

**Town of Clarence
Planning and Zoning**

Memo

To: Town Board Members

From: James Callahan, Director of Community Development

cc: Town Attorney, Town Clerk, Town Engineer, Senior Code Enforcement Officer, Planning Board Members, Chamber of Commerce

Date: January 16, 2020

Re: January 22, 2020 Town Board Meeting Agenda

Following is a review/analysis of the items listed on the January 22, 2020 Town Board Agenda:

PUBLIC HEARINGS:

1. STEPHEN DEVELOPMENT/ROCK OAK MANUFACTURED HOUSING PARK.

Location: South side of Main Street, west of Shisler Road and on the east side of the existing manufactured housing park.

Description/History: Existing vacant land located immediately adjacent to the existing manufactured housing park and located within the Commercial Zone.

Proposal: Applicant is seeking final approval of a park expansion which will require a Special Exception Use Permit.

Comprehensive Plan: Area identified in a commercial classification.

Reason for Town Board Action: Per the Manufactured Housing Park Local Law, the Town Board has final approval authority for park development and expansion thereto.

Issues: The Planning Board has forwarded a recommendation with conditions on the project.

2. BUFFALO CAR CARE, 8214 MAIN STREET.

Location: North side of Main Street and east of Bryant & Stratton Way within the Main-Transit Plaza.

Description/History: Existing commercial plaza located in the Commercial Zone.

Proposal: Applicant is proposing to locate an automotive detail shop in the existing plaza.

Comprehensive Plan: Area identified in a commercial classification.

Reason for Town Board Action: Per the Zoning Law, automotive uses will require a Temporary Conditional Permit as issued by the Town Board.

Issues: The Planning Board has forwarded a recommendation on the use with conditions. Temporary Conditional Permits may be approved for 1 year on initial action.

FORMAL AGENDA ITEMS:

1. JEFF PALUMBO/CANNONWOODS SUBDIVISION

Location: North side of roll Road, west of Martha's Vineyard.

Description/History: Existing vacant land located in the Residential Single Family Zone and within Clarence Sewer District #2

Proposal: Applicant is proposing to develop a forty lot Open Space Design Development.

Comprehensive Plan: Area identified in a single family residential zone and within Clarence Sewer District #2

Reason for Town Board Action: Per the Zoning Law the Town Board has final approval authority for Open Space Design Subdivisions.

Issues: The Planning Board has forwarded a recommendation on the 40 lot design. The applicant has amended the concept to meet the 200' setback requirement from the Martha's Vineyard Right-of-Way. A public hearing will be required to consider the request

2. TOWN OF CLARENCE TREE MANAGEMENT PLAN

The Town has now completed a draft tree inventory and management plan in conjunction with consultant Davey Resource Group. The proposal is to adopt this plan as a component of Clarence 2030. A public hearing will be required to consider the formal adoption.

3. CHARLES KELKENBERG, SOUTH SIDE OF MARTIN ROAD WEST OF GOODRICH ROAD.

Location: 9295 Martin Road.

Description/History: Existing vacant building lot located in the Agriculture Rural Residential Zone.

Proposal: Applicant is seeking a permit to construct a single family home with a secondary living unit.

Comprehensive Plan: Area identified in an agricultural classification.

Reason for Town Board Action: Per the Zoning Law, the Town Board may allow secondary living units via a Special Exception Use Permit.

Issues: The applicant is aware of the deed restriction requirements to protect the single family home character of the area. The applicant, working with the Planning Board Executive Committee, has presented an amended architectural style to soften the appearance of a duplex style home.

4. PAUL BLISS/TOWN OF CLARENCE BASEBALL ASSOCIATION, MEMORIAL PARK

Location: North side of east/west Memorial Park Drive.

Description/History: Existing baseball fields on the north side of Memorial Park

Proposal: To construct a new pavilion for TCBA

Reason for Town Board Action: The Town Board has authority to approve facilities within Town Owned Parks.

Issues: Utility extensions being developed to service the area.

5. TOWN OF CLARENCE HIGHWAY DEPARTMENT, 6185-6221 GOODRICH ROAD.

Location: East side of Goodrich Road, north of the Peanut Line Trail

Description/History: Existing Highway Department Facilities

Proposal: Funding and development of a new Highway Facility (transfer of existing operations) including demolition of existing structures, construction of new facilities, including a small park, development of parking and landscaping and enhancing existing community facilities.

Comprehensive Plan: Area identified in residential, commercial and community facility zones and within Clarence Sewer District #2

Reason for Town Board Action: The Town Board will be Lead Agency on this project.

Issues: This will be a Type I Action under SEQRA requiring a detailed review of potential impacts.

WORK SESSION ITEMS:

- 1. CODE REVISIONS—SEE ATTACHED DESCRIPTION OF PROPOSED CODE UPDATES AS FORWARDED FROM THE PLANNING BOARD.**

Chapter 229 Zoning

Article VI R-SF Residential Single-Family

§ 229-55 Accessory structures.

A.

The following uses are permitted within outbuildings:

(1)

Parking facilities.

(2)

Gazebos.

(3)

Pool houses.

(4)

Equipment enclosures.

(5)

Saunas.

(6)

Workshops.

(7)

Conservatories.

(8)

Sheds.

(9)

Agricultural support structures (see below).

B.

Standby home generators shall be allowed in the side and rear yard only and be exempt from accessory structure setback standards.

Trash containers, mechanical equipment and outdoor storage shall be located only within the rear yard and be screened from public view.

C.

Mailboxes, newspaper boxes, walls, fences, birdhouses, flagpoles, pump covers, and school bus shelters may be placed in any front, side or rear yard. Doghouses may be placed in rear yards only.

[Amended 2-14-2007 by L.L. No. 1-2007]

D.

Attached accessory structures shall not exceed 40% of the total area of the principal structure or 960 square feet, whichever is smaller. Detached accessory structures shall not exceed 720 square feet. At no time shall the total area of an accessory use exceed 20% of the rear yard. Such uses shall only be permitted in the rear and side yards.

[Amended 2-14-2007 by L.L. No. 1-2007]

E.

Dimension and area requirements.

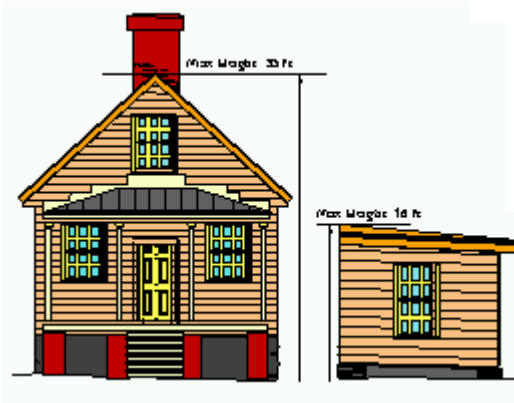
(1)

Minimum side and rear setbacks: 10 feet; five feet if in rear yard. Minimum setback from principal structure: six feet.

[Amended 2-14-2007 by L.L. No. 1-2007]

(2)

Maximum height: 16 feet.



F.

Accessory structures with a total area exceeding 400 square feet shall be constructed using materials and features similar to the principal structure.

G.

Outbuildings in rear yards that abut a publicly dedicated street must have a minimum setback equal to the front yard setback.

H.

Only one private garage is allowed, whether attached or detached, and two accessory buildings up to 200 square feet on any one lot where a principal building exists.

I.

No overhead door shall exceed nine feet in height.

[Added 2-14-2007 by L.L. No. 1-2007^[1]]

^[1]

Editor's Note: This local law also provided for the relettering of Subsections I and J as Subsections J and K.

J.

No accessory building may be built without a principal building on the lot.

K.

Customary agricultural outbuildings shall be permitted on any lot that has a permitted agricultural operation. There shall be no limitation on the size of an agricultural outbuilding, but it shall meet all other regulations in this section.

Restricted Business

§ 229-76 Permitted uses.

The following list of uses are allowed as vested rights in structures measuring up to 10,000 square feet in area or a cumulative total of 30,000 square feet of building area on an individual property:

~~A.~~

~~Single-family homes.~~

B.

Professional offices.

C.

Nursing homes.

D.

Bed-and-breakfasts.

E.

Home occupations.

F.

Day-care centers.

~~G.~~

~~Two-family homes.~~

H.

Mortuary/funeral homes.

I.

Medical clinics.

J.

Community facilities.

K.

Public utility facilities.

L.

Beauty salons.

Commercial

§ 229-84 Permitted uses.

A.

The following list of uses are allowed as vested rights in facilities measuring up to 30,000 square feet in area:

~~(1)~~

~~Two-family homes.~~

(2)

Professional offices.

(3)

Funeral homes.

(4)

Convention facilities.

(5)

Retail sales activities.

(6)

Personal service shops, craft shops, antique shops Retail nursery or greenhouse.

(7)

Trade or industrial school.

(8)

Small animal hospital/veterinary clinic.

(9)

Dry cleaners/commercial laundry.

[\(10\)](#)

Printing shops.

[\(11\)](#)

Community facilities.

[\(12\)](#)

Permitted in-fill uses in existing structures.

[\(13\)](#)

Medical offices.

[\(14\)](#)

Nursing homes, dependent-living facilities.

[\(15\)](#)

Motels, hotels.

[\(16\)](#)

Grocery store/convenience store.

[\(17\)](#)

Retail nursery or greenhouse.

[\(18\)](#)

Restaurants.

[\(19\)](#)

Banks/financial institutions.

[\(20\)](#)

Plumbing, heating, electrical shops.

[\(21\)](#)

Day-care centers/nursery schools.

[\(22\)](#)

Public utility facilities.

[§ 229-168 Definitions.](#)

As used in this chapter, the following words shall have the meanings indicated:

[RECREATIONAL VEHICLE](#)

Shall include motor homes, truck campers, utility and landscape trailers, boats, watercraft, snowmobiles, snow machines, and any trailer capable of transporting these vehicles, and camping trailers less than 48 feet in length and/or having less than 720 square feet of interior floor area.

Signage

[§ 181-3 Regulations for specific sign districts.](#)

[B. Commercial Zoning District.](#)

[\(5\)](#)

Externally illuminated signs are preferred. Internally illuminated signs are permitted in certain circumstances as follows:

[\(a\)](#)

Where the backlit letters are silhouetted against a softly illuminated wall;

[\(b\)](#)

Individual letters with translucent faces containing soft lighting elements inside each letter; ~~and~~
~~(e)~~
~~Metal faced box signs with cutout letters and soft glow fluorescent tubes.~~

(c)
Cabinet signage shall be prohibited, unless there is a demonstrated hardship.

C. Restricted Business Zoning District.

(4)
Externally illuminated signs are preferred. Internally illuminated signs are permitted in certain circumstances as follows:

(a)
Where the backlit letters are silhouetted against a softly illuminated wall;

(b)
Individual letters with translucent faces containing soft lighting elements inside each letter; ~~and~~
~~(e)~~
~~Metal faced box signs with cutout letters and soft glow fluorescent tubes.~~

(c)
Cabinet signage shall be prohibited, unless there is a demonstrated hardship.

D. Traditional Neighborhood Zoning District.

(4)
Externally illuminated signs are preferred. Internally illuminated signs are permitted in certain circumstances as follows:

(a)
Where the backlit letters are silhouetted against a softly illuminated wall;

(b)
Individual letters with translucent faces, containing soft lighting elements inside each letter; ~~and~~
~~(e)~~
~~Metal faced box signs with cutout letters and soft glow fluorescent tubes.~~

(c)
Cabinet signage shall be prohibited, unless there is a demonstrated hardship.

§ 181-7 Variances.

An applicant shall have the right to petition the ~~Zoning Board of Appeals~~ Planning Board of the Town of Clarence in the event of a denial of the right to place or erect a sign within the Town of Clarence, whether by permit or otherwise. The ~~Zoning Board of Appeals~~ Planning Board of the Town of Clarence, after public notice and a hearing, may approve, deny, or vary/modify the application of this chapter in harmony with its general purpose and intent.

Removal of Chapter 229 Attachments 1 and 2