

EAST AURORA PLANNING COMMISSION  
REGULAR MEETING

October 7, 2014

7:00 PM

PRESENT:

Dan Castle, Chairman  
Kristin Cameron  
Allen Ott Jr.  
Geoffrey Hintz

ABSENT:

Stacy Oar  
Lowell Dewey, Vice Chairman  
Bud Babcock

Also Present:

Bill Kramer, Code Enforcement Officer  
Wendy Potter-Behling, Deputy Village Clerk & Secretary for the Planning Commission  
Allan A. Kasprzak, Mayor  
Bryan Gazda, Village Administrator  
Sheila Conboy, EA Cooperative Market

Dan Castle, Chairman opened the meeting at 7:00PM and noted that a quorum was present and

Allen Ott Jr made a motion to approve the minutes from September 2, 2014 with several changes as noted by Dan Castle, seconded by Geoff Hintz with the vote as follows:

Aye – all

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**Request for Development Plan – Urban Design LLC, Lisa DeCarlo  
31-33 Olean Road, East Aurora, NY 14052**

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They are gutting the south end and opening and saving the brick. The front porch is being changed. There are 3 apartments currently and 3 apartments will remain. There is a steep drop off from the door/porch to the sidewalk. The stairs are currently in the right of way but when renovations complete, they will be on their own property, no longer in the right of way. This renovation will be a huge improvement.

**A motion was made by Allen Ott Jr, seconded by Kristin Cameron to recommend an approval as submitted.**

**Aye – all                      Motion approved**

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**Referral from Village Board – Proposed local law change  
Add definition and add ‘Brewery’ as allowed use in C-M district**

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The Village of East Aurora does not currently address brewery as a permitted or prohibited use. There is currently a small scale operation at 189 Public House at 189 Main St. A large scale brewery has recently been brought up by a property owner. This definition referral makes it clear and leaves no gray area between permitted and prohibited.

The definition to be as follows:

Brewery – An enclosed building for the manufacture, processing, bottling, and packaging of malt liquors, such as beer and ale, but not to include distilled liquors.

Bryan Gazda explained there are several definitions of brewery (craft brewery, farm brewery) but the key concern was to exclude distilled liquors and include malt for beer and ale only. Dan Castle noted that craft brewery industry is making an emergence in New York State (NYS) with 22 new breweries just in the Finger Lake regions. They are small in operation. This is to review this use in a C-M district. Bill Kramer noted that brewing is an accessory use at 189 Public House. Dan Castle believes the wording is appropriate based on other communities in NYS and is not out of line or too loose as to the wording and is commonly being added into zoning codes across NYS. Al Ott Jr asked about including distilled liquors. Bryan Gazda replied it would be another definition. Dan added that when the comprehensive plan/rezoning is done, it may be addressed at that time but feels it is not a current concern because of the spacing needed for such operations. Geoff believes Al's point such be noted nonetheless. Al said that there is currently an operation in downtown Buffalo called Lockhouse Distillery owned by a local East Aurora resident. Al Kasprzak noted when thinking about a definition they wanted to take baby steps before talking about hard liquors. Bill Kramer asks in what district other towns allow this use and Dan responded that he thinks Ommegang is in an agricultural district and the one in West Oneida is in an industrial park. Al Ott asked in what district is the Ellicottville Brewery to which Bryan said he couldn't get a clear definition of that and Hamburg's in the town which per NYS, the farm brewery license can be just done. Farm Brewery license may address under 60,000 gallons per Bryan. Watkins Glen's brewery is in a business improvement district. Bryan mentioned that it may be considered manufacturing in other towns and Bill Kramer added that other considerations may be the size of the operations. Geoff Hintz asked what the down sides of allowing a brewery in a C-M district. Dan Castle said they need a site plan review but Bill Kramer said not if there aren't any changes to the building. Review would be needed for traffic, lighting, hours of operations, disposal issues, music, serving and brewing, trucks coming in and out but Bryan said in this instance, it is for just tasting not a restaurant needing a special use permit. Bill Kramer said that was the intent of Aurora Brew Works, 191 Main St in the beginning and now they have taps and seating. Dan thinks they should be required to come in for a special use permit so that they cannot say they are not changing the outside. Geoff Hintz said Flying Bison follows the regulations to only offer 3 oz tasting and as many as you want and they sell growlers but it cannot be drank inside. A NYS liquor license would be needed. Kristin added that all concerns are not known yet so a special use permit would be good so that carte blanche is not given while they are still feeling out this type of development/use. There was further talk about adding wording for a special use permit or a development plan as a condition to allow. Bryan asked if it could be added to 285-22B (10) Manufacturing & Processing instead of 285-22B (9) so that it needs Village Board approval with possible Planning Commission review. The review is optional where if it's written in the code book, it needs to be followed. Al Ott Jr talked about quantities and how this defines categories of a brewery and this wording doesn't mention quantity limitations. Dan mentioned adding wording subject to about getting NYS approval and Bryan said they wouldn't brew if they didn't get their NYS license. Dan wants to make sure that it comes to the PC for review before it gets approved especially when development plans are needed for simpler things than this. Interior renovations are not included in needing a development plan. Signage is not considered a building permit, therefore does not need development plan either. Bryan suggested anything in CM district should need a development plan and could be written into new rezoning code.

**A motion was made by Kristin Cameron seconded by Geoff Hintz to recommend an approval as submitted.**

**Aye – all**

**Motion approved**

**Other Business:**

EA Cooperative Market's Sheila Conboy handed out a preliminary floor layout of the business to be located at 591 Main St. There will be a new 340 SF vestibule on east side for a place for carts. The landlord and tenant will be doing much of the interior work including demo of partitions and walls, modification of windows and door openings. There will be a 600SF receiving area on south side. Planters at front are shown on rendering. The real changes to the exterior will be entry and delivery area in the back. They will want outdoor dining and they know they will need a permit. Parking will be changed by vestibule. Tenant signage will be replaced with something new. Parking area will be re-stripped per the new layout for 50 spots which is 5 spaces less than currently. Dumpster area will be adjacent to receiving area and will be enclosed. Trucks that come in similar are what comes in now for Daily's and Arriba. They see no change in lighting. This will be on the 1<sup>st</sup> floor only. Tenants upstairs are mostly offices and not bringing additional people in. Tenants will be using back entrance but not sure if it's staying. The hours would probably be 8AM – 8PM. They will sell grab and go stuff not serving. Al Ott Jr noted there was outdoor seating for Arriba although Sheila said the seating would be moved in front of Daily's. Discussion about egress and a sign for right turn only because it's hard to go to the left. Sheila noted the on street parking makes it hard for any egress out of that plaza. Dan noted it's a DOT issue. Sheila mentioned the campaign should be finished in October and development plan should be submitted in November. With VB referral, it should be on the November PC's agenda but there is not action tonight, just feedback.

**General:**

RPF for zoning code/comprehensive plan are due Oct 24<sup>th</sup>. Review in November and work on it over the winter. This should be on the PC's agenda monthly over the winter.

Geoff Hintz made a motion to adjourn the meeting, seconded by Al Ott Jr and approved unanimously at 7:53PM.

Respectfully submitted,

Wendy Potter-Behling  
Deputy Village Clerk  
Secretary, Planning Commission