

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

JUNE 3, 2015

Members Present: Donald Owens, Chairman
Timothy Bailey
Douglas Crow
Laurie Kutina
David Librock
Norm Merriman
William Voss

Alternate Members:

Absent/ Excused: Richard Glover
Jerry Thompson

Also Present: Greg Keyser, CRA
William Kramer, Assistant Building Inspector
Jeff Harris, Town Board

Chairman Don Owens presided over the meeting which began at 7:00 p.m. at the Town Hall, 300 Glead Avenue, East Aurora, New York. Don Owens led the recitation of the Pledge of Allegiance to the Flag.

Douglas Crow made a motion to accept the minutes of the May 6, 2015. The motion was seconded by Norm Merriman. Motion carried.

Don Owens asked for comments from the public.

Nora Graves, Olean Rd, indicated she would like to hear the presentation before commenting.

Don Owens agreed to allow public comment at the meeting to the end.

Don Owens recused himself from discussing and voting on the agenda items 4A-Maple Road ODA and 5A-West Herr, as he has worked on both projects as a consultant. Norm Merriman also recused himself from discussing and voting on these same agenda items due to his involvement.

Don Owens stated that Laurie Kutina would serve as Chairperson for the meeting.

Acting Chairperson Laurie Kutina confirmed that quorum was present.

Maple Road ODA referral from the Town Board. Frank Russo appeared as applicant.

Laurie Kutina discussed the site visit to Maple Road. She restated concerns regarding access to road.

Doug Crow agreed with the concerns. He discussed the driveway location on the downhill curve of Maple Rd, the presence of another driveway on a parcel that has less than 125' of frontage, the safety of access at the road.

Dave Libroek discussed his experience on the Police Department in reference to Maple Rd. In his opinion problems on Maple Rd weren't due to speeding (due to the hills) but in winter when a car would slide off the road and require a tow. As a senior accident investigator, Dave indicated he didn't go to accidents there and it was his opinion that it was not a dangerous road.

Bill Voss asked if adding two driveways in that location would be a problem.

Dave Libroek indicated that his opinion was that two residential driveways wouldn't be a problem.

Laurie Kutina asked Bill Kramer questions regarding the legal lot development and the ODA development.

Bill Kramer stated that the County Health Department would be involved with approving septic system installation for both lots. He further indicated that calling the lot buildable is in reference to its dimensions only. He visited the site again and noted that the steep slope appears to be in the middle of the legal lot and will require regrading.

Laurie Kutina asked about communication with neighbors regarding the ODA application.

Doug Crow indicated that there is no requirement to notify neighbors.

Laurie Kutina asked about the fill that was added in front of where the soil test was done.

Doug Crow stated that his understanding was that there was some fill in the flat area of the buildable lot and a portion of the flag lot.

Bill Kramer mentioned that a soil test or engineering will be required when the owner comes in for a permit on the legal lot.

Laurie Kutina stated that she wanted the concerns of the Planning Board to be on record. She further mentioned that the ODA lot could be sold to anyone and there are challenges on this lot and limitations to where a house can be built. Any change from the ODA requirements, a variance would need to be requested from the ZBA and at that point neighbors would be notified.

Bill Kramer clarified that Mr. Russo could not get a variance from the ODA requirements. He could request a variance from the zoning code (i.e. setbacks). What is stated in the ODA is what is required.

Doug Crow stated that the question at hand is whether or not the Planning Board is ok with approving the division of the property and making the flag lot a buildable lot.

Bill Voss discussed the traffic and the number of driveways in that area but doesn't know if there is any foundation that the Planning Board could say no, as the other ODA requirements have been met.

Doug Crow and Bill Voss discussed the SEQR form and impact on traffic.

Tim Bailey asked for clarification on the minutes of the previous meeting where Bill Kramer discussed the driveway that is not under consideration of the Planning Board.

Bill Kramer stated that he was speaking of the legal lot and that the legal lot and its driveway is not under the purview of the Planning Board.

Greg Keyser discussed taking into consideration the potential for future ODAs on the property and the addition of more driveways moving forward. In this instance, there are not many more places he can go and he cannot stack more buildings beyond these. The thing to consider here is cumulative impact over time of future ODAs and whether that potential exists here. Will one additional driveway significantly impact traffic along that stretch of road?

Doug Crow stated that the 4th lot is an existing flag lot and would require an ODA approval in the future.

Laurie Kutina mentioned that density is not a concern. She discussed the difficulty of building on these two lots and potential cost associated, as well as the potential for ZBA variances being necessary.

Greg Keyser stated that the Planning Board is making a recommendation to the Town Board to approve or deny the project, in addition to stating any issues the Town Board should take into consideration when they make a decision.

Doug Crow stated that he is hesitant on this development but that he is sensitive to land owner rights. He further indicated that there was good discussion on driveway access and number of accidents.

Tim Bailey mentioned that the discussion on the road safety and the site visit helped clarify issues of visibility.

Timothy Bailey moved to recommend to the Town Board that they approve the subdivision of land resulting in a one lot Open Development Area project at Maple Rd (SBL: 164.12-1-1.13), Town of Aurora, NY. Seconded by David Librock.

Upon a vote being taken: ayes – four noes – one (Kutina) Motion Carried.

West Herr vehicle storage area proposal at 591 Olean Rd referral from the Zoning Board of Appeals and a copy of the ZBA Minutes from the April 16, 2015 meeting are attached and made part of this record. Sean Hopkins from Hopkins Sorgi & Romanowski PLLC and Andy Gow from Nussbaumer & Clarke, Inc. appeared as agents for applicant.

Mr. Hopkins discussed the property at 591 Olean Rd that has been formerly used as a driving range. The property is zoned B2 and Agriculture and about 4 acres of the 25 acres are planned to be developed. The Code states that the use as a storage yard requires a permit from the Zoning Board of Appeals. The ZBA referred this to the Planning Board for guidance. The Code for anything deemed a storage yard, requires a 6' fence around all sides. West Herr will be requesting a variance from the ZBA for that requirement because they don't feel that is a good idea. Drawings were presented to the Planning Board from a landscape architect showing staggered rows of deciduous and evergreen trees and low level planting. The goal is to screen the vehicles as much as possible from Olean Rd and nearby property owners. A second drawing showing a 6' fence only was presented. The fence would enclose the lot completely resulting in security concerns. The landscaping would be preferable to the fence. The details of the landscape plan could be worked out between West Herr and the Planning Board and ZBA.

Doug Crow stated that other properties that have come before the Planning Board that did have storage lots, but those properties also had business on site. That is the difference here and it creates a different character. The security concerns regarding a fully fenced lot are understandable.

Mr. Hopkins stated that from a security perspective, a storage area with millions of dollars of vehicles enclosed by a 6' fence is not a great idea.

Mr. Hopkins also discussed the Cazenovia Creek, the associated floodway, and flood plain. The floodway way will not be impacted; however there are some impacts to the fringe of the flood plain. An engineering review will have to take place.

Mr. Hopkins further stated that, with approval of the Town Board, West Herr is willing to donate approximately 14.5 acres of the parcel to the Town. Mr. Hopkins mentioned this land is contiguous with Major's Park and the donation of this land this would ensure the protection of the most environmentally sensitive areas of the parcel (floodway, areas adjacent to creek, access to these areas). This is not a requirement of the project, but would be a nice addition to the park. Mr. Hopkins also mentioned that there is the potential to extend this area to include some frontage at the south end of the parcel.

Mr. Hopkins discussed the need for lighting on the site for security purposes. The lighting will be low level and the levels can be controlled at night. Nussbaumer & Clarke will prepare a lighting plan for review by CRA and the Town.

Mr. Gow discussed the flood plain issue. He stated they are following through with FEMA and the Army Corps of Engineers to provide a mitigation whereby the area that they are filling in the flood plain has to be mitigated somewhere else in the same floodplain. For every square foot of material they add, they have to take a square foot out somewhere else, so that in the event of a flood there is an area for the flood water to disperse in. They are going to go beyond what is required for mitigation and take out more than what they are adding. They hope that it will help the overall site situation.

Bill Voss clarified that more dirt will be removed from the lower area to mitigate the rise of floodwater. He expressed concern that this will result in a non-running swamp.

Mr. Gow stated that they would pitch the area so that it does drain back to the creek.

Mr. Hopkins added that the conveyance would be sized appropriately so that it is discharged slower than it otherwise would.

Bill Voss asked about how much the area in the south of the parcel would be built up.

Mr. Gow stated that the area in question would be about 6' higher and at the corner would only be about 3' higher to the corner of the parking lot.

Bill Voss also discussed the location of the gas wells on the property. He stated there are three gas wells on the property, one of which is not marked on the map.

Mr. Hopkins stated that LCS did the Phase I for the site, and they are working with them as to the best ways to handle the gas wells. This is subject to DEC oversight.

Doug Crow discussed the ZBA minutes and the plan that the multiple storage lots through the town would be consolidated to this location. He asked if the lot adjacent to CVS would continue to be used.

Mr. Hopkins could not confirm.

Mr. Gow stated that his understanding was that West Herr intends to consolidate all storage on Olean.

Dave Librock and Bill Voss both indicated they thought the lot adjacent to CVS would remain in use.

Bill Kramer noted that West Herr owns the lot next to CVS and they plan on keeping and using it for storage. He further indicated that cars would be unloaded at the dealership and then brought out to Olean Rd for storage.

Mr. Hopkins stated that in the event of a tractor trailer delivery at Olean Rd, Andy has changed the plans (since the ZBA hearing) to include a tractor trailer turnaround on site. West Herr has indicated that onsite delivery is not in their plan today; however Mr. Hopkins noted that these businesses can change over time. There is the potential for delivery at Olean in the future and this turnaround will allow for onsite deliveries. This is a State road and the NYS DOT has been sent plans for their review.

Doug Crow discussed the number of cars currently stored on the lots. A total of 365 spots have been proposed and this is about 100 more than what is currently stored around town. And if the lot at CVS is kept, storage at the CVS lot may not be needed.

Mr. Hopkins indicated that 363 spots are shown on the drawing.

Bill Voss stated that the entranceway needs to be widened for tractor trailer access.

Mr. Hopkins stated that the DOT has a standard spec for sites where there are tractor trailer deliveries and they will make sure that entrance meets spec.

Dave Librock discussed the current delivery method in the Village and that although it may not be dangerous, it is annoying. He further indicated that at Olean delivery on the street would be dangerous.

Mr. Hopkins stated that they would be fine with a condition that states that street side tractor trailer delivery could not occur.

Tim Bailey asked if prospective buyers would be walking the lot.

Mr. Hopkins indicated that West Herr stated that may occasionally occur but that is not the intention. The idea is to bring the car to the retail destination.

Mr. Gow stated that the buyer would come to the showroom and a runner would be sent to the lot to pick up the car that is needed.

Bill Voss asked how many vehicles would be traveling back and forth on a daily basis.

Mr. Gow indicated although he couldn't give an exact number, from discussions with West Herr, possibly a dozen or less.

Doug Crow mentioned that the number of trips could be more since cars will need to be washed.

Mr. Hopkins agreed that it depends on what is happening operationally.

Bill Voss discussed the ZBA minutes where it was mentioned that deliveries would still occur at the Dealership due to need to sign for and inspect the vehicles.

Mr. Hopkins mentioned that in conversations with West Herr, their intention is to not have deliveries on site. However, future deliveries could occur and the plan should accommodate for this.

Doug Crow asked for clarification of what the Zoning Board is looking for from the Planning Board.

Bill Kramer discussed the role of the Planning Board to look at in part, visual and environmental aspects of the proposal, as well as the overall development and plan for the Town. He further mentioned that the Planning Board should look at this proposal and determine if this is good future development of the Town.

Doug Crow discussed the dealerships requirements and storage of cars in either multiple lots, as currently exists, or at this location or some other location. Storage has to be somewhere and there isn't room for a lot next to the dealership.

Tim Bailey discussed that all the lots are along the roadway like a showcase, similar to Southwestern Boulevard. He discussed the vision plan and stated that the vision in this area has always been business because there isn't much business. This isn't a business, it is a storage lot.

He further discussed the flooding that occurs in that area. A flood in the 1970's filled Major's Park. The environmental aspects of a flood like this and the oil and gas from cars would be an environmental catastrophe. Those things also have to be looked at. He questioned the showcase of the cars and this is one of the concerns people have shared with him, along with the environmental aspects. The area was looked at by Walmart at one point in time.

Mr. Hopkins stated that whether or not this is an appropriate location is determined by the zoning code. He further indicated that the code states this is appropriate and that it would have to have a fence around it.

Laurie Kutina clarified that the zoning code states that this is a business and a commercial site and commerce can happen on this site.

Mr. Hopkins stated that they want to do the best they can.

Laurie Kutina mentioned that she understands West Herr wants to do the best they can; however, she anticipates a battle with this, because people don't want to see cars parked along the road.

Mr. Hopkins indicated people need to keep in mind that the tradeoff is West Herr has to keep these vehicles within the sales area and what typically happens is the cars are spread out at multiple locations. Many of those locations are leased locations and West Herr doesn't have the ability to put in the landscaping and these types improvements. The tradeoff is one location that they own and control and can implement improvements as appropriate versus scattered storage locations, which can change over time because they are short term leases.

Laurie Kutina stated that required number of vehicles that need to be stored within that area could change as well.

Doug Crow stated that this number is imposed on the dealership by the manufacturer.

Mr. Hopkins agreed and stated that any business can change over time. And this site can accommodate an additional 100 cars beyond what they believe they need currently. It does anticipate future growth.

Bill Voss asked to see the whole parcel map. He asked about West Herr coming back in a few years and wanting to demolish the NAPA store to extend the lot to the other end of the property.

Mr. Hopkins stated that this is not what they intend, but there is nothing that would automatically categorically preclude that they could never come back and ask for that. It would require a separate approval process. He did say that it would never go deeper, because of the floodplain and as Andy indicated, detailed engineering analysis has to go into showing that this is acceptable from a safety perspective. He further stated that this doesn't mean that in a

catastrophic flood there would not be problems, but no projects are designed for catastrophic events.

Bill Voss asked if we have the right to ask for an adequate disaster plan to relocate cars in the event of a catastrophic flood. So that in the event of a major flood of Olean Rd there aren't 300 cars floating down the road.

Mr. Hopkins indicated that he would relay that to the client. He stated he understood the concerns regarding oil and gas and stated that the request is reasonable.

Bill Voss asked that if after raising the land along that 1000', would the open culvert at the road remain for water runoff from the road. The pictures make it look closed.

Mr. Gow stated that there will be drainage along the road, but the parking lot is designed to sheet to the back. There is a linear detention basin along the back of the parking lot, so everything would sheet to that detention basin before being discharged.

Bill Voss indicated he thought it was graded above the road.

Mr. Gow stated that it will be. The front of the parking lot down to the edge of the pavement will pitch toward the road, but the rest of the lot will pitch to the back.

Mr. Hopkins stated that the impervious part of the lot will pitch to the back.

Bill Voss expressed concerned about the water on the road or traveling down the road and the current open ditch.

Mr. Gow stated that the open ditch would stay.

Mr. Hopkins stated that they are not proposing to close in the existing ditch.

Mr. Gow stated that the plan will be reviewed by the DOT for approval. West Herr will have to demonstrate how they will maintain the drainage for the roadway.

Mr. Hopkins stated that they cannot interfere with the drainage system for the roadway.

Greg Keyser indicated that according to the Code, they will have to submit a Floodplain Development Permit. Through this process, the detailed information that supports the proposal will be shown. They will have to demonstrate a number of things, including:

1. Plan does not impact upstream and downstream properties
2. Delineate new 100 year floodplain as a result of proposed parking lot
3. Prepare Storm Water Pollution Prevention Plan to go along with detention basin

4. Demonstrate that it is designed adequately and not contribute to any future problems in the floodplain, including during construction

Tim Bailey asked about how long it takes the trees to get to the height represented.

Mr. Hopkins indicated that they are planted at a height of 6-8' and they will grow 1-2' a year. And the maximum height of the trees depends on the type of tree planted.

Dave Librock mentioned the ZBA minutes that discussed the landscaping plan of 60% pine and 40% deciduous shrubs, which loose leaves in winter. It appears that there are a variety of pines used.

Mr. Hopkins stated that they could work with the Town in choosing appropriate trees. He further stated that they would not be opposed to using all evergreen trees, but thought that esthetically, the mix is better.

Bill Voss discussed the potential problems with snowplowing as referenced in the ZBA minutes.

Norm Merriman indicated he has plowed millings before with no problems.

Mr. Gow indicated that the snow would be pushed to the back of the parking lot near the detention basin so that when it melts it will go into the basin.

Bill Voss asked if any chemicals will be used.

Mr. Gow stated that they will not be using chemicals.

Mr. Hopkins stated that they have to comply with the DEC's stringent storm water quality and quantity standards. Meaning they have to clean the water that comes off the impervious surfaces before it gets discharged off site.

Laurie Kutina mentioned that the Open Space Plan, written in 2010, indicated that this property is considered both prime farm soils and a priority area as a stream corridor. This information should be documented in the SEQR form.

Mr. Hopkins indicated that they are being respectful of those two criteria as they are not touching the agricultural land and they are only developing 4 of the 25 acres. He welcomed input on the land West Herr is proposing donating to the Town, if the Town doesn't want it. The donation is West Herr's way of ensuring the conservation of that land.

Dave Librock asked about demolition of the existing building.

Mr. Gow stated that the driving range building will be demolished, but the NAPA store will stay.

Bill Kramer asked about the geographical area of the dealership.

Mr. Gow indicated that he did not know exactly.

Bill Voss stated that there is a lot of land available in the area, but that the cost of this lot is probably cheap because it can't be developed.

Mr. Gow stated it won't be cheap. It will be quite expensive. In order to do the mitigation, the large amount of material that will be brought in at quite an expense.

Mr. Hopkins stated that finding a site that is properly zoned isn't easy.

Bill Voss stated that unfortunately we don't have an updated master or comprehensive plan and have never been able to develop what we want to see along this road. He stated that unfortunately he thinks this area looks like a rundown strip-mall and this would not make it better.

Laurie Kutina expressed concern that this pervious parking lot could be the beginning of something else that could make it a much bigger project. Down the line it could become a bigger project. Right now the plan is right along the road, but at some point it could be expanded as Bill discussed earlier. The Planning Board should figure out what the entrance to the Village in this area should look like and she stated that she didn't think this is what that should look like. She also expressed concern over the lighting that was discussed in the ZBA minutes, and not knowing what exactly is planned.

Mr. Hopkins stated that they readily acknowledge that submission of a photometric plan is appropriate. They will show the lighting levels.

Laurie Kutina asked about the next step. She summarized the concerns of the Planning Board which includes the floodplain, visual, road access, Town character. The level of impact is beyond a short SEQR, which is why the long form has been submitted. She asked about Lead Agency.

Greg Keyser stated that the ZBA will be Lead Agency because of the close proximity to Major's Park that triggers it to be a Type 1 Action coordinated review. They will need to officially request Lead Agency and contact involved Agencies, permitting Agencies, to seek their comment and any other approvals.

Laurie Kutina asked if there will be a public comment.

Mr. Hopkins stated that the State Environmental Quality Review Act itself doesn't require a public hearing. So the public hearings would follow the Town's process. He further stated that the ZBA is a public hearing. He suggested that the Planning Board recommend to the ZBA that they commence a coordinated environmental review pursuant to SEQR. That would then give the opportunity for information to come in from the interested Agencies including, the Army Corps, DEC, NYS DOT, Erie County Department of Public Works, etc. And then have that information come back to the Planning Board and see where we are at. He stated that they know that the ZBA will not be able to render a decision at their meeting this month.

Greg Keyser stated that the ZBA can't make a decision until they come to a determination on SEQR.

Mr. Hopkins stated that with the 30 day Lead Agency solicitation period, he doesn't anticipate a ZBA decision until August.

Laurie Kutina thanked Mr. Hopkins and Mr. Gow for presenting the information and allowing discussion on the project.

Mr. Hopkins asked if there was a consensus of the Planning Board to not have a fence.

Doug Crow stated that if this is approved, and could not say whether it should be or not, he thought it would be preferable without a fence.

Bill Kramer asked if three sides would be fenced.

Mr. Hopkins clarified that there would be no fence. West Herr is agreeable to have no fence, if that is what the Town would like.

Laurie Kutina mentioned the ZBA minutes and noted how in this instance a fence could be worse, in reference to vandalism.

Doug Crow discussed that he is sympathetic to the need for storage. His preference is one location vs multiple locations. He hoped that a different location could be found, as he is not thrilled with this location.

Dave Librock asked if the project started off with black-top and then changed to millings due to cost or environmental reasons.

Mr. Gow stated that it has always been intended to be millings.

Acting Chairperson, Laurie Kutina opened the floor to public comments.

Nora Graves, Olean Rd – Expressed concerns with the Creek and Major’s Park, but the major concern was off loading on Olean Rd. This road is well traveled 24 hours a day, with not just vehicular but with walkers and cyclists. Once spring starts, there are kids up and down the road all day long.

Gunther Piepke, Underhill Rd – West Herr cars are all over East Aurora. He asked if East Aurora is a dumping ground for West Herr cars from all of WNY. He further asked how many cars they can sell. He stated that you can’t sell all the cars on here. He also stated that black top contains a lot of chemicals and when you put in a parking lot, sooner or later those chemicals will find their way to the creek, pollute the creek and kill the fish. He also suggested a concrete wall around the parking lot because a 100 year flood will wash away all the soil down the creek. Finally he mentioned that the land is beautiful scenery now. He stated that now they will have to look at 365 cars when they drive by and he never thought that this East Aurora would look like that.

Doug Crow asked for clarification on Mr. Piepke’s suggestion of a concrete wall

Mr. Piepke stated that he was suggesting a concrete retaining wall for the parking lot.

Judd Mosser, Underhill Rd – Restated that this is a 25 acre lot, 14 acres are being offered to the Town and they are developing 4 acres. That leaves 7 acres that they are not discussing. He stated he doesn’t believe this is the end of the story, just the beginning. He thinks that in 5-10 years this will be a 500 car parking lot and that it will go from where it ends near NAPA and will continue on into East Aurora. He doesn’t think that this is what the Town of Aurora stands for or wants to be. He realizes that this is probably an expensive property for West Herr Automotive and it is close to one of their dealerships, but this just seems like it is not a good use for this property. He asked to consider recommending this not move forward.

Ron Knuth, Blakeley Rd – He stated that his property is located right on the creek and have been flooded numerous times. When the NAPA building was put in they noticed an increase in water in their area. When the leach field was put in at the trailer park, there was a very large increase in water in their area. He stated that the creek comes up very quick and when it rains, they get called and they go look at the golf course and that determines if they have to evacuate their area. He stated they have been there since 1981. He stated that there is a lot of open land in the area and in other towns, the car dealers are being grouped together so they don’t infringe on the rest of the town or businesses. He hopes this Board realizes that there are other people upstream and downstream of the creek. Nothing has been done with the creek since 1981 and he has been on people to do something. When the creek floods, it floods right up to Rt 16. He doesn’t feel that this project should be considered or that this company should even think of looking at this property. The Town of Wales didn’t want to look at anything this, why should we be made to look at this on the way to the Village. The Planning Board should look what is down through

that area and protect people's property. He stated that there is blue clay underneath and clay does not leach water and there is no way water will drain off overnight. The storm a few years ago caused water to be up to his neck and he lost a half million dollars over that creek. If this goes through, they're dead. Someone has to stand up.

Dave Librock asked if the Army Corps of Engineers or DEC come out to do something.

Mr. Knuth stated that he has been on them to come do something. But they haven't and they will not look at it because it is not a vital problem to them as long as it stays the way it is. The Corps of Engineers say that there is a 5 year plan they may look at, but funding cuts strap them.

Bill Voss asked if the Town has pushed anything with the Corps of Engineers.

Jeff Harris stated that have but they can't get them to remove trees. That is the biggest problem.

Mr. Knuth stated that he contacts the County whenever there is a tree down in the creek, but funding is an issue and the work hasn't been done. Right now there are about 9 spots that need to be cleared out.

Jeff Harris discussed a rental house down from Mr. Knuth that has been vacant and condemned since the last flood.

Mr. Knuth stated that when it rains, they have a request at the Police Department for a patrol check and a phone call if the water gets to a certain area. That way he can move things off of his property. The creek gets wild. The bank has been stabilized on his side and now the creek is eroding on the other side. With all the digging at the proposed site, once they hit blue clay, it will end up being a pond. He recommended the whole property be donated to the Town for the park. He also discussed the water runoff from the railroad. He mentioned that when it rains, the water comes down off the tracks and that whole side of 16 is flooded. He questioned what is going to be done with the water that crosses Olean where this land has been brought up to higher than the road. It will be a dam and cause ponding. There are a lot of things to consider before putting anything on this land.

Don Owens asked if Mr. Knuth had any other concerns besides flooding.

Mr. Knuth responded that it will look awful for people coming into town.

Al Salter, Underhill Rd (speaking as a resident, not on behalf of the Zoning Board of Appeals) – He discussed the B2 zoning of the property, the approved use and as a storage lot, and the requirement of a suitable fence or stockade fence. He discussed West Herr's request for no fence and the variable lighting. He stated that the need for this storage area is a place to hold the excess cars dumped on them by the manufacturer. He indicated that if the cars just have to be

stored, West Herr should look at a satellite map and find a farmer with some piece of property in the back that would be glad to store the cars for a fee. He also mentioned that this looks like a showcase and maybe in a year or two, West Herr would come back and ask for a used car lot. So the storage lot would be turned into a used car lot very easily. He doesn't want to see this area looking like Southwestern Boulevard and doesn't think this is a good idea.

Don Owens closed the comment period.

Mr. Hopkins asked for a point of clarification. He understands that the 30 day comment period on SEQR would end after the July Planning Board meeting, and so he requested to be tentatively placed on the August meeting agenda.

Correspondence: Training opportunity sent via email. Please register and forward any completion certificates.

The Reed Hill sidewalk plan was clarified from the Town Board minutes of May 13, 2013.

Bill Voss asked about the status of the Mill Road Development.

Greg Keyser stated that the developer has re-submitted and the Town Board is considering it and will review the latest proposal. They will discuss it at the next work session. At that point they could refer it back to the Planning Board or end it right there.

Bill Voss suggested that the Planning Board may want to review construction where steep slopes are involved. The two houses on Porterville Road are of significant concern.

Don Owens stated that the lots are a proper size.

Dave Librock also expressed concern in regards to the safety and his experience as a Police Officer.

Bill Voss discussed the concern about the steep driveways onto Porterville and the accident at a similar Center Rd driveway.

Don Owens mentioned that in order to address the concerns of steep slopes, there could be an overlay district with restrictions, which would require special attention and approval, similar to the ODA. It was proposed a long time ago, and maybe it should be revisited. It sounds like it is an issue.

Laurie Kutina recalled a discussion with Don and Bill about the huge challenges of this community regarding water and slopes. For a long time we thought that people would not build

anywhere and that these things would limit us. But we are getting to a point where just physical nature is not limiting us.

Bill Voss asked about liability issues with building on sites like these.

Greg Keyser mentioned that there is already an overlay district, per se, for floodplains. The Floodplain Development Permit as discussed tonight, which adds additional regulations to floodplain areas and defines where floodplains are located. The same thing can be done for steep slopes.

Dave Libroock confirmed that the overlay regulations would be in addition to existing zoning regulations.

Greg Keyser stated that yes; similar to the how the Floodplain Development Permit requires them to do the SWPPP, do the modeling or analysis necessary to make sure there are no upstream or downstream impacts. On an overlay code, it is the same principal, different requirements.

Bill Voss asked how to proceed.

Laurie Kutina asked if New York's floodplains been re-evaluated and if the Town's have.

Doug Crow indicated that FEMA regularly updates.

Greg Keyser stated that a massive update was recently done and he would have to check to see if the Town was included.

Bill Kramer stated that the Town was included.

Doug Crow mentioned that FEMA tends to focus on areas where there has been major development, such as in the New Jersey and downstate area.

Don Owens suggested that the Planning Board evaluate slope overlay in the future.

Doug Crow asked if there are slope overlays in other towns nearby.

Greg Keyser stated that he would look into what communities in WNY are doing as far as steep slopes.

Tim Bailey asked who is Lead Agency for the West Herr proposal.

Greg Keyser confirmed that the ZBA will be.

Laurie Kutina asked what other agencies will be contacted.

Greg Keyser stated that DEC, DOT, Army Corps, and SHPO would be notified.

Laurie Kutina had noticed SHPO wasn't checked.

Greg Keyser indicated that he believes this is in a sensitive archaeological area and the DEC will likely mention this in their response and indicate that SHPO should be checked. SHPO is the State Historic Preservation Office.

Laurie Kutina asked if the US Fish and Wildlife Service would be involved because of tree removal.

Dave Librock and Don Owens didn't think the trees would be affected.

Tim Bailey noted that the SEQR form indicates that there are no environmental concerns. He disagreed.

Bill Kramer stated that Part 2 of the long form will have to be completed and every box reviewed.

Laurie Kutina questioned the new blacktop driveway width on the Bowen Rd ODA and a row of trees next to the blacktop.

Don Owens stated that 20' of hard surface and that the property has to be 50'.

Bill Kramer indicated that the 20' of hard surface doesn't have to be all blacktop; the shoulder could be a different hard surface. He further stated that the 50' doesn't have to be cleared, as long as that 20' surface is maintained.

Bill Kramer asked if there was a recommendation by the Planning Board for the ZBA.

Laurie Kutina stated that there was no recommendation.

Bill Kramer mentioned that the ZBA was looking for input.

Greg Keyser discussed that in his conversation with Don Aubrecht, Acting Chairman of the ZBA, they weren't looking for an approval/denial recommendation from the Planning Board. But they are looking for feedback on what they need to consider in their review process (the SEQR, site plan) as the Lead Agency. The issues brought up were very good and need to be fed back to the ZBA.

Laurie Kutina suggested sending a draft minutes from this meeting to the Zoning Board of Appeals

A motion was made by Bill Voss and seconded by Laurie Kutina to adjourn at 8:45PM. Motion Carried

THE NEXT SCHEDULED MEETING WILL BE WEDNESDAY July 1, 2015 AT 7:00 P.M. AT THE TOWN HALL, 300 GLEED AVENUE, EAST AURORA, NEW YORK