

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 21, 2014

Re: August 27, 2014 Town Board Meeting Agenda

Following is a review/analysis of the items listed on the August 27, 2014 Town Board Agenda:

FORMAL AGENDA ITEMS:

1. SPAULDING GREEN OPEN SPACE DESIGN OVERLAY

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

Description/History: Existing and previously approved Open Space Design Subdivision containing 380 sublots/units.

Proposal: Applicant is proposing an amendment to the previously approved subdivision layout.

Master Plan: Area identified in a residential single family zone.

Reason for Town Board Action: Per the Zoning Law, the Town Board is the final approval authority to create an open space overlay.

Issues: The action was referred to the Planning Board for review, comment and recommendation. The Planning Board has forwarded a recommendation to approve the proposed amendment identifying that all previously approved conditions of the original approval must be maintained. Overall the total number of lots remains unchanged. An action under SEQRA to amend the design has also been forwarded by the Planning Board. (The original project was approved under a FEIS and Final Findings Statement and the proposed amendment does not impact any past findings on the project). Conditions associated with the Planning Board recommendation include requiring the required mitigation to the Greiner Road/Thompson Road intersection (as per Final Findings) and construction of the recreational trail through the project with specific timelines identified.

2. ANNUAL EXCAVATION PERMIT RENEWALS

Annual renewal of existing excavation/mining operations in the Town. All requirements as identified in the Town Excavation Law, including applications, tax receipts, NYSDEC Permits and fees are in order. The four companies are:

- A. Buffalo Crushed Stone
- B. Emeritus Holdings
- C. 10001 Grand Corporation
- D. Lakeside Sod

3. RICK DIVITA, 10550 KELLER ROAD.

Location: North side of Keller Road, east of Strickler Road.

Description/History: Existing residential property located in the Agriculture Rural Residential Zone. Applicant received a Special Exception Use Permit to construct a secondary living unit on the property in 2013.

Proposal: Applicant is seeking an amendment to have the Town Board approve a Two Lot Open Development Area as an alternative to the Special Exception Use Permit.

Master Plan: area identified in an agricultural classification.

Reason for Town Board Action: As the Town Board approved the previously approved project the Town Board can modify the previous approval.

Issues: The reason for the change is the cost to the owner associated with placing a second power pole on a single property. Separating the ownership of the parcels reduces the cost. All requirements of the Open Development Area code can be met with the proposed design. An agreement to allow for the shared driveway must be reviewed and approved by the Town Attorney's Office.

4. BROOKFIELD COUNTRY CLUB, 5120 SHIMERVILLE ROAD.

Approval of a Fireworks Display Permit for September 6, 2014. All application materials, including site location map, insurance and bonding, fees and fire chief approvals are in order.

WORK SESSION ITEMS:

1. OPEN SPACE DESIGN DEVELOPMENT OVERLAY DISTRICT AMENDMENTS.

The Planning Board has forwarded a recommendation to amend the Zoning Law to make some updates to the Open Space Design Overlay Section (Article XIII of Chapter 229). These updates come after the Town Board had referred the review of this section of The Town Code on February 12, 2014. A copy of the proposed law with amendments is attached.

2. PHIL SILVESTRI, 8353 MAIN STREET.

Location: Southeast corner of Main Street and Susan Drive.

Description/History: Existing vacant land consisting of .52 +/- acres in the Residential Single Family Zone. A use variance was granted in 2007 to allow for a nail salon with the condition that any future change in use would require Town Board review and approval. In addition, the use variance identifies that the Traditional Neighborhood District Zoning Classification should be used to guide design of the property development.

Proposal: Applicant is proposing a change in use from the previously approved nail salon to a professional office building.

Master Plan: Area identified within the Harris Hill TND.

Reason for Town Board Action: Per the use variance granted in 2007, the Town Board has authority to approve any proposed changes in use to the property.

Issues: Referral to the Planning Board to detail site development details would initiate a formal review of the proposed use.

3. ELIOT LASKY, ROXBERRY SUBDIVISION PHASE 2/GENTWOOD EXTENSION.

Location: West of Gentwood Drive and East of Eastern Hills Mall.

Description/History: Existing vacant land proposed as an extension to the existing Gentwood Drive which received a concept approval in 1998 and was tabled at Development Plan approval by the Town Board to pursue development of a proposed access road to Eastern Hills Mall. The applicant agreed to table the action until such time that a corridor plan for the eastern Hills Mall was developed.

Proposal: As a corridor road for Eastern Hills Mall is no longer being pursued, the applicant is proposing to develop the residential subdivision as previously conceptually approved.

Reason for Town Board Action: As the item was tabled at the Town Board on 6/26/2002, the Town Board must take action to take the matter off the table.

Issues: As there has been 12+ years since the matter was last publicly discussed, the public should be notified of any action.

4. MICHAEL DEVELOPMENT, WEHRLE DRIVE WEST OF SHISLER ROAD.

Location: South side of Wehrle Drive, west of Shisler Road.

Description/History: Existing vacant property consisting of 24.69 acres in the Industrial Business Park Zone and containing an active sand and gravel mine.

Proposal: Applicant is proposing to develop an Industrial Business Park on the property.

Master Plan: Area identified in an industrial area.

Reason for Town Board Action: The Town Board initiates all project reviews by identifying any concerns associated with the proposed development prior to initiating formal review.

Issues: Referral to the Planning Board would initiate formal review of the project.