

EAST AURORA PLANNING COMMISSION
REGULAR MEETING

January 5, 2005

7:00 PM

Present: Carol Smith, Co-chair
Mary Jo Crone
Dan Bermingham
Randolph West
Michael Croft
Joyce M. Jezewski, Deputy Clerk Treasurer
William Kramer, Code Enforcement Officer

Absent: Daniel Castle
Lowell Dewey

Other: Eric Recocon, VP Leasing Benderson Development
Dana Caito, Quiznos
Suzie Jackson, resident

Co-Chairman Carol Smith called the meeting to order at 7:03 p.m.

Motion by Dan Bermingham to approve the minutes of December 15, 2004 with corrections as follows: first paragraph, last sentence "*it was the general consensus...*" under Quiznos application should be stricken and amended to read: *Benderson proposed that the traffic study numbers were high and the planning commission agreed to allow Benderson to substantiate that proposal.* Seconded by Mary Jo Crone and unanimously carried.

Might Taco Application

Benderson Development submitted a memo formally requesting to withdraw the application for Mighty Taco.

Motion by Mary Jo Crone, seconded by Dan Bermingham to re-open the discussions on the Quiznos Application.

Quiznos Application

Eric Recocon of Benderson addressed the Planning Commission with regard to the traffic and transaction numbers they were asked to provide. Planning Commission received a copy of the report, which will also be attached to the minute record.

Other points noted:

- Traffic information is less than one (1) year old as Quiznos is relatively new to Western New York.
- Benderson confirmed that Noco purchased the rights to Quiznos.
- Other small retail could conceivably generate a higher traffic trip generation than Quiznos.
- Benderson stated they do not have a contract with Mighty Taco for this location and Mighty Taco's withdrawal of said application is not a ploy to get the Quiznos application approved.

Dana Caito expressed her thanks to the Planning Commission for their time and effort on behalf of the Quiznos franchise. Benderson's Eric Recoon indicated that the new Eckerd's Plaza sign will be installed no later than January 14, 2005. This will replace the current sign that is not in compliance with Village Code.

Dana Caito and Eric Recoon excused themselves from the meeting.

The Planning Commission further discussed the Quiznos special permit application.

Motion by Randy West to recommend disapproval of the Quiznos application.
Motion failed for lack of a second.

Motion by Carol Smith to recommend approval of the Quiznos special permit application at 180 Main Street, based on the below listed Findings. Seconded by Dan Bermingham with voting as follows:

AYE: Carol Smith, Daniel Bermingham, Mary Jo Crone

NAY: Randolph West, Michael Croft

Motion Carried

Findings in Favor:

- Benderson complied with Planning Commission's request to provide additional traffic study and average weekly transaction information and the numbers appear within reasonable parameters.
- There will be less of a traffic impact than previous tenant, Tops.
- Adequate parking has been provided.
- Hours of operation, 10:00 a.m. to 11:00 p.m. will not adversely affect the neighborhood.

Findings Against:

- Proposed restaurant is not within the spirit of agreement that Benderson had with the Village for small retail, professional and medical offices.
- Proposed restaurant is using up a disproportionate amount of the traffic allotted to that retail building and we do not know the future use of the remainder of the retail space.

Motion by Randy West to adjourn the planning commission meeting at 8:50 p.m.
Seconded by Carol Smith and unanimously carried.

Respectfully submitted,

Joyce M. Jezewski, CMC
Deputy Clerk Treasurer