

EAST AURORA PLANNING COMMISSION

REGULAR MEETING

March 6th 2024

PRESENT:

Randy West – Chair
Dale Morris – Vice-Chair
Daniel Castle – Member
Geoffrey Hintz – Member
Stacy Oar – Member
Dave Simeone – Member
Debbie Izatt- Alternate

ABSENT:

Allen A. Ott. Jr. – Member

ALSO PRESENT:

Chris Trapp, Village Attorney
Joe Trapp, Counsel
Rich Miga, Code Enforcement Officer
Grace Viger, Liaison
Melanie Walker, Deputy Clerk
7 members of the Public

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

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

Aurora Sweets – Special Use Permit (SUP)

718 Main Street

Nolan Thompson and Garber Sharian, Owners

Chair West initiated the discussion of the application for an SUP to operate a new shop featuring bubble tea, crepes, bubble waffles, and ice cream. The applicants stated the layout and hours of business will not change significantly from the previous usage, including 2-3 outside tables but no outside music or service. In addition to the current evaluation, the PC determined that the findings for the previous use (for Kandi Cane’s Soda Shoppe, issued June 6, 2023) were applicable to the proposed use.

Findings:

1. The proposed use is similar to the former use of this location.
2. No significant changes are proposed for the building.
3. Consistent with other retail establishments on Main St.
4. Will not hamper or interfere with sidewalk traffic.
5. No outside music/exterior sound is proposed.
6. Will not negatively impact adjacent businesses.
7. Will enhance street scape.

A motion to approve the SUP as submitted for 718 Main Street was proposed by Member Castle, seconded by Member Simeone, and unanimously approved.

Highwire – Retail Cannabis Dispensary Special Use Permit (SUP)

658 Main Street

Erik Kennedy, Proprietor

Chair West re-opened the discussion, tabled from the previous meeting, of the request for an SUP to operate a cannabis dispensary at 658 Main Street. The Planning Commission (PC) reviewed the additional information provided since the last meeting, including site renderings, façade details, outdoor signage, lighting and security cameras and other security measures, and found it adequate. The applicant has scheduled a meeting with the EA Police on March 6, 2024, to review his business and inform them of plans for site security and learn of any concerns the police may have.

Findings for the Proposed Business:

1. No parking requirements are applicable due to the proximity of the Village parking lot.
2. Hours of operation are consistent with those of nearby businesses.
3. Signage adheres to the Village code.
4. The proposed business will improve the building facade.
5. There will be no onsite consumption and measures will be taken to ensure no odors are produced.
6. The site for this business is in a discrete location.

Conditions:

1. The applicant must meet with the EA Police to obtain their satisfaction that the store will have sufficient security measures employed.
2. Approval of this SUP is contingent upon obtaining a New York State retail cannabis dispensary license.

Following the discussion, a motion to approve the SUP, subject to the conditions above, was proposed by Member Castle, seconded by Member Hintz, and unanimously approved.

The Bar at Main and Hamlin – Site Plan Approval

198 Main Street

Andrew Miller, Proprietor

Chair West initiated discussion regarding the application for an amended site plan for the business located at 198 Main Street. The proposed amendment involves the construction of a roof over the existing outdoor seating area on the west side of the building. The applicant clarified that apart from the addition of the roof, no further changes to the previously approved outdoor seating are planned, thus negating the need for modifications to the existing SUP.

During discussion, it was brought to attention that the submitted drawing package was no longer accurate due to modifications to meet property line code construction requirements, and to maximize shelter area beneath the roof. Chair West emphasized the PC's requirement for an accurate drawing package, particularly detailing the roof's construction, appearance, and its position relative to the adjacent property lines.

In response to these considerations, Member Simeone motioned to table the site plan application until the April meeting. The motion was seconded by Member Morris, and unanimously approved.

Air BnB/Bed & Breakfast - Special Use Permit (SUP)

859 East Fillmore Avenue

Brooke & Matt Langworthy, Owner

Chair West initiated a discussion of a SUP to operate a Bed and Breakfast (AirBnB) in a single-family residential zone at 859 East Fillmore Avenue. During the discussion, Chair West reviewed the relevant Village code section 285-31.6 requirements.

The PC agreed that the application generally met these requirements, except for the provision that off-street parking should not be located in the front yard.

After deliberation, it was acknowledged that though the proposed parking is situated in the front yard, it has been in place for many years, as evidenced by 2019 Google Street view photos. Therefore, it was deemed that this parking arrangement does not represent a change proposed for the new use.

Findings for the Proposed Business:

1. The applicant is in generally in conformance with the Village code requirements for a Bed and Breakfast operation.
2. The business proposes no changes to the existing building or residential parking.
3. The applicant proposes one short-term rental unit in their home, accommodating a maximum of three guests.
4. The applicant will continue to be a full-time resident of the house.
5. The applicant does not plan to hire anyone for this business.

Conditions:

1. The Village Board shall agree with the PC's conclusion that the existing front yard parking space can be grandfathered into the SUP.

A motion to approve the SUP, subject to the specified conditions, was proposed by Member Castle, seconded by Member Oar, and unanimously approved.

Old Business:

1. The PC agreed to hold a general discussion session at 6:30 pm before the next Planning Committee Meeting on April 2, 2024. This session will need to be publicly noticed but will not cover any current business before the PC. The purpose of the meeting will be to discuss issues of general concern and facilitate common understanding between the members.
2. Chair West announced his resignation from the Village Capital Appropriations committee and is seeking a replacement from the PC. Member Simeone expressed tentative interest in the position. Chair West and Member Simeone agreed to confer outside of the meeting to discuss further details.

A motion to adjourn the meeting at 8:33 PM was made by Member Morris, seconded by Member Castle, and unanimously approved.

Respectfully submitted,
Melanie Walker
Deputy Clerk