

# Memo

To: Town Board Members  
From: James B. Callahan, Director of Community Development  
CC: Town Attorney, Town Clerk, Town Engineer, Senior Code Enforcement Officer, Planning Board Members, Chamber of Commerce  
Date: 3/8/2013  
Re: March 13, 2013 Town Board Meeting Agenda

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## FORMAL AGENDA ITEMS:

### 1. BRANDON HOUCK, 8189 TONAWANDA CREEK ROAD.

**Location:** South side of Tonawanda creek Road, east of Transit Road.

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

**Proposal:** Applicant is proposing to construct a new home on the property. Prior to filing for a building permit, the applicant has access to clean fill and is proposing to fill the lot to raise the base flood elevation to accommodate a future home.

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

**Reason for Town Board Action:** Per local law, the Town Board has final authority to approve fill permits.

**Issues:** Review and approval by the Town Engineer for a floodplain development permit and fill permit.

### 2. DAVE SUTTON, 8825 SHERIDAN DRIVE.

**Location:** Southwest corner of Sheridan Drive and Overlook Drive.

**Description/History:** Existing mixed use property consisting of .68 acres and located within the Restricted Business Zone.

**Proposal:** Applicant is proposing to demolish the existing commercial structure and construct a new mixed use building identifying first floor commercial below two upscale apartments.

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

**Reason for Town Board Approval:** Per the Zoning Law, the Town Board has preliminary concept review authority to identify concerns prior to referring the item to the Planning Board for a comprehensive review.

**Issues:** Referral to the Planning Board would initiate a comprehensive review. As the project includes two residential units, it is considered a duplex (and not multi-family) which is allowed in this zone.

### 3. DAVE SUTTON, 6449 TRANSIT ROAD.

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

**Description/History:** Existing commercial and residential property consisting of 5.2 +/- acres with an existing residential home on the property.

**Proposal:** Applicant is proposing to develop a mixed use project with retail/commercial on the ground floor with second story residential units in the front with two residential structures to the rear (4 units per bldg). Total of 12 units.

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

**Reason for town Board Action:** Per the Zoning Law, the Town Board has preliminary concept review authority to identify concerns prior to referring the item to the Planning Board for a comprehensive review.

**Issues:** Project will be classified as a multiple family housing project. The project will meet current and proposed density requirements. Referral to the Planning Board would initiate a formal review process.

### 4. NORTHWOODS OPEN SPACE DESIGN SUBDIVISION.

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

**Description/History:** Proposed 148 Lot Open Space Design Subdivision under Environmental Review. The Planning Board has recommended accepting the Draft Supplemental Environmental Impact Statement (DSEIS) as complete.

**Proposal:** Applicant is seeking formal acceptance of the DSEIS as drafted and amended.

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

**Reason for Town Board Action:** The Town Board is Lead Agency for the Open Space Design review.

**Issues:** Upon acceptance by the Lead Agency the document will be forwarded to involved agencies and the public for formal comment towards developing an FSEIS.

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

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

**Description/History:** Proposed collision shop, car rental and used car showroom facility on 2.5+ acres in the Major Arterial Zone.

**Proposal:** Applicant is seeking Town Board approval of a Special Exception Use Permit to allow for the use to be developed at this location.

**Master Plan:** This area was part of the down-zoning of Transit Road in the 2008 Master Plan Amendment. Per the approved Master Plan 2015 Amendment of 2008, the area is to be zoned commercial.

**Reason for Town Board Action:** As, the Planning Board has forwarded a recommendation to not allow the SEUP, the matter is at the Town Board for a determination on the matter—the Town Board has final authority to approve SEUP's after a required public hearing.

**Issues:** A public hearing would be necessary to consider the SEUP.

## WORK SESSION ITEMS:

### 1. HARRIS HILL COMMONS OPEN SPACE DESIGN SUBDIVISION.

**Location:** West side of Harris Hill Road between Greiner Road and Sheridan Drive.

**Description/History:** Existing vacant land consisting of 66 +/- acres in the Residential Single Family Zone.

**Proposal:** Applicant is seeking concept approval for a 66 lot Open Space Design Subdivision and including the creation/extension of a Town Sewer District.

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

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

**Issues:** Creation/extension of a Town Sewer District in conformance with Master Plan 2015 and the Master Sewer Plan as well as providing a regional solution for sewer access. A public hearing is required to consider the Concept Plan on an Open Space Design Development.

## **2. ANNUAL RENEWAL OF TEMPORARY CONDITIONAL PERMITS:**

### **1 YEAR PERMIT RENEWALS**

1. Welding and Fabricating, Inc., Edward Strickland, 5880 Salt Road  
(Welding/Fabricating TCP) - Date of origin 6/28/2006
2. Sturdi Sheds, David Delagrange, 4545 Transit Road (Eastern Hills Mall)  
(Outside Display TCP) - Date of origin 6/8/2011
3. CAM Services, Christopher Morgan, 10165 Main Street  
(Outside Display TCP) – Date of origin 3/24/2010
4. EA Metzinger Trucking, Inc., Gene Metzinger, 8325 Transit Road  
(Auto Service TCP) – 6/8/2011
5. McDuffie's Bakery, Brian Thomas, 9920 Main Street  
(Outside Dining TCP) – Date of origin 7/13/2011
6. Zoe's Restaurant, Shelia Bailey, 5701 Transit Road  
(Outside Dining TCP) – Date of origin 8/10/2011

### **5 YEAR PERMIT RENEWALS**

1. Seitz Paving, Larry Engasser, 8346 County Road  
(Paving Business TCP) – Date of origin 10/17/2001
2. GCR Landscaping, Gregory Ribbeck, 5750 Shimerville  
(Landscaping Business TCP) – Date of origin 11/19/2001
3. Caffè Espresso, Rose Parlato, 4401 Transit Road  
(Outside Dining TCP) – Date of origin 4/11/2001
4. Burghardt Landscaping, David Burghardt, 8694 Lapp Road  
(Landscaping Business TCP) – Date of origin 5/23/2001