

EAST AURORA PLANNING COMMISSION
REGULAR MEETING
September 12, 2023

PRESENT:

Randy West-Chair
Stacy Oar
Allen Ott Jr
Dan Castle
Dave Simeone
Geoff Hintz

Excused:

Dale Morris-Vice Chair

ALSO PRESENT:

Joe Trapp, Counsel
Liz Cassidy, Code Enforcement Officer
Crystal Barrett, Deputy Clerk
Grace Viger, Village Board Liaison
Peter Sorgi, atty. rep. for Nicholas Pittas
Doug Feves, PE, Carmina Woods, rep. for Nicholas Pittas
Manny Varma, Manny's Hardware
James Boglioli and Zachary Chaplin, Benderson Development
Ed and Kristin Borzillieri
Member West, Chair, noting that a quorum was present, called the meeting to order at 7:02 p.m.

Member West noted the recent retirement of Commission member Bud Babcock and stated that he will be missed by the Planning Commission. The Commission praised his long service and expressed their gratitude for his dedication and knowledge.

Member Hintz motioned to approve the August 1st meeting minutes, seconded by Member Ott, and approved by the Planning Commission with Member West and Member Castle abstaining.

Special Use Permit (SUP) for an Auxiliary Dwelling Unit (ADU)
245 Prospect Avenue
Jane Brewer and Joseph Zambon

Member West, Chair, opened the discussion for 245 Prospect Avenue for a SUP.

The applicant stated that her current home in Girard is being renovated and her family has moved into her parents' home on Prospect Avenue, enabling her children to stay in the East Aurora school district. Approval of a SUP for an ADU is required to allow her parents to live in an existing apartment located above the garage on the property. The applicant stated that all vehicles will fit in the driveway without shuffling vehicles and that no renovations were needed to the apartment. The Planning Commission noted that this application is for an ADU to be utilized for one of its primary purposes as stated in the Village Code, specifically to allow families under changing circumstances to continue to reside in the Village.

Condition:

ADU will be utilized only for the duration of the construction at the applicants' Girard Avenue home.

Findings:

1. Will not alter the character of the neighborhood.
2. Consistent with intent of ADU regulation to allow family members to stay in the Village when their housing situation changes.

A motion to approve the SUP as conditioned above for 245 Prospect Avenue was made by Member Ott. The motion was seconded by Member Hintz and unanimously approved.

SUP for Bed and Breakfast (B&B)
105 Park Place
Lori and Richard McDermott

Member West, Chair, opened the discussion for 105 Park Place for a SUP.

The applicant stated they would like to operate two B&B units out of their home where they reside. The units had been long duration rentals in the past, but the applicant believes short-term rentals through an B&B business model are now preferable as it would allow them more control. The Commission members asked Code Enforcement about B&B terms. Parking and restrictions were discussed. Code Enforcement stated that short term rentals allow the applicant to set restrictions. The applicant currently restricts rentals to people that are 25 years or older and limits automobiles to one vehicle limits per rental.

Condition:

The Village Board will address the legality for a multi-family dwelling short term rental.

Findings:

1. The guests will be limited to one car per unit.
2. The applicant will be required to reside in the dwelling to operate the B&B

A motion to approve a SUP as submitted for 105 Park Place was made by Member Hintz. The motion was seconded by Member Oar and unanimously approved.

**Rezoning: Single Family Residential (SFR) to General Residential (GR)
49 Knox Road**

Joshua S. Best, Fiboo Properties, LLC.

Member West, Chair, opened the discussion for rezoning 49 Knox Road.

The applicant stated he would like to have the zoning changed to allow future multi-family residential construction on the property. A site plan was included in the application package, but site plan approval was not part of the current application. None the less, the applicant reviewed the proposed redevelopment at a conceptual level with the Planning Commission. A two-story, four-rental-unit structure utilizing the existing building to the maximum degree possible will be proposed. All ingress and egress will be from Grey Street. The project will propose a mix of housing units that will be rented at an affordable market-rate.

The Planning Commission determined that the similarity of the proposed use to the existing uses in the immediately adjacent properties eliminated concern for “spot zoning”. The proposed use is consistent with the intent of the residential zoning in the area. The Planning Commission noted that the proposed project will work toward the East Aurora Village’s master plan objective to develop more affordable housing.

Condition:

The demolition of the partially collapsed portions of the existing building will be subject to review by the Historic Preservation Commission.

Findings:

1. The property will remain consistent with the existing character and zoning of the neighborhood if the proposed rezoning is allowed.
2. The proposed rezoning will not create a “spot zoning” issue.

A motion to approve a SUP as submitted for 49 Knox Road was made by Member Hintz. The motion was seconded by Member Ott and unanimously approved.

Grey Street Plaza: Site Plan Revision
123 Grey Street
James Boglioli, Benderson

Member West, Chair, opened the discussion for 123 Grey Street for a Site Plan Application.

The applicant stated that to accommodate a new tenant, a permanent 1400 sq ft structure will need to be built onto the back of one of the rental units. The applicant stated that neither greenspace nor truck traffic flow will be affected by the requested addition.

Findings:

1. The project will have no negative impact on the plaza.

A motion to approve the SUP and Site Plan for 123 Grey Street as submitted was made by Member Simeone and seconded by Member Hintz and unanimously approved.

Single Family Residence: SUP
757 Ellis Drive
Jeremy Bates, Buffalo Modular Homes

Member West, Chair, opened the discussion for 757 Ellis Drive.

Mr. Bates stated that the applicant would like to demolish an existing single-family residence and construct a new one on a substandard lot at the end of Ellis Drive. No garage is proposed. Parking will be in line with the end of the street, considered to be to the side of the house. The applicant committed to removing only those trees necessary to complete the project.

Findings:

1. Improvement to the property
2. Parking will be to the side of the house.
3. The applicant will send landscaping plans to the Village Board

A motion to approve a SUP as submitted for 757 Ellis Drive was made by Member Hintz. The motion was seconded by Member Ott and unanimously approved.

Commerce Green Industrial Park: Site Plan Approval
Commerce Way
Peter Sorgi and Douglas Feves, representing Nicholas Pittas

Member West, Chair, opened the discussion for Commerce Way to construct a self-storage unit.

Peter Sorgi and Doug Feves, representing the applicant, stated that the applicant would like to construct a self-storage facility on an unused parcel in the Commerce Green Industrial Park. Mr. Sorgi noted that at a previous presentation, the Planning Commission had expressed regret that development of this parcel as a self-storage facility would not provide the economic benefits that the Village intended when the park was developed. While acknowledging this, Mr. Sorgi noted that the parcel has been vacant since it was purchased 18 years ago. The Commission continued to express reservations about this proposed use of property would not utilize the available infrastructure originally built into it and that it would create only one or two jobs. Mr. Sorgi noted that self-storage facilities are a listed permissible use in this zoning district.

The Commission reviewed the plans. The applicant will use timed, building mounted lighting but was not opposed to motioned sensor lighting. The applicant predicts vehicular traffic will only be 2-3 cars per day. It was stated that there wouldn't be any significant or highly visible signage. Mr. Sorgi explained that the adjacent residents of the Reid Hill subdivision have a deed restriction that requires them to maintain a 50-ft buffer on their properties. Mr. Sorgi asserted that this will address visual impacts from the proposed self-storage facility. Further, the applicant will extend the existing white fence behind Astronics for further visual buffering.

Mr. Feves described the proposed layout, including the requirement that stormwater be managed on site. Member West, Chair, expressed concerns about the appearance and requested more design detail. All self-storage units will be fully enclosed. There won't be any outdoor storage. The Commission members further discussed the full potential of the property and its location. Member West, Chair stated that the site clearing trees must be preserved. The Commission concurred that more information is needed.

A motion to table the Commerce Way site plan for approval was made by Member Hintz. The motion was seconded by Member Ott and unanimously approved.

Ace Hardware: Amended SUP
42 Riley Street
Manny Varma, Manny's Hardware

Member West, Chair, opened the discussion for 42 Riley Street

The applicant stated he would like to have a shipping container on his property to house a forklift, needed for the operation of the business. The applicant was asked if he would be able to build a structure instead. The applicant replied that he leases the property and getting permission to construct a building would be difficult. Additionally, the applicant stated that a wooden storage building would not hold up due to the weight of the forklift. A shipping container will do the job. The applicant amended his previous (August) application by reducing the size of the container from 40 feet long to 24 feet. The Commission expressed the desire that the container blend in with the red brick building. The Applicant is willing to comply to the request and stated that if he received a pastel yellow container, it might be a better option than painting the container. The Commission Members stated that the container cannot have any rust. The applicant stated that the proposed container will not be visible from the new Blue-Eyed Baker location at the corner of Riley and East Filmore.

Condition:

1. The limit length of the shipping container to 24 feet.
2. No advertisement nor any branding on the container.
3. The applicant will work in good faith with the Village Board to decide on an appropriate shipping container color.

Findings:

1. The use will be for storage.
2. The project proposed an inconspicuous location where it will have no negative impact on potential development of adjacent businesses.
3. The Planning Commission recommends that the Village evaluate future use of storage containers as accessory structures.

A motion to approve an amended SUP for 42 Riley Street was made by Member Ott. The motion was seconded by Member Castle and unanimously approved.

The Deli: SUP
586 Main Street
Ed and Kristin Borzillieri

Member West, Chair, opened the discussion for the SUP for outdoor seating at the Deli.

The applicant stated they desired to add outdoor seating to enhance their business. The seating would be restricted to a 12-ft. by 20-ft. area immediately in front of their business. The area will be cordoned off and umbrellas over the tables may be provided. There will not be table service or any additional outdoor music. The hours will be as currently, though may be increased.

Findings:

1. The seating area will not impact traffic flow in the parking area.

A motion to approve the SUP as submitted for 586 Main Street was made by Member Simeone. The motion was seconded by Member Hintz and unanimously approved.

Chase Bank ATM Drive-Thru: SUP and Site Plan
123 Grey Street
James Boglioli, Benderson

Member West, Chair, opened the discussion for the SUP and Site Plan; required by Village Code for the proposed drive-thru ATM and Chase Bank.

The applicant presented the modifications made to the Chase Bank proposal in response to the Planning Commission's comments made at the previous (August) meeting.

The Planning Commission stated that the traffic study provided by Benderson in response to the August comments did not provide the information requested. The study addressed only the impact of the bank on traffic entering and exiting the plaza from Grey Street but did not address the impacts of the bank on traffic flow within the plaza itself. The Commission noted that the proposed ATM layout shows the exit of the drive-thru close to the exit from the existing Bank of America drive-thru ATM, and, further, that the proposed plans locates a dumpster between those exits. The Planning Commission stated that the proximity of the driveways, the poor visibility between them, and the general traffic in the plaza, would create a confusing, potentially dangerous number of turning movements in proximity. Those potential problems were not addressed by the traffic study.

The Planning Commission asked if the Chase Bank site, or only the ATM drive-thru, could be moved westwards towards the other end of the “farmers market area.” The applicant stated this was not possible due to the terms of Benderson’s leases with existing tenants.

The Planning Commission moved on to the discussion of the Site Plan, as discussions on the SUP and Site Plan are closely related.

**Site Plan Revision
123 Grey Street
James Boglioli, Benderson**

Member West, Chair, opened the discussion for the proposed Chase Bank, a revision to the existing approved Site Plan of the Grey Street Plaza. This discussion followed the discussion (summarized above) of the SUP for the drive-thru.

The Commission expressed concerns for traffic flow, impacts to the Farmers Market, the adequacy of parking, and the building design.

The applicant stated that if the Chase Bank project is approved, the Farmers Market will be relocated to the center of the plaza parking area, and that the Farmers Market management has already approved this change. The applicant presented data showing that even with approximately 100 spaces occupied by the Farmers Market, the plaza and the Tops property still meet the Village parking requirements. The Commission expressed concerns that the plaza property alone would not meet the parking requirements without the Tops parking lot. The Planning Commission stated that the applicant should evaluate how pedestrians will get from the Tops lot to the plaza lot safely.

The Commission reviewed the aesthetics of the revised bank architecture and stated that only the colors and building textures had been changed from those submitted for the previous meeting. The Commission noted that the proposed bank did not “harmonize” with any of the nearby buildings and looked “generic.”

The Planning Commission determined that the applicant would need to re-submit the Site Plan and SUP applications and provide a traffic study that includes the proposed Chase Bank site and the plaza entrances at the west end and at Boies Alley, and the driveways to the proposed ATM and the Bank of America ATM as requested at a previous meeting. The study should also review pedestrian walkways and possible additional sidewalks. The applicant will also make a request to Tops Market to evaluate the existing right turn only lane for being changed to a right or left exit.

A motion to table the SUP and Site Plan for 123 Grey Street was made by Member Castle and seconded by Member Ott. There was unanimous approval.

Old Business:

Continued discourse on the ADU code was postponed to the next meeting.

A motion was made by Member Castle to adjourn the meeting at 9:40 PM, seconded by Member Ott and unanimously carried.

Respectfully submitted,

Crystal Barrett
Deputy Clerk