

EAST AURORA PLANNING COMMISSION
REGULAR MEETING

April 6, 2005

7:00 PM

Present:	Dan Castle, Chairperson	Code Enforcement Officer, Bill Kramer
	Carol Smith	Deputy Clerk, Sue Wolff
	Mary Jo Crone	1 Concerned Citizen
	Randolph West	
	Lowell Dewey	
	Dan Bermingham	
	Mike Croft	

Chairman Dan Castle called the meeting to order at 7:04 PM.

Motion was made by Mary Jo Crone to approve the minutes of March 9, 2005 as presented. Seconded by Dan Bermingham and unanimously carried.

Upper Room-502 Main St.

Chairman, Dan Castle asked if anyone from the Upper Room was present to answer questions on the development plan submitted to the Planning Commission.

After it was established that the developer was not present the Commission members reviewed the plans and drawings that were presented to them from the Code Enforcement Office.

It was noted that the Upper Room is relocating from 245 Main St. to 502 Main Street in the barn that recently was an antique shop. The lot survey shows a proposed 20 x 30 foot addition to the rear of the barn, which backs up to Fillmore Avenue properties.

The members discussed the lack of information provided to them and felt that before recommendations could be made more information must be provided. The Village Code Section 93-30 A. states that development plans should include property boundaries, proposed buildings and paved areas, with exterior dimensions and ground floor elevations for buildings, the location and construction materials for all proposed site improvements, including walls, fences, drains culverts, and sewers, type and location of existing vegetation on the site and identification of trees on the site which are proposed for removal, parking, including number of spaces ingress and egress, and parking space dimensions.

The members would also like a rendered drawing of what the building will look like when completed. Will the addition exterior blend in with the already existing portion of the barn, or is the developer planning on all new exterior siding. It was noted that the developers estimated cost of the barn addition is \$100,000.00.

Lowell Dewey made a motion to table the application for lack of enough detail or information for the Planning Commission to review it tonight. Seconded by Carol Smith. Upon voting motion was carried unanimously.

The Planning Commission continued in open discussion, at which time member, Lowell Dewey suggested that the developer should be encouraged to submit fundamental site plan information and that the Planning Commission will address it at their next meeting on May 4, 2005.

Randy West suggested that the developer refer to the Zoning requirements for the MM District section 93-20.1 and Development Plan Requirements section 93-30 in the Village Code.

PLANNING COMMISSION ROLE & RESPONSIBILITY

Dan Castle explained to the members that this is something that the Village Board has asked the Planning Commission to review so that responsibilities will be more defined and can be entered in the Village Code.

Dan Castle told the members that he feels that the duties should remain the same. The Commission should remain advisory, but flexible enough to vote and make recommendations on anything they would like.

Mike Croft mentioned that one of the items the Village Board would like to have the Planning Commission review would be Special Permits, for example, "Block Parties, Sidewalk Sales, Outdoor Displays". Dan C. mentioned that he feels that those are the responsibility of the Village Board. One other condition that is being discussed is that no one will be able to serve on the Commission for longer than one term. Dan feels that as an appointed position there shouldn't be term limits and that having knowledgeable people serve on the Board for more than one term is an advantage for the Commission.

Another suggestion by the Village Board was to have the Planning Commission review sign permit applications, to which the members felt that there wasn't a need for their review, since the sign code was specific with rules and regulations that must be met before a sign permit could be issued. If for some reason there was a situation that a business was denied a sign it would probably fall under a zoning problem and if that were the case the developer would need to seek a variance from the Zoning Board of Appeals.

After much discussion about the various duties of the Commission, the members decided that they would like to review other Village ordinances to compare duties and obligations. Lowell offered to check with several Village municipalities, and make copies of their ordinances. There will be more discussion on the Commissions duties next month at the May 4, 2005 meeting.

Carol Smith made a motion to table the discussion, until next month, on the duties of the Commission. Seconded by Dan Bermingham. Motion carried unanimously.

Resolution to Amend Chapter 93 of the Code regarding Drive Through Establishments

Randy West spoke on the legislation for prohibiting drive-through establishments attached to restaurants. Upon a count taken within the Village by Randy it was noted that there are approximately 17-19 drive-through establishments, most of them being banks and pharmacies. Only 3 are restaurants. Randy and the other members of the Zoning Committee who have been working on this legislation determined that drive-thru's attached to restaurants create a high impact on traffic volume and also create a challenge for the pedestrian character of our Village. There is significant legal precedence within the State and sufficient interest within the community to put forth a prohibition of future drive-through establishments attached to restaurants.

Dan C. questioned whether it was all drive-through establishments or only restaurants. Randy replied that it was only for restaurants. Dan B. noted that in the proposed local law the definition of a Drive-Through Establishment- reads as follows: An establishment wherein the sale of goods or delivery of services is provided directly to patrons who are seated in motor vehicles located on the premises. Randy commented that the local law specifically states under Prohibited Uses-the following uses shall be prohibited in all zoning districts in the Village of East Aurora:

1. Any drive through establishment operated in conjunction with any restaurant, eating-place, or food service operation.

Lowell questioned if the Village Board was looking for a recommendation from the Planning Commission on the Local Law. Randy replied "yes".

Dan C. questioned what the grandfather clause means in the local law.

Randy replied that according to the proposed legislation, existing drive-through establishments would be considered as Prior Non-Conforming Uses, and treated as those are defined in the Village Code.

Randy made a motion to approve the local law with the following clarifications and modifications. Seconded by Carol. Upon voting motion passed unanimously.

1. Throughout the proposed legislation, the Planning Commission does not want to be referred to as Board (omit the word Board and insert Commission wherever mentioned).

2. In section (1) under Prohibited Uses, delete (whether or not) and end sentence with operation.
3. Under Drive-Through Establishment- correct spelling error (vehicles)
4. The Village Attorney should review the Proposed Legislation to ensure that it does not weaken the Village's control over drive-through establishments other than those attached to restaurants.
5. The Village Attorney should clarify for the record whether existing drive-through establishments associated with restaurants may persist through a change in the ownership of the restaurant.

Dan Castle spoke briefly about the findings of the Main Street Task Force who met this morning, April 4, 2005, to discuss the Main Street Reconstruction that will begin in 2007.

He highlighted different areas that have been discussed such as:

Bump outs in front of the following areas:

The Boys & Girls Club (Main & Paine Sts.)

Nuwers' Florist

The area of Maple, Center & Shearer is going to be two lanes with left turns and no bump-outs.

Sidewalks will be constructed all the way on the North & South sides of Quaker to Commerce Green.

West Main St./Hamburg St. will have a left turn area for people going out Mill.

There will be a slightly larger car drop-off area in front of the Main Street Middle School instead of the now 7' the DOT will increase it to 9' making it safer for children being dropped-off for school.

They are going to take the corner off in front of Rite-Aid by the garden, and make a lane for traffic to turn left onto Buffalo Road from Knox/Grey Street. This will eliminate extra traffic going around the Circle to head out Buffalo Road.

Dan mentioned that he should have more information for the next meeting.

Carol made a motion to close the meeting at 8:30 PM. Seconded by Lowell Dewey and passed unanimously.

Respectfully Submitted,

Sue Wolff, Deputy Clerk