

EAST AURORA PLANNING COMMISSION
REGULAR MEETING

June 7, 2016 - 7:00 PM

PRESENT:

Dan Castle, Chairman
Lowell Dewey, Vice Chairman
Kristin Cameron
Geoffrey Hintz
Allen Ott Jr.
Angela Griffis
Stacy Oar
Bud Babcock

Also Present: Bill Kramer, Code Enforcement Officer David Kern, 576 Fillmore LLC
Wendy Potter-Behling, Deputy Village Clerk/Secretary Michael Farrell, 45 Church St
Peter Sorgi, James Boglioli and Jeremy, representatives for Mighty taco and Benderson
Joseph Purcell, 645 Persons St

Dan Castle, Chairman opened the meeting at 7:00PM welcoming Stacy Oar back to the Planning Board as a member to take the place of Frank Mesi who has recently passed away, The approval of minutes from the April 5th meeting will be tabled and approved at the next meeting.

Development Plan – Rezoning from C to RGN
Michael Farrell, 45 Church Street, East Aurora, NY 14052

Michael Farrell, current owner, stated this is the former site of a 4-unit apartment building that burnt down a couple years ago and has been vacant since then. The foundation has been removed and is shovel ready for development. His plan is simple to construct a 3-unit, zero lot line townhome building. The building would essentially be built on three separate lots. The bldg would have jogged for an established property line with the roof having a jog as well. Each space would be 1800 square feet, two stories, 3 bed and 2-car garage for off street parking. Each owner would have ownership of their unit to maintain and enjoy living in the village. A preliminary elevation sketch was submitted and 9' into the parking spaces, in parking lot of plaza to the west is owned Michael Farrell. There is a 27' from building to property line. There are 9 parking spots that he owns which he has discussed with bldg dept and village administrator. These lots were paved but still owned by his property. It was survey by him and the village. He will be installing a privacy fence between property and parking lot. This will not affect the egress/ingress into parking lot. His property is unique because he has Church St, Fillmore Ave and parking lot. He wants each unit to have privacy. One unit will enter from Church St, one unit will enter from Fillmore and a side entrance on parking lot side, entering from the side. This will give everyone enough space to keep cars off the road. This project is the best fit as it was two years in the making. The neighbor, Barb Booi, submitted a letter of recommendation. Kelly Jones, owner of Arriba Tortilla, even though removing some parking spaces will affect him, he is in agreement. Bill Kramer states this hearing is for rezoning although there may be more applications needed for setbacks, drainage, flood plan development, subdivision, etc. Lowell Dewey noted he will need a topographic survey as a requirement for other applications. Mr. Farrell believes the ownership of unit would add to a level of pride as compared to an apartment transient type tenant. Geoff Hintz noted this would be conducive for retirees, from a town house

prospective and it is in Village Proper and in walking distance. Mr. Farrell's goal is to create a more affordable product with less overhead. Each unit will be essentially maintenance free. Dan Castle believes this plays into the current Elm-Riley corridor review. Mr. Farrell noted the project will start within a year if all permits have been obtained.

A motion was made by Allen Ott Jr., seconded by Kristin Cameron to recommend the approval of the development plan as presented for rezoning from C-Commercial to RGN-Residential, Group New Townhouse at 45 Church Street.

Aye – all

Motion approved

**Development Plan – Open Storage
576 Fillmore LLC, Vacant Land Fillmore Ave (SBL#165.17-1-1.12),
East Aurora, NY 14052**

Mike, architect from Bammel Architect. They have an existing parcel that is zoned MI, Manufacturing-Industrial. They would like to fence the area and use this area lot as an independent parking area. They want to be respectful of adjunct residential lots. The lot is 50' wide, leave as is with dense deciduous trees to leave as a buffer between residential neighbors. A solid fence measuring 6', board on board, will be erected all around the property to prevent screening and headlights. Only access point is at Fillmore. Dan Castle questioned the lot lines and address of this appeal, noting 576 Fillmore is an odd parcel that runs along the railroad tracks. The parcel is the north side of Fillmore Ave. Indeed, 576 Fillmore and the VL Fillmore have different SLB#'s. Dan asked if there will be a development plan for the parcel to the south. David Kern stated no because it is existing. Lowell Dewey does work with Bammel's office at different times. Lowell speaks to the drainage as shows goes towards Fillmore Ave but there is no storm water inlet until almost Whaley Ave. He wants to be reassured it will be entering the storm water system somewhere. Gravel is better than asphalt, but thinks grading will need to be done and water should stay on the site. He would like to see a plan with # of cars, where and how they will be parked. Mr. Kern states no trucks coming in and out and the lights are for their protection. West-Herr might be renting the property. Angela asked about landscaping because 100 or so trees will be taken out. Not right now per Mike. The trees being taken out are pretty scrubby and dense. This is an area that may need to be looked at for consistency with the surrounding uses and zoning per Dan Castle and Bud Babcock. The residential nature of the area needs to be protected. Dan also mentions parking of cars is not necessary a manufacturing-industrial use and perhaps not a long term use. Mr. Kern notes this is space to be used now and clean it up. What they are asking fits into the current zoning. Nothing is set in stone for future use. David Kern and Karen Lee, 570 Fillmore, had further discussions about past and current issues. Perhaps the evergreen trees can be strategically planted for year round buffer. Lighting on fence would be directed downwards. Mr. Kern has had their building spray painted as well as some stored cars. Fencing will completely contain the parcel.

A motion was made by Lowell Dewey, seconded by Allen Ott Jr to recommend the approval of the development plan as presented at 576 Fillmore LLC for open storage at 577 Fillmore & SBL#165.17-1-1.12 with the following conditions:

- 1) A full 6' board on board fence around entire perimeter**
- 2) Planting of pine trees in the area to remain undisturbed, appropriately located for screening**

- 3) Storm water be directed south onto Fillmore Avenue and into existing Village catch basin
- 4) Two interior lights to be installed at the same height of the fence
- 5) Additional board fencing to be installed to the southernmost parking lot nearest the former Agway building
- 6) Encourage more permanent parking of cars for sale, not for daily movement or temporary basis

Aye – all

Motion approved

**Development Plan – Outdoor patio @ Mighty Taco
Benderson, 123 Grey St, East Aurora, NY 14052**

Peter Sorgi, rep and James Boglioli, Benderson and Jeremy in-house engineer for Benderson. Mighty taco is hoping to relocate within the plaza. This is the most commercial area of the Village of East Aurora. They are looking to put in an outdoor patio. The building is existing. The dumpsters will be behind TJ Maxx. Pedestrian connections have been made from street to plaza. The drive through is between this building and the TJ Maxx, stacking 7-8 maximum of cars. The Village of East Aurora Zoning Board of Appeals has already granted a variance. They are looking for recommendations on a special use permit as well as a development plan. Lowell Dewey noted turning right onto 20A was not too horrible and turning left is more challenging but it's still okay. Flowers and shrubs will surround the patio. The site plan shows a bike rack which Geoff Hintz pointed out. This is a good space for Mighty Taco and the current Mighty Taco location can be rented more easily for another business with options to expand into another space therefore it is a net positive although Geoff Hintz noted it may be only a net zero because of the shift. TJ Maxx has been a huge benefit to the plaza. Peter Sorgi pointed out that setting precedence has to be the exact same circumstances in both cases. They believe Mighty Taco will be pulling from others that are already shopping in plaza. This is the only large shopping center in the Village of East Aurora, drive through doesn't face the road, there is sufficient stacking, completely screened, moving an existing tenant to out building.

A motion was made by Geoff Hintz, seconded by Kristin Cameron to recommend the approval of the development plan and Special use permit (outdoor patio) as presented for Benderson/Mighty Taco at 123 Grey Street.

Aye – all

Motion approved

**Development Plan – 2-story addition
645 Persons St, East Aurora, NY 14052**

Joseph Purcell owns 645 Persons St where Diversified Controls and Systems operate. This company has been there since 1984. This property is on the south side of Persons. They have decided to centralize their activities such as their office complex. The new layout has to do with logistics' of running this business offices and manufacturing. They should have done this a long time ago. It will be a 2 floor building, 1st floor for administration, 2nd floor for archives, engineering and/or work stations in the future. Utilities and gas are connected from existing building but water and sewer different. He has talked with DPW about water and sewer. The building does not need to be sprinkled. Lowell mentioned no new runoff. The building they are using now will be sold. The 2nd floor access will have a stairway and will be used to carry drywall, equipment and such during construction and will be then used as a locked utility room/corridor. Lowell asked about needing a secondary access off the 2nd floor and Bill Kramer responded that he does not believe so as it is not a huge building where the square footage would

require that. Bud Babcock noted that property used to house snow plows and public works machines and equipment and perhaps add little enhancements to draw tenants. Joe noted that there have worked with 20 start up companies, some much bigger than his and then others didn't make it. They love working with these types of companies. He considers it a hobby. Joe also brought up his new sign design which is about 8' x 8' to be placed at the gate in front of the fence.

A motion was made by Stacy Oar, seconded by Angela Griffis to recommend the approval of the development plan and proposed sign as presented for Diversified Controls & Systems Inc at 645 Persons Street.

Aye – all Motion approved

Dan Castle gave an update on the Elm/Riley Corridor project. The May 25th open house meeting was successful about 50 people there to review story boards and such. Matt & Ellen are working on assembling the final plan and will be at the Village Board July 5th meeting. The Planning Commission will see the draft first to review then Village Board then to the public. The PC members are invited to show their support. Maybe the committee can get together late June for the review and then the July meeting would not take place. Sticking to a tight schedule, Dan Castle believes the consultants have done a great job. They didn't charge a lot and did a lot. Angela brought up funding for additional community planning. The document will be an easy, light document consisting of 15 pages showing expanded versions of their story boards with some backup. This will not be like the comprehensive plan.

The motion was made by Lowell Dewey and seconded by Allen Ott Jr.

Respectfully submitted,

Wendy Potter-Behling
Deputy Village Clerk
Secretary, Planning Commission