

EAST AURORA PLANNING COMMISSION
REGULAR MEETING
August 2, 2022 - 7:00 PM

PRESENT:

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

ABSENT:

Arron Fisher
Dan Castle

ALSO PRESENT:

Chris Trapp, Village Attorney
Joe Trapp, Greco-Trapp Attorney
Elizabeth Cassidy, Code Enforcement Officer, Village of EA
Jessica Taneff, Village Deputy Clerk

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

Chair West noted that the only item identified on the agenda was a discussion of Accessory Dwelling Units (ADUs).

Accessory Dwelling Units:

Attorneys Trapp noted that there has been a lot of discussion at the state level of using ADUs to help alleviate housing shortages due to rising housing prices, but that most of that discussion related to downstate areas, and many upstate and western NY municipalities have resisted this approach.

CEO Cassidy noted that short-term rentals and ADUs are governed by different sections of the Village code, and that though not specifically stated so in the code, her office defines short-term rentals as for less than 30 days and ADUs as for longer-term rentals.

Members Morris and West outlined their concerns with the current Village code for ADUs:

- The ADUs directly contradict the intent of SFR zoning: Sect. 285-31.2A, "Purpose," identifies specifically that the intent of ADUs is to "create new housing units...", "increase housing stock of existing neighborhoods...", and "provide a broader range of affordable housing." The section contains no limitations on who can occupy the ADUs. Table 20.3 permits ADUs in SFR zones. These items contradict the statement in 285-20.2A that defines the purpose of the SFR zone as "preservation and enhancement of existing, traditional single-family neighborhoods."
- If the purpose of the ADU code is simply to allow family members to share a property and so stay in the Village when they might not otherwise be able to, then the purpose statement (285-31.2A) should be revised. If the purpose is to allow for property owners in SFR zoning to offer long-term rentals in detached units on their properties, then that purpose should be clarified and discussed.
- The rationale for requiring that the property owner live on the property only for "at least 6 months out of the year..." is not clear, especially when compared with the requirements in 285-31.6C for B&Bs that "the owner and or operator of the B&B shall live full-time on the premises." This difference in the requirement and language doesn't seem to serve any purpose and would seem only to weaken the ADU requirements.

Attorney C. Trapp agreed that many of the Purposes for ADUs that are identified in 285-31.2A are vague and/or meaningless, and so do not support the code as currently structured.

Member Morris reported on his research into how other nearby Villages are addressing this issue:

- Williamsville (in R1 zoning):
 - Allows "interior" ADUs, but without compensation (rent) and only for relatives. Property must have been owned by the current owners for at least 5 years prior to being eligible for an ADU.
- Hamburg:
 - No reference to ADUs or short-term rentals in their code
- Orchard Park:
 - Does not allow ADUs, but does allow short term rentals (AirBnB's, etc.).

The Planning Commission then had a general discussion of the purposes and possible impacts of ADUs. Some key points raised regarded the following:

- Making the residency requirements for the owners of ADUs similar to those of short-term rentals. As it is now, ADU owners must live on site only for "at least 6 months," rather than "full-time" as for short-term rentals.
- Evaluating whether the time frame of ADUs should be bounded so that they don't become "long-term solutions to short-term problems."
- Evaluating the tax impacts of ADUs.

The work session was ended \without resolution, pending discussion with Member Castle, when he returns from vacation, and further evaluations by Atty. Trapp and CEO Cassidy.

Member Considerations:

Chair West reviewed wanting to have a Commission mission statement and will come up with ideas

Member Babcock brought up his concerns regarding long term trends, issues, concerns etc. with the growth in bikers, pedestrians and runners and their safety, and wellbeing. This should be part of the checklist when reviewing applications.

A motion was made by Member Ott to adjourn the meeting at 8:30PM. seconded by Member Morris and unanimously carried.

Respectfully submitted,

Jessica Taneff
Village Deputy Clerk