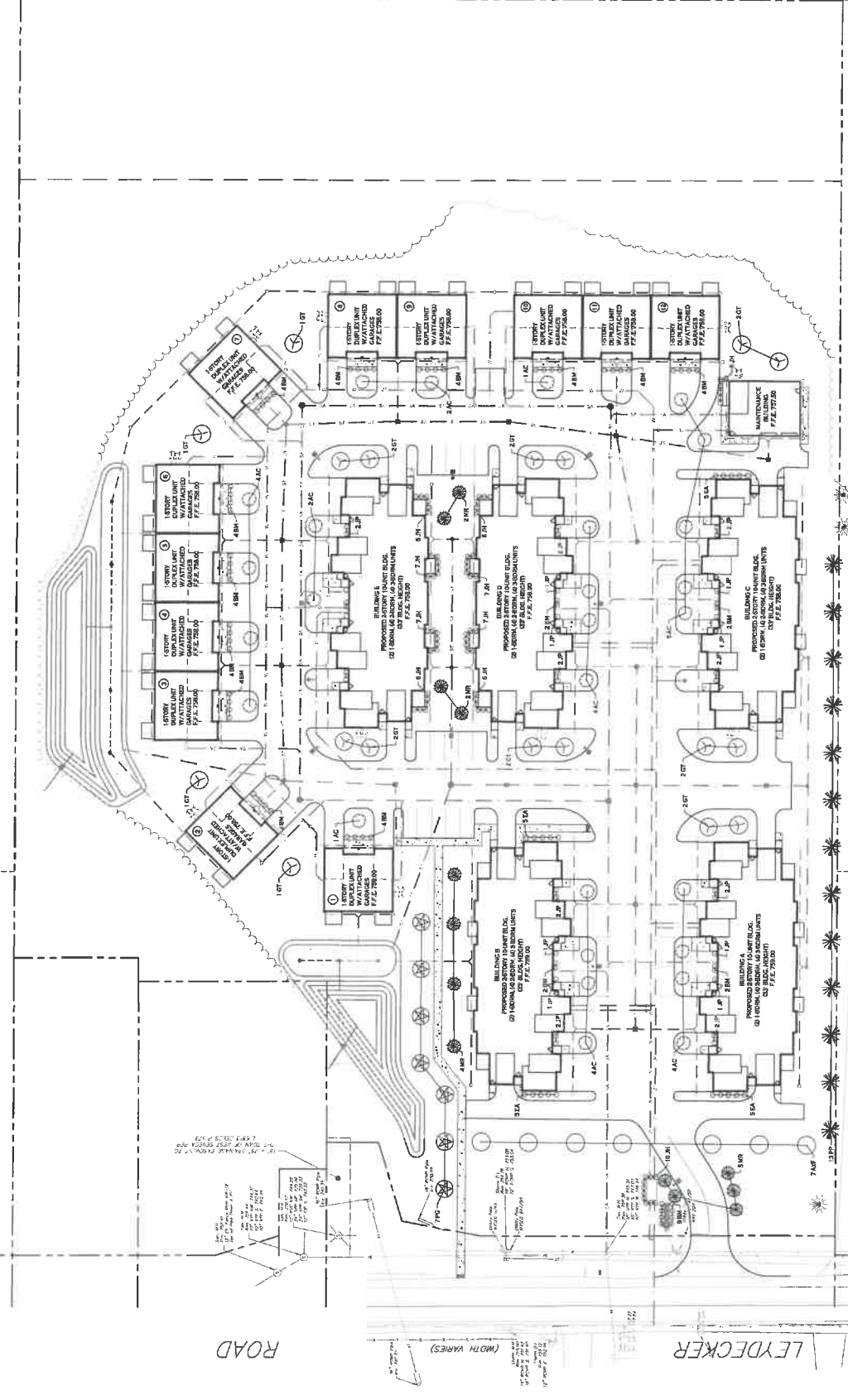
LEGEND:
S: SITE LEGEND
P: PROPERTY LINE
D: DRIVEWAY
G: GARAGE
C: CONCRETE
A: ASPHALT
G: GRASS
T: TREE
L: LANDSCAPE

NOTES:
1. ALL GARAGES SHALL BE 20' x 20' UNLESS OTHERWISE NOTED.
2. ALL DRIVEWAYS SHALL HAVE A MINIMUM WIDTH OF 10' AND SHALL BE PROTECTED BY 4" RUBBER TIRE CURBS.
3. ALL DRIVEWAYS SHALL BE PAVED WITH ASPHALT OR CONCRETE.
4. ALL DRIVEWAYS SHALL BE 10' WIDE.
5. ALL DRIVEWAYS SHALL BE 10' WIDE.
6. ALL DRIVEWAYS SHALL BE 10' WIDE.

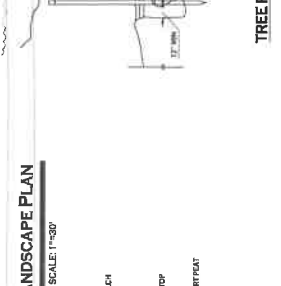
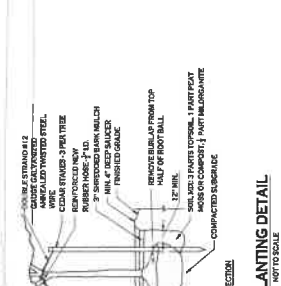
SCALE: 1/8" = 1'-0"
DATE: 11/13/2018

REVISIONS:
DATE

**Exhibit 4 –Reduced Size Copy of
Landscape Plan [Drawing LC-100] Prepared
by Carmina Wood Morris DPC**



- PLANTING SCHEDULE**
- ALL INTERIOR LANDSCAPED AREAS SHALL HAVE A MINIMUM PLANTING SOIL DEPTH OF 12" AND SHALL BE FERTILIZED ANNUALLY. ALL PLANTS SHALL BE PROVIDED WITH PROTECTIVE COLLARS AND TAGS.
 - ALL TREE PLANTINGS SHALL BE PROVIDED WITH PROTECTIVE COLLARS AND TAGS. COLLARS SHALL BE 18" WIDE AND 12" HIGH. TAGS SHALL BE 12" LONG AND 1/2" WIDE. COLLARS SHALL BE MADE OF 1/2" THICK POLYETHYLENE AND SHALL BE IDENTIFIED BY THE PLANTING SCHEDULE NUMBER.
 - ALL SHRUB PLANTINGS SHALL BE PROVIDED WITH PROTECTIVE COLLARS AND TAGS. COLLARS SHALL BE 12" WIDE AND 6" HIGH. TAGS SHALL BE 6" LONG AND 1/2" WIDE. COLLARS SHALL BE MADE OF 1/2" THICK POLYETHYLENE AND SHALL BE IDENTIFIED BY THE PLANTING SCHEDULE NUMBER.
 - ALL DECIDUOUS AND EVERGREEN TREES SHALL BE STAKED WITH THREE (3) 1/2" DIA. STAKES AT 45 DEGREE ANGLES TO THE TRUNK. STAKES SHALL BE 6 FT. LONG AND 1/2" DIA. STAKES SHALL BE MADE OF 1/2" THICK POLYETHYLENE.



PLANTING SCHEDULE

KEY	SYMBOL	COMMON NAME	MIN. SIZE	REMARKS
AF	1	ACER (FRIEDLANDER)	2 1/2" CAL.	3 B.B.
AF	2	ACER (FRIEDLANDER)	2 1/2" CAL.	3 B.B.
AF	3	ACER (FRIEDLANDER)	2 1/2" CAL.	3 B.B.
AF	4	ACER (FRIEDLANDER)	2 1/2" CAL.	3 B.B.
AF	5	ACER (FRIEDLANDER)	2 1/2" CAL.	3 B.B.
AF	6	ACER (FRIEDLANDER)	2 1/2" CAL.	3 B.B.
AF	7	ACER (FRIEDLANDER)	2 1/2" CAL.	3 B.B.
AF	8	ACER (FRIEDLANDER)	2 1/2" CAL.	3 B.B.
AF	9	ACER (FRIEDLANDER)	2 1/2" CAL.	3 B.B.
AF	10	ACER (FRIEDLANDER)	2 1/2" CAL.	3 B.B.
AF	11	ACER (FRIEDLANDER)	2 1/2" CAL.	3 B.B.
AF	12	ACER (FRIEDLANDER)	2 1/2" CAL.	3 B.B.
AF	13	ACER (FRIEDLANDER)	2 1/2" CAL.	3 B.B.
AF	14	ACER (FRIEDLANDER)	2 1/2" CAL.	3 B.B.
AF	15	ACER (FRIEDLANDER)	2 1/2" CAL.	3 B.B.
AF	16	ACER (FRIEDLANDER)	2 1/2" CAL.	3 B.B.
AF	17	ACER (FRIEDLANDER)	2 1/2" CAL.	3 B.B.
AF	18	ACER (FRIEDLANDER)	2 1/2" CAL.	3 B.B.
AF	19	ACER (FRIEDLANDER)	2 1/2" CAL.	3 B.B.
AF	20	ACER (FRIEDLANDER)	2 1/2" CAL.	3 B.B.
AF	21	ACER (FRIEDLANDER)	2 1/2" CAL.	3 B.B.
AF	22	ACER (FRIEDLANDER)	2 1/2" CAL.	3 B.B.
AF	23	ACER (FRIEDLANDER)	2 1/2" CAL.	3 B.B.
AF	24	ACER (FRIEDLANDER)	2 1/2" CAL.	3 B.B.
AF	25	ACER (FRIEDLANDER)	2 1/2" CAL.	3 B.B.
AF	26	ACER (FRIEDLANDER)	2 1/2" CAL.	3 B.B.
AF	27	ACER (FRIEDLANDER)	2 1/2" CAL.	3 B.B.
AF	28	ACER (FRIEDLANDER)	2 1/2" CAL.	3 B.B.
AF	29	ACER (FRIEDLANDER)	2 1/2" CAL.	3 B.B.
AF	30	ACER (FRIEDLANDER)	2 1/2" CAL.	3 B.B.

© Carmina Wood Morris Architects
 All rights reserved. No part of this drawing may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of Carmina Wood Morris Architects.

**Exhibit 5 – Resolution Adopted by the Town
of West Seneca Town Board on December 16,
2019 issuing a Negative Declaration Pursuant
to the State Environmental Quality Review
Act (“SEQRA”)**

2. Re: "A PUBLIC HEARING TO CONSIDER A REQUEST FOR A SPECIAL PERMIT FOR PROPERTY LOCATED AT 299 LEYDECKER ROAD, BEING A PART OF LOT NO. 396, CHANGING ITS CLASSIFICATION FROM R-60A TO R-60A(S), FOR 74 ATTACHED RESIDENTIAL UNITS" in the Town of West Seneca.

Motion by Supervisor Meegan, seconded by Councilman Hanley, to close the public hearing.

Ayes: All

Noes: None

Motion Carried

Motion by Supervisor Meegan, seconded by Councilman Hanley, to adopt the following resolution issuing a negative declaration with regard to the State Environmental Quality Review Act ("SEQR") for the proposed project at 299 Leydecker Road:

WHEREAS, the Town Board of the Town of West Seneca, as lead agency acting pursuant to the State Environmental Quality Review Act, Article 8 of the New York State Environmental Conservation Law, has reviewed Part 1 of the Full Environmental Assessment Form ("EAF") prepared by the applicant for property located at 299 Leydecker Road ("Subject Property"), for construction of a 74 unit multifamily project including but not limited to the proposed one-story and two-story buildings, parking spaces, landscaping, a stormwater management system to comply with stringent stormwater quality and quantity standards, lighting, landscaping and utility lines and connections (the "Project") and reviewed the draft completed Part II of the Short EAF analyzing the potential for the Project to result in any significant adverse environmental impacts and has otherwise taken a hard look at the identified potential environmental impacts utilizing the criteria specified in 6 NYCRR 617.7(c); and

WHEREAS, upon review of Parts I and II of the EAF and the extensive documentation including numerous reports and studies and the project plans submitted by the applicant in connection with the review of the Project, the Town Board has not identified any potentially significant adverse environmental impacts associated with the proposed use of the Subject Property, has determined that preparation of an Environmental Impact Statement is not necessary and that the issuance of a Negative Declaration is therefore appropriate;

NOW THEREFORE, BE IT RESOLVED, that pursuant to 6 NYCRR 617.7(a) the Town Board does hereby adopt a Negative Declaration with respect to the Project based on its determination that the Project will not result in any potentially significant adverse environmental impacts.

Ayes: All

Noes: None

Motion Carried

**Exhibit 6 – Resolution Adopted by the Town
of West Seneca Town Board on December 16,
2019 issuing a Special Use Permit for
Multiple-Family Dwellings**

WEST SENECA COMMUNITY CENTER
1300 Union Road
West Seneca, NY 14224

TOWN BOARD PROCEEDINGS
Minutes #2019-25
December 16, 2019
Page three . . .

Motion by Supervisor Meegan, seconded by Councilman Hanley, to adopt the following resolution approving a special permit for property located at 299 Leydecker Road, being a part of Lot No. 396, changing its classification from R-60A to R-60A(S), for 74 attached residential units:

WHEREAS, DATO Development, LLC has an application for a special use permit for multiple-family dwellings on property located at 299 Leydecker Road that is zoned R-60A pursuant to the Town of West Seneca Zoning Map;

WHEREAS, the requested special use permit was reviewed by the Planning Board during its meetings held on February 14, 2019, May 9, 2019, September 12, 2019 and October 10, 2019;

WHEREAS, during its meeting on October 10, 2019, the Planning Board recommended approval of the requested special use permit subject to a condition that the easterly portion (1.38 acres) of the property at 299 Leydecker Road shall remain undeveloped and subject to a declaration of restrictions to be recorded in the Erie County Clerk's Office and copied to the Town Clerk, Town Attorney and Code Enforcement Officer;

NOW THEREFORE, BE IT RESOLVED, the West Seneca Town Board hereby finds that the proposed 74 unit multiple dwelling project satisfies the criteria for the issuance of a special use permit as set forth in Section 120-23A of the Town of West Seneca Zoning Code ("Zoning Code") and grants a special use permit for the proposed 74 unit multiple dwelling project at 299 Leydecker Road subject to the following condition:

1. The easterly portion (1.38 acres) of the property at 299 Leydecker Road shall remain undeveloped and subject to a declaration of restrictions to be recorded in the Erie County Clerk's Office and copied to the Town Clerk, Town Attorney and Code Enforcement Officer.

Ayes: All

Noes: None

Motion Carried

25-C PUBLIC HEARING

1. Re: "OF A PUBLIC HEARING TO CONSIDER A REQUEST FOR A REZONING AND SPECIAL PERMIT FOR PROPERTY LOCATED AT 537 POTTERS ROAD, BEING PART OF LOT NO. 276, CHANGING ITS CLASSIFICATION FROM C-1 TO C-2(S), TO UPGRADE FACILITY WITH A NEW ISLAND CANOPY AND INSTALLATION OF UNDERGROUND STORAGE TANKS" in the Town of West Seneca.