

**EAST AURORA PLANNING COMMISSION
REGULAR MEETING**

Tuesday, March 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
Debbie Izatt- Alternate

ABSENT: None

ALSO PRESENT:

Chris Trapp, Village Attorney
Joe Trapp, Deputy Village Attorney
Rich Miga, Assistant Code Enforcement Officer
Melanie Walker, Deputy Clerk
Grace Viger, Liaison
9 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 February 4th meeting. Member Castle motioned to approve the minutes, seconded by Member Hintz, and unanimously approved.

**East Leaf Dispensary - Special Use Permit (SUP)
203 Main Street
Gina and Glen Miller, owners**

Chair West initiated a discussion on a Special Use Permit (SUP) for the operation of East Leaf Dispensary. Mr. Miller presented the application, which proposes a NYS-licensed cannabis dispensary in the Village Center (VC) zoning district.

The applicants shared their experience operating a retail dispensary in Cheektowaga for the past 10 months. They plan to use signage similar to the Cheektowaga dispensary, without the internal lighting to comply with East Aurora code. Chair West inquired about security measures, noting that none were outlined in the application. In response, Ms Miller provided insight into the Office of Cannabis Management (OCM) security regulations, which require cameras at all exits and entrances, clear surveillance in storage areas, and cameras at every register. Additionally, dispensaries must have panic buttons at registers and employ security personnel during events.

The applicants confirmed they had recently finalized an agreement with the landlord and anticipated opening in September. However, the dispensary cannot open until it passes an inspection by NYS. They also noted that East Leaf Dispensary now has Proximity Protection on the map, which was not included at the time of their initial application submission.

Member Morris recommended that the applicants discuss their proposal with the East Aurora Police Department.

Attorney Chris Trapp addressed product delivery, asking if it would be offered. The applicants stated they would like to provide delivery services if permitted, but that the current application includes no request for this. Member Oar inquired whether their Cheektowaga location currently offers delivery, to which the applicants responded that they are close to obtaining approval.

Member Simeone expressed concerns about the dispensary's location, citing the area's reputation for partying. In response, Member Hintz suggested that an alternative solution could be restricting the hours of operation. Currently, the dispensary is proposed to be open seven days a week from 10 a.m. to 10 p.m.

Findings:

1. The proposed location of East Leaf Dispensary complies with the Village Code and the requirements of State Office of Cannabis Management.
2. The dispensary will operate solely as a retail establishment, with no on-site consumption permitted.
3. No delivery of product proposed.
4. No substantial modifications to the exterior of the building are planned.
5. No signage was included with the SUP application, therefore PC has no position on signage.
6. The East Aurora Village Code prohibits two cannabis retail dispensaries from being located within 500 feet of each other.
7. As an advisory body, the PC is responsible for reviewing whether the facility's plans comply with building and related requirements under the Code.
8. The PC does not take a position on the issuance of final permits or approvals for the dispensary's location, as the authority rests solely with the Village Board of Trustees.

Attorney Joe Trapp noted for the record that the Village Board is currently engaged in a lengthy, multi-month review of potential broad, standardized conditions for SUPs, including the possible addition of a sunset clause. He advised that if the PC had any further comments for the record on this application, they could provide them at this time.

Condition:

1. The applicant must meet with the East Aurora Police Department before submitting application to the Village Board.

Based upon the findings and condition a motion Member Castle proposed a motion to recommend SUP approval, which was seconded by Member Oar. The motion passed with six approvals and one opposition from Member Simeone.

Jersey Mike's - Special Use Permit (SUP)
160-190 Main Street
James Boglioli, Benderson Development

Chair West opened a discussion with James Boglioli regarding a SUP for Jersey Mike's Sub Shop at 160-190 Main Street in the Shoppes at Aurora Circle Plaza. The restaurant will have 12 interior seats and operate daily from 10am to 10pm, with peak hours expected at lunchtime.

The applicant stated that the shop will occupy vacant space. Deliveries to the store will be made to the front door, while the back door will be used for garbage disposal. Given concerns about high traffic, especially during lunch hours, Chair West inquired about parking and handicap spaces allocation.

Findings:

1. The proposed use aligns with plaza's intended purpose.
2. The Shoppes at Aurora Circle Plaza exceed the parking requirements
3. No signage was included in the application, therefore PC take no position on signage.

Attorney Joe Trapp noted for the record that the Village Board is conducting a multi-month review of standardized conditions for SUPs, including a potential sunset clause. He invited the PC to provide additional comments for the record.

Member Simeone moved to recommend the approval of the SUP as submitted, seconded by Member Ott. The motion was unanimously approved.

Blue Eyed Baker - Special Use Permit (SUP)
636 East Fillmore Avenue
Alex and Nick Robinson, owners

Chair West led a discussion with Alex and Nick Robinson, owners for the Blue-Eyed Baker, regarding a SUP to allow painted wall signs on the East Fillmore Avenue and Riley Street facades. The applicants emphasized the importance of the building's esthetics and, after careful consideration, determined that a painted mural or sign best aligns with the Blue-Eyed Baker brand and compliments the facade.

Chair West asked Code Enforcement Officer (CEO), Rich Miga, about signage regulations. CEO Miga clarified that while the sign itself does not require a variance, its components necessitate a SUP. Member Hintz stated that Village Code allows signage to cover up to 10% of the facade's surface area, and the applicants confirmed their sign will be only 6%.

Attorney Joe Trapp advised the applicant, the PC, and the public that the Village Board is engaged in a multi-month review of standardized conditions for SUPs, including a potential sunset clause. He invited the PC to provide any additional comments on this application.

Findings:

1. The proposed signage is visually appealing and enhances the building's facades.
2. The SUP application aligns with the Village of East Aurora Commercial Design Guidelines for signage.

Member Hintz moved to accept the findings without conditions, seconded by Member Ott and unanimously approved.

Auxiliary Dwelling Units (ADU) – Draft Code Changes Discussion

On February 25, 2025, Attorney Chris Trapp emailed a draft of proposed changes to the Village ADU code, noting that while the document contains many discussion points, it should serve as a starting point. He emphasized the need for a proactive approach to updating the Village Code. Member Castle emphasized that the code be developed to be flexible.

Attorney Joe Trapp recommended incorporating penalties, such as fines, to give Code Enforcement Officers (CEOs) the necessary tools to enforce the code. He also suggested creating a registry to track Village ADU permits.

Chair West led the discussion on the proposed changes to ADU code.

A. Purpose of Regulating ADUs

Chair West asked the Planning Commission (PC) to consider potential conflicts between the stated purposes of ADUs and those of the Single-Family Residential (SFR) zoning district. Members Castle and Oar inquired whether any issues had arisen under the current ADU code. CEO Miga confirmed there had been none.

B. Parcel Restrictions

Item 1: The draft proposed limiting ADUs to one bedroom. Discussion ensued about allowing two bedrooms, but no consensus was reached.

Item 4: Member Simeone opposed the restriction prohibiting new construction outside the footprint of an existing structure. Member Hintz expressed concerns that people might find ways around this rule.

C. Owner-Occupancy Requirements

Item 5: Member Simeone opposed the requirement that ADUs be occupied only by persons related by blood or marriage to the primary household or by a single employee. Member Hintz felt this restriction would not improve the Village's housing stock.

D. Additional Regulations

No notable discussion occurred regarding this section.

In conclusion, Chair West recommended that the PC continue reviewing the document and develop recommendations for the April 15th work session, including defining "family." The primary concern remains that ADUs could drive up property values, contradicting the intent of SFR zoning.

Member Considerations:

Chair West – Any changes to name plaque send to Deputy Clerk.

Member Oar – none

Member Simeone – none

Member Castle – none

Member Hintz – none

Member Morris –none

A motion to adjourn the meeting at 8:55PM was made by Member Ott, seconded by Member Simeone, and unanimously approved.

Respectfully submitted,

Melanie Walker
Deputy Clerk