

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

January 8th, 2025

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

Alternate Member: William Heidt

Absent/ Excused: Laurie Kutina
Norm Merriman

Also Present: Liz Cassidy, Code Enforcement Officer
Paul Ernst, ZBA Chairman
Rod Simeone, ZBA member
Mandy Carl, ZBA member
Peter Sorgi, Esq of Hopkins Sorgi & McCarthy PLLC, on behalf of JJJ
Bros LLC and John Lattanzio, Member
A member of the public

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.

Chairman, Doug Crow asks for a motion to approve the minutes from December minutes.

Liz Cassidy states Chelsea Root and Tim Stroth cannot vote on the minutes, as they were not present at that meeting. Therefore, there are not enough here to vote on the December minutes. Also, there are not enough members from the November meeting to vote on the November minutes as well.

Chairman, Doug Crow recognizes there will be (3)three months of minutes to approve at the February meeting.

ADMINISTRATIVE BUSINESS:

- a. Chairman, Doug Crow acknowledges William Heidt is a voting member.
- b. Chairman, Doug Crow asks for an update from Tim Stroth, on the South Towns Working Group

Tim Stroth states the next quarterly meeting is scheduled for Monday, January 13th, in Hamburg, at the Coyote Café. There is a speaker from the county, that sets it up. The attendance still seems to be from smaller communities and towns. It remains to be more social. Tim states he will report on the meeting at the next Planning Board meeting.

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

Angela Griffis states the most recent meeting, we discussed strengths, weaknesses, opportunities, and SWOT analysis. The vision exercise was also discussed and La Bella shared a draft vision statement. The goal is to share that vision statement with the public in February. There will be an open forum in February. The location and date are not yet confirmed. They have discussed a walking tour in the spring. They have reached out to 21 people for interviews. As of December, they have spoken with thirteen. They launched out a survey, November 1st, and have received 346 responses. 52% were from the town, and mostly from the 55 and over age group. 34% are from the village. The intention is to get more participation from other age groups, as well. The next meeting is scheduled for February 11th

OLD BUSINESS: none

NEW BUSINESS: Chairman, Doug Crow moves the meeting to the rezoning request for 1342 Quaker Road.

- a. Referral from 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 Hopkins Sorgi & McCarthy PLLC on behalf of JJJ Bros LLC and John Lattanzio, Member.

Peter Sorgi introduces himself and represents the applicant. His intention is to help clean up and ongoing circumstances of over thirty years. The request is to rezone the property at 1342 Quaker Road from RR to C2, with restrictions if required. The property has been built for decades, having various business uses. All through a use variance process, which is a lengthier and a difficult process. If rezoned, the owner/tenant would need only a SUP and/or Site Plan. The owner would like to simplify the process for each time there is a change of use. The property structure, historically, is more characteristic of commercial use, as opposed to a Rural Residential structure. As a zoning attorney, rezoning the property makes much more sense. It is inappropriate to continue going through the Use Variance process each time there is a change in use of the property. It makes it more difficult for the owner to lease the property, and in the future could result in a vacant building.

William Heidt asks why the request is being made for a C2 as opposed to C1. The current structure size falls into the criteria of a C1, which is under 5000 square feet.

Peter Sorgi acknowledges that C1 would work well, once the differences were clarified.

Chairman, Doug Crow asks if the property has been family owned for a period of time.

Peter Sorgi confirms, stating it is his understanding that it has been passed through multiple family members.

Tim Stroth states according to Erie County it was purchased in November of 2021 and transferred in January of 2022, owned for less than two months. Prior ownership was not officially recorded.

Chairman, Doug Crow agrees the building is more commercial in character. Also, going through a use variance each time there is a change, the previous Use Variance expires, even if for the same use. There is a lapse in time, and a lack of continued use.

CEO, Liz Cassidy reiterates that each applicant must demonstrate all (4) four criteria for a Use Variance can be granted.

Chairman, Doug Crow he struggles with the fact that most neighboring properties are residential in character. The animal clinic to the east of this property, is residential in character and could easily return to exclusively residential.

Peter Sorgi adds that it is a natural thing, and makes sense when there is a long strip of roadway like 20A, to have a small commercial property. Such as to the east of East Aurora, there is a Crosby's. People have bought and built homes, knowing the existence of 1342 Quaker Road being used for commercial purposes.

Chairman, Doug Crow summarizes we have 2 choices. To push through favoring rezoning to C1, or continuing as present, with applications for Use Variances, to discourage businesses along that corridor. His recommendation is to rezone to C1 without limitations.

Peter Sorgi states he has advised the property owner with a list of uses that would be allowable, if rezoned.

CEO, Liz Cassidy states if rezoned, there are many uses in C1 or C2. Many of which would be regulated by SUP applications and each new tenant would require a new SUP application. If any physical changes were to be made, it would require Site Plan approval.

Tim Stroth states that presently there are two nonconforming uses at 1342 Quaker Road. The bistro and a storage facility. If rezoned all previous variances would be eliminated.

Chairman, Doug Crow, confirms the presence of a storage area, which would be allowable with a C1 zoning.

Chairman, Doug Crow asks board for their feeling in which way they are leaning toward.

The general feelings of all members are more in favor of rezoning to C1, with the exception of Tim Stroth.

Chairman, Doug Crow ask for thoughts from the public audience.

Mandy Carl, ZBA member, states from the ZBA perspective it is next to impossible to ever consider a Use Variance. The property would always be limited in terms of the ZBA ability to give assistance.

Rod Simeone, ZBA member, provided a list of commercial uses of this property dating back to 2008. All of which had Use Variances. In June of '23 the request for the operation of a bistro. The ZBA had multiple concerns for a bar/restaurant with karaoke and possible outdoor entertainment. There was concerns from the local residents as well. The case was tabled and ultimately rescinded by the applicant's attorney.

Chairman, Doug Crow reminded everyone that the request is being made to rezone the property to commercial, which it historically has been used for. Also, for the clarity for the owner and future tenants.

Peter Sorgi states from clear perspective, the property has historically been operated as a Business. It has never been a residential structure. Use Variances should only be used as a last resort if not rezoned.

Multiple people talking.

Chairman, Doug Crow asks for a motion.

Angela Griffis makes a motion to the Town Board for the approval of the rezoning of 1342 Quaker Road from RR to C1 vs. C2, without deed restrictions. Taking into consideration of the following:

1. The existing structure, itself, is more characteristic of C1
2. Historically, the uses of the structure have been characteristic with C1
3. It has been acting as commercial entity or use, for decades. Over thirty years.
4. It is recognized as commercial property by existing neighbors.

5. It is in line with the verbiage or text of the non-adopted Comprehensive Plan, which states the desire to expand commercial zoning down 20A to Orchard Park.
6. The property now is inconsistent with the zoning and character of the most immediate neighborhood. We feel the other factors outweigh that.
7. With the expectation that after rezoning, the owner of the property will abide with the C1 zoning and submit SUP applications consistent with requirements.

Chairman, Doug Crow seconds the motion.

With a vote being taken:

Ayes-5

Noes-1 (Tim Stroth)

Motion carried.

Chairman, Doug Crow states he wishes to bring up a topic not on the agenda. He asks for thoughts regarding, when Comprehensive Plans are discussed, it is not uncommon for towns and villages ask for a zoning change moratorium. Has the Town Board ever considered this. With a moratorium in place, there are no zoning changes until the Comprehensive Plan is complete. Any future requests will be tabled until the plan is complete. Should a moratorium be set in place? We have had a lot of change requests in this last year. We have now not only received funding, but we have hired a consultant. It would be telling everyone publicly, do not ask for any zoning changes until the Comprehensive Plan is complete. They will be tabled. An informal voice of opinion could be presented to the Town Board informally.

Multiple people talking.

Angela Griffis states that the funding from the county for the Comprehensive Plan expires in October. Angela agrees a moratorium does not seem unreasonable.

Tim Stroth adds there are essentially three things needed. The codes, a map, and a Comprehensive Plan. We are presently doing a Comprehensive Plan. We have updated codes and continue to do so. We need a map to identify zones. With that, we would not have to go through as much justification. It would give us more guidance.

Multiple people talking.

Chairman, Doug Crow closes out this discussion.

COMMUNICATIONS: none

PUBLIC COMMENTS: none

CORRESPONDENCE: none

Chairman, Doug Crow asks for a motion to adjourn.

Tim Stroth makes a motion to adjourn at 8:37 pm

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