

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

MAY 6, 2015

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

Alternate Member: Richard Glover

Absent/ Excused: Jerry Thompson

Also Present: David Gunner, Highway Superintendent  
Greg Keyser, CRA  
William Kramer, Assistant Building Inspector

Chairman Don Owens presided over the meeting which began at 7:01 p.m. at the Town Hall, 300 Gleed Avenue, East Aurora, New York. Don Owens led the recitation of the Pledge of Allegiance to the Flag.

Chairman Owens indicated that two items have been tabled at the request of the petitioners. The Olean Road and Mill Road projects have been tabled. He further indicated that alternate Dick Glover would be a voting member for the evening.

**Doug Crow made a motion to accept the minutes of the April 1, 2015 meeting. The motion was seconded by Norm Merriman. Motion carried.**

Chairman Owens discussed the special award given to Highway Superintendent David Gunner and Supervisor Jim Bach. At a recent event, County Executive Mark Poloncarz presented the Erie County Environmental Management Council's Environmental Excellence Award as a result of the Reading Road ditch reconfiguration project last year. David Gunner recalled approaching the Planning Board last year to discuss the project and get input. Although the Highway Department was given the award, he stated that many people contributed in the process. He thanked the Planning Board for all their help on the project.

Old Business:

Don Owens indicated that the meeting would adjourn to the Quaker Road ODA site and then to the Maple Road ODA site.

779, 781 Quaker Rd 2 lot ODA, Steven Tait appeared as owner.

Don Owens resumed the meeting and discussed the proposed ODA to the south of the existing 2 family home.

Mr. Tait discussed layout of the two lots in reference to where the Planning Board was standing.

Norm Merriman clarified that the beginning of the first lot of this ODA is roughly 650' from Quaker Rd and the second lot is approx. 400' farther back.

Mr. Tait stated that he would build one home on each lot.

Bill Voss asked if the homes would be single family homes.

Mr. Tait indicated he would prefer to build duplexes.

Don Owens asked about the zoning for the parcels.

Bill Kramer stated that the zoning would allow for a one or two family dwelling.

Bill Voss asked about the existing dwelling at 777 Quaker.

Mr. Tait indicated that it is a two family rental property.

Bill Voss asked about the ZBA application and its approval.

Mr. Tait stated that the properties were split 15 years ago and the egress at that time was compliant. The survey submitted is from that time. He was unsure of what was approved.

Bill Kramer stated that Mr. Tait was approved to extend a 40' easement for ingress/egress all the way to the back properties on this ODA, rather than the 50' required. A 10' variance on the easement was granted.

Bill Voss asked about the 20' hard pack surface.

Bill Kramer indicated that the 20' hard pack driveway was not addressed.

Bill Voss stated that the map shows the driveway as 15' but one of the Planning Board members measured it at 9' in some areas.

Bill Kramer indicated that the grass appears to be growing in.

Doug Crow discussed the width and quality of the driveway when talking about 3 duplexes, 6 different families sharing the driveway.

Bill Voss stated that when he visited the site, two cars can't pass in the existing driveway. A vehicle that wanted to enter the property while he was exiting the property had to wait on Quaker Rd until he exited.

Norm Merriman suggested widening the front of the driveway at Quaker by extending the culvert pipe to the East.

Mr. Tait indicated that he was unsure what, if anything, he could do in the State Right of Way.

Bill Kramer stated that he could apply to the State for a permit.

Norm Merriman indicated that a bond would be needed to work in the ROW. He reiterated that the driveway really needs to be widened there, as it is a safety issue.

Bill Voss indicated that widening the driveway would allow emergency vehicles to pass. And with snow, the safety concerns increase. Liability should be a concern, as a developer.

Mr. Tait expressed concern at having split the lots 15 years ago and now has additional constraints and elements now that he wants to build.

Don Owens discussed how wetlands can change on a property and render the location unbuildable. But that is not an issue on these lots.

Greg Keyser asked about the owner of the neighboring property and if there was anything stopping that owner from splitting land and negotiating access along the proposed driveway.

Mr. Tait stated that he didn't own the property and wasn't exactly certain of the owner.

Bill Kramer stated that approval for access would be required through ODA.

Don Owens asked if the location of the homes had been determined.

Mr. Tait thought he had submitted one with the plans. He further clarified the changes thus far: widen driveway, widen culvert at road, and turnaround.

Doug Crow indicated that the turnaround is code specific.

Bill Voss asked where the driveway would be located.

Mr. Tait indicated that the driveway would just continue back and that the lot line is approximately 4' away from the driveway. He further mentioned that three 2" waterlines are already on the property and primary for gas is located on the property and there are electric poles ready for further development to the back.

Dick Glover asked if the line of pines would be removed.

Mr. Tait stated yes, although he hasn't looked at things that specifically yet.

Laurie Kutina stated that the planning board isn't trying to be difficult. With an ODA, there are challenges involving emergency access. The driveway will need to be widened.

Mr. Tait stated that when he split the properties, they were done to code and he was careful and talked with Pat Blizniak along the way to make sure. And he thought everything was set.

Bill Voss indicated that the code can change and that when it is time to build, the current code has to be followed.

Doug Crow indicated that the Appendix D has several options for the emergency turnaround.

Mr. Tait indicated that he would prefer to leave as many trees as possible.

Don Owens discussed the new regulation effective May 4 regarding bats and their habitat. Trees larger than 3" are affected. The definitions are still being finalized.

Don Owens suggested a revised map showing driveway, turnaround, and potential location of homes.

Dick Glover expressed concern about the SEQR and the NYS input in regards to the project.

Don Owens asked for board recommendations.

**Bill Voss made a motion to table the 779, 781 Quaker Rd ODA recommendation pending receipt of a revised site plan showing:**

- **40' ingress/egress to back lot**
- **Driveway width of 20' hard pack from 20A to the back house including turnarounds and pass-bys as required in Appendix D**

- **Widened entrance to 20A (with the understanding that approval is required from the NYS DOT)**
- **Location of the proposed dwellings**
- **Location of utilities**
- **Topography and drainage**

**Seconded by Dick Glover.**

**Motion carried.**

Don Owens adjourned the meeting to the Maple Rd ODA. Don Owens and Norm Merriman indicated they would abstain from the vote and Don indicated that Dick Glover would be a voting member on this item.

420 Maple Rd 1 lot ODA, Frank Russo appeared as owner.

Don Owens resumed the meeting and discussed the ODA. He further mentioned that for the legal lot, the driveway would be located adjacent to the driveway at 402 Maple Rd. The hill will be a part of the legal lot and the owner intends to build on the hill.

Bill Kramer indicated that where the location of the driveway or what is done on the legal lot isn't before the Planning Board. It is something to keep in consideration of the ODA, but what the owner does on the property doesn't require approval.

Laurie Kutina asked for clarification on the boundaries of the current lot and the planned division.

Mr. Russo discussed the proposed division in reference to were the Planning Board was standing.

Dick Glover suggested that the split be made prior to requesting the ODA.

Bill Kramer stated that this is how he plans on splitting the lots.

Doug Crow mentioned that the applicant would want to ensure that the ODA lot could be built on before the split is made.

Mr. Russo discussed the soil boring that was done by Earth Dimensions to determine that the ODA lot is buildable.

Laurie Kutina asked if the legal lot would be buildable on the hill.

Bill Kramer stated that almost any is buildable. It may need additional excavation or concrete.

Tim Bailey asked where the wooded area of the ODA lot falls on the site map.

Bill Kramer asked if the back of the legal lot was marked.

Mr. Russo estimated the location of the rear property line of the legal lot and the ODA lot location. He further discussed potential location of the house and the fill that was brought in.

Dick Glover suggested that the County weigh in on Maple Road.

Bill Kramer stated that on a buildable lot, it is up to the property owner to notify the County for any road cuts/driveway access.

Laurie Kutina asked if the Planning Board should see the County's approval prior to approving the ODA.

Don Owens stated that if there is going to be an issue, then yes.

Mr. Russo stated that he understands he would need a perk test for septic. He further stated that there are no curb cuts or culverts necessary for the driveway. And he indicated visibility at the ODA lot is better than the adjacent property and the visibility at the legal lot is even better at that location.

Bill Voss asked about drainage on the ODA lot and also from the abutting properties off Highland Drive.

Don Owens discussed the location, geology and drainage.

Greg Keyser stated that the Planning Board's recommendation should be based on the environmental conditions that exist at this property. He suggested looking at part 2 of the SEQR form for questions to consider when determining whether or not to approve, such as: location on road, traffic, steep slopes, wetlands, etc. If the recommendation is no, or a motion is made to table the discussion, it has to be tied to and cite one of those environmental concerns.

Tim Bailey stated that although some issues have been answered, such as the soil boring, but others haven't, such as the traffic.

**Laurie Kutina made a motion to table the Maple Road ODA recommendation pending further discussion on road access and safety. Seconded by Douglas Crow. Motion Carried.**

Mr. Russo asked if he needed to be present at the next meeting.

Don Owens stated that it would be to his benefit to attend, but it wasn't required.

A motion was made by Don Owens and seconded by Doug Crow to adjourn at 8:35PM.

**THE NEXT SCHEDULED MEETING WILL BE WEDNESDAY June 3, 2015 AT 7:00 P.M. AT THE TOWN HALL, 300 GLEED AVENUE, EAST AURORA, NEW YORK**