

EAST AURORA PLANNING COMMISSION  
REGULAR MEETING  
December 5, 2023

PRESENT:

Randy West-Chair  
Dale Morris-Vice Chair  
Stacy Oar  
Geoff Hintz  
Dave Simeone

ABSENT:

Dan Castle  
Allen Ott Jr

ALSO PRESENT:

Chris Trapp, Counsel  
Rich Miga, Code Enforcement Officer  
Grace Viger, Liaison  
Crystal Barrett, Deputy Clerk  
Joshua Best, RA, Fiboo Properties  
Peter Sorgi & Randy Bebout representing McDonald's USA, LLC

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

Member Morris motioned to approve the November 14th meeting minutes, seconded by Member Simeone and approved unanimously with Member Hintz abstaining.

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**Multi-Family Dwelling Group - 49 Knox**  
**1. Special Use Permit 2. Site Plan Approval**  
**Joshua Best, RA, representing Fiboo Properties**

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Member West opened the discussion for 49 Knox to construct a multi-family dwelling on the recently-rezoned parcel at 49 Knox Road. Member West noted that the project is applying for two approvals: a Special Use Permit for the multi-family use in the GR district, and a Site Plan Approval for the proposed building. Member West suggested that PC consider the two applications separately.

## 1. SPECIAL USE PERMIT

The PC reviewed the previous approval from the September meeting regarding the rezoning from SFR to GR. The multi-family dwelling will consist of four apartments, totaling approximately 5,400 square feet of space. Three apartments will each have 2 Bedrooms with 2.5 Baths and one apartment that will have 3 Bedrooms and 3 Baths. The multi-family dwelling will maintain 10 parking spaces.

The project will incorporate much of the existing CMU block structure (Concrete Masonry Unit (CMU) walls are standard size rectangular blocks used in building construction). Two existing wood framed additions to the CMU structure have been deemed unsafe by the building department and will be demolished, reducing the overall multi-family dwelling footprint by 1,500 square feet. A second floor will be added to the CMU block structure.

The applicant acknowledged that parking for the multi-family dwelling exists on two adjacent parcels, 19 and 25 Grey Street, also owned by Fiboo Properties. Fiboo Properties will establish permanent parking easements on those properties. Access to the multi-family dwelling parking will be from Grey Street via 19 Grey St. There will be no multi-family dwelling access via Knox Road.

The applicant noted that the neighbors had been notified of the general outlines of the project during the rezoning process and had not raised any objections at that time. (The Code Enforcement Officer present at the meeting had not been part of that process and so was unable to confirm this.)

The applicant stated that the apartments will be leased at market rate and not for short-term rentals.

### Findings:

1. The project will function well as a transition between commercial and residential uses.
2. The project will add needed housing diversity to the Village. It adds density rentals in the Village without changing existing Village density.
3. The applicant states that it canvassed the surrounding neighbors during the rezoning process and has stated that no objections were raised.
4. The applicant has committed to establishing a permanent, irrevocable easement for the existing 10 parking spaces that exist on 19 Grey Street and 25 Grey Street properties.
5. The applicant has stated the project will not include short-term rentals.

A motion to approve the proposed Special Use Permit to operate a multi-family dwelling at 49 Knox Road was made by Member Oar. The motion was seconded by Member Hintz and unanimously carried.

## 2. SITE PLAN

The PC reviewed the drawings submitted for the Site Plan Approval.

The applicant stated:

1. The existing blacktop area on the 25 Grey Street property has adequate room for snow storage.
2. No lawn maintenance equipment will be stored at the site. Site maintenance will be contracted.
3. A dumpster for the multi-family dwelling, not shown on the submitted plans, will be located behind the existing structure on 25 Grey St.

The PC noted that no utility or drainage plans were provided with the application. The applicant stated that the civil engineer will have a plan created, adding that drainage from the property will follow existing patterns (i.e., will be collected on site and conveyed to the existing storm sewer along Grey St.), and that runoff will be reduced due to the decreased building footprint and increased green space.

The PC questioned whether screening such as a fence should be included in the plan to reduce the impact of to the existing adjacent residences. The applicant agreed to provide fencing if required, but felt that the proposed plantings would adequately screen the project from the adjacent properties, and that a fence might detract from the look of the project.

The PC asked if a pitched roof would be more in keeping with the character of the existing buildings in the area. The applicant responded that a flat roof would allow greater floor space for a given building height and will also create less shadow on adjacent properties.

The PC reviewed the trees to be removed during construction and requested that new trees planted be native species. The applicant confirmed that they will adhere to the planting plan (i.e., in number and size of the trees) shown symbolically on the plans.

The PC recommended that the applicant consider installing electric vehicle charging stations in the parking area during the construction process as it would be less expensive than doing so later. The applicant said that it would bring that suggestion to Fiboo Properties for their consideration.

### Findings and Conditions:

1. The proposed project includes a pleasing level of architectural detail.
2. The project increases green space over existing conditions.
3. The project will reuse existing foundation and building components and is a good example of adaptive reuse and renovation of a former industrial structure.

4. The waste storage for the multi-family dwelling will be screened from the street behind the existing building at 25 Grey Street.
5. The project will conform to the planting plan shown symbolically on the submitted drawing package. The project will remove only the trees necessary for the construction.
6. Stormwater runoff will be collected on site and conveyed to the existing storm sewers on Grey Street in a manner similar to the existing system.
7. A permanent parking easement will be established for the project on the 19 and 25 Grey Street properties. Adequate snow storage will be provided in that area.
8. The applicant will include fencing in the project if so required by the Village Board after the public hearing.

A motion to approve the Site Plan as conditioned above was made by Member Morris. The motion was seconded by Member Hintz and unanimously approved.

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### **Drive-Through Reconfiguration – 11 Ernst Place & 0 Grey Street**

#### **1. Amended Special Use Permit 2. Site Plan Approval**

**Peter Sorgi & Randy Bebout representing McDonald's USA, LLC**

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Member West opened the discussion, and noting the significant overlap of the two applications, recommended that they be considered simultaneously.

The applicants gave a brief project presentation; a second lane addition to the drive-through. The project objective is to reduce vehicular parking lot congestion. This project will cause the elimination of one parking spot.

The project intends for no drive-through access from Grey Street. Signage and site layout will guide vehicles entering from Grey Street to only in-store activities. The current application includes a sign at the Grey Street entrance to direct vehicles to "Ernst Place." The PC noted that the new layout will confuse customers used to the old layout and that "Ernst Place" is generally not a known descriptor. The PC stated that the sign should be modified to direct cars to the "entrance off the traffic circle," or similar.

The PC confirmed with the applicant that there will be two drive-through lanes but only one lane to pick up the order. The applicant stated that the ordering vehicles will merge after placing their orders. This design is successful at other McDonald locations.

The PC questioned that there may be additional noise from the extra menu lane. The applicant responded that the order taking speakers are designed to automatically adjust their volume levels for background noise, so that they will be quieter during evening hours.

Findings:

1. This project attempts to improve a difficult traffic pattern. The PC anticipates there will be a learning curve with the new traffic pattern, but that in the long run the new pattern will be an improvement.
2. Applicant will utilize a drive-through ordering speaker system that automatically reduces speaker volume in response to background noise levels (and so would be expected to be quieter in the evening hours).

Conditions:

1. The applicant will provide simplified, clearly worded site signage at the Grey Street entrance that directs customers to the Circle entrance for the drive-through lanes.

A motion to approve the SUP and the Site Plan as conditioned above for 11 Ernst and 0 Grey Street for the drive-through reconfiguration was made by Member Simeone. The motion was seconded by Member Hintz and unanimously approved.

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### **Old Business / Member Comments**

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**ADU Code Review** - Member West reviewed the information on the definition of “family” that was discussed at the November PC meeting for use in recommendations for possible modifications to the Village ADU code. Attorney Trapp offered to put something together and email it to the PC. Member West, commented that he will distribute to the rest of the PC the information previously provided to him by Attorney Trapp.

**Member Considerations** - Member Hintz recommended that the PC hold regular, perhaps quarterly meetings separate from the regular scheduled monthly meetings, in order to discuss items of general concern to the PC and the Village. Member West stated that he would try to set one up. Member Hintz recommended February for this to be scheduled.

Member West gave a summary of the Capital Planning Committee, of which he is a member, and asked other members of the PC to give thought to capital expenditures that might benefit the Village.

A motion was made by Member Morris to adjourn the meeting at 8:48 PM, seconded by Member Hintz and unanimously carried.

Respectfully submitted,

Crystal Barrett  
EA Village Deputy Clerk