

MORATORIUM QUESTIONS	CODE	COMMITTEE RECOMMENDATIONS	PLANNING BOARD	TOWN BOARD
A) 1)	§407-41 (Purpose) and §407-42 (Principal Uses and Structures)	Committee understands the intent of this district is to exclude single-family detached, unless those structures are true patio homes. In addition, add a sentence to the Purpose to read: “The R-2 District is intended to serve as a transitional zone between lower density single-family residential development and commercial or higher density multi-family development.”	Rejected	Rejected (Agreed with Planning Board)
2)		Edit §407-42.C to specify: “patio homes configured as clustered development under Article XXVII-Cluster Developments.”	Rejected	Rejected (Agreed with Planning Board)
3)		Rewrite the definition of patio home in §407-10 as follows: “ <i>A single-family detached dwelling of one story in height, located on its own lot that is typically smaller in size, which is part of a clustered residential development, with common areas in the development owned by a homeowner’s association.</i> ”	Rejected	Rejected (Agreed with Planning Board)
B) 1)	§407-42.B (Principal Uses and Structures)	§407-42.B. remove “duplex” as a principal use in the R-2 district.	Reject	Draft law removes duplexes, no rezoning
2)		§407-10 Definitions: Amend definition for “attached” to	Reject	Reject(Agreed with Planning Board)

3)		<p>reflect the relationship of “residential dwelling units” not “buildings”.</p> <p>§407-10 Definitions: Revise definition for “duplex” to be read: “Any residential structure containing two individual dwellings physically attached to each other <i>on one lot of record</i>”. This is more in keeping with the definition included in the Design and Performance Standards.</p>	Reject	Reject Agreed with Planning Board)
4)		<p>Amend §407-45.B. to remove reference to “duplex” (assuming duplexes are removed as an allowable use in the R-2 district).</p>	Reject	Accepted in draft law
C) 1)	<p>§407-46 (Building Standards)</p> <p>§407-46.A (Building Standards)</p>	<p>§407-46: Strike out “...but deviations approved in a site plan do not require a variance.”</p> <p>Amend §407-46.A to limit building size to four (4) units per single contiguous structure.</p>	Accept	Reject – leave to Planning Board; limiting no. of buildings contradicts Clustering concept
C) 2)	<p>§407-46.C and §407 Attachment 1- Schedule I (Yard, Lot and Area Requirements)</p>	<p>Committee agreed that given the demand for 2-car garages, the 160’ maximum building length is acceptable.</p> <p>Amend §407.46.C to allow a reduction in the minimum distance between buildings on the same lot from 60’ to 35’ if the development is clustered under Article XXVII.</p>	Rejected	Town Board agrees with the Committee, but this authority is not needed as Cluster provisions allow for applicant to request reduction in minimum distances

C) 3)	§407 Attachment 1- Schedule I (Yard, Lot and Area Requirements)	Add corresponding footnote to Schedule I. §407 Attachment 1 – Schedule I: Delete the 6,600 minimum lot building area and minimum 60 foot minimum lot width for options for R-2 and R2A. Footnotes 9 and 10 also need to be deleted.	Reject	Reject (agreed with Planning Board)
C) 4)	§407.45 (General Requirements)	A new provision should be added to §407-45 (General Requirements) to require inclusion of a minimum 75 foot natural greenbelt between the property line and the rear yards of proposed residences, where the proposed R-2 residences abut R-1 or non-residential districts. The site plan should illustrate limits of clearing.	Agreed as to need for buffer, but not a set minimum,	Standards Amended to Require Consideration of Buffer, but no mandatory minimum types
D) 1	§407-46.E (Building Standards) and Chapter 21- Architecture Review Advisory Board (ARAB)	§407-46.E and Chapter 21 (Architecture Review Advisory Board) should reference the applicability of the Town of Grand Island Design and Performance Standards.	Rejected	Rejected (agreed with Planning Board)
	§407-10 (Definitions)	Amend §407-10 to include a definition for “detached” that is similar to that definition in the Grand Island Design and Performance Standards.	Rejected	Rejected (agreed with Planning Board)
3)	§407-10 (Definitions)	Amend §407-10 to include a definition for “multiple	Rejected	Rejected (agreed with Planning Board)

	§407-8.D.	<p> dwellings” that is similar to that definition in the Grand Island Design and Performance Standards.</p> <p>To reduce confusion during the site plan review process, parcels should not have split zoning.</p>	Agreed	Agreed. Any Split Zoning is inherited from prior code revisions, no new split zones have been created except as part of a PUD
	§407-45.J (General Requirements)	<p>Amend §407-45.J to provide a cross reference to §407-109.</p> <p>Amend §407-109 (Submission of Site Plan) to include identification of environmental constraints to support §407-109.A.(19) Landscape Plan which is based on §407-140 (Landscaping Plans).</p> <p>Amend §407-45.J to be consisted with changes noted above.</p>		
D) 3	§407-46.H (Building Standards)	<p>§407-46.H. This standard should be deleted.</p>	Rejected	Rejected (agreed with Planning Board)
E	New Districts	Not necessary to establish new districts to create different density requirements	Accepted	Accepted
F)	Article X R-2 Location	Future R-2 Districts should occur on lands adjacent to the existing Town Center Districts	Accepted in principle, recognized need to update comprehensive plan	Included in local law
G)	§407-108.D (Procedure for Site Plan Review and Approval) (Note- this is	No change required.	Accepted	The consultants appear to have misunderstood the Question as it related to subdivisions (such as Lighthouse Pointe), which are under the Subdivision Code, not Site Plans under Section 407 of

	not the default section, it is in NY Town Law Section 276)			the Zoning Code (site Plans are not subject to default approval). Agreed, no change
H)	§407-121.A(2) (PDD Development Concept Plan)		Accepted	Included in proposed local law
	§407-121.A. (2)(k). (Development Concept Plan)	Some members of the Committee suggest evaluating the establishment of a “trigger” for enforcing this provision in the Code to bring about potential reversion to original zoning if development has not commenced after 2 years. Additionally, these same provisions should apply after the Detailed Plan has been approved (not just at the concept development plan stage).		Under NY law, a rezoning cannot be automatically undone. They must go through the zoning process.
Individual R-2 Districts Ferry Rd 1) 2)	Vacant East River at Ferry Rd Ward Park	Currently Vacant Built Out	Reject (requiring clustering, require buffers) Reject (remove duplexes from R-2, rezone to R-3)	Standards Amended to Require Consideration of Buffer, but no mandatory minimum types
3)	Whitehaven Rd. (Dexelius Property	Vacant	Accepted (No change)	
4)	Spicer Creek south of Whitehaven	Built out	Accepted (No change)	
5)	Greenside	Partially Built Out	Accepted (no change)	

6)	(Eagle View Drive White Oak Lane	Built out	Accepted (No change)	
7)	South Side Whitehaven at East River Rd.(Grebne)	Currently Vacant	Reject paragraphs 1 and 3 (rezoning B-1 to B-3, requiring clustering)	
7) a)	Part of hotel property	Parking lot and waterfront	Accepted (should be rezoned from R-2)	Proposed local law conforms zoning to remainder of property
8)	Oakmont Colony	Built Out	Accepted (No change)	
9)	Landings at River Oaks and Fairway Greens of River Oaks		Accepted (No change)	
10)	Golf Course Interior	Undeveloped	Reject (No change, as property is EED and developer cannot be forced to cluster)	
11)	Ransom Road	Existing Duplexes	Reject (rezone to R-3)	