

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: September 17, 2021

Re: September 22, 2021 Town Board Meeting - Planning Items

The following is a review of the Planning items on the September 22, 2021 Town Board Agenda:

Public Hearings: None

Formal Agenda Items: Three

1. Annual Excavation Permit Renewals

Proposal: The applicants are requesting a Public Hearing to consider the annual renewal of the following excavation permits:

- a) New Enterprise/Buffalo Crushed Stone, 8615 Werhle Drive
- b) Emeritus Holdings, 10051 Werhle Drive
- c) Lakside Sod, 6660 Goodrich Road
- d) Michael Development, 10001 Werhle Drive

Reason for Town Board Action: The Town Board has authority to set a public hearing.

Note: All required paperwork, including up-to-date tax bills, NYSDEC permits, bonding, and necessary fees are on file on the Planning Office.

2. Annual Community Development Block Grant Program

Proposal: Consider setting a Public Hearing to consider potential funding needs for Federal Community Development Block Grant request. Based on past comments having been heard, the Town currently identifies the following projects for consideration.

1. Clarence Center Hamlet Sidewalk ADA Improvements
2. _____
3. Rural Transit Services

Reason for Town Board Action: The Town Board has authority to set a public hearing.

3. Harris Hill Commons Mixed Use

Location: Sheridan Drive SBL # 70.11-5-1. North side of Sheridan Drive, west of Harris Hill Road.

Description/History: Existing 15-acre vacant parcel located in the Commercial and Restricted Business zones.

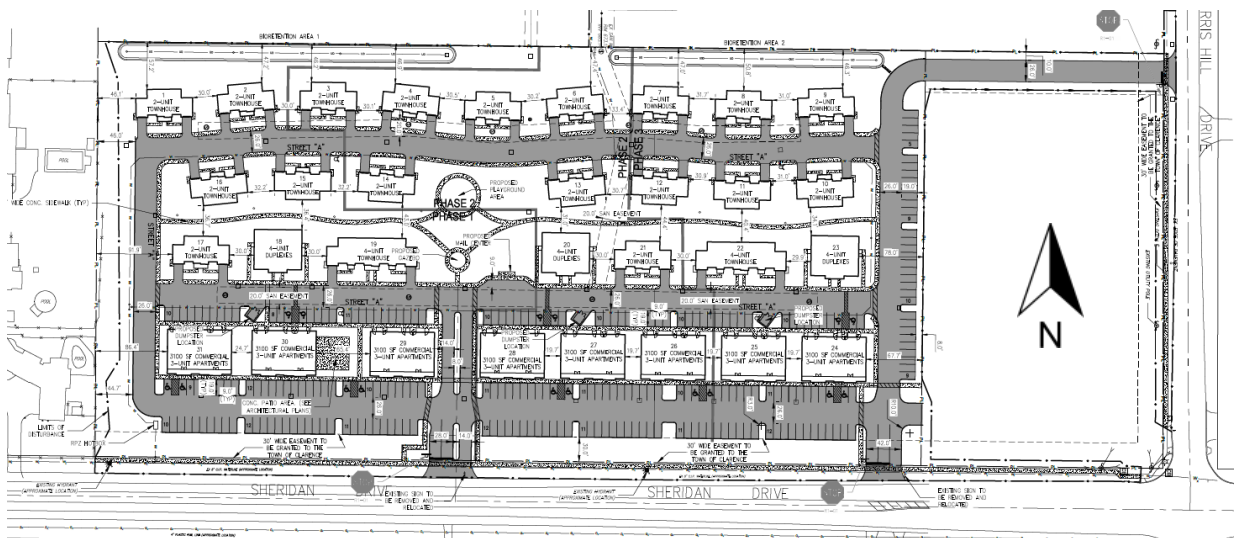
Proposal: The applicant is requesting a Public Hearing to consider a Special Exception Use Permit for a mixed-use multiple-family housing project containing the following:

- 8 mixed use buildings, each with 3,100 sqft first floor commercial space and 3 second story apartments. (24 res units)
- 18 two unit townhouse buildings (36 res units)
- 2 four unit townhouse buildings (8 res units)
- 3 four unit duplex buildings (12 res units)

This results in a total of 80 residential units and 24,800 sqft of commercial space.

This proposal has previously received a Negative Declaration under the State Environmental Quality Review Act, Concept Plan Approval and Conceptual Architectural Approval by the Planning Board in December of 2020. Finally, the Planning Board also recommended issuance of a Special Exception Use Permit.

Reason for Town Board Action: The Town Board has the authority to schedule a Public Hearing for this proposal.



Harris Hill Commons Development Plan

Work Session Items: Three

1. Rane Property Management

Location: 7621-7631 Transit Road

Description/History: Existing lots in the Restricted Business zone containing the former Bitterman's automotive complex of buildings and two residential structures.

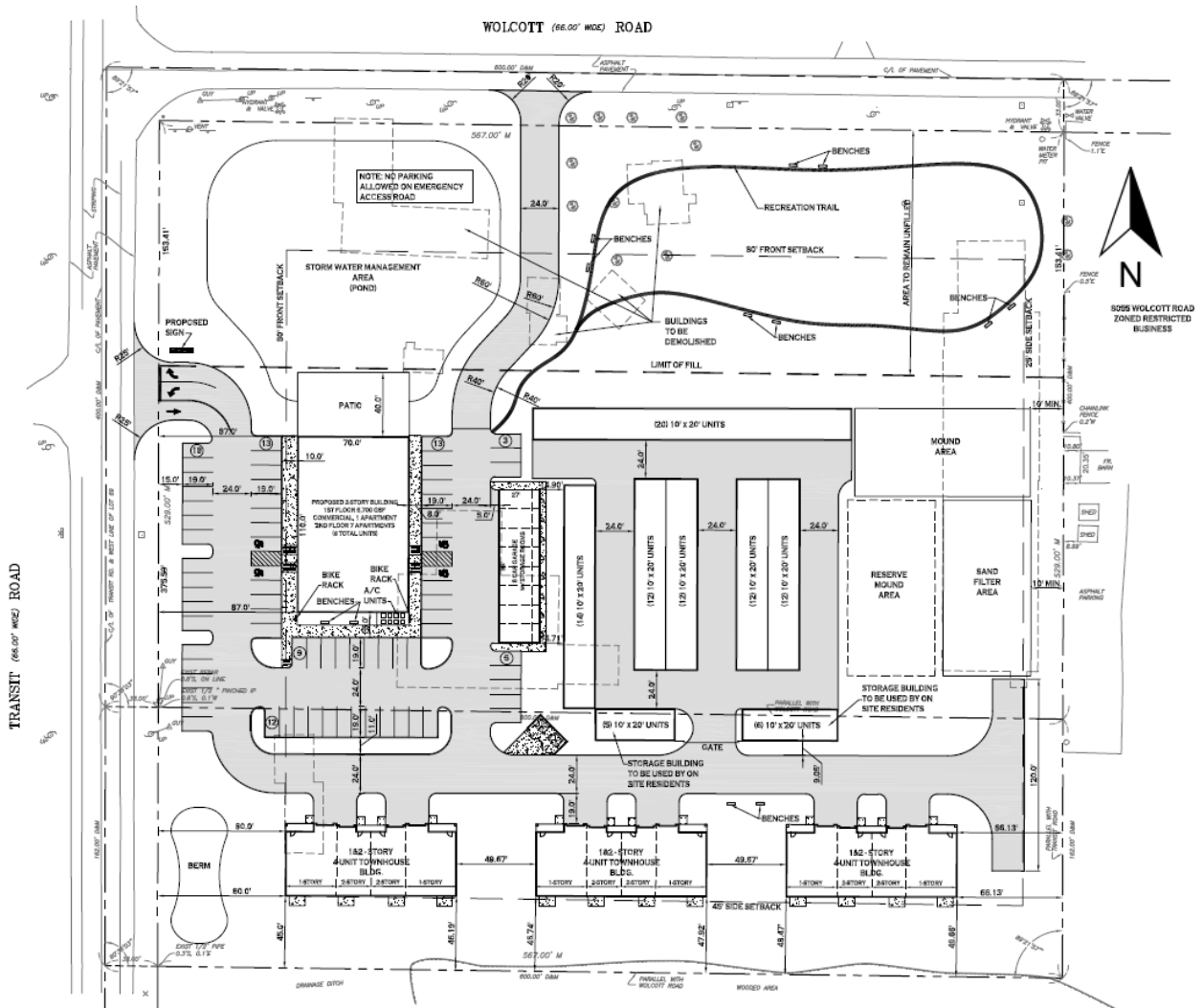
Proposal: The applicant is requesting a Public Hearing to consider a Special Exception Use Permit and Temporary Conditional Permit for a mixed-use multiple-family housing project containing the following:

- 6,700 sqft commercial space
- 20 multi-family residential units (8 in the mixed use building, 12 in the townhouse buildings)
- 8-car garage building
- 6 storage buildings
- Demolition of all existing structures on the property

As public self-storage is not allowable in this zone, the applicant is proposing private storage for use by their portfolio of properties only. The area will be fully fenced and gated, and is subject to approval through a Temporary Conditional Permit by the Town Board.

This proposal has previously received a Negative Declaration under the State Environmental Quality Review Act, Concept Plan Approval and Conceptual Architectural Approval by the Planning Board in April of this year. Finally, the Planning Board also recommended issuance of a Special Exception Use Permit and a Temporary Conditional Use Permit with conditions.

Reason for Town Board Action: The Town Board has the authority to schedule a Public Hearing for this proposal.



7621-7631 Transit Road Approved Concept Plan

2. DMK Development – Clarence LLC. Tractor Supply Company

Location: 8945 & 8965 Main Street.

Description: Existing parcels containing approximately 5.25 acres in the Commercial and Residential Single Family zones. 8945 Main Street is vacant and 8965 Main Street contains an existing home and associated outbuildings proposed for demolition as part of this proposal.

Proposal/History: The applicant is requesting Public Hearings to consider a Special Exception Use Permit for outside storage and display of merchandise and a Rezoning of the rear of the parcels from Residential Single Family to Commercial for a conceptually approved Tractor Supply Company retail store.

This proposal has previously received a Negative Declaration under the State Environmental Quality Review Act, Concept Plan Approval and Conceptual Architectural Approval by the Planning Board in August of this year. Finally, the Planning Board also recommended issuance of a Special Exception Use Permit for outside storage/display and Rezoning of the rear of the parcels from Residential to Commercial.

Reason for Town Board Action: The Town Board has the authority to schedule Public Hearings for this proposal.

3. Cannabis Retail Dispensaries and On-Site Consumption Sites

Proposal: Consider a Local Law to opt-out of allowing cannabis retail dispensaries and on-site consumption sites as authorized under the New York State Marijuana Regulation and Taxation Act (MRTA).

In March of 2021, former Governor Andrew Cuomo signed the MRTA. Section 131 allows municipalities to opt-out of allowing cannabis retail dispensaries and on-site consumption sites. Municipalities who wish to opt-out, must adopt a local law no later than December 31, 2021. After such time, there is no such allowances currently in place to allow municipalities to opt-out.

Once a municipality has opted out, they may opt back in at any point, upon adoption of a local law. Such local law may provide further standards and regulations, beyond that which is found in the MRTA, so long as the law governs the “time, place and manner”.

Opting out would give the Town the ability to legislate locally in the future, research future best practices in NY, and witness the full adoption and implementation of the MRTA.

Reason for Town Board Action: The Town Board has authority to set a public hearing prior to adoption of a Local Law.