

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

JANUARY 6, 2016

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

Alternate Member: Jerry Thompson

Absent/ Excused: Richard Glover

Also Present: Greg Keyser, GHD
William Kramer, Assistant Building Inspector
Chuck Snyder, Town Councilman
Jeff Harris, Town Councilman
4 members of the public

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. William Voss led the recitation of the Pledge of Allegiance to the Flag.

Douglas Crow made a motion to accept the minutes, as amended, of the December 2, 2015. The motion was seconded by Timothy Bailey. Motion carried.

Bill Voss made a motion to accept the minutes of the December 16, 2015. The motion was seconded by Norm Merriman. Motion carried.

Chairman Owens opened the meeting for public comments on the agenda items.

Dan Brunson, Lawrence Ave. Discussed issues of homeownership and encouraged the Board to support a variety of types of housing. He further mentioned that everyone knows of older residents who have moved out of East Aurora because they could not find housing that worked for them. He stated that projects which offer more options than single family homes on big lots would help those residents who would like to continue to live in East Aurora.

Don Owens asked if Mr. Brunson would consider living in a patio home.

Mr. Brunson stated that he would consider a patio home and also a condo or an apartment. He mentioned that a patio home is most attractive, as it most similar to what he currently owns, but without the yard and other maintenance associated.

Mark Warnke, Grover Rd. He stated he would like the option to remain in East Aurora. He mentioned that he is an empty-nester who would like to move into a patio home in the Town of Aurora rather than move out of town.

James P Collins, Main St. He discussed the code changes and the definition of Farm. He questioned the acreage requirement stated in the definition. He stated that a limit of 5 acres is not specified anywhere else in New York and it should be removed from the code, since it was never in there before.

Old Business:

Aurora Mills Cluster Subdivision Sketch Plan. Gary Eckis appeared as agent, with Pat Bittar and Amy Drake.

Gary Eckis reviewed the process to date and the requests made to preserve the green space and view. He discussed the site topography and the benefit to the current plan. He mentioned that he would like to see the project move forward and that there is much work to be done, including engineering. Approximately 65 acres of green space have been preserved in this plan.

Laurie Kutina asked about lot sizes.

Ms. Bittar stated that minimum size is 60' x 120' and the lots on the cul-de-sacs are larger.

Mr. Eckis mentioned that patio home lot sizes are kept smaller, the yards are kept small and landscaped to a higher degree, and the rest of the land is left wild. He further stated that during the site plan, there will be a detailed landscape plan.

Don Owens mentioned that this is community by itself and isolated.

Mr. Eckis agreed.

Bill Voss asked about the Planning Board's action for the agenda item.

Don Owens stated that the Town Board is looking for a recommendation on the sketch plan.

Bill Voss asked what the next step would be in the process.

Don Owens stated that Preliminary Plat would be the next phase of the review.

Doug Crow mentioned that this plan is a concept plan.

Laurie Kutina discussed her concerns. 1- she did want a public road on the project, so that busses could pick up kids from this property and the apartments next door; 2-it is a mistake to not address the traffic challenges on Mill Road and suggested an in depth traffic study be required; 3- she thinks that 89 houses is too many and the development is too dense for the community. She compared this development with the houses on Beech Road where lot sizes are 70' x 175' and because the houses are so close to the road, sidewalks and trees are not possible. The same is true for this development; 4-although it may not be required, the Town needs to look at an in depth traffic study and look at the effect of this development on the Village.

Laurie Kutina also mentioned that she is not concerned about the creek, as the corridors have been protected by the design.

Don Owens asked if school busses can go on private roads.

Doug Crow stated that if the owners of the private road don't object to it. He did mention that private roads tend to be narrower and a bus may not be able to.

Dave Librock mentioned bus restrictions under Vehicle & Traffic law. A bus should be able to navigate the development, but you shouldn't see a bus back up without a person outside the bus assisting.

Jerry Thompson asked the current bus pickup for the Kelly Drive apartments.

Bill Kramer and Laurie Kutina confirmed that kids are picked up at the end of the driveway on Mill Road.

Norm Merriman asked if the cul-de-sacs as shown are big enough for a bus.

Ms. Bittar stated that they are and that as the project moves forward, a circulation plan can be completed that would confirm this information.

Bill Voss mentioned that if the roads meet the Fire Department's requirements, then it would be sufficient for busses.

Mr. Eckis stated that they do want the Fire Department's comments.

Bill Voss asked who would handle the damage to Mill Road with the construction.

Bill Kramer stated that it is a County road so that would be between the County and the contractor.

Bill Voss also asked about the Mill Road and 20A intersection.

Jerry Thompson stated it is a County to State DOT road.

Tim Bailey discussed the vision map and that this area is a good area for development. He mentioned the sewer and that the capacity appears ok. The traffic concerns are a problem for both Town and Village. There has been great care taken to preserve the views for the existing residents and to fit the community character. We need something like this for residents.

Jerry Thompson discussed the three phases for a subdivision. This is the concept/sketch plan where the development is looked at conceptually; specifically does it fit in the area and meet the codes. The understanding is that the additional two phases will detail drainage, traffic, sewer district approvals, etc. He stated he is in favor of the project.

Norm Merriman discussed the pros and cons of public and private roads. Public roads do not preserve the land to the percentage that is being preserved with this plan. Where this plan preserves about 65% of land, a traditional subdivision may only have 5%. He stated he does not like the absence of sidewalks and hopes that during the process there could be a creative way to accommodate pedestrians, possibly a striped area along roadways. He indicated he is in favor of approving the sketch plan knowing that during the process the Planning Board will look at it two more times. He stated he would pay particular attention to the landscaping plan to ensure it looks good from the road.

Doug Crow restated his concerns stated from the previous meeting. He mentioned that he is in favor of some kind of development in this location. He indicated he is sensitive to the empty-nesters who want to stay in the community and that he was appreciative of Mr. Reger's letter to the Planning Board regarding the project (see attachment). However, he can't support this project. He stated that the desire for the open space not owned by the town but by private citizens is an over reach. And this has resulted in a cul-de-sac community that is not connected to the town, village or itself. He thinks this will only be attractive to empty-nesters and will not be a starter home situation with the Homeowner Association dues, which will be cost prohibitive due to the majority of property kept as greenspace, trails, and private roadways. This will become an empty-nester retirement community and he is not in favor of this. He does think there should be empty-nester housing, but not an isolated community.

Don Owens discussed the traffic concerns on Mill Road out to 20A. He does like the plans presented. He is also concerned about those who may want to walk to the Village from this development and pedestrian safety.

Jerry Thompson mentioned that from north side of Beech Road is the Village. And there is a sidewalk on one side of the bridge. He further mentioned that Mill Road is a county highway in the village and that although someone might ask to have a sidewalk installed, he wasn't confident an answer would be received.

Tim Bailey stated the Village should be involved in this issue because the traffic will head that way.

Don Owens stated the Village is an involved agency.

Dave Librock stated that he understands that this is a lot of houses. But looking at it environmentally is it better to have 30 homes with septic systems that eventually impact the creek or have a tight new system that ties into the existing sewer system. He further mentioned that traffic is a problem, but it may self-regulate as residents decide to avoid the busy time or take an alternate route. He suggested that the State DOT may have to address the Mill Road 20A intersection in the future, and maybe the Village and Town could put a little pressure on the State to do something. He mentioned that he does like the greenspace, regardless of ownership.

Jerry Thompson stated that this the concept phase and the Planning Board should make a recommendation to approve or not and get it back on the Town Board's agenda.

Doug Crow indicated that he is confident the traffic concerns can be solved.

Laurie Kutina reiterated a concern that recommending approval of the sketch plan is approving 89 homes here. She agreed with Dave Librock that these homes should not have septic systems.

Jerry Thompson asked if the zoning code allows 89 homes, how can the developer be told they can't have 89 homes there.

Laurie Kutina stated she didn't know. She further mentioned that there are only 50 homes in the Fairlawn Court and Drive area. She stated that when you look at other patio home developments in the area that have 40-50 homes, the developments look huge. This is a much bigger patio home development than what you see in other local communities.

Ms. Bittar asked what the overall site size for those communities.

Laurie Kutina mentioned that she didn't know. She understands that with Aurora Mills there is a lot of open space, but the other developments have open space around them also. It is the grouping of the homes here will be very tight.

Mr. Eckis mentioned that if one street was removed leaving roughly 69 homes, then the impact of the project remains the same, but it wouldn't move forward because it wouldn't make economic sense for the developer. Or for the future residents who would have increased costs as well.

Dave Librock asked about the size of the homes.

Mr. Eckis stated that it has not been determined yet, but that it will be market driven. There will probably be 3 or 4 choices.

Bill Voss mentioned that they would be limited by lot size, unlike the Polo Grounds.

Mr. Eckis stated that there will be smaller and larger sized homes, depending on what the person wants.

Audience member, Gerard Green mentioned that the first floor of the patio homes have 1400 sq. ft. or 2000 sq. ft.

Jerry Thompson asked what the largest home is there.

Mr. Green stated that 2800 sq. ft. is the largest home. The 800 additional sq. ft. is the second floor.

Don Owens asked about the number of homes at Springbrook Shores in Elma.

Mr. Eckis indicated there are 170-175 homes.

Don Owens mentioned that he has not heard of traffic complaints on Rice Road.

Mr. Eckis mentioned that it is about 99% empty-nesters.

Jerry Thompson stated he would prefer a private road in a subdivision for two reasons. First, the Town can have a say in determining the size of the road for safety and Fire Department accessibility. And second, there won't be an obligation to the taxpayer to for road maintenance. He mentioned the additional 2 miles of roads the Town was required to pave and maintain in Victoria Heights but the subdivision on Quaker Road is privately maintained.

Bill Voss mentioned that these homes will have condo classification and as a result will have lower taxes.

Doug Crow stated that roads are a basic duty of towns.

Bill Voss stated there isn't the ability to raise the taxes owners of these homes any higher than anyone else.

Doug Crow stated that these owners will be paying for their roads due to fact that the density /sq. ft. of road in this development is higher than almost anywhere else in the Town.

Laurie Kutina expressed concern about putting this burden on the owners here, the seniors. Her concern is that if these costs are passed onto the homeowners, they will not be accessible to seniors.

Doug Crow indicated that this would turn it into a \$350,000 condo rather than a \$150,000 condo.

Bill Voss asked Chuck Snyder to clarify the change to all private roads.

Chuck Snyder confirmed the Town Board asked that the single family homes part of the development be removed, which made it all patio homes.

Norm Merriman moved to recommend to the Town Board that they approve the Aurora Mills Cluster Subdivision Sketch Plan. Seconded by Tim Bailey.

Don Owens asked for additional comments.

Norm Merriman mentioned that the preservation of land is in the Town's favor and he looks forward to the design phase of this project. This would allow seniors in Town to downsize to a place in town. There are a lot of good things about this project.

Don Owens discussed the neighbor concerns about impacting landscape and wildlife. There is much open space left.

Norm Merriman moved to recommend to the Town Board that they approve the Aurora Mills Cluster Subdivision Sketch Plan at Mill Rd (SBL: 175.00-1-40.1), Town of Aurora, NY. Seconded by Timothy Bailey.

Upon a vote being taken:

ayes – five (Bailey, Libroek, Merriman, Voss, Owens) noes – two (Crow, Kutina)

Motion Carried.

31 Ellicott Road – Site Plan review for Moog Expansion. Frank Wailand and Owen Williams of F.J. Wailand Associates Inc, appeared as agents; Property owner Bo Tucker also appeared.

Mr. Wailand discussed the need for expansion at the building which is leased to Moog. The expansion will accommodate product development. The 14,000 sq. ft. addition will be temperature and humidity controlled and is a continuation of the existing business. The property is approximately 1.58 acres and with the addition will have about 37% greenspace. There will be a recessed docking facility toward the back of the building. A fire hydrant will be installed in front of the property due to the proximity of the next hydrant. The expansion will be a pre-engineered steel structure comparable to what is there now, same footprint and height. He discussed the abutting property (auto repair shop) on Davis Road that Mr. Tucker is in the process of purchasing and the intent to merge the two parcels.

Bill Voss asked about the length of the lease

Mr. Tucker stated that it is a 10 year lease with an additional 10 year option.

Bill Voss asked what would happen if Moog didn't take the additional 10 year option.

Mr. Tucker stated it would be vacant until leased to a new tenant. He further mentioned that Moog has expressed interest in purchasing the property.

Doug Crow asked about the use of the property.

Mr. Wailand stated that Moog indicated it will be used for Research & Development.

Doug Crow asked if there is any manufacturing on site now.

Mr. Tucker stated that they do not manufacture.

Mr. Wailand stated that R& D works with prototypes and rebuilds.

Bill Voss asked about additional parking.

Doug Crow discussed the site data table.

Laurie Kutina mentioned that the parking lot now is not full.

Mr. Wailand indicated that employees travel between this location and the main Moog complex.

Jerry Thompson asked about soils and drainage and how the detention pond will handle all the drainage from the parking lot and building.

Don Owens indicated that the soils are glacial till which are impervious.

Mr. Wailand stated that there will be a large detention basin behind the building and there will be a controlled outfall to an existing swale. This has been designed to accommodate the 25 and 100 year flood. He mentioned that the system is oversized for what is needed.

Doug Crow mentioned road flooding on Davis Road to the south.

Jerry Thompson asked where the water goes.

Mr. Wailand indicated there is an existing swale that runs to Davis Rd.

Jerry Thompson mentioned that the swale is only a couple of feet deep and asked if any improvements will be made to it. He also asked where the water goes from the swale.

Mr. Tucker stated the water goes to the road.

Doug Crow mentioned that the water goes to a branch of the Cazenovia creek.

Don Owens noted that this particular drainage way is stressed.

Greg Keyser stated that the water in the ditch goes south to a culvert that crosses the road and eventually heads south to Cazenovia Creek. He further mentioned that they received the Stormwater Report on Monday but have not looked at it in depth yet.

Laurie Kutina mentioned that as part of the approval, it could be contingent upon a satisfactory review by the Town Engineer.

Norm Merriman asked if the swale along the south property line is adequate now.

Jerry Thompson stated it is only a couple feet deep.

Mr. Wailand stated that it may need to be cleaned out.

Jerry Thompson asked if the swale and drainage for the original 31 Ellicott development plan was approved by the owner of the Davis Road property.

Mr. Tucker stated that it was.

Dave Librock asked about the storage facility.

Mr. Tucker indicated that the storage facility is on the Bob's Deli parcel.

Doug Crow stated that there are no visible drainage issues from the parcels of this project, the post office, and Bob's Deli. It is south of these parcels there is a problem.

Bill Kramer mentioned that these parcels all drain toward that area.

Laurie Kutina stated that more adequate retention on this property would be a good thing.

Don Owens agreed.

Bill Kramer asked about the elevation of the addition to the existing building.

Mr. Wailand indicated that it would match the existing.

Doug Crow stated the roof would be the same.

Mr. Wailand stated it is an extension of the same ridge line and interior as well. The back wall will only have about 2' exposure due to the deep basin they are installing.

Jerry Thompson asked if there have been any issues with drainage and the Post Office.

Bill Kramer mentioned that when the original building was built, there were some problems.

Doug Crow indicated the ditch in front of the Post Office was enlarged.

Mr. Tucker indicated that the rip rap area between the properties was installed to help with drainage in that area.

Bill Kramer asked if more fill will be brought in.

Mr. Tucker stated that fill will be used under the pad inside to bring the floors to the same level.

Mr. Wailand stated that excavated material will be used to build the basin.

Bill Kramer asked if any more rip rap is needed to build the property up along the side.

Mr. Wailand stated no.

Norm Merriman asked about the safety of car parking along the rip rap area along the east property line and the presence of a curb.

Mr. Wailand stated the drop off isn't significant and there are bumpers for parking.

Mr. Tucker stated there isn't a curb.

Bill Kramer asked if there are any plantings along the west property line.

Mr. Tucker discussed the pine trees in that location.

Doug Crow mentioned that the house next door can't be seen from the building.

Mr. Tucker further discussed the possibility of a privacy fence along the property line in that location if deemed necessary.

Bill Voss asked if the septic system is adequate.

Mr. Wailand stated that there are low flow toilets and that the system was over designed to begin with and does not see an issue.

Mr. Tucker stated that the building was built with expansion in mind.

Mr. Wailand noted that the back wall of the existing structure can be removed and there will be clear span structure to put the new building on.

Doug Crow moved to recommend to the Town Board that they approve the Site Plan for the Moog expansion at 31 Ellicott Rd, Town of Aurora, NY, contingent upon the Town Engineer's approval of the Stormwater Management Plan. Seconded by Laurie Kutina.

Upon a vote being taken:

ayes – seven

noes – none

Motion Carried.

Code Review - Referral from the Town Board.

Don Owens once again thanked Chuck Snyder, Bill Kramer, and the committee for their work on the review.

Bill Kramer mentioned the inconsistencies noted in the front yard setback for a corner lot and noted that the intent was to maintain the 45' setback on the side street.

Doug Crow asked for the reason why a homeowner would be required to have a setback on the side street that is larger than the front yard setback on the front street.

Bill Kramer mentioned that the front setback is a minimum.

Chuck Snyder stated his understanding of Doug's question was not the distance, but the inconsistency between the front yard setbacks.

Doug Crow agreed and indicated that his concern is for a homeowner who lives in a dense neighborhood where the average setback is 25', the Town allows his front setback to be 30', but the setback on the side street is 45'. It doesn't make sense. He suggested either making the setback on the side street 30' or stating that if front yard setback is shortened, the homeowner is allowed to shorten the setback on the side street to the same distance.

Chuck Snyder mentioned that the setback on the side street is the front setback for a new line of houses.

Bill Kramer noted that the required setback is 50' and that they are trying to stay as close to that as possible. If you look at the map and the districts, this will probably never come up. He also indicated a homeowner could request a variance from the ZBA for the setback on the side street.

Laurie Kutina discussed the minimum setback.

Jerry Thompson mentioned that this minimum setback code would be appropriate for a situation where you can't meet the front setback and neighboring properties are closer to the street than required. You would avoid a variance request.

Chuck Snyder would like the Planning Board to put recommendations in writing to the Town Board for discussion.

Laurie Kutina discussed the RR overlay and that now if you have a farm in a RR, the first 300' has to be treated differently than the rest of your property.

Don Owens stated his understanding that if you have an existing farm, RR wouldn't apply.

Laurie Kutina asked about the definition of a farm.

Bill Kramer stated that RR may need to be clarified. As frontage is developed, then RR comes into play.

Bill Voss mentioned that as written, if you cite property A for a RR violation, the owner could then complain that his neighbor (a farm) is doing the same.

Bill Kramer mentioned that property A is a developed lot.

Bill Voss noted that the wording doesn't provide for that exception.

Bill Kramer stated that the RR may need to be changed a bit to include this.

Greg Keyser restated his suggestion that as an overlay zone this doesn't have to be a map zone and it could be based on some performance criteria. RR overlay regulations would apply on parcels where more than 50% of the parcel is located within the first 300'.

Chuck Snyder thought that this would defeat the purpose of the RR. He further mentioned that although it isn't written in the code, there has been discussion of having side yard regulations, such as on the 1000' frontage, and allow the horses to remain there.

Bill Voss asked if this code has been written to address a couple of problems.

Chuck Snyder stated not necessarily and recalled previous Planning Board conversations about how the town is becoming less rural and more residential and that there has to be a way to mesh all this together.

Bill Kramer mentioned that this code sets some guidelines for properties that are in close proximity and the number of animals that can be kept and where you can stack manure. This is the intent of the RR.

Bill Kramer stated that the question on the definition of farm, brought up during the public comment portion of the meeting, is the same definition of farm that has been in the Town Code forever.

Doug Crow indicated that the resident may have thought requiring 5 acres was too big.

Jerry Thompson asked about the definition of farm excluding the raising of fur-bearing animals and do you have to define fur-bearing animals.

Bill Kramer mentioned that fur bearing would be something like chinchillas.

Norm Merriman added fox and mink.

Bill Kramer noted they would look into defining that. This is the code that has been in place since the beginning.

Doug Crow asked if a property is classified as a farm, does it give them the freedom to do more things.

Bill Kramer noted that to have any special recognition as a farm, the property has to be part of the County Ag District.

Don Owens noted that over time the County Ag Districts are getting smaller and smaller.

Laurie Kutina noted that it is important to keep agricultural in mind. There is a lot out there and she thinks that will increase as more people are putting in smaller farms, with chickens, gardens and even crops. We need to protect that.

Don Owens noted that Ag zoning is a cumulative type of zoning.

Doug Crow mentioned that the best fix to those issues is not changing the Ag zone, but changing the zoning of the properties.

Doug Crow discussed a seminar he attended at which the speaker was adamant that Right to Farm is not a law, but rather a set of guiding principles that has no real enforceable aspect to it. It doesn't do much; it is more advertising than anything else.

Jeff Harris noted when Right to Farm was passed that it was done to limit the number of complaints received by new residents who aren't happy with neighboring farming activities.

Chuck Snyder suggested some suggestions be made in writing to the Town Board.

Doug Crow mentioned submitting them all to the secretary to compile and send.

Don Owens agreed.

A motion was made by Doug Crow and seconded by Tim Bailey to adjourn at 8:23PM.

THE NEXT SCHEDULED MEETING WILL BE WEDNESDAY February 3, 2016 AT 7:00 P.M. AT THE TOWN HALL, 300 GLEED AVENUE, EAST AURORA, NEW YORK