

EAST AURORA PLANNING COMMISSION

REGULAR MEETING

February 6, 2024

PRESENT:

Dale Morris – Vice-Chair
Daniel Castle – Member
Allen A. Ott. Jr. – Member
Geoffrey Hintz – Member
Stacy Oar – Member
Dave Simeone – Member
Debbie Izatt- Alternat

Absent:

Randy West – Chair

ALSO PRESENT:

Chris Trapp, Counsel
Rich Miga, Code Enforcement Officer
Grace Viger, Liaison
Christine Cappola
Melanie Walker, Deputy Clerk
9 members of the Public

Member Morris, noting that a quorum was present, called the meeting to order at 7:02 p.m.

Member Castle motioned to approve the December 5th meeting minutes, seconded by Member Hintz, and approved unanimously.

**Highwire – Retail Cannabis Dispensary Special Use Permit (SUP)
658 Main Street**

Erik Kennedy, proprietor

Member Morris initiated the discussion regarding 658 Main Street for a SUP. Applicant Kennedy shared insights about Highwire, its operation of stores in Michigan, and the two-year search for a new location near East Aurora, expressing admiration for East Aurora's quaint and swanky atmosphere. His vision involves a retail shop that compliments the Village's aesthetics while aligning with the dispensary's purpose. However, the lack of a license from New York State poses a challenge, as the State requires a location before issuing a license, and the Village mandates a license before granting a permit. It was pointed out by Mr. Trapp that Mr. Kennedy can seek approval for the location contingent on State approval of a dispensary license.

The EAPC has requested Mr. Kennedy to reappear before the commission providing site renderings, additional facade details, comprehensive security measures, and information on outdoor signage, lighting, and cameras.

CONDITIONS:

1. Mr. Kennedy will engage in discussions with the EA Police to seek their input on the project.
2. Approval of the SUP will be contingent upon obtaining a New York State retail cannabis dispensary license.

FINDINGS:

1. No business parking requirements are applicable for the 658 Main Street location considering its proximity to the Village parking lot.
2. The proposed location meets the distance requirements stipulated in the Village Code 285.31.12b

3. There will be no onsite consumption and no odors will be produced.
4. Mr. Kennedy is expected to return to the EAPC with project-specific details, including site renderings, store façade, signage, and security measures encompassing lighting and cameras.

A motion to table this project until the March 5, 2024, EAPC meeting was initiated by Member Castle, seconded by Member Hintz, and unanimously approved.

Left Coast Taco Catering and Prep Kitchen – SUP
603 Oakwood Avenue
Nathan & Chelsea Root, proprietors

Member Morris initiated discussion for 603 Oakwood Avenue regarding a SUP. Mr. Root explained that his restaurant, located at 54 Elm Street, is constrained for food preparation and catering. He has resolved that by utilizing their old location at 603 Oakwood Avenue for these purposes. The Oakwood location has a newly updated kitchen that is intended for catering, prep work, and storage purposes.

Findings:

1. The proposed use aligns with the former use of this location.
2. No significant changes are anticipated for the building.
3. The proposed use contributes to the overall viability of the business.

Conditions:

1. Food trucks are not to be parked in the plaza parking lot.
2. The 603 Oakwood Avenue location will not host music venues nor seating for food consumption.

Member Castle motioned to approve the SUP for 603 Oakwood Avenue as proposed, seconded by Member Hintz, and unanimously approved.

Misters Restaurant- Amended SUP
206 Main Street
John Becker, Owner

Member Morris initiated the discussion regarding 206 Main Street, addressing the concerns about an outdoor smoker exhaust affecting the adjacent residential neighborhood. Mr. Becker is seeking an amendment to his current SUP issued in 2019 for outdoor music to include the ability to smoke meat outdoors next to his building.

Mr. Becker, operating Misters at 206 Main Street, has been using a meat smoker for four years, a crucial aspect of his business. Initially, the smoker was located on the building's east side, causing issues for Citizen's Bank at 212 Main Street. The problem was resolved by moving the smoker to the north side of the building. However, with the prevailing wind direction being to the Northeast, the smoker exhaust now impacts adjacent residential properties.

During discussions between Mr. Becker and the EAPC, it was discovered that Mr. Becker owns property at 37 Hamburg Street, approximately 1,000 feet from Misters. Further deliberations with interested citizens and the EAPC led to the decision to attempt smoking meats at Mr. Becker's Hamburg Place location to prevent exhaust fumes from entering the residential neighborhood. Mr. Becker will modify his amended SUP application to relocate the smoking operation to the new location.

Findings:

1. The hours of operation for the smoking meats vary based on anticipated product demand at Misters.
2. Smoked meat items on the menu significantly contribute to the restaurant's revenue.

3. Investing in an exhaust suppression system can pose a substantial burden for a small business. Smoking meat indoors would similarly result in high expenses for alterations to the kitchen at Misters.
4. Residential concerns primarily revolve around exhaust particulates from burning wood, with a secondary concern about odor.

Conditions:

1. The outdoor smoking operation will operate at most from 7am to 10pm and relocate to Mr. Becker's 37 Hamburg Street property in the Village.
2. It is recommended that this Amended SUP be approved for a 6-month period to assess the acceptability of the new smoker location to the applicant and the surrounding neighborhood.

A motion to approve the Amended SUP as conditioned above for 206 Main Street was proposed by Member Ott, seconded by Member Castle, and unanimously approved.

Old Business:

ADU – The discussion on this topic was postponed to the March 6th meeting, with anticipation of Chairman West's attendance and the possibility of having a separate work session. The goal is to revisit the information presented at the November PC meeting and define the description of ADU without causing any negative impacts. Attorney Trapp offered to draft a proposal and will email it to Member West, who will then share the first draft that he received from Attorney Trapp.

Member Consideration:

Member Simeone reported attending the Village Board Meeting, where Airbnb code violations were discussed. Trustee Viger provided insights, mentioning that the Village has identified operators of Airbnb's and sent out notices. It was noted that more discussions on this matter will take place in future meetings.

A motion to adjourn the meeting at 8:40 PM was made by Member Castle, seconded by Member Oar, and unanimously approved.

Respectfully submitted,
Melanie Walker
Deputy Clerk