

# 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: 2/22/2013  
Re: February 27, 2013 Town Board Agenda

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## **PUBLIC HEARINGS:**

1. ANNUAL PUBLIC HEARING TO REVIEW MASTER PLAN 2015

## **FORMAL AGENDA ITEMS:**

### **1. SPAULDING LAKE HOMEOWNERS ASSOCIATION.**

**Location:** East side of Goodrich Road, north side of Main Street

**Description/History:** Existing Residential Subdivision located in a PURD Zone and consisting of 265 +/- households. The community operates a private sewer treatment plant to service the residents of the PURD.

**Proposal:** Applicant is seeking a Town Board approval to create a new Town Sewer District to service the community. The plan would include elimination of the existing private treatment plant and connection via a new trunk sewer line to the Heise-Brookhaven Trunk Sewer Line and would necessarily involve the development of a parallel trunk line in the Town of Amherst to open up capacity for the connection to the Amherst Sewer Treatment Plant.

**Master Plan:** The area is identified in a residential classification.

**Reason for Town Board Action:** The Town Board has final authority to create a Town Sewer District.

**Issues:** Referral to the Planning Board would initiate a comprehensive review process that will include a Positive Declaration under SEQRA and the preparation of an Environmental Impact Statement.

### **2. SPAULDING GREENS PHASE 2B.**

**Location:** East of Goodrich Road, north of Greiner Road as an extension of Meadowglen Drive and Garden Walk in the Spaulding Greens Open Space Design Subdivision.

**Description/History:** Previously approved extension of the Spaulding Greens Subdivision consisting of 9 new residential building lots.

**Proposal:** Applicant is seeking approval to have the Final Plat approved and the newly constructed Town Roads dedication for public use. The plat includes 9 sublots and approximately 240 linear feet of Garden Walk and 280 linear feet of Meadowglen Drive.

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

**Reason for Town Board Action:** The Town Board has final authority to approve Final Plats and to accept newly constructed roads for public dedication.

**Issues:** The Town Engineer has reported that all requirements for dedication have been submitted and accepted as complete.

**3. ALEX PETERS/KRAFTMASCHINE, 9265 MAIN STREET.**

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

**Description/History:** Existing commercial structure located in the Commercial Zone.

**Proposal:** Applicant is proposing to utilize the rear of the existing commercial building to operate a high end automotive service use.

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

**Reason for Town Board Action:** Per the Zoning Law, an automotive service use within the Commercial Zone may be approved with a Temporary Conditional Permit.

**Issues:** The use is proposed within the rear of the existing commercial space. Limited and small scale operation will not require a large amount of outdoor storage—use almost exclusively inside the garage area. A public hearing will be required to consider the permit.

**4. DOUG WEBSTER/PEAK MOTION, 8916 SHERIDAN DRIVE.**

**Location:** North side of Sheridan Drive, east of Shimerville Road.

**Description/History:** Existing commercial building located within the Restricted Business Zone. Currently the property is utilized as a detail shop and former collision shop.

**Proposal:** Applicant is proposing to develop a machine shop with the space. No outdoor storage/display is proposed. No exterior changes.

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

**Reason for Town Board Action:** Per the Zoning Law, the Town Board may consider a use of the property that is not specifically enumerated as an allowed use via a Temporary Conditional Permit.

**Issues:** No exterior change to the existing structure, other than signage is proposed. A public hearing will be required to consider the use.

**5. JEFF VANMARTER, 10425 KELLER ROAD.**

**Location:** South side of Keller Road, east of Strickler Road.

**Description/History:** Existing residential use located on 37 +/- acres in the Agriculture Rural Residential Zone.

**Proposal:** Applicant is proposing to create a one lot Open Development Area to allow for another residential home on the property.

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

**Reason for Town Board Action:** per the Zoning Law, applications are initially presented to the town board for preliminary review.

**Issues:** A significant amount of wetlands exist on the property. Referral to the Planning Board would initiate a coordinated/comprehensive review of the proposal.

**6. DOUGLAS KLOTZBACH/VICTORIA PARK, 10225 MAIN STREET.**

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

**Description/History:** Existing commercial plaza located in the Clarence Hollow TND. The overall site plan was originally approved in concept to include 3 buildings and 35,000 +/- square feet of space. The project was originally built with just 2 buildings and a total of 25050 square feet of space.

**Proposal:** Applicant is proposing to build the third commercial building at the northeast corner of the property. The proposed new structure will include 8,700 +/- square feet of space, bringing the total buildout to 33,750 square feet.

**Master Plan:** Area identified within a commercial classification and within the Clarence Hollow TND.

**Reason for Town Board Action:** Per the Zoning Law, cumulative structures greater than 30,000 square feet within the TND will require a Special exception Use Permit as issued by the Town Board. In addition, the Town Board has final approval authority for the architectural style within the TND.

**Issues:** Referral to the Planning Board and the Clarence Hollow Community Character Protection Board will initiate a formal comprehensive review of the project. Ultimately a public hearing at the Town Board level will be required to consider the SEUP.

#### **WORK SESSION 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. Would meet current and proposed density requirements.

#### 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, 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 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.

#### 6. WOODLAND HILLS SUBDIVISION.

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

**Description/History:** Previously conceptually approved 77 lot subdivision. A Negative Declaration was issued by the Town Board to allow for the extension of ECSD #5 to service the project.

**Proposal:** The applicant is requesting a Town Sewer District be formed to service the project.

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

**Reason for Town Board Action:** The Town Board has final authority to approve Town Sewer District formation.

**Issues:** The previously issued Negative Declaration under SEQRA would have to be rescinded if the Town is to consider a Town district. The Harris Hill Commons project is also requesting a Town sewer district.