

Memo

Town of Clarence Planning and Zoning

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: May 9, 2025

Re: May 14, 2025 Town Board Meeting – Land Use Items

The following is a review of the Land Use items on the May 14, 2025 Town Board Agenda:

Public Hearings: Two

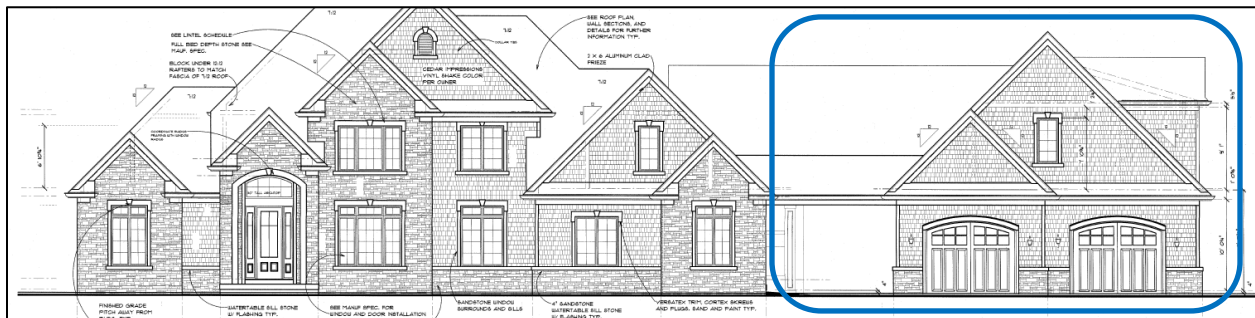
1. Frank & Julie Rivett

Location: 10100 Shamus Lane. Northerly lot at the terminus of Shamus Lane.

Description: Existing 9.2-acre property in the Agricultural-Rural Residential zone containing a single-family home in a previously approved major subdivision known as Strickler Estates.

Proposal: The applicant is requesting a Special Exception Use Permit for the construction of a secondary living unit as an expansion to the existing residence. The addition is in the form of an attached 2-story carriage house with first floor garage and patio, and second floor living unit.

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



10100 Shamus Lane – Front Elevation

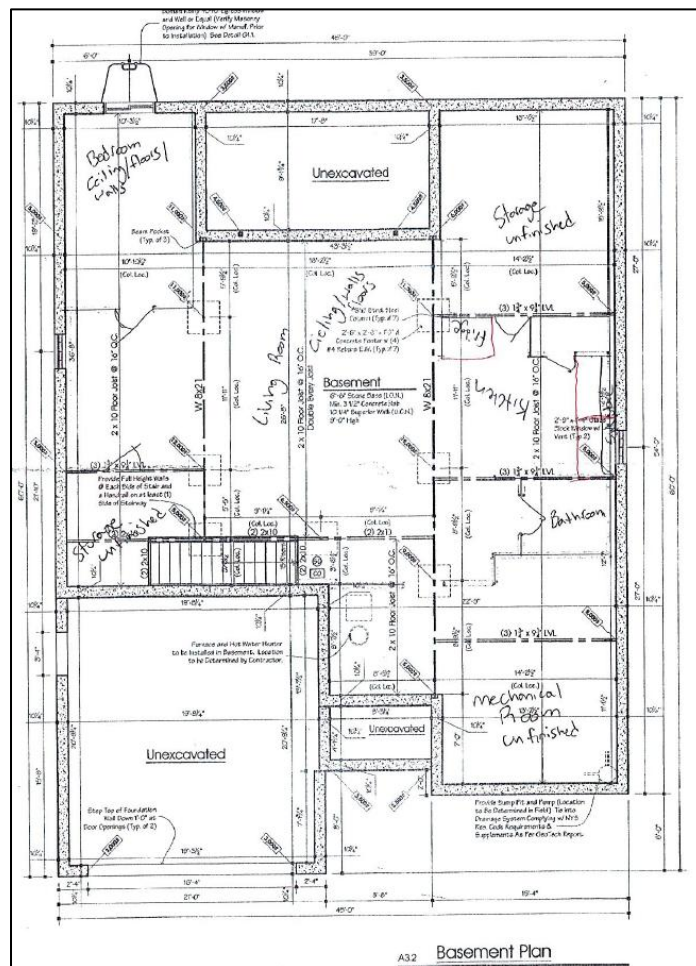
2. Maria & Nick Tiberia

Location: 5659 Creekwood Court. East side of Creekwood Court.

Description: Existing residence in the Creekwood Meadows subdivision on a 0.2-acre parcel in the Residential Single-Family zone.

Proposal: The applicant is requesting a Special Exception Use Permit for the construction of a secondary living unit within the existing home's basement. No exterior addition is proposed. The use of the space would be for seasonal cooking and extended family visits.

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



5659 Creekwood Court – Basement Sketch Plan

Formal Agenda Items: Two

1. Christopher & Lorissa Naugle

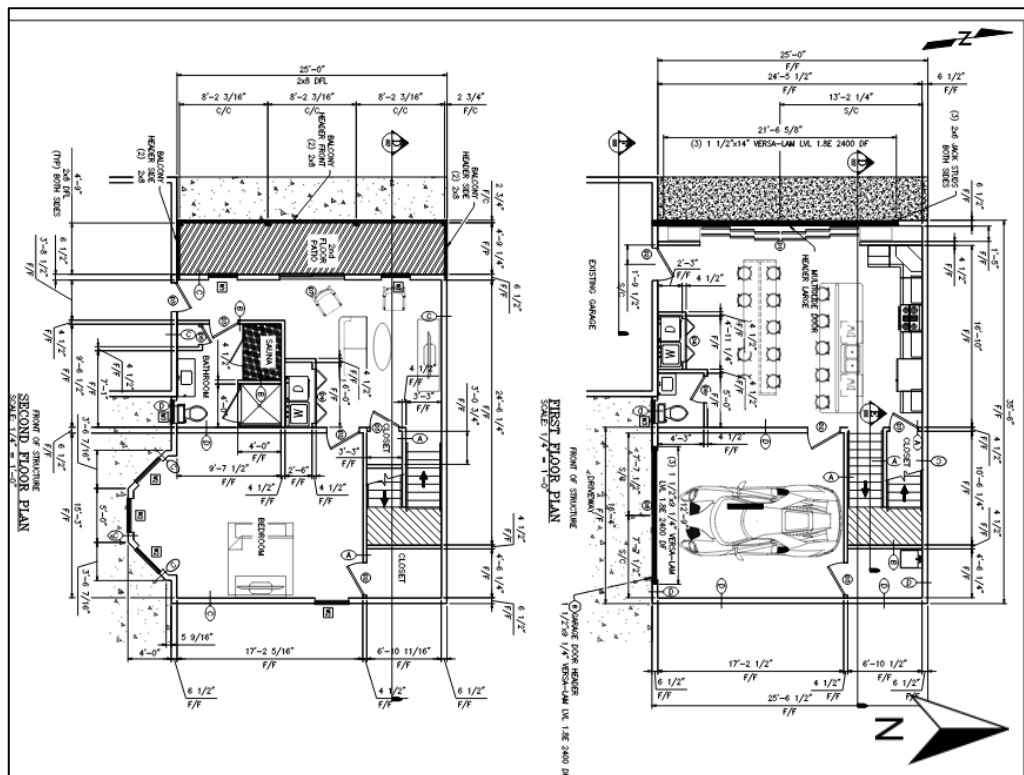
Location: 5024 Rockhaven Drive. North side of Rockhaven Drive, in the Spaulding Lake subdivision.

Description: Existing residence on a 0.59-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. The addition is proposed to create additional garage space, an in-law apartment, and backyard entertainment area.

History: The Town Board referred the proposal to the Planning Board in November of 2024. Since that time, the applicant has worked to address the comments of the Town, including a redesign of the project that meets all setback requirements. In April of this year, the Planning Board recommended issuance of a Special Exception Use Permit for this secondary living unit, subject to eight conditions.

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



5024 Rockhaven Drive – 1st and 2nd floorplans

2. Edge Development, LLC.

Location: 9105 Sheridan Drive. South side of Sheridan Drive, west of Main Street.

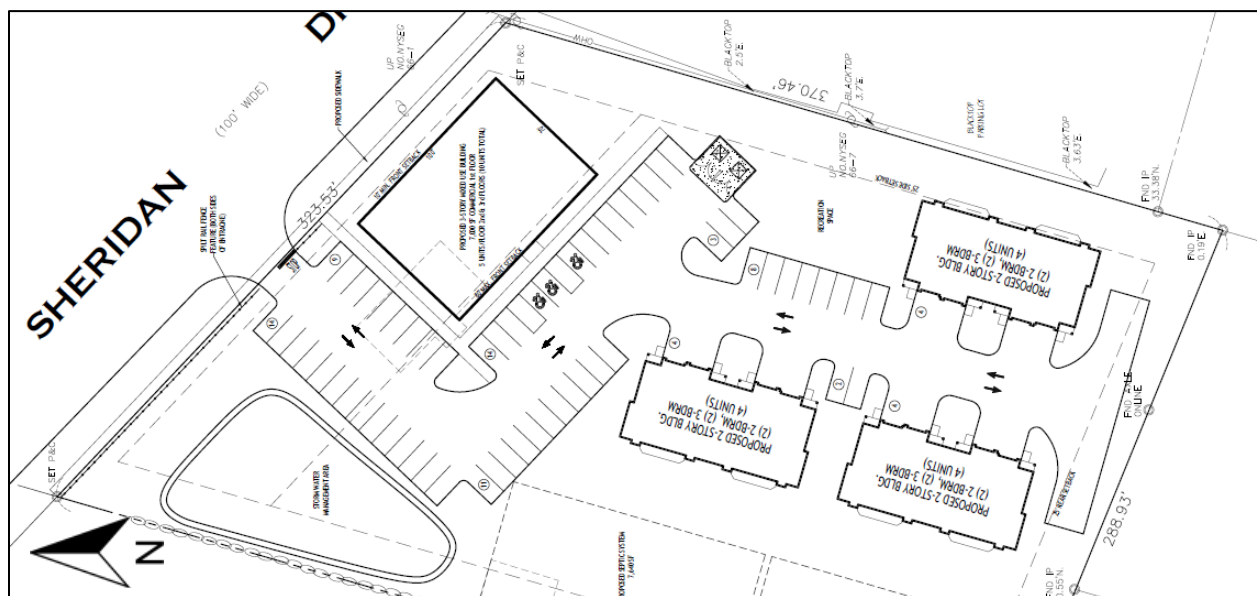
Description: Existing 2.8-acre vacant property located in the Commercial zone.

Proposal: The applicant is requesting a Public Hearing to consider a Special Exception Use Permit for a Conceptually approved mixed-use project containing multiple-family housing and commercial space. The project consists of approximately 7,000 sqft of commercial space and 22 apartments, as follows:

- One 3-story mixed-use building fronting Sheridan Drive containing 7,000 sqft of commercial on the first floor, and 10 total apartments on floors 2-3.
- Three 2-story residential townhome buildings to the rear, each containing 4 units.

History: The Town Board referred this proposal to the Planning Board in October of 2024. Due to comments received, the applicant has modified the proposal. Modifications include, but are not limited to; reducing the residential density by 2 units, increasing the total amount of commercial space, and increasing the front yard setback of the mixed-use building. In November of 2024, the Planning Board initiated a coordinated review under the State Environmental Quality Review Act (SEQRA). In January of this year, the Planning Board issued a Negative Declaration under SEQRA. In April the Zoning Board of Appeals issued variances for the total number of multiple-family housing units and the third story of the mixed-use building, and the Planning Board issued Concept Plan approval, subject to fifteen conditions.

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



9105 Sheridan Drive – Concept Plan

1. Kelton Enterprises, LLC.

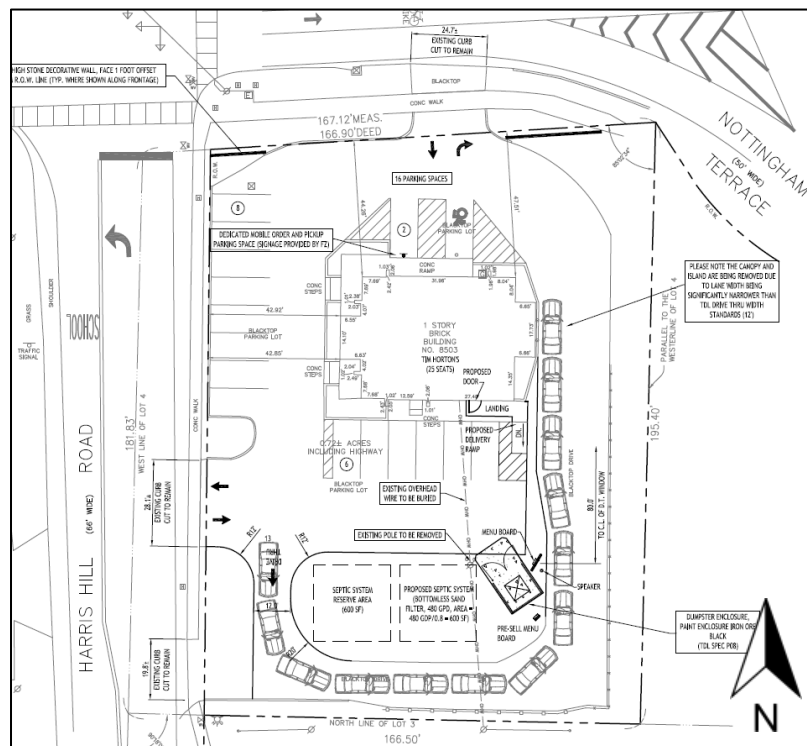
Location: 8503 Main Street. Southeast corner of Main Street and Harris Hill Road.

Description: Existing 0.6-acre parcel located in the Traditional Neighborhood District, containing a vacant former bank building and drive-through facility, with a total of three vehicular access points; two on Harris Hill Road and one on Main Street.

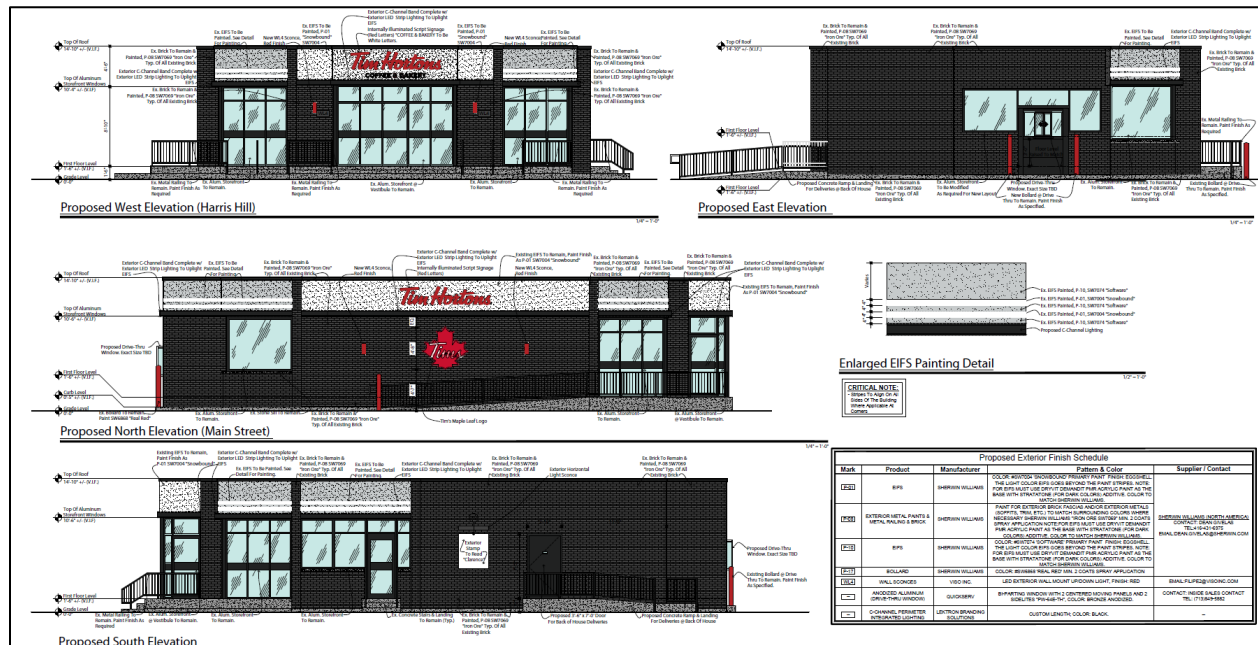
Proposal: The applicant is requesting a referral to the Planning Board to consider a Change-In-Use approval for a proposed Tim Horton's restaurant as a rehabilitation of the former bank with drive-through. No outside dining is proposed.

History: The Town Board initially referred a Tim Horton's proposal on this site to the Planning Board with a series of conditions and considerations in February of 2024. At that time, the referral was for site plan review. In October of 2024, the Planning Board initiated a coordinated review under the State Environmental Quality Review Act (SEQRA). From February of 2024 until March of 2025, the applicant made modifications to the proposal per comments received. Due to conflicting interests, it was determined that not all comments, conditions, and considerations could together be met. On March 28th, the applicant submitted a new application for consideration.

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



8503 Main Street – Site Plan



8503 Main Street – Elevations

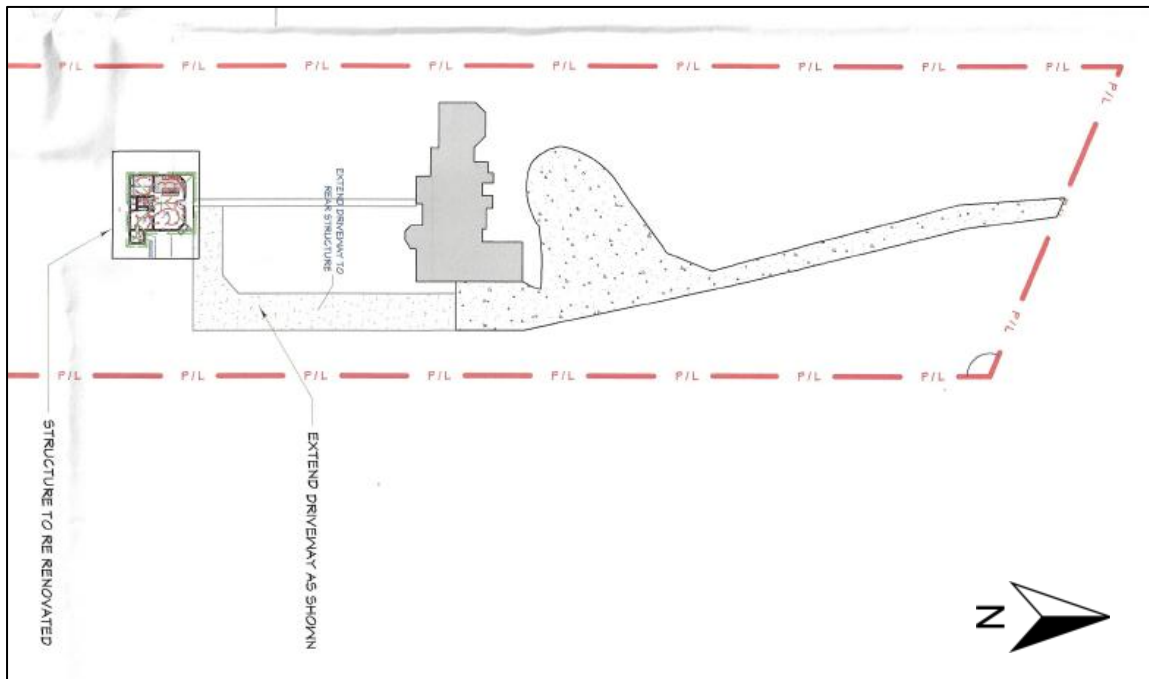
2. Mitchell Rivera

Location: 10377 Clarence Center Road. South side of Clarence Center Road, east of Strickler Road.

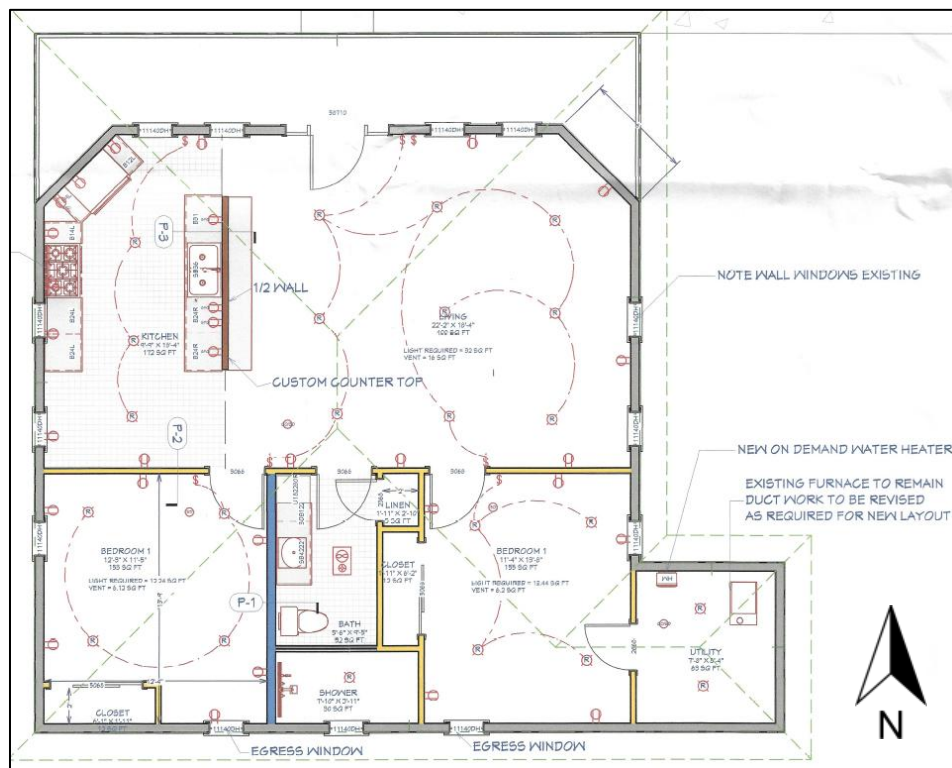
Description: Existing 4.8-acre property in the Agricultural-Rural Residential zone containing a single-family home and detached accessory structure.

Proposal: The applicant is requesting consideration of a Special Exception Use Permit for the construction of a secondary living unit as a conversion of an existing detached accessory structure behind the primary residence. The existing residence driveway would be extended to the rear yard structure that is proposed to be converted into the 2-bedroom 1-bathroom unit for the applicant's parents.

Reason for Board Action: A referral to the Planning Board would allow for a thorough review of this proposal. Alternatively, The Town Board has the authority to consider this request after setting and holding a Public Hearing.



10377 Clarence Center Road – Site Plan



10377 Clarence Center Road – Floorplan

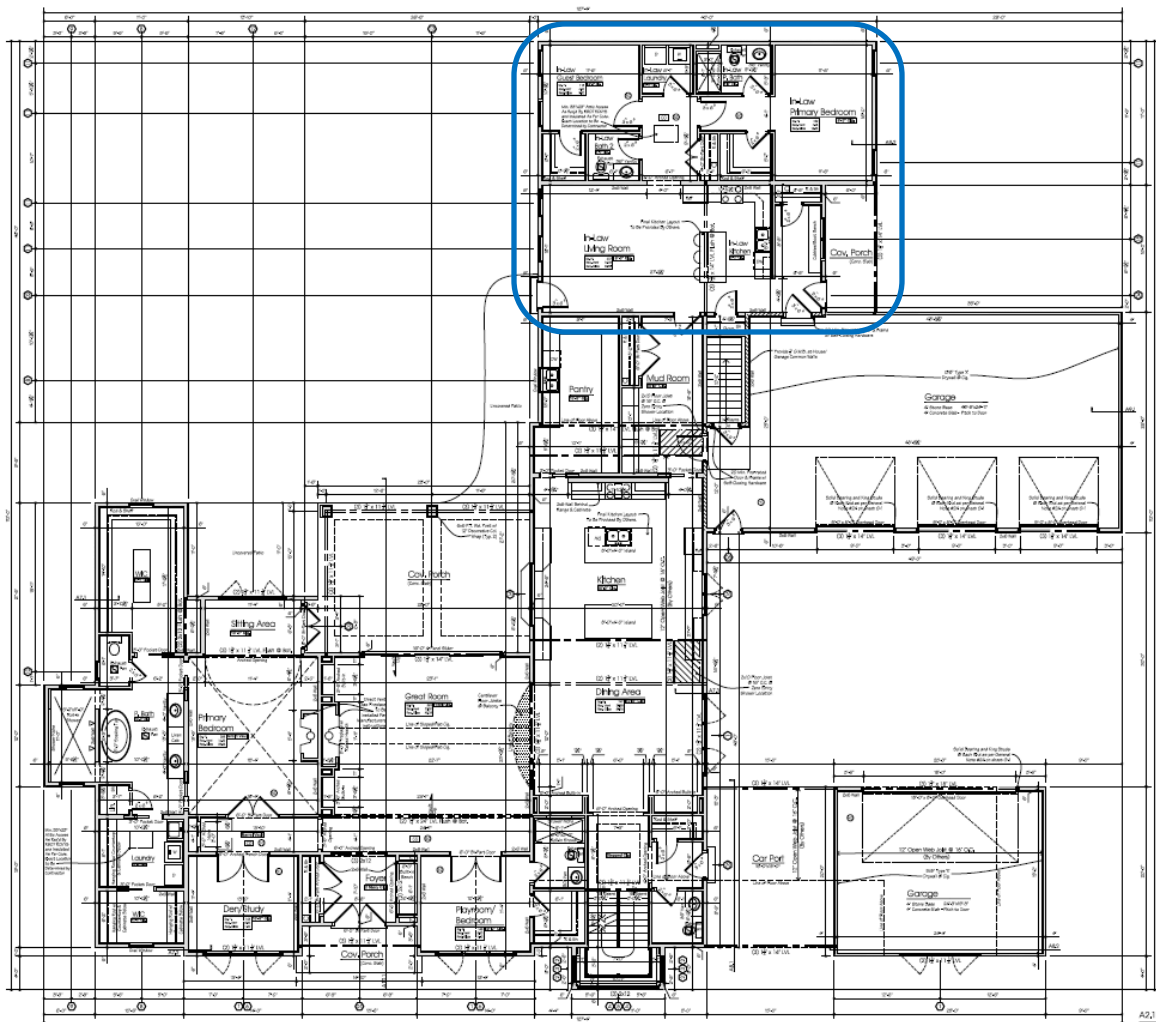
3. Severyn Development, Inc.

Location: 7178 Kenfield Road, northwest corner of Kenfield Road and Lapp Road.

Description: Existing 5-acre vacant corner parcel located in the Agricultural-Rural Residential zone, recently split from the overall 38.5-acre parent parcel after Minor Subdivision approval by the Planning Board.

Proposal: The applicant, on behalf of the Seufert's, is requesting a Special Exception Use Permit for an attached secondary living unit as part of a new residence construction with access to Kenfield Road. Within the approximately 6,000 sqft home, the secondary living unit is proposed to contain approximately 1,280 sqft.

Reason for Board Action: A referral to the Planning Board would allow for a thorough review of this proposal. Alternatively, The Town Board has the authority to consider this request after setting and holding a Public Hearing.



7178 Kenfield Road – Floorplan

4. AJ's Tree Service

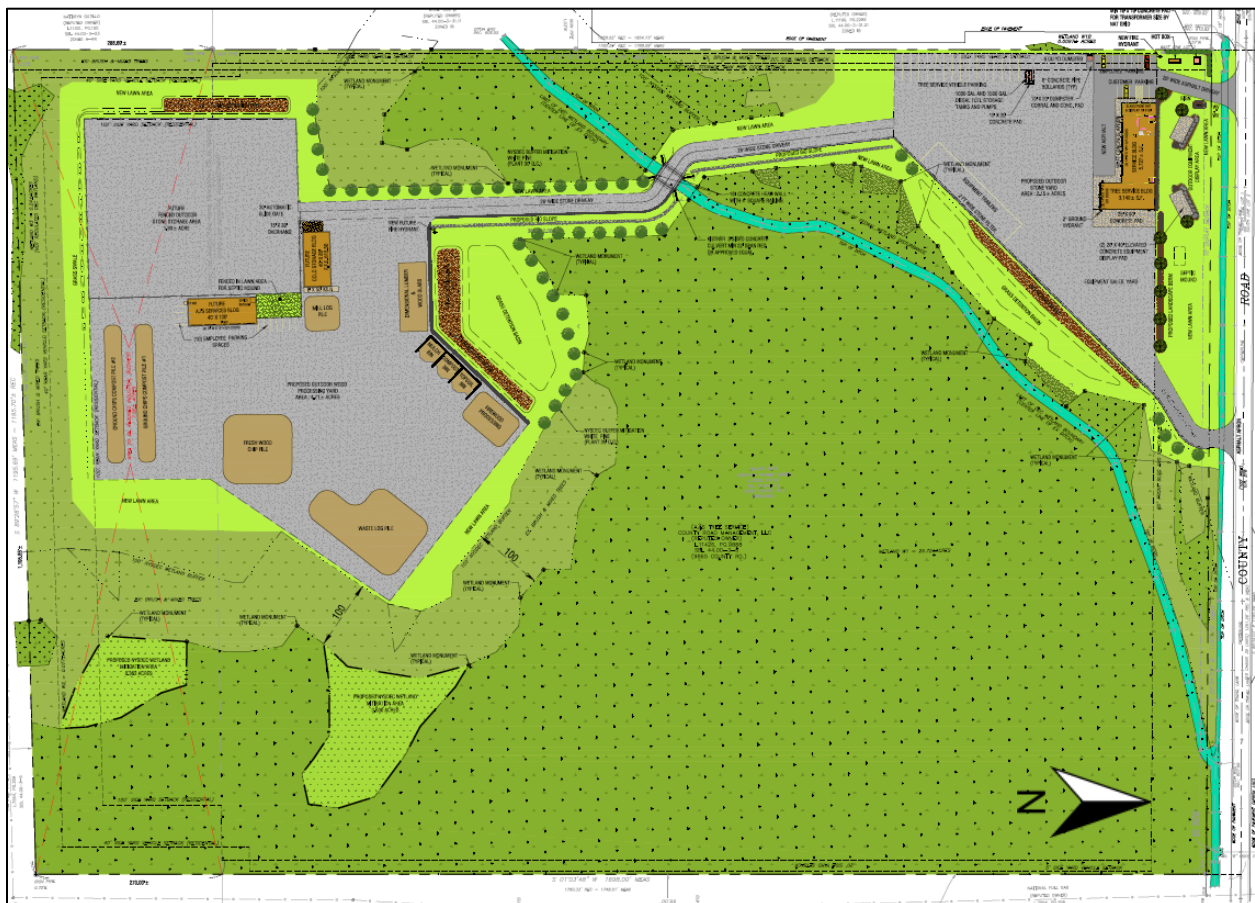
Location: 9865 County Road. South side of County Road, west of Strickler Road.

Description: Existing 47-acre vacant parcel in the Industrial and Agricultural-Rural Residential zones.

Proposal: The applicant is requesting preliminary Conceptual review of an industrial tree service operation, including equipment sales, service, outdoor display and storage, outdoor wood processing yard, outdoor rental storage, and material production.

An 8,876 sqft sales, service, and office building is proposed at County Road, accessed by two vehicular access points, customer parking, and equipment sales lot. A business inventory storage lot is proposed to the rear of the building, with an access drive to the rear of the site. The rear of the site is proposed to contain an outdoor wood processing yard, fenced outdoor rental storage, storage and service buildings, and a future wood production facility.

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



9865 County Road – Concept Plan



9865 County Road – Primary Building Elevations

5. 8750 Main Street Associates, LLC.

Location: 8750 Main Street. North side of Main Street, west of Overlook Drive.

Description: Existing 9.6-acre property in the Traditional Neighborhood District and Residential-Single-Family zone, containing a banquet facility and multiple-family housing units.

Proposal: The applicant is requesting preliminary Conceptual review of a 51-unit multiple family housing unit project to the rear of the existing Samuel's Grande Manor facility. Two 3-story structures are proposed, containing 24 and 27 units. Three detached garage buildings are proposed, each containing between 8 and 12 bays.

A portion of the project has been designed within the Residential Single-Family zone, which would require rezoning consideration.

History: In 2021, the property owner Charles Pezzino proposed a 40-unit project. After a thorough Town review and project modification, a 24-unit project was Conceptually approved. In 2023, the property owner deemed the project cost prohibitive, and proposed a 20-unit project. During the Town's thorough review, the applicant ceased to pursue that project. Since then, the property owner has entered into an agreement with the current project sponsor who is now proposing 51 units.

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



8750 Main Street – Concept Plan



8750 Main Street – Concept Render