

EAST AURORA PLANNING COMMISSION  
REGULAR MEETING

November 07, 2007

7:00 PM

Present	Dan Castle, Chairman	Code Enforcement Officer, Bill Kramer
	Stacy Oar	Deputy Clerk, Sue Wolff
	Randolph West	
	Laura Mehl	Others Present
	Patrick McBurney	4 students from UB
	Lowell Dewey	Mark Warren, Chairman for Historic Preservation
	Absent:	Dan Bermingham
		Representative from Linwood Estates, LLC

Chairman Dan Castle called the meeting to order at 7:00 PM

Randy West moved that the minutes of the August 14, 2007 meeting be approved. Laura Mehl seconded the motion, which was then followed by a unanimous vote to approve.

While the Planning Commission waited for the petitioner/representative from Linwood Estates, Chairman Dan Castle spoke briefly in regards to the 4 hour yearly training that was mandatory for all Planning Commission members. Dan Castle went on to mention that Randy West, Lowell Dewey and he himself needed to submit a letter to the Village Board asking to be excluded or exempt from the training.

Chairman, Dan also discussed the letter from Nancy Smith in regards to the upcoming Aurora Open Space Public Meeting on November 14, 2007 at the E. Aurora Middle School. This will be an informational public meeting to showcase the preliminary plans to preserve open spaces and natural resources in the town.

Dan also mentioned the recent letter received from the Ice Association that was directed to the Village Board trying to convince the Board that their long EAF is enough and they don't need to do anything more as far as SEQR goes. Bill Kramer mentioned that since there wasn't a quorum at the Village Board meeting on November 5<sup>th</sup> they have not officially discussed the letter submitted by the Ice Association. Dan Castle wanted it noted to the Village Board that although the Planning Commission looked at the Ice Associations Development Plan the Planning Commission did not vote on a Development Plan, so **no decision can be made by the Village Board** regarding their application until it comes back to the Planning Commission. The Planning Commission only commented on the SEQR status. The Village Board can make a decision regarding Lead Agency status (after the 30 day comment period) and on the need for a full Environmental Impact Statement.

**REVIEW OF DEMOLITION REQUEST  
FOR 390-398 Main Street**

Upon opening discussion on the demolition request, Dan Castle distributed a copy of the code Section 285-23 regarding Mid Main District to all the commission members, which is the zoning district for the proposed demolition.

Since a representative was not present from Linwood Estates, Code Enforcement Officer William Kramer spoke on their behalf. Bill went on to explain that the petitioner would like to

demolish the former Thomas/Eckerd Drug Store, the apartment building which is attached to the rear and the house next to the drug store at (390 Main St.).

Randy West asked if this would lower taxes for this property, to which Bill replied yes, the assessment would change once it becomes vacant land.

Lowell went on to explain that he was on the Village Board at the time the Mid Main District was discussed & written. He explained that the intent of the Mid Main District was to preserve the integrity/character of the homes and residential character in that area. He questioned if the petitioner had been advised against this demolition. Bill reviewed the Code on Mid Main with the Planning Commission and they determined that the Code specifically states when a demolition of an existing building, or modification is proposed in this district, a development plan showing the extent, locations and character of proposed structures and uses in keeping with Subsection A, intent, (preserving the integrity of the residential character that exists) must also be submitted to the Village Board. This current application does not provide a Development Plan showing proposed future structures/development that is consistent with the Intent of the Mid Main District as note in Subsection A.

Dan Castle mentioned that if the buildings were found to be un-structurally safe, that would be one thing, but that doesn't seem to be the case here. The noted buildings are not being condemned nor have they been determined to be structurally unsafe.

There was agreement that allowing demolition of buildings along Main Street simply to allow for future unspecified development would begin a dangerous precedent to set, and would be detrimental to the character of our Main Street, including the nearby Roycroft Historic Campus. If this Demolition Permit was granted without an approved Development Plan (as required by the Code), then the Village Board would have minimal recourse if other landowners also wanted to begin demolishing residential structures along Main Street.

Dan also mentioned that a potential compromise exists, but since no one listed on the application attended the meeting, it could not be presented to them for consideration. Dan suggested that since there is going to be Main Street reconstruction for the next couple of years, take the front building down (Old Drug Store) leaving the 2 houses to the side and back. The applicant could provide a small parking lot where the Thomas' footprint is for local businesses and residents of the house. Leaving a parking lot (similar to the one currently in front of 398 Main Street) also will help ease the parking situation while construction is taking place.

Randy made a motion to recommend to the Village Board that they inform the applicant that the Planning Commission has determined that they are not in conformance with Village Code section 285-23 J and or A and therefore no Demolition Permit can be issued. The Village Board cannot approve this Demolition Permit without a Development Plan showing future structures and layout. Seconded by Lowell and passed unanimously.

#### Findings:

1. Does not comply with Village Code regarding Mid Main Zoning District. The Application is incomplete.
2. Developer didn't attend Planning Commission meeting.
3. Demolition to make a site "shovel ready" is not an appropriate development strategy for this site, particularly in the Mid Main District.
4. Also it should be noted that the Roycroft Campus is in close proximity to where this demolition is requested making it nearing close proximity to a historic district along with not meeting requirements for the Mid Main District.

Lowell Dewey made a final comment that even if the Planning Commission had received a site plan for this site, he would still not be happy about the demolition of the houses, to which the other members are in full agreement.

Chairman, Dan Castle asked that the minutes reflect that the Village Board need to take full account of any comments generated by the Historic Preservation Commission, and that **NO Public Hearing** can be held until a Development Plan showing future development consistent with the Mid Main Zoning Code is submitted from Linwood Estates on this property and the Planning Commission has a chance to review it.

Dan Castle also mentioned that on the Short Environmental Assessment Form filled out by the applicant Part I #8 should be **“no” not “yes”** and in Part II Section C both #2 & #4 should be **“yes” instead of “no”**.

A motion was made by Patrick McBurney to adjourn the meeting at 7:45 PM, seconded by Stacy Oar. Motion carried.

Respectfully submitted,

Susanne M. Wolff  
Deputy Clerk