

EAST AURORA PLANNING COMMISSION
REGULAR MEETING – RESCHEDULED TO MARCH 20TH

May 1, 2018 - 7:00 PM

PRESENT:

Dan Castle, Chairman
Allen Ott Jr.
Geoffrey Hintz
Randy West
Karen Lee
Aaron Fisher
Bud Babcock, Alternate

Absent:

Lowell Dewey, Vice Chairman

Also Present:

Paul Porter, Village Board representative
Bill Kramer, Code Enforcement Officer
Mr. Farrell, Representative of Mike Farrell, 45 Church Street
Rachel Smith, 502 Main St. LLC
Ellen Neumaier, 284 Mill Road
Dennis & Pamela Sieracki, 505 Fillmore Ave

Dan Castle, Chairman, opened the meeting at 7:00 PM noting that a quorum was present.

Chairman Castle requested a motion to approve the reformatted meeting minutes from February 2nd, motion by Member West, seconded by Member Ott with unanimous approval. Motion by Member West to accept the April 3rd meeting minutes, seconded by Member Hintz, unanimous approval.

**Development Plan for 45 Church Street
Development of multi-family condominiums**

Chairman Castle identified the project being under the purview of the Planning Commission as the Commission does review multi-family developments, and the location of this is to be located on the fringe of the commercial section of the Village. Member Castle requested for the members to pose any additional questions to Mr. Farrell's representative as Mike Farrell has already completed an informal presentation before the Commission in March.

Members requested for further design and aesthetic considerations considering the siding material to be chosen, along with the garage doors and lack of shutters. The applicant's representative stated the drawings are stark and the visual enhancements will be included after the necessary permits are approved. Member Fisher inquired about the inclusion of the dumpster, and if it was to only be present for the construction portion of the project, to which the applicant's representative confirmed that it would be removed once construction was completed.

Chairman Castle suggested for the aforementioned inquiries be added as conditions in the Commission's findings.

Member West and Member Fisher requested information on whether soil sampling was completed at the site as the former building on the parcel was burned in a fire. Mr. Farrell responded there wasn't testing completed after the demo and remediation of the site, the area was filled in after the removal of the old structure. Again, the Chairman suggested having this consideration added to the overall findings for the development plan.

Member Hintz made a motion for the Planning Commission to proceed in recommending the development plan for 45 Church Street to the Village Board with the following comments and recommendations:

- Clarification on how the electrical supply be brought into the second unit.
- The dumpster is temporary and will only be present during construction.
- The Village Board will be provided information on the siding, garage doors, shutters, landscaping, and similar types of design details.
- The Village Board should be aware of concerns raised by the Members that in certain circumstances, there can be an accumulation of lead paint/asbestos contaminants in the soil from the fire that occurred at the previous structure. The applicant should take whatever steps necessary to make sure the parcel meets all environmental requirements, and the building department shall weigh in on any additional sampling that may be required.

The motion was seconded by Member West and approved unanimously by the Commission.

**Development Plan for 502 Main Street
Redevelopment of Parking Lot and Tree line**

Rachel Smith submitted her plans along with several letters of recommendation from abutting neighbors, and the Village's arborist. The applicant has plans to reformat the layout of the parking lot behind her main building, and to construct a Zen garden in the back of her property.

Member Hintz requested information on the number of parking spots chosen – why have so many spaces - especially if her practice tends to only focus on a few individuals at a time? Ms. Smith responded that while she is starting out with only acupuncture, there will be other practitioners focusing on other fields of holistic healing to be added, thus necessitating the number of spots presented in her site plan.

Member Fisher inquired about the revised survey presented to the Commission, and why the drainage off of the pavement differs between the two surveys? Ms. Smith responded that the initial plan was submitted prior to anyone reviewing the drainage schematics of the property. Lowell Dewey came out to her property and provided suggestions on how everything should drain with considerations to the highest point and elevations throughout the parcel.

Ms. Smith provided an overview of the different trees that will be planted around the property to replace the box elders that were removed in late March/early April of 2018. The tree choices for behind the buildings on the property will be Leyland cypress due to their benefit of providing a good noise barrier. Cherry blossom trees will be planted as the first line of trees on the grassy area of the backyard. Chairman Castle asked if Ellen Neumaier was present at the meeting as a

representative of the Tree Board, and if so, if the Tree Board found the plan presented by the applicant to be acceptable? Ms. Neumaier stated “yes” to both questions.

Dennis Sieracki, 505 Fillmore Ave: Asked if there were any assurances that could be made to guarantee the parking lot that is being presented will stay as asphalt millings, and not turn into black top at some point down the line. Ms. Smith stated the cost of installing asphalt is astronomical, and she does want to expend the funds on creating an asphalt parking lot and accompanying drainage that would be necessary. Chairman Castle stated a condition can be added in their recommendation to keep the parking lot in its permeable cinder state. Mr. Sieracki further stated the Village Code prevents parking lots from coming within 10 feet of a property line, and the plan submitted before the Commission shows the lot coming within only a couple of feet of the property line. Ms. Smith stated she is in the process of seeking a variance from the Zoning Board of Appeals for this concern, and the reason in which she is going this route is due to the layout the prior owner had configured, (which did not meet code). Member Dewey in his review stated the parking spots are 9’ x 18’ spots, and in order to have the necessary clearance for the vehicles to turn around, the parking lot will have to go up to the fence line.

Chairman Castle pointed out the code for the Mid-Main district requires for every tree removal two trees must be planted as a replacement, however it does not require for these trees to be planted in the same spot as the formerly existing tree. The reasoning for this inclusion in the code is to maintain the character of the district, while also allowing for productive use of structures.

Ms. Smith identified that her choice in her parking lot layout was actually not chosen for aesthetic reasons, but for the purpose of allowing for the safety of individuals entering and exiting the parking lot. Additionally, the code indicates there should be one parking spot for each 300 square feet of a building, which would require for her lot to contain 19 spaces, however has elected to only have 13, allowing for greater green space and more of a buffer between her property and the neighbors on Fillmore Ave, to which Barbara Legget, 83 Pine Street, offered before the Commission that she had been present for Lowell Dewey’s review of the property at 502 Main St., to which he stated the applicant’s “usage of this property is exactly what was envisioned when Mid-Main was drafted”.

Chairman Castle stated the Commission is sensitive to balancing the needs of a business, with those of the surrounding neighborhood, so there is a concern of maintaining the trees and buffer. Ms. Smith stated the trees removed from her property were dead Box Elders that needed to be removed for safety purposes as many were growing into the power lines on her property.

Member West put forth a suggested recommendation that would verify that it isn’t possible for some form of greenery to be added between the property line and the parking lot – if the applicant would have the ability to pull back the spaces by two feet to allow for the planting of a row of trees. Member West further stated a concern regarding the turning radiuses for the parking lot, and if the proposal before the Commission could benefit from a better parking lot design. Member Lee, speaking as a member of the Village’s Tree Board, stated that it would be difficult for any tree to survive within an area of two feet. Member Ott put forth a suggestion of rearranging the parking lot to allow for four spots along the front of the barn in the back of the property.

Member West motioned to recommend the development plan for approval subject to the following considerations:

- The Village's Tree Board and Arborist to determine whether or not sufficient space can be found along the west property line to allow for planting of trees that would break up the parking area from the property line.
- A qualified engineer is to review the geometry of the parking lot.
- The Tree Board will meet with interested neighbors to review the project further, and to also determine the best tree species and locations to be utilized at this parcel.

Member Ott seconded the motion with unanimous approval from the Planning Commission.

Update on the Rezoning Study:

Chairman Castle received the final draft to be used in the public comment portion of this process, today, Tuesday May 1st. The consultants will only need to confirm the date for the public commenting period, and then a debriefing of the Village Board will occur. The draft version and corresponding map will be posted to the Village website. Discussion ensued about some of the issues tackled during the last overhaul of the Village's comprehensive design plan, and what might need to be considered for the next update.

Motion by Member Lee to adjourn the meeting at 9:23 pm. Seconded by Member Ott and unanimously carried.

Respectfully submitted,

Nancy A. Burkhardt
Deputy Clerk