

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: 7/6/2012
Re: July 11, 2012 Town Board Meeting Agenda

Following is a review/analysis of the items listed on the July 11, 2012 Town Board agenda.

PUBLIC HEARINGS:

1. KELLY MARQUART, 6105 SALT ROAD.

Location: East side of Salt 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. Adherence to stipulated conditions within the Zoning Law is required.

2. 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 Negative Declaration under SEQRA was issued by the Town Board on the project on 5/23/12. Conditions of approval include the following: 1. Based upon the final site plan as submitted by William Schutt and Associates dated June 12, 2012 that identifies only one access drive to Westwood Drive. 2. Delivery trucks must utilize Bryant and Stratton Way and the Main –Transit Plaza for

deliveries. No use of Westwood Drive for delivery vehicles will be allowed as a condition of approval. 3. The northern buffer is to be a combination of landscaping, fencing, and berms to protect the adjoining residential neighbors. Final landscape design to be reviewed and approved by the Landscape Committee. 4. Lighting to be dark sky fixtures to ensure zero spill to adjoining residential properties. 5. Subject to Planning Board approval on the Development Plans, requiring that all regulatory agency and departmental approvals are in order. 6. Subject to Open Space and Recreation Fees. 7. Rear access to rear of Main-Transit Plaza to be 24' minimum to accommodate fire safety equipment and snow plowing.

3. 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 in the Major Arterial Zone, 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 Negative Declaration under SEQRA has been issued on the project. Conditions of approval include the following: 1. Based upon the approved concept plans as submitted by Metzger Civil Engineering dated March 22, 2012 and including all conditions as identified by the Planning Board under the concept approval. 2. Development Plans subject to Planning Board review and approval after required departmental and regulatory agency approvals are in order. 3. Final landscape plans subject to review and approval by the Landscape Committee. 4. Easement access to the adjoining residential property to be reviewed and accepted by the Town Attorney's Office. 5. Subject to Open Space and Recreation Fees.

FORMAL AGENDA ITEMS:

1. HARRIS HILL COMMONS

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

Description/History: Existing vacant land located in the Residential Single-Family Zone.

Proposal: Applicant is proposing to develop an Open Space Design Subdivision consisting of 70 +/- sublots on 62.73 +/- acres.

Master Plan: Area identified in a residential classification. Adjoining Sheridan Drive frontage located in a commercial classification.

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

Issues: Formation of a sewer district to service the project is the principal issue. Isolation of the adjoining frontage on Sheridan Drive and Greiner Road is another factor in framing a comprehensive review of the proposed project. Referral to the Planning Board would initiate a formal review of the proposal.

2. ASHLEY AND ASSOCIATES/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 15 +/- 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: Unit density and sewer capacity are issues that will require study. Referral to the Planning Board would initiate a formal review of the proposal.

3. REGENT COMPANIES, NORTH OF 8230 WEHRLE DRIVE.

Location: North side of Wehrle Drive, east of Transit Road behind the Wehrle Golf Dome.

Description/History: Existing commercial property located in the Commercial Zone and currently utilized as a driving range.

Proposal: Applicant is proposing to split the property and utilize the northern portion for a Senior Housing Project. The project will require an action under the Subdivision Law to create an additional lot and will also require a variance for unit density and a Special Exception Use Permit.

Master Plan: Area identified in a commercial classification and Multi-Family Residential will require a Special Exception Use Permit.

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

Issues: Subdivision of Land, Unit Density and Sewer Capacity are the main issues. Referral to the Planning Board would initiate a formal review of the project,

4. LARRY ENGASSER, 8346 COUNTY ROAD.

Location: North side of County Road, east of Stahley Road.

Description/History: Existing previously approved 1-Lot Open Development Area located within the Swormville Traditional Neighborhood District.

Proposal: Applicant is seeking an amendment to the previously approved project to reduce the lot size and building size associated with the Open Development Area.

Master Plan: Area identified within the Swormville TND.

Reason for Town Board Action: Per the Subdivision Law, the Town Board has the authority to grant variances to the Subdivision Law and specifically the Open Development Area regulations.

Issues: The Planning Board has forwarded a recommendation on the variances as requested.

5. WALLY PETERS/SCREENS, 5445 TRANSIT ROAD.

Location: East side of Transit road, south of Roll road.

Description/History: Existing commercial plaza located in the Major Arterial Zone. Specific use is a restaurant with outside dining.

Proposal: Applicant is proposing to develop an outdoor volleyball facility.

Master Plan: Area located in a commercial classification.

Reason for Town Board Action: As the proposed use is not specifically enumerated as a permitted use, the Town Board may consider the request with a Temporary Conditional Permit.

Issues: A public hearing will be required to consider a Temporary Conditional Permit.

6. RON MARTIN, 5115 OLD GOODRICH ROAD.

Location: East side of Old Goodrich Road, south of Greiner Road.

Description/History: Existing single-family residence located in the Residential Single-Family Zone.

Proposal: Applicant is proposing to add an in-law apartment.

Master Plan: Area identified within a residential classification.

Reason for Town Board Action: Secondary Living Units in the residential zone will require a Special Exception Use Permit. Per the Zoning Law, the Town Board has approval authority over Special Exception Use Permits.

Issues: A public hearing will be required to consider the use. Adherence to required conditions stipulated in the Zoning Law is required.