

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

August 4, 2010

Members Present: Donald Owens, William Adams, Timothy Bailey, Jim Griffis, Laurie Kutina, William Voss, Steve Mayer, Dick Glover

Members Excused: Al Fontanese

Others Present: Ned Snyder, Deputy Town Atty  
Greg Keyser, CRA Engineering  
William Kramer, Asst Building Inspector/COE

Chairman Don Owens presided over the meeting which began at 7:00 p.m. at the Town Hall, 5 South Grove Street, East Aurora, New York. Bill Adams opened the meeting with the recitation of the Pledge of Allegiance to the Flag.

**Jim Griffis made a motion to accept the minutes of July 2010. The motion was seconded by Tim Bailey. Motion carried.**

Laurie Kutina is an official member tonight for voting purposes in Al Fontanese absence.

**Old Business:** 232 Ellicott Rd re-zoning

The property owner, Eileen Allen, has applies to have the current zoning changed from an 'A-agriculture' to 'I-Industrial'. This was before the PCB at the May 2010 meeting where the PCB recommended the rezoning to the TB. The TB has re-referred it back due to concerns such as the junk cars, sales to the public and renting out any of the property along with Erie County health department concerns. There is a current tenant that restores cars, housed in the 40X60 building, who has 13 cars at present out of doors behind the barn. Most cars are registered per the property owner but Bill Kramer stated after his field inspection, that 12 cars are not licensed or registered with no sign of activities of the business on any of his last 3 visits since the July meeting. Bill Kramer read the code which states that 'junk vehicles' are identified as: being seen from the street, which these are not. The property is not currently for sale but it was at the July meeting. Bush Park, which is an Industrial park, zoned Industrial, is located directly to the east. The former owner of 232 Ellicott started the Industrial park.

The business will have no retail sales because it will be a home delivery business. There will be no signage or advertising on the property. The business would be run out of the 23X44 detached garage which is not hooked up to the available septic and public water as of yet. Hook up is planned for the future.

Dick Glover stated that this property looks residential as do the properties to the east which are zoned R-2. He feels R-2 would be a better fit because it allows for home occupations and it is more restrictive than I. Bill Kramer read the 'home occupation' definition from Section 116-4 which reads that the occupation must be conducted within a dwelling and is clearly secondary to

the use of the dwelling. Ned Snyder commented that the business would be run out of an accessory building. This property could not be B-1 because then it would be spot zoning. B-1 is retail. B-2 may be more suitable. It may be easier to go from A to B-2 to make a softer transition than to go from A to I. As per the survey and attested by the property owner, there is a house, a 4-car garage with an addition, a 3-story garage and a shed on the property currently. Eileen Allen bought the property in 2004 from Marc & Debra Braun, who currently own the property to the west directly on the road. Prior to her purchase, she states, the property was a junk yard with trucks, cars, building debris, tires and dire piles. She will not allow it to be in that state again.

On the proposed Comprehensive Development Map, the property is zoned for R-1 in front and RR in the rear. Tim Bailey believes the ECHD issues do not affect the PCB's decision.

**Jim Griffis made a motion, seconded by Steve Mayer to recommend the re-zoning of 232 Ellicott Rd from an A-agriculture to B-2 Business 2 for the following reasons:**

*This recommendation was made after extensive discussion with the applicant Eileen Allen; Bill Kramer, Assistant Building Inspector; Ned Snyder, Deputy Town Attorney; and Greg Keyser, Planning Consultant with CRA Engineering.*

*The consensus was that the proposed re-zoning request by the applicant for preparing and selling bakery goods in a separate building on the parcel does not fit a home business definition, under the R-2, zoning in the home dwelling, and the Industrial code is too open for the applicant's re-zoning request.*

*Therefore the Business 2 classification was most appropriate for the request as it offers a graded zoning buffer from Industrial to the existing R-2 zoning for the homes immediately to the east of the subject parcel.*

*The applicant agreed with the planning board recommendation.*

**Aye - all      No - none      Motion carried**

**Correspondence:** Climate Change survey

**General:**

-The town board will probably refer the final plat of Jewett Holmwood/Quaker proposed subdivision AKA Reed Hill Subdivision at their next meeting

-One lot subdivision: Greg, CRA, has talked with Ned Snyder about the definition. One lot is a minor subdivision which could be a split or a merge. The current TOA code reads badly because it is conflicting and the subdivision definitions do not make sense. Per Section 99-4.1(D), the Town Board should treat all subdivisions equal but have the right to waive such public improvement permit (PIP) for a one-lot subdivision. There are 9 of the 12 surrounding towns that review splits. The Town Board should be affirmatively waiving such splits or merges. Ned Snyder will prepare the wording to present this to the Town board as per this discussion.

-PCB stands for Planning & Conservation Board. Therefore, conservation issue would come before this board. A walkable meeting was held at Majors Park before the July 7<sup>th</sup> meeting with Hwy Super, David Gunner. There are concerns about wetlands regarding the DEC and the Army Corp of Engineers. Dave Gunner has been cooperative with the concerns. Another meeting will be scheduled because dirt will be moved to build a foot bridge at Majors Park. Don Owens will keep everyone posted on the next meeting date/time. Don Owens added that Cazenovia Creek's course can change in an instant because of its soft, silty soil. The sign for Majors Park is up which will draw more attention to the park. Jim Griffis, along with an Environment and Ecology colleague, also meet with Dave Gunner to discuss the saving and caring of the plants along the creek. Hog weed was found to be present.

**A motion was made by Bill Adams and seconded by Jim Griffis to adjourn at 8:10PM.**

**THE NEXT SCHEDULED MEETING WILL BE WEDNESDAY, September 1, 2010 AT 7:00 P.M. AT THE TOWN HALL, 300 GLEED AVENUE, EAST AURORA, NEW YORK**