

# 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:** March 4, 2022

**Re:** March 9, 2022 Town Board Meeting - Planning Items

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The following is a review of the Planning items on the March 9, 2022 Town Board Agenda:

## Public Hearings: One

### 1. 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 a Public Hearing to consider 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.

**History:** Upon review, the Planning Board has recommended approval with conditions.

**Reason for Town Board Action:** The Town Board has the authority to act upon this request, after holding a Public Hearing.





### 3. Beyond Monet, Eastern Hills Mall

**Location:** 4475 & 4545 Transit Road

**Description:** Existing shopping mall with associated parking and facilities in the Lifestyle Center District.

**Proposal:** The Applicant is requesting approval of a Special Event Permit for an immersive art experience to be held at the Mall front parking lot within a temporary structure.

**Reason for Town Board Action:** The Town Board has the authority to consider this request.



*Beyond Monet – Site Plan*

## Work Session Items: Four

### 1. Carl & Serena David

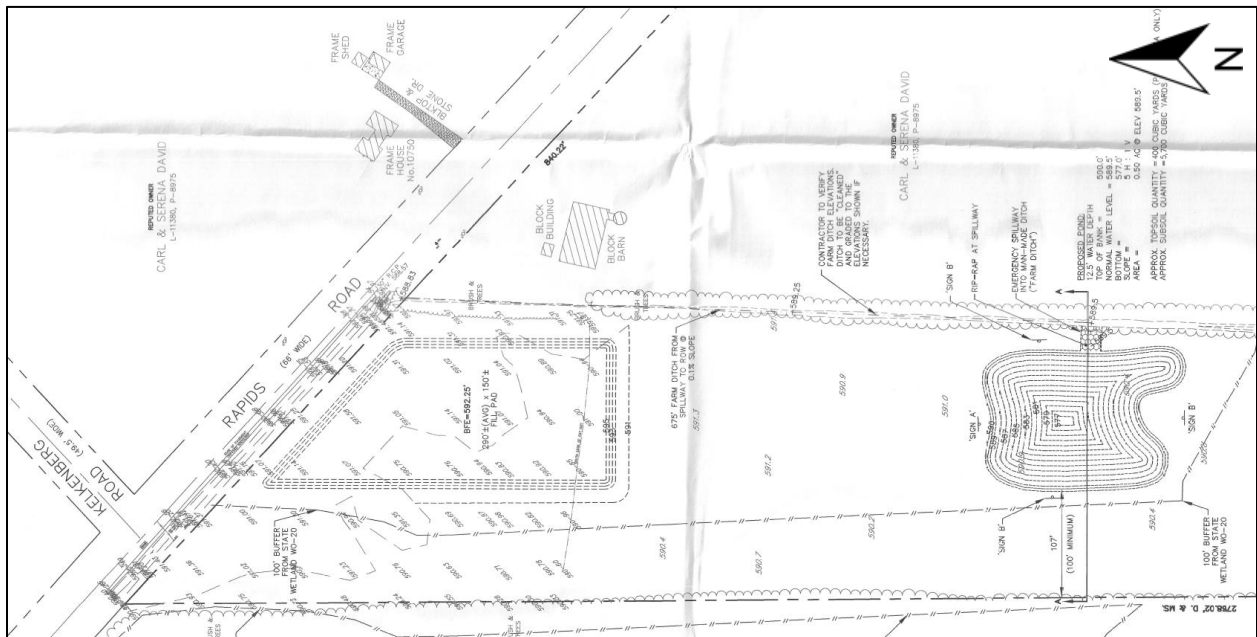
**Location:** 10750 Rapids Road.

**Description:** Existing lot in the Agricultural Floodzone.

**Proposal:** The applicants are requesting approval of a pond. The pond is proposed to be approximately .5 acres in surface area, and approximately 8' deep. The pond will be utilized for recreational purposes and aesthetic value to the property.

**History:** Currently the lot is 38.8 acres and contains a principle and accessory structure. A Minor Subdivision was approved by the Town in January of 2021 for the creation of one new lot of record from this parcel. The Engineering has completed their review of this pond proposal, and found the plans acceptable, with conditions.

**Reason for Town Board Action:** The Town Board has the authority to consider this request.



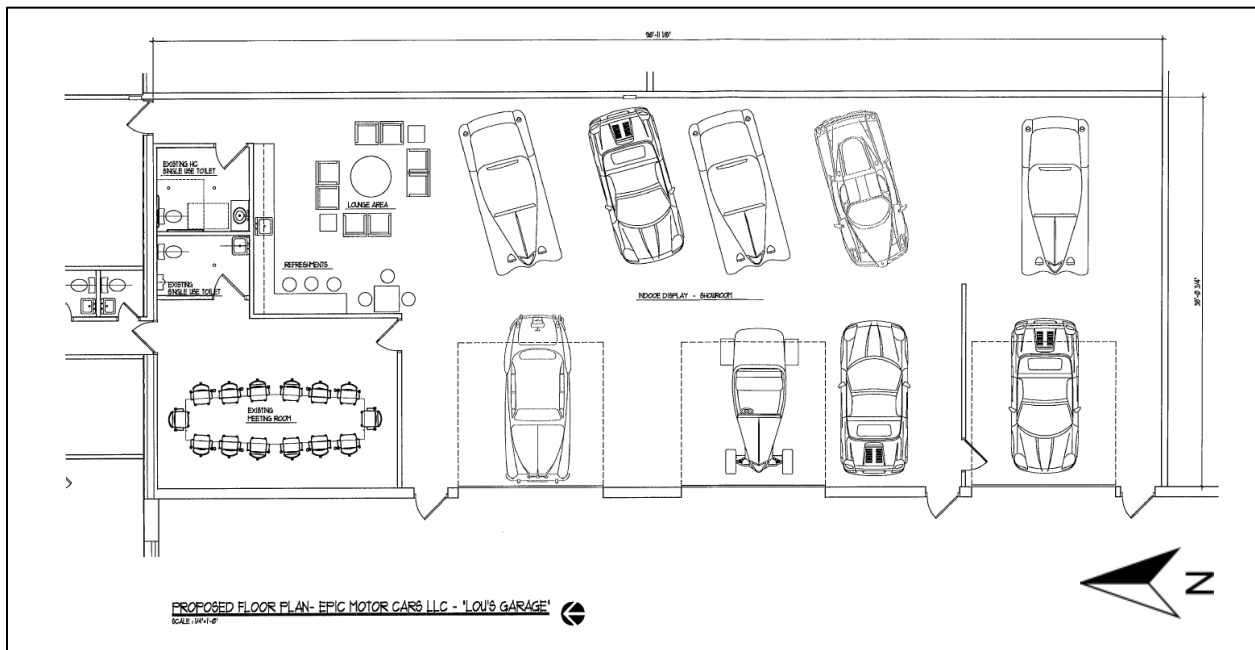
## 2. Epic Motor Cars, LLC

**Location:** 9829 Main Street.

**Description:** Existing 2 acre Commercial property, containing an existing building, and associated parking.

**Proposal:** The applicant is requesting consideration of a Temporary Conditional Permit for an automotive sales operation. The sales operation is proposed to occur within the existing building, containing approximately 4,000 sqft. Sales will be by appointment only, and the vehicles will be licensed, registered, and contain dealer plates. Finally, all vehicles are proposed to be displayed indoors only.

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



*Epic Motor Cars – Interior Plan*

## 3. 2022 Temporary Conditional Permit Renewals

**Location:** Varies.

**Description:** All existing Temporary Conditional Permits are subject to renewal, upon the conclusion of their previously approved term. Each Permit may be considered for renewal with a maximum term up to 5-years.

**Proposal:** The Planning Office has developed a renewal list with 72 potential renewals for 2022. The renewal list is on file in the Planning Office, and will be updated as applications are received.

**Reason for Town Board Action:** The Town Board has the authority to consider these renewal requests, after holding a Public Hearing.

#### 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 27<sup>th</sup>, 2021, to allow for a site inspection of the property by the Planning Office, upon the agreement of the applicant.

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.

**List of Previous Site Visits and Work Sessions since original tabling by the Town Board:**

Site Visit – October 27<sup>th</sup>, 2021. Documenting the presence of openly stored unlicensed vehicles.

Work Session – November 2<sup>nd</sup>, 2021. No Action, awaiting compliance.

Site Visit – December 7<sup>th</sup>, 2021. Documented the presence of openly stored unlicensed vehicles.

Approximately 18 unlicensed vehicles have been removed and are no longer illegally openly stored. The Planning Office did document two unlicensed vehicles openly stored behind the building, and two plow trucks. The applicant stated that one plow truck will be removed, the other will have a dealer plate, and the two unlicensed vehicles to the rear will be placed in an accessory structure or removed.

Work Session – December 8<sup>th</sup>, 2021. No Action, awaiting compliance.

Site Visit – January 18<sup>th</sup>, 2022. Documented the presence of openly stored unlicensed vehicles.

Since the last site visit an unlicensed plow truck has been removed. Two unlicensed vehicles remain openly stored behind the building.

Work Session – January 19<sup>th</sup>, 2021. No Action, awaiting compliance.

Sit Visit – February 8<sup>th</sup>, 2022. Documented the presence of openly stored unlicensed vehicles.

Two unlicensed vehicles remain openly stored behind the building.

Work Session – February 9<sup>th</sup>, 2022. No Action, awaiting compliance.

Site Visit – February 22<sup>nd</sup>, 2022. Documented the presence of openly stored unlicensed vehicles.

Three unlicensed vehicles are openly stored behind the building.

Work Session – February 23<sup>rd</sup>, 2022. No Action, awaiting compliance.

Site Visit Planned – March 8<sup>th</sup>, 2022.

**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.