

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

January 5, 2022

Members Present: Donald Owens, Chairman
Douglas Crow
Timothy Stroth
David Librock
Alice Brown
Norm Merriman

Alternate Member:

Absent/ Excused: Laurie Kutina

Also Present: Greg Keyser, GHD
Liz Cassidy, Code Enforcement Officer
1 Member of the public

Chairman Don Owens presided over the meeting which began at 7:00 p.m. at the Town Hall, 575 Oakwood Avenue, East Aurora, NY. He led the recitation of the Pledge of Allegiance to the Flag.

Doug Crow made a motion to accept the minutes of the December 1st 2021 meeting. Seconded by Tim Stroth. Motion carried.

PUBLIC COMMENTS: None

NEW BUSINESS:

612 Buffalo Rd Special Use Permit as presented by Benjamin Bell (applicant/business owner)

Benjamin Bell, restaurant/business owner, discusses his experience, current restaurant in Orchard Park as well as plans for this new restaurant. Plan for full bar along with patio use, small private gatherings, and events for sports games. Staffing already in place.

Don Owens asks about noise.

Mr. Bell is aware of past noise issues from the previous business and will plan to curb noise issue (example: using lights in lieu of whistles for volleyball games.)

Further discussion about safety to which Mr. Bell responded he plans to only be open until midnight and will limit outdoor volleyball. Doug Crow also points out the property is zoned Industrial with surrounding B1 properties (use fits with the area.)

Discussion by board members regarding a portion of the property (parking lot) that is in the Town of Elma. Greg Keyser suggests Mr. Bell reach out to the Town of Elma regarding any possible approvals needed, make sure they are ok with the use so there is ample parking available.

Douglas Crow moved to recommend the Town Board approve the Special Use Permit application at **612 Buffalo Rd.** as proposed with the following considerations:

1. Changes to SEQR as per comments from GHD
2. Subject to a consultation by the applicant with the Town of Elma to ensure no approvals from them are required for parking lot portion that is located within the Town of Elma

Seconded by Dave Librock

Upon a vote being taken:

ayes – six

noes – none

Motion Carried.

1887 and 1895 Davis Rd. Special Use Permit(s) as presented by Ricardo and Jyl Rivera, property owners

Jyl & Rico Rivera discuss their plans to convert one unit of current five-unit long term rental property to a short-term rental at 1887 Davis Rd. and plans to convert a current long term garage apartment rental to a short-term rental at 1895 Davis Rd. They would like to capitalize on rental during ski season. They have fixed up the rentals since taking ownership to attract quality tenants. If short-term rentals prove better income, may convert more units.

Discussion about short term versus long term rental and Special Use Permit requirements. Short term rental is more of a commercial use therefore requires the SUP. Also discussion about insurance and renter vetting through Air B & B, commercial zoning district in immediate area.

Greg Keyser discusses his experience with short terms rentals in other towns and doesn't feel it affects the character of the area because the owner's live on site (as opposed to property owner's who live out of town).

Douglas Crow moved to recommend the Town Board approve the Special Use Permit application for Unit 1 to be used as a short-term rental at **1887 Davis Rd.** as proposed with the following considerations:

1. Changes to SEQR as per comments from GHD

Seconded by Norm Merriman

Upon a vote being taken:

ayes – six

noes – none

Motion Carried.

Douglas Crow moved to recommend the Town Board approve the Special Use Permit application for a short-term rental in garage apartment at **1895 Davis Rd.** as proposed with the following considerations:

1. Changes to SEQR as per comments from GHD

Seconded by Alice Brown

Upon a vote being taken:

ayes – six

noes – none

Motion Carried.

OLD BUSINESS:

Business and industrial zoning districts code update discussion

Discussions about how short term rentals would fit into current B & I zoning district proposed zoning changes, review of Special Use Permits after property ownership changes (requires review)

Doug Crow discusses the code committee meeting frequently, changing to Commercial (C1, C2, C3) zoning districts, reviewing uses and there are several specific items the committee and Town Board would like feedback on from the Planning Board (as of right uses, 20A and building sizes, drive thru)

Discussion about drive thru; traffic, walkability, convenience highlighted by the pandemic. Allowing only in specific commercial zoning district?

Discussion about discouraging development vs. being preemptive for future development, planning for uses where it makes the most sense, use impact on neighboring properties, shaping future development.

Discussion regarding percentage of lot coverage, consideration to have a percentage per zoning district because uses will have different neighborhood impacts. Look at density and green space and think ahead to avoid unintended consequences. General consensus is to consider percentage of lot coverage per each district.

Doug Crow emphasizes the Town Board would like to use the regional comprehensive plan as a guideline, even though it was not officially adopted. Look at 20A, Olean corridors.

Liz Cassidy brings up discussing and looking at Chapter 95 (Site Plan review), requirements for all commercial uses regardless of adjacent use/zoning (current required abutting residential zoning)

Planning Board members agree to hold a special meeting to discuss only code proposed changes on January 19th at 7pm.

CORRESPONDENCE: None

Don Owens reads letters from Jerry Thompson and Richard Glover, who resigned from the Planning Board at the end of 2021.

A motion was made by Tim Stroth and seconded by Dave Librock to adjourn at 8:33PM.

THE NEXT SCHEDULED MEETING WILL BE WEDNESDAY January 19th (special meeting) AT 7:00 P.M. AT THE TOWN HALL, 575 OAKWOOD AVENUE, EAST AURORA, NEW YORK