

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

October 7, 2015

Members Present: Donald Owens, Chairman
Timothy Bailey
Douglas Crow (arrived at 7:06pm)
Laurie Kutina (arrived at 7:05pm)
David Librock
Norm Merriman
William Voss

Alternate Member: Richard Glover
Jerry Thompson

Absent/ Excused:

Also Present: Greg Keyser, CRA
William Kramer, Assistant Building Inspector
Zoning Board of Appeals Members Present:
James Whitcomb, Chairman
Donald Aubrecht
Wayne Nowocin
Albert Salter

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.

Norm Merriman made a motion to accept the minutes of the August 5, 2015. The motion was seconded by Richard Glover. Motion carried.

Don Owens asked the Zoning Board of Appeals to attend the meeting to discuss the ODA Code. He discussed the reasons the ODA Code was adopted and the intent behind the code which was to control development so that it doesn't impact the community and the neighbors. Drainage impact is a concern. The problem now is there are driveways serving existing homes, like on Underhill, and there are more applicants wanting to build a home there. He discussed concerns about private roads that don't meet existing code and the safety of the residents

Greg Keyser discussed the three proposed moratorium on cluster subdivision, subdivision, and ODA. The Town Board has set the public hearing date.

Jim Whitcomb expressed concern about passing a moratorium and then not addressing the issue. The Town Board is tasked with looking at the big picture for the Town whereas the ZBA looks at a specific property when determining the merits of a request. He further indicated that these properties that they are seeing now were previously deeded out and in time future divisions will be required to deed out 50' as required by Code. Going forward, the ZBA will always have the Fire Department weigh in on these requests.

Don Aubrecht discussed difficulties with utility access and maintenance. He further indicated that when more than two or three houses are on an ODA access road, it should be a subdivision.

Dick Glover mentioned that there are two separate issues for ODAs. The 50' of egress and the 20' hard pack surface roadway. He discussed a concern regarding variances granted on the width of the driveway and the safety of owners.

Doug Crow mentioned that property owners have discussed that ODA driveway requirements are sometimes economically challenging.

Don Owens would be interested in seeing a Town map that shows private roads and the number of homes on those roads.

Bill Voss discussed the potential for future development and the issues with utilities.

Don Owens indicated that with the first ODA application, the utilities should be addressed in a way to plan for future development. The ODA Code when written mainly addressed drainage.

Jerry Thompson mentioned that the ODA Code addressed Fire Department concerns regarding adequate clearance for emergency vehicles.

Don Aubrecht asked how future development is addressed.

Dick Glover mentioned the Quaker Rd ODA where the owner wants to build further back. He discussed how the new development has to meet the current ODA code.

Doug Crow discussed existing private driveways and that there may be some compromise necessary to reach a desired end state for future development.

Jerry Thompson discussed concerns regarding variances on driveway width because this is a safety issue. Right of way width is not as critical.

Dick Glover asked about the procedure when a building application doesn't meet code.

Bill Kramer stated that owners have a right to appeal for a variance to a Town Code. He indicated that if the application doesn't meet code, then the owners can request a variance, if they wish to pursue their plans. The ZBA is the only board that can grant a variance. And ultimately the approval of an ODA lies with the Town Board.

Jerry Thompson indicated that if the ZBA grants a variance, what then can the Planning Board do.

Al Salter indicated that in several instances, a review and written recommendation of these driveways from the Fire Department.

Jim Whitcomb discussed revising the ODA so that when a variance request is made, a referral by the ZBA to the Planning Board for recommendation can occur prior to the decision. The scope of review by each Board is different.

Jerry Thompson was agreeable to this procedure.

Bill Kramer mentioned that this was attempted for the Olean Road West Herr parking lot proposal and that it didn't work because specific recommendations were not made.

Laurie Kutina indicated that better communication between the Boards is necessary if a referral is made; specifically, what is needed from the Planning Board or what opinion

Don Aubrecht indicated that even if a specific recommendation is not made, a discussion of the issues is still helpful to the ZBA.

Laurie Kutina suggested that the ZBA and Planning Board read each other's meeting minutes.

Al Salter indicated that if the ZBA is often not aware of Planning Board discussions on an issue.

Bill Voss asked about variances and the Town Board approval of the ODA.

Bill Kramer stated that the ZBA gives a variance to a Code but approval of the ODA application is from the Town Board.

Jim Whitcomb indicated that the ZBA grants a variance for the 50' egress or 20' driveway requirement if the criteria are met for an area variance.

Bill Voss discussed the need to change the Code to include a review of the utilities.

Dick Glover discussed Town Code Chapter 79-8 Open Development Areas – Variances and Waivers, that states that the Town Board can make a change to regulations.

Bill Kramer indicated that the Town Attorney has stated that the ZBA is who should be making these decisions.

Jim Whitcomb discussed the specifics of the ZBA process and procedures.

Laurie Kutina mentioned that if the Planning Board gives a “no” recommendation, there have to be very specific reasons stated.

Dick Glover asked about the difference between area and use variances.

Al Salter, Don Aubrecht, and Jim Whitcomb discussed the specifics of use and area variances.

Bill Voss mentioned that a lack of Comprehensive or Master Plan for the Town makes things difficult when determining the use of a property.

Jerry Thompson indicated that the Town already has a master plan in its Zoning Districts and the approved uses in those districts.

Don Owens mentioned that there are detailed discussions regarding the projects that are brought before the Planning Board. He also stated that the Town is fortunate to have such an alert Planning Board.

Jim Whitcomb indicated that as a result of this meeting, for future ODA variance requests and also large projects, the Planning Board should be involved.

Don Owens stated that going forward the Planning Board will make written recommendations to the ZBA when asked.

Bill Voss asked about modifying the code to reflect the discussions.

Don Owens stated that during the moratorium, the Planning and Zoning Boards should be asked for input on changes to the code.

Don Owens thanked the Members of the Zoning Board of Appeals for their attendance and discussion of these issues.

Correspondence:

Don Owens mentioned a letter form the Erie County Environmental Management Council thanking the Town of Aurora for once again hosting the July meeting and picnic. They have been very appreciative of the Town.

A motion was made by Douglas Crow and seconded by William Voss to adjourn at 8:28PM.

THE NEXT SCHEDULED MEETING WILL BE WEDNESDAY November 4, 2015 AT 7:00 P.M. AT THE TOWN HALL, 300 GLEED AVENUE, EAST AURORA, NEW YORK