

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

March 1, 2023

Members Present: Donald Owens, Chairman  
Jeanne Beiter  
Timothy Stroth  
Douglas Crow  
Norm Merriman

Alternate Member: Alice Brown  
Chris Contento

Absent/ Excused: Angela Griffis  
Laurie Kutina

Also Present: Liz Cassidy, Code Enforcement Officer  
Rich Miga, Assistant Code Enforcement Officer

Chairman Don Owens presided over the meeting which began at 7:00 p.m. at the Town Hall, 575 Oakwood Avenue, East Aurora, NY. He led the recitation of the Pledge of Allegiance to the Flag.

Don Owens states that Alice Brown and Chris Contento will be voting members tonight.

**Doug Crow made a motion to accept the minutes of the February 1<sup>st</sup>, 2023 meeting. Seconded by Alice Brown. Motion carried.**

PUBLIC COMMENTS: None

NEW BUSINESS:

**Review and discussion of an ODA application at 1432 Emery Rd. as presented by Scott Marshall, property owner.**

Mr. Marshall discusses the detached garage proposed as well as the variances that were approved on 02/16/2023. He states its location/placement works best with the existing concrete driveway/pad for the existing attached garage to the house.

Doug Crow asks for clarification regarding the variances as well as questions about SEQR.

Liz Cassidy states that the SEQR is same as the ZBA application and will get a copy to Cammie.

Doug Crow mentions there is no special environmental impact in area (wetlands, streams, etc.)

Tim Stroth asks about design (colors, etc.), if garage will be heated and what the use will be.

Mr. Marshall discusses his plans for the garage to match the house, heat in the future and use is for storage, no residence included.

Norm Merriman asks if the neighbors have any objections.

Mr. Marshall states there is no opposition from the neighbors, they are in support of the project.

Doug Crow motions to recommend the Town Board approve the proposed **Open Development Area Application at 1432 Emery Rd.** (detached garage), as presented, when the applicant provides Part I of the Short Environmental Assessment Form.

Seconded by Norm Merriman

Upon a vote being taken:

**ayes – seven**

**noes – none**

**Motion Carried.**

**Review and discussion of Site Plan and Special Use Permit applications at 1863 Davis Rd. as presented by West Falls Center of the Arts.**

Bill Panzica, property owner and Rico Rivera from Buffalo Treehouse as contractor, discuss and present the proposed project. Mr. Rivera discusses the phases of the project. The first phase will consist of the property grading, trails and terraced property, repair of the existing pond, drainage and 2 buildings that will be demolished.

Mr. Panzica discusses a grant they have applied for that will drive the construction schedule either faster or slower depending if they are awarded the grant.

Mr. Panzica and Mr. Rivera also state the parking area will be included first to handle current issues with parking, events at Blueberry Treehouse Farm and West Falls Center for the Arts, shared parking and safety concerns. Phase 3 will consist of the proposed treehouses.

Doug Crow asks about the pond area and if there will be any work around it per GHD's comments, drainage, etc.

Mr. Panzica states they are working with the Army Corps of Engineers regarding the pond/wetland area so any affected area around the pond they will be aware of.

Doug Crow clarifies the first part of the project will include the parking, paths, amphitheater and associated buildings. The treehouses will not be included at this time.

Mr. Panzica shares some photos of the current property and design images for the amphitheater and concession building.

Tim Stroth asks if the buildings are considered accessory buildings.

Liz Cassidy states there are 3 separate parcels involved with the project. One parcel has a dwelling, one has a commercial building and there will be additional structures built.

Mr. Panzica also shares the asbestos and DEC reports for the buildings that will be demolished. The property has been cleaned up significantly since Mr. Panzica bought the property.

Norm Merriman reiterates his support for the project, feels it is an asset to the community and would like to know if a civil engineer has been involved?

Mr. Rivera states that they are in fact working with a civil engineer.

Norm Merriman states that will help the process run smoothly when the DOT comes through the area to work on Rte. 240. Norm also asks about the parking lot and pavement plans?

Mr. Rivera states that they plan to leave the parking lot permeable for now with a gravel lot, to facilitate drainage and keep costs down for that large of a parking area. They may pave the lot in the future.

Further discussion about the West Falls area, Mr. Panzica's commitment to the area, the upcoming reconstruction of Rte. 240, etc.

Additional discussion about the existing pond and topography of the property, the need for the addition of fill rather than any digging on the property, and the proposed terracing (for seating for the amphitheater) of the property will be constructed with fill brought in. Mr. Rivera offered to submit the topographic maps or model for review as well.

Tim Stroth asks about ground contamination and SEQR reports.

Liz Cassidy clarifies that and ground contamination reports will be through the DEC and SEQR will go to County and other involved entities (State, DEC, Army Corps).

Further discussion about the existing pond, spill off for overflow explained by Mr. Rivera. Current pond will be cleaned up (debris removal). Mr. Rivera will note the spill off pipe on the plans so it's clear (currently 4'-5' from top of pond bank). Board members and applicants also discuss existing parking (75 maximum currently), plans for expanded parking where existing buildings will be demolished. Board members suggest the applicants involve a geotechnical engineer to address the pond area, tree removal around the pond, etc.

Doug Crow discusses the West Falls Overlay district that was added to the latest zoning code update (2022), applicants will need to address design colors and sidewalks. Discussion about design and construction; sidewalks *possibly* being included in the reconstruction of Rte. 240. Mr. Rivera states they will be able to provide some color renderings and will note the sidewalks on the plans, whether it's added by the property owner or the State, depending on their scope of work.

Jeanne Beiter asks if the applicant plans to connect to the Rails to Trails?

Mr. Panzica and Mr. Rivera answer that's not planned currently but it would be nice to add in the future. There is currently a damaged bridge that would need to be fixed in order for that to happen.

Board members and Liz Cassidy discuss the accessory buildings classifications along with zoning regarding height requirements (between primary buildings to accessory).

Board members discuss the Special Use permit and Site Plan application, consideration of the whole project (rather than each phase individually), and how potential grant funding, or lack of, will affect the construction timeline.

Tim Stroth asks about restrooms and comments from GHD about restrooms.

Mr. Rivera responds that they will have temporary restrooms until they have septic approval depending on if the amphitheater is completed before approval or not.

Board members discuss GHD's comments regarding drainage at the road, applicants need to review and revise drawings, board consensus that a separate drainage plan is needed. Further discussion about the proposed parking area to be gravel, gravel sizes and construction.

Tim Stroth motions to table the discussion for the proposed **Site Plan and Special Use Permit at 1863 Davis Rd.** until receipt of the following information to provide a recommendation:

1. Dedicated drainage plan (separate drainage and grading plans)
2. Review and stamped by professional engineer
3. Note sidewalks on plan
4. Resolve comments by Town engineer (GHD) dated March 1<sup>st</sup>, 2023
5. Stormwater Pollution Prevention Plan
6. Note colors of buildings on plans or provide color 3D model of proposed structures
7. Review West Falls overlay zoning district information §116-8.10

Seconded by Doug Crow

Upon a vote being taken:

**ayes – seven**

**noes – none**

**Motion Carried.**

OLD BUSINESS: None

CORRESPONDENCE: None

A motion was made by Tim Stroth and seconded by Doug Crow to adjourn at 8:18 PM.

**THE NEXT SCHEDULED MEETING WILL BE WEDNESDAY APRIL 5<sup>th</sup> AT 7:00 P.M. AT THE TOWN HALL, 575 OAKWOOD AVENUE, EAST AURORA, NEW YORK**