

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

TOWN OF WEST SENECA

APPLICATION FOR REZONING – SPECIAL PERMIT

TO BE COMPLETED BY APPLICANT

DATE October 26, 2020

FILE # _____

PROJECT NAME Park Lane Villas North

PROJECT LOCATION (Include address and distance to nearest intersection) 945 Center Road

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

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

PROPERTY OWNER Young Development Inc. PH/FAX _____

ADDRESS 945 Center Road, West Seneca, New York 14221

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

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

SBL # 135.13-5-7 [Note: A completed Short Environmental Assessment Form prepared pursuant to the State Environmental Quality Review Act is provided at Exhibit "1".]

PROJECT DESCRIPTION (Include all uses and any required construction) A Project Description is attached as Exhibit "2" of this Application.

A full size copy of the Site Plan [Drawing C-100A] is attached to this Application and a reduced size copy of the Concept Site Plan is provided at Exhibit "3". A reduced size copy of the Landscape Plan [Drawing L-100A] is provided at Exhibit "4".

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

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

A reduced size copy of the Boundary and Topographic Survey of the Project Site is attached as Exhibit "5". The legal description of the property to be rezoned from R-65A and R-75 to R-60A(S) is provided at Exhibit "7".

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

EXISTING USE(S) ON PROPERTY Single-Family Home

PROPOSED USE(S) ON PROPERTY 3 single-story buildings consisting of a total of 15 single-story attached residential units for lease with attached garages along with all related site improvements

EXISTING USE(S) AND ZONING ON ALL PROPERTY WITHIN 500 FEET depicted on the Site Plan [Drawing C-100A - Date: 10/09/20].

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

PUBLIC SEWER YES ___ NO x PUBLIC WATER YES ___ NO x

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

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

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

TO BE COMPLETED BY THE TOWN OF WEST SENECA

DATE RECEIVED _____ BY _____

PLANNING BOARD MEETING DATE _____

TOWN BOARD MEETING DATE _____

TOWN BOARD RESOLUTION DATE _____

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

Short Environmental Assessment Form
Part 1 - Project Information

Prepared By:
Sean Hopkins, Esq.
5500 Main Street, Suite 343
Williamsville, NY 14221
Tel: 716.510-4338
E-mail: shopkins@hsr-legal.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: Park Lane Villas North Residential Project				
Project Location (describe, and attach a location map): 945 Center Road - Town of West Seneca - Erie County				
Brief Description of Proposed Action: The proposed project ("action") consists of a residential project consisting of sixteen (16) single-story attached residential units (3 buildings) to be located on the property at 945 Center Road ("Project Site"). The Project Site is zoned R-65A and R-75 and the proposed use requires a rezoning of the Project Site to R-60A and a special use permit for multifamily use from the Town Board and site plan approval from the Planning Board. The proposed action has been defined broadly to include all required discretionary approvals and permits as well as all proposed site improvements including the proposed buildings consisting of attached residential units for lease, a driveway connection to Center Road, access aisles and parking spaces, lighting, landscaping, a minor impact to federal wetlands, a storm water management system complying with the applicable stringent storm water quality and quantity standards of the New York State Department of Environmental Conservation ("NYSDEC") as well as all required utility connections and improvements. The project is a Unlisted action pursuant to SEQRA because it does not cross any of the thresholds for a Type I action listed in 6 NYCRR Part 617.4.				
Name of Applicant or Sponsor: Young Development Inc. c/o Sean W. Hopkins, Esq.		Telephone: 510-4338 E-Mail: shopkins@hsr-legal.com		
Address: 5500 Main Street, Suite 343				
City/PO: Williamsville		State: NY	Zip Code: 14221	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>	YES <input checked="" 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: See Attachment "A" of this Short EAF for a list of the approvals and permits for the proposed project.			NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		3.4 acres		
b. Total acreage to be physically disturbed?		3.4 acres		
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		8.17 acres		
4. Check all land uses that occur on, are adjoining or near the proposed action:				
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland				

		NO	YES	N/A
5. Is the proposed action,	[The proposed action requires the zoning classification of the Project Site to be amended from R-65A and R-75 to R-60A(S). The project also requires a Special Use Permit for Multiple Family Dwellings]			
		a. A permitted use under the zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?			NO	YES
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?			NO	YES
If Yes, identify: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. a. Will the proposed action result in a substantial increase in traffic above present levels?			NO	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Does the proposed action meet or exceed the state energy code requirements?			NO	YES
If the proposed action will exceed requirements, describe design features and technologies: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10. Will the proposed action connect to an existing public/private water supply?			NO	YES
If No, describe method for providing potable water: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11. Will the proposed action connect to existing wastewater utilities?			NO	YES
If No, describe method for providing wastewater treatment: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?			NO	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
[Note: A copy of the No Impact Determination Letter issued by SHPO on January 30, 2020 is provided at Attachment "C" of this Short EAF].		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?			NO	YES
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____				
Earth Dimensions Inc. conducted a wetland delineation of the Project Site and determined that there are wetlands subject to federal jurisdiction on the Project Site totaling of 0.64 acres. Attachment "B" of this Short EAF consists of the Nationwide Permit No. 29 as issued by the United States Army Corps of Engineers ("USACE") authorizing impacts to 0.10 acres of the on-site jurisdictional federal wetland and both the federal wetland and the authorized impact are depicted on the Site Plan [Drawing C-100A] included with the Site Plan Application.				

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input checked="" type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input 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: _____		
An on-site stormwater management system will be installed in accordance with the applicable stringent stormwater quality and quantity standards of the New York State Department of Environmental Conservation ("NYSDEC").		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____	NO	YES
There will be a stormwater detention pond to be installed in connection with the stormwater management system. The size will be approximately 0.44 acres and the approximate location is depicted on the Site Plan [Drawing C-100] prepared by Carmina Wood Morris DPC.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>Young Development Inc.</u> Date: <u>October 26, 2020</u>		
Signature: <u></u> Title: <u>Attorney for Applicant</u>		

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

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

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

**Attachment A of Short Environmental
Assessment Form – Response to Question 1 –
Required Approvals and Permits for the
Proposed Project**

**ATTACHMENT “A” OF SHORT ENVIRONMENTAL
ASSESSMENT FORM DATED OCTOBER 26, 2020**

**PROPOSED MULTIPLE DWELLING PROJECT
945 CENTER ROAD – TOWN OF WEST SENECA**

Response to Question 2: Does the proposed action require a permit, approval or funding from any other Governmental Agency? If yes, list agency(s) name and permit or approval.

The proposed action requires the following permits, approvals or funding from Governmental Agencies:

1. Town of West Seneca Town Board – Rezoning and Special Use Permit for Multiple Dwelling Use
2. Town of West Seneca Planning Board – Site Plan Approval
3. Town of West Seneca Building Department – Building Permits
4. United States Army Corps of Engineers – Nationwide Permit No. 29 [Issued on April 24, 2020. A copy of the Nationwide Permit No. 29 authorizing impacts to 0.10 acres of federal wetlands on the Project Site is provided at Attachment “B” of this Short Environmental Assessment Form
5. NYS Department of Environmental Conservation – SPDES Permit and DSCA Approval
6. NYS Office of Parks, Recreation and Historic Preservation – No Impact determination based on potential presence of protected archaeological resources [Issued on January 30, 2020. A copy of the No Impact determination letter is provided at Attachment “C” of this Short Environmental Assessment Form
7. Erie County Department of Public Works – Highway Work Permit
8. Erie County Water Authority – Water
9. Erie County Health Department – DSCA and RPZ approval

**Attachment B of Short Environmental
Assessment Form – Nationwide Permit No.
20 issued by the United States Army Corps of
Engineers on April 24, 2020**



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, BUFFALO DISTRICT
1776 NIAGARA STREET
BUFFALO, NEW YORK 14207-3199

April 24, 2020

Regulatory Branch

SUBJECT: Department of the Army No. LRB-2019-01048 Nationwide Permit No. NWP 29
Residential Developments as Published in the Federal Register, Volume 82, No. 4, on Friday,
January 6, 2017

Young Development
Bryan Young
1120 Bullis Rd
Elma, New York 14059

Dear Mr. Young:

This pertains to your proposal to discharge of fill material into 0.10 acre of federally jurisdictional wetlands in association with the construction of the Park Lane Villas North residential development, located at 945 Center Road, in the Town of West Seneca, Erie County, New York.

I have evaluated the impacts associated with your proposal, and have concluded that they are authorized by the enclosed Nationwide Permit (NWP) provided that the attached conditions are satisfied.

Verification of the applicability of this NWP is valid until March 18, 2022 unless the NWP is modified, suspended, revoked, or the activity complies with any subsequent permit modification. Please note in accordance with 33 CFR part 330.6(b), that if you commence or are under contract to commence an activity in reliance of the permit prior to the date this NWP expires, is suspended or revoked, or is modified such that the activity no longer complies with the terms and conditions, you have twelve months from the date of permit modification, expiration, or revocation to complete the activity under the present terms and conditions of the permit, unless the permit has been subject to the provisions of discretionary authority.

It is your responsibility to remain informed of changes to the NWP program. A public notice announcing any changes will be issued when they occur and will be available for viewing at our website: <http://www.lrb.usace.army.mil/Missions/Regulatory.aspx>. Finally, note that if your activity is not undertaken within the defined period or the project specifications have changed, you must immediately notify this office to determine the need for further approval or reverification.

SUBJECT: Application No. LRB-2019-01048, Nationwide No. NWP 29 Residential Developments as Published in the Federal Register, Volume 82, No. 4, on Friday, January 6, 2017

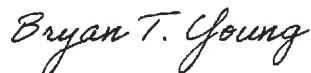
During our review we considered all applicable Federal requirements as well as state Water Quality Certification (WQC) conditions. We have made every effort to ensure that your project complies with these requirements. However, we have neither the resources nor the statutory authority to conclusively determine whether your project complies with ALL New York State WQC conditions. In this regard, I strongly suggest that you closely review the WQC conditions attached at the end of this document. If you are certain that you will remain in compliance with ALL conditions attached to this Permit no further coordination is required. However, if you have any doubt about your ability to comply with the state WQC conditions you must resolve those issues with the appropriate Department of Environmental Conservation (DEC) Regional office before you commence work. If the state determines that you need to obtain a project specific WQC you should forward to this office a copy of their final decision at the conclusion of the process. Direct your WQC inquiries to:

Regional Permit Administrator
New York State Department of Environmental Conservation
270 Michigan Avenue
Buffalo, NY 14203-2999

Your initiation of work as authorized by the enclosed NWP acknowledges your acceptance of the general and special conditions contained therein. This affirmation is limited to the attached NWP and associated WQC, and does not obviate the need to obtain any other project specific Federal, state, or local authorization. Specifically, you may need to obtain Article 15 (Protection of Water), Article 24 (Freshwater Wetland), and/or Article 34 (Coastal Erosion Management) authorization from the New York State DEC.

Questions pertaining to this matter should be directed to me by calling (716) 879-4246 by writing to the following address: U.S. Army Corps of Engineers Regulatory Branch, 1776 Niagara Street, Buffalo, New York 14207 or by e-mail at: bryan.t.young@usace.army.mil.

Sincerely,



Bryan T. Young
Biologist

Enclosures

cc:

Scott Livingstone – Earth Dimensions, Inc.

COMPLETION FORM / COMPLIANCE CERTIFICATION

Each permittee who receives a Nationwide Permit (NWP) verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and any compensatory mitigation.

APPLICANT:	POINT OF CONTACT:	
Young Development	Bryan Young	File No.: LRB-2019-01048
1120 Bullis Rd	Young Development	File Closed: April 23, 2020
Elma, New York 14059	1120 Bullis Rd	NWP No.: NWP 29 Residential
	Elma, New York 14059	Developments

Upon completion of the activity authorized by this permit and any required compensatory mitigation sign this certification and return it to the address listed below within 30 days of project completion.

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, revocation, and/or assessment of administrative penalties.

The permittee shall certify the completion of the authorized work and mitigation:

- a. The authorized work was done in accordance with the NWP authorization, including any general, regional, or activity specific conditions.
- b. The implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, this certification must include the documentation required by 33 CFR 332.3(1)(3) to confirm that the permittee secured the appropriate number and resource type of credits.

Young Development - Bryan Young

Date

Permittee Telephone Number: _____

Project location: 945 Center Road, West Seneca, New York 14224

Project Description: discharge of fill material into federally jurisdictional wetlands in association with the construction of the Park Lane Villas North residential development.

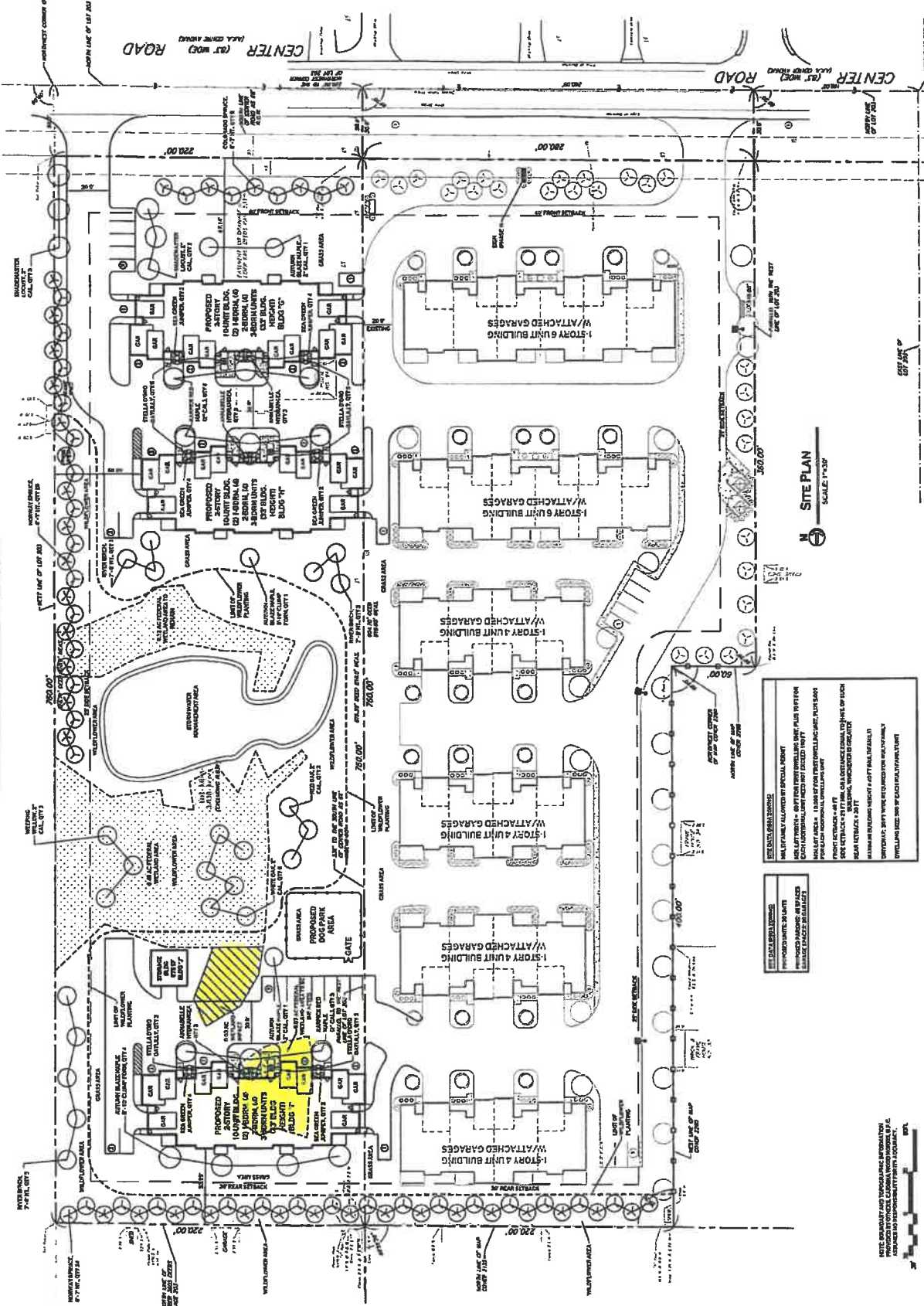
Authorized Impacts (Waters of the U.S. Impacted by Project): 0.10 acre (0.03 acre wetland 1, 0.07 acre wetland 2)

Return completed form to:
Mr. David Leput
Regulatory Branch
U.S. Army Corps of Engineers
1776 Niagara Street
Buffalo, NY 14207

Park Lane Villas North
 D/A Processing No. 2019-01048
 Erie County, New York
 Quad: NY - Orchard Park
 Sheet 2 of 2



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NOTES:
 1. ALL DIMENSIONS ARE IN FEET AND INCHES.
 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
 4. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD UNLESS OTHERWISE NOTED.
 5. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE RIVER UNLESS OTHERWISE NOTED.
 6. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE CREEK UNLESS OTHERWISE NOTED.
 7. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE STREAM UNLESS OTHERWISE NOTED.
 8. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE OCEAN UNLESS OTHERWISE NOTED.
 9. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE MOUNTAIN UNLESS OTHERWISE NOTED.
 10. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE HILLS UNLESS OTHERWISE NOTED.
 11. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE VALLEY UNLESS OTHERWISE NOTED.
 12. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE PLAIN UNLESS OTHERWISE NOTED.
 13. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE DESERT UNLESS OTHERWISE NOTED.
 14. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE TUNDRA UNLESS OTHERWISE NOTED.
 15. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE SAVANNAH UNLESS OTHERWISE NOTED.
 16. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE STEPPE UNLESS OTHERWISE NOTED.
 17. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE PRAIRIE UNLESS OTHERWISE NOTED.

LEGEND:
 1. PROPOSED BUILDING FOOTPRINTS
 2. PROPOSED PARKING SPACES
 3. PROPOSED WALKWAYS
 4. PROPOSED BIKEWAYS
 5. PROPOSED TRAILS
 6. PROPOSED GOLF COURSE
 7. PROPOSED SWAMP AREA
 8. PROPOSED WETLANDS
 9. PROPOSED WOODLANDS
 10. PROPOSED MEADOWS
 11. PROPOSED POND
 12. PROPOSED LAKE
 13. PROPOSED STREAM
 14. PROPOSED CREEK
 15. PROPOSED RIVER
 16. PROPOSED OCEAN
 17. PROPOSED MOUNTAIN
 18. PROPOSED HILLS
 19. PROPOSED VALLEY
 20. PROPOSED PLAIN
 21. PROPOSED DESERT
 22. PROPOSED TUNDRA
 23. PROPOSED SAVANNAH
 24. PROPOSED STEPPE
 25. PROPOSED PRAIRIE

SCALE: 1" = 30'
DATE: 10/15/19
DRAWN BY: J. MORRIS
CHECKED BY: M. MORRIS
APPROVED BY: M. MORRIS

PROJECT NAME: Park Lane Villas North
NEW CONSTRUCTION
 945 & 955 Center Road
 West Seneca, New York
DRAWING NO.: C-100A
PROJECT NO.: 17-181
DRAWING NAME: Site Plan
DATE: 10/15/19
DESIGNED BY: J. MORRIS
CHECKED BY: M. MORRIS
APPROVED BY: M. MORRIS

**Attachment C of Short Environmental
Assessment Form – No Impact
Determination Letter of SHPO
dated January 30, 2020**



**Parks, Recreation,
and Historic Preservation**

ANDREW M. CUOMO
Governor

ERIK KULLESEID
Commissioner

January 30, 2020

Mr. Scott Livingstone
Wetlands Operations Manager
Earth Dimensions, Inc.
1091 Jamison Road
Elma, NY 14059

Re: USACE
Park Lane Villas North New Community Development Construction Project
Center Road, West Seneca, Erie County, NY
19PR07868

Dear Mr. Livingstone:

Thank you for requesting the comments of the New York State Historic Preservation Office (SHPO). We have reviewed the report prepared by the Archaeological Survey (University at Buffalo) entitled "19PR07868 Phase 1 Archaeological Reconnaissance Survey of the Park Lane Villas North Residential Development Town of West Seneca Erie County, New York" (Hartner, January 2020; 20SR00039), in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources. They do not include other 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 National Environmental Policy Act and/or the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8).

Based upon this review, it is the SHPO's understanding that no archaeological sites were identified during the above-mentioned investigation. It is thus the opinion of the New York SHPO that no historic properties, including archaeological and/or historic resources, will be affected by this undertaking. This recommendation pertains only to the Area of Potential Effects (APE) examined during the above-referenced investigation. It is not applicable to any other portion of the project property. Should the project design be changed SHPO 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

Division for Historic Preservation

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

**Exhibit 2 - Narrative with Project Description,
Description of Requested Rezoning of Project
Site and Justification for Requested Special
Use Permit for Multiple Family Dwelling Use**

**EXHIBIT 2 OF REZONING AND SPECIAL
USE PERMIT APPLICATION**

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

I. Project Description:

The proposed project ("action") consists of a residential project consisting of three single-story buildings totaling 16 attached residential units for lease on the approximately 3.83 acre parcel at 945 Center Road ("Project Site").¹ The proposed project is an expansion of the previously approved and constructed Park Lane Villa North Project located on the parcel contiguous to the Project Site at 965 Center Road.

The layout of the proposed residential project is depicted on the Site Plan [Drawing C-100A] prepared by Carmina Wood Morris DPC provided at Exhibit "3" and a full size copy of the Concept Plan is also attached to this Rezoning and Special Use Permit Application. A copy of the Landscape Plan [Drawing L-100A] depicting the extensive landscaping to be provided on the Project Site is provided at Exhibit "4" and a full size copy of the Landscape Plan is also attached to this Rezoning and Special Use Permit Application.

The Project Site is zoned R-65A and R-75 pursuant to the Town of West Seneca Zoning Map.² The Project Sponsor is requesting that the zoning classification of the Project Site be

¹ The previously proposed project consisted of three 2-story buildings with 10 units per building [total of 30 units]. A copy of the Site Plan for the previously proposed project is provided at Exhibit "6". Based on input received during the previous review process as well as the most recent informational meeting held with interested residents on October 5, 2020, the density of the proposed project has been reduced by nearly 50% and the previously proposed 2-story buildings were replaced with 1-story buildings.

² Section 120-18A(1) of the Zoning Code states that uses permitted in the R-50 zoning district are permitted on property zoned R-60A. Section 120-16A(2) states that group dwellings and multiple-

amended to R-60A(S) to accommodate the proposed residential project. Pursuant to Section 120-16A(1) of the Zoning Code, multiple-family dwellings on property zoned R-60A require the issuance of a special use permit by the Town Board. The proposed residential project will also require Site Plan Approval from the Planning Board.

The proposed 16 single-story attached residential units for lease will be serviced by private infrastructure including a private driveway connection to Center Road and private sanitary sewer and water infrastructure. Each upscale attached residential unit will include an attached garage.

II. Justification for Requested Special Use Permit:

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

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

family dwellings are permitted in the R-50 zoning district upon the issuance of a special use permit by the Town Board.

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

1. The location of the Project Site and the nature of the proposed residential use is in harmony with the orderly development of the district in which the Project Site is located. The project will consist exclusively of upscale attached residential units for lease and each of the three proposed buildings will be limited to one-story and constructed of high quality architectural materials.
2. Criteria No. 2 pertains to the need for screening to be considered when a non-residential use with potential negative attributes is being proposed on property that is contiguous to property in an R District. The proposed project includes screening to be provided on the southern portion of both 945 Center Road and the adjacent previously developed property 965 Center Road. The screening will consist of 6 ft. board on board fence along the southern boundary of the Project Site along with Norway Spruce trees. The proposed screening on the southernmost portion of 945 and 965 Center Road reflects input received during an informational meeting held on October 5, 2020 with interested residents including homeowners on Brantwood Drive. The landscaping to be provided on the Project Site is depicted on the full size Landscape Plan [Drawing L-100A] attached to this Application.
3. There will be adequate parking provided for the proposed use as attached residential units for lease. The Zoning Code requires two parking spaces per unit (30 required parking spaces) and there will be total of 30 parking spaces (including the attached garages for each of the single-story units).

III. Conclusion:

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

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

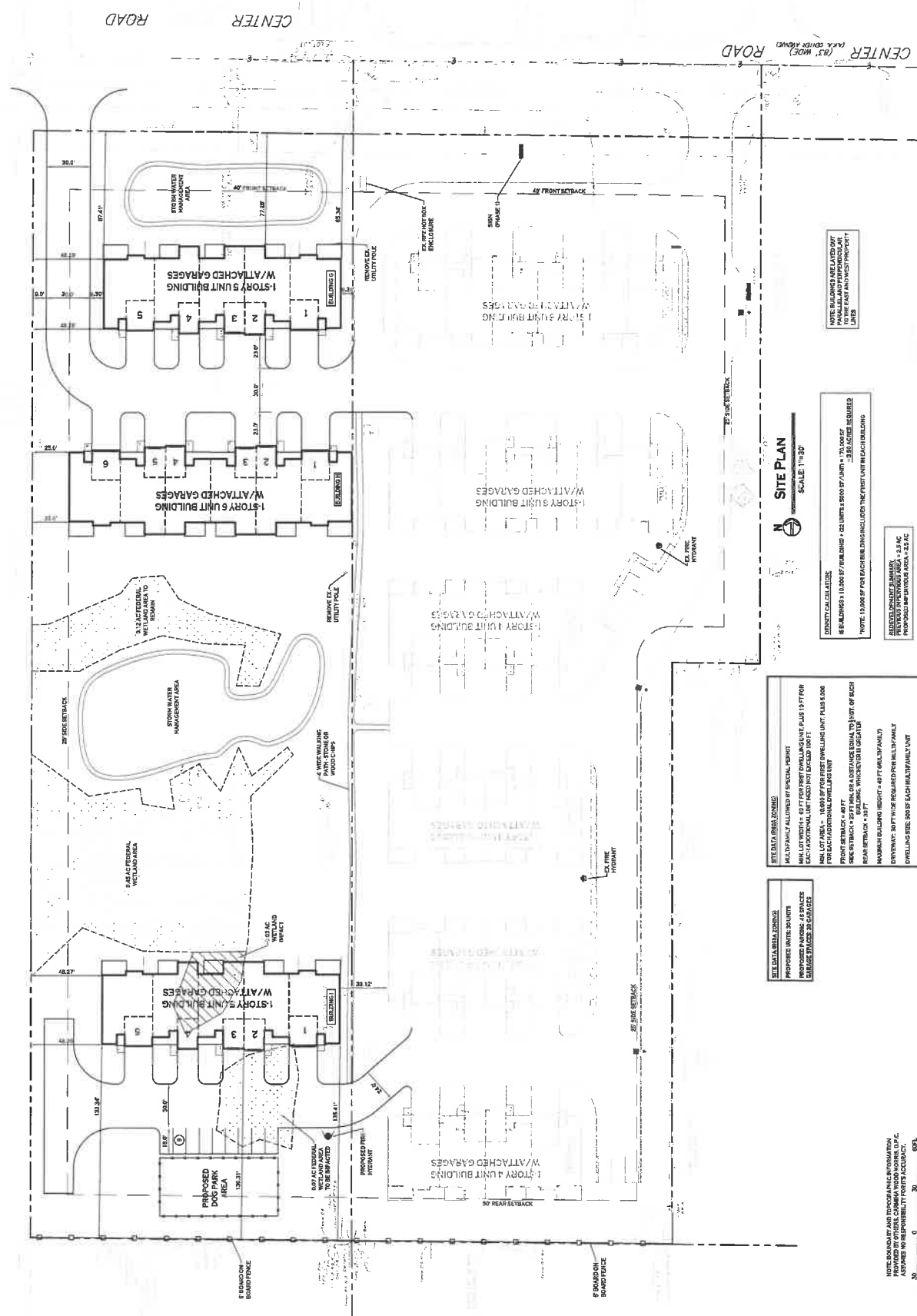
**[Note: A Full Size copy of Site Plan also is
also attached to this Rezoning/Special Use
Permit Application]**

No.	Description	Date

PROJECT NAME:
 New Construction
Address:
 945 & 965 Center Road
 West Seneca, New York

DRAWING NO.:
 C-100A
Project no.: 20185

DRAWING NO.:
 C-100A
Project no.: 20185



IDENTITY CALCULATOR:
 PROPERTY AREA = 3.85 AC = 167,183 SF
 DISTRICT REQUIREMENT = 10,000 SF = 4,000 SF / ADDITIONAL UNIT
 = 167,183 SF / 10,000 SF = 16.7183 SF / 4,000 SF = 4.17958 ADDITIONAL UNITS

SCALE: 1"=30'
NOTE: ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.

SETBACKS:
 25' SIDE SETBACK
 45' FRONT SETBACK
 30' REAR SETBACK

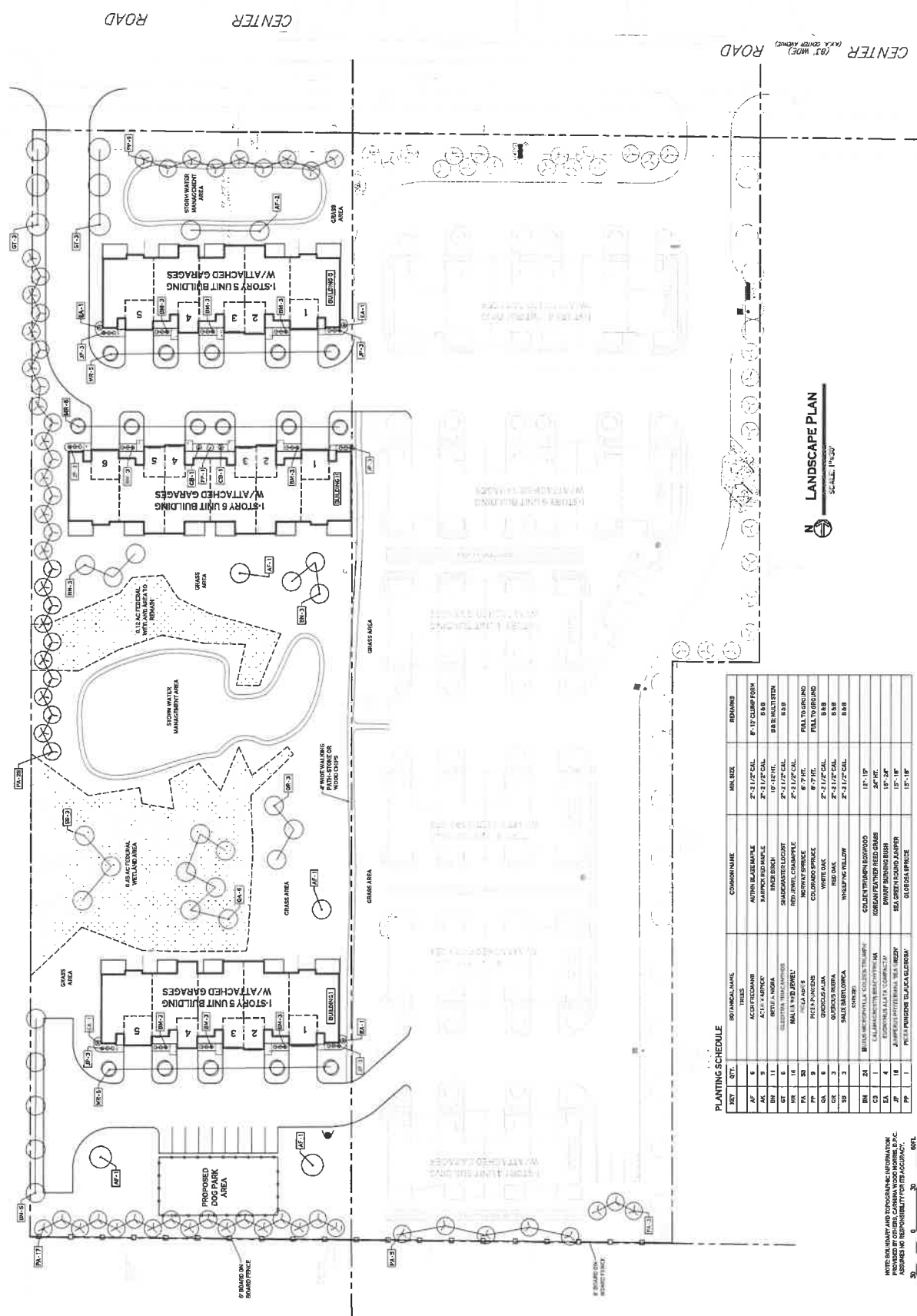
WETLANDS:
 0.85 AC FEDERAL WETLAND AREA
 3.12 AC FEDERAL WETLAND AREA TO BE MAINTAINED

PROPOSED FIRE HYDRANT:
 138.41'

BOUNDARY AND TOPOGRAPHIC INFORMATION:
 THE BOUNDARY AND TOPOGRAPHIC INFORMATION SHOWN ON THIS PLAN IS BASED ON THE RECORD PLANS AND SURVEY DATA PROVIDED BY THE CLIENT. THE ENGINEER HAS CONDUCTED A VISUAL CHECK OF THE BOUNDARY AND TOPOGRAPHIC INFORMATION AND HAS FOUND IT TO BE REASONABLY ACCURATE.

**Exhibit 4 – Reduced Size Copy of the
Landscape Plan Prepared by Carmina Wood
Morris DPC [Drawing L-100A]
[Note: A Full Size copy of Landscape Plan is
also attached to this Rezoning/Special Use
Permit Application]**

NO.	DESCRIPTION	DATE



PLANTING SCHEDULE

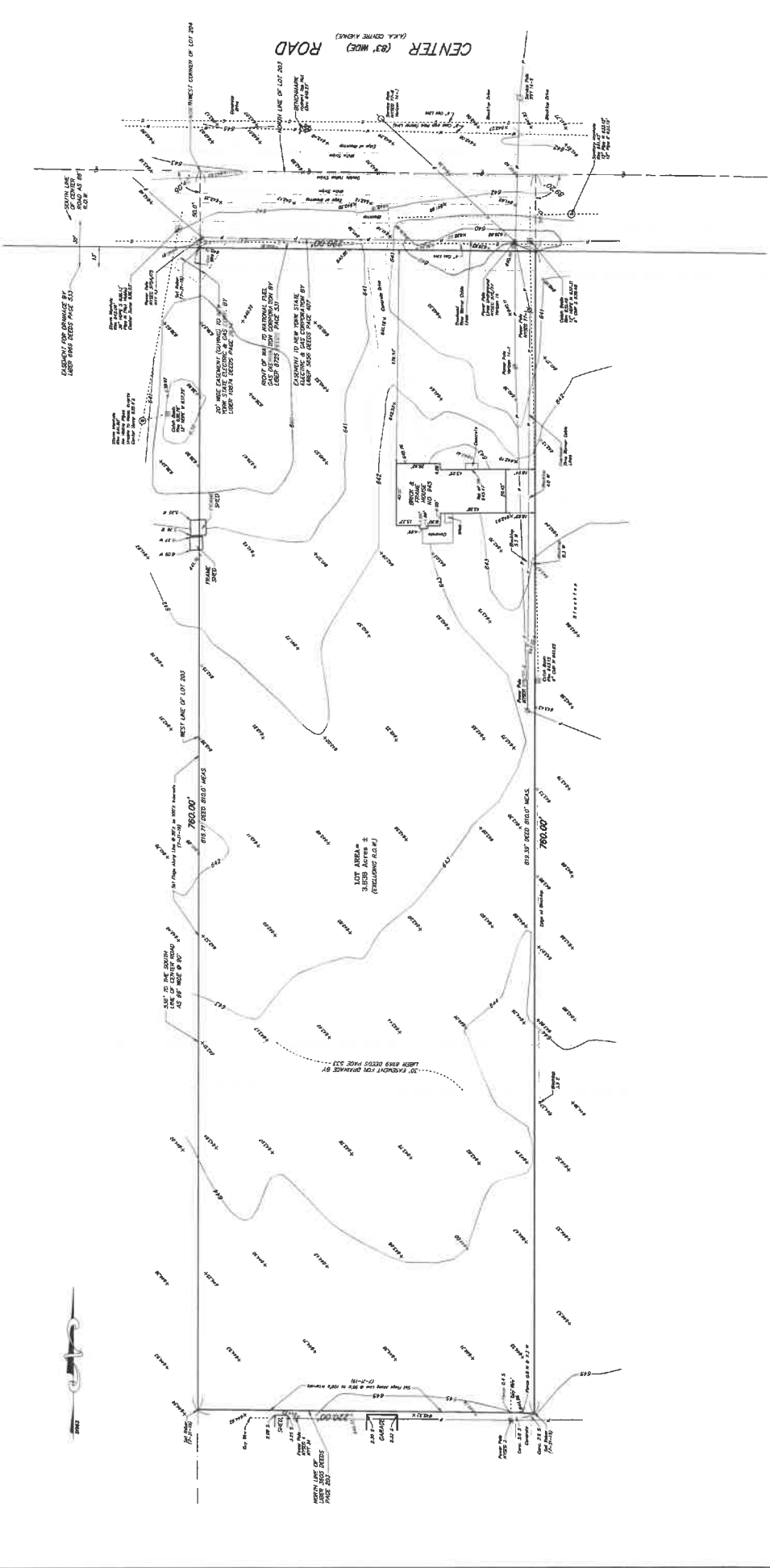
KEY	QTY.	BOTANICAL NAME	COMMON NAME	MIN. SIZE	REMARKS
AT	6	ACER FRAXINUM	AUTUMN BURNING MAPLE	2" - 3 1/2" CAL.	8" - 12" CLAMP FORM
AL	3	ACER SACCARINUM	HARPALACEA MAPLE	2" - 3 1/2" CAL.	B.B.B.
BE	12	BETULA PULCHRA	SMOKE-TANNED BIRCH	2" - 3 1/2" CAL.	B.B.B.
CE	12	CELANDESTRIS	SHARON ROSE	2" - 3 1/2" CAL.	B.B.B.
DR	12	DRYMONIA	RED JEWEL CRANAPLE	2" - 3 1/2" CAL.	B.B.B.
FR	30	FRAXINUS	NORWAY SPRUCE	6" - 7" HT.	FALL TO GROUND
GL	3	GLADIOLUS	COLORADO SPRUCE	6" - 7" HT.	FALL TO GROUND
GR	3	GRASS	WHITE OAK	2" - 3 1/2" CAL.	B.B.B.
IR	3	IRIS	WHISPERING WILLOW	2" - 3 1/2" CAL.	B.B.B.
LA	24	LAWN	COLDEN THURBUSH	12" - 15"	
LS	1	LAWN	KOREAN PEAKEED GRASS	24" HT.	
MS	4	MISC.	DMYAT BURNING BUSH	18" - 24"	
PS	18	PLANTING	SEA OAK	15" - 18"	
PR	1	PLANTING	GRASS	15" - 18"	



NOTE: SOIL QUANTITY AND TOPOGRAPHIC INFORMATION ARE APPROXIMATE. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND ASSUME RESPONSIBILITY FOR ACCURACY.

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**Exhibit 5 – Reduced Size Copy of the
Boundary and Topographic Survey of
945 Center Road Prepared by Millard,
MacKay & Delles Land Surveyors, LLP
dated December 23, 2019**



PART OF LOT 1, SECTION 36, TOWNSHIP 27 N, RANGE 12 E, RANGE 12 E OF THE
 SURVEY OF 364,628 ACRES, SECTION 36, TOWNSHIP 27 N, RANGE 12 E, RANGE 12 E
 OF THE
 SURVEY OF 364,628 ACRES, SECTION 36, TOWNSHIP 27 N, RANGE 12 E, RANGE 12 E
 OF THE
 SURVEY OF 364,628 ACRES, SECTION 36, TOWNSHIP 27 N, RANGE 12 E, RANGE 12 E
 OF THE

BOUNDARY & TOPOGRAPHIC SURVEY
 MILLARD, MACKAY & DELLES, LLP
 LAND SURVEYORS, LP
 1000 WEST 10TH AVENUE
 SUITE 200
 DENVER, COLORADO 80202

DATE: 12-20-19
 DRAWING NO.: 19-23-19
 SHEET NO.: 1 OF 307
 SCALE: AS SHOWN
 PROJECT NO.: 19-23-19

75' FRONT YARD SETBACK BY
 LB87 8893 DEED PAGE 233

60' SIDE YARD SETBACK BY
 LB87 8893 DEED PAGE 233

50' REAR YARD SETBACK BY
 LB87 8893 DEED PAGE 233

176' AREA 1 (EXISTING LOT 2)
 176' AREA 2 (EXISTING LOT 3)

750.00'
 750.00'
 750.00'

60' SIDE YARD SETBACK BY
 LB87 8893 DEED PAGE 233

LEGEND
 10' LOT LINES
 1" = 40' SCALE
 1" = 40' SCALE
 1" = 40' SCALE
 1" = 40' SCALE
 1" = 40' SCALE

UTILITIES
 The underground utilities shown on this map are based on field survey information
 and are not guaranteed to be accurate. The surveyor makes no warranty as to the
 accuracy of the utility lines shown on this map. The surveyor makes no warranty as to
 the accuracy of the utility lines shown on this map. The surveyor makes no warranty as to
 the accuracy of the utility lines shown on this map. The surveyor makes no warranty as to
 the accuracy of the utility lines shown on this map.

LEGEND
 1" = 40' SCALE
 1" = 40' SCALE
 1" = 40' SCALE
 1" = 40' SCALE
 1" = 40' SCALE

UTILITIES
 1" = 40' SCALE
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LEGEND
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UTILITIES
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LEGEND
 1" = 40' SCALE
 1" = 40' SCALE
 1" = 40' SCALE
 1" = 40' SCALE
 1" = 40' SCALE

**Exhibit 6 - Reduced Size Copy of the
Site Plan Prepared by Carmina Wood
Morris DPC [Drawing C-100A – Date:
10/02/19] for the Previously Proposed
30 Unit Project at 945 Center Road**

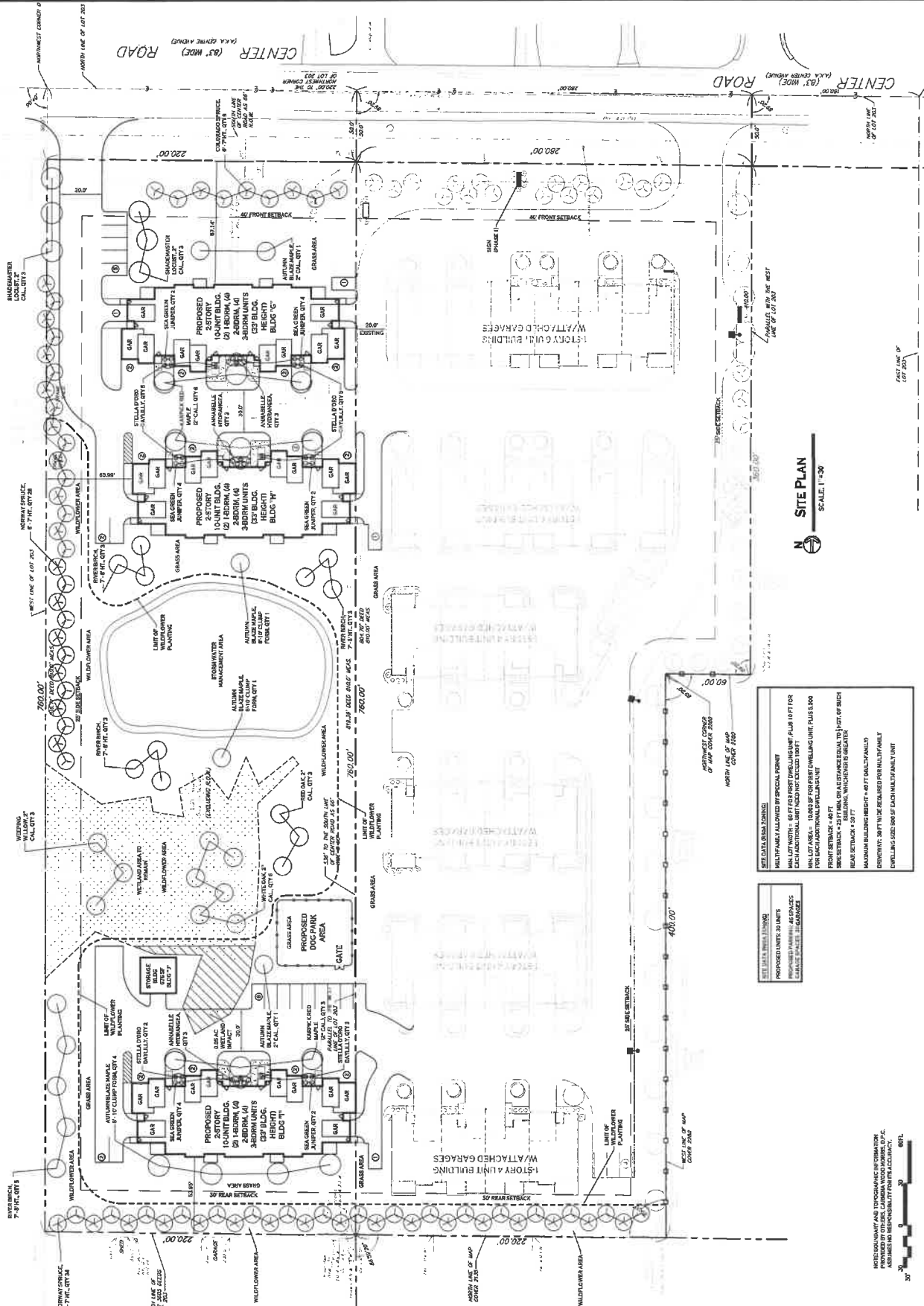


Carmina Wood Morris
 48 West Seneca, New York
 Phone: 716.334.1111
 Fax: 716.334.1112

PROJECT NAME:
 New Construction
 Park Lane Villas North
 945 & 965 Center Road
 West Seneca, New York

Date: 01/22/18
 Drawn By: [Name]
 Checked By: [Name]
 DRAWING NAME:
 Site Plan

DRAWING NO.
C-100A
 Project no.: 17.131



DENSITY CALCULATION:
 DENSITY AREA = 167,183 SF
 DENSITY RECOMMENDATION = 10.000 SF = 10.000 SF / 1.000 SF = 10.000 SF
 DENSITY ALLOWED = 10.000 SF = 10.000 SF / 1.000 SF = 10.000 SF

SITE DATA AREA ZONING
 MULTIFAMILY ALLOWED BY SPECIAL PERMIT
 MIN. LOT WIDTH: 60 FT FOR FIRST DWELLING UNIT, PLUS 10 FT FOR EACH ADDITIONAL UNIT (NOT TO EXCEED 100 FT)
 MIN. LOT AREA: 10,000 SF FOR FIRST DWELLING UNIT, PLUS 5,000 SF FOR EACH ADDITIONAL UNIT
 FRONT SETBACK: 40 FT
 SIDE SETBACK: 25 FT MIN. OR A DISTANCE EQUAL TO 1/4 HGT. OF SUCH BUILDING, WHICHEVER IS GREATER
 REAR SETBACK: 45 FT
 MAXIMUM BUILDING HEIGHT: 40 FT (MULTIFAMILY)
 DENSITY: 30 FT² TO BE REQUIRED FOR MULTIFAMILY DWELLING USES ONE OF EACH MULTIFAMILY UNIT

SITE DATA AREA ZONING
 PROPOSED UNITS: 30 UNITS
 PROPOSED PARKING: 45 SPACES
 GARAGE SPACES: 30 GARAGES

SITE DATA AREA ZONING
 PROPOSED UNITS: 30 UNITS
 PROPOSED PARKING: 45 SPACES
 GARAGE SPACES: 30 GARAGES

NOT TO SCALE AND TOPOGRAPHIC INFORMATION PROVIDED BY OTHERS. CARMINA WOOD MORRIS, INC. IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY OTHERS.



**Exhibit 7: Legal Description of
945 Center Road**

EXHIBIT 7 OF REZONING AND SPECIAL USE
PERMIT APPLICATION

LEGAL DESCRIPTION OF 945 CENTER ROAD

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

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of West Seneca, County of Erie and State of New York, being part of Lot No. 204, as same as laid out on a map filed in Erie County Clerk's Office and known as the Map of the Ebenezer Lands and more particularly described as follows:

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

**Exhibit 8: Excerpt of Town of
West Seneca Zoning Map**

