

Memo

To: Town Board Members

From: Jonathan Bleuer – Director of Community Development
Andrew Schaefer – Junior Planner

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

Date: July 19, 2024

Re: July 24, 2024 Town Board Meeting – Land Use Items

The following is a review of the Land Use items on the July 24, 2024 Town Board Agenda:

Public Hearings: One

1. Rob's Topico Pizza

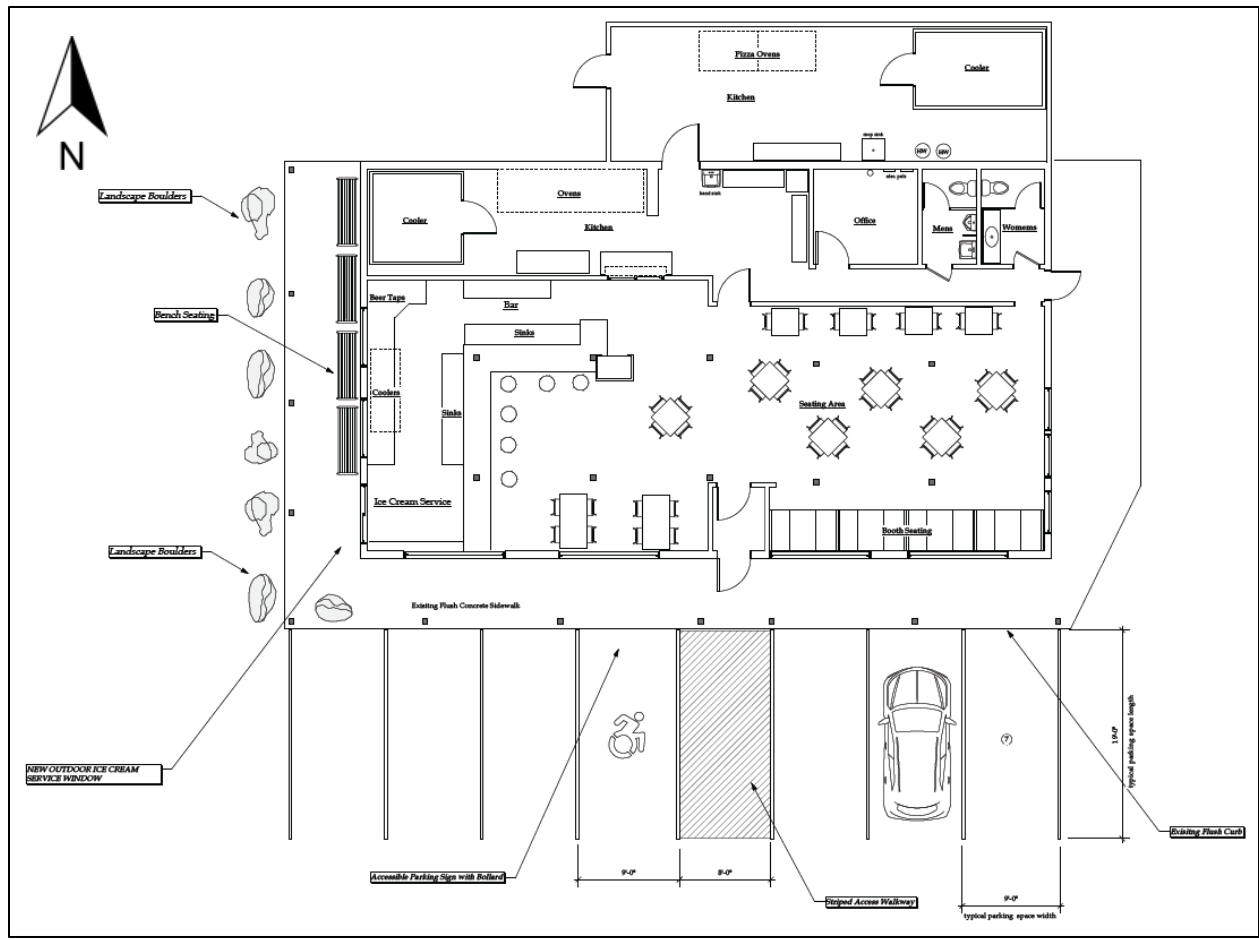
Location: 10250 Main Street. Northeast corner of Main Street and Strickler Road.

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

Proposal: The applicant is requesting a Temporary Conditional Permit (TCP) for outside dining. The outdoor dining area is proposed to exist within the covered sidewalk area to the west end of the building, containing seating and protected by landscape boulders, with the addition of an ice cream order and delivery window. Hours of operation would not exceed 10:00pm.

History: The Town Board referred this proposal to the Planning Board in April. Since that time, the applicant has modified the proposal per comments received. Such modifications include the reduction of outside dining area to meet ADA requirements, addition of landscape boulders, and the relocation of the ice cream order and delivery window to the west side of the building. The Planning Board recommended issuance of this TCP with a series of 11 conditions on June 19th. Most recently, the applicant has installed landscaping around the freestanding sign and building.

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



Rob's Topico Pizza Site Plan

Formal Agenda Items: Two

1. Town Code Amendment

Location: Town-wide.

Proposal: Set a Public Hearing to consider a Local Law amending the Town of Clarence Zoning Code Chapter 229, expressly prohibiting Crematoriums in the Town of Clarence.

The purpose and intent of this Local Law is to amend Chapter 229 (Zoning) to make certain clarifying amendments and updates related to development provisions within enumerated zoning districts. Specifically, the Town Board has determined that crematoriums constitute public nuisances and their operation can have negative impacts on air quality, including emissions of particulate matter and noxious odors. As a result, the Town Board determined that crematoriums should be prohibited in all zoning districts in the Town. This Local Law is intended to effectuate the crematorium prohibition.

History: The Town Board commenced a Coordinated Review under the State Environmental Quality Review Act (SEQRA) and sought Lead Agency status in June of this year. Thus far no involved agency comments have been received.

Reason for Town Board Action: The Town Board may set a Public Hearing to consider adopting this Local Law. Prior to adoption, an action must be taken under SEQRA.

2. Regan Landscape

Location: 8490 Wolcott Road. North side of Wolcott Road, east of Westphalinger Road.

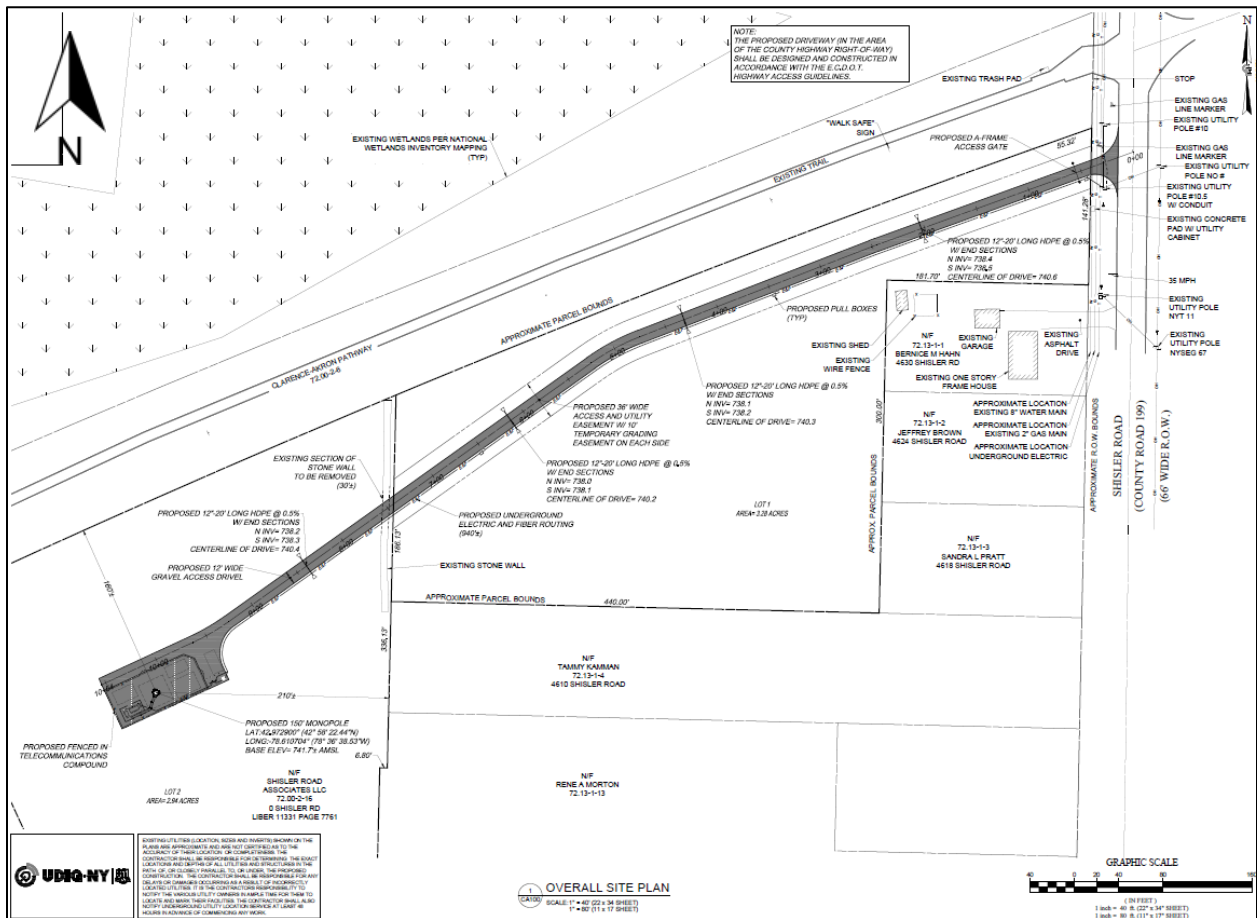
Description/History: Existing unapproved +/- 10.75-acre property containing a detached accessory structure located in the Agricultural-Floodzone.

Proposal: The applicant is requesting consideration of a Temporary Conditional Permit (TCP) for outside storage to operate an existing landscape business, Regan Landscape. The applicant seeks to convert the existing detached accessory structure into a principal structure for the business office.

History: The lot previously existed as a 1-acre vacant lot, and increased in size after an unapproved lot line adjustment with the adjacent lot at 8500 Wolcott Road, containing Woodstream Nurseries. The Town Board referred the proposal to the Planning Board in February. Since that time the applicant has worked to address comments received, including defining access easements, outlining material / vehicle storage areas, and drive lanes. The Planning Board recommended issuance of this TCP with a series of 14 conditions on June 19th. On July 9th, the Landscape Review Committee approved a Final Landscape Plan.

Reason for Board Action: The Town Board has the authority to consider this request after setting and holding a Public Hearing.

Note: The Planning Office is unable to process the retroactive Lot Line Adjustment application until the accessory structure is approved to be converted into a principal structure.



Harmoni Towers – Shisler Road Cell Tower Site Plan

2. Diogi Daycare

Location: 8345 Lapp Road. South side of Lapp Road, east of Transit Road.

Description/History: Existing 4-acre parcel located in the Traditional Neighborhood District, containing an existing single-family residence and multiple accessory structures. In March of this year, the Zoning Board of Appeals approved a lot line adjustment allowing the single-family residence to be split from the property.

Proposal: The applicant, as proposed tenant, is requesting consideration of new dog care facility, including grooming, daycare, overnight boarding, retail sales, and play areas; all to be located to the rear of the property, in the southern portion of the rearmost outbuilding.

Reason for Town Board Action: A referral to the Planning Board would allow for a thorough review of this proposal, including consideration of a Temporary Conditional Permit for overnight boarding.

Note: Overnight dog boarding operations are not a permitted use in the Traditional Neighborhood District. The applicant is pursuing a Temporary Conditional Permit to allow such a use.



Diogi Daycare Aerial Submittal