

Memo

To: Town Board Members

From: Jonathan Bleuer, Director of Community Development

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

Date: January 14, 2022

Re: January 19, 2022 Town Board Meeting - Planning Items

The following is a review of the Planning items on the January 19, 2022 Town Board Agenda:

Public Hearings: None

Formal Agenda Items: Five

1. AJ's Restaurant

Location: 10250 Main Street.

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

Proposal: The applicant is requesting consideration of a Temporary Conditional Permit for outside dining. The outdoor dining area is proposed for the rear of the building, containing 4-5 tables and a bar area with 6 seats. Hours of operation are estimated to be Tuesday-Saturday, 3pm-11pm.

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

2. Michael Stapleton

Location: 5035 Salt Road.

Description: Existing 1.3 acre parcel located in the Residential Single Family zone, containing a residence with accessory structures. A wood working shop currently exists on the property, and is considered pre-existing, non-conforming. As such, the wood working shop may continue in perpetuity until such time as the use ceases for a period of 12 consecutive months.

Proposal: The applicant is requesting consideration of a Temporary Conditional Permit for a ceramics/pottery business. The applicant will also be continuing the pre-existing non-conforming wood working business.

The applicant currently has three employees, and no retail operations would occur on site. The products are sold online, and taken to the post office for delivery.

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

3. Snappy Cleaners

Location: 4301-4331 Transit Road.

Description: Existing commercial shopping plaza known as Transitown Plaza in the Major Arterial zone.

Proposal: The applicant is requesting consideration of a Special Exception Use Permit for a drive-through facility, to operate a dry cleaners business. The business is proposed to be located in the Transitown outparcel building, closest to Main Street, in the former Goodwill space. The drive-through lane is proposed to be located on the west side of the building, adjacent to Pearle Vision.

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

4. Charles Pezzino, Samuel's Grande Manor

Location: 8750 Main Street

Description: Existing banquet facility in the Traditional Neighborhood District.

Proposal: The applicant is requesting consideration of a Temporary Conditional permit for an outside wedding venue in front of Samuel's Grande Manor.

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

5. Beyond Van Gogh, Eastern Hills Mall

Location: 4475 & 4545 Transit Road

Description: Existing shopping mall with associated parking and facilities in the Lifestyle Center District.

Proposal: The Applicant is requesting approval of an extension to their Special Event Permit, to March 1st, 2022, for an immersive art experience being held at the Mall front parking lot within a temporary structure.

History: The Town Board first approved this event to begin on August 12th, 2021. Since that time, it has received numerous extension approvals, currently set to expire on January 19th, 2022. On December 15th, 2021, the applicant received a variance from the NYS Uniform Fire Prevention and Building Code. At the hearing, it was stated that the action was for the operation to run to March 1st, 2022.

Reason for Town Board Action: The Town Board has the authority to consider this request.

Work Session Items: Four

1. George Smilanich

Location: 8575 Roll Road.

Description: Existing 4.5 acre parcel containing a warehouse, associated parking, greenspace, and cell tower, all located in the Industrial Business Park zone.

Proposal: The applicant is requesting consideration of a Temporary Conditional Permit for an automotive sales operation, to include allowance of up to ten (10) vehicles displayed for sale at a given time, within the parking area in front of the existing warehouse building.

History: The applicant was previously issued a Temporary Conditional Permit for an automotive sales operation in May of 2015, for one year with conditions. In August of 2016, the Temporary Conditional Permit was renewed for one additional year, with discussion of past violations. In June of 2017, the Temporary Conditional Permit was not renewed due to continuous documented violations.

Since that time, the Town has brought forward alleged violations on the property against the applicant. These alleged violations have led to a dismissal with conditions, prior to a past adjournment in contemplation of dismissal, and a guilty plea by the applicant.

This item was tabled by the Town Board on October 27th, 2021, to allow for a site inspection of the property by the Planning Office, upon the agreement of the applicant.

The applicant will provide progress reports to the Planning Office, and the Planning Office will relay that information to the Town Board at each Work Session.

The site inspection was conducted by the Planning Office on October 27th, 2021, and images have been taken, documenting the presence of openly stored unlicensed vehicles.

No action was taken by the Town Board on November 2nd, 2021, and the item was to be placed on future Work Session agendas until the applicant brings the site into conformance with Town Code.

An additional site inspection was taken on December 7th, 2021, and images have been taken. Approximately 18 unlicensed vehicles have been removed and are no longer illegally openly stored. The Planning Office did document two unlicensed vehicles openly stored behind the building, and two plow trucks. The applicant stated that one plow truck will be removed, the other will have a dealer plate, and the two unlicensed vehicles to the rear will be placed in an accessory structure.

No action was taken by the Town Board on December 8th, 2021, and another site visit will occur on January 18th, 2022.

Reason for Town Board Action: Once the site is brought into conformance, a referral to the PB would allow for a thorough review of this proposal.

2. Love Your Dog, Inc.

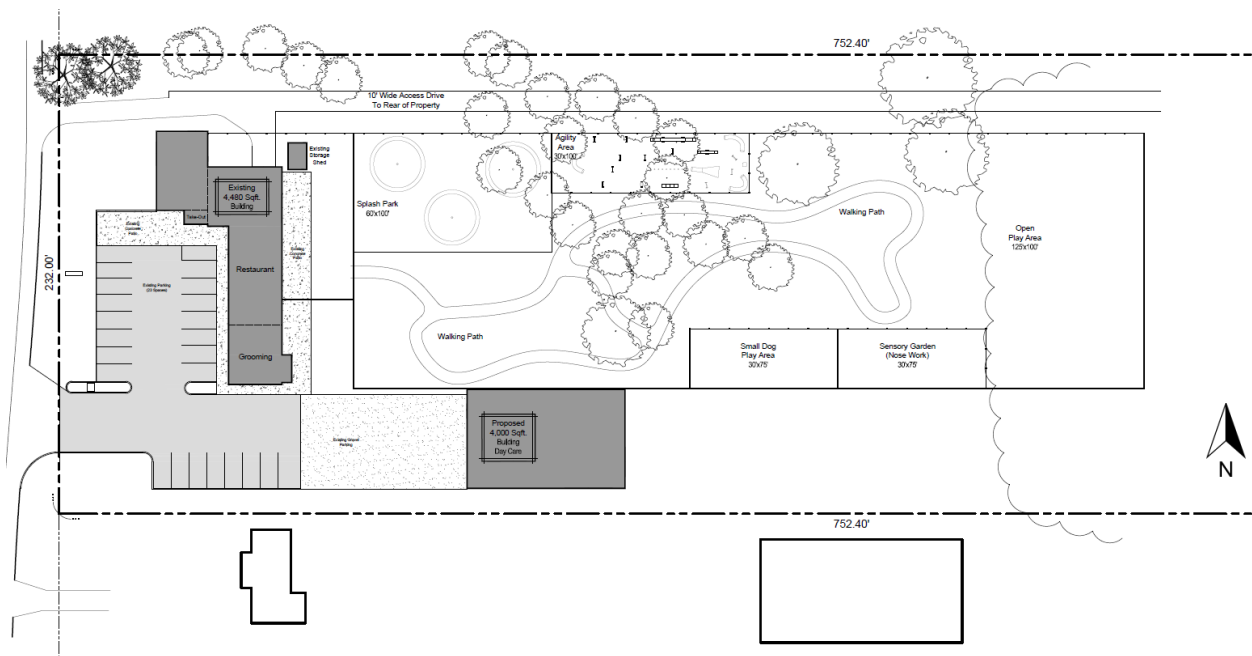
Location: 8485 Transit Road.

Description/History: Existing 3.7 acre parcel located in the Major Arterial zone, containing an existing commercial structure and associated parking. The site formerly contained a Ministry Center and Desert Catering business.

Proposal: The applicant is requesting consideration of Pet Care Facility, including dog grooming, dog daycare, dog friendly café, and dog nature park and play area. The existing structure is proposed to be rehabilitated, and a new 4,000 sqft animal day care building is also proposed.

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

Note: Overnight dog boarding operations are not a permitted use in the Major Arterial zone. The proposal states that overnight dog boarding is not proposed as part of this development.



Love Your Dog, Inc. Concept Plan

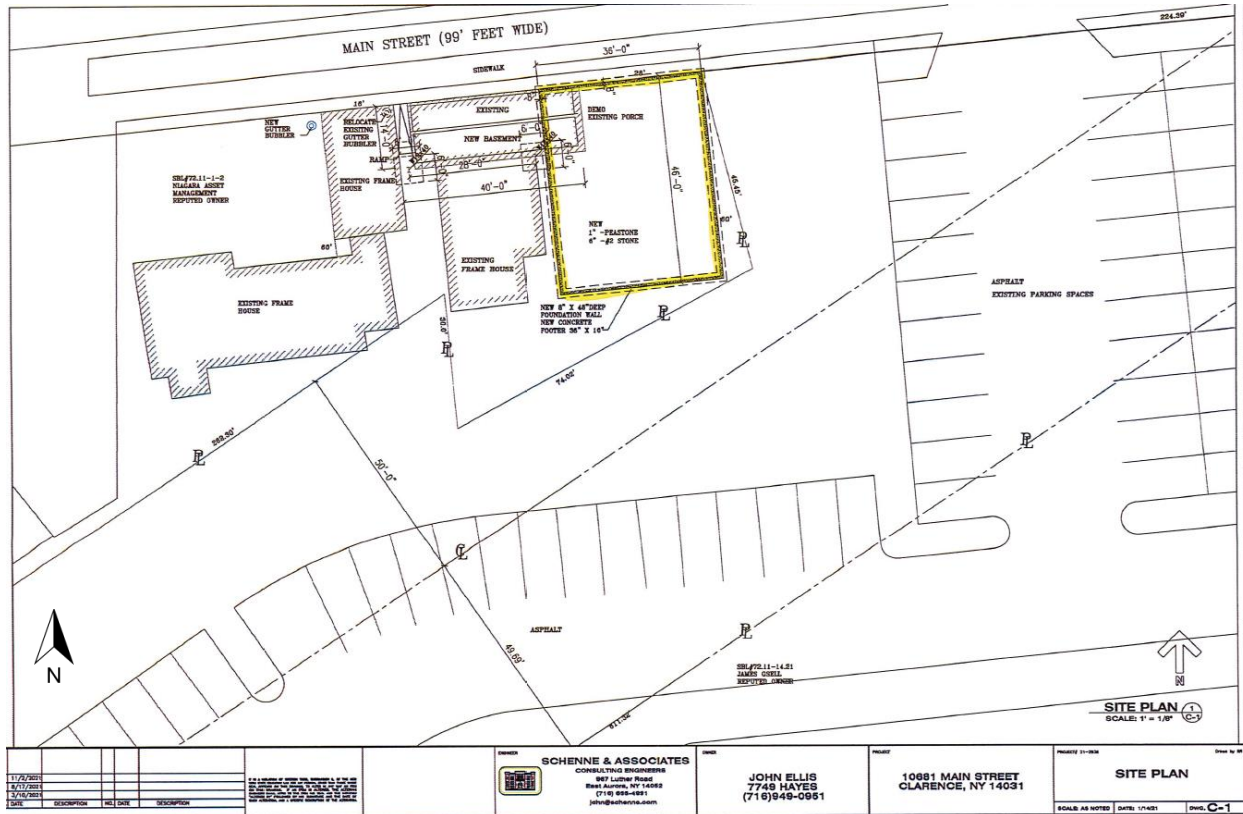
3. Niagara Asset Management

Location: 10681 & 10687 Main Street

Description: Existing parcels located in the Clarence Hollow Traditional Neighborhood District. The parcels contain two vacant structures constructed prior to 1950.

Proposal: The applicant is requesting consideration of an outdoor event center, to include a concrete patio. The two existing vacant structure are proposed to remain, with the intent of eventual rehabilitation and future use.

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



Niagara Asset Management Concept Plan

4. The Broadway Group LLC, Dollar General

Location: 10340-10344 Main Street.

Description: Existing vacant parcels located in the Traditional Neighborhood District and Clarence Hollow Overlay.

Proposal: The applicant is requesting Architectural Approval for a proposed 9,100 sqft retail store. The structure features an asphalt shingle gabled roof, feature size side gable, five oversized dormers with glass windows (two on east side, three on west side), glass windows on all four sides, front and side metal window awnings, extended soffits with fiber cement trim details throughout, cedar shake impression fiber cement board (hardie) detailing at the gables and dormers, fiber cement board (hardie) siding on all sides, brick knee wall on all sides, HVAC ductwork removed from rear exterior, rear HVAC units placed behind decorative fiber cement kurastone wall, traditional goodneck lighting throughout, and a modified color pallet featuring a variety of complimentary warm earth tones.

History: The Planning Board has issued a Negative Declaration under the State Environmental Quality Review Act, Concept Plan Approval and a recommendation Architectural Approval. The Clarence Hollow Community Character Protection Committee has provided comment during the review process, including assistance during the most recent architectural modification. The Landscape Committee has reviewed and

approved a final Landscape Plan. The proposal still requires Development Plan Approval by the Planning Board, after a thorough review by the Engineering Department.

Reason for Town Board Action: As this project is located within the Traditional Neighborhood District, final architectural approval is subject to Town Board Approval.



Dollar General Architectural Render