

EAST AURORA PLANNING COMMISSION
REGULAR MEETING

January 2, 2018 - 7:00 PM

PRESENT:

Dan Castle, Chairman
Lowell Dewey, Vice Chairman
Geoffrey Hintz
Angela Griffis
Randy West
Paul Porter
Bud Babcock, Alternate

Absent:

Allen Ott Jr.

Also Present:

Bill Kramer, Code Enforcement Officer
Nancy Burkhardt, Deputy Clerk
Randy Bebout, T.Y. Lin; representing McDonald's
Jared Lusk, Nixon Peabody; representing Verizon Wireless
Peter Sorgi, HSR Associates, representing RAS Development
Chris Wood, representing RAS Development
John Cimperman, 42 North
Jay Metzger, 708 Persons Alley Project Manager

Dan Castle, Chairman, opened the meeting at 7:01 PM noting that a quorum was present.

Motion by Member Porter to approve the Planning Commission minutes of December 5, seconded by Member Dewey with a unanimous vote to follow.

**Development Plan for Exterior/Interior Renovations
McDonald's
17 Ernst Place**

Randy Bebout introduced himself as the representative from the firm T.Y. Lin, hired by McDonald's to undertake their remodeling efforts. Mr. Bebout explained McDonald's Corp as a whole is implementing a major remodeling effort with many of its locations across the country. The location in East Aurora is hoping to install a new exterior façade, make modifications to the interior decor, and make the entire restaurant ADA compliant. There are not any major site changes besides those associated with the ADA compliance, and some drive-thru changes.

Randy Bebout further detailed the anticipated changes:

- Removal and replacement of the Mansard roof, adding vertical parapet wall which will increase the building height from the current height of 16'9 to 18 feet tall. The bricking would then be painted to match the newer roof color.

- The existing glass along the front of the building would be maintained, however, the currently protruding vestibule on the drive-thru side is planned to be pulled inside the building, creating a flush wall along the drive-thru.
- There are no anticipated changes to the McDonald's signage in front of the business.
- It is proposed to add LED lighting within the canopy along the front and sides of the building.
- The proposed new menu boards will be greater in number, but the total square footage will be less than that of the existing menu board.

Chairman Castle asked if there were renderings for the actual facility in East Aurora, rather than the generic version presented. Mr. Bebout replied "no", but the versions presented capture many of the proposed ideas. Chairman Castle advised the applicant that the Village challenges developers working with corporate entities to put together unique and interesting plans – something that is appropriate for the charming character of the Village, not a canned version implemented in every community throughout the country. With the prominent location of this McDonald's, it would be a disservice to the Village to not have something visually attractive that meets the approved Design Guidelines.

Mr. Babcock pointed out that many corporations are completing exterior redesigns, and in these, most are attempting to get away from the characteristic 'Big Box' look, by adding interesting features and unique designs. To provide some guidance when modifying the renderings for McDonald's to a 'look' that would better suit the Village; Mr. Babcock provided a list of the immediate neighbors, and the design of these buildings.

Chairman Castle stated the Planning Commission does not have qualms with the upgrades: bringing the site up to ADA compliance or the internal changes, the issue lies with the external plans for the building. Member Porter motioned to table the hearing, seconded by Member West, with unanimous approval.

Development Plan – Microcell Tower
Bell Atlantic Mobile Systems of Allentown Inc. d/b/a Verizon Wireless
117/121 Hamburg Street

Jared Lusk introduced himself as the representative from the firm Nixon Peabody, hired by Verizon Wireless to represent them as they seek into install a microcell tower on the building located at 117-121 Hamburg Street. The microcell tower will consist of the following:

- 28 inch antenna affixed to the top of the building.
- An equipment cabinet at the back of the building on a 5' x 7' raised platform that will have fencing around it.
- A security light will be hung above the cabinet which will operate on a timer/motion detector.
- The antenna is designed to act as a booster by grabbing traffic from the plaza and nearby neighborhoods, to relieve the RF capacity which is stressed for that area.
- A study completed by Millennium Engineering produced a report showing the frequency output of the microcell will be .1% of the Federal maximum standard of radio frequency standards

Chairman Castle asked if there were any other towers like this in the Village, Mr. Lusk replied 'no'. Code Enforcement Officer Bill Kramer inquired as to why Verizon was installing this antenna on this building rather than affix it on one located within the plaza. Mr. Lusk stated the

company had attempted to work out an agreement with Benderson Development to have this happen, but did not have any luck in negotiating a space for it.

Member West and the other members complimented Nixon Peabody for putting forth a well-detailed and comprehensive guide and application, which contained well-detailed information for the Commission to review.

Member Dewey made a motion to refer the site plan and details as presented to the Village Board for their review, seconded by Member West, passed with unanimous approval.

**Development Plan – Rezoning from RC to RGN
RAS Development
40 Buffalo Road**

Peter Sorgi and Chris Wood approached the Commission representing RAS Development in their intent to have 40 Buffalo Road rezoned from RC (Residential Commercial) to RGN (Residential-Group-New Townhouse). This project is an addition to the proposed condominiums to be abutting the back of this property line with the address of 0-41 Hamlin Avenue. To make the entire project financially viable for the developer, there needs to be more than eight condominiums, which is where this second portion enters, and a contract to purchase the property at 40 Buffalo Road was established. The following points were made:

- The contract is contingent upon the approval of rezoning.
- The plan before the board is just a conceptual plan, there are no renderings or site plans in place as of yet.
- Developer is seeking to purchase this property in addition to Hamlin Avenue parcels as the contaminated parcel is not receiving the Brownfield credits as anticipated, so more area is needed to construct the condominiums.
- The plan before the Commission right now is only concerning the rezoning, and whether it is consistent with the Village's comprehensive plan: if it is an infill development, if it provides diversity of housing?
- Before devising a site plan, the developer will need to confer with the Dept. of Transportation of NYS for devising traffic flow for the entrance and exit onto Buffalo Road.
- A condo association will be providing maintenance for the area
- Each unit is planned to contain four spaces, 2 garage spots, and 2 spaces.
- The area is transitional zoning, which provides a buffer before the solely residential area
- The parcel is planned to be subdivided, with a planned maintaining of the currently existing apartments

Member West clarified the plan their group is seeking approval for is only focused on having the parcel's zoning changed from an RC to an RGN. Mr. Sorgi replied 'yes', and went further to point out the situation is very similar to the rezoning request they had submitted in the spring of 2017.

The following comments from the audience were received:

Joseph Spahn, 58 Buffalo Road: Hoped the Commission would review all of the concerns expressed by the neighboring residents before making a decision.

Lou Daguanno, 37 North Willow: Concerned about the increase of traffic that may result from the influx of residents that will move in to the condominiums.

F. Whiteny, 145 W Fillmore Ave: Purchased this home years ago because she had appreciated the backyard and its wooded areas, would be very disappointed to see this encroached upon.

Rosella Fretz, 50 Buffalo Road: Already has a lot of trouble pulling out on to Buffalo Road, and by having an exit laid right next to her driveway, it would make it nearly impossible to take a left, anticipates it will require her to take a right, and head to Girard to get around the area. The nearest building would put them fifteen feet away from her fence.

Chairman Castle reviewed the criteria the Planning Commission is reviewing this request: whether this meets the Village's general comprehensive plan to have the parcel rezoned from RC to an RGN, a change which would come with greater restrictions to the developers on what can be built on this parcel.

As the Planning Commission was finished with generating conditions to accompany this Development plan, Chairman Castle requested for a motion from the Commission. Member West expressed deep concern over the traffic impact this type of development would have on the area, however, with respect to what is contained in the request before the Commission, Member West made the following motion:

Motion to recommend to the Village Board approval of the development plan as submitted; the motion does contain additional contingencies of the parcel ultimately reverting back to the original zoning if there were any failures found in the traffic study to be completed, or if the later site plan does not receive approval. The motion was seconded by Angela Griffis, and unanimously carried.

INFORMAL REVIEW
Development Plan – Rezoning from RC to RGN
42 North
78 Persons Alley

John Cimperman and Jay Metzger of 42 North provided an informal overview of a proposed project at 708 Persons Alley. They have purchased the building and received approval to demolish the property from the Historic Preservation Commission. The proposed design will include the following features:

- Adjoining the properties of 708 Persons Alley and 25 Pine Street
- Additional cooler space
- Production expansion and an area for canning
- Office space for additional staffing
- 4 Air BnB-style rooms (no kitchenettes)

Member West inquired if the currently permitted uses for the property fall in line with what they have planned – if the expansion is consistent with what the Zoning Code states as allowable. CEO Bill Kramer stated he would review, to which Mr. Cimperman offered the only restriction of his recollection is not allowing for them to 'distill spirits'. CEO Kramer further explained how 'breweries' were added as an allowable use in the CM District.

Member Porter inquired about what parking would be available for patrons as it already can be difficult in the area. Mr. Cimperman replied that with the findings of the recent parking study, there is parking available throughout the Village, there is plenty in the surrounding areas, patrons will need to look in the surrounding areas, and may end up having to walk a block or so. The four spots associated with the property at 708 Persons Alley will be staying 'as is', with the planned intention of adding an additional three additional parking areas. CEO Kramer stated the applicants will most likely need to seek a variance from the ZBA for parking as the addition of the meeting room will require for more spots than what is available.

Zoning Code Update:

Chairman Castle informed the members the study will be holding the next meeting on Tuesday, January 16th at 3:30pm. The meeting will be the final walkthrough of the draft of the zoning code update, the consultants will not be present. The final recommendations will be made back to the consultants who will then integrate these changes in to the text to be put in front of the Board mid-February.

Motion by Member West to adjourn the meeting at 9:29 pm. Seconded by Member Porter unanimously carried.

Respectfully submitted,

Nancy A. Burkhardt
Deputy Clerk