

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

MARCH 1, 2017

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, CEO

Chairman Don Owens presided over the meeting which began at 7:03 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 February 1, 2017. The motion was seconded by Doug Crow. Motion carried.

NEW BUSINESS:

Aurora Mills Final Plat referral from Town Board. Ms. Pat Bittar of WM Schutt Associates, appeared on behalf of the applicant.

Greg Keyser mentioned that this is the Planning Board's third time reviewing the Aurora Mills project. The initial review was at sketch plan over a year ago. The second review was of the preliminary plat. And during this phase, the Town Board initiated SEQR and made the determination of a negative declaration. This is final plat and it is the last time the Planning Board will be able to review this project and make comments to the Town Board. He noted that the GHD review is extensive and ongoing. The cover letter from Ms. Bittar discusses the items that are still outstanding, such as the sewer district extension which will take a couple of months still. He reviewed the Town Code regarding final plat approval and noted that the Town Board

agreed to a concurrent review so that the applicant can continue working on their needed approvals while the Planning Board reviews the final plat. He suggested the Planning Board recall to the sketch and preliminary plat discussions and see if anything may be missing from the final plat.

Ms. Bittar discussed several items of the plat. She noted that the road and lot layouts have not been changed since preliminary plat approval. She pointed out the addition of the sidewalks on the outer loop of the subdivision. She mentioned that they did seek an opinion from the Fire Chief with regard to the road width and gutter curbs. Further, she mentioned that changes were made to the stormwater pond in response to GHD comments. The biggest change is that the wastewater pump station has been moved from the center of the north cul-de-sac to behind unit 16 to make it more esthetically pleasing. She noted that the drawings have been submitted to the Town, Erie County Department of Environment and Planning (ECDEP), Erie County Health Department (ECHD), Erie County Highway, and Erie County Water Authority for review. She mentioned that ECDEP can't offer their approval until the sewer district is extended and the ECHD won't give their approval until the ECDEP does. She noted that they want to move through the reviews, get all the comments together and address the plans, if necessary, in order to get the approvals necessary so that they can begin construction as soon as they can.

Don Owens hoped that the board members had a chance to review the plans. He asked about ending the sidewalks at the circle. He suggested extending the sidewalk on the north side of the circle out to the north entrance at Mill Rd. He expressed concern for pedestrian safety with the sidewalk ending at the circle. He further stated that he was glad to see the inclusion of the sidewalks.

Doug Crow mentioned that he recalled a discussion about sidewalks connecting to neighboring parcels and into the village but that there was some resistance because the development next door doesn't have sidewalks and there would be many properties that have to be retrofitted for sidewalks.

Doug Crow suggested discussing the proposed roadway specs stated in the cover letter.

Ms. Bittar noted that the geotech report supports the specs as proposed. She further indicated that discussions on the road specs are ongoing with Camie Jarrell at GHD.

Norm Merriman agreed with increasing the sub-base from 10" to 12" because the roads have to withstand heavy traffic long before it is paved. He noted that in the original plan, 600x soil stabilization fabric was indicated and he assumed that it will be in the final plan as well. He further discussed the additional courses of paving and noted that 2½" and 1½" would work well over the 12".

Jerry Thompson discussed the Town specs. He stated that the total dimension for Town roads is 18” and the proposed specs have 15”. He further noted that the proposed road specs would have 2’ of binder and 1” of top course.

Norm Merriman indicated that there should be more than 2” of binder and probably should be more than 1” of top. He noted that this spec would be appropriate for a small commercial parking lot or driveway. This is a road for a private community and it will still see delivery trucks, and snowplows. He indicated he does not agree with the 2” binder and 1” top as proposed.

Jerry Thompson noted the change from crusher run to crushed gravel, which contains a lot of dirt.

Norm Merriman indicated he wouldn’t classify it as dirt. He noted that crushed gravel can be a good product, and that it has to be put in and compacted correctly without being too wet or too dry. He noted it is more sensitive to moisture than limestone.

Jerry Thompson mentioned that impacts to roads include garbage trucks, which often are overloaded, snowplows, salt, etc, and these impacts can damage the road requiring repairs by the HOA. He suggested that if the Town has a specification for road construction, the project should meet that specification. He indicated he would defer to Norm regarding whether or not they could use the 12” of crushed gravel for the base.

Norm Merriman stated he would prefer the crushed gravel be used in the select fill items (i.e sewer or storm crossings), but for the road, he would like to see crushed limestone. He indicated you don’t want to compromise with the quality crushed limestone has.

Jerry Thompson confirmed that Norm would use crushed limestone for the road.

Norm Merriman agreed he would use crushed limestone for the road.

Dave Librock asked about the crushed gravel.

Norm Merriman indicated that there are several NYS DOT testing requirements for the crushed gravel. There are different kinds of gravel but each has to meet a specific DOT spec.

Dave Librock asked if crushed gravel is less expensive.

Norm Merriman noted that the product itself can be less expensive but over the last several years logistics have made things more difficult. He indicated that you have to go to Chaffee or Springville to get crushed gravel now, and with trucking costs now, it’s not really a big savings. The material itself could be cheaper on a per ton basis.

Dave Libroek recalled that at Reed Hill they started with crushed concrete but were required to remove it and follow the Town specs with crusher run.

Norm Merriman stated he wouldn't approve of using crushed concrete for this project either.

Doug Crow noted that he doesn't like making an exception to the specifications because of cost. He further indicated that the Town has an interest in mandating the quality of roads, both public and private, within the Town. He mentioned that he didn't feel the Planning Board should recommend approval for a road of lesser quality/standard.

Don Owens asked if Doug wanted to make that recommendation.

Doug Crow indicated that there may be other points to consider.

Laurie Kutina stated she would like to see the engineering report before any recommendations are made.

Greg Keyser indicated that the Town Code states a recommendation must be made to the Town Board within 31 days and the next regularly scheduled meeting is in 35 days. The Planning Board would have to ask the applicant for an extension. He agreed with Laurie that the Planning Board should see their comments. He also suggested the Building Department review the plans as well.

Laurie Kutina thanked Ms. Bittar for adding the sidewalks and asked if there was any schedule set for sidewalk installation. Her preference would be to have the sidewalks put in at the beginning of the project, rather than as the units are built.

Ms. Bittar indicated that for other subdivisions, the sidewalks go in as the lots are built because the small amount of concrete gets destroyed during the construction process. She noted that it is not cost effective to put the sidewalks in until the lot is built.

Laurie Kutina asked if the sidewalk is put in at the same time as the driveway.

Ms. Bittar indicated yes.

Doug Crow noted that this isn't a problem if the development is completed in a year, but if it takes five years, it doesn't look right and isn't effective.

Laurie Kutina asked to consider that if construction continues for several years, could a condition be made to put in sidewalks where lots haven't sold.

Doug Crow suggested a condition that if after “X” number of years after beginning construction sidewalks should be installed on vacant lots.

Tim Bailey suggested a gravel pathway where the sidewalks will be on vacant lots.

Doug Crow noted that he wouldn’t want to make the timeframe short, but that at 5 years require the sidewalks be completed because maybe some lots won’t sell.

Jerry Thompson asked what number of units needs to be sold before the project begins to make money.

Ms. Bittar stated that she does not know that information.

Norm Merriman stated that the sidewalks could be installed early around the circle and along the road where there won’t be a house. He wouldn’t advise putting in sidewalks on lots before the house is built.

Doug Crow asked Norm his opinion on requiring sidewalk installation on unsold lots after a specified period of time.

Norm Merriman indicated that he understands the concern, but because of the product, he doesn’t think it will take 5 years to complete. He further mentioned that the developer and builders have a lot at stake to finish as soon as possible. He discussed the sanitary sewer and water infrastructure installation with regard to sidewalks and reiterated the need for sidewalks to be constructed last.

Laurie Kutina noted that she agrees with the installation as discussed but would still like to consider that if a lot has sold 5 years out then have a requirement to install the sidewalk.

Jerry Thompson asked if the all the lots had to be sold before the HOA becomes effective.

Ms. Bittar stated that she didn’t think it had to be completely sold.

Doug Crow indicated he thought it is when 80% are sold; but he also mentioned that this may be the requirement for HUD financing.

Bill Kramer indicated it is a percentage of the lots.

Greg Keyser asked if there are discussions on how the area outside the development footprint was going to be preserved.

Ms. Bittar noted that there is discussion that there will be a Declaration of Restrictions, a deed restriction filed at the County.

Jerry Thompson suggested deferring to an attorney on this and noted that a deed restriction is only enforceable by those who are affected by the deed restrictions, not by the Town. He suggested a conservation easement, which would be more permanent and would not be allowed to change.

Ms. Bittar noted that the attorney they are working with indicated this might be a concern. But that the attorney noted that deed restrictions can be enforceable by the development residents, the HOA, and all adjacent property owners and can be named as such as part of the agreement.

Jerry Thompson mentioned that he has seen instances where a deed restriction states an owner can only have a two car garage. 20 years later, there is a three car garage there. But no one cares and so they never enforced the restriction. There isn't an enforcement body because the residents affected didn't care. He again suggested a conservation easement.

Laurie Kutina suggested the applicant contacting Nancy Smith to discuss the conservation easement. She noted that the cluster subdivision promotes the preservation of space and also the more land preserved on along the creeks the better off we are.

Don Owens noted that we need to preserve creek corridors.

Doug Crow indicated that this development does do that.

Norm Merriman asked about the difference between daylight and walkout options on basements noted on the grading plans.

Ms. Bittar stated that with walkout it is a full floor and the 8' door is used to walk out of the basement. With daylight there is the 4' fire access window.

Doug Crow indicated that this would be based on what the homeowners choose.

Ms. Bittar also noted it suits certain parts of the development.

Norm Merriman noted that for the lots to the south, there is an addition of a storm in the back yards and also a cut on the lots. He expressed agreement with this.

Ms. Bittar indicated they did add that because they wanted to be sure there was adequate protection from water coming down the hill.

Norm Merriman asked why the pond it has to be lined if it has rock at the bottom.

Ms. Bittar noted that they have designed it as a wet pond and as a water quality measure. There have been instances where a crevice has opened up and now where a person had a pond in the back yard, it's now a wet hole in the ground that doesn't hold water. She noted that since it is designed as a pond, and if conditions are noted during construction that indicates it won't hold water, measures have to be taken to make sure it is a pond. Or further discussions need to occur at that time.

Don Owens discussed the sanitary sewer cross-section that where it levels off could result in a choke point for debris.

Ms. Bittar noted that where the Hickory Hills line ties in, it causes the leveling off a bit. The county is looking at this, preliminarily, and they expect comments.

Bill Kramer asked about the size of the water service line to the homes.

Ms. Bittar noted that they are using the Erie County Water Authority details.

Bill Kramer indicated that these units will need to be sprinklered, so the line will probably be increased slightly.

Don Owens asked if there were any other comments or questions.

Doug Crow noted that it appears an extension to the recommendation deadline may need to be requested.

Greg Keyser stated that the engineering comments will be coming within the next couple of weeks.

Doug Crow also suggested scheduling another meeting.

Jerry Thompson indicated that he felt a recommendation could be made contingent on the engineering report conditions.

Laurie Kutina noted she would like to see the engineering report and the Building Department recommendations first.

Ms. Bittar noted that they would like to come back sooner than later. She asked if it was possible, depending on engineering comments, to schedule a meeting ahead of the 31 days.

Jerry Thompson noted neither he nor Dick Glover would be available as alternates.

Greg Keyser asked about the Town waiting on holding a public hearing.

Ms. Bittar indicated that they would like to get all the steps done that can be while waiting for the district approval. And it may be possible for the Town Board to hold the public hearing but not make a resolution until the determination on the sewer district extension. That is what they are trying to do.

Doug Crow asked about a meeting on March 22 or 29.

Don Owens indicated March 22nd.

Bill Kramer asked before the next meeting building elevations available before the next meeting.

Jerry Thompson asked if there was any information available on pricing.

Ms. Bittar noted she would ask for elevations and if possible pass them along to Bill and that she will ask about pricing.

Norm Merriman asked about the grading change from house to house.

Ms. Bittar noted that they were trying to portray that with the elevations.

Laurie Kutina suggested considering how to present the information at the public hearing, including what the houses are going to look like, colors used. She noted that most people don't understand what a contour would look like. The row of houses isn't representative of what this project will look like.

Bill Kramer suggested a streetscape section.

Ms. Bittar noted the drop in grade.

Laurie Kutina mentioned that it will cascade and that would be more appealing.

Don Owens noted this should be released prior to the public hearing.

Bill Kramer asked who would determine basement elevations along the street.

Ms. Bittar noted that they have done that for every lot. They have indicated the front and back corners finished grade elevations for the home with contouring reflecting that. She indicated that this is the overall plan but wasn't certain what exactly would be necessary for the grading plan for a specific lot.

Bill Kramer asked if there was a standard elevation for top of basement off curb in front.

Ms. Bittar noted that they typically follow the ROW of road which is a 2% grade from the back side of the curb to establishing a finish grade at the house, based on the 40' setback. She further indicated that because of the existing grade on the site some of the grading may need to be manipulated from what is established, and it is noted on the plan.

Bill Kramer noted his concern about homeowner having a say on elevations.

Norm Merriman mentioned that with houses as close as these it will be a challenge to get the homes to blend architecturally.

Doug Crow moved to adjourn to a Special Meeting on March 22, 2017 and seconded by Norm Merriman. Motion carried.

Tim Bailey made a motion and seconded by Laurie Kutina to adjourn at 8:00PM.

**A SPECIAL MEETING WILL BE HELD WEDNESDAY March 22, 2017 AT 7:00 P.M.
AT THE TOWN HALL, 300 GLEED AVENUE, EAST AURORA, NEW YORK**