

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

July 1<sup>st</sup> 2020

Members Present: Donald Owens, Chairman  
Laurie Kutina  
Douglas Crow  
David Librock  
Jerry Thompson

Alternate Member: Richard Glover

Absent/ Excused: Norm Merriman  
Timothy Bailey  
Alice Brown

Also Present: Elizabeth Cassidy, Assistant Code Enforcement Officer  
Greg Keyser, GHD

Chairman Don Owens presided over the meeting which began at 7:00 p.m. at the Town Hall, 300 Glead Avenue, East Aurora, NY. He led the recitation of the Pledge of Allegiance to the Flag.

**Doug Crow made a motion to accept the minutes of the February 5<sup>th</sup> 2020 meeting. Seconded by Richard Glover. Motion carried.**

**PUBLIC COMMENTS:** None

**NEW BUSINESS:**

**Referral from the Town Board for an ODA application at 2331 Lapham Rd. as presented by Eric and Rachel Brown.**

Don Owens begins by discussing the site and soils. He notes that it is an ODA and asks Greg Keyser to review his notes.

Greg Keyser discusses his review of the application/project, including the SEQR form (Type II), makes note of the need for Erie County approval for a septic system and Erie County Water Authority for water tap. No further action on SEQR is needed. Other notes include that the lot

was created prior to the ODA code therefore it is a sub-standard lot as per today's ODA code. Greg recommends that note is made with the recommendation to the Town Board.

Dave Librock makes a note that Eric and Rachel are friends of his. I know the property, it's a parcel that has been on paper for a long time. Dave also makes note that it makes sense to put the house towards the back of the property as shown with a garage towards the front. The layout makes sense.

Doug Crow asks if there is an agreement for an easement for the utility access, is that correct?

Mr. Brown states yes that is correct.

Doug Crow asks the actual driveway is on your property is that correct?

Mr. Brown clarifies that they do not own any road frontage but have the easement from the property in front (family owned) for the driveway and utilities.

Doug Crow asks if the driveway is used by the neighbors?

Mr. Brown responds that no, it is not used by the neighbors.

Doug Crow asks for specifics on the driveway.

Mr. Brown responds that it's the 20' width all the way back to the property. The service lines still need to be put in.

Dave Librock asks if they will use well water.

Mr. Brown responds that no they will not, they will hook up to the County water.

Dick Glover states that approval from Erie County for septic is required.

Mr. Brown acknowledges.

Jerry Thompson asks for clarification if they need a variance for this lot or just the approval for the ODA?

Doug Crow responds that the Planning Board will need to make their recommendation for approval of the ODA with any variances needed.

Liz Cassidy mentions that the lot will need to meet the current setback requirements, etc. but in the recommendation for approval make a note that the lot itself, though substandard size for today's code, was created prior to the ODA code.

Discussion on ODA code and property splits. There is no prior approval needed to split a piece of property.

Jerry Thompson asks that since the property is less than the required 3 acres and less than the 200', would it be easiest to get an easement for another acre?

Laurie Kutina asks if that's the simplest solution?

Discussion by board members as to the easiest/simplest solution. Board members are in agreement is to recommend the ODA approval as the lot is with no easements.

Laurie Kutina asks to discuss the layout of the property in regards to the house and garage location.

Mr. Brown explains, with input from Dave Libroch, that the house will be as far back on the property as possible. There is also a hill in the back, and if there were to be a garage it would most likely be located in front of the house.

Laurie Kutina asks if that needs to be noted because an accessory building is not allowed in the front yard.

Discussion on the accessory building and the possible future need to have an accessory building in the front yard, which requires a variance. Discussion on how to include that in the recommendation to make it easier for the applicants to apply for that variance in the future if wanted.

Doug Crow makes a note that the Planning Board also looks at any safety concerns with regards to driveway density, etc. He feels there is no issue with this lot in regards to driveway and location safety.

Discussion on clarification regarding the sprinkler requirements, possible variance from the sprinkler requirement, clarification on driveway pull offs and bumpouts. Bill Kramer made a note that the bump outs should be a 6' x 20' long section every 150' of hard pack.

Jerry Thompson moved to recommend that the Town Board approve the ODA application at 2331 Lapham Rd. as presented by Eric and Rachel Brown. The board makes their recommendation with the knowledge that this lot was created prior to the ODA code adoption and is a sub-standard ODA lot per the current ODA code (less than 3 acres, less than 200' frontage). The board also makes their recommendation for approval with the knowledge of the possibility of an accessory building in the front yard in the future. All other aspects of the current ODA code must be met, including fire protection requirements, public water and septic approval.

Seconded by Doug Crow.

Upon a vote being taken:

ayes – five

noes – none

Motion Carried.

**Referral from the Town Board for a Special Use Permit from the Town Board for the Blueberry Treehouse Farm at 1897 Davis Rd., West Falls, as presented by Rico and Jyl Rivera.**

Ms. Rivera begins by discussing the fact that the Blueberry Farm is trying to obtain a liquor license so they can sell alcohol during some live music events that they will have scheduled after blueberry picking hours. Ellicottville Brewing Company has collaborated with the Blueberry Treehouse Farm, so they would love to promote their new beer. They would also like to have some family friendly events and activities.

Mr. Rivera states that they had some one day events last year so they were able to get single day liquor license. They were hoping to do the same this year. The blueberry season is short, only approximately two months, so they would like to hold events, along with selling alcohol as a way to boost revenue and also possibly have fundraising events/share proceeds. It's a small business and there has been great response from the community. We have an open-air venue which would help a lot of local musicians who are also trying to get by with current restrictions due to Covid-19. Having the ability to sell alcohol really helps to draw people in.

Ms. Rivera states that it's all very family friendly, nothing rowdy and uncontrolled. We live on the property so we don't want it to get out of control. We bought the property five years ago and really want to turn it into something for the community.

Jerry Thompson asks what the reason is they can't get a temporary license?

Ms. Rivera answers that this year the state is not doing temporary licenses. It's more complicated to get this year.

Mr. Rivera states that they will just be selling beer and wine.

Further discussion about the blueberry season and collaboration with the brewery.

Liz Cassidy discusses the preliminary liquor license application that the Town Board received. The type requested is a "bar/tavern" license and also there is a required kitchen prep and dining area.

Mr. Rivera states that if you are selling alcohol you are also required to sell food (hot and cold items), in order to do that you need a food prep area. For us there is no physical building, we have picnic tables for dining.

Discussion on the type of liquor license and the requirements needed for that license. Clarification will need to be explained to the Town Board.

Doug Crow suggests having a very clear explanation on the reasoning of the types of liquor licenses offered vs. which you are trying to get.

Dick Glover discusses Special Use Permits. There is confusion as to why the Town Board referred a Special Use Permit for Planning Board review.

Jerry Thompson states that the application asks to extend their season from two months to six months, asks for clarification.

Ms. Rivera states that the blueberry season is only about two months long so that's why they would like to have events longer than/past than the blueberry season.

Mr. Rivera states that the reason for the alcohol license and permit is to extend their season and events past blueberry season. We also build treehouses, perhaps in the future there will be wedding events or other events with the use of the treehouses, etc.

Laurie Kutina states the question that the Planning Board needs to help you answer is what specifics would the Town Board look for to allow them to approve your Special Use Permit. Season length, hours, type of permit, parking specifics, number of events, etc.

Doug Crow reiterates specifics. How will you extend past your two month blueberry season? What types and frequency of events? Are you talking wedding events? Concerts? It's one thing to have a concert event with a lower number of people.

Discussion on food trucks and possible event ideas.

Jerry Thompson reads Greg Keyser's letter and states that it sums up what details will be looked at. Get as clear as you can with future plans.

Laurie Kutina states that include a detailed schedule of events and number of people, etc.

Jerry Thompson indicates to work with the building department in regards to parking, etc., include those details to the Town Board so they don't need to refer it back to Planning.

Doug Crow states to make case for the specific type of liquor license, explain that to the Town Board. Also include the schedule.

Discussion in regards to parking details and more reiteration regarding being detailed as possible for the next Town Board meeting. Further discussion regarding the liquor license options and details.

Don Owens states his concern regarding a drainage way that runs through the property. It can be a flash flood situation through that drainage way. That can be kept in mind.  
Discussion regarding the next date of Town Board meetings and the time sensitivity of this Special Use Permit.

The board members did not make a formal recommendation to the Town Board, however, they did make suggestions for the applicant to provide the following information to the Town Board at the time of review:

1. Revise Short EAF to reflect the events that will be planned, as per GHD's comments (attached)
2. Provide further details on the events that are planning to be held, such as hours of operation, number of events, schedule of events.
3. Provide further details regarding possible liquor license.
4. Provide further details on ingress/egress and parking.

## **OLD BUSINESS:**

### **Continuing discussion on the Master/Comprehensive Plan.**

Agreement between Planning Board members to put any discussion regarding the master and comprehensive plan on hold until Luke can join a meeting for discussion.

### **Continuing discussion on an informal "pre-submittal conference" to the Planning Board first; ordinance vs. informal policy.**

Greg Keyser states that the Blueberry Treehouse Farm application that was just presented is a great example of a pre-submittal conference. It gives the applicant more direction prior to formal meetings.

Laurie Kutina asks if something can just be added to the website so applicants can get on the schedule and the Planning Board can provide consultation.

Jen Calkins states that she can come up with something to add to the website and share with the Board for review prior to adding it to the website.

Doug Crow agrees that it makes sense to add it to the website.

## **Continuing discussion on the Knox Rd. Christ the King Seminary property possible future use**

Tony Rosati begins to discuss the Seminary property on Knox Rd. He's spoken with a contact who is a property manager with the diocese. There are options to sell the property for senior housing.

Doug Crow states that he does not see any financing to be happening in the next few years, given the current health crisis, especially among senior living communities.

Tony Rosati views the situation as how can we help get this property back on the tax roll? Can we help to accelerate the process and have a preliminary idea of what the property can be used for? Could we possibly have a public hearing to seek out what the public would like to see at this property? Perhaps if we are proactive we can encourage what would make sense in that location. The Town can set some expectations. There could be multiple entrances and exits, the existing buildings could potentially be used as apartments.

Jerry Thompson agrees that there could be some public recognition as to what the Town would like to see there, if possible.

Doug Crow also agrees that a public hearing and even possibly a rezoning would be a good idea.

Jerry Thompson states that it would make sense for the Planning Board to hold a public hearing as an informal way to get a feel for what the public wants, rather than the Town Board holding it. Jerry also states that perhaps the Town of Elma should be involved as well since it's so close, they could have some input.

Doug Crow states that the Town should know what the community wants first, then proactively use that information to rezone if necessary.

Discussion by board members on the best way to approach a public hearing, the fact of attracting the type of development that is wanted and to proactively look at or change the zoning in order to speed up the process as well.

Tony Rosati states that the Town needs more affordable senior housing.

Discussion by board members regarding approaching the Town Board vs. approaching the Seminary property manager to start the conversation.

Agreement by board members to approach the Town regarding holding an informal public hearing/meeting to get community input on the future use of the Seminary property/possible rezoning.

**PUBLIC COMMENTS:** None

**CORRESPONDENCE:** None

A motion was made by Dave Libroek and seconded by Jerry Thompson to adjourn at 9:09.

**THE NEXT SCHEDULED MEETING WILL BE WEDNESDAY August 5<sup>th</sup> AT 7:00 P.M.  
AT THE TOWN HALL, 300 GLEED AVENUE, EAST AURORA, NEW YORK**