

EAST AURORA PLANNING COMMISSION
REGULAR MEETING
July 13, 2021 - 7:00 PM

PRESENT:

Karen Lee-Chair
Allen Ott Jr.
Dan Castle
Dale Morris
Geoffrey Hintz
Arron Fisher
Randy West
Bud Babcock, Alternate

Also Present:

Chris Trapp, Deputy Village Attorney
Elizabeth Cassidy, Code Enforcement Officer, Village of EA
Jessica Taneff, Planning Commission Secretary
Douglas Wolf and William Kramer for- 363 Prospect Ave.
Kara Adams and Jeffery Wojcinski-391 Olean Rd.
Left Coast Taco-Nathan and Chelsea Root-54 Elm Street
I61 Church and EA Management Group- 650 Main St.
Southside Commerce-Home of My Own-300 Gleed Ave.
38 members of the public

Karen Lee, Chair, noting that a quorum was present, called the July 13th meeting of the Planning Commission to order at 7p.m.

Member Castle motioned to approve the June 1st meeting minutes, seconded by Member Hintz with one abstain and 7 ayes.

363 Prospect Ave.
Douglas Wolf

Chair, Karen Lee opened the discussion for 363 Prospect Ave. which was tabled from the June meeting. Mr. Wolf explained their change to the original application. The original proposed subdivision had a piece of the existing lot added to the vacant land on Walnut Street. As they have looked at it, trying to combine the two entities into one project, they realized that they had the ability to create a flag lot and turn it into a piece of property that would have access on Prospect Ave. instead. The sq footage, frontage and dimensions work as per the ordinances. There will not be infrastructure built on this lot at this time. Utilities would eventually have to be run through the entrance to the flag lot. They are following the code and they are starting at 20' of frontage on Prospect. The existing trees will remain on the existing lot with the structure. The PC spoke about recommending this to be looked at by the Village Safety Committee. The Commission is concerned with the lack of topographic info with regard to run-off to adjacent properties, changing the character of the neighborhood and emergency vehicle access and safety, however, the subdivision meets the Village Code lot dimension requirements.

Member West motioned to recommend that the Site Plan be approved by the Village Board with the following conditions, and based upon the findings identified:

Findings:

1. The proposed minor subdivision meets all code requirements with regard to lot size and frontage.
2. The proposed minor subdivision will allow the owner of the property to provide 2 new legal conforming building lots for sale in the village.
3. The existing dwelling has a legal nonconforming set back on the west side which is not changed by the

subdivision.

4. The Planning Commission is concerned about emergency vehicle access.

5. The planning Commission is concerned over the lack of topographic information, particularly as it pertains to run off requirements of a minor subdivision application.

6. The proposed minor subdivision will create a flag lot in the village.

Conditions:

1. The Planning Commission recommends that the Village Board requests review of the minor subdivision by the Village Safety Committee with regard to fire safety and emergency vehicle access.
2. The Planning Commission recommends that the Village Board be provided with the topographical information required by code for a minor subdivision.

The motion was seconded by Member Ott with 4 ayes and 3 nays. The motion was carried.

The Planning Commission refers this application to the Village Board with a timestamp. This approval will expire one year from the date of Village Board approval pursuant to Section 285-50.5A of Village Zoning Code.

391 Olean Rd.
Kara Adams and Jeffery Wojcinski

Chair, Karen Lee opened the discussion for 391 Olean Rd. Ms. Adams said they are opening Ninja Warrior Gym and will not be making any structural changes, they are just painting and adding their equipment. The closest gym relevant to this type of gym is in Lancaster. They do not open until 9am and close at 9pm. Before they bought the business, they spoke to the building owner and businesses around them so they would be aware of their gym going in. Ms. Adams states that the other tenants are pleased with the addition of their gym.

Member Ott motioned to recommend that the Special Use Permit be approved by the Village Board based upon the findings identified:

Findings:

1. The proposed project provides the parking required by code
2. The proposed project is compatible with existing neighboring businesses.
3. Proposed project is consistent with prior use of the same space.
4. The proposed project provides a unique variety of physical fitness activities within the village.

The motion was seconded by Member Fisher, with unanimous approval.

The Planning Commission refers this application to the Village Board with a timestamp. This approval will expire one year from the date of Village Board approval pursuant to Section 285-50.5A of Village Zoning Code.

54 Elm Street
Left Coast Taco-Nathan and Chelsea Root

Chair, Karen Lee opened the discussion for 54 Elm Street. Ms. Root said they have been at their current location in Oakwood Plaza for 3 years and would like to move to the Elm Street location in order to have additional seating, outdoor space and more foot traffic. They will be in the existing building in front of Feijen Design Build. There is plenty of onsite parking and they plan to provide a bike rack as well. Parking requirements are based on square footage of the interior space. The outdoor seating would be closed later in the evening so as not to impact the neighbors. There will not be any additional lighting. There will be no outdoor music, except during a special event requiring a Temporary Use Permit. They plan to add a bar to their operations.

Member Castle motioned to recommend that the Special Use Permit be approved by the Village Board with the following conditions, and based upon the findings identified:

Findings:

1. The proposed project fulfills the parking required for code compliance.

2. The proposed project is consistent with existing surrounding businesses.
3. The proposed project will allow an existing business to grow and thrive.
4. The proposed project will bring a slight increase in traffic to the area.
5. The proposed project will not be utilizing amplified or non-amplified indoor or outdoor music except during a special event, in which case a Temporary Use Permit would be required.
6. The proposed project will have code compliant outdoor lighting.
7. There will be no significant noise increase in the area due to the proposed project.
8. The proposed mural for Left Coast Taco falls under the sign code and will be addressed separately from this application.

Conditions:

1. No outdoor music without applying for a temporary use permit

The motion was seconded by Member Hintz, with unanimous approval.

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**650 Main St.
I61 Church and EA Management Group**

Chair, Karen Lee opened the discussion for 650 Main Street. Pastor Joel said they have been in this building for a year now and they would like to utilize the frontage to put up temporary tents, tables, or have a community event that could be outside. The Commission had questions on the dimensions of the proposed tents and tables, hours and frequency of outdoor events, placement of the propane fire pits and how they would maintain the required 5' of access within the sidewalk. The Commission would like to see drawings with dimensions of all proposed uses to scale and the number of people proposed to be seated outdoors. The Commission and CEO Cassidy stated concerns about the safety of fire pits directly in the pedestrian walkway. The Commission feels that tents and music would be better handled with Temporary Use Permits for when they want to have these events. Former CEO, William Kramer commented that when he reviewed this application, he felt a Special Use Permit was more appropriate, otherwise the Church would be spending a lot of money applying for multiple Temporary Use Permits. The Commission suggested that Pastor Joel may be able to come up with a calendar of special events so that he could apply for one Temporary Use Permit for all the events. CEO Cassidy will follow up with the 1-61 Church to return with details pertaining to:

1. Events
2. Planned times for setting up tables for handing out goods.
3. Detailed diagram if having permanent tents that could be removed to place tables and chairs.
4. Allowable number of people for such events
5. Details for amount of space available
6. Space on sidewalk with right of way to DOT
7. Fire pit-detail

Member Hintz motioned to table this application was tabled until the applicant can provide more detailed information about their request including dimension-ed drawings of all proposed uses. The motion was seconded by Member West, with unanimous approval.

**300 Gleed Ave.
Southside Commerce-Home of My Own**

Chair, Karen Lee opened the discussion for a Special Use Permit for 300 Gleed Ave.- Southside Commerce-Thomas Lyons, Charles Bitter attorneys for applicants of Southside Commerce and Home of My Own WNY. The proposed project for the warehouse structure that currently exists is to convert the space into 24 dwelling units for adult aged

residents with developmental disabilities. Deb Flynn, cofounder of Home of My Own, stated that this is not a group home facility. She spoke about the specific individuals' options without having this housing project. Based on research there are 1200 members in the WNY community that are waiting for these apartments. This is not anticipated to be high turnover housing because those who will be renting are looking for long term housing. The need for this housing is already known through the IDD population and there is a waiting list through various agencies that deal with the target population of this project. There is not anticipated to be an increase in traffic from multiple caregivers for residents. The majority of the individuals living in the units would not require caregivers. The individuals who would live in these apartments are financially self-sustaining. Mr. Lyons stated that this project is going to fit in with the community and will not have a detrimental impact on the community. 10% or fewer of these individuals have driver's licenses, which would also limit the detrimental impact of more vehicular traffic. Issues raised during the July ZBA meeting were traffic, lighting, and safety. There will be two to three staff on site daily, such as an office manager present during business hours along with a service employee who would be anticipated to be on call but would not be there all hours of the day and night. These will be market rate apartments. Southside would be leasing this space to Home of My Own so that only IDD individuals can live there. Home of My Own anticipates having a 49-year lease contract with Southside Commerce.

1. Susan Bodkin-285 Gleed- across from 300 Gleed Ave. Concern for parking issues, lighting issues, and increased traffic.

2. Kara Braun-598 Crescent- Concern for increased traffic. Would like an unbiased independent traffic study. If Southside decides to terminate its lease with Home of my Own will Southside have the ability to charge whatever they want?

3. Mike Strobel-589 Crescent- Concern for traffic increase, flood lights and 24-7 care of residents.

Mr. Lyons reiterated that the individuals living there would not be those who need to be in an assisted living or nursing home. They are individuals who can function in everyday life, but just with developmental disabilities.

Patrick Mahoney-architect- responded about the lighting issues and said that the existing light on the building was put in previously by the Town. He agreed that the Commission could put a condition on lighting and code compliance.

4. Greg Balzano- Crescent- Concern with the negative look of the outside of the building

5. Justine-246 Gleed- concern that the location should be turned into a community center and not be so heavily commercial.

6. Nick Artalas- 800 E Fillmore- in favor of the granting of the SUP. He has a son on the autism spectrum who is a prospective resident of the proposed housing.

CEO Cassidy said the VB and Commission received copies of 7 emails in support of the approval.

Member Castle motioned to recommend that the Special Use Permit be approved by the Village Board based upon the findings identified:

Findings:

1. The proposed project is an allowed use in the current zoning district with a Special Use Permit.
2. The ZBA has granted the necessary area variance for the proposed project.
3. The proposed project will not have a significant impact on noise in the surrounding area.
4. The proposed project provides the parking required for code compliance.
5. The proposed project will increase the diversity of housing stock in the village which is consistent with the village's Comprehensive Plan and the Zoning Code update.
6. The conversion of warehouse space to residential space is generally more conforming to the residential character of the neighborhood.
7. The proposed project is an appropriate adaptive reuse consistent with the village's Comprehensive Plan.

The motion was seconded by Member Morris, with unanimous approval.

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Southside Commerce-Home of My Own

Chair, Karen Lee opened the discussion for the Site Plan for 300 Gleed Ave.- Southside Commerce-The Commission brought up the resident concerns regarding traffic. They suggested the possibility of taking out parking spaces and asphalt closest to the baseball diamond to eliminate traffic flow around the building. This would need to be referred to the Safety Committee. Ms. Flynn showed the proposal for the back of the building to add significant green space for a common area. There are existing sidewalks outside portions of the building, and they will be adding a sidewalk to that proposed common space. There are 3 exits to the building. The main exit will be the new carport with downlighting only. The second exit is the fire emergency exit, and the third exit is located in the corner by the proposed recreational area. All 3 exits would be accessible. The interior plan of the units would be looked at during the building permit process. All rooms are designed to be fully accessible. The Commission expressed that it would like to see additional sidewalks to ensure that the residents can travel safely on foot from the main entrance at the rear of the structure to Gleed Avenue. The Commission expressed that it would like to see enhanced and expanded recreational green space. The Commission discussed ways to slow down traffic and would like to see lighting issues mitigated, along with the possibility of a completed traffic study. CEO Cassidy spoke about the possibility of citing the building owner with regard to previous lighting in the parking lot that may not be code compliant.

Member West motioned to table until: 1. The Village Board has the village engineer evaluate the traffic study submitted by the applicant to determine whether or not an independent traffic study to be ordered by the village is necessary. 2. The Village Board has the Village Safety Committee evaluate pedestrian movement and traffic patterns of current and proposed use, and possible traffic calming measures. 3. The applicant amends site plan drawings to show all existing and proposed sidewalks, enhanced recreational green space and existing and proposed exterior lighting. 4. Clarification is received by the CEO in regard to existing outdoor lighting code compliance.

The Planning Commission recommends that all concerned parties work together on these items to accomplish gathering of requested information as expeditiously as possible. The motion was seconded by Member Castle, with unanimous approval.

A motion was made by Member Ott to adjourn the meeting at 10:36PM. seconded by Member Castle and unanimously carried.

Respectfully submitted,

Jessica Taneff
Secretary