

# Memo

**To:** Town Board Members

**From:** James Callahan, Director of Community Development

**cc:** Town Attorney, Town Clerk, Town Engineer, Senior Code Enforcement Officer, Planning Board Members, Chamber of Commerce

**Date:** January 16, 2015

**Re:** January 28, 2015 Town Board Meeting Agenda

---

## **PUBLIC HEARINGS:**

### **1. LANDSCAPE LAW AMENDMENTS**

To amend the Landscape and Tree Conservation Law to broaden the requirements for committee membership.

### **2. DAVID AND SARAH KRANTZ, 6110 SALT ROAD.**

**Location:** West side of Salt Road north of the Peanut Line Trail.

**Description/History:** Existing home with barns located in the Agriculture Rural Residential Zone

**Proposal:** Applicant is proposing the property for local historic designation under the Town Historic Preservation Local Law.

**Master Plan:** Area identified in an agricultural classification.

**Reason for Town Board Action:** Per the Historic Preservation Local Law, the Town Board has final designation authority for local landmarks.

**Issues:** The Historic Preservation Commission has held a public hearing on the application and has forwarded a recommendation for the Town Board to designate the property as a local historic landmark.

3. **DREW BROWN, 9500 MAIN STREET.**

**Location:** Northeast corner of Mains Street and Goodrich Road within the Willow Square Development (formerly Rock Garden Apartments)

**Description/History:** Existing commercial and residential development currently under construction in the Commercial Zone.

**Proposal:** Applicant is proposing outside dining.

**Master Plan:** Area identified in a commercial classification.

**Reason for Town Board Action:** Per the Zoning Law, the Town Board may consider the use with a Temporary Conditional Permit.

**Issues:** The proposed location is adjacent to the parking area for the use and is proposed to be screened with a low landscape wall. Greenspace within the development is maintained at an acceptable percentage per code. As there is adjoining residential uses, the outside area should be conditioned as to hours of operation and any noise control.

4. **PROPOSED FEE AMENDMENTS TO THE FOLLOWING:**

Building Department Fee Schedule  
Engineering Department Fee Schedule  
Plumbing Permit Fee Schedule.

**FORMAL AGENDA ITEMS:**

1. **MCGUIRE DEVELOPMENT, 5989 TRANSIT ROAD**

**Location:** Southeast corner of Transit Road and Clarence Center Road.

**Description/History:** Existing residential property located in the Commercial Zone.

**Proposal:** applicant is proposing to develop a commercial plaza, including a Tim Horton's Drive-thru.

**Master Plan:** Area identified in a commercial zone.

**Reason for Town Board Action:** Per the Zoning Law, a drive-thru will require a Special Exception Use Permit as approved by the Town Board. The Town Board will be Lead Agency on this project.

**Issues:** The design as submitted will require a setback variance along the east side of the property as the required 45' undisturbed greenbelt will be violated. The setback can be achieved however the setback area will be disturbed. In addition, without an interconnection to the property to the south, a variance to the required greenspace requirement will be required. Finally, a parking variance may be required as the submitted design identifies 61 spaces and the code identifies a 70 space requirement. Referral to the Planning Board would initiate formal review of the project.

2. **EMERLING INSURANCE, 9092 MAIN STREET.**

**Location:** North side of Main Street, west of Thompson Road.

**Description/History:** Existing residential and vacant property located in the Commercial Zone.

**Proposal:** Applicant is seeking approval to construct a new one-story office building.

**Master Plan:** Area identified in a commercial classification.

**Reason for Town Board Action:** Per the Zoning Law, the Town Board has the opportunity to comment and provide guidance prior to formal project review by the Planning Board. Referral to the Planning Board will initiate formal review of the project.

**3. TOWNE MASERATI, 8215 MAIN STREET.**

**Location:** South side of Main Street, east of Transit Road behind the BMW Dealership.

**Description/History:** Existing previously approved office use located in the Commercial Zone and within Erie County Sewer District #5.

**Proposal:** Applicant is proposing to develop a Maserati Dealership at this location.

**Master Plan:** Area identified in a commercial district.

**Reason for Town Board Action:** Per the Zoning Law the Town Board has approval authority via a Special Exception Use Permit for automotive uses.

**Issues:** The property previously underwent an environmental review for the office use. The Town Board will be Lead Agency on this modification. All setbacks and bulk requirements are per code. The existing office space on the parcel will remain.

**4. SPAULDING GREEN LLC, PHASE 5 AMENDMENT.**

**Location:** Generally east of Goodrich Road and north of Greiner Road.

**Description/History:** Existing previously approved Final Plat for Phase 5 of Spaulding Greens that includes 21 sublots and approximately 1000 linear feet of Meadowglen Drive, 300 linear feet of Willowleaf Court and 260 linear feet of Glenview Drive.

**Proposal:** Applicant is proposing to refile the Map Cover with one small modification to subplot #92 to add 15+/- feet of depth to the subplot.

**Master Plan:** Area identified in a residential classification.

**Reason for Town Board Action:** Per the Subdivision Law, the Town Board has final approval authority for accepting Map Covers and road dedications.

**Issues:** No other changes to the map cover are identified other than the modification to lot #92.

**WORK SESSION ITEMS:**

**1. ELIOT LASKY/ROXBERRY SUBDIVISION PHASE 2.**

**Location:** South side of Sheridan Drive as an extension of Helenwood Drive.

**Description/History:** Existing previously approved subdivision located in the Residential Single Family and Restricted Business Zones.

**Proposal:** Applicant is proposing a modification to the previously approved subdivision to eliminate one cul-de-sac and reduce the lot count from 10 to 7.

**Master Plan:** Area identified in a residential classification

**Reason for Town Board Action:** The proposed new design includes a cul-de-sac dead end that exceeds the allowable number of lots on a dead end. The variance procedure per the Subdivision Law is a super majority approval by the Town Board.

**Issues:** Final approval by the Harris Hill Fire Chief will be required before taking final action on this variance request.