

# 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: 5/17/2012  
Re: May 23, 2012 Town Board Agenda

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## **PUBLIC HEARINGS:**

### **1. FARMLAND PROTECTION PLAN**

## **FORMAL AGENDA ITEMS:**

### **1. AFFORDABLE SENIOR HOUSING OF NEW YORK, 8040 ROLL ROAD.**

#### **A. Location:** North side of Roll Road, east of Transit Road.

**Description/History:** Existing vacant and residential property containing 9+/- acres in the Commercial and Residential Single-Family Zone.

**Proposal:** Applicant is proposing to develop a 3-story senior apartment complex containing 125 units with associated parking and landscaping.

**Master Plan:** The Town Board recently approved a Master Plan 2015 Amendment to allow for Commercial and Restricted Business Zoning on the property.

**Reason for Town Board Action:** Per the Zoning Law, the Town Board is the final authority for zoning amendments.

**Issues:** The Planning Board has forwarded a recommendation to proceed with the required Zoning Map amendments. A Negative Declaration under SEQRA was previously issued by the Town Board on the proposed zoning amendment. A public hearing will be required to consider the amendment to the Zoning Map.

#### **B. Location:** North side of Roll Road, east of Transit Road.

**Description/History:** Existing vacant and residential property containing 9+/- acres in the Commercial and Residential Single-Family Zone.

**Proposal:** Applicant is proposing to develop a 3-story senior apartment complex containing 125 units with associated parking and landscaping.

**Master Plan:** The Town Board recently approved a Master Plan 2015 Amendment to allow for Commercial and Restricted Business Zoning on the property.

**Reason for Town Board Action:** Per the Zoning Law, the Town Board is the final authority for issuing Special Exception Use Permits, required for multi-family housing in the Commercial and Restricted Business Zones.

**Issues:** The Planning Board has approved the Concept Plan as amended. A Negative Declaration under SEQRA was previously issued by the Town Board. The Planning Board has forwarded a positive recommendation to issue the Special Exception Use Permit on the project as amended. A Public Hearing will be required to consider the permit.

**2. METZGER CIVIL ENGINEERING, 8080 WEHRLE DRIVE.**

**Location:** North side of Wehrle Drive, east of Transit Road.

**Description/History:** Existing vacant land located in the Commercial Zone and containing 13.82 +/- acres. A Concept Plan for an Office Park was previously approved by the Planning Board in 2001.

**Proposal:** Applicant is proposing to develop a market rate Multi-Family Housing Project.

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

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

**Issues:** Referral to the Planning Board would initiate a formal review of the proposal.

**3. BROOKFIELD COUNTRY CLUB, 5120 SHIMERVILLE ROAD.**

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

**Description/History:** Existing golf and country club located on 176 + acres in the Residential Single-Family Zone.

**Proposal:** Applicant is seeking approval for fireworks display permits on 5/27, 6/16, 7/4, 7/14 and 8/25.

**Reason for Town Board Action:** The Town Board has local authority to approve fireworks display permits.

**Issues :** Required applications, fees, site plans, insurance certificates and fire chief approvals are in the file.

**4. ROCK OAK WEST LLC, 9745 MAIN STREET.**

**Location:** South side of Main Street, east of Gunnville Road.

**Description/History:** Currently under construction, a Special exception Use Permit was issued to allow for the development of an expansion of the existing Manufactured Housing Park.

**Proposal:** Applicant is requesting that a condition of the Special Exception Use Permit be modified to allow for a short term phase in construction prior to full paving of the required roads.

**Reason for Town Board Action:** The Town Board has authority to modify conditions of the Special Exception Use Permit.

**Issues:** The Rock Oak Homeowners Association has reviewed the request and has no problem with the proposed amendment.

**5. VALLEY GRILL, 10651 MAIN STREET.**

**Location:** Southwest corner of Main Street and Sawmill Road.

**Description/History:** Existing restaurant located in the Clarence Hollow TND.

**Proposal:** Applicant is proposing an area for outside dining.

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

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

## 6. WOODLAND HILLS SUBDIVISION

**Location:** South side of Greiner Road, east of Harris Hill Road.

**Description/History:** Previously approved concept for a 77 lot subdivision. In August 2010 the Town Board issued a Negative Declaration under SEQRA for sewer district formation. Conditions of this Negative Declaration included NYSDEC identification that downstream capacity at peak flow existed to accommodate the new subdivision and that the district be an expansion of Erie County Sewer District #5.

**Proposal:** Applicant is seeking Town Board approval to create a new Town sewer district to service the proposed new subdivision.

**Master Plan:** Subdivision area identified in a residential classification. The adopted Master Sewer Plan, a component of Master Plan 2015, identifies a trunk sewer line paralleling Harris Hill Road to the Peanut Line to service the Harris Hill community. The sewer priorities as identified in Master Plan 2015 include the buildout within existing sewer district boundaries and the servicing of the Harris Hill area as the top priorities.

**Reason for Town Board Action:** The Town Board has authority to create or extend Town sewer districts.

**Issues:** The NYSDEC has identified that downstream capacity does exist through and within the Erie County Sewer District #5 system to accommodate the proposed subdivision—only with Infiltration and Inflow reductions within the existing distribution system. Previous action by Town Board identified an overall community benefit to expand the County Sewer District in a more comprehensive fashion in an attempt to meet long term goals of the community. Consideration of isolated Town sewer districts should also work to achieve long term community goals as identified in Master Plan 2015.

### WORK SESSION ITEMS:

#### 1. KELLY MARQUART, 6105 SALT ROAD.

**Location:** East side of Slat Road north of Clarence Center road.

**Description/History:** Existing vacant parcel located in the Agriculture Rural Residential Zone.

**Proposal:** Applicant is proposing to develop a single-family home and is requesting a secondary living unit be developed as a part of the permit

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

**Reason for Town Board Action:** Per the Zoning Law, the Town Board may consider a secondary living unit with a Special Exception Use Permit.

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

#### 2. ANNUAL RENEWAL OF EXCAVATION PERMITS

#### 3. TOWNE MINI, 8230-8240 MAIN STREET.

**Location:** Northwest corner of Main Street and Westwood Drive.

**Description/History:** Existing vacant property located in the TND and Commercial Zones.

**Proposal:** Applicant is seeking approval to develop an automotive sales/service operation. Action will require a Special Exception Use Permit from the Town Board.

**Master Plan:** Area identified in a commercial classification and at the western edge of the Harris Hill TND.

**Reason for Town Board Action:** Per the Zoning Law, the Town Board has authority to issue Special Exception Use Permits for Automotive Uses.

**Issues:** The Planning Board has approved the Concept Plan and forwarded a recommendation on the Special Exception Use Permit. A public hearing will be required to consider the permit.

#### 4. NIAGARA COUNTY PRODUCE, 8555-8615 TRANSIT ROAD.

**Location:** East side of Transit Road, south of Tonawanda Creek.

**Description/History:** Existing retail produce market located within the Major Arterial Zone.

**Proposal:** Applicant is proposing to construct a new facility.

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

**Reason for Town Board Action:** As the full build out will exceed 50,000 square feet, a Special Exception Use Permit as issued by the Town Board will be required.

**Issues:** The Planning Board has approved the concept and forwarded a recommendation on the Special Exception Use Permit. A public hearing will be required to consider the permit.