

EAST AURORA PLANNING COMMISSION  
REGULAR MEETING

September 6, 2011

6:30 PM

PRESENT:

Dan Castle, Chairman  
Lowell Dewey, Vice Chairman  
Allen Ott Jr.  
Anne Redmond  
Kristin Cameron  
Alternate Bud Babcock

ABSENT:

Stacy Oar  
Frank Mesi

Also Present:

Code Enforcement Officer William Kramer

Others Present:

Daryl Martin – Architect, 3625 Eggert Road, Orchard Park, NY 14127  
Owners of Pasquale's Ronald Woltz & Eugene Wachala

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**Application for Zoning Reclassification  
10 North Willow St.**

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Chairman, Dan Castle, opened the meeting at 6:30 PM and noted that a quorum was present for the meeting tonight.

Allen Ott made a motion to approve the minutes from the August 2, 2011 as written for 27 Riley Street, seconded by Anne Redmond with a unanimous vote to follow.

The minutes for the August 2, 2011 – Zoning Reclassification for 10 North Willow Street, were not approved at this meeting and will be approved at the next meeting along with the minutes for this evening regarding the rezoning of 10 North Willow.

Dan Castle discussed the confusion regarding the application for the rezoning of 10 North Willow Street who is the applicant versus the restaurant. The applicant listed on the application for rezoning is the owner of 10 North Willow (Diane & Dennis Nourse) and yet Pasquale's Restaurant is presenting the application for the rezoning.

At this time Lowell Dewey explained that many times a rezoning action is handled in this manner. When you have a purchase offer on a property and it is part of the rezoning application you can do this as a second party, as long as you have permission from the owner to make that application. This is the way most communities request rezoning applications to be filed. Many

times a purchase offer has to be submitted or a letter from the owner saying that these people are now the agents for this application. Lowell assumed that this was probably the case.

Code Enforcement Officer, William Kramer said that legally Pasquale's cannot make an application to rezone a piece of property that they do not own yet. So Pasquale's is acting on behalf of Dennis Nourse to rezone and Pasquale's is acting as the interested party.

Dan Castle feels that the Planning Commission doesn't want to set a precedent to tear down residential buildings and rezone for parking lots. If that continues, over time residential areas will be consumed by commercial areas.

Member, Lowell Dewey questioned Chairman, Dan Castle if he had read the minutes, to which Dan said he had and that he understands there was not a decision given Pasquale's. Lowell mentioned that he was chair for the last meeting in Dan's absence and he had many of the same concerns that were just discussed. Lowell mentioned that the Mayor was in attendance of that meeting and because the Planning Commission is only a recommending board they did not feel they were in a position to make approval or denial of the rezoning. Lowell continued to say that he as well as the rest of the members didn't have strong feelings one way or the other.

CEO, Bill Kramer mentioned that once rezoning is decided upon, then Pasquale's will return with a site plan. The only decision before the Planning Commission members is the rezoning. Do you want to extend the Mid-Main District? The owners of Pasquale's spoke up and said that if rezoning is not approved then a new site-plan will follow which will not utilize that property.

Lowell Dewey continued by saying that at the last meeting his thoughts were mainly about the taking of a house from the village and moving parking closer to another house. Lowell felt that the owners should show why more parking is really necessary and after looking at the Code during the last meeting, it seemed like the amount of parking was ample enough and more parking was unnecessary. Lowell then questioned the Code Enforcement Officer if the plans from Pasquale's had been updated, to which Bill Kramer replied that no plans had been updated because according to the direction of this board, Pasquale's didn't know what modifications to make since no decision was made to approve or deny the rezoning. They have returned, Bill said with the same plan as before because no direction was given them.

Pasquale's Ron Woltz said that really there is no precedent being set with the rezoning of 10 North Willow. There has been other rezoning in the Village so a precedent is not being set, to which Chairman, Dan Castle spoke up and said that he doesn't remember any rezoning ever being done in the Mid-Main District, which is really the present request. Mr. Woltz said that there seems to be a parking issue throughout the whole Village, and because of the lack of parking, is the reason for Pasquale's pursuing this rezoning.

Dan Castle said that he has an issue and hopefully the applicant will look into this concern and find a way to move the house and incorporate it into the expansion plans. Dan said he realizes that Pasquale's would like to remove the house, expand the restaurant and have more room for parking, but if there is any way that the house could be moved closer to the restaurant utilizing it with the restaurant maybe as a banquet hall or making it the kitchen and then having the extra area for additional parking that would be great. Many surrounding areas/municipalities do this, and it would work here as well. The owners of Pasquale's noted that they have an interested party that would like to save & move the house to a location on Hamburg Street. This individual

has been in contact several times with the owners and is very interested in that move said Mr. Woltz. Dan Castle mentioned that maybe they should make rezoning contingent on the saving or relocation of the house at 10 North Willow. Mr. Woltz said that they were not sure if the house could be moved and that the gentleman was interested in going through the house to see if it could be moved, but was denied entry. Mr. Woltz said that they would landscape the property and do a nice job if allowed to rezone. Mr. Woltz said that it could be a win, win situation for all parties. He mentioned that there is presently a parking lot for the nursing home behind them and a creek to the side of Pasquale's. He also discussed the fact that the exit from the parking lot would not be moved down North Willow but would be left where it is presently. Chairman, Castle spoke up and said that everything proposed should be addressed in the site plan to which the Pasquale's owners agreed. Dan Castle mentioned that what the Planning Commission is being asked for the moment is to extend Mid-Main with the rezoning request. Member, Lowell Dewey mentioned that because the Planning Commission meetings are not public hearings, he is in hopes that the neighbors concerns if any are being heard. CEO, Bill Kramer clarified the discussion on public hearing notices. Bill informed the Planning Commission that once the Village Board schedules the public hearing, notices will be sent out to the surrounding neighbors notifying them of the date and time for the rezoning and the public hearing on the subsequent site plan.

CEO, Bill Kramer questioned the Pasquale owners if they were currently required to keep a buffer area or green space. Mr. Woltz replied that 20' was required plus the fence. Bill Kramer suggested to the Planning Commission that the 20' buffer, between property and pavement could be made one of the conditions or recommendations tonight to which Chairman, Dan Castle said that the buffer would be noted on the site-plan once the rezoning has been decided on.

Chairman, Castle discussed with the rest of the Planning Commission that he didn't really see any downside to extending Mid-Main except that a residential house would be moved or demolished but that would not come until after the rezoning was approved by the Village Board. Then the site-plan review with the Planning Commission would start and the house removal/demolition would be discussed. Lowell Dewey feels that once rezoning is granted it would be difficult if not impossible to turn down the site-plan which would show the moving or demolition of the house so in that respect both the rezoning and the site plan are some what connected.

The owner of Pasquale's spoke briefly and mentioned that in order for their business to be competitive there is a real necessity for a larger kitchen and additional parking. On any given night there can be as many as 35 employees all of which require parking places, take out also requires designated parking places and then that leaves the remainder of spaces for dine in customers which isn't enough. Mr. Woltz doesn't feel it is acceptable to ask his employees to park in the public parking lot down the street and walk to work and he feels that this lack of parking is a definite hardship and could be harmful to his business. Member, Anne Redmond made a comment that it is very hard to think about only rezoning when a site-plan has been submitted and there are so many parking places shown and feels that maybe some of the parking places could be eliminated out front of the restaurant making it easier for customers to park and with the additional parking spaces to the rear more green space/landscaping could be added making more of a buffer. At this time Dan Castle discussed with the owners that once they go in front of the Village Board the Village Board is first going to look at the rezoning issue. There will be a public hearing set and notices will be sent out in conjunction with the rezoning. Many people will show up at that public hearing expecting to see a site-plan but will not be shown one

because at that time the only thing the Village Board will be looking at is the rezoning issue. Then after that has been decided upon, the next step will be discussion on the site plan, both with the Planning Commission and once the site plan goes to the Village Board another public hearing will be set.

CEO, Bill Kramer asked if consideration was made to add to the site plan a customer entrance to the rear of the parking lot to which Mr. Woltz mentioned that he had discussed this with Eugene and both feel that since they are working with an existing building and not a new build it would be too hard to incorporate a rear parking lot entrance into the building. It would cause a problem with the inside flow of the restaurant. Bill thought it might make parking easier and the business more accessible if an entrance was in the back parking lot.

The Planning commission closed this meeting at 6:43 PM and resumed the meeting for recommendations and conditions after the second applicant of the evening (527-535 Main Street) was reviewed.

The Planning Commission resumed this meeting at 6:51 PM for further discussion and recommendations on the rezoning of 10 North Willow Street.

Dan Castle made a motion to approve the rezoning contingent upon a satisfactory site plan with the following conditions seconded, by Allen Ott with the voting as follows.

Dan Castle <u>YEA</u>	Anne Redmond <u>YEA</u>	Allen Ott <u>YEA</u>
Kristin Cameron <u>YEA</u>	Bud Babcock <u>YEA</u>	Lowell Dewey <u>NAY</u>

1. Potential for “Isolated Spot” Zoning and needs legal clarification as to appropriateness. If “Isolated” Zoning, there is no complete site plan for Pasquale’s or any written documentation about a conditional purchase contract from the home owner/applicant-(Dennis & Diane Nourse).
2. Needs complete detail as to clarification as to the applicant’s home – move, demolish, move where, etc. Potential to save the home is very unclear at this time.
3. Needs input from neighbors – public hearing.
4. Needs site plan and rezoning to be joined for complete tie-in of the rezoning and the Pasquale development.
5. Needs complete details for lighting, drainage, etc. in a development or site plan.

Lowell Dewey made a motion to adjourn the meeting at 8:00 PM seconded, by Allen Ott and approved unanimously.

Respectfully submitted,

Susanne M. Wolff  
Deputy Clerk

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Frank Mesi

Also Present:

Code Enforcement Officer William Kramer

Others Present:

Philip J. Silvestri, Silvestri Architects, PC

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**Review of Development Plan For  
East Aurora Buick Pontiac GMC  
535 Main Street**

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Chairman Dan Castle opened the meeting at 6:45 PM and noted that a quorum was present for the meeting tonight.

Philip J. Silvestri told the Planning Commission members that this was a major exterior renovation project with interior renovations as well. The site plan was shown to the PC members and the architect explained that nothing is changing except the removal of the awning section on the East side of the showroom area with alteration to the roof line on the front façade. The footprint of the building will not be changing and the renovations will be done within the original building shell. The new drawing of what the front will look like after renovations was shown and discussed with all the Planning Commission members. Dan Castle questioned if this update was being completed as per GM recommendations to which Mr. Silvestri said yes.

Allan Ott said the building would look nice on Southwestern Blvd. but he would like to see something more in character with the Village of East Aurora to which Member Anne Redmond agreed. Archt. Silvestri said that this was a GM rendering and not his own rendering.

Chairman, Dan Castle explained that corporate/cookie cutter designs do not fit well in the Village of East Aurora. There needs to be a residential character in the Mid-Main district. Mr. Silvestri thought the Planning Commission would feel this way and his client John Wabick wants to please the community and is very willing to work with the community.

At this time the Planning Commission members tabled the meeting and suggested to the applicant to come up with a site plan that would be more in keeping with the character of the

Mid-Main District for the East Aurora area and not a cookie cutter design representing all other GM dealerships.

The architect will redo the site plan and come back at a later date for review with the Planning Commission.

This portion of the meeting closed at 6:50 PM

Respectfully submitted,

Susanne M. Wolff  
Deputy Clerk