

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

AUGUST 3, 2016

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

Alternate Member: Richard Glover  
Jerry Thompson

Absent/ Excused:

Also Present: Greg Keyser, GHD  
William Kramer, Assistant Building Inspector  
1 Member 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.

Chairman Don Owens noted that the alternate members would not be voting at the meeting.

**Douglas Crow made a motion to accept the minutes of the July 20, 2016. The motion was seconded by Timothy Bailey. Motion carried.**

**New Business:**

Referral from the Town Board – Aurora Mills Subdivision Preliminary Plat. Gary Eckis, Pat Bittar, Dave Schutt, and Connie Lydon appeared as applicant.

Don Owens noted that the Planning Board members have recently received a large amount of information in the last week.

Mr. Eckis introduced the other attendees to the meeting and noted that Connie Lydon is the Landscape Designer for the project. He stated that since the last appearance at the Planning Board the following has occurred: traffic and archaeological studies, wetland permits from the Army Corp of Engineers, traffic comments from the DOT, the topo and engineering have been detailed and the landscaping plan has been completed. He noted that the sewer process is a lengthy one. There are flow monitors that have to be put in place in downstream sewers and then you have to wait for a ½" rain event. But because of the draught, the rain didn't occur and they had to wait the maximum time of 3 months.

Ms. Bittar indicated some changes on the actual site topography between the Sketch Plan and the Preliminary Plat including: the actual location of the gas well; the ROW was slightly different; cul-de-sacs were amended to accommodate fire truck circulation and the sewer pump station; layout of lots around the gas well and towards entrance (still a net of 85 lots); the consolidation of retention ponds into one.

Doug Crow asked if the pump station was enlarged after talking with the Sewer Authority.

Ms. Bittar noted that they are in discussions now and it hasn't been finalized.

Doug Crow asked about the current plan to shut down the pump station on the property to the north and having it go through the subdivision.

Ms. Bittar agreed that this consolidation of pump stations has been in the discussion with EC Sewer Authority and EC Department of Environment and Planning from the beginning. She noted the gap between the residences on the north that would allow for this consolidation.

Ms. Bittar discussed the design drawings which include: water lines, sanitary, grading, drainage, storm water management pond (appropriately sized according to NYS DEC requirements). She also mentioned the full SEQR document which has only recently been circulated so formal responses have yet to be received.

Mr. Eckis confirmed that SEQR has been initiated.

Doug Crow noted SRF's mention of moving the entrance slightly and he asked if that had occurred.

Ms. Bittar indicated that it had not because SRF advised on waiting for EC Highway's formal comments.

Ms. Bittar also discussed the intent to not include the entire property within the sewer district, but limit the sewer district to the developed part of the property. This would be an additional protection on the greenspace in preventing development.

Don Owens noted that this creates a barrier to extend the sewer system further south on Mill Rd.

Jerry Thompson discussed an earlier DOT response which discussed the intersection of 20A and Mill Rd and possible future changes necessary there. But in the email response from the DOT in the packet states there is no recommendation for changes at that location.

Ms. Bittar noted that the earlier discussion was before they received the SRF traffic study.

Jerry Thompson noted that the study increases the traffic.

Ms. Bittar stated that it does increase the traffic slightly. She asked if Jerry could locate the earlier discussion. The email response from the DOT is after they received the traffic study completed by SRF.

Mr. Eckis noted that the traffic study used an actual count of traffic, not an estimate.

Ms. Bittar also noted that prior to starting SEQR they expanded they expanded the traffic study to include the 20A and Mill Rd intersection.

Jerry Thompson asked if the intersection of Beech and Center was included in the study.

Mr. Eckis indicated that Beech and Center was not included.

Doug Crow asked about the different service levels (A-F) mentioned in the traffic study and if there is a commonly accepted standard or a cutoff.

Greg Keyser indicated that multiple things come into play with service levels.

Doug Crow discussed the Mill Rd and 20A intersection and the statement that this intersection is at D now (A being best and F being worst) and will be at E in the near future based on normal growth without the development; But that there will be times when that intersection will be at F.

Jerry Thompson agreed and noted page 5 of the SRF study that suggests widening the 20A/Mill Rd intersection, installing turning lanes and a traffic signal. He questioned the DOT email indicating there isn't concern when the study shows there is.

Mr. Eckis indicated that the traffic level now is acceptable per the study and that the amount of traffic generated by the development isn't enough to warrant changes suggested.

Doug Crow noted that the study shows that with or without the development the service level will eventually become an E and with the development there will be times when the level will be at F. He questioned at what point the DOT would say the intersection needs to be upgraded.

Bill Voss noted that this intersection is an issue for both the DOT and the Village.

Greg Keyser mentioned that they may be looking at how long the E and F periods last and how the traffic gets to those points.

Jerry Thompson reviewed the changes made at the 20A/Mill Rd intersection during the Main St reconstruction.

Tim Bailey indicated the Village should be notified of the potential impact on this intersection.

Ms. Bittar noted that the Village should have been notified as outside agency in SEQR and so they should have received the SEQR documents.

Dick Glover asked if the Village was notified as part of SEQR.

Tim Bailey noted that there isn't a response from the Village yet.

Mr. Eckis stated that SEQR was just initiated and that there is a period of time in which responses will come in.

Dick Glover mentioned his concern regarding drainage from the residences and hard surfaces.

Ms. Bittar discussed the storm sewer system for the development and noted that perimeter drainage around basements would be incorporated on individual home design. This drainage would be tied into the underground roadside drainage system.

Dick Glover asked about home design.

Mr. Eckis noted that home designs have not been set but the style would be Craftsman or Roycroft. The footprint, size, and features of the homes have not been finalized yet.

Ms. Bittar stated that would be set builders for the project.

Mr. Eckis further stated that there would be one architect for the project. He also noted that there would be several designs with upgrades available for purchasers.

Bill Voss discussed page 3 of the SEQR in respect to construction period of 10 months. He asked what that timeline includes.

Ms. Bittar stated that that period is for infrastructure only.

Bill Voss asked about estimated total construction timeline for development.

Mr. Eckis stated that it should be less than 6 years and depends on the economy.

Jerry Thompson noted that the development in Elma probably took 4-5 years to complete and is twice the size of this development. He further noted that the price point is important.

Don Owens mentioned that an advantage of this property is the gentle slope which allows better control of the water.

Dave Librock mentioned that it is about 70' difference from the top to the bottom.

Ms. Bittar discussed that many of the homes have the ability to have a walk out basement option to take advantage of the grade.

Jerry Thompson asked if home construction would begin prior to completion of the infrastructure.

Mr. Eckis stated that they want to get started right away and so they would begin building homes as soon as it is possible.

Jerry Thompson asked if there are any restrictions on financing in regards to this.

Mr. Eckis stated that there aren't any financing restrictions. He further discussed the initial 2 phase plan to construction but that the Town preferred one phase to decrease the time of disturbance.

Bill Voss asked if there is there any plan for heavy loads and truck traffic.

Mr. Eckis indicated much of the heavy equipment will be onsite.

Jerry Thompson asked if the Town would require bonding to cover damage to roadways.

Bill Kramer indicated that bonding might be part of the agreement with the County.

Members reviewed the list of involved agencies notified in SEQR.

Dick Glover asked if any responses have been received and was informed that there have not.

Mr. Eckis stated that the comments should be in soon and that the comments from the agencies would be incorporated into the plans as necessary.

Dick Glover asked if street lighting is a part of the plan.

Connie Lydon, Landscape Designer, stated that they have already begun to look at that because character is so important to this project. They are considering these smaller details now instead of further in the process.

Ms. Lydon thanked the Planning Board for giving her the opportunity to discuss the landscape plan. She further mentioned that it is a very important part of the project. The grade changes 86' from top to bottom and that will make it easier to screen the new housing. She stated she is committed to preserving the views as much as possible. She indicated that in order to protect the site from the heavy equipment coming in, they will need to set up staging areas. A layered landscape technique will be utilized in this project. She mentioned that typically when something is screened a berm and evergreens are used, resulting in one big long line of a screen. She discussed the details of the design and the hope that some of the existing plants within the construction areas could be transplanted elsewhere on the property. She also discussed the possibility of stone walls, one with a sign and one in the circle.

Don Owens asked if there is green ash present.

Ms. Lydon indicated that there is some green and some white ash.

Dick Glover noted that in his subdivision, the original plantings have now become overgrown and need replacement. With the small lot sizes, he suggested considering the long term growth of plantings so that they don't all become overgrown leaving the association or homeowners having to replace them.

Ms. Lydon agreed.

Bill Voss asked about the HOA and landscape maintenance and if there is an agreement between the HOA and the Town in regard to maintenance.

Mr. Eckis stated that the homeowners will have to pay for maintenance and landscaping. He further noted that there isn't an agreement between the HOA and the Town. The HOA Declaration would cover specifics of maintenance.

Ms. Lydon stated that it takes three years to really establish a landscape and that most landscape maintenance contracts are for a year or two. She stated that for this development a three year maintenance contract between the HOA and landscape company would be beneficial.

Mr. Eckis noted that the homeowners will have an interest in keeping the property maintained and if they don't a letter is sent, the same as any other property in the town.

Ms. Lydon stated that the area in question would be included in the common area of the Association.

Jerry Thompson briefly discussed the HOA prospectus and the budget.

Mr. Eckis mentioned that if a homeowner decides not to pay his dues then the HOA can begin a process to essentially foreclose on that property.

Mr. Eckis also stated that he hoped for a recommendation back to the Town Board so that they may continue with engineering while comments are received from SEQR.

Dave Librock asked for clarification on the minimum lot sizes and area. He also noted that lots 42 & 58 are undersized.

Ms. Bittar stated they would check the numbers and that all lots sizes should be minimum 60' x 120', although some are larger than that.

Laurie Kutina asked what the width of the driveways and if that was included in the calculations for storm drains.

Ms. Bittar stated that driveways are 20' wide to the home setback of 30' and that it has been accounted for in the impervious runoff calculations for the project.

Jerry Thompson stated that there are no sidewalks.

Ms. Bittar confirmed.

Doug Crow indicated that he is disappointed about the lack of sidewalks, but expected it.

Jerry Thompson noted that with 89 homes in a subdivision and people who like to walk will have to walk in the road along the drainage ditch.

Ms. Bittar noted the trail system for the residents.

Doug Crow agreed and indicated that the residents would have to walk in the street to the trails.

Dave Librock asked if the entrance will be dual entry or have one driveway in, one driveway out.

Ms. Bittar stated there would be one entrance and one exit.

Laurie Kutina noted that the circle at the entrance does allow for school bus pickup and drop off, so busses would not need to stop on Mill Rd.

Dick Glover asked about access to trails.

Ms. Bittar pointed out the entrance areas.

Mr. Eckis noted that the trails on the map are preliminary. There is an existing trail system on the property and that between now and Final Plat, they will use GPS to mark the trails as they are rather than guess.

Bill Voss asked if these trails will be private only.

Mr. Eckis confirmed.

Multiple conversations occurred.

Ms. Bittar noted that the utility ROW is 50'. She further mentioned that with the smaller lot size, which preserves as much greenspace, it minimizes the available footprint for bringing in sanitary, water, electric, gas, and cable. Sidewalks would make this more difficult. There are single sided sanitary sewers which preserves the other side for cable, electric and gas lines.

Dick Glover discussed his concern about the density of the development, almost a village like setting, and the number of people walking or riding bikes in the street.

Jerry Thompson discussed the later addition of sidewalks and curbs to the Warren Drive development and the positive effects.

Doug Crow indicated he would prefer to see sidewalks between the houses, not connecting into the village.

Dick Glover suggested even one side of the street.

Doug Crow agreed and mentioned Reed Hill Heights as an example.

Mr. Eckis stated that was something that could be looked at and also mentioned that it creates another snow removal issue.

Ms. Lydon stated that one way to address the snow storage issue is that to make sure there is enough of a setback of trees in the common areas to accommodate snow storage in front of them.

Norm Merriman mentioned an earlier discussion about a possible berm behind the row of new houses on the south side. This berm was suggested for 2 reasons: 1-to soften the existence of the subdivision and 2-to deflect surface drainage to the west.

Mr. Eckis stated that there had been discussion on that point until the site visit.

Ms. Lydon noted that the way the site falls the berm wouldn't fit esthetically.

Multiple conversations occurred.

Dick Glover suggested a sidewalk around the center triangle area and connecting into the trail areas.

Doug Crow noted that a sidewalk like that would pick up nearly every house.

Don Owens agreed that this is a good idea to consider.

Mr. Eckis indicated his hope for a referral to the Town Board to accept this plan.

Don Owens stated that the Planning Board would not be voting on a recommendation then, but would meet in September.

Greg Keyser reviewed the timeline. He also mentioned that the Planning Board may want to wait to see the comments from the Town Engineer and SEQR comments before making a recommendation. He also noted that SEQR was initiated on July 29<sup>th</sup> and the involved agencies have 30 days to respond. He indicated the earliest the Town Board may make a SEQR decision would be September 14<sup>th</sup>.

Ms. Bittar asked if the Planning Board makes a SEQR recommendation to the Town Board.

Greg Keyser indicated that the Planning Board could do so.

Don Owens stated he would like the Planning Board to review the information presented and be prepared to make a recommendation to the Town Board next month.

Bill Kramer asked if a question from the public could be taken.

Don Owens agreed.

Marion Dombrowski, Jewett Holmwood Rd. She asked for clarification on how close the trails and houses will be to her property.



Laurie Kutina noted that there is a difference between referencing Open Space and discussing where the open space is; both the plan itself and how that is going to be incorporated in the zoning areas. She expressed her concern is the legal ramification of establishing new zones without public comment on the zones themselves.

Bill Kramer indicated that would be a good question to bring to the Town Board. He further mentioned that the Town Attorney does attend the meetings. He suggested emailing that concern to the Town Board.

Laurie Kutina mentioned that the issue of the 300' is gone.

Bill Kramer noted that the RR is within the 300'.

Laurie Kutina asked where that is stated in the document.

Bill Kramer noted that it isn't. He further mentioned that it may not be explained, but it would be on the zoning map.

Laurie Kutina stated her concern that many residents know that they can do most anything on their property and with these changes there isn't a zone that can happen in anymore.

Bill Kramer noted that the RA is the same as the A zone is now.

Laurie Kutina asked which properties would be in an RA, because if there is a residential improvement on a property.

Bill Kramer noted that as the RA becomes developed those new parcels take on the restrictions of RR.

Bill Voss stated that if he has a 5 acre lot currently zoned A, the zoning of the first 300' will change to RR and the remainder will be RA.

Bill Kramer noted that there are many lots like that now, where along the road they are zoned R1 and behind that it is zoned A.

Laurie Kutina asked if only when a new house is built will it be RR.

Bill Kramer discussed the Davis Rd fields. He indicated they would now be zoned RR, but the use restrictions, such as animals, wouldn't take place until that a section of that was improved with a house.

Jerry Thompson noted that these changes drastically impact the use of land that is currently zoned A.

Bill Kramer noted that the Town Board has looked at the Planning Board's recommendation and they will likely respond to it.

Laurie Kutina stated that if the Planning Board is concerned about these changes then the public is likely to be more concerned.

Bill Voss stated that if the Planning Board doesn't understand the changes, the public won't either.

Jerry Thompson noted that people get nervous when you take things away.

Bill Kramer noted that the Town Board understands that and is also trying to address concerns about how properties are being split and sold off. He further mentioned that growth can't be controlled without limiting someone's use.

Laurie Kutina mentioned that you won't be able to control growth without having a lot of conversations with the public first.

Bill Kramer indicated that this is the process.

Laurie Kutina stated that these conversations should occur earlier in the process.

Bill Kramer noted that these discussions have been taking place for five years with the Code Committee.

Laurie Kutina stated that these conversations have been internal to our government.

Doug Crow stated that the external conversation may not be productive until a plan is put together.

Bill Kramer indicated that the Town has to come up with something definite, with Planning Board input, before then and then the process continues.

Dick Glover noted that this is a piecemeal master plan.

Bill Voss restated an earlier comment that Erie County may respond by asking for the Master Plan.

Bill Kramer agreed that the County may require a Master Plan.

Jerry Thompson noted that there are difficulties in defending the Zoning Code if there isn't a Master Plan in place. This is why the Town joined with 5 other towns to discuss the County Master Plan.

Bill Kramer noted that the Village accepted that plan, but the Town didn't. He reiterated the fact that the Town's attorney attends these meetings.

Jerry Thompson noted that when the Zoning Code is worked out and a map is prepared then you can clearly explain what is going to happen.

Doug Crow also suggested that people might be concerned before they see the map, but once they see it they are ok.

Don Owens noted that the bundle of rights for each zone must be determined. Then the owner has to compare these new rights to what they have now.

Laurie Kutina indicated that she doesn't know what the actual land use of the Town parcels is today. She added that she lives next to three farms and that hay is an agricultural product in Town.

Bill Voss asked how the Town can currently restrict the number of dogs.

Bill Kramer noted that he wasn't certain and that this is different in the Village.

Bill Voss stated that in an A district there isn't a limitation on animals, except for the limit on dogs. He questioned if this limitation could be extended to handle the animal issues, rather than creating a new zoning district. He also asked if there was a way to write the code to reflect this, such as in the first 300' of a lot you are only allowed so many domestic animals.

Doug Crow suggested the Town Attorney look at that question.

Jerry Thompson asked for a definition of a domestic animal.

Bill Kramer noted that cows, horses, sheep, goats, dogs, and cats are considered domestic animals.

Dick Glover discussed special permits

Bill Kramer noted that the RR district covers the numbers and types of animals you can keep in that district and that would reduce the number of special permit requests to the ZBA. He further

mentioned that it is much easier to be allowed 6 chickens in the RR zone rather than having to request permission from the ZBA to keep any chickens.

Dick Glover asked when the Town Board wants to finalize the code.

Bill Kramer stated that they want to finalize it as soon as they can and they only want to update the code book once. So the Town Board is trying to finalize Zoning, Subdivisions, etc.

Dick Glover asked if once the codes are finalized would it be sent back to the Planning Board so that the Planning Board could hold a public hearing.

Bill Kramer indicated that this could be a recommendation to the Town Board. He further stated that the Planning Board could make a recommendation that the Town Board refer the code back to the Planning Board so that a public hearing could be held; however the Town Board wouldn't have to accept that recommendation.

Laurie Kutina noted that she is not ready to make that recommendation.

Bill Kramer mentioned that the Planning Board could rescind last month's recommendation and ask for another month to review or even meet with the Town Board.

Jerry Thompson asked if these changes are reactionary to a couple of problems. He further mentioned that this code doesn't address the neighborhood impact of the use of an A district property, such as the dirt track.

Laurie Kutina would like to compile information on how the properties are being used in the Town.

Bill Kramer suggested a discussion with the Town Board prior to beginning this process.

Dick Glover noted that the Planning Board is not aware of the processes or timeline to get the code revisions done.

Jerry Thompson noted that the Town Board with the moratorium in effect, the deadline is approaching. He further asked if the Town is inundated with subdivisions.

Bill Kramer indicated no for subdivisions. He mentioned that ODAs are much more prevalent.

Don Owens asked if there is a resolution tonight regarding the codes.

Doug Crow suggested letting the process continue. He further mentioned that he is interested in what Laurie comes up with, but that he really wants to see what the new zoning map looks like.

Jerry Thompson asked Bill Kramer if he had information about the property use.

Bill Kramer stated no, and that you can look at the map and get a feel for use by how the property is divided. Such as on Mill Rd, the smaller parcels along the road are residential and the large parcels behind are Ag.

Laurie Kutina stated she would collect all the information on property use that she can and bring it, hopefully, to the next meeting.

Don Owens made a recommendation to meet informally with the Town Board at a code review session to discuss the most recent concerns. He asked if Laurie Kutina would like to meet as well.

Laurie Kutina stated that she would like more information first and that she would like to bring suggestions or solutions, if possible.

A motion was made by Norm Merriman and seconded by Dave Librock to adjourn at 8:53PM.

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