

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: August 9, 2024

Re: August 14, 2024 Town Board Meeting – Land Use Items

The following is a review of the Land Use items on the August 14, 2024 Town Board Agenda:

Public Hearings: Two

1. Town Code Amendment

Location: Town-wide.

Proposal: 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.

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

Formal Agenda Items: Three

1. Jaqueline Winterhalter

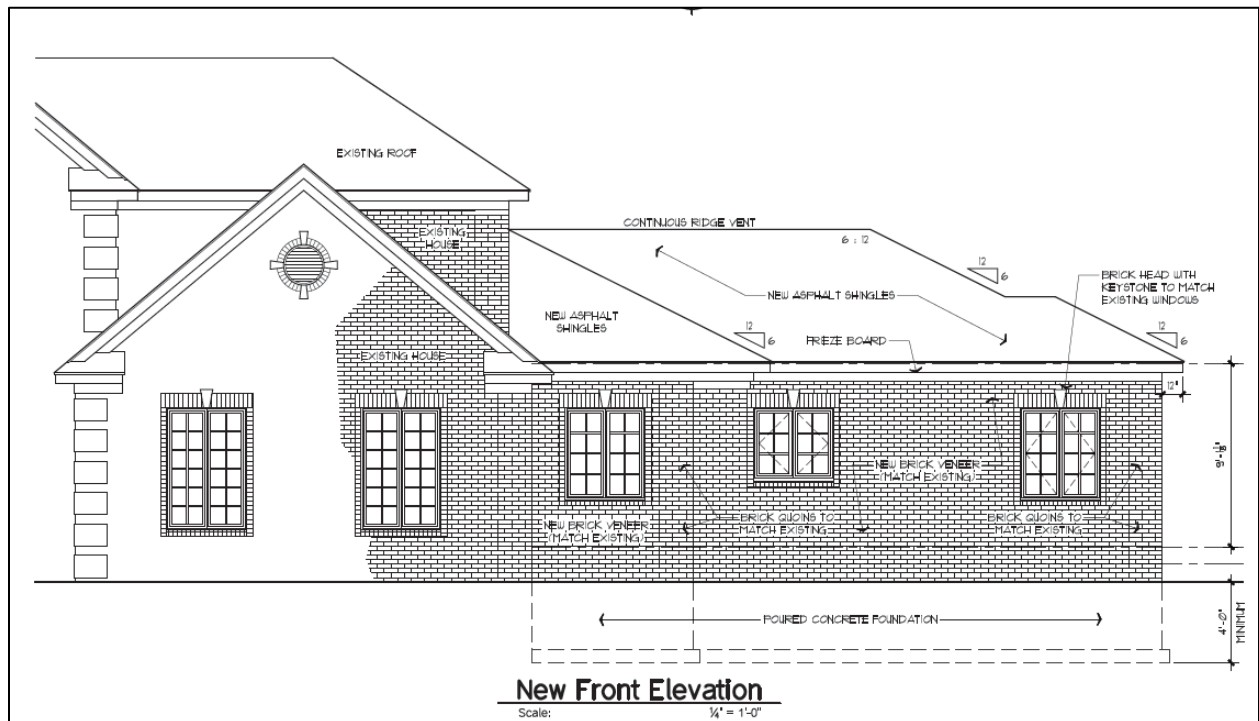
Location: 5312 Coyote Court. Northeast corner of Via del Sole and Coyote Court in the Loch Lea subdivision.

Description: Existing residence on a 0.48-acre parcel in the Planned Unit Residential Development zone.

Proposal: The applicant is requesting a Public Hearing to consider a Special Exception Use Permit for the construction of a secondary living unit as an expansion to the existing residence.

History: The Town Board referred this proposal to the Planning Board in March. Since that time, the applicant has made modifications to the proposal based on comments being received. Modifications include the removal of a secondary front door, addition of windows and brickwork, and an increase to the roof ridgeline height where the addition meets the existing residence. In July, the Planning Board recommended approval of this request, subject to a series of nine conditions.

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



Winterhalter Updated Front Elevation

3. 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

Work Session Items: Five

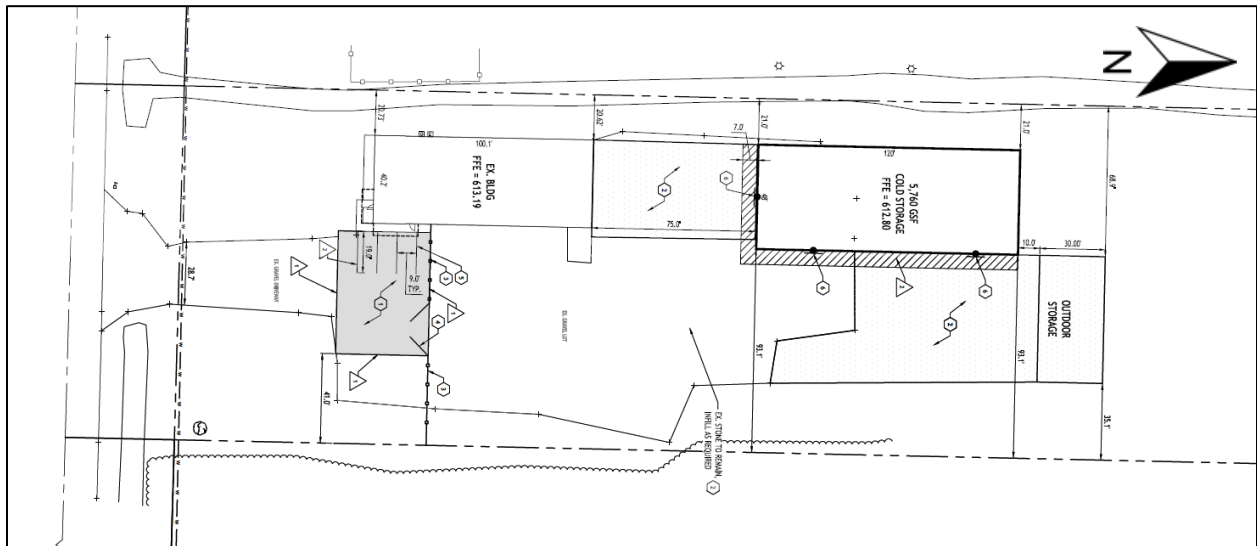
1. Stately Builders

Location: 9780 County Road. North side of County Road, east of Goodrich Road.

Description: Existing construction company located on a 3-acre parcel in the Industrial Business Park zone.

Proposal: The applicant is requesting a referral to the Planning Board for consideration of a detached warehouse structure. The warehouse is approximately 5,760 sqft, and proposed to be located behind the existing business. There are no proposed water or sanitary connections.

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



Stately Builders Site Plan



Stately Builders Building Render

2. Jens Richter

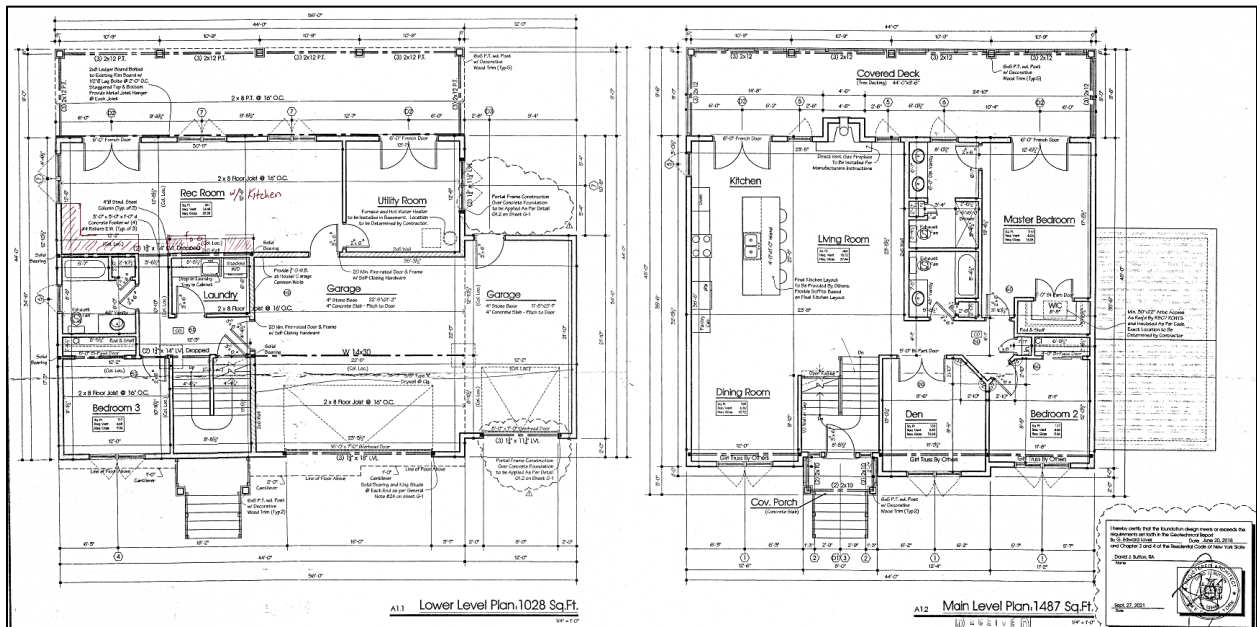
Location: 4775 Boncrest East. Northeast corner of Boncrest and Boncrest East.

Description: Recently constructed residence on a 0.44-acre parcel in the Residential Single-Family zone.

Proposal: The applicant is requesting a Public Hearing to consider a Special Exception Use Permit for a secondary living unit that was constructed as part of residence construction.

History: The Building Department has determined that the residence contains a secondary living unit, and as such, requires the consideration of a Special Exception Use Permit.

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



4775 Boncrest East Floorplan

3. Bruster's Ice Cream

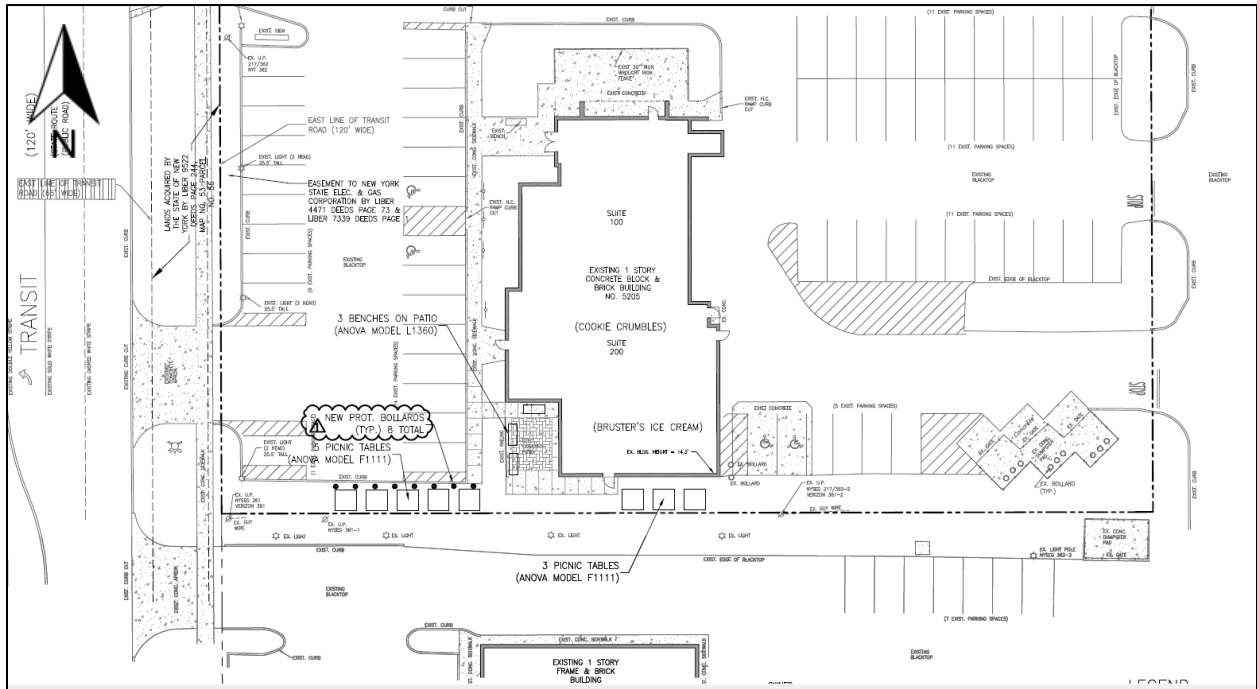
Location: 5205 Transit Road. East side of Transit Road, south of Greiner Road.

Description: Existing 1.2-acre parcel located in the Major Arterial zone, containing Spot Coffee, Crumbl Cookies, and Bruster's Ice Cream.

Proposal: The applicant is requesting a modification of an existing Temporary Conditional Permit for an expanded outside dining area. Modifications include the addition of eight (8) picnic tables to

be placed on the grass along the southern property line. Bollards are also proposed between the tables and the front parking lot.

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



Bruster's Ice Cream Outside Dining Updated Site Plan

4. Rick Switala

Location: 9717 County Road. South side of County Road, east of Goodrich Road.

Description: Existing 4.3-acre vacant parcel located in the Industrial Business Park zone.

Proposal: The applicant is requesting preliminary conceptual review of a proposed 5-building, 25,000 sqft, utility storage project. Each building is 50' x 100', arraigned linearly on the site with a single access, and the building closest to County Road contains an 800 sqft office area.

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

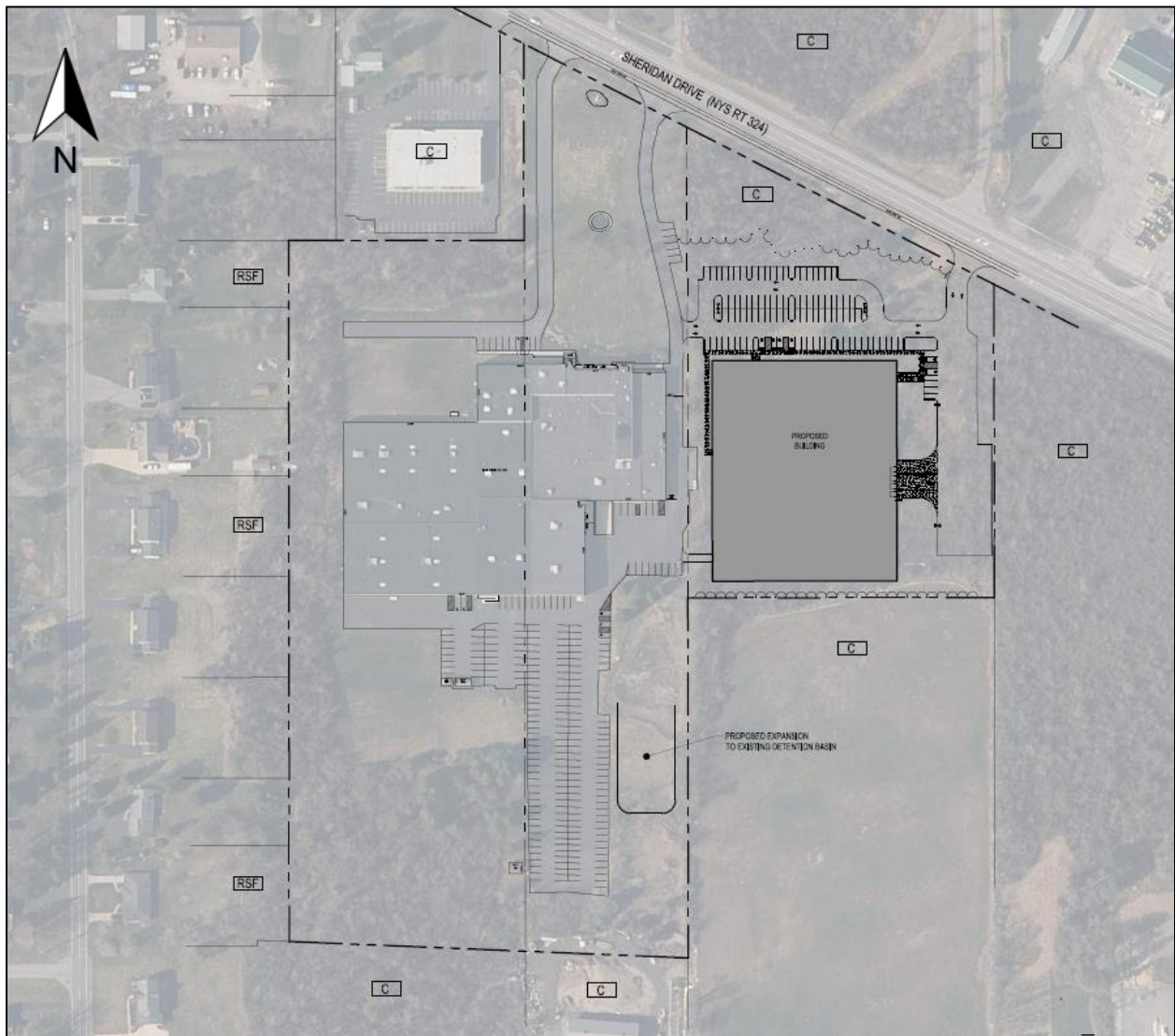
5. Dynabrade, Inc.

Location: 8989 & 9035 Sheridan Drive. South side of Sheridan Drive, west of Main Street.

Description: Existing 21.75-acre property containing a light manufacturing and office facility located in the Commercial zone.

Proposal: The applicant is requesting preliminary conceptual review of a proposed 90,000 sqft manufacturing and office building at 9035 Sheridan Drive along with associated site improvements; as a campus addition to the existing business operation at 8989 Sheridan Drive.

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



Dynabrade Concept Plan



Dynabrade Concept Render