

EAST AURORA PLANNING COMMISSION  
REGULAR MEETING  
July 12, 2022 - 7:00 PM

PRESENT:

Randy West-Chair  
Stacy Oar  
Allen Ott Jr  
Dale Morris.  
Geoffrey Hintz  
Bud Babcock, Alternate

ABSENT:

Arron Fisher  
Dan Castle

ALSO PRESENT:

Joe Trapp, Village Attorney  
Elizabeth Cassidy, Code Enforcement Officer, Village of EA  
Jessica Taneff, Village Deputy Clerk  
Marcia Kimmel-Hurt-PC Liaison

Member West, Chair, noting that a quorum was present, called the meeting to order at 7:00p.m.

Member Hintz motioned to approve the June 9<sup>th</sup> meeting minutes, with one correction to the Attorney, seconded by Member Morris with unanimous approval.

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**277 Main Street**  
**The Poked Yolk-James Vaughn**

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Chair West, opened the discussion for 277 Main Street for a Site Plan Application.

Mr. Vaughn told the Commission they have a temporary patio cover that they change in the spring and are looking to replace this with a permanent durable roof. The shingles on the roof will match the rest of the structure. There are no current plans to put siding on this to enclose it.

Member Ott motioned to recommend that the Site Plan Application be approved as submitted by the Village Board with the following findings:

Findings:

1. Proposed modification blends well with the existing structure and with the neighboring businesses
2. Replacement of an existing temporary structure with a permanent structure
3. Doesn't modify any of the components of the site plan with traffic flow or parking

The motion was seconded by Member Hintz 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.

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**70 Church Street**  
**Muse Jar-Vanessa Frost**

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Chair West, opened the discussion for 70 Church Street Street for a request for Re-zoning.

Mr. Marusza introduced Ms. Frost and told the Commission he would like to change a portion of the property he owns at 70 Church Street. Mr. Marusza indicated that this building was the original Fisher Price building. There are two driveways to this property, one from Church St that accesses a residential building and the other that comes from Pine St and accesses an accessory warehouse looking building. Over the years, Mr. Marusza has worked on this structure to make it look better. Currently, the use of this building is for unnecessary storage. Mr. Marusza would like to take this place that is sitting doing nothing and create it into a nice used building. Ms. Frost is in a situation where she is looking for a place for her art business while also looking to keep her business in the Village. There would be no changes or expansion to the building, drainage or parking. They would only be remodeling the inside of the building. The Commission asked if they could remodel the building that could resemble what it looked like years ago when it was Fisher Price. Mr. Marusza discussed what items he had from the building they found when they first bought the building.

Colleen Scott- 58 Pine St- lives directly across the street from the parcel. Spoke highly of Muse Jar and Ms. Frost. She has a concern with rezoning this part of the neighborhood and what this building could turn into in the future under LCR. She feels more traffic in this area would also be an issue.

The Commission does have a concern with a future of this parcel if rezoned to LCR but there a number along East Fillmore towards Riley that are in an LCR district and doesn't feel it would constitute spot zoning. Ms. Frost did start an online petition regarding her plans for the building and those closest to this property are in support of the rezoning. There were only two houses where the owners are currently not living where she could discuss this proposal with them. CEO Cassidy spoke of the building at the end of East Fillmore that was currently rezoned and had a deed to restrict other businesses on this property and that could be a possibility for this proposal.

Ms. Frost says the maximum amount of people she has in her building at once is 25 people and her hours are between 10am until 9pm. A majority of her students and customers ride their bikes to her business so this would be a reason she would like to be able to keep her business in the Village. CEO Cassidy said any future use of the property, if rezoned, would have to go through a Special Use Permit application which would allow for regulations on what would be going into this building.

Member Ott motioned to recommend that the Re-Zoning have conditional approval by the Village Board in a manner that would address the possible concerns that are identified with the following findings:

Findings:

1. The proposed use of building as art studio is consistent with the history of the building and the connection with the earliest period of Fisher Price within the Village
2. The proposals would have low intensity use of the facility
3. The proposal helps to retain a successful business in the village
4. The proposal would give new purpose to a building of historical significance in the Village
5. Demolition of the building for other permitted LCR uses will require other approvals from the Village, HPC etc.
6. Measures to mitigate impact to the short term to the community are more properly addressed to the site plan process
7. May promote the preservation of an existing building that may otherwise deteriorate.

Areas of concern:

1. Other uses allowed by the LCR zoning would be less compatible with the existing neighborhood and could negatively impact it.
2. May increase traffic to the parcel
3. The proposed rezoning creates an isolated LCR zoning in the middle of an SFR zone

The motion was seconded by Member Hintz with unanimous approval.

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**Old Business:**

- Discussion of the AutoZone application and what should be submitted when they come to the Commission in August.
  - Special Use Permit application which will include what has been included over the past months or they can give the SUP and the Site Plan application.
- Accessory Dwelling Units revisions
  - Member Morris said this was an important issue because a number of ADU requests have come forward and he has been uncomfortable with how the Commission has been handling it and doesn't know if they've had enough guidance from the Village Board and they need to be looking at the applications as the Village as a whole not just a singular residential problem. Are they unwittingly allowing multiuse parcels in what should be SFR usage.

A motion was made by Member Morris to adjourn the meeting at 9:02 PM. seconded by Member Hintz and unanimously carried.

Respectfully submitted,

Jessica Taneff  
Village Deputy Clerk