

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

May 1, 2024

Members Present: Doug Crow, Chairman
Jeanne Beiter
Angela Griffis
Chris Contento
Norm Merriman

Alternate: Alice Brown

Absent/ Excused: Laurie Kutina
Tim Stroth

Also Present: Liz Cassidy, Code Enforcement Officer
Mr. & Mrs. Bernard Lewis
Karen & Wilson Curry
Mona Cook, Representing Robert Alessi
David Blackman, attorney for Frank Sergi
Frank Sergi
Paul Ernst, ZBA Chairman
Rod Simeone, ZBA Member
Mandy Carl, ZBA Member
Joe McCann, Councilman
11 members of the public

Chairman Doug Crow presided over the meeting which began at 7:02 p.m. at the Town Hall, 575 Oakwood Avenue, East Aurora, NY. He led the recitation of the Pledge of Allegiance to the Flag.

Jeanne Beiter made a motion to accept the minutes of the April 3, 2024, meeting. Seconded by Norm Merriman. Motion carried.

Administrative Business:

- A. Chairman, Doug Crow states the Town Board is requesting more detail to be given on pending Site Plans. More pertinent on commercial proposals.
- B. Chairman, Doug Crow states he is hopeful that next month we should have the names of applicants for the open position on the Planning Board.
- C. Chairman, Doug Crow indicated Alice Brown is a voting member.

PUBLIC COMMENTS:

Chairman, Doug Crow opened to floor to the attending public, other than applicants for feedback on any of the items on the agenda. Then we will proceed to address each item on the agenda. It will be discussed and voted on. Then followed by a second time for public comments for items which are not on today's agenda.

Sam Cosmano, 1419 Boies Rd. discusses the size of lots. He chose to live outside the village because of his desire to have land in between addresses. He wants the country atmosphere. His concerns are that the request for the variance for the ODA goes against current zoning, which was put in place in 2017, for a reason. They should be respected and enforced. There are other options available to Mr. Lewis, other than creating a flag lot with minimal frontage. He states none of the bordering neighbors approve of this request.

Ryan Sullivan, 1433 Boies Rd. agrees with Mr. Cosmano. Reiterating the current codes which were put in place in 2017, were for a reason. Many residents who live on Boies Rd. wish for it to remain quiet, with open and undisturbed settings and space between houses.

Lisa Mullenhoff, 1507 Boies Rd. Property which she had previously purchased from Mr. Lewis. She states the proposed flag lot butts directly along her property. Her horse barn and pasture are approximately 50 feet from the property edge and running along side it. She feels allowing this would impact her the most.

Alex Miller, prospective homeowner of said proposed flag lot. Mr. Miller states that not all the area neighbors are against this proposal. Also, at the time Ms. Mullenhoff purchased her property from Mr. Lewis, she was aware there would be a 52 ft. flag lot adjacent to her property.

Chairman, Doug Crow asks the public to focus on feedback regarding why we should or should not approve the proposal.

William Kruse, 1500 Boies Rd. across the street from the proposed flag lot, is not opposed to the proposal.

OLD BUSINESS:

None.

NEW BUSINESS:

- 1. A referral from the Town Board for review of an application for an ODA at 1465 Boies Road by Bernard Lewis**

The Planning Board received 2 letters opposed to the zoning variance application made a part of this record.

Bernard Lewis is the owner of 1465 Boies Road. He is requesting a variance to create a flag lot under the previous 50-foot allowance, which was increased to 75 feet. The 50-foot allowance was to code at the time he sold property to 1507 Boies Road resident, Mr. & Mrs. Mullenhoff. He has since spoken with Lisa Mullenhoff on multiple occasions offering her to purchase the property. With no interest from her, he advised her he would be selling the property. Mr. Lewis also approached Randy and Lisa Brod at 1465 Boies Road. They were not interested.

Chairman, Doug Crow opens the floor for questions and discussions.

Chairman, Doug Crow reconfirms Mr. Lewis sold the property to Randy and Lisa Brod in 1997 and left the 52 feet to establish a flag lot at that time.

Mr. Lewis states that the flag lot was to be left to his daughter and the other parcel would be left to his son. His daughter has left the state with no intention of moving back. So now he wishes to sell that parcel.

Angela Griffis acknowledges there is 300-feet on the other side of his property. She inquires if there is any reason not to pull from that parcel to access the back acreage.

Chairman, Doug Crow acknowledges that through a lengthy process with much consideration, the Town Board changed the minimum frontage for the flag lot to go from 50-feet to 75-feet.

Liz Cassidy confirms the code was made in 2021.

Norm Merriman is asking for other options that would comply with the current code. Possibly on the other side of 1465 Boies Rd.

Mr. Lewis states that side of property is intended to be left to his son.

Angela Griffis discussed the points of consideration for area variances.. When granting a variance, you need to show that there is some hardship in it. So far, we are not seeing a hardship. There is alternative frontage that could be potentially used.

Liz Cassidy states that with an area variance there is a balancing between pros and cons with five factors.

Angela Griffis provides the 5 factors:

- An undesirable change (will/will not) be produced in the character of the neighborhood or a detriment to nearby properties (will/will not) be created by granting of the area variance.

- The benefits sought by the applicant (can/cannot) be achieved by some method feasible for the applicant to pursue, other than an area variance.
- The proposed variance (is/is not) substantial in relation to the requirement.
- The proposed variance (will/will not) have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district.
- The alleged difficulty (was/was not) self-created.
- The proposed variance (is/is not) the minimum variance deemed necessary and adequate and at the same time preserves and protects the character of the neighborhood and the health, safety, and welfare of the community.

Chris Contento asks what the intent was by the change from 50-feet to 75-feet.

Chairman, Doug Crow states some towns do not allow ODA lots in our area. Too many flag lots increase the density of houses, making for more driveways. The negativity of getting in and out of driveways to roadways. Also, the number of houses along the front of the roadway and the number of houses behind. Both points have a negative impact. When the increase was made in the width from 50 to 75 feet, consideration was taken for the safety access for utilities as well as emergency vehicles.

Chairman, Doug Crow sums up, zoning is about balancing the rights of the property owner to use their property in the most beneficial way for them or sell it for the best price. Combine that with the rights of the neighborhood and town to maintain a desirable character. None of the criteria is in black and white.

Alice Brown states going back to the points made by Angela Griffis. The number two factor, there is another option with 75 feet on the property.

Chairman, Doug Crow confirms there is an alternative option. Although we do not get to decide those options. We decide, are we in favor of Mr. Lewis doing what he wants to do. Our job is to recommend to approve or not approve to the Zoning Board, who also focuses on the five factors in their decision as well.

Chairman, Doug Crow expresses his opinion. There is another option available. Also, there is not unanimous support in the neighborhood. He would deny the approval to the Zoning Board.

Angela Griffis agrees.

Angela Griffis makes a motion that the Planning Board make a recommendation to the Zoning Board to not grant the area variance requested by Mr. Lewis on 1465 Boies Rd., due to other available options on the property, and multiple neighbors are opposed to it as it would change the character of the neighborhood.

Seconded by Alice Brown

A vote is taken:

Ayes-5 noes-1 Chris Contento

Motion carried.

Chairman, Doug Crow makes a recommendation to Mr. Lewis to speak once again to his surrounding neighbors to hopefully find a compromise to his situation.

PUBLIC COMMENTS:

Ashley Curry, 110 Maple Rd., is in support of the SUP request for a campground at Sweet Road, SBL 187.01-2-5, owned by Karen and Wilson Curry. She feels it brings a lot to the “family” feeling of East Aurora. It would provide guests with a welcoming feeling not only to the campground, but to our community.

Mandy Carl, an East Aurora resident, is in support of the SUP request for the Curry family, for a campground at their family homestead. Karen and Wilson Curry have been long time supporters of the Village of East Aurora and the Town. They have consistently helped to preserve East Aurora through various contributions of their time and efforts throughout the years.

Chairman, Doug Crow thanks both members of the public for their participation in tonight’s meeting.

2. A referral from the Town Board for review of an application for a SUP to operate a BNB at 910 Olean Road, by Monica Johnson

Chairman, Doug Crow states the applicant, Monica Johnson is not present. The application will be tabled.

3. A referral from the Town Board for review of an application for a rezone request at 12 Old Glenwood Road, West Falls, by Robert Alessi

Chairman, Doug Crow states this property is currently zoned as C-2. The request is to have it rezoned to an R-3 with the intention of creating a multi-unit residential property. The property was previously known as In Cahoots, a bar, which has been vacant for a few years.

Mona Cook is a realtor, here representing the seller, Robert Alessi. She states the property is currently under contract by a company called Elixir Residential. Their intention is to renovate the over 3000 square foot first floor to living space. They would like to create two, possibly three units in that space. The second floor presently has two units.

Chairman, Doug Crow reconfirms the request is being made to rezone the property from C-2 to R-3. That would allow the property to have four to five residential units.

Mona Cook states she is a West Falls resident. She is familiar through the town, for the need of additional housing. She owns a four-unit housing property herself. The last time she had a vacancy, she was approached by over two hundred inquiries. She states she has identified eleven properties within that zone that are either two, three, four and unit properties. One of those units was changed to R-3. Remaining units have different coding. Her feelings are that if rezoned and developed into a multiple unit property it will conform with the neighborhood character.

Multiple people talking.

Chairman, Doug Crow states at the time the property was a bar there was some opposition due to the late-night noise and parking on the street.

Mona Cooks states that if the property was to be residential it would not cause a parking issue. If the maximum number of units were built, times the average two car household would be ten.

Angela Griffis asks how much parking there is at the present time.

Chairman, Doug Crow states there approximately 20 parking spaces. He also states spot zoning is discouraged. Many of the surrounding similar properties are C-2., although having similar use

The recorder died out.

Norm Merriman asks if the engineers have viewed the septic system.

Mona Cook states that Erie County has passed the two upstairs units, however the septic system will need to be upgraded. She also states this sale is contingent on the rezoning.

Chairman, Doug Crow asks if this would require a site plan.

Liz Cassidy confirms, it would.

Chairman, Doug Crow asks for a motion.

Chris Contento makes a motion that the Planning Board make a recommendation to the Town Board to rezone 12 Old Glenwood Road from a C-2 to a R-3

Chairman, Doug Crow amends by adding to the recommendation to approve because the area surrounding is characteristic of the proposed use.

Chairman, Doug Crow seconds the motion.

A vote is taken.

Ayes-6 noes-0

Motion carried.

4. A referral from the Town Board for a review of an application for a SUP, for a campground at 988 Sweet Road, East Aurora SBL 187.01-2-5 by Wilson and Karen Curry

Karen Curry states at previous Borderland festivals people stayed on their property. They had advertised on Hipcamp. They provide a tree lined secluded area for campers. They have since contacted Erie County Health Department to insure they are following the p they can follow roper guidelines. They are limited to 60 hours or less camping a year which they feel easily follow.

Guests are at the festival all day and then return for a campfire and sleep. There are garbage receptacles and port a potties, which they maintain. As area residents, they enjoy sharing their hospitality, but also the community in which they live. They wish to offer 40 sites. With Borderland continuing to grow they have many returning guests.

Chairman, Doug Crow states his concern with maintaining sixty hours or less.

Karen Curry states most guests come Friday after work and leave Sunday night. She feels they could regulate check in and check out times to stay within the guidelines of 60 hours or less. They are happy to be compliant with all specific guidelines.

Norm Merriman reconfirms this is just for the Borderland Festival.

Karen Curry replies this is only for Borderland Festival weekend.

Norm Merriman makes a motion that the Planning Board makes a recommendation to the Town Board to approve the application for a SUP for a campground at 988 Sweet Road, East Aurora

Chairman, Doug Crow amends include no more than 50 sites and maintain 60 hours or less.

Jeanne Beiter seconds the motion.

A vote is taken.

Ayes-6 noes-0

Motion carried.

5. A referral from the Town Board for a review of an application for an ODA application at 775 Jewett Holmwood Road, by owner, Frank Sergi

Frank Sergi states that on his property in front of his house there was once a house which was torn down. His request is to allow him to build a second house there in its place for his grown, sight impaired daughter. His wife also suffers from Parkinson disease. By building the second home close by, it will make it easier for him to care for them both. His request is purely due to hardship.

Chairman, Doug Crow confirms that the request would be compliant with an ODA requirement.

David Blackman representing Mr. Sergi states the daughter's property would measure 168x300 Feet.

Mr. Sergi states the other remaining property would be left to his son.

Jeanne Beiter makes a motion that the Planning Board make a recommendation to the Town Board to approve the application for an ODA as proposed at 775 Jewett Holmwood Road, East Aurora

Angela Griffis seconds the motion.

A vote is taken.

Ayes-6 noes-0

Motion carried.

Liz Cassidy reminds all, that the property does need to be split prior to applying for a building permit. A new address can be assigned once the driveway entrance is determined.

PUBLIC COMMENTS:

William Heidt from West Falls offers his comments regarding tonight's meeting. It would be a pleasant change to see 12 Old Glenwood Road change to a R-3 as opposed to another bar. Bringing to light, that due to its location it would require a sprinkler system. He wished we would have had a site plan to review. He has some concern if the new owners would be local.

Regarding the Curry application for the campground, he is concerned for emergency vehicle access.

Regarding the Sergi application for an ODA, he questions the pond, and its location if property is divided and then sold at a later date.

Chairman, Doug Crow thanks Mr. Heidt for attending tonight's meeting and sharing his thoughts on some of tonight's topics.

CORRESPONDENCES:

Liz Cassidy reminds the Planning Board of upcoming zoning training. It will count toward your credit hours.

Chairman, Doug Crow asks for any other questions or discussions. No responses.

Chairman, Doug Crow makes a motion to adjourn.

Jeanne Beiter seconds the motion.

Chairman, Doug Crow takes a vote. All in favor.

Meeting adjourns at 9:00 p.m.

THE NEXT SCHEDULED MEETING WILL BE WEDNESDAY JUNE 5 , 2024, AT 7:00 P.M. AT THE TOWN HALL, 575 OAKWOOD AVENUE, EAST AURORA, NEW YORK