

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

AUGUST 5, 2015

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

Alternate Member: Richard Glover

Absent/ Excused: Laurie Kutina
David Librock
Jerry Thompson
William Voss
Greg Keyser, CRA

Also Present: William Kramer, Assistant Building Inspector

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

Chairman Owens indicated that Richard Glover would be a voting member for the meeting.

Douglas Crow made a motion to accept the minutes of the July 1, 2015. The motion was seconded by Norm Merriman. Motion carried.

New Business:

211 Falls Rd, West Falls Dwelling Group and Single Lot ODA referral from the Town Board. Linda and Jerome Murray appeared as owners.

Don Owens discussed the topography of West Falls, the west Branch of the Cazenovia Creek, and the presence of a terrace or exposed bedrock along that branch. In this case, there is a terrace present.

Mrs. Murray discussed the proposal. They would like to build a small ranch-style retirement home in the back corner of their lot, as indicated on the plan.

Tim Bailey asked about the location of Falls Rd.

Mr. Murray noted the location of Falls Road and the Creek in reference to the map.

Norm Merriman asked about the driveway.

Mrs. Murray noted the current circular driveway and indicated that they will extend the driveway and include a 20' by 70' turnaround for emergency vehicles.

Dick Glover asked for clarification on the recommendations needed.

Bill Kramer stated that the request is for an ODA and a dwelling group.

Doug Crow asked for confirmation that they would not split the lot.

Mrs. Murray confirmed that they will not split the lot. They currently own the property and the existing home, which was built in the 1830's, is very old and deteriorating. She further mentioned that over half of the house was built directly on the ground without a foundation. Further, when the house gets to the point where it needs major repairs, they do not plan on repairing it. They may demolish it or use it as a barn.

Doug Crow clarified that they are not splitting the lot because they are expecting to tear down the existing house.

Mrs. Murray confirmed and further stated that they can't give a timeframe.

Mr. Murray indicated that two of their sons are living in the existing home right now.

Doug Crow asked about the draft driveway agreement contained in the packet.

Mr. and Mrs. Murray discussed the request of the Town Board to have an agreement, just in case the lot was to be split in the future. Then the agreement would already be in place.

Mrs. Murray further stated that the Town Board wanted the agreement so that the access and maintenance requirements were clear.

Bill Kramer indicated that the driveway agreement was requested in the event both houses stay on the property and the property sold and was divided, then the Town would have a say in the

requirements. The Town Attorney wanted this agreement to be on the deed, in the event of a future split of the two homes.

Doug Crow asked about the tree removal on the property.

Mr. Murray stated that they removed trees on the property last year to allow undergrowth along the bank. A few were hanging out over the bank and if they fell would rip right out of the ground.

Norm Merriman asked how far the foundation of the new home would be from the start of bank. Mrs. Murray stated that the house will have a walkout basement, so it would be right on the ridge line.

Doug Crow mentioned that there is a ridge and then the bank drops down significantly almost all the way to the water line.

Dick Glover asked if site has been looked at by the Erie County Health Department.

Mrs. Murray indicated that they have not yet, but they are on the list of things to do. They wanted to get approval first.

Dick Glover stated that he did not see a topo map in the packet.

Mrs. Murray mentioned that the septic is located on the lower level.

Mr. Murray stated that the original septic was on the upper level with the house, but then when they put in a 3 bedroom septic system, the sand filter had to be located at the lower level due to the size. He further mentioned that just up the road two houses have to share a septic system because of lack of space.

Mrs. Murray discussed that they bought the property in 2009 because they liked the privacy and layout of the lot.

Tim Bailey mentioned that the septic system design and location will be approved under the jurisdiction of the Erie County Health Department.

Mr. Murray agreed and stated that it didn't make sense to start with the Health Department if the Town Board wasn't going to approve the application.

Mrs. Murray further stated that this is also why they haven't spent money on architectural plans. Not until they are sure they can build on the lot.

Don Owens asked if there would be any change to the grade of the driveway grade at Falls Rd.

Mrs. Murray stated that they intend to regrade the driveway when the new driveway is put in.

Mr. Murray indicated that the County has raised Falls Rd 2' in the time they have lived there.

Doug Crow discussed the flood plain maps and that Falls Rd in that area is the 100 year flood zone.

Dick Glover discussed the eventual demolition of the existing home.

Mrs. Murray stated that once the home needs major repairs, they will either do the work or tear it down.

Dick Glover asked if they would tear it down now.

Mrs. Murray indicated that two of their sons live in the house now.

Mr. Murray stated that the main part of the home has a foundation, but the additions were built on logs that were placed on the ground. Those logs are rotting out and the additions are slowly settling. The roof is in good condition and the house has siding, so it could last for 20-30 years.

Dick Glover asked if the current driveway would be removed.

Mr. Murray stated that the current driveway would stay. But it will be made wider.

Dick Glover asked if there is any thought of any additional homes on the property.

Mr. and Mrs. Murray stated no. They further mentioned that there isn't room behind the proposed home and the steep bank prohibits further development.

Don Owens indicated that he would consider the property to be a terrace with a flat area, steep slope above it, and steep slope below. And it is a well-drained terrace.

Norm Merriman asked about the soil type.

Don Owens stated that it is a sandy gravel or glacial fluvial soil.

Douglas Crow moved to recommend to the Town Board that they approve the single lot ODA at 211 Falls Rd as presented. Seconded by Timothy Bailey.

Upon a vote being taken: ayes – five

noes – none

Motion Carried.

Richard Glover moved to recommend to the Town Board that they approve the dwelling group request for 2 dwellings only at 211 Falls Rd. Seconded by Norm Merriman.

Upon a vote being taken: ayes – five noes – none Motion Carried.

Old Business:

Don Owens reviewed the joint meeting with the Erie County Environmental Management Council. The Council has been working on finalizing environmental recommendations to the County Executive. Don was grateful to the Town of Aurora for sponsoring the evening and he was pleased at the turnout. He further mentioned that the Council members were able to see the amount of the death of the Green Ash trees in our town. The destruction of Green Ash is extensive. This year the Green Ash are all dying and next year as the trees start to drop, communities will have major maintenance issues to deal with.

Dick Glover mentioned a newspaper article in today's paper about ash borers in Cheektowaga.

Jeff Harris asked if all Green Ash trees will be affected.

Don Owens stated that the only way a Green Ash tree can survive is if it is inoculated (and the inoculation is only good for a year or two). He mentioned that experts claim we will lose all the Ash in a very short period of time. The ash borers do have a flying range and have spread very quickly in the last year. And the bad news is that young Ash trees are now being affected too.

Tim Bailey asked where the borer came from.

Don Owens stated that the borer came from Asia.

Dick Glover mentioned that the article said the borers were in palettes that came from Asia to Michigan.

Don Owens thanked everyone on the Planning Board who attended.

Dick Glover stated that he mentioned to the Town Clerk that everyone who attended should get 2 hours of training credits. He indicated that she thought this was a good idea. Dick further stated that he would follow up to make sure credit is received.

Norm Merriman asked for clarification on electronic waste recycling. He thought the Town already did that.

Bill Kramer stated that the Town used to have recycling events where they would take in computers, and televisions, and such. But where the Town used to earn money for the events, now the Town has to pay for the electronics recycling. There are periodic events scheduled through Churches, Service Organizations, and Erie County.

Doug Crow also discussed the ODA requirements.

Don Owens stated that there used to be a steep slope overlay and felt that the Town should revisit this.

Dick Glover expressed concerns about the ODA Code and the ZBA granting variances for ODA driveway widths, the size of emergency vehicles, self-imposed hardship, and Fire Officials writing letters giving an OK for a width change. He indicated that if the ZBA is habitually granting variances for driveway width on an ODA, then maybe the code should be reviewed.

Don Owens suggested an informal meeting with Fire Officials and the ZBA to discuss the ODA requirements and the concerns mentioned.

Bill Kramer agreed that if the ZBA is granting variances like this monthly then maybe something is wrong with the code.

Tim Bailey questioned whether or not a new ODA would be required to have a 20' driveway.

Bill Kramer stated that a new ODA applicant could ask for a variance to the code requirement for driveway width.

Doug Crow agreed and further mentioned that after discussing things, there may not need to be changes made to the code but rather a better understanding of when it is appropriate for exceptions to the code.

Bill Kramer discussed the use variance and area variances.

Don Owens stated that the Planning Board would send a note to the ZBA and Fire Officials to see solicit their interest in scheduling a joint meeting to discuss the ODA issues.

A motion was made by Richard Glover and seconded by Timothy Bailey to adjourn at 7:45PM.

THE NEXT SCHEDULED MEETING WILL BE WEDNESDAY September 2, 2015 AT 7:00 P.M. AT THE TOWN HALL, 300 GLEED AVENUE, EAST AURORA, NEW YORK