

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: 5/17/2013
Re: May 22, 2013 Town Board Agenda

PUBLIC HEARINGS:

1. 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 rehabilitate the structure and add a second story. The structure will have first floor commercial over two luxury apartments. The existing single family home on the property will also be renovated, creating a total of three residential units on the property.

Master Plan: Area identified in a commercial classification.

Reason for Town Board Approval: Per the Zoning Law, the Town Board has authority to approve Multiple Family Residential projects with a Special Exception Use Permit.

Issues: As the project includes two new residential units plus the existing single family home, it is considered a multiple family use which is allowed with a Special Exception Use Permit under the current law. The Planning Board has forwarded a recommendation to allow the use as proposed. A Negative Declaration under SEQRA has been issued on the project. The proposed multiple family amendment to the Zoning Law, currently under consideration by the Town Board, does not include a provision to allow for multiple family housing on unsewered lots in the Restricted Business Zone.

FORMAL AGENDA ITEMS:

1. MCGUIRE DEVELOPMENT COMPANY, 8321 MAIN STREET.

Location: South side of Main Street, west of Susan Drive.

Description/History: Existing residential property consisting of 2.3 +/- acres in the Traditional Neighborhood District.

Proposal: Applicant is proposing to develop a 20,000 +/- square foot professional office building with associated parking and landscaping.

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

Reason for Town Board Action: Per the Zoning Law, the Town Board has final review and approval for structures over 10,000 square feet in the TND as well as final architectural approval.

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

2. GABE'S COLLISION, 5871 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 2008/09 Master Plan Amendment. Per the approved Master Plan 2015 Amendment of 2009, 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 request—the Town Board has final authority to approve SEUP's after a required public hearing.

Issues: An action under SEQRA will be required before taking a positive action on the item.

3. BROOKFIELD COUNTRY CLUB, 5120 SHIMERVILLE ROAD.

Location: West side of Shimerville Road, south of Greiner Road.

Description/History: Existing Country Club located in the Residential Single Family Zone.

Proposal: Applicant is seeking permits for fireworks displays on July 4, July 13 and July 27

Master Plan: Area identified in a residential classification.

Reason for Town Board Action: Per NYS Law, the local jurisdiction has authority to permit fireworks displays.

Issues: Complete applications with required fees, insurance and Fire Chief approvals are filed.

4. ELRANCHITO MEXICAN RESTAURANT, 9780 MAIN STREET.

Location: North side of Main Street, east of Spaulding Drive.

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

Proposal: Applicant is proposing to allow outside dining

Master Plan: Area identified in a commercial classification.

Reason for Town Board Action: Per the Zoning Law, the Town Board may allow outside dining with a Temporary Conditional Permit.

Issues: A public hearing will be required to consider the request.

5. MULTIPLE FAMILY HOUSING AMENDMENT TO SPECIAL EXCEPTION USE PERMIT

FEATURES OF THE PROPOSED MULTIPLE FAMILY HOUSING AMENDMENTS:

*allows multiple family housing with a Special Exception Use Permit in Commercial, Restricted Business and Traditional Neighborhood District zoning classifications.

*removes multiple family housing as a Special Exception Use Permit in the Major Arterial Zone (not allowed).

*identifies general parameters under which multiple family housing will be permitted and specifically identifies that multiple family housing is not an "as of right" use. Special Exception Use Permit process grants the Town Board broad justification for denial of any particular project.

*allows large scale multiple family housing only in the Restricted Business and Commercial zones with sewers

*establishes a minimum of 25% commercial use component on any project in the Commercial and Restricted Business zones

*establishes a maximum density of 8 units/acre

*establishes a maximum height limitation to allow for no greater than a two story complex for any buildings within a multiple family housing project

*requires a minimum 30% greenspace per project with incentives for connectivity.

*allows multiple family housing in the Traditional Neighborhood District (TND) with a maximum of 16 units total.

*identifies an exception for unsewered lots in the Commercial zone only with severe limitations.

WORK SESSION ITEMS:

1. ANTONIO COSMANO, 8845 COUNTY ROAD.

Location: South side of County road, west of Conner Road.

Description/History: Existing vacant land located in the Agricultural Rural Residential Zone.

Proposal: Applicant is proposing to introduce fill for future residential development of the property.

Reason for Town Board Action: Per the Clearing, Filling and Grading Law, the Town Board has final approval authority for fill permits.

Issues: Engineering approval for drainage concerns as raised by adjoining property owners,