

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

MARCH 22, 2017

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

Absent/ Excused: Richard Glover  
Jerry Thompson

Also Present: William Kramer,  
Greg Keyser, GHD  
2 members of the public

Chairman Don Owens presided over the special 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 of the March 1, 2017. The motion was seconded by Norm Merriman. Motion carried.**

Public Comments:

A comment was made by Marion Dombrowski that she is interested in the deed restrictions for the property.

OLD BUSINESS:

Aurora Mills Final Plat referral from the Town Board. Gary Eckis, Peter Sorgi and Pat Bittar appeared as applicant.

Mr. Eckis addressed the board and indicated that he would address Bill Kramer's comments, Pat Bittar would respond to the GHD comments, and Peter Sorgi would discuss the legal aspects of protecting the green space.

Ms. Bittar noted that they weren't surprised by any of the comments and indicated that they have no problems addressing the comments. She discussed the 12 SWPPP comments made by GHD and noted that those comments were about fine tuning the report. They made sure that they were correctly referencing items and all of those have been addressed in the report [dated March 21, 2017]. In the Site Plan comments, she noted that they have received an email from Chief Egloff about the fire hydrant spacing but that his group is still reviewing the information. There isn't a formal response from the Fire Department, but it is in process. Further, the design details are Erie County Water Authority details and they are required to design to ECWA details or it won't be approved. A note will be made to the plans reflecting these details. A correction was made in regards to the invert connection out at the road, a numerical error was made. The pump station details are according to Erie County Sewer Authority details. Similar to ECWA, these details are required in order to obtain approval for the project and a note will be included. A detail will be added in regards to the pond access road. And yard drains will be added in the areas of concern as noted on the GHD report. The details for the roadway will be adjusted accordingly pending the decision by the Town Board. The cul-de-sac details are slightly larger than what the Town requires to ensure adequate fire truck access. The centerline road slopes for the development are .6-7.3%. The NYS code, the maximum centerline slope for fire access is 10%. The inclusion of a building with the pump station is still in discussion with ECSA and will be incorporated as required. Concerns about noise have been noted and the weekly test would be scheduled for the least obtrusive time. Landscape buffering will be included as well. Finally, the pavement section as proposed is geotextile fabric, 12" stone, 3' binder, 1' top. This design has been submitted to Schenne & Associates and a response letter received today has been forwarded to the Town Board. [A copy of the same was given to the Planning Board]

Bill Voss noted that snow surrounding residential generators has caused difficulties with air intake and automatic shutoff.

Ms. Bittar noted that the details on the generator are still being worked out and indicated that although snow removal hasn't been addressed, they will look at it.

Tim Bailey asked about the hard surfaces, stormwater runoff, and the residences at the bottom of the hill.

Ms. Bittar stated that this storm drainage piping system has been sized for a 10yr event, which is a sizeable event. The catch basins are located at low and intermediate points down the slope. The front roof drains will be tied into underdrain system and there are rear yard drainage swales and yard drains. All this water goes to the pond which has controlled discharge to the creek. The pond is sized to a 100yr storm event.

Norm Merriman asked if an easement is included with the storm drainage for the south lots and if so if the HOA is responsible.

Ms. Bittar indicated there are private drainage easements and that it is her understanding the HOA is responsible for that.

Norm Merriman noted that the rims of the under drains are above the height of the grading plan at the house.

Ms. Bittar noted that she would check that.

Norm Merriman mentioned the boxes drawn for the houses on the grading plans and asked if there are multiple sizes for foundations.

Ms. Bittar stated that for the 85 lots, they indicated a maximum building footprint for each lot drawn as a rectangle. With different floorplans, the house footprints will be different.

Mr. Eckis noted that some houses will have a smaller foundation footprint.

Tim Bailey suggested putting in a brick sidewalk that could be removed during construction and reinstalled after. It may be more aesthetically appealing to see the sidewalk in when selling the lot.

Mr. Eckis indicated they could look at that option.

Laurie Kutina discussed requiring sidewalks be installed at a specified future date, even on unsold lots and how that may be accomplished.

Mr. Sorgi noted that a date in the future would have to be stated.

Laurie Kutina indicated that she would like it to be agreeable to all involved.

Mr. Eckis stated that this makes sense.

Ms. Bittar mentioned the renderings of the proposed units.

Laurie Kutina stated it would be useful to see what the development would look like with the houses in place.

Ms. Bittar stated they could prepare a couple of cross sections within the development to have ready for the public to view.

Dave Librock asked about the size of houses.

Mr. Eckis noted that he doesn't have the range with him and that it depends on the style and options chosen. He further indicated he would send it by email.

Mr. Sorgi indicated they are 1200-1800 sqft. He further discussed that whenever there is an association, the plans have to be submitted to the State and changes to those plans can't be arbitrarily made. He noted that the State Attorney General's office only allows 4 or 5 different plans. Interiors can be changed, but not the exterior.

Greg Keyser noted that many of the GHD comments were punch list items. He indicated they did not find any red flags and none of the comments should prevent the Planning Board from making a decision.

Doug Crow mentioned that the Fire Department approval and the approval of the proposed roadway are outstanding.

Laurie Kutina discussed the 10' rear yard setbacks stated and the 20' rear yard setback Town requirement.

Greg Keyser noted that the detail says 10' but that when he looked at the drawings he noted that there are only a handful of lots that come into question. He further mentioned that there were earlier discussions between the Town Board and the developer regarding the setbacks and that these discussions should be clarified with the Town Board. There are 5 or 6 lots concerned.

Ms. Bittar indicated her understanding that a rear yard relief was given so that sidewalks could be installed on the outer loop.

Greg Keyser recommended the detail state what the permitted setbacks are and note which lots are have an exception. This should still be clarified with the Town Board.

Laurie Kutina noted that lots back up to the open space.

Mr. Sorgi discussed the declaration of restrictions (deed restriction). The land will be owned by the Association. He noted that deed restrictions are easily written, but often unenforceable. In order to make it enforceable, deed restrictions are written to reflect that they are enforceable by anyone in the development or any adjoining property owner. In this case, a violation would be sent to the State Attorney General's office and enforcement would occur through them. He discussed reasons for not using a conservation easement which include: it is not a requirement in the code; the Land Conservancy usually is involved in much larger projects; and the cost.

Doug Crow asked what restrictions are planned.

Mr. Sorgi indicated that once the trail is built, nothing can be constructed on it. Maintenance can occur though. He mentioned a no-cut provision once the trail has been completed.

Doug Crow asked about the water from the pond.

Mr. Sorgi indicated the HOA would have to manage that.

Ms. Bittar noted the access road to the pond and easements to piping so that the HOA can maintain it at a future date.

Mr. Sorgi noted that once completed, they are allowed to maintain what is there and preserve the open space. A violation of the restrictions would mean that construction has occurred without a permit and it is enforceable by anyone in or adjacent to the development and the Attorney General.

Doug Crow mentioned that a conservation easement would work best with an isolated property and not one associated with a development.

Mr. Sorgi noted that some of the larger estates in the area have self-imposed land conservancy for their property in order to protect the land. But in this case the costs associated would be borne by the HOA. Deed restrictions have worked in the Town at Reed Hill and Polo Grounds.

Tim Bailey asked about land ownership.

Mr. Sorgi noted that the homeowner will own their unit plus their lot and 1/85<sup>th</sup> interest in the common elements and they will be a member of the Association. The Association will own the open space, road, sidewalks, etc. and a budget will need to be established to cover maintenance and replacement. The Association is in effect once the last unit is sold.

Mr. Eckis addressed comments from Bill Kramer [a copy made part of these minutes]. He noted the earlier discussion of the 20' setback vs the 10' detail on the plan. Renderings of the buildings have been provided. He discussed that elevation continuity due to the slope is important because the plans only show the maximum building footprint. He mentioned that this wouldn't be determined until the house is on the lot. There are no plans for fencing between the houses, but landscape screening will be between all the homes. Landscaping will be taking care of by the HOA, not the property owner. There will be standard lighting details for each home and there will be uniformity in lighting.

Bill Voss asked for clarification on the landscape maintenance on individual lots.

Mr. Sorgi noted that the HOA will be handling all lawn maintenance, and snow removal on individual lots.

Mr. Eckis noted that they will ask for a public hearing to be set from the Town Board, while approval of the ECSD extension, which is in the Count Legislature.

Mr. Sorgi stated that they are looking for a recommendation for approval of the project with conditions.

Bill Kramer noted that the house elevations will be addressed, but when. He asked how the building department will know what is to be done, or will it be up to the builder.

Mr. Sorgi noted that this would have to be on the offering plan.

Ms. Bittar noted that it is established on the grading plan now. She further indicated that front and rear corners of each house footprint and a contouring plan for each around the whole subdivision. It is based on a rectangular house footprint and that when a permit application is submitted the individual grading will be changed accordingly. She indicated she would forward the specific drawing.

Mr. Eckis noted that it is more challenging but when done right, it looks very nice.

Don Owens noted that we have other developments on a slope like this.  
Norm Merriman asked about the lighting at the road and the circle.

Ms. Bittar noted that the developer will work with the electric company for light locations. The utility won't look at the drawings until the final plat is approved.

Mr. Sorgi clarified that all the lighting is dark sky compliant.

Ms. Bittar confirmed.

Doug Crow reiterated the points of consideration in regard to making a recommendation including: Making a recommendation on the road construction; sunset period for sidewalk installation 5 or 10 years; sewer approval; Fire Department approval.

Mr. Sorgi stated that other Towns have different specifications for public or private roads. He further suggested that the reason to build the road to Town specifications is because Town Engineer doesn't believe the proposed specs aren't sufficient, not that the Town may someday take over control of the road.

Greg Keyser noted that GHD will make a recommendation based on the geotechnical report, the specifications proposed, and the letter from John Schenne just received.

Greg Keyser also suggested that the recommendation be subject to clarification of the rear setback by the Town Board.

**Douglas Crow moved to recommend to the Town Board that they approve the final plat of the Aurora Mills Cluster Subdivision subject to:**

- 1 - Approval by the Town Engineer of the proposed road specifications.**
- 2 - Approval from the East Aurora Fire Chief.**
- 3 - Approval of the sewer district expansion.**
- 4 - Installation of sidewalks as approved on all unsold lots five years after first building permit is issued.**

**Seconded by William Voss.**

**Upon a vote being taken:**

**ayes – seven**

**noes – none**

**Motion Carried.**

A motion was made by Dave Libroek and seconded by Bill Voss to adjourn at 7:51PM.

**THE NEXT SCHEDULED MEETING WILL BE WEDNESDAY April 5, 2017 AT 7:00 P.M. AT THE TOWN HALL, 300 GLEED AVENUE, EAST AURORA, NEW YORK**