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

December 4th, 2024

Members Present:	Doug Crow, Chairman Angela Griffis Jeanne Beiter William Heidt
Alternate Member:	Alice Brown
Absent/ Excused:	Laurie Kutina Norm Merriman Chelsea Root Chris Contento Tim Stroth
Also Present:	Liz Cassidy, Code Enforcement Officer Conor Schneider Todd Stein Sarah Connaughton Robert Kasprzak, AIA Goldy Gill of WNY West Falls Inc Paul Ernst, ZBA Chairman Rod Simeone, ZBA member

Chairman Doug Crow presided over the meeting which began at 7:02 p.m. at the Town Hall, 575 Oakwood Avenue, East Aurora, NY. He led the recitation of the Pledge of Allegiance to the Flag.

Two of the members present were not at the November meeting and with only 5 members present at the meeting, the minutes were not approved.

ADMINISTRATIVE BUSINESS:

a. Chairman, Doug Brown acknowledges Alice Brown and William Heidt are voting Members.

b. Chairman, Doug Crow noted that the next meeting in January will be moved to January 8th, as the first Wednesday is a holiday.

OLD BUSINESS: None

NEW BUSINESS:

a. Chairman Doug Crow discussed the return of the recommendation to the Town Board for approval the application for rezoning 397 Old Glenwood Road, West Falls, from R-1 Residential to C-1 Commercial, submitted by Conor Schneider. The Town Board has requested the Planning Board add their points of consideration to the motion. He noted that the Town Board isn't asking the Planning Board to make a different decision or consider additional factors, but to add the topics discussed at the last meeting and add those topics into the motion.

   Doug Crow noted that the discussion last month considered the application and the following: it's consistency with the unadopted regional comprehensive plan; its consistency with other nearby commercial properties, specifically the Hamlet of West Falls and the large commercial district there it doesn't touch this property but is nearby, and also the commercially used properties to the north at Mr. Herbst's property; consistent with prior decisions regarding rezoning requests, for or against, and mentioned those that the Planning Board recommended approval of were Mr. Herbst's property just north on Davis and the proposed golf property on Olean Rd, and those the Planning Board were opposed to which included the proposed soccer fields on Davis between Ellicott and Jewett Holmwood Rds, and the property on Quaker adjacent to heavy commercial uses right near the Village. The Planning Board discussed how the Old Glenwood request was similar/different to these earlier requests; discussion of the immediately adjacent properties and that as those are residential, this is a factor goes against the rezoning request.

   Alice Brown added that the discussion also included the original nature of the property and its past historical use.

   Angela Griffis noted that the Town Board does not receive the minutes for the meeting along with the recommendation and that going forward the Planning Board should consider adding the rationale behind the decision into the motion so that the Town Board has some understanding of the basis for the recommendation.

   William Heidt discussed the request to move to C1 is for the intended use but also to be eligible for the NY Forward Grant, the property would have to be a commercial property.

   Doug Crow indicated that it is possible their changes of approval are improved if the Town is willing to entertain the rezoning. This might not be a good reason to do the rezoning, but it is a good idea to do it now rather than waiting until the grant is awarded.

William Heidt noted he had heard during the NY Forward Grant process that the Town was considering adding parking for the rail trail to the larger shoulder area in the vicinity of the newly reconfigured Old Glenwood Davis Rd intersection.

Doug Crow discussed the Town's proposal to extend the sidewalks from Behm to the Old Glenwood and from the Fire Hall to Old Glenwood as part of one of the Town's NY Forward Grant application.

William Heidt noted that if parking were to be created in this area at Old Glenwood and Davis Rd, then this would be an argument in favor of the property being commercial in nature as opposed to residential.

Doug Crow made a motion to reconsider the November 6, 2024 motion that recommended the Town Board approve the application for the rezoning of 397 Old Glenwood Rd, West Falls, SBL 199.01-3-13, from R-1 Residential to C-1 Commercial to add the following discussion points:

1-The application is consistent with the unadopted regional comprehensive plan.
2-The application is consistent with nearby commercial uses and zones both to the north and south.
3-The application is consistent with other rezoning request recommendations made by the Planning Board.
4-The application is consistent with the historic and past uses of the property.
5-The application is consistent with the Town's NY Forward Grant application with the extension of sidewalks and street scaping to the Davis Rd/Old Glenwood intersection.
6-Despite the request being inconsistent with adjacent residential properties.

Seconded by Alice Brown

Upon a vote being taken:
Ayes- five Noes- zero Motion carried.

b. Referral from the Town Board for review and recommendation of a Special Use Permit for a short-term rental at 99½ Gypsy Ln (99 Gypsy Ln legal address), East Aurora, as submitted by Todd Stein.

Mr. Stein discussed that they have been operating a successful Air BnB at this location for the past 5 years. This application is because of a new regulation the Town has with respect to short-term rentals. They used this as a pilot program before they renovated The Bank property in the Village.

Doug Crow noted that on the site plan there is a main house, and the short-term rental is in the carriage house. And the primary home is owner-occupied.

Mr. Stein noted that those statements were correct.

Doug Crow noted that the carriage house, as a separate building, has good access and egress, parking around it, and that it has its own self-contained space to rent. He asked if there are 3 bedrooms on the second floor.

Mr. Stein confirmed that there are three bedrooms and that additionally he has updated fire extinguisher locations, smoke/co detector locations, and made sure that it is up to code.

Angela Griffis asked about the number of guests.

Mr. Stein indicated that it is typically 6 or less, but they can accommodate 8 with air mattresses and a couch.

Angela Griffis asked if there is a pool on the property.

Mr. Stein stated that there is a pool that is fully fenced and up to code, but it is not available to the guests.

William Heidt asked about the layout of the carriage house.

Mr. Stein indicated that it is a separate 1700 sqft house with an attached garage.

William Heidt asked if the first floor is Mr. Stein's use/storage, and the second floor is the living space.

Mr. Stein stated that there is an attached garage, and he has his cars in the garage, but the front portion of the building is the actual carriage house and is 100% used by the guests. They left some of the character in the carriage house, particularly where the horses chewed on the framing.

Angela Griffis asked about the amount of parking.

Mr. Stein indicated that 4-5 cars can be parked at the carriage house. The parking is arranged so that access to the garage is maintained. There is parking available in other areas on the property.

William Heidt asked CEO Cassidy if there is appropriate separation between the garage and the carriage house.

CEO Cassidy confirmed.

Angela Griffis moved to recommend the Town Board approve the application for a Special Use Permit as proposed for a short-term rental at 99½ Gypsy Ln (99 Gypsy Ln legal address), East Aurora, as submitted by Todd Stein, as the application is consistent with Town Code requirements.

Seconded by Doug Crow

Upon a vote being taken:
Ayes-five Noes-zero Motion carried.

c. Referral from the Town Board for review and recommendation of a Special Use Permit for a short-term rental at 603 Jewett Holmwood Rd as submitted by Sarah Connaughton.

   Ms. Connaughton stated that the building is her home and the lower level, walkout basement has its own entrance and there are three windows at ground level and there is an interior stairwell leading to the rest of her house. The basement was converted into living quarters. She has been short-term renting since 2019.

   Doug Crow noted that in addition to the guests having their own entrance, there are egress windows.

   Ms. Connaughton confirmed that the three windows are egress windows at ground level. And she noted that the house is only 25 years old.

   Angela Griffis asked about the number of bedrooms.

   Ms. Connaughton confirmed that there is one bedroom. She caters to adults with no kids and does allow dogs.

   Angela Griffis asked about the number of guests.

   Ms. Connaughton noted that generally it is 2 adults, but on occasion if there is a request for 3 adults, she will allow it with an additional fee.

   Doug Crow asked about the horse barn and if guests are allowed to ride the horses.

   Ms. Connaughton stated that the guests are not allowed to ride the horses.

   Ms. Connaughton discussed parking availability and that she can easily fit 3 additional cars and 4 if necessary. There is a designated sign for guest parking and access to the rental unit is around the back of the house.

   William Heidt asked if there is a lockable door at the top of the stairs to the rest of the house.

Ms. Connaughton confirmed.
William Heidt asked what the path to the rear entrance of the rental is made of.

Ms. Connaughton indicated that it is just across the lawn. She noted that the rental timeframe is May-November and she doesn't want to shovel the snow back to the entrance.

William Heidt noted his concern that while the application notes the times of year that the space will be rented, should the recommendation restate it.

Doug Crow indicated that the recommendation could be made to reference the application "as proposed" or it could be made to reference the application and specify the voluntarily offered condition in the recommendation. The Town Board may not keep the recommended condition.

William Heidt restated his concern regarding egress during winter months with respect to the lack of a hardscaped maintainable surface to the rental unit.

Ms. Connaughton stated that if there ever were an issue, she would allow egress through the house. Additionally, she reiterated her statement that she does not want to shovel snow to the back.

William Heidt moved to recommend the Town Board approve the application for a Special Use Permit as proposed for short-term rental at 603 Jewett Holmwood Rd., East Aurora, as submitted by Sarah Connaughton, as the application is consistent with Town Code requirements.

1-Conditioned upon rentals only allowed during May – November due to concerns of egress, as there isn't a maintainable hardscaped surface to the egress door of the rental unit.

Seconded by Angela Griffis

Upon a vote being taken:
Ayes-five Noes-zero Motion carried.

d. Referral from the Town Board for the review and recommendation of a Site Plan application at Corner Market, 1045 Davis Rd West Falls as submitted by WNY West Falls, Inc.

Doug Crow reminded the Planning Board that an earlier Site Plan application for the property was previously reviewed and approved in early 2023.

Goldy Gill, of WNY West Falls Inc, confirmed the earlier approval and noted that since then they made some adjustments as a result need to seek new approval. The project has been adjusted due to construction costs and interest rates.

Robert Kasprzak, AIA of K1 Architecture noted that the original approval had 848 sq ft of additions for both the beer cave and coolers and the new site plan has an addition of 544 sq ft for the beer cave on the outside of the building and the coolers will all be inside the building. Additionally, the front façade has been scaled back a bit from what was previously approved. The revisions reflect the company's brand and still fits within the area.

Doug Crow noted that the earlier approval planned to adjust the front grass area to accommodate more parking, but that is not proposed on this plan.

Mr. Gill confirmed no additional parking will be added.

Doug Crow asked if the reason the beer cooler addition to the exterior of the building is to create more interior space.

Mr. Gill stated that the existing interior space is tight and that it is important to have the new space, and it will be beneficial to have the restroom facility.

Jeanne Beiter noted that it sounds like parking is being reduced.

Mr. Kasprzak stated that the previously approved plan was adding parking in the greenspace that included the septic field and that was problematic. This plan shifts parking to the south side of the property and the existing spaces on the north side are maintained. Furthermore, they are adding 4 spaces behind the building for employee parking. Additionally, there is temporary parking at the pumps themselves.

Mr. Gill stated that the parking isn't reduced from the current condition, just from the previously approved plan.

Angela Griffis confirmed that the parking in this site plan is the same or more than what is currently existing.

Mr. Gill confirmed.

Doug Crow asked about the air pump location on the south side of the building.

Mr. Gill noted that the air pump will be relocated to accommodate the beer cave addition, and it will likely be near a parking space, but the actual location hasn't been determined yet.

Doug Crow confirmed that the current parking on the south side of the building is proposed to be relocated around the site.

Angela Griffis asked if additional lighting is proposed.
Mr. Kasprzak noted that wall sconces will be placed outside the new entrance on either side of the front door and wall packs will be installed on the back of building for the employee parking.

Doug Crow noted that there is no proposed pole lighting.

Mr. Kasprzak confirmed that there is no proposed pole lighting and noted that there is lighting under the canopy itself.

Doug Crow asked about the façade change.

Mr. Gill noted that there is a façade change, however, it doesn't come out as far as the previously approved plan.

William Heidt asked about the color of the cooler matching the façade.

Mr. Kasprzak confirmed and noted that the exterior of the cooler has prefinished panels.

Mr. Gill stated that they have 15 locations and most of them have this setup.

William Heidt discussed the wall packs and noted that he assumed that the wall packs will give a lit path of travel to the restroom. He also stated that he is concerned with one of the proposed parking spaces at the back of the building that blocks the door to the restroom.

Mr. Kasprzak agreed and stated that he noticed that after he sent the drawing. He further stated that they would relocate the space so that there is only one space behind the building and the door would then be clear.

William Heidt discussed the code requirement for parking and stated his appreciation that this proposal has clearer designation of parking as opposed to existing conditions. He asked Code Enforcement if the parking requirement of 4 spaces per bays means 4 spaces per pump.

CEO Cassidy stated that a bay would be a service bay so that requirement doesn't apply. She further noted that this will be addressed in the code so that we have regulations for a gas station without service bays. [*Post meeting note: using the requirement for retail as 1 space/300 sq ft of gross floor area, then the required parking for the building and*

proposed addition at a total of 2432 sq ft is 8 spaces, the proposed site plan has 13 spaces, including the relocated one.]

Mr. Kasprzak stated that other towns have allowed the spaces at the pump to be considered as parking spaces.

Mr. Gill noted stated that while the pumps aren't considered parking, people still get gas and then come inside for something.

Doug Crow noted that he has not experienced a time when all 4 pumps were in use at the same time and that those people who are parked at the pump are generally in and out of the store quickly.

Angela Griffis confirmed that the septic is not moving, because there is no parking being added in that area.

Mr. Kasprzak confirmed.

Angela Griffis asked if there were any conditions on the previous recommendation.

Mr. Gill stated he didn't believe there were. [*Post meeting note: there were 3 conditions: ECHD approval for septic; 20' green space between ROW and parking; grading plan submitted. These 3 conditions do not apply to the current application as they are not adding any additional parking in the front which would impact the septic, greenspace, or grading*.]

Angela Griffis summarized the site plan application and noted that the existing conditions are mostly staying the same, and while reconfiguring parking and adding the beer cave, the application does not change the elevation and that wouldn't affect runoff. Additionally, the current site plan decreased the size of the proposed construction.

Mr. Kasprzak confirmed that the area of the addition is already paved.

William Heidt asked if the kerosene pump will remain on the north side of the building.

Mr. Kasprzak confirmed.

William Heidt expressed concern about the safety of customers and asked if there are parking stops, a sidewalk, or striping planned for the walkway proposed from the front of the building to the restroom.

Doug Crow indicated that there is light volume at the location and in his opinion, it doesn't justify additional separation. Particularly as this is a place where people are in and out fairly quickly and don't necessarily sit and eat.

William Height also noted that with the restroom at the back of the building isn't raising much attention to it.

Doug Crow also suggested the recommendation mention reducing the employee spaces from 4 to 3 to avoid the restroom door.
William Height suggested instead of reducing the number of spaces, just relocate the one that is shown on the plan blocking the door.

Doug Crow agreed that relocating the spot makes sense.

William Heidt moved to recommend the Town Board approve the Site Plan application for the Corner Market at 1045 Davis Rd as submitted as by WNY West Falls Inc for the beer cave addition, front façade changes, and relocation of existing parking.

1-Condition upon the relocation of the proposed parking space at the back of the building that blocks the restroom door.

Seconded by Doug Crow

Upon at vote being taken:
Ayes-five Noes-zero Motion carried.

e. Referral from the Town Board for the review and recommendation of a rezoning application of 1342 Quaker Rd, East Aurora from RR to C2 as submitted by Peter Sorgi, Esq of Hopkings Sorgi & McCarthy PLLC on behalf of JJL Bros LLC and John Lattanzio, Member.

Doug Crow asked about the absence of the applicant's agent.

CEO Cassidy noted that she spoke with Mr. Sorgi and he had the date of the meeting wrong and requested the application be tabled.

Doug Crow indicated that he would like additional information on the request.

CEO Cassidy stated that if any of the Board members would like additional information to please email those requests to her so that they can be passed on to the applicant's attorney and he can provide answers at the next meeting.

Doug Crow indicated that he would put together his thoughts.

William Heidt asked if the criteria used for a use variance are applied to a rezoning request.

CEO Cassidy stated no.

Doug Crow confirmed that this is a different type of action. He further stated that there are reasons to approve rezoning that are more subjective than the criteria that apply to a use variance.

William Heidt noted that additional information may need to be provided that includes past use in order to properly consider the rezoning application.

Doug Crow agreed and indicated that this information would definitely be part of the discussion as the property has been before the Zoning Board of Appeals with respect to past uses of the property.

CEO Cassidy noted that a copy of the card files was submitted along with the application. This is a list of the applications that were before the ZBA with respect to this property. Prior to the 2017 code update the ZBA granted use permits to the property, as the commercial uses of the parcel were not allowed by the zoning district. Then after the 2017 code update, the ZBA has been granting use variances.

Doug Crow confirmed that there were use permits and use variances granted at the property for prior commercial uses.

[Recorder stopped at this time]

Doug Crow moved to table the rezoning request of 1342 Quaker Rd until the applicant or applicant's agent is present.

Seconded by Jeanne Beiter

Upon at vote being taken:
Ayes-five Noes-zero Motion carried.

PUBLIC COMMENTS:

Rod Simeone, Byberry Ct, East Aurora, asked about clarification of the card file paper for the rezoning of 1342 Quaker Rd.

CEO Cassidy clarified that prior to the 2017 code update, the ZBA granted special permits as per the Table of District Regulations, not use permits as previously stated, and after the 2017 code update, the ZBA granted use variances on the property at 1342 Quaker Rd.

COMUNICATIONS:

CEO Cassidy noted that there were training opportunities sent via email for December and January.

Doug Crow moved to adjourn the meeting at 8:00p.

Seconded by Angela Griffis

Upon at vote being taken:
Ayes-five Noes-zero Motion carried

THE NEXT SCHEDULED MEETING WILL BE WEDNESDAY January 8, 2025, AT 7:00 P.M. AT THE TOWN HALL, 575 OAKWOOD AVENUE, EAST AURORA, NEW YORK