

MINUTES OF A MEETING AS HELD BY THE
TOWN OF AURORA PLANNING & CONSERVATION BOARD

June 4th, 2025

Members Present: Tim Stroth, Acting Chairman
Laurie Kutina
Angela Griffis
Chris Contento

Alternate Member: William Heidt
Ben Garvey

Absent/ Excused: Norm Merriman
Chelsea Root

Also Present: Liz Cassidy, Code Enforcement Officer
Paul Ernst, ZBA Chairman
Rod Simeone, ZBA member
Danielle Johnson, Crafted Concept Architecture
Phil Gusmano, Crafted Concept Architecture
Joseph Quinn, public attendee

Acting Chairman, Tim Stroth presided over the meeting which began at 7:03 p.m. at the Town Hall, 575 Oakwood Avenue, East Aurora, NY. He led the recitation of the Pledge of Allegiance to the Flag.

Acting Chairman, Tim Stroth states that all members present at tonight's meeting are voting members.

Acting Chairman, Tim Stroth asks for a motion to approve the minutes as amended from May 7th, 2025

Angela Griffis makes a motion to approve the minutes as amended for May 7th, 2025

Seconded by Tim Stroth

Upon a vote being taken:

Ayes-6

Noes-0

ADMINISTRATIVE BUSINESS:

- a. South Town Working Group update:

Acting Chairman, Tim Stroth states there has not been a recent meeting for the South Town Working Group

b. Comprehensive Plan update:

Angela Griffis states the Comprehensive Plan Steering Committee met a few weeks ago. The focus of the discussion was on future land use, hamlet mixed use centers, village corridor residential, rural residential, corridor commercial industrial innovation zones, open space and recreation waterway and wetland conservation corridors, and agri-residential. We looked at various maps to determine where we may see growth areas within the Town of Aurora. This also included areas for conservation. We've had about sixty-three pages of documentation on our community profile that we are reviewing and providing recommended changes. The next community outreach session is expected to occur mid-July. We are still on track to have an adopted plan by October.

OLD BUSINESS:

- a. Referral from the Town Board for a recommendation for a SUP to operate a BNB at 1756 Hubbard Rd., by Leah Foss

Acting Chairman, Tim Stroth reiterates at the previous meeting, members felt there was a lack of clarity regarding the living areas, sleeping arrangements, and numbers.

Leah Foss states the egress windows have been installed. Her plans have been resubmitted to give more clarity regarding room areas, doorways, and exterior lighting.

William Heidt states at the last meeting there was an indication of an apartment on the front of the previous drawing. On the updated version it is labeled as "My private room", as one of the five bedrooms. He would like clarification if this room is actually the apartment.

Leah Foss identifies the front space is her temporary living area. The actual apartment is not shown on the drawing, but runs along the side of the building creating a side by side, duplex. However, at the present time, it is not quite ready to be lived in. Her intentions are to eventually move into that apartment.

William Heidt asks what is the plan for the "My private room" when you move into the apartment.

Leah Foss states she might use it for family or friends to stay there, or storage.

William Heidt states if the area is used for family or friends, his understanding is, then

essentially, it has six bedrooms and up to twelve occupants. That goes beyond the allowable five bedrooms and ten occupants. It is necessary to stick with what is outlined in the code for a BNB.

Leah Foss states she will then use it as personal storage.

Chris Contento reconfirms, the red x's on the drawing are exterior lighting. He also asks about parking, and parking signage.

Leah Foss confirms the exterior lighting. There is more than adequate parking available and signage will be used as well.

Acting Chairman, Tim Stroth request clarity the location of the apartment. Also, of the main entrance.

Leah Foss confirms the apartment is side by side with the current drawing. However, not included in the drawing.

Angela Griffis asks about red boxes in the drawings being egress.

Leah Foss states each is a doorway.

Angela Griffis asked if it is a duplex configuration, is there a shared fire wall separating the two units.

Leah Foss confirms there is a pre-existing wall.

William Heidt states the importance of thinking through the fact of strangers being in your home, that will be unfamiliar with the surroundings. Taking into consideration to their safety and exiting the building if there was to be an emergency panic moment. What if someone were to wake up under those circumstances, and not know which door would be a closet versus an exit. He suggests making sure guests have navigation maps provided.

Leah Foss states safety is very important to her. On the back of the porch door there will be an emergency evacuation map displayed. She has invested in quality door locks for privacy as well as safety. She plans on having signage for her guests to help them navigate throughout the property. Fire extinguishers will be added to each level, along with the required smoke alarms.

Laurie Kutina asks if the applicant is meeting all necessary requirements to operate a BNB, what are the decisions we are being asked to make for a recommendation.

CEO, Liz Cassidy reconfirms the application is to operate a BNB at her property.

Laurie Kutina asks CEO, Liz Cassidy, if the Building Department has any concerns regarding this request.

CEO, Liz Cassidy states that currently there are no concerns. There will be yearly Fire Inspections and monitoring.

Acting Chairman, Tim Stroth asks if anyone is ready to make a motion.

William Heidt moved the Planning Board to recommend the Town Board to approve the request for a SUP to operate a BNB at 1756 Hubbard Road, by Leah Foss, with conditions to have only five bedrooms, ten occupants, and remain owner occupied.

Ben Garvey seconds the motion.

Upon a vote being taken:

Ayes -6

Noes- 0

Motion carried

NEW BUSINESS:

- a. Referral from the Town Board for a review and recommendation of a rezoning request for 1196 Big Tree Road, SBL # 165.00-1-28.21, by Rachel Krajewski, owner of Carner Development Group

Acting Chairman, Tim Stroth requests Rachel Krajewski to approach the Board.

Rachel Krajewski introduces herself as owner of Carner Development Group. They are a local business committed to community urban development of historical buildings in and around East Aurora. She wishes to thank the board for allowing the application despite the broader moratorium consideration. The development group has invested 2.5 million dollars for the property. Our vision is to enhance the property in a way that contributes meaningfully to the town through job creation, infrastructure improvements, and a stronger tax base. All while respecting the rural character of the town and historical significance which is what makes East Aurora so special. They respectfully ask the Board to approve the request to make the recommendation to the Town Board to rezone the present RR/Agricultural to a Commercial C2. The intended use is for a wellness retreat, private events, and a boutique hotel. This procurement is low impact, and revolves around health, creativity, and history. It is not about large-scale commercial activity. It is about creating a space that respects the values of this community. The plan is to apply for a historic tax credit as part of this development. It will also ensure a high level of architectural preservation. It also shows our deep commitment to honoring the integrity

of the property. The goal is to create a lasting landmark that can be enjoyed for generations to come.

Rachel Krajewski introduces the architects of this project. Phil Gusmano and Danielle Johnson of Crafted Concepts Architecture. They are here to answer any questions you may have.

William Heidt asks to clarify if they own the property.

Rachel Krajewski confirms.

Phil Gusmano opens the discussion stating the nature of the project and how it fits architecturally into the overall character of the area. Also to talk about the relevance in its impact on that area in the intent of the zoning code. All structures are set back in the agricultural zone. The main structure is approximately 350 feet back. Cardia Health is approximately 600-700 feet back. Currently focus is on agricultural accepted usages. within The Town of Aurora zoning. It is designed to preserve farmlands, and support agricultural enterprises and maintain the rural character of the town. Uses such as wellness retreats, spas, wedding venues, and boutique hotels when thoughtfully scaled can compliment agricultural operations by maintaining open land. Minimizing structural density encouraging low impact land use. There is a need for Agri-tourism. All approved uses would attract respectful visitors interested in nature, food, wellness, and interested in a beautiful historic gem, in East Aurora, the Twin Elms property. Rachel has committed to preserving and building on the history of it. From there we are talking about low density rural scale development. These are low impact by nature to avoid intense infrastructure. They generate intermediate traffic by event or appointment only. They can be clustered near existing buildings designed to blend them into a landscape in our current scheme. It is a very large lot capable of a large amount of parking. A map of Big Tree Road showing other commercial businesses currently being operated in close proximity and stretching out into the Town of Wales is provided to the Board. The context of this is a continuation of commercial development. The proposed plan does not make a direct impact to the front of the property. It will be minimally impacted. Phil Gusmano thanks the board for their time.

Acting Chairman, Tim Stroth states it sounds like a work in progress. The state that it is in, you will not have a lot of the answers to the questions we might be asking because it is still in the development stages

Phil Gusmano states there is some proforma developed, so we have a good idea of what we are looking to put on the property. We have started laying those out into the different buildings to the different areas. A Site Plan is in review currently, internally.

William Heidt questions if it is the right time to ask for rezoning, because they have not put in the investment to get to that level. This is a rezoning application, not a Site Plan

approval. We are here to recommend to the Town Board, one way or the other on the rezoning. The fact that they don't have a Site Plan is not necessarily the issue. William asks the applicant to clarify where the 68 acres Genesee Valley conservation easement is and what that means.

Daniell Johnson states the wetlands are at the back of the parcel and a 100-foot buffer. All of the buildings would stay out of that area.

Chris Contento asks for clarity where we are presently with the moratorium for rezoning

CEO, Liz Cassidy states this application was submitted prior to the enactment.

Angela Griffis asks the applicant, when they are talking about Agri-tourism, what specifically are you trying to do.

Rachel Krajewski states that currently there is Cardi Mental Spa. There is a very large garden which they utilize, and we are going to continue doing. Bee keeping and producing honey. Also, restoring the historical property and giving tours. Eventually, submitting for the Historical State Registry .

Laurie Kutina asks if the applicant will be living there. Also, currently is Cardia Health operating on an SUP.

Rachel Krajewski stated she will not be living there. However, she lives approximately one mile down the road. producing honey. Also, restoring the historical

CEO, Liz Cassidy states it was approved as a Zoning Board of Appeals application with an Area Variance for the number of practitioners on site.

Laurie Kutina asks what about this particular commercial zoning makes this appropriate.

CEO, Liz Cassidy states the C2 would be necessary due to the size of the buildings. Also, reconfirming a hotel could be in a C1, but you are limited to a 5000 square foot building.

Angela Griffis asks the applicant about having weddings there. Are you thinking 150-200 people.

Rachel Krajewski responds 150 would be their preferred maximum.

Angela Griffis asks if there will be sufficient parking space for 150 people.

Rachel Krajewski states presently there are approximately 40 parking spaces with the options to add more.

Phil Gusamo adds they did a preliminary layout in the initial master planning. They identified three other areas they could utilize for parking. Easily providing 100 spots.

Chris Contento asks if the request is for all 83 acres to be rezoned C2.

Rachel Krajewski states presently there are riding trails back there which we want to preserve. One of the structures to consider would be a small horse barn. We would like to offer hiking, horseback riding, and skiing.

Laurie Kutina asks CEO, Liz Cassidy what concerns would there be once zoned C2, thinking in the far future, if this business should fail.

CEO, Liz Cassidy states many uses by right. Such as professional offices, personal services, etc. Anything with SUP in C1 or C2. Also, Recreational establishments, sports facilities, gas stations, storage yards, warehouses, buildings supply and equipment sales and more.

Laurie Kutinas asks if anything other than square footage puts this out of C1.

CEO, Liz Cassidy stated hotels are allowed in C1. The wedding venue fits in the C2 district.

Angela Griffis asks about neighbors.

Rachel Krawjewski states there is only 1 neighbor to the east.

Ben Garvey states looking at the map it is most logical to have more parking closer to the road. That would include the lighting that goes with it. That will be close to neighboring property.

Phil Gusmano states the use of commercial parking lighting fixtures with appropriate illumination levels to comply with Aurora zoning codes. We would then use design elements such as fences and landscaping to create respectful comfort to the neighbors. One of the things Rachel's emphasizes on when revitalizing her properties is landscaping and making it feel like its own oasis.

Acting Chairman, Tim Stroth directs his comment to CEO, Liz Cassidy. We're being asked to recommend a change in zoning for this property which involves a change in use. So, part of our consideration, we have to consider a change in the use and how it is going to affect it.

CEO, Liz Cassidy states no. Because the rezoning request could be made and they could entirely change their plan for the C2. So, they're giving you a discussion with their

plan is today. Part of this discussion is, this is the reason why they are requesting the district that they are requesting, because of what they want to do. Similar to Olean Road, we are not rezoning it for that request. We are rezoning from RR/A to C2.

Acting Chairman, Tim Stroth states we would be changing the character of the property which is going to become a large traffic generator. Now with larger groups of cars coming in that stretch of road, it is borderline dangerous. Whatever the use is going to be, it will have an impact on traffic and safety. With that in mind, how much emphasis should be put in our consideration.

CEO, Liz Cassidy states you can generalize . Today it has limited commercial use with a practitioners and other professionals that come in. So, it is limited to the duration and the times people are there. You could look at it with respect to intensity of use and compare that. We are looking at the use now as a home occupation with an area variance versus switching to C2. Switching to C2 can have a multitude of commercial uses the can potentially impact traffic, lighting, and noise. Those are the things you could put into your recommendation.

There is some group discussion regarding spot zoning amongst members.

Angela Griffis states concern for the spot zoning. Everything surrounding is RR/Agricultural. The possibility of one hundred fifty people at an event would require quite a large structure with a lot going on. Not thinking it would be the right character for that space.

CEO, Liz Cassidy reminds the Board of the recent rezoning requests and the additional information that the Town Board has been looking for in respect for the recommendation. In your discussion points, to include whether or not there was any consistency with the unadopted Regional Comprehensive Plan. How the potential C2 use would fit within the existing neighborhood and surrounding properties. Does this application reflect any of the other rezoning requests that have come before this board that is consistent with that. One of the big discussion points despite it being inconsistent with the surrounding zoning. That is quite frequently added to the discussion. If you recommend approval of C2, you're doing that despite the fact it is a RR/Agricultural zoned.

Laurie Kutina expresses thoughts that there is an option for C1 with no restrictions, but might prevent the wedding venue without a SUP or C2 that would allow that to happen.

There is some group discussion regarding recent C2 rezoning applications. Those that were recommended for approval were much smaller parcels. One larger parcel was not approved because the applicant had other ways to proceed with the project without rezoning.

Rachel Krajewski states they had looked at this property multiple times over a two-year time that it was on the market. It had fallen through multiple times for other buyers. She states they reviewed multiple options for the property's use. Presently, Cardia Health will be continuing to operate on the property for 1 year and then plan to retire.

William Heidt revisits the subject of traffic. Do we know the distance from the driveway to where it narrows down is.

Multiple people talking about the traffic flow and safety.

Phil Gusmano requests to bring up that all the C2 uses that are raising concern also will still require a SUP. He asks that it be noted.

Acting Chairman, Tim Stroth addresses CEO, Liz Cassidy regarding uses permitted by right for C2 and anything C1 with building size no more than ten thousand square feet do not need a SUP if he is reading it correctly.

CEO, Liz Cassidy clarified that C1 uses of right with building size of 10,000 sq.feet do not Need SUP.

CEO, Liz Cassidy states she found in the unadopted Comprehensive Plan section 5.5.2 , a statement, while the Route 400 exit in Aurora (at Route 20A) has not led to any significant amount of commercial or industrial development. It remains a possible location for future commercial or light industrial development, north of Route 20A, east of the exit. There are vacant parcels in this vicinity. Although there is no infrastructure currently (water lines have recently been extended to Cook Road), the area is adjacent to the Village, facilitating possible future sewer extensions. Current uses in this area are primarily residential, so any commercial development should be carefully screened and buffered from existing uses.

Multiple people talking

Acting Chairman, Tim Stroth suggest changing direction and asks for any public comments.

Joe Quinn, resident at the adjacent property, at 1224 Big Tree Road, and has lived there over twenty years. Joe Quinn passionately expresses his personal views on the prior business operations, as well as the proposed development. More specifically, the bedrooms of his home are on the west side, approximately 20 feet from the property line. He is concerned about the proposed parking lot, and the possibility of a large quantity of vehicles, including lighting and noise, so close to his home. He states the neighboring property is not zoned C1, however, a parking lot was added, and multiple businesses operate from the property. He questions the property survey and if it has been done recently. He also has concern regarding the traffic increase. Presently, he at times has difficulty leaving his property due to the present amount of traffic. An increase in traffic with the proposed change would create an even more unsafe hazard in this area.

Acting Chairman, Tim Stroth reconfirms that 1196 Big Tree Road is presently zoned RR/Agricultural

William Heidt advises Mr. Quinn regardless of the outcome of tonight's meeting, he attend the Town Board meeting to once again take the opportunity to express his opinion on the proposed zoning change .

Rod Simeone, ZBA member, reviewed previous cases for this property. Cardia Health petitioned to start a sanitarium on May 20th, 2016. There were two approvals. One related to parking. They were approved for a 60 x 100 foot piece of property for 20 vehicles to be located there. There were two variances granted, neither being changed to C2. One was the interpretation of the Town Code brought against the CEO, Bill Kramer at the time. It centered around the definition of "sanitarium", which was defined as an institution for the preservation, or the recovery of health. A health resort. It qualified as a sanitarium, so it was approved in the Agricultural Zone. The second thing that was asked for was, more than one employee, which had to be a doctor. Jennifer Jennings was a doctor board certified and had a PHD in nursing. part ownership in Cardia Health, she would be living at the facility. Cardia Health wanted up to ten employees exceeded the one. They were approved for R1 allowing a physician's office with someone living there, which Jennifer Jennings qualified for.

Acting Chairman, Tim Stroth addresses CEO, Liz Cassidy. An administrative question for you. We have an even number of voting members tonight. In a split vote, what happens.

CEO, Liz Cassidy responds, no vote.

Acting Chairman, Tim Stroth asks CEO, Liz Cassidy to provide the items for consideration.

CEO, Liz Cassidy states in comparison of the rezoning request to the unadopted Regional Comprehensive Plan. In comparison to the rezoning request to the neighboring properties. In comparison to this request, to the request of recently rezoning cases. reviewed. Then a discussion in compatibility or incompatibility of the surrounding zoning. These are the areas that have been covered in earlier rezoning cases

Acting Chairman, Tim Stroth reiterates that a split vote is a no vote.

Laurie Kutina asks if the Board has enough consideration to vote at all.

Acting Chairman, Tim Stroth states coming from another direction. If the applicant would prefer to come up with a survey. It's not contingent. That's something we could consider. Not making a motion tonight. Or, making a motion to table it or we can proceed. He asks the Board how they feel.

Angela Griffis states the public commentary was very helpful. The review from Rod Simeone, ZBA member, outlining the decisions previously made by the ZBA. It really is just a variance still in line with RR in nature. We have a direct neighbor who is strongly opposed to a rezoning, which draws a strong concern. The areas that CEO, Liz Cassidy talked about, we

should be considering. Is it in line with the comprehensive plan? There are parts of that plan that states there could be some light commercial there. So that is a piece of what the Town is looking for feedback. It does seem to be in line with that. And it is spot zoning. There is not any other C1 or C2 around there. We would be making a change. In light of all that she is not so sure, she would be in favor of the request.

William Heidt states before he would consider this request, he would like additional information on the surrounding neighboring properties that are being provided as examples of being used as commercial. His understanding is the only ones truly commercial are outside of the Town. The neighboring ones that were pointed out as kind of commercial are the ones that actually fit into the home occupation.

Acting Chairman, Tim Stroth states from his perspective we are trying to encourage something like this in our Town. Everyone on the Board takes their role seriously and wants to make sure we do a thorough job.

Laurie Kutina it needs more thought and input. A lot of good points have been made. But, there is more to be considered. She believes tabling it for now is the right thing to do for right now.

Rachel Krajewski had anticipated. She states she understands the level of concerns present by the Board. She will focus with the team on what they can do. She added that this property will likely never return to being a single-family residence in today's age.

Chris Contento states everyone keeps bringing up the property's proximity of the 400 Expressway. He expresses the difficulty making a left hand turn onto 20A, The proximity of a C2 or C1 in that area without considering the efforts of the Comprehensive Plan, and what that precedence of a commercial district zoned in our RR district is going to set there. It is bigger than, unfortunately, the project and the applicant's goals, is the bigger Town goals. What that corridor is between Wales, or where the split is needs to be considered other than than the wonderful project that would be an asset to the community.

Acting Chairman, Tim Stroth asks for other discussion.

Ben Garvey requests more clarity on what the new Comprehensive Plan says. He states this is something that is going to be an issue going forward.

There is group discussion regarding alternative uses if not rezoned.

Joseph Quinn requests submitting a letter from the owner of the west side of the property, David Socha.

Acting Chairman, Tim Stroth recognizes there is still much to be consider and more clarity needed on somethings. Therefore, it is the feeling that the Planning Board is not prepared

to vote.

Phil Gusmano states that the applicant is open to returning and delivering more information to aid in helping the Board make a more educated decision.

Laurie Kutina makes a motion to table this application pending additional information and clarity.

Seconded by: William Heidt

Upon a vote being taken:

Ayes -6

Noes – 0

Motion carried.

- b. Referral from the Town Board for the review and recommendation for the In-law Apartment Code

Chris Contento states one thing not addressed is if the in-law passes leaving the apartment vacant. What are the options? In that situation how can it be rented?

CEO, Liz Cassidy states the in-law unit is for personal use, and not for gain or profit.

Laurie Kutina states in that case you may have to return to ask for a change, possibly by variance.

CEO, Liz Cassidy states that may depend on zoning. R1 allows Mom to move in with private space in R2, R3, and RR you have the ability to do a Dwelling Group.

Acting Chairman, Tim Stroth makes a motion to the Planning Board recommends adoption of the updated zoning code for the in-law apartments.

Seconded by: Angela Griffis

Upon a vote being taken:

Ayes – 6

Noes – 0

Motion carried.

COMMUNICATIONS: none

PUBLIC COMMENTS: none

CORRESPONDENCE: none

Acting Chairman, Tim Stroth asks for a motion to adjourn.

Tim Stroth makes a motion to adjourn at 9:20 pm

Seconded by: Laurie Kutina

Upon at vote being taken:

Ayes-6

Noes-zero

Motion carried

**THE NEXT SCHEDULED MEETING WILL BE WEDNESDAY July 2nd, AT 7:00 P.M.
AT THE TOWN HALL, 575 OAKWOOD AVENUE, EAST AURORA, NEW YORK**