

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

July 10, 2013

PB Members Present: Donald Owens, William Adams, Timothy Bailey, William Voss, Chuck Snyder, Laurie Kutina, Al Fontanese  
PB Alternate Members: Norm Merriman  
PB Members Excused: David Majka  
Non-Board Present: Greg Keyser, CRA Engineering  
William Kramer, Assistant Building Inspector  
Jeffrey Harris, TOA Councilman  
James Bach, TOA Councilman

Chairman Don Owens presided over the meeting which began at 7:00 p.m. at the Town Hall, 300 Glead Avenue, East Aurora, New York. Bill Adams opened the meeting with the recitation of the Pledge of Allegiance to the Flag.

**Tim Bailey made a motion to accept the minutes of June 2013 with changes highlighted below. The motion was seconded by Al Fontanese. Motion carried.**

*Pressing reiterated that he is seeking a portion of the A zoned part of 992 Olean to be rezoned to B-2 and he wishes to re-zone the B-1 part to A.*

**Bill Adams and Norm Merriman abstained from voting because they were not at the June meeting.**

**Comments from the audience:**

The following expressed opposition to the rezoning of 992 Olean:  
Carol Rankin, 1018 Olean  
Beverly Stewart, 1036 Olean  
Barbara Heater, 976 Olean

**Old Business: rezoning of 992 Olean**

Don Owens stated that this section of Olean Rd has mixed uses including a restaurant, a physical therapist, an architect as well as dwellings. He stated that rezoning should be for land use and not impact the neighbors. He spoke about the PCB members visiting this site at the June 5, 2013 meeting.

Don Pressing, applicant, admits to running a business and is in the process of cleaning up the property stating he is 80% finished with what the PCB asked to be done during the site visit. He has put in a new driveway to which William Kramer said a permit is not needed. He presented several photos showing the property and site views from different angles to demonstrate the progress of the clean-up and the fence that was erected. He also submitted a letter from Mr. &

Mrs. Christie, 1000 Olean along with a NYS Permit for D&S Equipment Repairs with the principal location of 17 Knox Rd. He states the big red tractor is still on property as well as junk by the railroad tracks but is working on the removal. He states there is a wood pile. He states the business is open until 9 or 10PM at times.

Kramer- he has been out a few times acknowledging the illegal business to which the Town of Aurora is in the process of Justice Court action for the offense. He noted that the property is being cleaned up, a fence erected and equipment and such has been moved making it not so much of a junk yard issue at present.

Keyser – asked Kramer is a letter of compliance would be sent once property is cleaned up.

Kramer – no letter will be sent because without the re-zoning approval, the property is out of compliance.

Voss – if it's rezoned, what regulations are in place to not store vehicles?

Kramer – TOA Code, Chapter 72 – Junkyards, would address future enforcement

Snyder – Why not zone to B-1?

Pressing – The building Dept advised to try for B-2 because it is less restrictive.

Kramer- B-1 permitted uses list 'hardware and garden equipment' but is not sure if repair fits that definition

Owens – He read B-2 (9) section from Table of District Regulations which states; 'no operation or activity is so conducted as to be noxious or offensive to any adjacent occupant by reason of the factors listed in sub-division (f) of Section 5.02 of this ordinance'. (5.02 is now 116-17).

Adams – asked Pressing why business is being advertised in the Pennysaver

Pressing – claims there is no address in advertisements and he has other locations where he does work

Adams- no frontage at this location and there is a lot of equipment, he doesn't feel this business fits on Rt 16 (Olean), house is in bad condition and the business should be moved to another location and he is opposed to this rezoning.

Fontanese – Thinks that if a Master Plan was in place, as adopted by the Town Board, these issues would be addressed and if the property was cleaned up then the business could exist.

Pressing – there are B-1 and B-2 on adjacent parcels, he will remove equipment or put behind the fence and the rainy weather has prevented him from mowing.

Voss – has the applicant provided the requested paperwork from the PCB's April 2012 meeting? (outline the proposed borders showing zoning and provide runoff plan)

Kutina – if everything (business) is moved to current B-1, Kramer says just get a building permit is needed and if the proposed building is over 2500 square feet, a site plan approval would be required prior to the issuance of a building permit. Also the property zoned 'A' could be used for storage.

Adams – PCB is only a recommending board with the Town Board granting the final approval.

Snyder – he believes there should be conditions and stipulations if approved

Kutina – stated perhaps the vote should be tabled until next meeting and doesn't think the PCB members are ready to vote and that gives time for the property to be cleaned up

Voss – he believes the business will still be running in the interim and doesn't want to give a false approval if tabled

Kramer – agricultural equipment (trucks, tracker, snow plow, etc) is allowed on 'A' zoned property. He would need to do some reading/research as to how the big red tracker is categorized.

Bailey – 80% clean-up is reasonable but needs to be 100% before a PCB vote is taken

**A motion was made by Tim Bailey to table this matter until next meeting. The motion was seconded by Chuck Snyder. Aye – all. Motion carried with Adams restating his opposition to the rezoning.**

**New Business: Site Plan at 145 Ellicott Rd (TwincO)**

**Present:**

Don Aubrecht, architect for project

Neil Hopkins, TwincO

Bill Heidt, employee of architect

Jeff Rosser, contractor for project

There are currently four buildings on this 13.5 acre parcel and the front building will be incorporated into the new construction. The company has outgrown the office. Parts & pieces are delivered to the company and taken downstairs so to prevent future workers comp cases, a first floor plan is ideal. TwincO also runs out of 1055 Davis so there is a lot of back and forth, up & down the road for their business transactions. Hopkins would like all the operations on one parcel. The proposed building is 11,000 square feet. Truckers will unload at the northeastern 12X14 overhead door. A landscape plan was submitted as part of the application along with a sanitary system plan, existing site plan & utility map, floor plan (although a new plan was handed out at the meeting showing northeastern overhead door), elevations, proposed site & utility plan, demolition plan, site plan and grading plan. Natural drainage from east side of building will go south and the drainage from west side of building will go towards a southeast drain. The property may need to be logged.

Owens – asked if the blacktop will be increased

Aubrecht & Hopkins – no significant paving would be done with the exception of near the new overhead doors.

Owens – where is runoff? Will it head towards problem area on Davis Rd/

Aubrecht – a new retention basin will be added to the southeast and there is an existing basin

Adams- has no problem with the proposed building, location and commented on the excellent paperwork that was provided.

Kutina – Drainage is a concern to make sure imperviousness is controlled with the increased runoff from the 11,000 square foot building

Aubrecht – property slopes to the south and slightly to the east.

Hopkins – property is on shale bedrock

Keyser – asked that drainage calculations be provided.

Owens – thought this parcel is a beautiful ‘campus’ and good housekeeping is practiced as well as the building being a good distance from the road providing green space in front

Keyser – asked how many shifts are there for the business and if there will be an increase of truck traffic

Hopkins – one shift, they are not a distribution center and deliveries are between 7AM – 5PM so perhaps a slight increase because of the increase of building space and everything being delivered to one location.

Keyser – noticed on SEQOR form that the box was checked noting a Highway work permit would need to be sought.

Aubrecht – reviewed SEQR form with Keyser and stated it was marked in error.

**A motion was made by Bill Adams and seconded by Laurie Kutina approving the site plan for 145 Ellicott Road with the request that drainage calculations be provided and reviewed by CRA Engineering. Aye – all Motion carried**

Owens noted the completeness of the application which makes it easier for review by the PCB members.

Harris commented on the nice upkeep of the property.

**Old Business: ODA process**

Owens – wants to make sure the PCB recommendations and subsequent Town Board approvals are followed. Access needs to be appropriate and runoff should not negatively impact neighbors  
Adams- read a statement about the PCB duties. Feels ODA approval for 1519 Quaker was not followed for the driveway/turn around. Thinks the Fire Dept should be invited to meetings and site tours for proposed ODA's. PCB does a good job and thanks the Town Board for their support.

Owens – asks that the PCB is kept updated by the building dept with the approved ODA's progress and finalization.

Kramer – will check out 1519 Quaker's access and turn around as well as 2208 Blakeley Rd's access.

Adams – 2208 Blakeley Rd has other homes with dual access and doesn't think it meets code

Keyser – SEQR regulations and forms are bring changes this fall and recommends PCB members attend a class regarding these changes.

**A motion was made by Bill Adams and seconded by Norm Merriman to adjourn at 8:25PM.**

**THE NEXT SCHEDULED MEETING WILL BE WEDNESDAY, August 7, 2013 AT 7:00 P.M. AT THE TOWN HALL, 300 GLEED AVENUE, EAST AURORA, NEW YOK**