

EAST AURORA PLANNING COMMISSION

REGULAR MEETING

Tuesday, February 4, 2025

PRESENT:

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

ABSENT:

Debbie Izatt- Alternate

ALSO PRESENT:

Chris Trapp, Village Attorney
Joe Trapp, Deputy Village Attorney
Rich Miga, Assistant Code Enforcement Officer
Melanie Walker, Deputy Clerk
4 members of the Public

Chair West, noting that there was a quorum, called the meeting to order at 7:00 p.m. The PC reviewed the minutes of the January 7th meeting. Chair West noted that an incorrect date was listed in the minutes. Member Castle motioned to approve the minutes as corrected, seconded by Member Ott, and unanimously approved.

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

59 Walnut Street

Ryan P. McCarthy, Esq agent for Devin and Abbigail Kelley, owners

A motion was made by Member Oar to reopen the discussion of this application, tabled from the previous meeting. The motion was seconded by Member Simeone and unanimously approved. The applicants' attorney described the application for a Special Use Permit (SUP) application for 59 Walnut Street, which is located in the Single-Family Residential (SFR) zoning district. The SUP application requests a Bed-and-Breakfast (BnB) Breakfast in a detached structure at an existing owner-occupied dwelling group (two residences on the same lot). The PC noted that the application had been amended in accordance with the comments the PC's comments from the previous meeting. Chair West asked if the applicant had anything additional for the discussion. The attorney mentioned the PC's recent recommendation to approve a BnB at 30 Walnut Street. The PC noted that the 30 Walnut St. application was for a complete unit, including separate kitchen, within the primary residence of the property, whereas the current application is for a complete unit, including kitchen, in a separate detached accessory structure on the applicants' property. The PC acknowledged receipt of advice from the Counsel. The counsel advised that the Village Code is clear that a BnB should be located in the owner-occupied residence of the property, which does not include a detached dwelling. The PC noted that the use of a detached accessory structure for short-term rental is inconsistent with the stated purposes of the SFR zone.

Findings:

1. The village code requires BnB's be part of a "owner occupied residence" which is the primary residence of property not a detached accessory structure.
2. The detached accessory structure on the applicant's property can be rented as an ADU in accordance with the current Village Code.

A Motion to accept the findings by Member Ott and seconded by Member Morris, with six approvals and one abstention by Member Castle.

Based upon the findings, as stated a motion to recommend the denial of the Special Use Permit application was proposed by Member Hintz, seconded by Member Oar, with five approvals and two abstentions by Member Simeone and Member Castle.

Starbucks - Amended Special Use Permit (SUP)

123 Grey Street

James Boglioli, Benderson Development

Chair West initiated a discussion of the application for an amended SUP for a Starbucks to fill the existing vacant space that adjoins Mighty Taco. The proposed café would have 60 interior seats and an outdoor patio for an additional 24 seats. (This is the last open space in the plaza, and the PC congratulated Benderson for now having a full plaza.) No drive-thru is proposed, and the hours of operation will be from 5am to 9pm, 7 days a week. Starbucks is not leaving Tops Markets, so there will be two Starbucks locations within the Grey St. Plaza.

Findings:

1. The proposed action is consistent with plaza and intended use of plaza.
2. The hours are consistent with those of the plaza and should not be detrimental to other users

A motion to accept the findings by Member Castle and seconded by Member Ott and unanimously approved.

Based upon the findings a motion to recommend the approval of the Special Use Permit was proposed by Member Ott, seconded by Member Simeone and unanimously approved.

Michaels/ HomeGoods – Site Plan Application

123 Grey Street

James Boglioli, Benderson Development

Chair West initiated a discussion with James Boglioli for three minor changes to the existing, approved Site Plan for the Grey Street plaza: 1) to install an emergency generator on the back side of the plaza to support the fire pump for the Michaels store (still under construction), 2) to construct a dumpster enclosure for the HomeGoods store (still under construction), and 3) to construct an approximately 825 sq. ft. exterior patio within the existing concrete sidewalks on the north side of the outbuilding where the proposed Starbucks will be located. The existing patio at the Starbuck's location will not be altered in shape or size, but will get new paving, a covered patio and brick cladding to match the adjacent plaza building.

Starbucks: The PC asked about the parking spaces in front and was told that they are keeping the five parking spaces in front and not encroaching to drive thru. The PC asked about clarifying that the drive thru is for Mighty Taco only. Mr. Boglioli stated that the drive-thru is currently signed specifically for Mighty Taco, but that the signage would be amended if necessary to avoid confusion. The PC asked about the provisions for bicycle racks. Mr. Boglioli stated that bicycle racks would be provided. The PC asked about snow removal and was told that based on their experience this winter, Benderson anticipated no difficulties. The PC sought clarification among several conflicting renderings of the proposed landscaping. Mr. Boglioli stated that the color rendering was only to demonstrate the general intent, but that drawing C7.0 showed the proposed landscaping accurately. The PC asked about exterior lighting and was told there was no change, only canopy lighting.

HomeGoods Dumpster: The dumpster enclosure for HomeGoods will be located behind the building so that there is something closer to the store. Mr. Boglioli stated that the enclosure will not reduce the driver's isle width there.

Michael's generator: A small backup generator is required for Michael's. There is not enough water pressure to run the sprinkler system, so they are required to have a pump. Because they have a pump, they are required to have an emergency backup generator. It will be "exercised" for 5 minutes once a week, in the middle of the day, the only other time it will run is if there is a fire and the power is out. A noise study was included in the application, showing that the community should not be affected.

Findings:

1. Snow storage has been adequate and will have no impact.
2. Landscaping will be as shown on provided drawing C 7.0.
3. PC is not addressing signage on this application.
4. HomeGoods dumpster there is no problem with the new point source discharge to the top of the bank from proposed drainage inlet.
5. The application updates behind the plaza have no effect on the driver's isle width.
6. Michael's emergency generator is necessary modification to conform to code for power during emergencies, operated 5 minutes once week during the middle of the day.

Condition:

1. The applicant has committed to installing a bike rack at the proposed Starbucks location.
2. Add a sign if necessary to clarify the drive through is for Mighty Taco and not for Starbucks.

A motion to accept the findings and the conditions was proposed by Member Simeone, seconded by Member Ott and unanimously approved.

Based upon the findings with conditions a motion to recommend the approval of the Site Plan application was proposed by Member Ott, seconded by Member Oar and unanimously approved.

Member considerations:

Member Oar – none

Member Simeone – none

Member Castle – none

Member Hintz – none

Member Morris – expressed concerns about ADUs. They are long term rentals, but people are going to want to convert them to short term rentals. Chair West said that he is glad to hear there is movement on this with the Village Board. Regulatorily it is not consistent, Member Morris said we have to do something about this sooner than later. Chair West asked Chris Trapp as to what the schedule might be. He could not speak of when the Village Board will start on that, but they have given him instructions to start on his end so possibly hear something by April. The Town has revised their short-term rental terminology and in the process of working on their comprehensive plan.

Chair West – noted that the previous week he and Member Ott had met as part of a Village focus group to provide input to the Town for the development of their Master Plan. With Members West and Ott, the focus group comprised Mayor Mercurio, Village Administrator Shane Kreager, and Village Board member Kristen Cameron and Grace Viger. After their initial session, the focus group met with Labella (the Town’s consultant) and Town Councilman Ray Wrazen. The focus group stated that it was their goal that the Village remain the commercial and cultural center of the Town. They encouraged “gentle density” in the Town outside the Village (increases outside of the Village that achieve the objectives of the Town and Village while not overwhelming the existing Village infrastructure), continue to add housing alternatives and keeping the character of the Town and Village. There is the first public meeting, February 26th at the High School, everyone is encouraged to show up. Additional information is available right on the Town of Aurora website.

A motion to adjourn the meeting at 8:19PM was made by Member Hintz, seconded by Member Castle, and unanimously approved.

Respectfully submitted,

Melanie Walker

Deputy Clerk