

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

April 1, 2015

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

Alternate Member: Richard Glover  
Jerrold Thompson

Absent/ Excused:

Also Present: Greg Keyser, CRA  
Patrick Blizniak, Superintendent of Buildings  
Jeff Harris, Town Councilman  
Chuck Snyder, Town Councilman

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. Chairman Owens led the recitation of the Pledge of Allegiance to the Flag.

Chairman Don Owens welcomed new alternate member to the Planning Board, Jerry Thompson.

**Norm Merriman made a motion to accept the minutes of the February 4, 2015. The motion was seconded by Bill Voss. Motion carried.**

Chairman Don Owens discussed the Open Development Area (ODA) code and those building lots which have less than required frontage apply to code. He also discussed the points the Planning Board reviews

Chairman Don Owens appointed Dick Glover to vote on agenda items on which Don has a conflict of interest, as he has worked on some of the projects.

Old Business:

Maple Rd 1 lot ODA referral from the Town Board. Frank Russo appeared as owner. Chairman Don Owens indicated Dick Glover will vote on this agenda item.

Don Owens discussed the location of proposed ODA on Maple Road, the work that has been done on the property and indicated that the map submitted shows 4 sub-parcels and that the existing driveway is for 426 Maple that has a dwelling on the hill.

Frank Russo stated that lot 2 is an existing lot that was divided from the original parcel before the change in the ODA code. Lots 2, 3 and 4 were carved out from the original parcel. Now he would like to divide lot 2 into a flag lot (ODA) and a standard building lot (125' frontage by  $\frac{3}{4}$  Ac) indicated as lot 1 on the map. Today, lots 1& 2 together make up lot 2.

Jerry Thompson stated that the division would make lot 1 legal but number 2 would not be so.

Mr. Russo indicated that lot 2 would then need ODA approval.

Doug Crow asked about the typical recommendation of the Planning Board when this sort of split occurs.

Don Owens indicated that this is a new situation. Most of the flag lots that come to the Planning Board involve existing development on both sides and the flag lot has narrow access to the roadway.

Bill Voss asked about the red dotted line on the map.

Mr. Russo indicated that this area contains fill.

Jerry Thompson asked if lot 4 has been approved.

Mr. Russo indicated that lot 4 is a separate lot but does not have ODA approval.

Bill Voss asked for clarification about what the Planning Board is tasked with. He further indicated that it appears that Mr. Russo is asking to split the lot now, but that the Planning Board would not be making a decision on ODA approval. Lot 1 is buildable, lot 2 is not.

Don Owens indicated that his company did a soil boring at the location indicated on the map and it is relatively stable.

Dick Glover stated concerns regarding the potential problems with drainage similar to the backyards of North Street.

Bill Voss asked again if the Planning Board is asked to approve the subdivision without a site plan for the new lot 2. Is there adequate room for acceptable turnaround, house, septic leach field, etc.

Don Owens mentioned that the distance from the rear property line of new lot 1 to the rear property line of lot 2 is 143 feet.

Doug Crow clarified that lot 1 would be buildable as is. And that his understanding is that Mr. Russo would make sure lot 1 is buildable, then split off lot 2 and figure out what to do with lot 2 later. The Planning Board is unclear if lot 2 could be developed in the future.

Jerry Thompson asked if they are just looking at lot 2, as the ODA, because of lack of minimum frontage. If the lot is approved, nothing could be built until ECHD approves a septic system and that the building department requirements are met.

Laurie Kutina stated that additionally the Planning Board is tasked to make sure the development meets what is expected and what is written in the code in terms of minimum frontage and what constitutes a fair and reasonable lot for building on. Whoever ended up building on the site would need to ensure building requirements are met; however, it appears very difficult. The site as a whole is problematic with the 4 access roads at Maple Rd and it seems counterintuitive to what the Planning Board has tried to accomplish in the past. The Planning Board should be looking at safety along the road and the possibility of 4 egresses at that location.

Jerry Thompson indicated that he knows that fill was brought in because that area used to be lower than the road.

Don Owens indicated that the soil boring was done in original soil. The area to the North is where the fill went. The access road for sub-lot 3 is on fill.

Bill Voss asked if the Planning Board approved the split of the lot, could someone build on the lot without coming back for ODA review.

Doug Crow indicated that he felt that lot 1 would not need to, but lot 2 would need to come back for ODA review.

Laurie Kutina indicated her understanding is that if the split is approved, then it is a legal lot and would not need to come back for approval.

Bill Voss asked Pat Blizniak if approval is given for the subdivision of lots 1 and 2, would the owner/builder of lot 2 be required to come back for ODA review.

Pat Blizniak indicated that yes, an ODA review would be required.

Mr. Russo reiterated that lot 1 could be built on right away, since it is a standard lot. Lot 2 would then require future approval.

After a side discussion between Bill Voss and Pat Blizniak, Bill Voss indicated that if a split is approved, the ODA process would not be required for lot 2.

Laurie Kutina clarified the proposal. The proposal is the division of lot 2 into lots 1 and 2. Mr. Russo could build anywhere on lot 2 as it currently stands, wherever it is legal.

Mr. Russo stated that he would like to carve out lot 1 and build a home for himself. He would like to keep lot 2 for the future, and possibly one of his kids. He knows that the new lot 2 is a good buildable lot because he had a boring done and he knows that it is virgin soil. The location of the boring is indicated on the map.

Bill Voss stated that an ODA that comes before the Planning Board typically includes a site plan, which, at a minimum, shows the driveway location and a turnaround for the fire department. Today that turnaround is required. Bill suggested that Mr. Russo build the house in the area of lot 1 where he would like and then when ready to sell off lot 2, make the split for an ODA approval.

Mr. Russo would prefer to have everything taken care of now. There is currently a driveway on lot 2. Millings were put down last year where a driveway would go.

Dick Glover stated that the plan submitted does not show if the driveway meets the requirements for the ODA.

Doug Crow indicated that he would prefer to see much more detail on the ODA of new lot 2 before approving the split.

Bill Voss suggested the ODA code be changed to indicate that a subdivision could be made but that at the time of development, an ODA approval would need to be given.

Jerry Thompson asked for clarification on ODA requirements of Pat Blizniak. If a buyer entered into a contract to purchase new lot 2 and in due diligence comes to the building department and says he wants to build on it. You would tell him that he can't build unless he gets Town Board and Planning Board approval.

Pat Blizniak stated yes.

Dick Glover mentioned that the SEQR should go to Erie County to look at ingress/egress safety concerns along that county road.

Bill Voss stated that there is no site plan for new lot 2. And if it is approved then the purchaser doesn't have to come back for ODA review, as was discussed earlier.

Jerry Thompson indicated that the proposal should not be approved because there isn't enough information for an ODA.

Pat Blizniak suggested looking at this as one whole project, rather than individual pieces.

Bill Voss asked that if he submitted a future site plan that met the ODA requirements for new lot 2, then this would be a non-issue.

Don Owens stated yes.

Bill Voss asked that if someone came to the building department in a year to build on new lot 2, assuming the subdivision has been approved, would the building department require the site plan be to ODA code.

Pat Blizniak stated that those requirements are a part of the Planning Board's recommendations tonight.

Bill Voss stated that the required ODA information is missing.

Mr. Russo indicated he would submit a revised site plan for new lot 2.

Don Owens confirmed that the applicant will come back with an ODA site plan.

New Business:

835 Willardshire Rd 1 lot ODA referral from the Town Board. Chris Hogan appeared as owner.

Chris Hogan stated that he and his wife purchased the property a year and a half ago. The Town Board approved the ODA with the condition that the future development complies with Chapter 79 and that there will be no variances. The driveway has been put in and is compliant with ODA code. The last year and a half they have been working on building and septic plans. They have discussed the access with the EAFD and they have approved the road conditional on a final inspection. The turnaround will be the first item completed, as they do not want to have construction vehicles backing out onto Willardshire Rd. The house has been designed and the plans have been submitted and reviewed by the building department and when the files were reviewed, it was determined the ODA approval was required.

Doug Crow discussed concerns about access onto Willardshire Rd.

Mr. Hogan said that his driveway is between two other driveways and he exits with caution.

Don Owens mentioned that he was in favor of the house being located back from the slope.

Mr. Hogan mentioned that there is still quite a bit of snow and ice in the driveway and that the turnaround isn't in yet. The area around the driveway has been cleared of scrub. The driveway is 900' long and 20' wide.

Bill Voss asked about the lot size.

Mr. Hogan stated that it is a 5Ac lot, with about 3Ac around where his house will be located, roughly an acre in the access area and an acre of cliff. The dwelling is set 80' back from the cliff.

Dick Glover asked if the concerns of the Fire Department have been addressed.

Mr. Hogan indicated the approval letter from Craig Thrasher and the East Aurora Fire Department.

Dick Glover asked about a sprinkler system.

Mr. Hogan stated that it isn't required by NYS and the property will have a well and that feeding a sprinkler off a well would be difficult.

**Don Owens recused himself and indicated that Richard Glover would be a voting member on this agenda item.**

**Laurie Kutina moved to recommend to the Town Board that they approve the one lot Open Development Area project at 835 Willardshire Rd, Town of Aurora, NY. Seconded by Norm Merriman.**

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

779, 781 Quaker Road 2 lot ODA referral from the Town Board. The applicant was not available.

Members discussed the properties, proposed development and concerns.

Jerry Thompson asked about the variance issued on the driveway and how it affects the Planning Board's review.

Bill Voss expressed concern about applicants going to the ZBA for approval prior to Planning Board.

Pat Blizniak indicated that this is the proper procedure. The ZBA is a decision making board and the Planning Board is a referral board. There would be no reason for the Planning Board to review something that isn't to code.

Dick Glover asked about when the SEQR is completed and stated that it would be helpful if that was done prior to coming to the Planning Board. He further stated that referral to other agencies (County/State) for their consideration is not included in the Planning Board review, as it happens after recommendation. He would prefer to see

Greg Keyser stated that the type of action (type 1 or unlisted) would determine when the involved agencies are notified. He indicated that it is not advisable for the Town Board to take action on the SEQR prior to the Planning Board recommendation. He further stated that the Planning Board should look at the environmental aspects of the site, making a recommendation to the Town Board. The Town Board will use that recommendation as they review use Part 2 of the SEQR form. The applicant should provide part 1 of the SEQR form; the Planning Board should review it for any red flags. The Planning Board can use part 2 of the SEQR form to look at potential issues during the review and make that a part of the recommendation to the Town Board.

**Laurie Kutina made a motion to table the 779, 781 Quaker Road ODA until the applicant can attend. The motion was seconded by Douglas Crow. Motion carried.**

Mill Rd Cluster Subdivision Sketch Plan referral from the Town Board. Gary Eckis appeared as applicant.

Gary Eckis discussed the proposed cluster subdivision, referred to as Aurora Mills. The initial plan submitted was immediately sent back to the drawing board for improvements. The revised plan includes public roads off Mill Rd with traditional homes on slightly smaller lots and private roads where there are traditional patio homes. 70-71% of the property could remain open to preserve habitat and the creek corridor resulting in less pavement, less chemicals, smaller sites and the current market is reflecting this trend. The elevation changes of the property would benefit the existing homes on Mill Rd, as the homes would look over the top of the patio homes out to the woods.

Doug Crow asked about the small lot at Mill Rd that is not included on the revised plan.

Mr. Eckis indicated that the lot in question was excluded from the contract with the owner who reserved the right to keep it. But this wasn't reflected on the tax map, so the plan was revised.

Doug Crow asked if there would be an HOA.

Mr. Eckis stated that if there is common ownership or use, then there must be an HOA, possibly a double level association with the two property types.

Doug Crow asked why a combination of public and private roads and why not all one or the other.

Mr. Eckis stated that in working with his partner, Gordon Reger, the preference was to differentiate between the two.

Laurie Kutina mentioned that the Town has to think about putting in a couple more roads to support this many houses and do this development right.

Jerry Thompson discussed the break even cost in regards to public vs. private development.

Bill Voss asked if the properties would have Condo status.

Doug Crow indicated that all the properties would be considered either Condos or Planned Unit Developments because of the HOA.

Doug Crow expressed his concern about private developments and it can change the character of the Town. And most of the Town is not private like this.

Members discussed potential issues with sidewalks, streetlights, school bus access, Town involvement in development, safety, water runoff and drainage.

Jerry Thompson asked about the gas wells on the property.

Mr. Eckis mentioned that he was aware of one and that he believed it was properly capped.

Don Owens stated he has been retained to determine where the wetlands are located and will do so once the snow has melted.

Laurie Kutina asked for clarification on the process.

Greg Keyser stated that according to Town Code, it is a three step process consisting of Sketch Plan, Preliminary Plat and Final Plat. Right now the Sketch Plan is under review. The application is substantially complete. He restated his comments (submitted to the Planning Board in writing, and made a part of this record): location of the gas wells; determine maximum units allowable after subtracting out wetlands, steep slopes, watercourses, floodplains, utilities

and associated easements and also preserving 50% of buildable area for open area. During the Preliminary Plat process, the engineer will then begin the detailed drawings based on recommendations at the Sketch Plan review (including traffic study recommendations and sewer details). He further recommended that the Planning Board request a revised map that reflects these details.

Bill Voss expressed concern about a second exit for the patio homes.

Greg Keyser mentioned a few points for the Sketch Plan. The Planning Board has an option for a site visit (advisable once a workable layout is determined) and a public information meeting should be scheduled. SEQR won't be completed until the Preliminary Plat and it will be a Type 1 action and as a result the long form will need to be completed.

Mr. Eckis indicated he would take the recommendations and revise the plan accordingly.

Correspondence:

Roundtable Discussion and Southern Tier West Conference in May – please send your registration information to Liz.

Rochester has a similar Conference on the Friday the week after the Southern Tier Conference.

Don Owens discussed the invasive species class recently given which covered the Emerald Ash borer and the devastation coming to the Hemlock trees from the Hemlock Woolly Adelgid. It will

Don Owens stated that David Gunner will be receiving an award from the County Executive for the work on Reading Road. Supervisor Bach will also be receiving an award for his support of the project. The awards will be given on May 1 at 11am at the Albright-Knox, if anyone can attend. Thank you to the Planning Board for all the work on this project.

A motion was made by Bill Voss and seconded by Doug Crow to adjourn at 9:15PM.

**THE NEXT SCHEDULED MEETING WILL BE WEDNESDAY May 6, 2015 AT 7:00 P.M. AT THE TOWN HALL, 300 GLEED AVENUE, EAST AURORA, NEW YORK**



**CONESTOGA-ROVERS  
& ASSOCIATES**

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## MEMORANDUM

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TO:	Town of Aurora Planning Board	REF. NO.:	631058
FROM:	Gregory Keyser/jap/002 	DATE:	03/31/2015
CC:	Town Board, Building Department, William Wheeler, P.E.		
RE:	<b>Aurora Mills Cluster Subdivision Sketch Plan Comments</b>		

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CRA Infrastructure & Engineering, Inc. has completed an initial review of the sketch plan application for the above-referenced subdivision. It is our understanding the applicant is proposing a cluster development subdivision with a mix of patio homes and traditional residences. The sketch plan application and supporting material was submitted to the Town on February 20, 2015. A revised cluster development concept plan was submitted to the Building Department with an issuance date of March 21, 2015. The concept plans are illustrated on drawings prepared by WM Schutt & Associates.

Chapter 99-6 of the Town Code for the Town of Aurora identifies the application requirements for a complete sketch plan application. Based upon our review, the following items need to be addressed:

- Under section 99-6B(3) the sketch plan is to show the boundaries of the tract to be subdivided. Based on tax map records, the parcel encompasses approximately 98 acres of land with frontage along Mill Road. The concept plan does not illustrate the intent for land located on the north side of Cazenovia Creek and the area of land located along Mill Road between parcels 175.00-1-40.2 and 175.00-1-41.
- Under section 99-6B(4), a preliminary topographic survey is required and should illustrate pertinent topographic and planimetric features. Based on available data, the following items have been identified and should be illustrated on the sketch plan drawings.
  - The approximate location and extent of wetland and steep slope areas, as well as watercourses and their one-hundred-year flood limits.
  - Information obtained from the New York State Department of Environmental Conservation indicates that two gas wells are located within the property limits of the parcel to be subdivided. The approximate location, land utilized by each gas well and associated easements should be illustrated on the drawings. The gas wells identified include the following:
    - Gas Well No. 1 – (ID# 31029152740000, Owned by Schreiner Oil & Gas, Inc.)
    - Gas Well No. 2 – (ID# 31029029600000, Owned by Richard E. Garman)

EQUAL EMPLOYMENT OPPORTUNITY EMPLOYER



- The application indicates that approximately 71 percent of the parcel will be preserved as a common area under the cluster development concept plan. However, prior to determining the number of units and/or lots, the developable area is adjusted by subtracting the items noted in section 99-21(B) from the total gross area of the parcel. Applicable items should be illustrated on the concept plans with areas calculated to determine the gross acreage available for development. The maximum number of units and/or lots permitted is then based on the adjusted gross area with the minimum amount of open space preservation being 50 percent of the developable area.