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**INTEROFFICE MEMORANDUM**

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**TO:** TOWN BOARD MEMBERS  
**FROM:** JAMES CALLAHAN, DIRECTOR OF COMMUNITY DEVELOPMENT  
**SUBJECT:** DECEMBER 4, 2013 TOWN BOARD MEETING AGENDA  
**DATE:** NOVEMBER 26, 2013  
**CC:** TOWN ATTORNEY, TOWN CLERK, TOWN ENGINEER, SENIOR CODE ENFORCEMENT OFFICER, PLANNING BOARD MEMBERS, CHAMBER OF COMMERCE

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Following is a review of the items listed on the December 4, 2013 Town Board Agenda:

**PUBLIC HEARINGS:**

**1. TIM HORTON'S RESTAURANT, 9220 MAIN STREET.**

**Location:** Northeast corner of Main Street and Thompson Road.

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

**Proposal:** Applicant is proposing an area for 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:** Outside dining area located within front yard setback and adjacent to drive-thru lane to accommodate approximately 5 tables and 20 chairs. Permit initially granted for one year with renewals following first year compliance.

**FORMAL AGENDA ITEMS:**

**1. MIKE BASIL, 10780 MILAND ROAD.**

**Location:** north side of Miland Road, east of Salt Road.

**Description/History:** Existing residential property located in the Agriculture Rural Residential Zone.

**Proposal:** Applicant is proposing a fireworks display for December 22, 2013.

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

**Reason for Town Board Action:** Per the NYS Law, the Town Board has authority to issue fireworks display permits.

**Issues:** Application, insurance certification and bonds, fees and fire chief approvals are in the file.

**2. JOEL CASTLEVETTERE, 4840 GOODRICH ROAD.**

**Location:** West side of Goodrich Road, north of Main Street and as an extension of Hunting Valley Road South.

**Description/History:** Existing residential property located in the Residential Single Family Zone.

**Proposal:** Applicant is seeking approval to create an additional residential building lot off the existing dead end at Hunting Valley Road South.

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

**Reason for Town Board Action:** Mechanisms available to create a lot as proposed include extension of Hunting Valley Road South to provide adequate public road frontage or Open Development Area with access from Hunting Valley Road South. Both options involve Town Board review.

**Issues:** Applicant is seeking an expedited approval so as to begin construction ASAP.

**3. CIMATO ENTERPRISES, NORTHWOODS OPEN SPACE DESIGN DEVELOPMENT.**

**Location:** North side of Greiner Road between Shimerville Road and Thompson Road.

**Description/History:** Proposed Open Space design Subdivision currently under Environmental Review. The project has been tabled pending development of acceptable language related to the sewer capacity section of the Findings Statement. Applicant has agreed with language as originally developed and is proposing to dedicate the Heise Brookhaven Trunk Sewer as a part of the Final Findings acceptance.

**Proposal:** Acceptance of the Final Findings Statement will allow the applicant to proceed with Concept Plan review for the project.

**Master Plan:** Project design is subject to final approval by the Town board upon recommendation from the Planning Board.

**Reason for town Board Action:** the Town Board is Lead Agency as the agency with the broadest review and approval authority associated with the project.

**Issues:** A final concept review and approval will be required on the project design. A final number of lots will need to be developed as well as required design features.

**4. CIMATO ENTERPRISES, WATERFORD VILLAGE LLC.**

**Location:** Center area of Renaldo Circle within the Waterford Village PURD.

**Description/History:** Previously approved PURD that included a clubhouse and tennis court within the Renaldo circle area to be owned and operated by the Homeowners Association.

**Proposal:** Applicant is proposing to amend the PURD to identify a Gazebo within Renaldo Circle as opposed to the previously approved clubhouse.

**Master Plan:** Area identified in a residential classification and within the Waterford PURD.

**Reason for Town Board Action:** As the Subdivision is located within a Planned Unit Residential Development (PURD), any amendments must be approved by the Town Board as the final approval authority.

#### 5. GABE'S COLLISION, 5817 TRANSIT ROAD.

**Location:** East side of Transit Road, north of Highland Farms Drive.

**Description/History:** Existing vacant land located in the Commercial Zone.

**Proposal:** Proposed Collision Shop approved via State Supreme Court Action. An action under SEQRA will be required prior to final development Plan approval by the Planning Board.

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

**Reason for Town Board Action:** The Town Board is identified as Lead Agency under SEQRA.

**Issues:** A Part 2/3 Environmental Assessment Form has been prepared to support a Negative Declaration on the project. (EAF submitted under separate cover)

#### 6. BUFFALO EXTERMINATING, 7841 TRANSIT ROAD.

**Location:** East side of Transit Road, north of Wolcott Road.

**Description/History:** Existing commercial property consisting of office and warehouse buildings located within the Restricted Business Zone.

**Proposal:** Applicant is seeking approval to operate his exterminating business at this location. Application includes the development of a SIDE yard parking area to park Buffalo Exterminating vehicles.

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

**Reason for Town Board Action:** As the proposed use will involve outside parking of vehicles, the Town Board may consider the development and location of a proposed parking lot.

**Issues:** The Town Board had identified that a parking lot in the front yard area would not be acceptable to park business vehicles. The applicant has asked for an opportunity to present the request to determine if an acceptable solution can be developed.

**WORK SESSION ITEMS:**

**1. 1. DOMENIC PIESTRAK/SPAULDING GREENS OPEN SPACE DESIGN SUBDIVISION.**

**Location:** East side of Goodrich Road, north of Greiner Road.

**Description/History:** Existing open space design development identifying 380 +/- lots with a previously approved concept plan approval on the overall project.

**Proposal:** The applicant is proposing to amend the previously approved concept plan by including recently acquired sewer taps and maintain the overall greenspace to meet Town Code.

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

**Reason for Town Board Action:** Per the Zoning Law, the Town Board has final approval authority to approve/amend Open Space Design Developments.

**Issues:** An action under SEQRA will be required to amend the concept, identifying sewer taps, greenspace and lot configuration. Referral to the Planning Board would initiate a formal review of the proposal