

EAST AURORA PLANNING COMMISSION

REGULAR MEETING

Tuesday, May 6, 2025

PRESENT:

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

ABSENT:

ALSO PRESENT:

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

Chair West, noting that there was a quorum and called the meeting to order at 7:00 p.m. The PC reviewed the minutes of the May 6th meeting. Member Morris motioned to approve the minutes, seconded by Member Ott, five members approving with Chair West and Member Oar absenting as they were not in attendance.

Special Use Permit

77 Knox Road

Christopher Sterlace, owner

Chair West initiated a discussion with Christopher Sterlace at 77 Knox Road about the Special Use Permit to operate a BnB in an existing non-conforming owner-occupied two-family dwelling. The applicant said the space is a small unit with 2 bedrooms with a kitchenette he would like to use as an Air BnB. Member Morris said it is going against what we are trying to do with housing in the Village. Here we have a long-term rental and convert it to a short-term rental. Member Castle said it is eliminating an opportunity for a family to live here full-time.

Findings:

Consistent with the intent of the code with no additional impact on the neighbors.

The recommendation would be consistent with the approval of 30 Walnut Street in December of 2024.

Attorney Joe Trapp spoke of the conditions of ownership, which runs with the person. If there is an ownership change, the new owner would have to apply.

Based upon the findings a motion by Member Castle proposed a motion to recommend the Site Plan approval, which was seconded by Member Oar and unanimously approved.

General Riley House – Special Use Permit

644 Oakwood Avenue

Anthony Day, owner

Chair West initiated a discussion with Tony and Renee Day of the Special Use Permit to continue to operate as a speakeasy with light food, outdoor seating, and occasional outdoor music. The applicants are excited to build upon the community and to continue the tradition. The building has been completely redone and they look forward to continuing the connection and conversation that has been happening in the Elm Street Corridor. Applicants will continue the existing operation with no large change. There are 19 parking spaces and additional Elm Street parking when they are closed.

Findings:

New owners with the continuation of existing business
Coordinate parking with other businesses as previously.

Based upon the findings a motion by Member Morris proposed a motion to recommend the Special Use Permit approval as submitted, which was seconded by Member Simeone and unanimously approved.

Site Plan Application
425-433 Prospect Avenue
Chris Contento, owner

Chair West initiated a discussion of the Site Plan Application to add a balcony to a third-floor apartment over an existing bump out on the second floor at 425-433 Prospect Avenue. The applicant spoke about the improvements that were made. Working on the step up and to update the appeal of the property the applicant added a sitting porch with a table and two chairs.

Findings:

The proposed amendment adds to appeal to the house and makes rental more interesting and desirable
No significant modification to façade of the building.

Based upon the findings a motion by Member Simone proposed a motion to recommend the Site Plan approval as submitted, which was seconded by Member Ott and unanimously approved.

Left Coast Taco - Amended Site Plan
54 Elm Street
Nathan and Chelsea Root

Chair West initiated a discussion of the amended Site Plan Application, for the reconfiguration of the patio and parking lot then permanently installed a patio at the front of the building. Chair West mentioned that there is a modification to the agenda, and the shipping container arcade business is not being reviewed at this time. Code Enforcement said aspects for the storage container and allotted use are not what the permit allows. The Village code does not permit indoor gaming uses in new builds and has to be in the interior, not exterior buildings. The applicants, Nathan & Chelsea Root came forward to discuss the parking, exterior patio, and vegetation proposal. The applicants received a Grant from Erie County, so Member Castle excused himself for transparency in working for the County. The applicants explained the improvements to the space reconfiguration by repaving the parking lot and a patio of stone pavers with curb stops. They will be increasing exterior seating and retaining 19 spots while adding additional trees and vegetation to the outside space.

Findings:

Improvement to existing business aesthetics and business operation
Consistent with the neighborhood of the Elm Street Business Corridor
Condition:

The installation of curb stops between the parking and walkway patio seating area
Bike racks to be installed

Based upon the findings and the conditions a motion by Member Ott to recommend the Amended Site Plan approval as submitted, which was seconded by Member Morris, and approved with one abstention from Member Castle.

East Aurora Forest Company - Special Use Permit
Vacant land on Warren Drive
Hiram Rhoads

Chair West initiated a discussion of the Special Use Permit for an accessory building on an Open Space (OS) zoned lot. Jakie Rhoads spoke of the project that is Zoned Open Space. The applicant would like to have a 24' x 16' accessory building placed on the (OS) property for additional storage used for normal upkeep and overflow of the kids stuff. The applicant was asked how the accessory building would be placed, and it was said they want to place it on a concrete slab because the area is so wet. The location for the accessory building is so they do not have to cut down any trees Member Simeone asked when they purchased the property, and it was said September/October of 2021. Most of the property is unbuildable, it is Federally Protected Wetlands. The applicant bought the property with the intent to keep it natural and the way it is. Chair West said in addition to the property being Federally Protected Wetlands, it is also State Protected which includes a 100' buffer zone. Member Hintz read a correspondence from the CEO

the applicant may be in the 100' buffer zone to the Wetlands and may have to submit for a Jurisdictional Determination prior to the Village Boards decision on the Special Use Permit. Since the area of placement has been maintained as yard space for at least 30 years, the DEC will be the deciding entity. Member Simeone asked about what the variance for the Zoning Board of Appeals is for Open Space must be set 50' from any property line.

Intent of tabling:

- Applicants must obtain all necessary permits before any construction
- Delineation from the DEC
- Evaluate stone foundation to concrete foundation
- Reverify the possibility of locating the accessory building to your property
- Code Enforcement to provide comments on appropriateness from their viewpoint
- ZBA approved area variance

Based upon the intent of tabling a motion by Member Simeone proposed to table the Special Use Permit approval, which was seconded by Member Hintz, and unanimously approved.

Member considerations:

Member Simeone – none

Member Ott - none

Member Hintz – Elm Street Business Corridor reconfiguration – rezoning

Member Castle – Formalizing safe bike passage

Chair West – A work session to be held June 17th at 6:30 pm for Elm Street Business Corridor discussion. A separate ADU sub-committee (Chair West, Member Hintz, and Member Oar) was formed and will send recommendations to the Village Board.

Member Hintz asked them to come in prepared for the discussion.

A motion to adjourn the meeting at 8:39 p.m. was made by Member Ott, seconded by Member Castle, and unanimously approved.

Respectfully submitted

Melanie Walker

Deputy Clerk