

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

November 6th, 2024

Members Present: Doug Crow, Chairman  
Angela Griffis  
Timothy Stroth  
Chris Contento

Alternate Member: Alice Brown  
Chelsea Root

Absent/ Excused: Laurie Kutina  
Norm Merriman  
Willaim Heidt

Also Present: Rich Miga, Code Enforcement Officer  
Conor Schneider  
James Atkinson  
Douglas Nemec  
John Radford

Chairman Doug Crow 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.

**Tim Stroth made a motion to accept the minutes of the October 2nd, 2024, meeting.**

**Seconded by Chelsea Root.**

**A vote is taken.**

**Ayes- 6**

**Noes-zero**

**Motion carried.**

ADMINISTRATIVE BUSINESS:

- a. Chairman, Doug Brown acknowledges Alice Brown and Chelsea Root are voting members
- b. Chairman, Doug Crow asks for an update from Tim Stroth, on the South Towns Working Group

Tim Stroth states there was an informal meeting on October 28<sup>th</sup>. There were three people representing the county. They presented the Climate Action Plan. There is a hard copy available through Tim, for review.

The main benefit of the meetings appears to be sharing things. The meetings are scheduled quarterly. The next being in January.

- c. Chairman, Doug Crow asks Angela Griffis for an update regarding the Town Comprehensive Plan.

Angela Griffis states the October meeting, we discussed the objectives in the plan. We did an exercise, giving a word (s) that best describes the community. We talked about all the areas of consideration. We have been asked to do a vision statement for homework. How do we see the town in twenty years? We were provided with the names of potential stakeholders for interview. So far 30-40 were provided. Theoretically, there is normally a 50% response rate. There will be a public hearing. Also, a possible community driving tour for members. The plan is to meet every other month. The next meeting is on December 10<sup>th</sup>. The plans are to discuss the community profile and develop a survey. They are building a project web site that will be linked to the town web site. That allows the public to see what is going on.

- d. Chairman, Doug Crow states regarding the West Falls Grant, a link was added to the agenda with a list of the projects to be submitted to the state. There are eleven projects that made the final cut. An announcement will be made by the Governor. The following contracts will be negotiated with applicants. That is normally a two-month process. The final decision is made by the state.
- e. Chairman, Doug Crow provides a reminder regarding training. The 4 hours are still available and can be submitted through Martha.
- f. Chairman, Doug Crow states when coming to the end of the year, the Planning Board has received an email from Jeanne Beiter, that she is stepping down from the board. He has made a recommendation to the Town Board to move up Chelsea Root. That will be subject to the Town Board approval.

OLD BUSINESS: None

NEW BUSINESS:

- a. Chairman, Doug Crow addresses the referral from the Town Board for the review and recommendation of an application for rezoning 397 Old Glenwood Road, West Falls, SBL # 199.01-3-13, from R-1 Residential to C-1 Commercial, for the restoration and return to public use, by Conor Schneider.

Conor Schneider states purchased this property with the intention of restoring it to public use. The project has been submitted for consideration for New York funding. The building was built in 1917 as the West Falls Depot. In 1955 it was purchased by Chris Nagel and converted into a single-family residence. It was then sold in the late 80's and a partial restoration was started but, not successful and fell into disrepair.

Conor Schneider states he would like to revert the property to the original code of C-1, allowing it to be available for a leasable space. This would open the possibilities for mixed use, which is not yet determined. The venue, due to its open space, has many potential uses. Keeping it low volume to traffic, it could accommodate leasable commercial space, historical museum, cafe or rest spot for Erie Trail. There are twelve parking spaces or so, depending on what happens with the New York Fund project. There are endless possibilities of creating the venue to be an asset for the community.

Chairman, Doug Crow reconfirms the request is to re-zone the property from R-1 to C-1, with no confirmed set use.

Conor Schneider states if not granted the re-zoning, it will not qualify for the state funding.

Angela Griffis asks what course would Conor take if not granted state funding?

Conor Schneider states it would just lengthen the timeline for the project.

Chelsea Root asks if there is any intention for upstairs as a residential rental.

Conor Schnieder states he would like to have a studio rental for a short term; however, the present code does not allow for non-owner occupied. Although, a long-term rental could be a possibility. At the present time, the upstairs is just an open space, stripped down to studs. He is looking to maximize as much space as possible.

Angela Griffis inquiries about neighboring residents' feedback, and lighting to neighboring residents

Conor Schneider states many residents, including himself, are on the local planning committee. Residents seem happy with his intentions, as well. Conor lives several structures north of the site and has lived there all his life. The lighting would be downward, and subtle low level to create a more picturesque vibe.

Chairman, Doug Crow reminds Conor, due to the odd shape, there is a strong possibility, that any SUP applications will also require variances.

Tim Stroth raises the question of the property line at the rear entrance, and brick platform, which is owned by the railroad.

Connor Schneider states that although it is outside his scope of work, they are being supportive with his proposed plan. It will benefit the trails and their property. Still creating the historic 1917 appearance.

Tim Stroth addresses CEO, Rich Miga. Regardless this is considered an existing non-conforming site. What would it take to obtain a CO for this building?

CEO Rich Miga states it would require at a minimum, a fire inspection to confirm whether or not there's an actual change in use that requires an actual permit application.

Chairman, Doug Crow reconfirms that is more of a safety look for confirmation of uses.

Tim Stroth asks about inspections for improvements.

CEO, Rich Miga states that it would fall under the building permit application.

Tim Stroth asks about the septic system.

Conor Schneider states there is a septic system that has not been used in a couple years. It would need county approval. But the intention is to replace it, which is part of the grant.

Chairman, Doug Crow reconfirms the property is .87 acres, with 464 feet of frontage. A C-1 zone does require .75 acres. County health department requires ½ acres for septic. A C-1 requires .75 for commercial building structures, which is good.

Chris Contento asks how to currently access this property.

Conor Schneider states at the north end of the property at the triangle there is a gate which leads to a driveway. It is in close proximity to the tracks. There will be a new foundation with the same footprint as the existing building. It is currently sitting on wooden piers. When it was built there were no modern utilities, so no need for a basement.

Angela Griffis states the building was previously commercial and at present there are commercial lots close by. There are only a couple residential nearby, but not immediately close by. She states for the property to be re-zoned, to enable the restoration of the building would be a special feature, to showcase in the Hamlet of West Falls.

Chairman, Doug Crow asks for further discussion or a motion.

Angela Griffis makes a motion to recommend to the Town Board to approve the application to re-zone 397 Old Glenwood Road from R-1 to C-1, without conditions, due to it returning to the original code.

Seconded by Chris Contento

Upon at vote being taken:

Ayes-6

Noes-zero

Motion carried.

- b. Chairman, Doug Crow addresses the referral from the Town Board for the review and recommendation of an application for a Special Use Permit, for a Short-Term Rental at 275 Bowen Road, East Aurora, SBL # 164.00-1-42.2, by James and Donna Atkinson.

Mr. Atkinson states he and his wife are retired and reside at the residence full-time. There is a small suite over the attached garage, which is sized for 1-2 people. The unit consists of a kitchenette, dining area, balcony, bathroom and bedroom suite. There is also access to laundry from the breezeway. They have previously rented the space to generate extra revenue. However, at the time they were unaware of Town codes. There are neighbors on either side. One is in the Town of Elma, and the other, 265 Bowen Road, is in front of the property, as it is an ODA lot. There is a common breezeway, where the stairs to access the suite are located. For parking there is a three-car garage with a turnaround. Due to the size of the unit, there is usually only 1 car owned by tenants. Tenants are normally short term for concerts, Sporting events, area festival events.

Angela Griffis asks if there is a pool or spa available to tenants.

Mr. Atkinson states there is a spa. However, it is non-functional at the present time. Maintaining a water level is difficult due to it leaking.

Tim Stroth asks if there is a pond on the property.

Mr. Atkinson confirms there is.

Chris Contento inquires with CEO, Rich Miga, if the pond is of any concern with this application.

CEO, Rich Miga, confirms it would be excluded from STR code.

Angela Griffis asks about exterior lighting.

Mr. Atkinson states the front of the garage has low intensity lighting. There is a porch light, as well as landscaping lighting.

Tim Stroth addresses CEO, Rich Miga regarding the absence of a survey to show designated parking for tenants.

CEO, Rich Miga states the department worked with the description provided.

Chairman, Doug Crow asks for any additional input, or a motion.

Alice Brown does make a recommendation to the applicant to provide the Town Board more information regarding the parking and driveway with for tenant use.

Chris Contento makes a motion to recommend to the Town Board approve the SUP for a Short-Term Rental at 275 Bowen Road, SBL # 164.00-1-42.2, as proposed.

Seconded by Tim Stroth

Upon a vote being taken:

Ayes-6

Noes-zero

Motion carried

- c. Chairman, Doug Crow addresses the referral from the Town Board for the review and Recommendation of an application for a Special Use Permit, for a Short-Term Rental at 140 Jewett Holmwood Road, East Aurora, SBL #175.10-3-12, by Douglas Nemec.

Doug Nemec states he and his wife have a unique property on the edge of East Aurora, close to the village and its amenities. He and his wife occupy the lower basement level. The main and second floors, which are at the driveway level and can accommodate a family with six to eight occupants. The intention is to only rent to one family at a time. There is one bedroom on the main level, with three more on the second level. There are six available parking spaces for tenants, which are well lit to the entrance of the unit.

Tim Stroth reviews the difference between a Short-Term Rental and a BNB in the town. A Short-Term rental is an owner-occupied dwelling rented for no less than one night. And not more than thirty consecutive days. It is limited to not more than six occupants and three bedrooms. The Bed-And -Breakfast is owner occupied, with overnight accommodation for no more than ten occupants and no more than five bedrooms.

Chairman Doug Crow motions to recommend the Town Board approve the application for a Special Ue Permit as proposed for a BnB at 140 Jewett Holmwood Rd East Aurora by Douglas Nemec

Seconded by Tim Stroth

Upon a vote being taken:

Ayes-six

Noes-zero

Motion carried

- d. Chairman, Doug Crow addresses the referral from the Town Board for the review and recommendation of an application for a Special Use Permit, for Short Term Rental at 1150 Underhill Road, East Aurora, SBL # 188.00-1-6.2, by John Radford.

John Radford describes his property as a gated secluded property with approximately 10,000 square feet, with plenty of room and a quiet environment. The basement is a fully owner-occupied residence. His intention is to rent the main and second floor as a BNB, with four bedrooms located on the second floor. There are six designated parking spaces available. However, it could easily accommodate more.

Chairman, Doug Crow reconfirms the main floor is living space, with all four bedrooms on the second floor.

Chelsea Root asks if it has been rented previously.

John Radford states no. He is just now initiating the process. He is looking to keep it simple. Providing family occupancy with 2 people per bedroom would be ideal. His daughter would offer breakfast service.

Tim Stroth asks about access to the basement.

John Rafor states there are three options to enter /exit the basement.

Angela Griffis acknowledges the defined list of rules for occupancy.

Chairman, Doug Crow ask for further discussion or a motion.

Alice Brown makes a motion to the Town Board to approve the SUP for a BNB as proposed.

Seconded by Angela Griffis

Upon at vote being taken:

Ayes-6

Noes-zero

Motion carried.

PUBLIC COMMENTS: none

PLANNING BOARD APPROVAL PROCESS DISCUSSION:

Chelsea Root states we are missing documentation of the requirements, indicating the difference between STR and BNB on the application.

Tim Stroth states the application needs to provide clear floor plans for review by the Planning Board. Having consistent information from the applicants makes it easier for the board to determine their decisions and then the need for less discussion.

Chairman, Doug Crow states we will revisit the approval process monthly to streamline the application process. Each application is not always the same, with many different options. That makes it difficult to have separate lists for each.

**CORRESPONDENCE:**

Chairman, Doug Crow acknowledges a letter sent to multiple Town and Village Officials, as well as the Building Department, by a Reed Hill resident regarding the Commerce way Development. It is available to review.

Chairman, Doug Crow has observed numerous emails regarding training.

Chairman, Doug Crow asks for a motion to adjourn.

Tim Stroth makes a motion to adjourn at 9:03pm

Seconded by Chris Contento

Upon at vote being taken:

Ayes-6

Noes-zero

Motion carried.

**THE NEXT SCHEDULED MEETING WILL BE WEDNESDAY December 4, 2024, AT 7:00 P.M. AT THE TOWN HALL, 575 OAKWOOD AVENUE, EAST AURORA, NEW YORK**