

# 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 23, 2025

**Re:** May 28, 2025 Town Board Meeting – Land Use Items

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The following is a review of the Land Use items on the May 28, 2025 Town Board Agenda:

Public Hearings: None

Formal Agenda Items: Six

**1. Kelton Enterprises, LLC.**

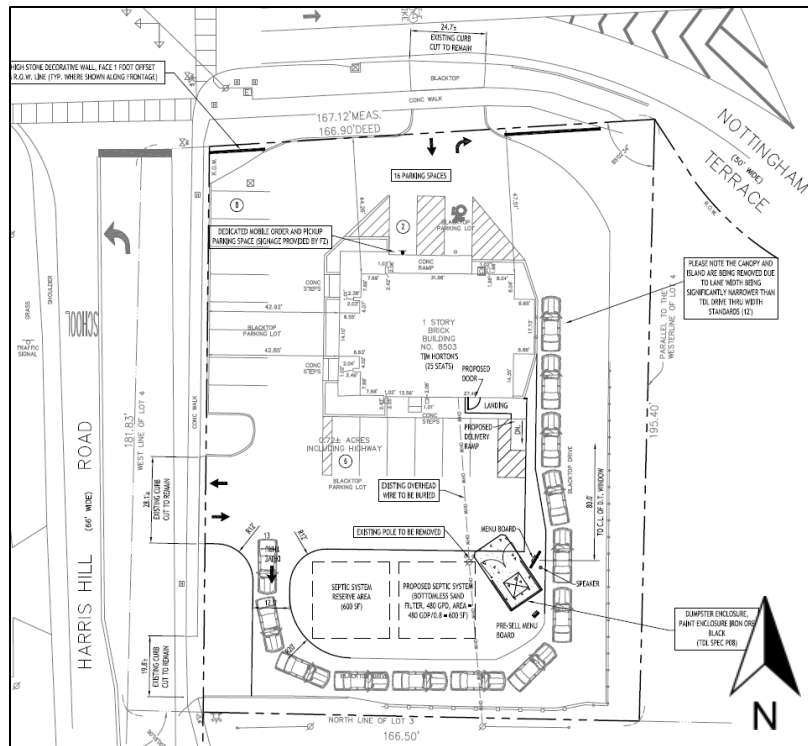
**Location:** 8503 Main Street. Southeast corner of Main Street and Harris Hill Road.

**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.

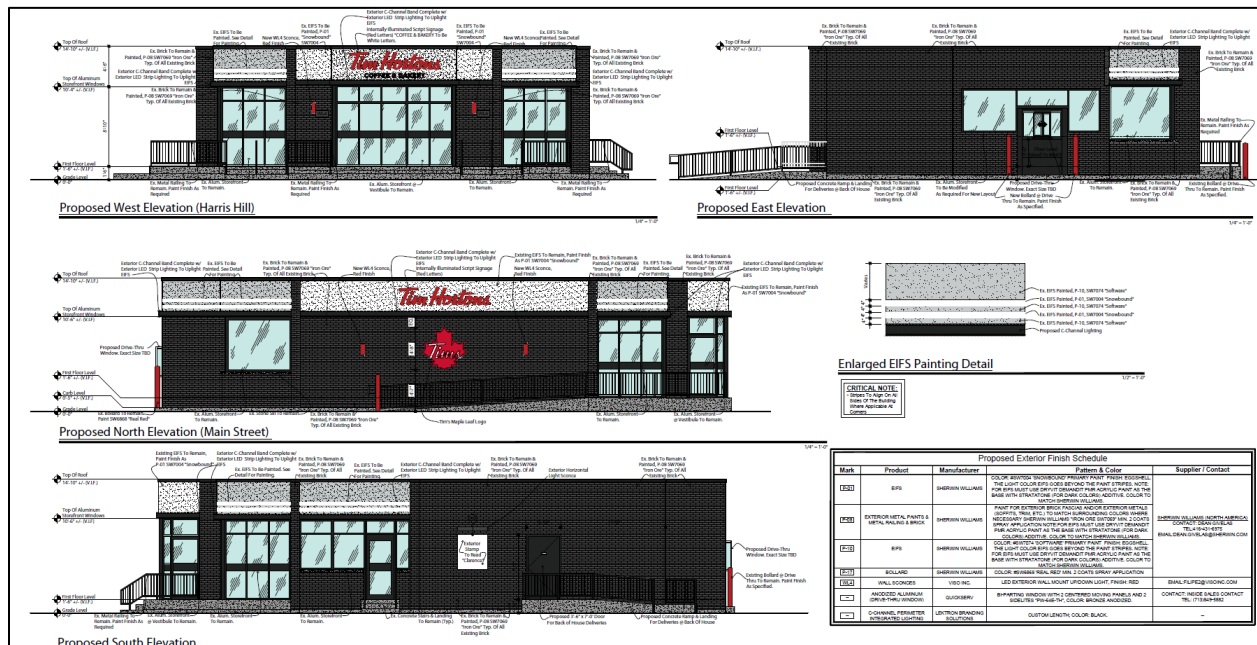
**Proposal:** The applicant is requesting a referral to the Planning Board to consider a Change-In-Use approval for a proposed Tim Horton's restaurant as a rehabilitation of the former bank with drive-through. No outside dining is proposed.

**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 28<sup>th</sup>, 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

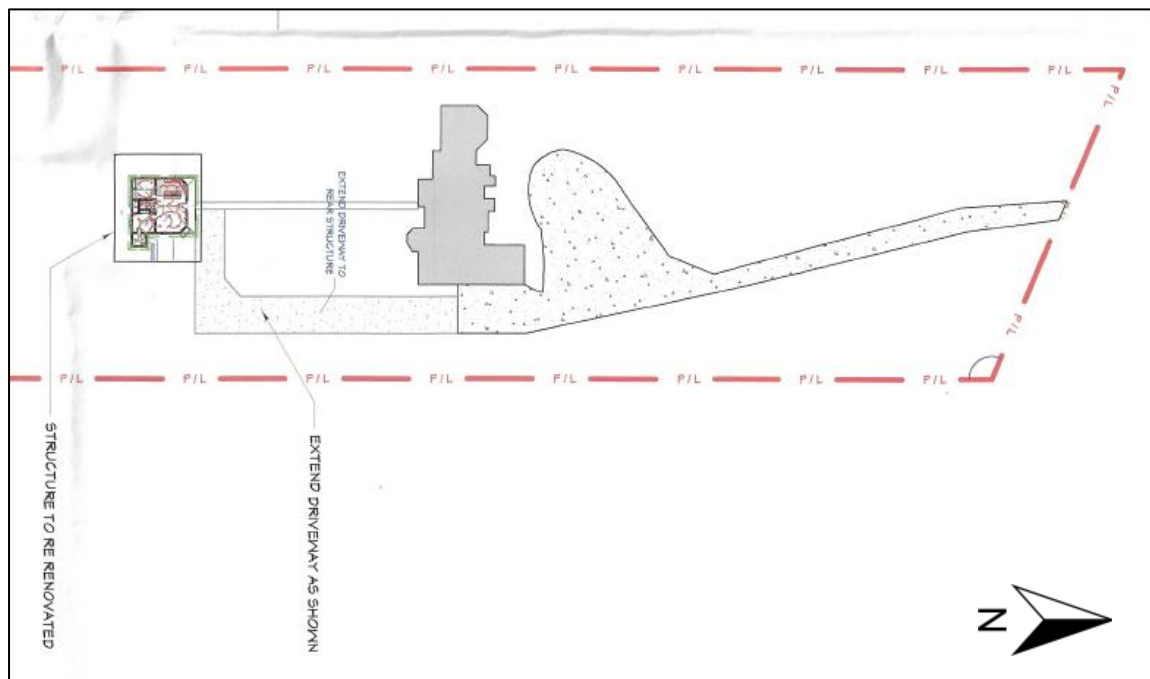
## 2. Mitchell Rivera

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

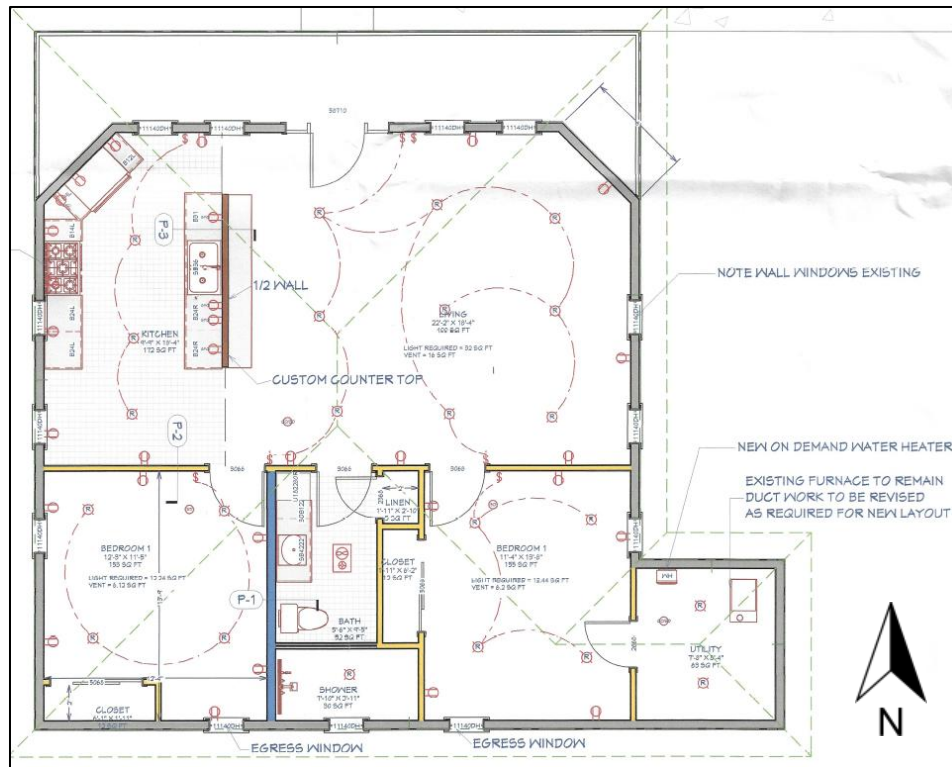
**Description:** Existing 4.8-acre property in the Agricultural-Rural Residential zone containing a single-family home and detached accessory structure.

**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

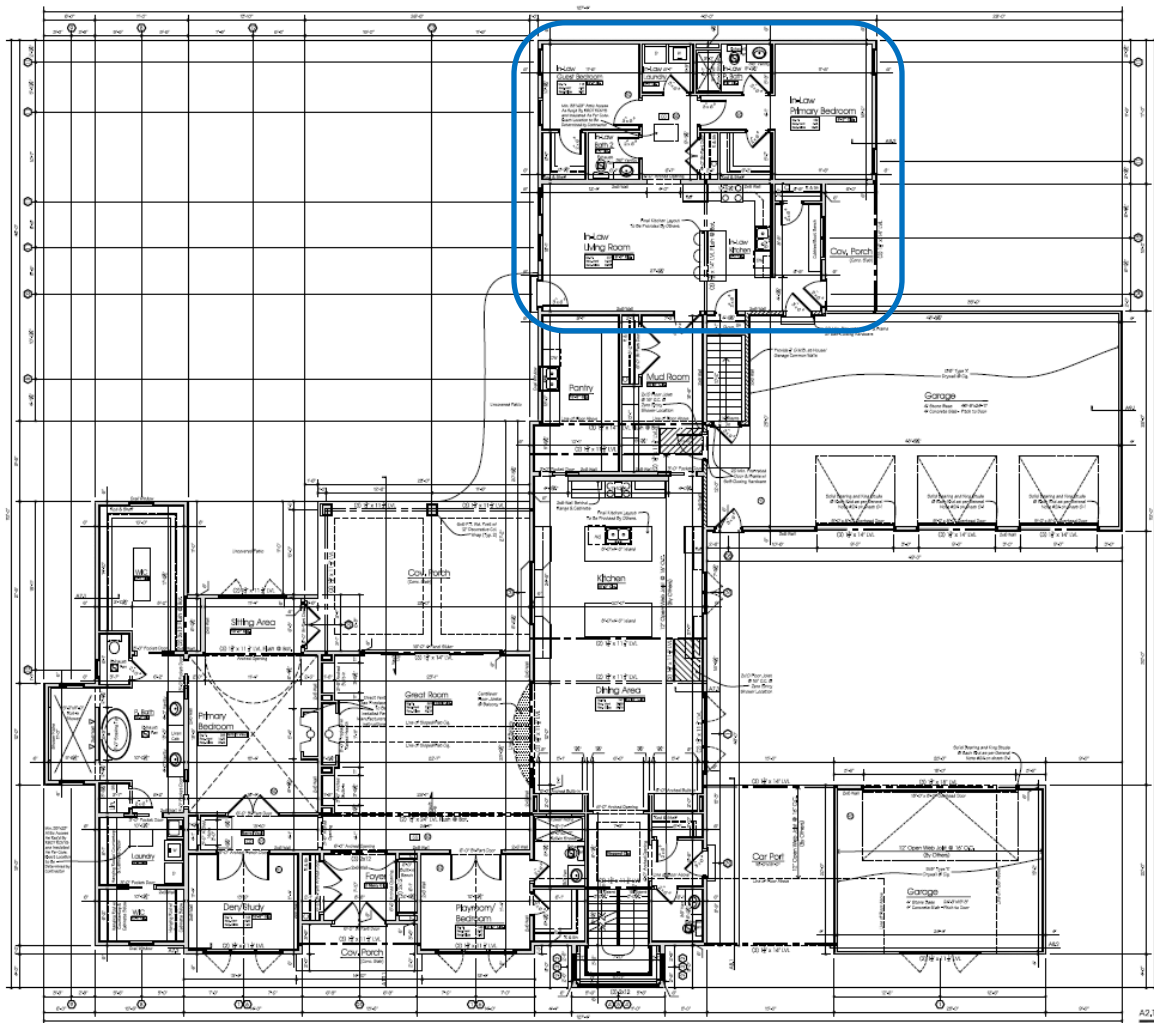
### 3. Severyn Development, Inc.

**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.

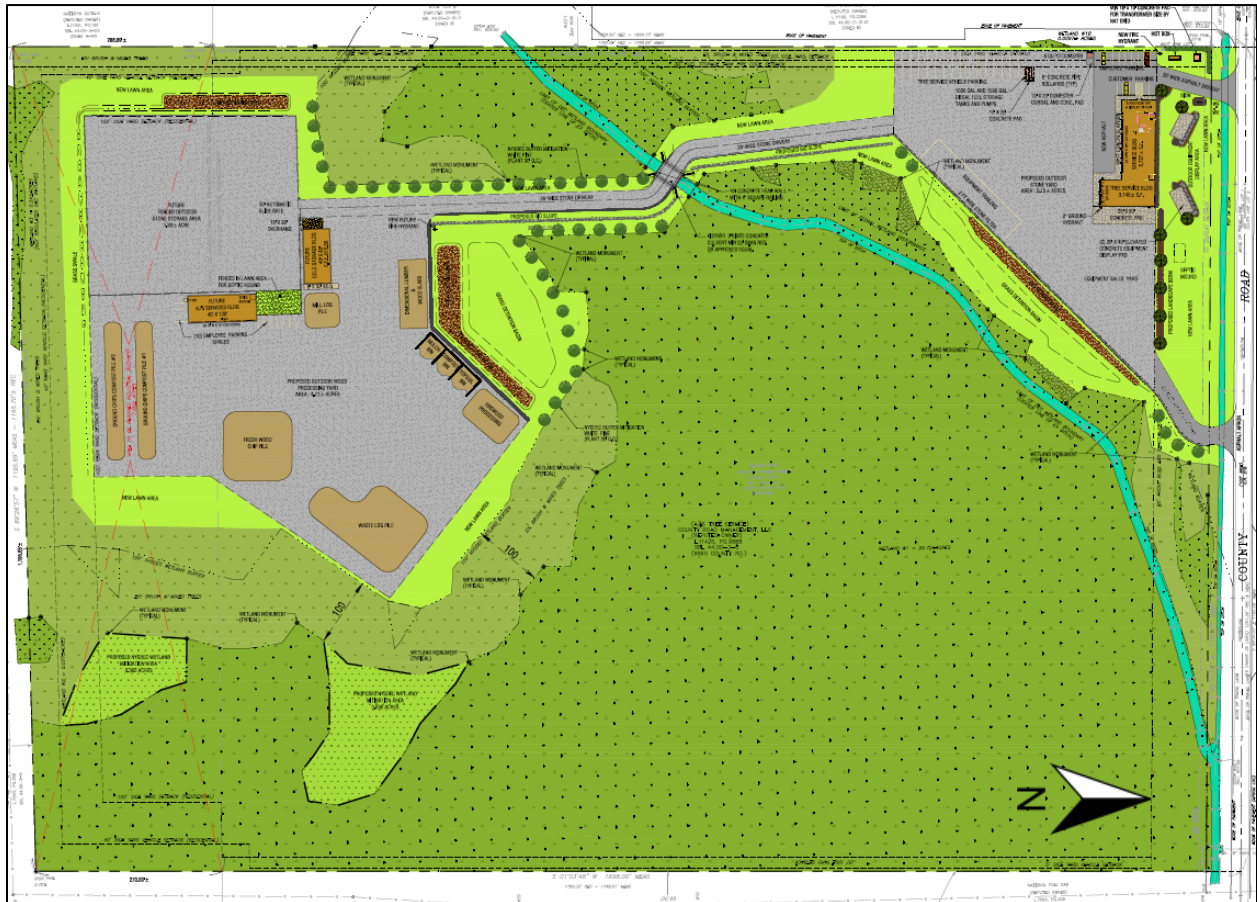
**Description:** Existing 47-acre vacant parcel in the Industrial and Agricultural-Rural Residential zones.

**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 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



## 6. Brookfield Country Club

**Location:** 5120 Shimerville Road. South side of Greiner Road, west side of Shimerville Road.

**Description:** Existing 177-acre country club facility in the Community Facility zone.

**Proposal:** The applicant is requesting approval of a Fireworks Display Permit for Thursday, July 3<sup>rd</sup>, 2025, with a rain date of Sunday, July 6<sup>th</sup>, 2025.

Skylighters of New York is the licensed operator for this event. Necessary insurance, licensing, bonding and Fire Chief Approval paperwork are on file in the Planning Office.

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

## Work Session Items: Three

### 1. Value Turf, LLC.

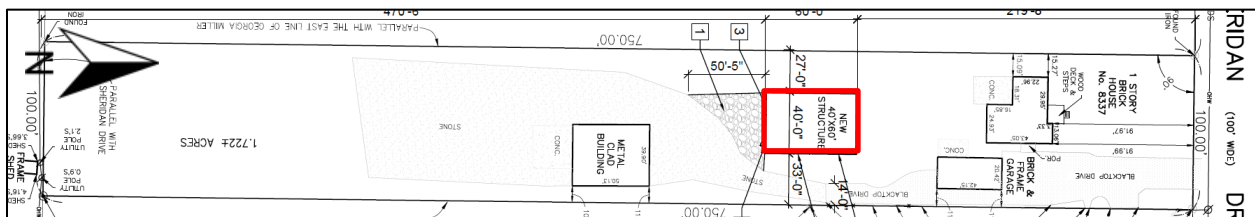
**Location:** 8337 Sheridan Drive. South side of Sheridan Drive, east of Helenwood Drive.

**Description:** Existing 1.7-acre parcel in the Restricted Business and Residential Single-Family zones, containing an existing residence, detached garage, and outbuilding.

**Proposal:** The applicant, John Leising, is requesting a consideration of a Temporary Conditional Permit for the construction of an additional outbuilding for commercial business storage in the Restricted Business zone. The outbuilding is proposed to be a 2,400 sqft pole barn, and used to store lawn mowers and golf carts.

**History:** This item was on the Town Board work session agenda of April 15<sup>th</sup>. At that time, the item was not advanced to a formal agenda due to concerns relating to the proposed business and site activity. On May 7<sup>th</sup>, representatives of the Planning Office met on-site with the applicant to better understand the existing and proposed business and site activity for the purpose of providing an update to the Town Board at an upcoming work session.

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



8337 Sheridan Drive – Site Plan

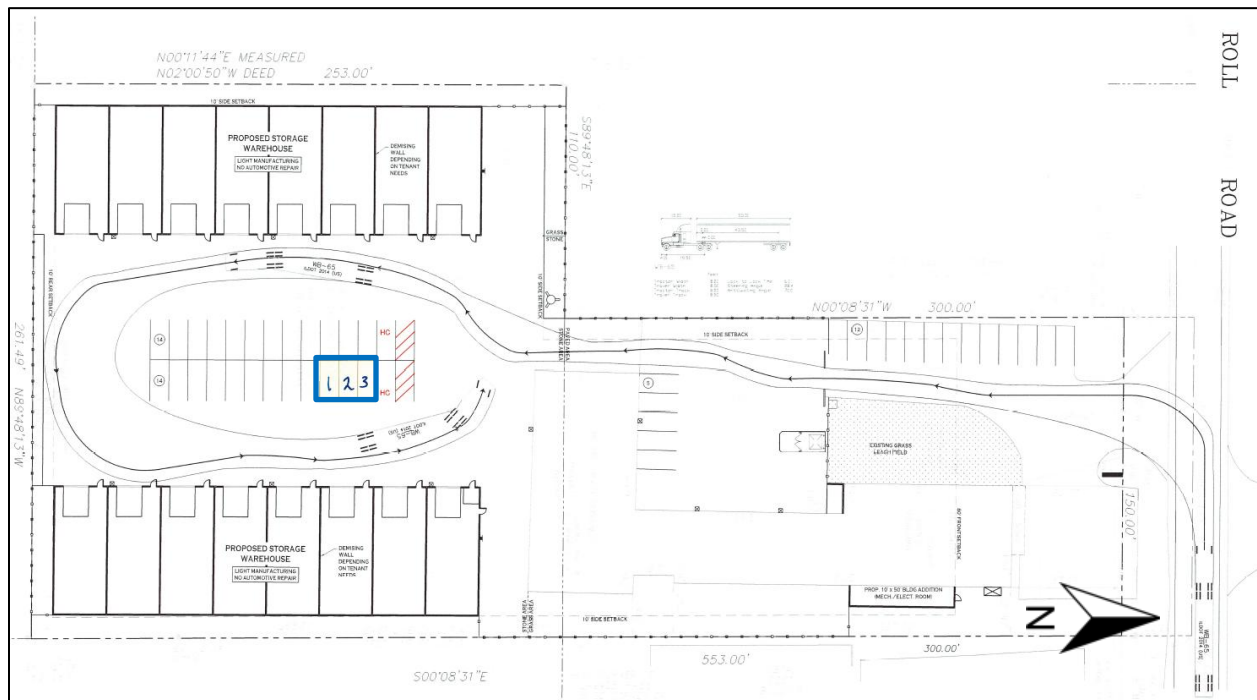
## 2. Brett Baker

**Location:** 8615 Roll Road. South side of Roll Road, east of Harris Hill Road.

**Description:** Existing 2.4-acre property in the Industrial Business Park zone containing a previously approved industrial project containing retail, office, light manufacturing, warehousing, and other complimentary uses.

**Proposal:** The applicant is requesting consideration of a Temporary Conditional Permit to operate an automotive dealership. The applicant intends to rent an office within the main building, and have access to three parking spots within the fenced rear parking lot, to occasionally contain registered and dealer plated vehicles. The display of vehicles for sale is not proposed.

**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

## 3. 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 minor modification of the project, with a Public Hearing scheduled for June 11<sup>th</sup>, at 10:20am 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 (6,400 now proposed) sqft of commercial space and 22 (23 now proposed) apartments, as follows:

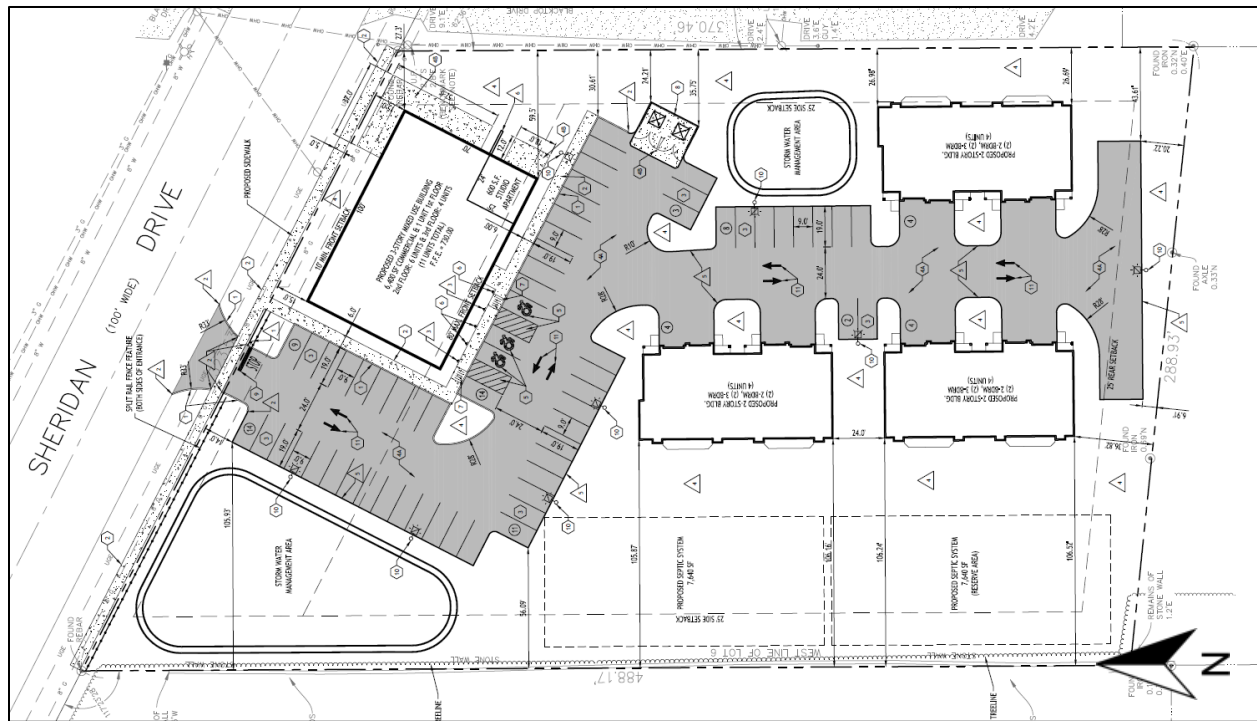
- One 3-story mixed-use building fronting Sheridan Drive containing 7,000 (6,400 now proposed) sqft of commercial on the first floor, and 10 (11 now proposed) total apartments.
- Three 2-story residential townhome buildings to the rear, each containing 4 units.

**Minor Modification:** The applicant has determined that a 1<sup>st</sup> floor residential unit is necessary within the mixed-use building for ADA compliance purposes. After significant consideration and discussion with the Planning Office, the applicant is proposing to add a 600 sqft 1<sup>st</sup> floor residence, resulting in a loss of 600 sqft of commercial space. To account for this, the applicant has proposed to add an approximately 900 sqft outdoor commercial patio space on the north and east side of the mixed-use building, which would accommodate the potential for outside dining of a future commercial tenant.

Should the Town Board wish to consider this modification, the applicant will be required to seek a variance for the additional residential unit from the Zoning Board of Appeals.

**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 holding a Public Hearing.



9105 Sheridan Drive – Updated Concept Plan