

February 16, 2024

John Higgins  
Town of Pendleton  
6570 Campbell Blvd  
Lockport, NY 14094

Re: **UPDATED REZONING SUBMISSION  
REGENCY ESTATES SUBDIVISION  
CAMPBELL BLVD  
REGENCY BUILDERS, LLC; APPLICANT**

Dear Mr. Higgins,

On February 8<sup>th</sup> I attended the Planning Board work session in regards to the above mentioned action. Based on that meeting, the Board recommended that we also add in a rezoning for 6421 Campbell Boulevard from R-1 Residential to CO1 Light Commercial to bring that property into conformance. We have updated our documentation so that the rezonings can take place at the same time as the processing and review of the subdivision rezoning.

Please find enclosed the following revised rezoning documents submitted for review and approval:

1. Application for Rezoning of Property
2. Short Environmental Assessment Form
3. Rezoning Survey
4. Legal Description of Lands to be Rezoned

We request that the rezoning be placed onto the formal Planning Board meeting of February 20<sup>th</sup> for referral to the Town Board.

Thank you for your time and consideration and please do not hesitate to contact me at (716) 989-3342 with any questions or concerns.

Sincerely,



Kenneth C. Zollitsch  
Director of Land Planning  
4950 Genesee Street, Suite 100  
Buffalo, NY 14225

Cc: Regency Builders, LLC  
File No. 2300035

# Town of Pendleton Planning Board



Town Hall, 6570 Campbell Blvd. Lockport, New York 14094

716-625-8833  
Ext. 25

## Application for Rezoning of Property

Name of Applicant or Applicants Regency Builders, LLC & Sharon Brown

Telephone Number 716-989-3342 Email Address kzollitsch@gpinet.com

Project Name if applicable Regency Estates Subdivision

Location of property 0 Campbell Blvd (SBL 136.00-1-46.12) & 6421 Campbell Blvd (SBL 136.00-1-46.112)

Current Zoning C01 District (136.00-1-46.12) & R2 District (136.00-1-46.112)

Requested Zoning R2 District (136.00-1-46.12) & C01 District (136.00-1-46.112)

Reason for Request The requested rezoning will accommodate single-family residential development of the frontage of the Regency Estates Subdivision. The rezoning for 6421 Campbell will bring the property into conformance. A full size copy of the Sketch Plan with Rezoning is attached.

Fee Amount SEE INVOICE (\$ 350 check per invoice for the filing fee is included with the Rezoning Application)

Date February 12, 2024

[Signature]  
Applicant's Signature

(FOR APPLICANT)

# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

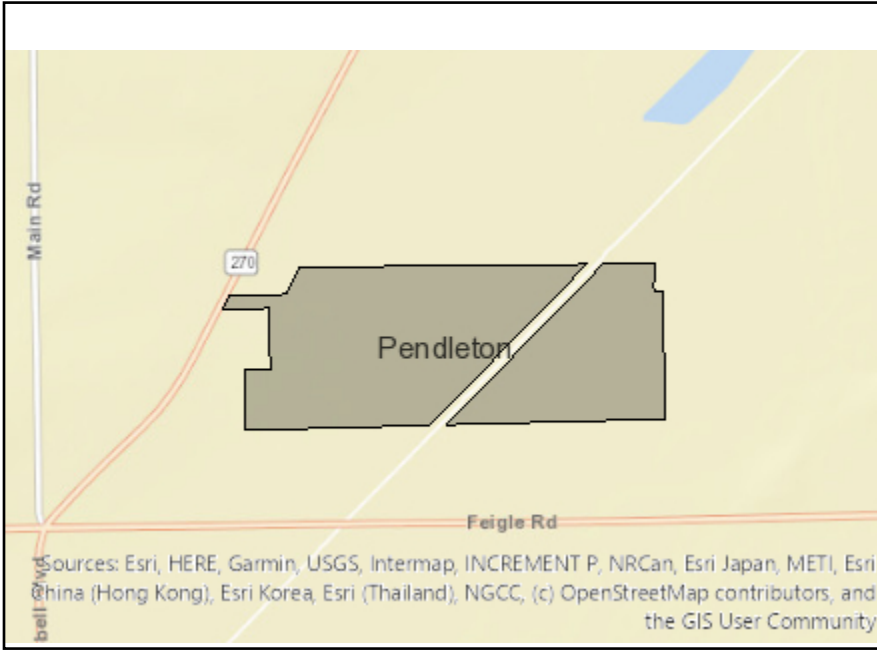
**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available.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

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

<b>Part 1 – Project and Sponsor Information</b>				
Name of Action or Project:				
Project Location (describe, and attach a location map):				
Brief Description of Proposed Action:				
Name of Applicant or Sponsor:		Telephone:		
		E-Mail:		
Address:				
City/PO:		State:	Zip Code:	
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 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: <small>Town of Pendleton Town Board Rezoning from CO1 to R2 (1.38 ac) and from R2 to CO1 (0.85 ac). Project also requires area variances from the Town of Pendleton ZBA and preliminary plat and final plat approval from the Town of Pendleton Planning Board.</small>			NO <input type="checkbox"/>	YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ acres b. Total acreage to be physically disturbed? _____ acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres				
4. Check all land uses that occur on, are adjoining or near the proposed action:				
5.     Urban           Rural (non-agriculture)           Industrial           Commercial           Residential (suburban)				
<input type="checkbox"/> Forest           Agriculture                                   Aquatic           Other(Specify):				
<input type="checkbox"/> Parkland				

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input 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"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<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 type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?  b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?  b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest    Agricultural/grasslands    Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban    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 type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
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
	<input type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input 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 type="checkbox"/>	<input type="checkbox"/>
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>  Applicant/sponsor/name: _____ Date: _____ Signature: <i>Kenneth C. Zollitsch</i> Title: _____		



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



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

NOTE: UNAUTHORIZED ALTERATION OR ADDITION TO THIS DOCUMENT IS A VIOLATION OF SECTION 7209 PROVISION 2 OF THE NEW YORK STATE EDUCATION LAW.



**CAMPBELL BLVD**  
(WIDTH VARIES)

P.O.B. PARCEL 1

NOW OR FORMERLY  
ROLAND & JESSIE DRAPER  
L-1171, P-553  
SBL 136.04-1-33  
NOW OLEG GERGI R/O

367' DEED 362.42' MEAS.

102.40'

300.00'

90°00'

400.00'

NOW OR FORMERLY  
SHARON K. BROWN  
L-3350, P-315  
SBL 136.00-1-46.2

LANDS TO BE RE-ZONED  
FROM LIGHT COMMERCIAL TO  
R-1 RESIDENTIAL  
AREA = 57,016± SQ.FT.

NOW OR FORMERLY  
SHARON K BROWN  
L-3365, P-377  
SBL 136.00-1-46.12

P.O.B. PARCEL 2

340.45'

P.O.B. PARCEL 3

NOW OR FORMERLY  
S BROWN PROPERTIES INC  
INSTRUMENT No. 2011-04259  
SBL 136.00-1-46.112

LANDS TO BE RE-ZONED FROM LIGHT  
COMMERCIAL TO R-1 RESIDENTIAL  
AREA = 3,330± SQ.FT.

PERMANENT EASEMENT TO POWER AUTHORITY OF THE  
STATE OF NEW YORK  
NIAGARA-ADIRONDACK TIE LINE PARCEL NO.87 & 88,  
MAP NO.110, L.1353, PG.89

LANDS TO BE RE-ZONED FROM R-1  
RESIDENTIAL TO LIGHT COMMERCIAL  
AREA = 36,542± SQ.FT.



*Handwritten signature of Mark J. Andrews*

SURVEY OF  
**LANDS TO BE REZONED**  
PART OF LOT 76, TOWNSHIP 13, RANGE 7  
HOLLAND LAND COMPANY'S SURVEY  
TOWN OF PENDLETON, NIAGARA COUNTY, NEW YORK



**GPI ENGINEERING, LANDSCAPE  
ARCHITECTURE & SURVEYING, LLP**  
ENGINEERING • SURVEYING • LANDSCAPE ARCHITECTURE  
4950 GENESEE STREET, SUITE 100  
BUFFALO, NEW YORK 14225  
(716) 633-4844 FAX 633-4940

Job No. 23000035-REZONE Date: FEBRUARY 16, 2024  
Scale: 1" = 150' TAX No. 136.00-1-46.12

Land to be Rezoned from Light Commercial to R-1 Residential  
Lands of Sharon K. Brown - SBL 136.00-1-46.12  
Campbell Boulevard, Pendleton, New York  
Job No. 23000035

February 16, 2024

**PARCEL 1**

ALL THAT TRACT OR PARCEL OF LAND, situated in the Town of Pendleton, County of Niagara, and State of New York, being part of Lot No. 76, Township 13, Range 7, of the Holland Land Company's Survey; bounded and described as follows:

BEGINNING at a Point on the southeast line of Campbell Boulevard at a northwest corner of lands now or formerly conveyed to Sharon K. Brown, by deed recorded in the Niagara County Clerk's Office in Liber 3365 of deeds at page 377, also being the southwest corner of lands now or formerly conveyed to Roland & Jessie Draper by deed recorded in Liber 1171 of deeds at page 553;

THENCE easterly along the division line between Sharon K. Brown property on the south and Roland & Jessie Draper property on the north, said line also being a zoning line separating lands zoned Light Commercial on the south and R-1 Residential on the north, a distance of 362.42 feet more or less to an angle point therein;

THENCE southerly continuing along the division line between the Light Commercial Zoning on the west and the R-1 Residential Zoning on the east, and through said lands conveyed to Sharon K. Brown, a distance of 213.2 feet more or less to an angle point therein;

THENCE southwesterly continuing along said zoning line and through said lands conveyed to Sharon K. Brown, a distance of 184.1 feet more or less to a point on the common boundary line between said lands of Sharon K. Brown on the east and lands conveyed to Sharon K. Brown, by Liber 3350 of deeds at page 315 on the west;

THENCE northerly along said common boundary line of Sharon K. Brown's lands, a distance of 266.6 feet more or less to an angle point therein;

THENCE westerly continuing along the common boundary line of Sharon K. Brown lands, a distance of 300.0 feet more or less to a point on the southeasterly line of Campbell Boulevard;

THENCE northeasterly along the southeasterly line of Campbell Boulevard a distance of 102.4 feet more or less to the point of beginning, containing 57,016 square feet more or less.



**PARCEL 2**

ALL THAT TRACT OR PARCEL OF LAND, situated in the Town of Pendleton, County of Niagara, and State of New York, being part of Lot No. 76, Township 13, Range 7, of the Holland Land Company's Survey; bounded and described as follows:

COMMENCING at a Point on the southeast line of Campbell Boulevard at the southwest corner of lands now or formerly conveyed to Sharon K. Brown, by deed recorded in the Niagara County Clerk's Office in Liber 3350 of deeds at page 315, also being the northwest corner of lands conveyed to S. Brown Properties Inc., by deed recorded as Instrument No. 2011-04259;

THENCE easterly along the common boundary line between Sharon K. Brown lands on the north and S. Brown Properties Inc., on the south, a distance of 340.45 feet more or less to the Point of Beginning;

THENCE easterly continuing along the south line of said Sharon K. Brown lands a distance of 72.0 feet more or less to a point on the southeasterly zoning line separating the Light Commercial Zoning on the west and the R-1 Residential Zoning on the east;

THENCE southwesterly along said zoning line and through said lands conveyed to Sharon K. Brown, by Liber 3365 of deeds page 377, a distance of 117.4 feet more or less to a point on the east line of said common boundary line between S. Brown Properties Inc., on the west and Sharon K. Brown lands by Liber 3365 of deeds at page 377 on the east;

THENCE northerly along the common boundary line of S. Brown Properties on the west and Sharon K. Brown lands on the east, a distance of 93.1 feet more or less to the Point of Beginning, containing 3,330 square feet more or less.

Land to be Rezoned from R-1 Residential to Light Commercial  
Lands of S. Brown Properties Inc. - SBL 136.00-1-46.112  
Campbell Boulevard, Pendleton, New York  
Job No. 23000035

**PARCEL 3**

ALL THAT TRACT OR PARCEL OF LAND, situated in the Town of Pendleton, County of Niagara, and State of New York, being part of Lot No. 76, Township 13, Range 7, of the Holland Land Company's Survey; bounded and described as follows:

COMMENCING at a Point on the southeast line of Campbell Boulevard at the northwest corner of lands conveyed to S. Brown Properties Inc., by deed recorded in the Niagara County Clerk's Office as Instrument No. 2011-04259, also being the southwest corner of lands now or formerly conveyed to Sharon K. Brown, by deed recorded in Liber 3350 of deeds at page 315:

THENCE easterly along the common boundary line between Sharon K. Brown lands on the north and S. Brown Properties Inc. lands on the south, a distance of 340.45 feet more or less to the northeast corner of said lands conveyed to S. Brown Properties Inc., also being a northwest corner of lands now or formerly conveyed to Sharon K. Brown by deed recorded in the Niagara County Clerk's Office in Liber 3365 of deeds at page 377;

THENCE southerly along the common boundary line between Sharon K. Brown lands on the east and S. Brown Properties Inc., lands on the west, a distance of 93.1 feet more or less to the Point of Beginning;

THENCE southerly continuing along said aforementioned common boundary line, a distance of 306.7 feet more or less to the southeast corner of said lands conveyed to S. Brown Properties Inc.;

THENCE westerly along the south line of said lands conveyed to S. Brown Properties Inc., a distance of 238.3 feet more or less to a point on the southeasterly zoning line separating the Light Commercial Zoning on the west and the R-1 Residential Zoning on the east;

THENCE northeasterly along said zoning line and through said lands conveyed to S. Brown Properties Inc., a distance of 391.0 feet more or less to the Point of Beginning, containing 36,542 square feet more or less.