

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

JUNE 1, 2016

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

Alternate Member:

Absent/ Excused: Laurie Kutina
Richard Glover
Jerry Thompson

Also Present: David Gunner, Highway Superintendent
Greg Keyser, GHD
William Kramer, Assistant Building Inspector
8 Members of the public

Chairman Don Owens presided over the meeting which began at 7:01 p.m. at the Town Hall, 300 Gleed Avenue, East Aurora, New York. William Voss led the recitation of the Pledge of Allegiance to the Flag.

Chairman Don Owens welcomed the students in attendance. He further discussed the volunteer status of the Planning Board and the scope of work.

Douglas Crow made a motion to accept the minutes of the January 6, 2016. The motion was seconded by David Librock. Motion carried.

New Business:

Informal discussion regarding a parcel with access on both Reading and Falls Roads. Richard Gicewicz appeared before the Board to discuss the split of a parcel resulting in an ODA lot.

Mr. Gicewicz thanked the Board for taking time to discuss the project. The property is 62+ acres with 895' frontage on Falls Rd and also two access ways on Reading Road, 60' and 22'. This is a family owned property. He indicated he has met with Bill Kramer several times to discuss the proposal and make sure zoning regulations are met so that the project does not require subdivision approval. Along Falls Rd, the parcel will be split into five lots. Two of these will have 125' frontage with 1+ acre, and the remainder split into 3 lots with 200' frontage and ranging from 5-10 acres. This would leave a large parcel to the north with 40+ acres. He indicated that in his discussions with Bill Kramer he was informed the 22' driveway would not have enough room for access and utilities. He asked for assurance that given the size of the lot and 60' access he would be able to build in the future.

Doug Crow discussed the proposal and noted that the splits on Falls Road are buildable as presented, but the north lot is an ODA and that when it is time to build on that lot, approval will be needed. It is not approval that can be given today.

Mr. Gicewicz asked about the status of the moratorium.

Doug Crow stated that with the rules as they were before the moratorium, the approval for an ODA would be obtained from the Town Board and on the recommendation of the Planning Board at that time. He further mentioned that ODAs have come before the Planning Board where the property was split according to the codes 15 years ago, but did not have the minimum ODA access requirements as stated in the code.

Mr. Gicewicz asked if it is safe to say a single home can be built on the remaining lot.

Bill Voss stated that the Planning Board doesn't know. He further mentioned that before the moratorium, the minimum access needed was 50' and this lot has 60' and so theoretically it would be ok. He noted that there could be changes proposed in the code that would change that requirement. Or the possibility that other changes, such as distances between driveways which may affect this lot.

Doug Crow agreed that the new rules aren't known yet.

Mr. Gicewicz expressed his concern about being able to put a home on this lot.

Doug Crow mentioned that with the previous ODA code, there was no guarantee to be able to build on the north lot with only 60' of frontage. He further mentioned that approval would have likely been given in this instance. However, approval would still be requested of the Town Board and with a recommendation from the Planning Board. There is no guarantee.

Dave Libroch noted that it is unlikely the Town Board would not allow access or the ability to build, but they may decide that only one house per ODA is allowed.

Mr. Gicewicz stated that it is his intention to put a single house on the lot.

Doug Crow indicated there is no way to get approval ahead of time even for one home.

Dave Libroch noted that many of the approved ODA requests didn't have 60' of access.

Doug Crow also noted that the risk involved is that subdividing the parcel in this manner is a risk because approval is not guaranteed. He further mentioned that under the previous ODA rules, if there was a way to subdivide the parcel and retain the 125' of access from Falls Rd, then approval wouldn't be required.

Mr. Gicewicz asked who is deciding ODA rules.

Don Owens indicated the Town Board is and that they will likely also receive input from the Planning Board and other entities.

Mr. Gicewicz asked about how the Town Board might perceive the request of a one lot ODA.

Tim Bailey noted that it appears good because of the 60' access and not wanting more than one house. Difficulties arise when after the first ODA approval, the lot is split and several other requests are made.

Doug Crow indicated that given his experience on the Planning Board, he feels that it could be approved, if the requirements are the same when the request is made.

Bill Voss indicated that if this was his project, he would go to the Town Board to see where they are at with the ODA code and any potential changes.

Doug Crow suggested that if Mr. Gicewicz did go to the Town Board he might want to ask if there may be changes to the ODA code and if so, what sort of changes.

Tim Bailey mentioned that more than one house on a single lot is called a dwelling group, which is a different approval.

Dave Libroch mentioned that someone might see the 60' access with 40+ acres and be concerned that a sprawling subdivision might happen, like on Sweet Rd.

Doug Crow discussed problems associated with frontage less than 125' and the access located on curves or in densely populated areas. The visibility is not an issue at this access way.

Mr. Gicewicz asked about the Town Board meeting schedule.

Doug Crow mentioned that a work session is where the Town Board members discuss a proposal or issue.

Don Owens expressed his appreciation to Mr. Gicewicz for coming in to discuss this project.

Mr. Gicewicz thanked the Board for their time and noted that if any other questions come up to get in touch with him.

The members discussed the moratorium and a possible review of the ODA code changes by the Planning Board.

Don Owens noted that after adjournment the Board would take a field trip to view the progress of the Highway Department on Hubbard Road ditch redesign. The Board will also walk the parcel the Land Conservancy is in the process of purchasing. Don asked those who are hiking to Mother's Falls to please sign the waiver.

A motion was made by Bill Voss and seconded by Dave Librock to adjourn at 7:34PM.

THE NEXT SCHEDULED MEETING WILL BE WEDNESDAY July 6, 2016 AT 7:00 P.M. AT THE TOWN HALL, 300 GLEED AVENUE, EAST AURORA, NEW YORK