

EAST AURORA PLANNING COMMISSION
REGULAR MEETING

August 2, 2011

6:30 PM

PRESENT:

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

ABSENT:

Dan Castle, Chairman
Frank Mesi

Also Present:

Code Enforcement Officer William Kramer

Others Present: Mayor Allan A. Kasprzak

Daryl Martin – Architect, 3625 Eggert Road Orchard Park, NY 14127

Owners of Pasquale's Ronald Woltz & Eugene Wachala

Mr. John Apgar – 1450 Porterville Rd., East Aurora, NY 14052

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

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

Stacy Oar made a motion to approve the minutes for the July 19, 2011 – Review of Development Plan for 168 Quaker Road, seconded by Bud Babcock with a unanimous vote to follow.

Vice Chairman, Lowell Dewey asked the applicant to walk them through the Zoning Reclassification for 10 North Willow Street.

At this time Daryl Martin, Architect for the project spoke to the Planning Commission stating that in 2010 they had met with the Planning Commission and explained the need for an expansion at the existing restaurant and also a need for more parking. At that time they had proposed to demolish 10 North Willow and were told to look at other possibilities because the Planning Commission was not in favor of demolition. Daryl went on to explain that the owners have two other locations, (West Seneca and Derby) which are both similar in appearance, setup, and have a small bar. Due to the lack of space on the present site it is impossible to follow through with the same look and setup at the East Aurora location and parking is also a problem. Daryl said there used to be parking on both sides of North Willow and now there is parking on one side only adding to the parking space shortage. At the former meeting Mr. John Apgar had showed interest in moving the house at 10 North Willow to a vacant parcel in the Village and he is in attendance here tonight and still has that same interest and would consider moving it to a vacant parcel on Hamburg Street.

Lowell Dewey questioned what the zoning was at 10 North Willow. Code Enforcement Officer, Bill Kramer mentioned that the present zoning for 10 North Willow is Residential with the restaurant @ 242 Main St. in the Mid-Main district.

Daryl explained that by rezoning 10 North Willow and moving the current structure, it would allow for the restaurant to complete the necessary expansion out back and would also allow additional parking, making it a win, win situation.

Vice Chairman, Lowell Dewey questioned the applicant if the only item the Planning Commission members should be reviewing tonight is the zoning reclassification to which Daryl replied yes. Lowell said that once the Village Board grants the rezoning then the site plan would be referred back to the Planning Commission for review.

One of the Planning Commission members questioned if the neighbors were all on board with this request to which Gene Wachala mentioned the one neighbor had some issues but is very willing to work with Pasquale's.

Owner, Ron Woltz replied that Pasquale's currently has a creek to one side of it and a nursing home to the rear, so the proposed change really wouldn't interfere with the neighborhood.

Member, Allen Ott spoke up and said it was a good plan & it appears to be a win, win situation, but he is not happy about another bar in the Village.

Owner, Ron Woltz mentioned the bar is not going to be very big it is just an area for customers to wait until their table opens up for dining.

Member, Stacy Oar asked if they have purchased the house at 10 North Willow Street. Ron Woltz said that a purchase agreement is contingent on the approval of the rezoning request.

Lowell Dewey mentioned that he has several issues that he is concerned about - one of which is the buffer zone between the Residential & Commercial areas, and when you lose that buffer area which in this case is the house, the residential area gets impacted. He went on to say that if he could, he would like to make it a condition to save the house. Lowell said also that for the parcel to be rezoned the applicant must typically show either a practical difficulty or a financial hardship and he doesn't feel that lack of parking is a hardship. Lowell also mentioned that the Planning Commission is not the deciding board but rather only a recommending board and once the Village Board listens to your application they may or may not take into consideration the recommendations/conditions the Planning Commission has made. Lowell stated that if the village is going to lose this house for more parking, he is opposed. If you definitely have a plan for the house to be relocated and the location is doable then that would be a fantastic idea but he says he would need to see more site plan detail, such as run off, point elevations, landscaping and future buffer. He said that he would like to talk to the neighbor and make sure that the resident will be protected from headlights, noise and debris, which are concerns when you have a parking lot ten feet from your property line that you didn't have before. Daryl spoke up and said that those conditions wouldn't be any different then what exists right now. Yes that is true said Lowell however right now there is a house & a lot separating the second house from the commercial business that was there when they purchased their home. Once removed that neighbor will be the house next to a business/parking lot which changes the character of the neighborhood. Whether that hurts your business or not, that is not really our business to

consider. We don't want to hurt anyone's business but we are looking at neighborhoods, planning, buffers and how it perhaps reduces property value. Those are the things that I would hope the Village Board looks at when considering the rezoning.

Owner, Ron Woltz said he is in hopes that the Village will consider looking at the parking problem on the street which is a hardship for their business and will make businesses more viable on Main Street.

Lowell Dewey questioned Code Enforcement Officer, Bill Kramer how the parking code reads currently. Bill replied 2 parking spaces per 5 seats. Member, Stacy Oar counted the number of proposed parking spaces on the plan and noted that there are 71 on the proposed development plan after rezoning. Lowell felt that they were over the code requirement for parking spaces if the number of seating currently is 90 to 107 seats, they should only need 45 parking spaces, by code.

Lowell felt the applicant would need to show how & why they need more parking. CEO, Bill Kramer also said that the code does not address the take-out service at the restaurant which would add to the number of parking spaces requested. Owner, Ron Woltz mentioned that usually on weekends they may have 20-30 employees, so extra parking is necessary for them as well.

Member, Bud Babcock said that as a reminder we should only be looking at the application for rezoning. Site plan should not be looked at tonight which also means parking. Also what guarantee to we have that if this property is rezoned it will be used by Pasquale's and not sold off to some other developer to put another commercial building on it? The owner of Pasquale's said that it will become one parcel once, and if, it is rezoned. In other words, it would become all 242 Main Street.

CEO, Bill Kramer asked if it was possible to leave the house as is, rent it out, but have a section to the rear of the property for additional parking. Owner, Ron Woltz said that with the cost of the purchase of the house it would only gain them 15 parking spaces and that was not satisfactory since they would not be able to complete their much needed expansion/addition to the rear of the restaurant.

Lowell Dewey questioned if the house could be incorporated as a banquet room for parties.

Ron Woltz replied that it was not a viable investment.

This portion of the meeting closed at 7:00 PM so the Planning Commission could review the Development Plan for Riley Street Station - Kitchen Addition.

After the review was finished and recommendation/conditions were made for Riley Street Station Vice Chairman, Dewey asked the Commission members if there were any questions or discussion on the Rezoning of 10 North Willow.

Many of the members during their discussion had concerns about the number of additional parking spaces that are being requested and fear the house will not be saved or moved to another location. They also felt that if the neighbors have issues, their thoughts should be considered and issues should be discussed before rezoning is approved. Lowell felt that at this particular time

the Planning Commission should neither approve or deny the rezoning but simply make recommendations and let the Village Board decide whether they want the Planning Commission to review further.

Mayor, Allen Kasprzak said that he has no problem with having the Village Board discuss further and not have the Planning Commission approve or deny the rezoning tonight. There are several questions that are of importance in my mind and definitely need answers the Mayor said.

The following were recommendations/conditions made by the Planning Commission for the zoning reclassification of 10 North Willow St.

1. Save the house if at all possible and to provide a site plan showing where the house is going to be relocated.
2. Neighbor's issues need to be considered and discussed.
3. Make sure mailers are sent to the surrounding residents, noting the date of the public hearing so they may attend if they have concerns.
4. Show why more parking spaces are needed & necessary.

The following are suggestions made by the Planning Commission for the future site plan review process.

1. Landscaping detail & buffer areas noted for adjacent residential areas.
2. Elevations should be noted on site plan to indicate runoff control/direction.
3. Change location of dumpster or at least look into moving it elsewhere on property.

Stacy Oar made a motion to approve the above recommendations/conditions seconded, by Anne Redmond with a unanimous vote.

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

Respectfully submitted,

Susanne M. Wolff
Deputy Clerk

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Others Present: Mayor Allan A. Kasprzak

Connie Neff – Owner of 27 Riley Street (Riley Street Station)

Axel Neff, Archt. 8697 Supervisor Ave., Colden, NY

**Review of Development Plan For
27 Riley Street
Kitchen Addition**

Vice Chairman, Lowell Dewey, opened the meeting at 7:05 PM and noted that a quorum was present for the meeting tonight.

Lowell asked for one of the representatives present tonight to guide the Planning Commission through the proposed kitchen addition at Riley Street Station. Axel Neff began by explaining the Kitchen addition would be approximately 700 square feet in size and would be added off the side of the building. The present kitchen area would be remodeled and would incorporate larger restrooms, a walk in food cooler and storage area. There would also be additional storage where there is presently a cooler/storage area. Since the original building is so unique Axel explained it would be too difficult to match it, so the goal is to make it look like a separate structure keeping the present structure as is. As per the site plan rendered drawings, the roof will be flat and the exterior will be a plain panel board siding.

Vice Chairman, Lowell Dewey asked if any of the members had any thoughts or concerns on the proposed project.

Member, Stacy Oar remarked that at first glance the proposed structure looked out of place because of the outside being a totally different design.

Owner, Connie Neff went on to explain that since the present roof was so unique they did not want to destroy the historical look or presence of the building so they decided on something totally different by proposing a flat roof. Axel commented on the exterior saying that the siding will be a composite panel board and will complement the brick on the existing building.

Lowell Dewey commented that it was great that the existing 100 year old building was not being cut into.

Axel went on to explain how the two present outdoor buildings (cooler/storage units) were on floating concrete pads with one being moved to the inside of the proposed kitchen addition and the other would be dismantled and repositioned to the outside of the kitchen addition next to the delivery door.

Code Enforcement Officer, Bill Kramer questioned about the glass enclosure on the back asking if it would match the previous addition, and would have the same flat roof and be the same height. Axel said yes it would.

Member, Bud Babcock mentioned the recent addition completed a couple of years ago is right up to the property line, is the new structure also going to be close to the property line? Code Enforcement Officer, Bill Kramer spoke up and said that if they utilized that space to the rear of the property they would have to go to the Zoning Board of Appeals to get another variance as they did with the previous enclosure and a variance was not necessary with this proposed addition. Axel explained that there is an outdoor smoking area/patio off of the new proposed addition that is specifically designed for that purpose.

Lowell Dewey mentioned that the proposed structure is a bit unusual, but feels it will fit by preserving the era of the present building.

Owner Connie Neff went on to explain that she would like to have additional landscaping/ plantings on the outside of the new building but was waiting to see what the cost of the project would be first, maybe that would have to wait until next year. Lowell felt that it would be a good idea to include some extra plantings on the new addition, maybe along the side and along the front corner of new kitchen addition.

Lowell Dewey questioned if there was going to be exterior lighting on the building. Axel replied that there would be wall mounted fixtures that would be directed downward on the front of the building.

The following were recommendation/conditions made by the Planning Commission for the Development Plan for 27 Riley Street (Kitchen Addition).

1. Foundation Plantings – L shaped from cooler on side to extend around front of the new building.
2. Wall mounted light fixtures, directed downward.
3. Have a color choice for the exterior siding, and present materials and color to the Village Board.

Allen Ott made a motion to approve the Development Plan (Kitchen Addition) for 27 Riley Street with the above recommendations/conditions, seconded by Kristen Cameron with a unanimous vote.

Upon completion of the meeting for the Riley Street Kitchen Addition the Members discussed the Zoning Reclassification for 10 N. Willow Street.

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

Respectfully submitted,

Susanne M. Wolff
Deputy Clerk