

EAST AURORA PLANNING COMMISSION
REGULAR MEETING
August 1, 2023

PRESENT:

Dale Morris-Vice Chair
Stacy Oar
Allen Ott Jr
Dave Simeone
Geoffrey Hintz

Excused:

Randy West
Dan Castle
Cornell “Bud” Babcock, Alternate

ALSO PRESENT:

Chris Trapp, Counsel
Liz Cassidy, Code Enforcement Officer
Crystal Barrett, Deputy Clerk
Kristin Cameron, PC Liaison
Manny Varma- Manny’s Hardware
James Boglioli and Zachary Chaplin – Benderson Development
John Langfelder
Anthony Amabile
Alex and Nick Robinson – Blue Eyed Baker

Vice Chair Member Morris, noting that a quorum was present, called the meeting to order at 7:03 p.m.

Member Ott motioned to approve the July 11th meeting minutes, seconded by Member Simeone, and approved by the Planning Commission with Member Hintz abstaining.

**Special Use Permit
42 Riley Street
Manny Varma, Manny’s Hardware**

Member Morris, Vice Chair, opened the discussion for 42 Riley Street for a Special Use Permit.

The applicant stated he would like to display mulch and seasonal merchandise in front of the hardware store. The seasonal items would be wheelbarrows and firewood. The applicant said that

he manages seasonal inventory with the goal of running out by June so that there is not inventory at the end of the season. As of October 1st, wheelbarrows are brought inside the store. Any mulch that is leftover would be stored by the rear loading dock.

The applicant was asked if propane is stored outside for sales all year. CEO Cassidy confirmed that there's a permit on file that allows the propane to be outside of the hardware store.

The applicant withdrew his SUP request for the outdoor ice machine as he could not envision proper placement in front of the store; he placed the ice machine inside of the store.

The applicant brought forth an additional SUP request to purchase an 8 ft by 20 ft shipping container and position it by the loading dock. The container's primary purpose would be to house a forklift which is currently covered by tarps.

Findings:

1. Seasonal items in front of the store are in keeping with the character of the surrounding area.
2. Seasonal items are not to intrude into to pedestrian sidewalk.
3. The ice machine was withdrawn from the SUP request.
4. The applicant needs to file an amendment to the SUP for the shipping container.
5. The applicant is to provide a photograph of a container that was purchased and placed at another of the applicant's store locations.

A motion to approve a SUP as submitted for mulch and seasonal merchandise, such as wheelbarrows and firewood, in front of the store was made by Member Hintz. The motion was seconded by Member Simeone and unanimously approved.

A motion to table a SUP for the shipping container was made by Member Ott. The motion was seconded by Member Oar and unanimously approved.

**Special Use Permit
586 Main Street
Ed and Kristin Borzillieri, The Deli**

The applicants were not present, so the Planning Commission tabled the application until the next meeting.

**Special Use Permit
123 Grey Street
Benderson, Chase Bank**

Member Morris, Vice Chair, opened the discussion for 123 Grey Street for a Special Use Permit.

Representatives present: James Boglioli and Zachary Chaplin

Representative Boglioli gave a presentation regarding the construction for a 3,383 ft² Chase Bank with a drive through ATM located at 123 Grey Street.

The Planning Commission asked about the Bank of America ATM located adjacent to the proposed bank. Representative Boglioli confirmed that it will remain.

The Planning Commission asked about using the current vacant bank property on Main Street. Representative Boglioli stated it's not Benderson's plan to relocate to that property.

The Planning Commission questioned the need for two ATMs at this location in the plaza. Representative Boglioli stated they are for customer convenience.

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

**Site Plan
123 Grey Street
Benderson, Chase Bank**

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

Representatives present: James Boglioli and Zachary Chaplin

The Planning Commission asked if the required parking spaces are currently met and will be met with the addition of the bank to the plaza. Code Enforcement verified that parking spaces comply with the code.

The Planning Commission raised concerns regarding snow removal. The area proposed for the Chase Bank has been used to pile snow plowed from the plaza parking lot. Representative Boglioli stated that the snow can be moved to a different area of the plaza, moved behind the plaza, or hauled away.

The Planning Commission asked about the impact of the proposed bank on the Farmer's Market that currently uses this location. Representative Boglioli stated that the Farmers Market vendors were advised of the plans for the new bank and that they will be relocated north into the Plaza's center parking lot area.

The Planning Commission expressed concerns regarding the flow of vehicular traffic in the parking lot. At several locations the design of the driveways causes congestion and confusion among drivers. Among the concerns the Commission discussed were:

- The possibility of removing the right turn only lane by the Tops Market. Representative Boglioli stated that Tops Market lease gives Tops control over the design of that driveway.
- The possibility of moving the Chase bank to the West side of the plaza. Representative Boglioli stated that the bank cannot be relocated there because of current tenant lease agreement terms.
- The Planning Commission discussed their concerns about entrance/exit driveways where curbs that are repeatedly run over by vehicles, especially at the Boies Alley entrance. The Planning Commission discussed the tight turns at the entrance, and the confusing traffic flow. Representative Boglioli stated that Benderson is unable to change the entire parking lot but will work on making improvements if applicable to this project. Representative Boglioli offered to provide the Planning Commission with a traffic study. In addition, Representative Boglioli stated that Benderson will talk with Tops Market and review the need for a right turn only lane near the Tops building.
- The Planning Commission asked about bike racks and sidewalks for pedestrians at the proposed bank location. Representative Boglioli confirmed that Benderson will add a bike rack at the proposed bank.
- In response to questions about landscaping on this site, Representative Chaplin confirmed that no existing greenery will be removed, and one hundred shrubs will be added.
- The Planning Commission reviewed the building elevations for the proposed bank building. Concerns were raised over how the proposed design is inconsistent with the buildings in the plaza and is inconsistent with the surrounding area. Representative Chaplin stated that the trim work in the current plaza will be repainted but the bricks will remain their current brown color.

The Planning Commission determined that the applicant will need to re-submit the Site Plan and Special Use Permit 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. 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.

Comments from the public:

Holly Schintzius, 31 North Willow, approached the Planning Commission as a concerned citizen. The safety concern for all pedestrians and cyclists was mentioned. Along with the request was to use vacant buildings instead of building new structures. The concern of putting more carbon into the air and using more resources was also addressed.

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

**Special Use Permit
650 Main Street
John Langfelder, Pizzeria Florian**

Member Morris, Vice Chair, opened the discussion for 650 Main Street for a Special Use Permit.

The applicant is proposing an artisanal Pizzeria and Bakery that will also offer beer and wine. There will be indoor seating for 30 to 35 people. There is only room for 4 to 6 seats outside. The Planning Commission asked about kitchen odors escaping the kitchen migrating to nearby businesses. The applicant stated that the pizza will be baked in a high-tech electric oven using a type 2 hood that vents through the roof. There won't be a lot of vapors/odors from this. The Planning Commission asked about signage for the restaurant. The applicant plans to use a decal sign in the window and will work with Code Enforcement to be compliant with existing codes.

Findings:

1. The proposed business is consistent with other retail establishments on Main Street.
2. Good use of a vacant site.
3. The applicant plans to obtain a full liquor license but will not have a full bar – Only counter service.

A motion to approve the SUP as submitted was made by Member Oar. The motion was seconded by Member Simeone and unanimously approved.

**Special Use Permit
27 Riley Street
Anthony Amabile, Riley Street Station**

Member Morris, Vice Chair, opened the discussion for 27 Riley Street for a Special Use Permit.

The applicant is proposing to reopen Riley Street Station. The applicant used to work for the previous owner and wants to reopen the restaurant in the same manner as it used to be.

The Planning Commission described the significance of this historical building and that it is nice to see the building being utilized.

The Planning Commission asked about the hours of outdoor bands and requested that the music to stop by 11pm. The applicant stated that he is considering bands on Fridays and/or Saturdays, 6pm-9pm and 7pm-10pm indoors and outdoors.

The Planning Commission asked about parking and the response was that it's a shared lot with the Classic Rink. The applicant will work on parking with the owner of the Classic Rink lot.

Findings:

1. Business will be consistent with the neighborhood character
2. It is a good use for a historic building.
3. The applicant will cooperate with rink owner on parking.
4. The applicant will comply with noise codes and outdoor music will end by 11pm.

A motion to approve the SUP as submitted was made by Member Simeone, seconded by Member Ott, and unanimously approved.

**Amended Special Use Permit
636 East Fillmore
Alex & Nick Robinson, Blue Eyed Baker**

Member Morris, Vice Chair, opened the discussion for 636 East Fillmore for an Amended Special Use Permit.

The applicant is requesting an amendment to the current SUP for Blue Eyed Baker to allow a tavern with outdoor seating, and for extended hours of operation.

The applicant noted that the only change to the building will be a 2nd floor patio on the building's north side. 22 seats are planned on this patio. A live feed from activities at the Classic Rink to be brought to inside the proposed tavern.

The Planning Commission asked about hours of operation. The applicant is requesting an amendment to the previously approved hours of 7am-5pm. They now want to be open 7am-11pm.

Findings:

1. The business is a good use of a formerly dilapidated building.
2. The business is compatible with the neighborhood.
3. There will be no outdoor music.
4. The conditions from the existing SUP will carry forward and become part of the amended SUP.

A motion to approve the amended SUP as submitted was proposed by Member Ott, seconded by Member Oar, and unanimously approved.

Old Business:

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

A motion was made by Member Ott to adjourn the meeting at 9:04 PM, seconded by Member Hintz and unanimously carried.

Respectfully submitted,

Crystal Barrett
Deputy Clerk