

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

October 4, 2017

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

Alternate Member:

Absent/ Excused: Richard Glover
Jerry Thompson

Also Present: Greg Keyser, GHD
William Kramer, Code Enforcement Officer
1 Member of the public

Chairman Don Owens presided over the meeting which began at 7:30 p.m. at the Town Hall, 300 Gleed Avenue, East Aurora, NY. He led the recitation of the Pledge of Allegiance to the Flag.

Chairman Owens noted that quorum was met.

Tim Bailey made a motion to accept the minutes of the September 6, 2017. Seconded by Doug Crow. Motion carried.

NEW BUSINESS:

Weber's Landscaping, Inc. Special Use Permit referral from Town Board. Dean Weber, owner appeared.

Don Owens noted that Mr. Weber would like to construct a pole barn on his business property at 1241 Davis Rd, West Falls.

Mr. Weber noted that he intended to construct a building that met all regulations and didn't require any variances, when he learned that now he needed to submit all this paperwork due to changes in the code. He thanked the building department for helping him through the process and hopes that things will move along without too much delay. He would like to use the building to store equipment currently left in the open.

Don Owens noted that the Short Environmental Assessment Form.

Mr. Weber noted that there are some wetlands on his property as indicated by the map provided. He also included a letter from the Army Corps of Engineers that states an earlier issue with the wetlands had been completed satisfactorily. He further noted that the proposed new building is not near the wetlands.

Laurie Kutina noted that one of the reasons the Planning Board reviews projects is to look at wetlands and any potential for impact. The review can help protect property owners.

Don Owens noted that it can also protect the Town.

Doug Crow noted that this barn is for the same business and that it will be used for storage.

Mr. Weber indicated that they will work on trucks out of the weather in this building as well.

Don Owens asked if the application will be referred to the County.

Greg Keyser indicated yes and further noted that his comments were not for the existing business, but more for what the Town Board has to do next in this Special Use Permit process.

Mr. Weber asked if he would have to complete this process again if he were to change out a door or window on his building. He noted that he was relieved of the requirement to submit a site plan this time, but it is his understanding that he will need to submit one in the future if he makes a change.

Greg Keyser indicated that he thought that once the Special Use Permit was approved that the building department may be able to determine if the request is consistent with the existing permit.

Bill Kramer indicated he did not believe this was correct.

Laurie Kutina asked why.

Bill Kramer noted that an expansion of a Special Use Permit would require the full review again.

Doug Crow asked if the Special Use Permit was for the new pole barn or if it applied to the entire business.

Bill Kramer indicated that the change in a window or door may not trigger this review and that in this case it would be rather onerous.

Laurie Kutina mentioned that the last time they discussed this, that if an applicant already had a Special Use Permit a review wasn't necessary as long as the request was not outside the requirements. She indicated that this should be clarified.

Bill Kramer noted that this is stated in the Town Code. He further mentioned that businesses will all eventually have a Special Use Permit as they change hands or apply for a building permit, as this is an expansion of the business.

Don Owens noted that the proposed building is out of the wetland and that this is a sensitive drainage area.

Doug Crow asked for clarification on the County Planning Board referral as mentioned on Greg Keyser's letter.

Greg Keyser noted that a Special Use Permit is a discretionary approval. As such, there are Town laws regarding the discretionary approval that specify if a request falls within State Highways or close to Town boundaries need to be referred to County Planning for their review.

Doug Crow asked if this process is similar to SEQR where there is a thirty day period where the County can provide a response and if the response isn't provided in that period then the Town Board can make a decision.

Greg Keyser indicated yes. He further mentioned that in other towns with Special Use Permits the thirty day period passes without comment from the County. If the County makes a recommendation, then it would take a supermajority vote by the Town Board to ignore that recommendation.

Douglas Crow moved to recommend the Town Board approve the Special Use Permit as submitted for Weber's Landscaping at 1241 Davis Rd, Town of Aurora pending no adverse comments from the Erie County Planning Department referral as required by Town Law.

Seconded by David Librock.

Upon a vote being taken:

ayes – six

noes – none

Motion Carried.

Site Plan Review and Special Use Permit for 180 Ellicott Rd referral from Town Board. Daniel Orfeo, owner appeared.

Mr. Orfeo discussed his plan to construct a 40' x 60' building for an office and truck storage.

Dave Librock asked about his business.

Mr. Orfeo stated that he owns West Falls Transportation and hauls expedited freight.

Dave Librock asked about the kitchen and living room.

Mr. Orfeo stated that the plans are incorrect and that it is just an office.

Don Owens noted that this location is at the watershed divide, between the waters that go to Smokes Creek to the northwest and the west branch of Cazenovia Creek to the east and southeast. He mentioned the ditch out front that flows to the east.

Don Owens asked if everyone had a chance to visit. He mentioned that it is hidden from town off the private roadway.

Greg Keyser asked if there would be storage here.

Mr. Orfeo stated no, that he picks up freight elsewhere for deliveries.

Doug Crow asked if the building will accommodate the vehicles.

Mr. Orfeo stated yes. He also mentioned that he doesn't need a 14' door for his trucks, but for future resale it makes sense to put one in.

Greg Keyser asked about a parking area.

Mr. Orfeo indicated he has a couple of spots but there isn't a need for a parking area for more vehicles.

Doug Crow noted that two parking spaces were mentioned.

Mr. Orfeo noted that his architect did indicate two spots. He does not plan on having any employees.

Doug Crow indicated that there isn't county water available.

Mr. Orfeo confirmed and mentioned that he will have a well. He also noted that the new plan submitted does not show the well.

Doug Crow noted it is on the earlier submission.

Members discussed the changes to the swale.

Mr. Orfeo noted that the swale will be tied into the manhole which ties into a culvert and will flow south to the ditch at Ellicott Rd.

Norm Merriman asked about storage currently on site.

Mr. Orfeo indicated it is a cube van and a trailer. He noted that the cube van will eventually go away.

Don Owens asked about the septic system.

Mr. Orfeo noted that the design has been engineered and approved by the EC Health Department. He noted that he has a permit.

Don Owens asked if the pipe that heads towards the Ellicott Rd ditch is sized correctly.

Mr. Orfeo noted that it is the size of the ditch that was there.

Greg Keyser requested additional information on the swales, with a section, depth, spot elevations, etc.

Norm Merriman asked about roof drainage and noted that the water runs toward the neighbor to the south.

Mr. Orfeo stated they would have down spouts and that he would use a swale to prevent water runoff. He also wants to have a buffer between the properties.

Dave Librock asked if the pond was all on the neighbor's property.

Mr. Orfeo stated yes.

Don Owens noted that the water from the manhole won't be going to the pond.

Mr. Orfeo confirmed.

Bill Kramer stated that the water crosses under Ellicott in that area.

Doug Crow noted he drives that road every day and there isn't a drainage problem there.

Douglas Crow moved to recommend the Town Board approve the Site Plan as proposed for 180 Ellicott Rd, Town of Aurora subject to additional details of the swale design as requested by the Town Engineer.

Seconded by Laurie Kutina.

Upon a vote being taken:
eyes – six

noes – none

Motion Carried.

Douglas Crow moved to recommend the Town Board approve the Special Use Permit as proposed for an office and warehouse for Mr. Daniel Orfeo at 180 Ellicott Rd, Town of Aurora.

Seconded by Norm Merriman.

Upon a vote being taken:

ayes – six

noes – none

Motion Carried.

A motion was made by Tim Bailey and seconded by Laurie Kutina to adjourn at 8:15PM.

THE NEXT SCHEDULED MEETING WILL BE WEDNESDAY November 1, 2017 AT 7:00 P.M. AT THE TOWN HALL, 300 GLEED AVENUE, EAST AURORA, NEW YORK