

Memo

To: Town Board Members
From: James B. Callahan, Director of Community Development
CC: Town Attorney, Town Clerk, Town Engineer, Senior Code Enforcement Officer, Planning Board Members, Chamber of Commerce
Date: 9/7/2012
Re: September 12, 2012 Town Board Meeting Agenda

PUBLIC HEARINGS:

1. JOSEPH SWIATEK, 6205 HEISE ROAD.

Location: East side of Heise Road, north of Clarence Center Road.

Description/History: Existing single-family residential property located in the Residential Single-Family Zone.

Proposal: Applicant is seeking approval to develop a secondary living unit as an addition to the existing home.

Master Plan: Area identified in a residential classification.

Reason for Town Board Action: Per the Zoning Law, the Town Board has authority to approve secondary living units with a Special Exception Use Permit after a required public hearing.

Issues: The applicant is aware of all code requirements for the use.

2. DOUGLAS ROBA, 5480 SALT ROAD.

Location: West side of Salt Road, north of Greiner Road.

Description/History: Existing single-family residential property located within the Agriculture Rural Residential Zone.

Proposal: Applicant is seeking approval to develop a secondary living unit as an addition to the existing home.

Master Plan: Area identified in an agricultural district.

Reason for Town Board Action: Per the Zoning Law, the Town Board has authority to approve secondary living units with a Special Exception Use Permit after a required public hearing.

Issues: The applicant is aware of all code requirements for the use.

3. CARA MIA, 6429 TRANSIT ROAD.

Location: Northeast corner of Transit Road and Old Post Road.

Description/History: Existing retail plaza located within the Major Arterial Zone.

Proposal: Applicant is proposing to enclose a dog training area outside of the existing plaza building to expand current dog training operations.

Master Plan: Area identified as a commercial classification.

Reason for Town Board Action: Per the Zoning Law, the Town Board may approve outdoor activities via a Temporary Conditional Permit.

Issues: The outdoor facility is for training and no overnight boarding is proposed.

4. CLARENCE CENTER OVERLAY DISTRICT

Location: Clarence Center Hamlet area as identified on Planning Board approved district map.

Description/History: Existing hamlet area consisting of Traditional Neighborhood District and Residential Single-Family Zoning Districts.

Proposal: Create a Zoning Overlay to guide future permit approvals within the designated area of Clarence Center(please find proposed code and map amendments attached)

Master Plan: Area identified in the TND and Residential Single Family Zones within Clarence Center Hamlet.

Reason for Town Board Action: Amendments to the Zoning Law are the authority of the Town Board.

Issues: The Planning Board has forwarded a recommendation to adopt the map and code changes as drafted.

WORK SESSION :

1. CIMATO ENTERPRISES, WOODLAND HILLS SUBDIVISION.

Location: South side of Greiner Road, east of Harris Hill Road.

Description/History: Project site has been the subject of the consideration of a Major Subdivision request within the Residential Single Family zoning district.

Proposal: Applicant is requesting a Clearing, Filling and Grading Permit as well as an Excavation Permit to allow for the excavation of a proposed stormwater detention area that is planned in connection with the development of a proposed 77 lot Major Subdivision. The excavated fill is intended to be utilized for grading a proposed right of way in connection with the proposed Major Subdivision.

Master Plan: Area identified within a residential classification.

Reason for Town Board Action: In association with the Local Clearing, Filling, and Grading and Excavations Laws, the Town Board has final authority for the consideration of issuing permits in relationship with applications under both Laws.

Issues: The project site in question has previously been and is currently the subject of a Major Subdivision review. While the project has previously received a Negative Declaration under SEQR and Concept Plan approval, the project has not received nor been the subject of an official Development Plan review and approval. Additionally, the property, while currently planned for a 77-lot major subdivision, is not currently within a sanitary sewer district. It is important to note that as per the Local Clearing, Filling and Grading Law (Section 79-6(G)), the following provision is stated: "Any site that is proposed for development *may not* be cleared until development plan approval has been granted by the Town Board and a building permit has been obtained from the Building Department." Additionally, as per the Local Subdivision of Land Law (Section 193-15(E)(3)) the following provision is stated: "No construction activity shall commence without first obtaining development plan approval from the Planning Board and the appropriate regulatory agency and departmental permits." The proposed action would require the Town Board permit construction activity in association with a Major Subdivision proposal not serviced by a sanitary sewer district and without Development Plan approval having first been obtained.

2. DAMON & MOREY, 5817 TRANSIT ROAD.

Location: East side of Transit Road, north of Highland Farms Drive.

Description/History: Existing vacant land consisting of 4.33 acres in the Major Arterial Zone.

Proposal: Applicant is proposing to develop an automotive collision shop with an automotives sales component.

Master Plan: Area identified in a commercial classification.

Reason for Town Board Action: Per the Zoning Law, the Town Board has final authority via a Special Exception Use Permit or Temporary Conditional Permit to allow for automotive uses in a commercial zone.

Issues: The Planning Board failed to forward a recommendation for this use at this location. The Planning Board determined that a collision shop was not an allowed use in the Major Arterial Zone (Collision Shops are only specifically identified as an allowed use in the Industrial Business Park Zone) and the proposed use was not an appropriate land use at this particular location. No action under SEQRA has been taken on the matter and if the project is to be considered for approval then a full SEQRA review must be completed and a determination made prior to taking a final action on the approval. Should the Town Board follow the Planning Board action and deny the request, the procedure is complete.

3. Multiple Family Residential Zoning Concepts.

Location: Commercial and Restricted Business Zones within a Town approved Sewer District and Traditional Neighborhood District.

Description/History: The Town Board referred the concept of reviewing the Multiple-Family Residential Use to the Planning Board as a part of the annual review of Master Plan 2015. The Planning Board has undertaken the development of concepts that will drive the development of necessary code amendments.

Proposal: The Planning Board has forwarded concepts to create an Overlay Zone for Multiple Family Residential Development in the Commercial and Restricted Business Zones that will require that a commercial component be integrated into any future Multiple Family Development. In addition a multiple family overlay for lots greater than 2 acres in the Traditional Neighborhood District will be developed. (Proposed concepts are attached as developed and recommended by the Planning Board).

Master Plan: No specific amendment to Master Plan 2015 is necessary to accommodate the proposed changes as the amendments involve specific zoning code amendments only.

Reason for Town Board Action: As the proposed amendments involve a Zoning Code Amendment, the Town Board has final authority to make changes.

Issues: The Planning Board has forwarded proposed concepts for Town Board consideration. It is important to note that the specific code changes will be derived from the final version of such concepts. Actual code amendments will require a public hearing and a local law for adoption. The concepts as developed will need to be finalized by the Town Board and returned to the Planning Board to initiate code development.

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5.1 PURPOSE AND INTENT

- A. In accordance with the recommendations and policies of the Town’s comprehensive plan, the Clarence Center Overlay is intended to:
 - 1. Preserve the character of the Clarence Center community as a hamlet style area with mixed uses set in an historical context.
 - 2. Encourage and enhance the principals of Traditional Neighborhood Design, which call for a mixture of uses, improved walkability/connectivity, enhancement of neighborhood appeal, preservation of community character, etc.
 - 3. Continue and complement the design elements associated with the streetscape design for the overlay district.
 - 4. Maintain and improve the traffic conditions and the walkability and pedestrian circulation of the area as development and redevelopment take place.
 - 5. Ensure that new buildings or building modifications are harmonious with surrounding structures in their use, scale and design
 - 6. Encourage the preservation of existing building and sites in a manner that maintains the historic and distinctive character of the hamlet.
 - 7. Minimize the removal or disruption of historic, traditional or significant structures or architectural elements in the hamlet.
 - 8. Allow for a mixture of uses that would allow many existing parcels of land and structures to be utilized without the need for a zoning variance.

5.2 BOUNDARY

- A. General Boundary: the boundaries of the Clarence Center Overlay are represented on the attached map and further called out in the Official Zoning Map as Clarence Center Overlay.

5.3 PERMITTED USES

- A. Permitted uses: the uses permitted in the Clarence Center Overlay shall be the same uses as permitted in the underlying zoning districts.
- B. Accessory uses: the accessory uses permitted in the Clarence Center Overlay shall be the same accessory uses as permitted in the underlying zoning district(s).

5.4 AFFECT UPON SUBDIVISION REGULATIONS

- A. The division of lands, regardless of the zoning classification, shall be subject to Chapter 193 of the Code of the Town of Clarence (Subdivision Law). The following special regulations/requirements shall apply to all subdivisions of lands within this overlay district:

Central Business District Area:

- a) In dividing parcels or combining parcels, the number of curb cuts (street access /driveways) to Clarence Center and Goodrich Roads and all secondary roads in the overlay district shall be minimized or reduced where practical. Shared driveways and cross access connections shall be encouraged.

Residential Area:

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a) No purchasing of properties, tearing homes down and combining parcels to make larger homes and property.

5.5 SITE DESIGN REQUIREMENTS

- A. Architecture: A 3 to 5 member Community Character Protection Board shall be appointed by the Town Board to review all site plans submitted for approval within the Clarence Center Overlay Zone. Such Board shall be a recommending body to the Town Board/Planning Board and shall meet as required and requested by the Town Board. (It is not the intent of these requirements to establish or match any particular architectural style or pattern.) In general, the structures should have a hamlet style appearance and scale and meet the following standards:
 - 1. Design elements should follow the Town's "Clarence Center Design Guidelines" (copies to be obtained from the Town).
 - 2. Stoops, open colonnades, open porches, balconies, and bay windows may encroach into the front yard setback.
 - 3. There shall be no building(s) that include internally illuminated signs. The color scheme of the signs should remain monotone or two-tone.
 - 4. Building design materials shall include stone, brick and natural appearing materials. In concert with the residential character of the surrounding area, the use of vinyl siding shall also be allowed.
 - 5. Blank concrete block walls or sheet metal at street level shall be avoided. Visually interesting activities at the sidewalk edge shall be maintained and/or established to engage pedestrian interest.
 - 6. Painting: The Town strongly encourages all structures in the TND zoning district to use proper contrasts in paint schemes. Trim and foundations should be visually differentiated from the main body of the structure. Also, typically, only traditionally painted materials (such as wood) should be painted. No aluminum, vinyl, or similar hybrids shall be used in color schemes. Property owners should consult the Clarence Center Design Guidelines and the standards set in that document.
 - 7. All rooftop units (HVAC) shall be properly screened or located so as not to be visible from the street.
 - 8. If a project involves a property that has local historic significance, every effort should be made to preserve the character and integrity of the structure working with the property owner to utilize all Historic Preservation options, including pending laws.
 - 9. Additions to any building shall respect the original character of the property and surrounding property.

- B. Landscaping: All landscaping shall be designed in accordance with the Streetscape Plan for Goodrich Road in the Clarence Center area. A copy of these design guidelines can be obtained through the Town. For all development projects requiring site plan approval in the Central Business District area, a site plan shall be submitted for review and approval to the Town Landscape Committee and the Clarence Center Community Character Protection Board. The following elements shall be included in the required landscape submittal:

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1. A site plan showing existing and proposed buildings, walks, driveways, off-street parking, freestanding walls, fences, landscaping and any other site amenities is required.
 - a. Walks - paved walkways from the existing public sidewalks in the Goodrich and Clarence Center Road right-of-way (R.O.W.) to the interior of the property are required. Materials may include concrete, brick, pre-cast concrete pavers or a combination of materials that are in keeping with the character of the surrounding architecture and streetscape. Asphalt walkways are not permitted.
 - b. Driveways – all new driveways within the Goodrich and Clarence Center Road R.O.W. shall be constructed of concrete, concrete pavers, brick pavers or a combination of materials in keeping with the character of the surrounding architecture and streetscape. Asphalt driveways will not be permitted within the R.O.W. A driveway (highway access) permit is required by the N.Y.S. Department of Transportation for any new driveway within the roadway R.O.W.
 - c. Screening of Off-Street Parking – All off-street parking areas shall be screened from the street. Screening should be a minimum of 42” in height, should be continuous and should conceal the parking area(s) from the street. Methods of screening many include stonewalls, picket fences, evergreen or deciduous hedges, other suitable landscape materials or a combination of materials. All screening should be located inside the applicant’s property boundary and should not encroach onto the public sidewalk. Screening should not limit a driver’s visibility of the sidewalk or street when exiting any off-street parking lot. Where the driveway intersects the street right-of-way, there should be no fence, wall, hedge or other material higher than 42” above grade for a distance of at least 15 feet on either side of the driveway.
 - d. Walls - walls, which are visible from the street, may be constructed of stone, brick, stucco or a combination of masonry materials and should be in keeping with the character of the surrounding architecture. Concrete block and cast in place concrete walls are not permitted.
 - e. Fences – fences which are visible from the street may be constructed of wood (or a synthetic material simulating wood), ornamental iron or other material in keeping with the character of the surrounding architecture. Picket and ornamental iron are appropriate fence treatments within the district. No corrugated metal, corrugated fiberglass, woven wire, or barbed wire fences will be permitted adjacent to the street right-of-way. A woven wire fence may be allowed if it is screened from the street by the use of an evergreen hedge or other acceptable material.

C. Other Design Requirements

1. Signage

The Town of Clarence recognizes that signage is necessary within the Clarence Center area, but like other design elements there is a responsibility to make sure that such signage respects the character of the historic Clarence Center. The Town strives to maintain signage requirements that compromise neither the design qualities of the Center nor the ability of individual businesses to be successful. All applications for new signs shall be referred to the Community Character Protection Board, as herein established, for review and comment prior to

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approval by the Town of Clarence Sign Review Board as established under Chapter 181 of the Code of the Town of Clarence.

- 2. Other aesthetic requirements:
 - a. All dumpsters and loading areas shall be screened from the road by landscaping, fencing, or walls.
 - b. Lighting shall adhere to the guidelines set forth in the Clarence Center Design Guidelines.
 - c. Benches, garbage cans, shelters and other small design features shall be compatible with Clarence Center Design Guidelines.

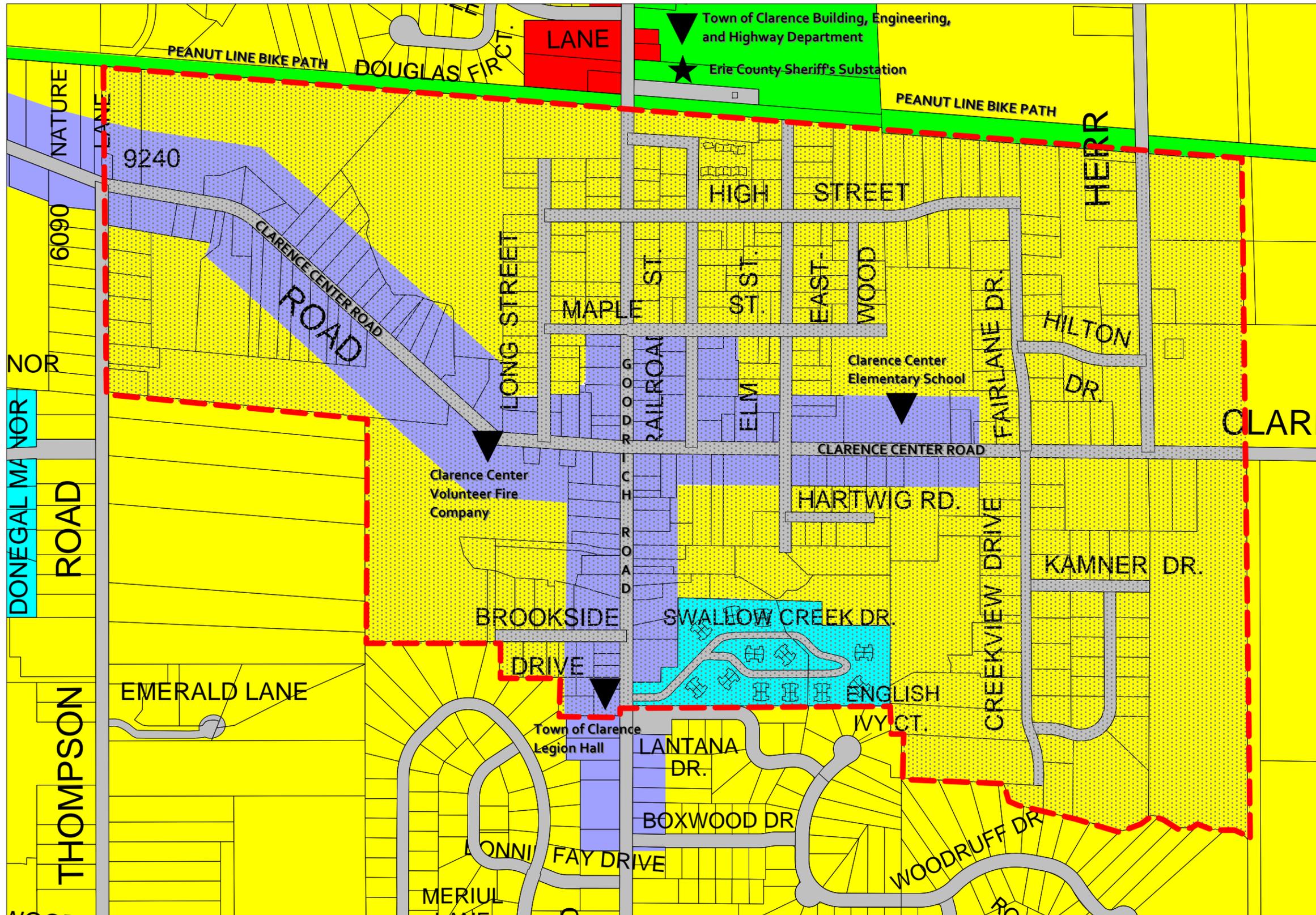
- 3. Parking
 - a. The Town Board may reduce off-street parking requirements during the site plan review process to one (1) parking space per one thousand square feet (1,000 sq. ft.) of building space.
 - b. On-street parking may be counted as parking area for a business use if it is directly fronting the business property.
 - c. Cross-access and shared parking agreements may be used to meet the minimum parking requirements for the proposed use.

5.6 UNDERLYING ZONING DISTRICT REGULATIONS

Unless specifically addressed in this chapter, all other underlying zoning district regulations shall apply.



PROPOSED CLARENCE CENTER DESIGN GUIDELINES DISTRICT BOUNDARY



- Residential Single-Family
- Traditional Neighborhood
- Commercial
- Community Facility
- Planned Unit Residential Development (repealed)

General Strategy

Proposal would establish "overlay zones"

- Similar in application to the "open space design"
- Town Board control over location and design features
- More restrictions and design features than the current "Special Exception Use Permit" regulation.
- Two separate overlay districts are proposed: Traditional Neighborhood and Commercial/Restricted Business zones.
- Multi-Family development is not allowed in the Major Arterial zone.
- Multi-family uses within residential zones are adequately addressed in those regulations and are not included.
- There is no specific Senior Housing distinction – Senior Housing must be considered the same as normal multi-family since shifting demographics could require a change in use in the future.

Principal Features

- Multi-family use will only be allowed on lots within sewer districts. An exception mechanism is available which could allow restricted multi-family development on unsewered lots in the Commercial zone.
- Screening requirements are enhanced, including from public roadways.
- Underlying zoning regulations (buffers, setbacks, etc.) apply in all cases.
- Interconnectivity to adjacent commercial and residential development is required to the maximum extent possible.
- Two (2) parking spaces are required per unit. At the discretion and recommendation of the Planning Board, additional open space in lieu of parking can be approved; this option should be considered when the project is designated as "Senior Housing" with lower parking needs.

Traditional Neighborhood Zone

1. Small scale, low density (maximum density - 4 units per acre; no more than 16 units on any land parcel).
2. Two (2) acre minimum lot size for the consideration of a Multi-Family Overlay Design.
3. Scale and design standards compatible with Hamlet features.

Commercial and Restricted Business Zones

1. Unit Density to be determined based on entire parcel acreage.
 - Density varies according to size of units:
 - ✓ 1 bedroom – 12 units per acre
 - ✓ 2 bedrooms – 10 units per acre
 - ✓ 3 bedrooms or greater – 8 units per acre
2. Minimum Lot size for consideration of a Multi-Family Overlay Design to be 5 acres.
3. Multi-family developments in commercial zones will require a "commercial component" (minimally 25% of the entire parcel acreage), establishing these as essentially "mixed use"; interconnectivity with other residential and commercial uses is required.
 - a. Part or all of this percentage can be saved as "green space" for later commercial development; this reserved commercial green space is in addition to the required overall project site open space as per lot coverage calculations.
 - b. Upon recommendation of the Planning Board, the Town Board will designate which part of the property is to be "green space" and which part will be "commercial development" at the time of Concept Plan Approval.

4. Multi-family developments in these zones will require 30% (20% with required interconnections as per the underlying zoning regulations) of the land be devoted to “green space”.
5. **Unsewered lots:** In special cases, the Town Board, upon recommendation of the Planning Board, may allow multi-family uses on unsewered lots within the Commercial zone. These circumstances include:
 - Maximum 70% lot coverage.
 - Minimum 50% commercial use of developable land (35% of the total lot).
 - **Maximum on-site waste treatment consistent with regulatory agency and Town Engineer approvals, including residential and projected commercial waste (this requirement, combined with the minimum commercial use, would typically yield a maximum of 25 units, regardless of lot size).**
 - Super majority vote of the Town Board

Note: Multi-family housing is not allowed on unsewered lots within the Restricted Business zone.

6. **Lots under 5 acres:** The Town Board may, upon recommendation of the Planning Board, allow multi-family development within commercial zones on land parcels less than five (5) acres. This use:
 - **Must be a fully integrated mixed use; for example commercial use on bottom level with apartment(s) overhead; “reserving land area” for commercial use (preceding item 3. a.) will not be allowed in this instance.**
 - **Maximum multi-family density will be six (6) units per acre.**
 - **Buildings will be limited to two (2) stories.**
 - **Must meet all other criteria spelled out in preceding items 1 – 5.**
 - **Requires a super majority vote of the Town Board.**