

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

AUGUST 7, 2013

Members Present: Donald Owens, Chairman  
William Adams  
Laurie Kutina  
Al Fontanese,  
Charles Snyder  
William Voss

Alternate Members: David Majka, Norman Merriman

Absent/Excused: Timothy Bailey

Also Present: Greg Keyser, CRA Engineering  
William Kramer, Code Enforcement/Building Inspector  
Jeffrey Harris, Councilman  
Edward Snyder, Deputy Town Attorney

Chairman Owens presided over the meeting which began at 7:00 p.m. at the Aurora Town Hall, 300 Gleed Avenue, East Aurora, NY, with the recitation of the Pledge of Allegiance to the Flag.

Chairman Owens appointed alternate member David Majka to sit in for Timothy Bailey for tonight's meeting.

The Board discussed the July 10, 2013 meeting minutes. Laurie Kutina suggested amending the minutes as follows:

Delete (from page 2):

Kutina – if everything (business) is moved to current B-1, Kramer says just get a building permit is needed and if the proposed building is over 2500 square feet, a site plan approval would be required prior to the issuance of a building permit. Also, the property zoned 'A' could be used for storage.

Replace with:

Kutina - Mr. Pressing has the right to move his business on the B-1 portion of his property, what would he need to do that?

Kramer - Just a building permit is needed, and if the proposed building is over 2500 square feet, a site plan approval would be required prior to the issuance of a building permit.

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Kutina - So everyone in this room is clear on this point, it is Mr. Pressing's intention to relocate his business onto the B-1 portion of his property if this request for rezoning is not approved—is this correct?

Pressing - yes

Kutina - And he could do this by meeting the minimum requirements (under 2500 sq. ft.), and would not need a site plan approval if he does so?

Keyser – Site Plan review would be required in the future for any non-residential commercial improvements constructed on Mr. Pressing's property. His property is adjacent to property zoned R3 (Mr. Heater's property to the north). According to 95-2(c) site plan review is triggered for non-residential commercial improvements on property that immediately adjoins or is directly across the street from or is within 500 feet of property zoned residential.

\* \* \*

Laurie Kutina stated, summarizing the amendment, that Mr. Pressing would have to go through site plan review for anything done on his property that is commercial in nature because he is within 500 feet of a residential property.

**William Voss moved to approve the minutes of the July 10, 2013 Planning & Conservation Board meeting as amended; seconded by Charles Snyder. Unanimously carried.**

Chairman Owens gave a brief history on the request to rezone 992 Olean Road and noted that the Vision Plan adopted by the Planning Board recommends the area of Olean Road between Blakeley and the East Aurora Village line for commercial development.

Comments from the Audience:

Carol Rankin, Olean Road, submitted photos taken on 8/8/13 of an old truck that has not yet been removed and junk by the railroad tracks, noting she has been complaining about the junk for four years. Mrs. Rankin stated that in addition to the repair business, Mr. Pressing is advertising a catering business at 992 Olean.

Judson Heater, Olean Road, stated that the fence Mr. Pressing put up is not long enough or high enough as he can still see the junk from his yard.

Unfinished Business: Request to rezone 992 Olean Road

Chairman Owens asked the petitioner, Donald Pressing Jr., about the 55 gallon drums on the property. Mr. Pressing responded they were empty and he is continuing to clean up the property. He confirmed there are two trucks that still need to be removed. Regarding the catering, Mr. Pressing stated he does a chicken BBQ for family 3 times a month and advertises on face-book.

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Mr. Kramer stated he was unaware of the catering business until now.

William Voss stated Mr. Pressing knew the property was not zoned commercial and added an second business. You're not running the business on the B1 part of the property.

Mr. Pressing stated he has done the chicken BBQ for the last 10-15 years and said part of the property is zoned B-1.

Mr. Voss asked Mr. Pressing if he had a sign on the barn. Mr. Pressing responded, no, he has a sign on the mailbox.

Mr. Voss asked what formal complaints the Town has addressed regarding 992 Olean.

Mr. Kramer responded that the complaints were for the business in an A zone and unlicensed vehicles. There have been various complaints over the last few years for unlicensed vehicles.

Mr. Voss noted there is a history of violating the Town Code.

Chairman Owens asked Mr. Pressing if he is asking to rezone the northern part of the property to B2 (Business 2) and the southern part, currently zoned B1, to Agriculture. Mr. Pressing responded, yes.

Mr. Adams asked Mr. Pressing if he could stop his customers from turning around in the Iron Kettle parking lot. Mr. Pressing responded he had no control over that and added that many people use the lot to turn around every day.

Laurie Kutina noted that one immediate neighbor is comfortable with what Mr. Pressing has done so far, with the concessions. As a zoning issue, we have established that this area has a priority to be a business area.

Greg Keyser noted that this is a mixed residential and business area, and there are many business in this area.

Mr. Kramer noted that if the property is rezoned to B, anything commercial would require site plan review.

Mr. Pressing stated that he moved his business there with the intention of rezoning the property and if it couldn't be rezoned then he would put the business on the part of the property already zoned B1.

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Mr. Adams asked if the business he is running should be in B2 or I (Industrial). Laurie Kutina responded that it fits under B2.

Mr. Voss asked if a rezoning request could be denied if the petitioner repeatedly violated the Town Code. Attorney Snyder responded it is a fact you have to take under consideration, but you have to take a look at the type of business and if it complies with the zoning code, too.

Mr. Pressing stated that he was told by Town Building Superintendent Pat Blizniak that he could put the business there when he moved to 992 Olean and didn't see a problem.

Charles Snyder stated he and Bill Kramer made an unannounced visit to 992 Olean and his concerns are the noise and clutter. Mr. Snyder noted he would consider the rezoning request if stipulations and regulations such as no vehicles in front of house, no unlicensed/unregistered vehicles, clutter-free and professional appearance could be attached. Mr. Snyder noted that NYSEG requires a commercial electric service separate from the service to the house and with a separate meter. Mr. Pressing said there was already a separate electric service for the business.

Mr. Voss stated that unless the Town hires more staff to do regular inspections and follow-up - contingencies (stipulations) can not be ensured.

Laurie Kutina noted that Mr. Kramer has been to the property frequently and has not seen evidence of a catering business. Ms. Kutina noted Mr. Pressing has made an effort to comply with cleaning up the property. Ms. Kutina stated that Route 16 has been discussed by the Planning Board as being a commercial corridor and that she would consider rezoning all of Mr. Pressing's property to B2, rather than part B2 and part A.

Mr. Voss noted that Mr. Pressing came to us after he had moved his business, not before and he has repeatedly ignored the Town Code. Mr. Voss noted he is not comfortable that the Building Department or anyone from the Town will be able to follow up on Mr. Pressing keeping within the Code.

Mr. Fontanese stated that our Vision Map needs to be adhered to.

Mr. Pressing stated he moved from the Circle (in the Village) because he couldn't afford to have his business there any more.

**Charles Snyder moved that the Planning Board recommend rezoning all of the property at 992 Olean Road (SBL# 188.01-2-11.11) to B2 (Business 2) with the following stipulations; seconded by Laurie Kutina:**

- **No vehicles in front of the house**
- **No unlicensed or unregistered vehicles on the property**
- **A continuous buffer such as fencing or pine trees be erected on the north side of the property**
- **The entire property be clutter-free and professional in appearance**
- **Have set hours for the business**

**Upon a roll call vote being taken:**

**Owens – aye**

**Adams – nay**

**Fontanese – aye**

**Kutina – aye**

**Majka – aye**

**Snyder – aye**

**Voss – nay                    ayes – five    nays – two            Motion carried.**

\* \* \*

Greg Keyser reported that TwinCo had submitted a revised drainage plan as requested by the Planning Board at its last meeting. The plan was reviewed by CRA Engineering and given an okay.

Bill Voss, speaking as a resident, stated the Town business districts do not look appealing, especially parts of Ellicott Road.

Al Fontanese moved to adjourn; seconded by William Adams. Motion carried.

Martha L. Librock  
Town Clerk

THE NEXT PLANNING BOARD MEETING IS SCHEDULED FOR WEDNESDAY, SEPTEMBER 4, 2013 AT 7:00 P.M. AT THE TOWN HALL, 300 GLEED AVE., EAST AURORA, NY.