

# 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: August 20, 2015

Re: August 26, 2015 Town Board Meeting Agenda

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Following is a review/analysis of the items listed on the August 26, 2015 Town Board Agenda:

FORAML AGENDA ITEMS:

**1. JANICE CARSON, 10589 MAIN STREET.**

**Location:** South side of Main Street, west of Ransom Road.

**Description/History:** Existing commercial structure located in the TND Zone and within the Clarence Hollow Overlay. Currently there is an office building in the front and a detail operation to the rear, operating under a TCP. In 2009, the Town Board took no action on a request for an automotive sales operation, requesting that the applicant clean up the property.

**Proposal:** Applicant is proposing to sell vehicles at this location.

**Master Plan:** Area located in the TND and within the Clarence Hollow Overlay.

**Reason for Town Board Action:** Per the Zoning Law the Town Board may consider automotive sales via a Temporary Conditional Permit.

**Issues:** The Town Board did not act on a similar request in 2009 and asked the applicant to clean up the property. The property has been improved since the 2009 request and the applicant is seeking consideration for an automotive sales operation. Details on display area and number of vehicles should be detailed.

## 2. ANNUAL EXCAVATION PERMITS

Per the Town of Clarence Excavation Law, the Town Board annually approves excavation permits. This year there are 4 requests, all of which were approved last year. Each applicant must submit their respective NYSDEC mining permits, bonds and corresponding fees before being placed on the formal Town Board agenda. Renewal requests are from:

1. Buffalo Crushed Stone
2. Emeritus Holdings
3. Lakeside Sod
4. Michael Development (formerly 10001 Grand Corporation)

## 3. DOMENIC PIESTRAK/SPAULDING GREEN OPEN SPACE DESIGN SUBDIVISION.

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

**Description/History:** The original Spaulding Green Open Space design Subdivision was approved in 2003 and included 380 sub lots with the required 50% open space. The original 380 lot development was approved under an environmental impact statement as a supplement to the original Clarence Hollow Pollution Abatement Environmental Impact Statement which generally identified 500 units east of Goodrich Road and north of Greiner Road. There have been several amendments to the original concept plan and several land acquisitions by the owners to maintain the required 50%+ open space. Several proposed phases have been placed on hold as a part of previous amendments, adjusting for building type and utility extensions and always maintaining the originally approved 380 total lots. The applicant has acquired 50 additional sewer taps from a former partner in the Waterford Village PURD.

**Proposal:** The applicant is proposing to utilize the acquired 50 sewer taps to complete phases 7 and 9 from the original concept. The proposed Phases 7 and 9 include 45 estate lots. The submitted design maintains the required 50% open space.

**Master Plan:** Area identified in a Residential Single Family Zone and within Clarence Sewer District #4.

**Reason for Town Board Action:** Per the Zoning Law, the Town Board has ultimate authority to approve Open Space Design Subdivisions and any amendments thereto.

**Issues:** An environmental review will be required. Referral to the Planning Board would initiate a formal review of the application.

## 4. RUSSELL SALVATORE JR., 6449 TRANSIT ROAD.

**Location:** East side of Transit Road, north of Old Post Road.

**Description/History:** Existing residential structure located in the Major Arterial zone. A 2008 Master Plan 2015 amendment identified that the property should be identified in a Restricted Business Zone to guide future growth.

**Proposal:** Applicant is proposing to demolish the existing residential structure and construct a new mixed use building with approximately 6700 +/- square feet of commercial space and 8 residential multi-family apartments.

**Master Plan:** Area recommended for Restricted Business per the 2008 amendment.

**Reason for Town Board Action:** Per the Zoning Law the Town Board has final authority to amend the Zoning Map and to issue Special Exception Use Permits.

**Issues:** The Planning Board has forwarded a recommendation to amend the zoning to Restricted Business per the approved Master Plan 2015 amendment from 2008 and to issue a Special Exception Use Permit on the project as designed. A recommendation under SEQRA is also a part of the Planning Board action.

**5. KENYON BROTHERS, 8250-8274 MAIN STREET.**

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

**Description/History:** Existing commercial uses located on two separate properties in the Traditional Neighborhood District. Total combined property consists of 1.13 +/- acres

**Proposal:** Applicant is proposing to demolish the existing structures on the properties and construct a new convenience store with new gas island pump station and including a separate office/shop within the convenience store.

**Master Plan:** Area identified in the Harris Hill Traditional Neighborhood District.

**Reason for Town Board Action:** As the proposed use is requesting a drive-thru facility, the Town board may consider the use with a Special Exception use Permit.

**Issues:** Referral to the Planning Board will initiate a formal review of the project.

**6. JOSEPH BEASER, 8253 GOODRICH ROAD.**

**Location:** South side of Brauer Road at the South east corner of Brauer and Goodrich Roads.

**Description/History:** Existing vacant land located in the Agriculture Flood Zone and within the Density Flood Plain.

**Proposal:** Applicant is seeking approval to construct a pond on the vacant property across from his existing home.

**Master Plan:** Area located in an agricultural zone and within the density flood plain.

**Reason for Town Board Action:** Per the Excavation Law, the Town Board has final approval authority to review and approve pond permits.

**Issues:** The Town Engineer has reviewed and approved the pond design. The Town Board should detail the use of spoils from the excavation area.

**WORK SESSION ITEMS:**

**1. COBBLESTONE CENTER PHASE 2, 8584-8590 SHERIDAN DRIVE.**

**Location:** North side of Sheridan Drive east of Harris Hill Road.

**Description/History:** Existing Doodle Bugs Day Care Center located in the Restricted Business Zone. Phase 2 of this development was previously approved under a Special exception Use Permit to allow for 2 office buildings in front of the existing day care center.

**Proposal:** Applicant is proposing to amend the Special Exception Use Permit to allow for 2 mixed use buildings instead of the previously approved office buildings.

**Master Plan:** The recent amendment to the Restricted Business Zone Special Exception Use Permits may allow for small scale retail as an acceptable use in the commercial portion of the mixed use buildings.

**Reason for Town Board Action:** Per the zoning Law, the town Board has final review authority for Approval of Special Use Permits and amendments thereto.

**Issues:** The Planning Board has forwarded a recommendation on the project as well as an action under SEQRA. A public hearing will be required to consider the amendment.

**2. WATERFORD CAMPUS/LANDINGS AMENDMENT TO THE EXISTING WATERFORD VILLAGE PLANNED UNIT RESIDENTIAL DEVELOPMENT.**

**Location:** North side of Roll Road west of Dana Marie Parkway.

**Description/History:** Previously approved Planned Unit Residential Development (PURD). The campus/landings portion originally included 100 +/- units of residential housing and 20,000 +/- square feet of commercial space.

**Proposal:** The proposed amendment would completely eliminate the commercial square footage and reduce the residential component to 77 units.

**Master Plan:** Area approved as a PURD under the Clarence Hollow Pollution Abatement Environmental Impact Statement.

**Reason for Town Board Action:** As a PURD is a specific site plan approved zoning classification, any amendments must be approved by the Town Board.

**Issues:** The Planning Board has forwarded a recommendation to approve the amended design along with an action under SEQRA. A public hearing will be required to consider the proposed amendment.