

EAST AURORA PLANNING COMMISSION
REGULAR MEETING

February 7, 2007

7:00 PM

Present:

Daniel Castle, Chairman

Mary Jo Crone

Randolph West

Daniel Bermingham

Lowell Dewey

Patrick McBurney

Stacy Oar

Deputy Clerk Treasurer Joyce Jezewski, Building Inspector Bill Kramer, Kim LaMarche, Village Administrator

Others Present: Robert Warhus, John Spooner, ZBA; Molly Flynn, ZBA; Michael Campanella, ZBA; Bill Hanavan, Lisa West

Chairman Dan Castle called the meeting to order at 7:08 p.m.

Motion by Randy West, seconded by Patrick McBurney to approve the minutes of November 1, 2006. Motion Carried

Riley Street Re-zoning

Dan Castle indicated that the Village Board wishes to bring back the zoning on Riley Street (aka 41 Riley) to its original MI zoning, from the current RGN. The property in question was rezoned to RGN in October 1999 to allow for the building of five condominium buildings. The project for which the rezoning was granted was never fully completed. The lone building on the property was destroyed by fire and eventually demolished. Village Administrator Kim LaMarche briefly attended the meeting to explain the village board's intent with the zoning. She indicated that the original "conditional" amendment of the zoning map and zoning classification for the property known as 41 Riley was improper. The village attorney and NY Conference of Mayors have agreed that one should not "conditionally" re-zone property. As such, the village board wishes to legally zone the property to its originally zone of MI (manufacturing industrial) and eliminate the spot zoning in this area. The entire area along the railroad tracks is either MI or MP (manufacturing processing).

The question was asked "why now", is this a concern for the village board. Administrator LaMarche indicated that although the purchase of the property by the Aurora Ice Association prompted the review of the zoning, the zoning is not being done from a potential ice rink perspective. She indicated that the Village Attorney recommended to the Village Board that the zoning should be corrected. Ms. LaMarche was thanked for providing additional information on the village's intent with the zoning.

Based on a review of Village Board Resolution 99.10.4.3 (October 4, 1999) and on Local Law No 6 of 1999, it is clear to the Planning Commission that the Village Board had officially rezoned the parcel in question from MI to RGN. This is verified by the fact the official Zoning Map for the Village of East Aurora indicates that this parcel is zoned RGN. This understanding also was confirmed by Commission member Lowell Dewey who was on the Village Board at that time.

Although this local law does mention that this is a "conditional amendment", there is no mention we found that indicated that the zoning would revert back to MI if the proposed Townhouse development was not realized. The local law indicates that the Condition is that the use of the parcel "is limited to the use shown on the Development Plan filed with the Village of East Aurora..." It is the understanding of the Planning Commission based on input from

Commission member Dewey that the "Conditional" nature of the rezoning was based on 1) the Townhouse Applicant receiving approval on the Site Plan Review and 2) upon his being granted a Building Permit. Both of these conditions of the rezoning (from MI to RGN) were realized, and as such, the zoning classification of the parcel in question was officially changed to RGN.

Randy West doesn't feel there is any reason at the point to change the zoning from RGN to MI. Planning members questioned what is the pressing reason to re-zone? Dan Castle stated that any re-zoning within 500 feet of a municipal boundary, in this case Main Street, should be referred to the Erie County Department of Environment and Planning.

The clerk was asked to read from the village code what the permitted uses are for both the RGN and MI districts. Given the wide ranging types of permitted uses in the MI district; i.e. junk business, cement factory and factories, is this what the village board really wants to allow in this area now? What may have been appropriate MI zoning many years ago for this property, may not be in the village's best interests today. The planning members felt that the village board should "read aloud" the list of permitted uses in the MI district, along with the uses that are allowed in the RGN district prior to making a decision on the MI zoning.

Motion by Randy West, seconded by Dan Bermingham to recommend to the Village Board to not change the zoning to MI, and that the property remain RGN, until such time there has been further

1) consideration of the possible impacts and allowable uses of less-restrictive MI zoning at this location by the Village Board, and a comprehensive review to determine if reverting back to MI will fit the needs for the area, and

2) there is an actual proposal requesting the rezoning before the Board.

Planning Commission felt that it would not be appropriate to allow for this single parcel to be rezoned at this time, just to possibly be rezoned again at such time in the near future as there is an application for redevelopment of this parcel. From both a comprehensive planning and procedural perspective, the Planning Commission feels that it makes more sense to retain the more restrictive zoning at this time, and respond to a joint application for Site Plan Review and Request for Rezoning of this parcel if and when a redevelopment plan is proposed for this parcel.

Motion carried unanimously.

Presentation of Proposed Light Law – Robert Warhus

The Village Board requested that both the Planning Commission and Zoning Board of Appeals (ZBA) meet to hear Bob Warhus' presentation on a light law for the village. Dan Castle welcomed Bob Warhus and members of the ZBA to the meeting. Given that this is the first time that both boards have met jointly, Dan asked that members go around the table and introduce themselves.

Bob Warhus of 28 Hamlin indicated that he worked for 16 years at Astronics, a sub-division of Luminescent Systems (LSI). His background is in technical writing. He reviewed the history of the light law, indicating his initial concern and research came about with the building of the Eckerd's Plaza. Copies of his presentation and proposed light law were previously distributed to the members, which Bob took the time to review with those present.

John Spooner, Chairman of the ZBA, noted that the draft law needed some work. Mr. Warhus agreed. Mr. Spooner then recommended that a smaller informal committee be formed to assist Bob in his proposal and to ensure that we have a law that best fits the needs of the community. Members of this committee should include volunteers from the planning and zoning boards, the code enforcement officer and someone from the safety committee. Dan Bermingham, Patrick McBurney and John Spooner volunteered to sit on this sub committee to further review the proposed law.

The first meeting for the light law sub-committee is scheduled for February 21, 2007 at 7:00 p.m. in the red room. John Spooner expects the review to take no more than two months and to have a recommendation to the planning commission at the April 4th meeting for their final review.

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Dan Castle thanked everyone for their input and attendance.

Motion by Lowell Dewey, seconded by Stacey Oar to adjourn the meeting at 8:35 p.m.
Motion carried.

Respectfully submitted,

Joyce M. Jezewski, CMC
Deputy Clerk Treasurer