

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

July 2, 2014

Members Present: Donald Owens, Chairman
William Adams
Timothy Bailey
Laurie Kutina
William Voss

Alternate Member: Douglas Crow
Absent/ Excused: David Majka, Norm Merriman
Also Present: Patrick Blizniak, Superintendent of Buildings
Greg Keyser, CRA

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. William Adams led the recitation of the Pledge of Allegiance to the Flag. Chairman Don Owens indicated that Doug Crow will be voting member for the meeting.

William Adams made a motion to accept the minutes of the May 7, 2014. The motion was seconded by Timothy Bailey. Motion carried.

New Business:

Ellis Drive ODA referral from the Town Board. William Heidt appeared as agent for the owner Michael Farrell.

William Heidt is seeking approval for a one lot ODA on Ellis Rd. He is purchasing the property that runs behind the lots on Ellis Drive and the entrance to the lot is on a 90 degree turn. The property is zoned Agriculture and requires 125' of frontage and the lot only has 75' of frontage. He intends on building a single house on the property in the future. He will put in a fire code compliant access driveway – 20' wide, less than 500' long and with a 75' hammerhead turnaround at the house. The proposed location of the home is about 140' from the back property line of the nearest neighbors on Old Glenwood Rd and approximately 260' away from the back property line of the nearest neighbors on Ellis Drive. There are no wetlands on the property and it is not in a 100 or 500 year floodplain. The property is sloped and due to that

water off the hill crosses the property and keeps moving. One culvert pipe will be installed under the driveway to maintain that flow toward the NE corner. David Fatta was the previous owner and the property was recently sold to Michael Farrell. William is acting as agent for Michael Farrell to gain ODA approval so that he does not end up owning land he cannot build on. David Fatta still owns the property on the other side of the gas lines. Michael Farrell is keeping a small portion (about one acre) adjacent to 17 Old Glenwood Rd.

Tim Bailey asked if there are plans to build additional homes in the future on this 17 acre lot.

William Heidt indicated no. The first structure on the property will be a smaller sized house with storage (mostly garage space). The structure will be approximately a 2600sqft garage with 800sqft of living space. Eventually he will build a house on the property and at that point the first structure will become just storage.

Bill Adams asked for clarification on emergency vehicle turnaround.

William Heidt referred to the site plan and pointed out the 75' hammerhead turnaround at the building and 26' turn radius, 20' hard pan surface.

Don Owens noted that there is a deficiency in the 50' right of way.

William Heidt indicated that he has 50' clear back to the building area. The plan shows 15' for utilities along one side of the driveway and William indicated that he will increase the easement to include an additional 15' on the other side of the driveway.

Bill Adams asked if all the trees will be cut down.

William Heidt indicated he will leave as many as he can but that he will have to take down some. He also noted that turns in the driveway are to maintain privacy from the road. William further indicated that the ODA states that a property must meet requirements from Fire Code of NYS for access. This information is referenced in a handout from William.

Doug Crow mentioned that initially he was concerned with the driveway access on the corner. However after a visiting the site and seeing that Ellis Rd is a dead end street with approximately 20 houses on it, the impact is small.

Don Owens further mentioned that the 90 degree turn on Ellis Dr also causes drivers to slow down and pay attention.

William Heidt indicated that he wanted to make the turn onto the property gradual for fire truck access rather than a 90 degree turn onto the property.

Don Owens asked Superintendent of Buildings, Pat Blizniak if the ODA meets fire code standards.

Pat Blizniak indicated yes it meets fire code.

Doug Crow stated that he would not be in favor of putting multiple houses on this lot. Doug further stated that he realizes this is not the intent, but just wanted to clarify.

Bill Voss asked about the length of the driveway.

William Heidt indicated that the driveway is 490' measured to the furthest point.

Bill Adams asked about the driveway surface material.

William Heidt indicated that this year it will either be #1 crusher or recycled asphalt. The intent is to pave the driveway with asphalt in the future.

Laurie Kutina mentioned that there will be challenges with water as it crosses the property to Rt 240.

Don Owens discussed the topography of the lot. He also mentioned that there is a large amount of green ash on the property and suggested logging it.

William Heidt indicated that he thought the previous owner logged it about 10 years ago.

Don Owens suggested that if there is a high percent of green ash on the property, it will likely not be there in five years due to the emerald ash borer.

William Heidt mentioned that he is considering milling the trees that are removed from the property and using the lumber in the structure.

Doug Crow indicated that he is in favor of approval.

Bill Adams mentioned that he would like to see the fire company review plans like this.

Pat Blizniak stated that in worst case scenario (winter with plowed snow) the fire truck needs to be able to negotiate any curves with a 40' truck. If the property owner maintains the 20' of hard pan surface then that is sufficient.

Bill Voss and members clarified the ODA easement requirements as listed in the Town Code.

Pat Blizniak stated that the 50' easement gives the property owner room for a driveway and to run utilities, as well a place to push snow.

Bill Voss asked if the 50' has to be cleared.

Pat Blizniak stated no, it just has to be access. If there was only a 20' easement, there would be nowhere to put snow without putting it on a neighbor's property. The 50' is sufficient to access the back property and maintain the driveway.

Laurie Kutina thanked William Heidt for the thoroughness of his application materials.

Greg Keyser suggested one change be made to the SEQR form on question 2. Change the answer to Yes and indicate that it is Erie County Health Department for septic.

William Voss moved to recommend to the Town Board that they approve the one lot Open Development Area project at Ellis Drive, Town of Aurora, NY with a change to SEQR question #2 to indicate Yes and Erie County Health Department. Seconded by Laurie Kutina.

Upon a vote being taken: ayes – six noes – none Motion Carried.

Two lot ODA on Emery Road. Don Owens noted that there was no representative present for the two lot ODA on Emery Rd. He further stated that the Board can make a recommendation to the Town Board based on information submitted in the ODA application or table the application until the petitioner can appear.

Don Owens indicated that there is limited sight visibility for traffic heading west on Emery Rd. He also asked if the pond is a new pond.

Greg Keyser indicated that the SEQR submitted lists it as an existing pond.

Bill Voss questioned the maintenance, ownership and permanent easement regarding the access road.

Laurie Kutina would like more information regarding the grade of the property. She asked if the surrounding homeowners are notified about the ODA.

Pat Blizniak indicated that the adjoining homeowners are notified by mail of the ODA application.

William Adams made a motion to table the recommendation of the 2 lot ODA on Emery Rd until the next Planning Board Meeting. Timothy Bailey seconded.

Upon a vote being taken: ayes – six noes – none Motion Carried.

992 Olean Road Site Plan Review. Don Pressing Jr appeared as agent for Donald Pressing Sr.

Don Pressing is seeking approval for the site plan of a 50'x64' building, parking lot, proposed turnaround in the front and gravel driveway. The intended use of the building is for business and storage. The trailer that is currently in that location will end up stored within the building.

Bill Voss asked why the site plan is marked "Proposed Zone B1."

Don Pressing indicated that the map is what was submitted for rezoning but it wasn't changed when the site plan map was prepared.

Don Owens confirmed that the current zoning of the property is B1 and that this site plan is appropriate for the zone.

Don Pressing indicated that the zoning changed on April 15, 2014.

Bill Voss asked about the septic easement noted on the site plan.

Don Pressing indicated that the easement was granted to Dave Christie for a septic in a building near the NE corner of his property. The building is no longer there.

Bill Voss asked about removing the easement.

Don Pressing noted that he had discussed the easement with Mr. Christie and he didn't want to spend money removing the easement. The septic system has been removed.

Don Owens asked if the new building will have plumbing.

Don Pressing indicated that although not at this time, he does intend on having plumbing in the building in the future. The septic system will be located wherever the Health Department

requires it to be located. He may also connect with the septic system for the house. Don indicated that he plans on connecting to the well near the barn once the building is completed.

Bill Adams asked about the floor and heating in the building.

Don Pressing indicated that the floor will be cement and the building will have radiant heat through the floor.

Bill Voss questioned the fire code requirements and the 16' between the property line and the existing barn and the 15' between the proposed building and the property line and asked if the Fire Department should review the plan. He also asked if there is anything in the code that requires a review by the Fire Department.

Pat Blizniak indicated that there is not anything in the code requiring a review by the Fire Department.

Don Pressing indicated that if there was to be a structure fire, the Fire Department would likely use the neighbor's driveway.

Pat Blizniak suggested moving the proposed building to the North.

Don Pressing agreed and indicated the building sits approx. 30 feet from the property line.

Don Owens noted the drainage ditch behind the building.

Don Pressing mentioned that he located the building in this spot to avoid the ditch. He further stated that the drainage ditch occasionally floods in that area. Don also mentioned that he may extend the culvert pipe further to the rear of his property and then the building can be shifted to the north.

Don Owens asked for clarification on outdoor storage.

Grey Keyser indicated that the reason for the building is because there is no outside storage allowed. This was a condition of the rezoning in April.

Don Owens asked about the width of the blacktop driveway to Olean Rd.

Don Pressing indicated that the blacktop driveway is only about 8-9' wide. There is hard pan on both sides which would allow fire equipment. He intends on extending the blacktop to 20' so that cars and trailers entering/exiting the property do not block traffic. The reason for the turnaround is so that customers and trailers can turn around and don't have to back out onto Olean Rd.

Laurie Kutina reiterated the concerns with the pinch point of 15' between the corner of the building and the south property line.

Don Pressing mentioned that one fence will need to be removed during construction and then reinstalled. He stated that he has been instructed by Chuck Snyder to get started on site work and move the stored items accordingly. Don has been keeping all items within the fenced area until it gets closer to construction.

Bill Adams asked about the logs on the property.

Don Pressing indicated he plans to chop them up and use them for heating.

Laurie Kutina asked about the drainage off the roof.

Don Pressing stated that the water will be directed to the ditch behind the building. He will be installing drain tile to move the water to the ditch. He hasn't had a problem with flooding, but this year there was water in the area where the building is going to be located.

Don Owens clarified that the size of the pipe is 4' in diameter.

Bill Adams asked if the ditch is shared.

Don Pressing stated that the ditch is all on his property. The neighbor has points along his driveway that divert water to the ditch.

Bill Adams stated that moving the building to eliminate the pinch point would ease a concern.

Don Pressing stated that he has no problem with that.

Don Pressing offered to widen the front portion of his driveway to 20' due to the difficulty in entering and exiting the property.

Greg Keyser clarified two points. First, the exterior lighting will be shielded and directed toward the ground so that it doesn't impact the neighbor's property. Second, change answer to question 12 B to Yes. The property is located in a sensitive archaeological area.

Douglas Crow moved to recommend to the Town Board that they approve the Site Plan of a proposed building at 992 Olean Road with the following conditions:

- 1. Entrance driveway widened to 20'.**
- 2. The pinch point between the proposed building and the South property line be widened from 15' to 20' by moving said building to the North.**

3. All surface water from the proposed building will be directed to the drainage ditch to the North.

4. Properly shielded exterior lights.

5. Revision of SEQR question #12B to yes.

Seconded by Timothy Bailey.

Upon a vote being taken: ayes – five noes – none abstain – Adams Motion Carried.

OLD Business:

A reminder that there is a special joint meeting of the Planning & Conservation Board with The Erie County Environmental Management Council scheduled for July 15th at JP Nicely West Falls Park. At 6 pm all are encouraged to join the meeting to review the Reading Road ditch configuration and tour the road again. The Town Board has been invited to attend as well.

A motion was made by William Adams and seconded by William Voss to adjourn at 8:05PM.

THE NEXT SCHEDULED MEETING WILL BE WEDNESDAY AUGUST 6, 2014 AT 7:00 P.M. AT THE TOWN HALL, 300 GLEED AVENUE, EAST AURORA, NEW YORK