

Memo

To: Town Board Members

From: Jonathan Bleuer, Director of Community Development

cc: Town Attorney, Town Clerk, Town Engineer, Code Enforcement Officers, Planning Board Members

Date: November 10, 2021

Re: November 17, 2021 Town Board Meeting - Planning Items

The following is a review of the Planning items on the November 17, 2021 Town Board Agenda:

Public Hearings: Two

1. Stephen Development - North

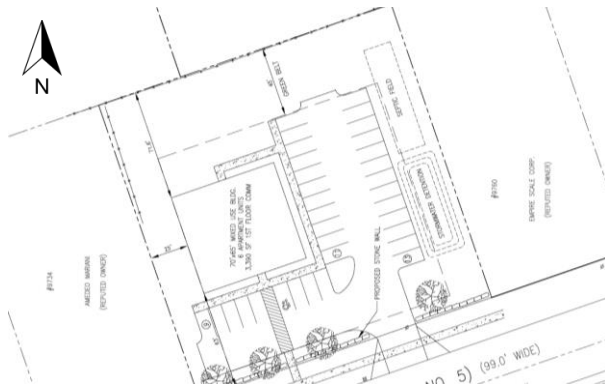
Location: 9740 Main Street, north side between 9734 and 9760 Main Street.

Description: Existing .92 acre vacant parcel located in the Commercial zone.

Proposal: The applicant is requesting consideration of a Special Exception Use Permit for the construction of a multiple family housing mixed use project featuring a single 2-story building containing 3,390 sq. ft. of commercial space and one residential unit on the first floor, and five residential units on the second floor.

History: The Planning Board has issued a Negative Declaration under the State Environmental Quality Review Act, Concept Plan Approval and a recommendation of a Special Exception Use Permit.

Reason for Town Board Action: The Town Board has the authority to hold a Public Hearing to consider this request.



Stephen Development North – 9740 Main Street Concept Plan and Concept Render

2. Stephen Development - South

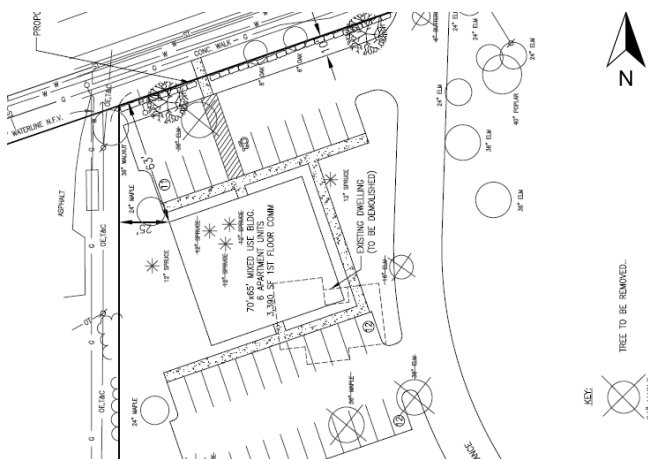
Location: 9745 Main Street, south side.

Description: Existing 6.26 acre parcel located in the Commercial zone, containing an existing principle and accessory structure proposed for demolition as part of this project. The parcel also contains a recently blocked temporary access road to Rock Oak Estates.

Proposal: The applicant is requesting consideration of a Special Exception Use Permit for the construction of a multiple family housing mixed use project featuring a single 2-story building containing 3,390 sq. ft. of commercial space and one residential unit on the first floor, and five residential units on the second floor. The proposal also includes a shared access point for the proposed mixed use building and Rock Oak Estates.

History: The Planning Board has issued a Negative Declaration under the State Environmental Quality Review Act, Concept Plan Approval and a recommendation of a Special Exception Use Permit.

Reason for Town Board Action: The Town Board has the authority to hold a Public Hearing to consider this request.



Stephen Development South – 9745 Main Street Concept Plan and Concept Render

Formal Agenda Items: None

Work Session Items: Four

1. AJ's Restaurant

Location: 10250 Main Street.

Description: Existing 1-acre parcel in the Clarence Hollow Traditional Neighborhood District containing an existing restaurant.

Proposal: The applicant is requesting consideration of a Temporary Conditional Permit for outside dining. The outdoor dining area is proposed for the rear of the building, containing 4-5 tables and a bar area with 6 seats. Hours of operation are estimated to be Tuesday-Saturday, 3pm-11pm.

Reason for Town Board Action: A referral to the Planning Board would allow for a thorough review of this proposal.

2. Michael Stapleton

Location: 5035 Salt Road.

Description: Existing 1.3 acre parcel located in the Residential Single Family zone, containing a residence with accessory structures. A wood working shop currently exists on the property, and is considered pre-existing, non-conforming. As such, the wood working shop may continue in perpetuity until such time as the use ceases for a period of 12 consecutive months.

Proposal: The applicant is requesting consideration of a Temporary Conditional Permit for a ceramics/pottery business. The applicant will also be continuing the pre-existing non-conforming wood working business.

The applicant currently has three employees, and no retail operations would occur on site. The products are sold online, and taken to the post office for delivery.

Reason for Town Board Action: A referral to the Planning Board would allow for a thorough review of this proposal.

3. Tarpon Towers II, LLC. Verizon Wireless Cell Tower

Location: 6879 Salt Road.

Description: Existing 75.7 acre parcel located in the Agricultural Rural Residential zone and designated as a Local Historic Landmark, containing a residence, farm operation and wind turbine.

Proposal: Applicant is requesting consideration of a 149' tall telecommunication tower to the southeast corner of the property, with access to Hunts Corners Road.

Reason for Town Board Action: A full environmental review is required under the State Environmental Quality Review Act. A referral to the Planning Board will allow an environmental review to commence.

Note: Within the Agricultural Rural Residential zone, the max allowable height is limited to 100'. A variance would be required by the Zoning Board of Appeals for this proposed 149' tower prior to a Special Exception Use Permit being considered by the Town Board.

History: The applicant is analyzing the previous comments provided at a past Town Board Work Session. In addition, the Planning Office provided the following inner-office comment to the applicant:

- 1) If any of Verizon's nearby sites were expanded/upgraded, would it lessen the need for the cell tower, or excess proposed height over allowable Code?
- 2) The site contains an existing windmill, but there is no documentation regarding its feasibility, or lack thereof, for collocation. Is collocation feasible, why or why not?
- 3) The Verizon Clarence Center location was approved to be expanded from 100' to 130' by the Town Board in 2018. What effect, if any, did this expansion have on your RF coverage in the area?
- 4) There are no RF coverage illustrations showing varying tower heights, most importantly a code compliant tower. We ask that you identify, with evidence, why a code compliant tower would be deemed unacceptable from a coverage/service perspective. In addition, is there a percentage reduction or other metric by which the loss of coverage/service would be determined to be unacceptable?
- 5) There is evidence of a diesel emergency generator on the site plan, but the EAF does not reference the power source of the proposed generator.
- 6) Your candidate/alternative analysis dismisses many parcels for their potential visible impact, yet the proposed tower location is a mere 200' off the public ROW. There is natural vegetation screening beginning approximately 1,130' from the public ROW. Is a more northerly location feasible, in an effort to lessen the visual impact?



4. George Smilanich

Location: 8575 Roll Road.

Description: Existing 4.5 acre parcel containing a warehouse, associated parking, greenspace, and cell tower, all located in the Industrial Business Park zone.

Proposal: The applicant is requesting consideration of a Temporary Conditional Permit for an automotive sales operation, to include allowance of up to ten (10) vehicles displayed for sale at a given time, within the parking area in front of the existing warehouse building.

History: The applicant was previously issued a Temporary Conditional Permit for an automotive sales operation in May of 2015, for one year with conditions. In August of 2016, the Temporary Conditional Permit was renewed for one additional year, with discussion of past violations. In June of 2017, the Temporary Conditional Permit was not renewed due to continuous documented violations.

Since that time, the Town has brought forward alleged violations on the property against the applicant. These alleged violations have led to a dismissal with conditions, prior to a past adjournment in contemplation of dismissal, and a guilty plea by the applicant.

This item was tabled by the Town Board on October 27th to allow for a site inspection of the property by the Planning Office, upon the agreement of the applicant.

The site inspection was conducted by the Planning Office on October 27th, and images have been taken, documenting the presence of openly stored unlicensed vehicles.

No action was taken by the Town Board on November 2nd, and the item will be placed on future Work Session agendas until the applicant brings the site into conformance with Town Code.

The applicant will provide progress reports to the Planning Office, and the Planning Office will relay that information to the Town Board at each Work Session.

Reason for Town Board Action: Once the site is brought into conformance, a referral to the Planning Board would allow for a thorough review of this proposal.