

February 16, 2021

A special meeting/work session of the Town Board of the Town of Aurora took place on Tuesday, February 16, 2021 at 7:00 p.m. The purpose of the meeting/work session was to discuss the proposed rezoning of 730 Olean Road. The Board met in-person at the Aurora Municipal Center, 575 Oakwood Avenue, East Aurora, New York. The public attendance was allowed at this meeting/work session. The meeting/work session was live-streamed via Zoom and YouTube.

Members in attendance:	Jolene M. Jeffe	Councilwoman
	Susan A. Friess	Councilwoman
	Charles D. Snyder	Councilman
	Luke Wochensky	Councilman
	James J. Bach	Supervisor
Others in attendance:	Ronald Bennett	Town Attorney
	Martha Librock	Town Clerk
	Elizabeth Cassidy	Asst. Code Enforcement Officer

Supervisor Bach opened the special meeting/work session at 7:00 p.m. with the Pledge of Allegiance to the Flag.

The Town Board discussed the rezoning of 730 Olean at length:

Councilman Snyder stated that the property cannot be rezoned to B1 because the size of the proposed building does not fit in that zone. There is a 5,000 sf limit, therefore B2 or R3 are left. Any one of them would need a special use permit and all uses need to be approved by the Town Board. Site plan review would dictate how big and where the buildings would go. Mr. Snyder noted that even though Rural Outreach Center (ROC) is a non-profit, it is a business. He believes the parcel should be rezoned to B2 and that uses can be enforced.

Councilwoman Friess stated the intent of a comprehensive plan is to make sure what you put in fits into the neighborhood. Mrs. Friess believes the most restrictive zone the ROC could do its work in is R3 and that would fit better in this residential neighborhood. The Board needs to do due diligence and do no harm to the neighbors already living there. Mrs. Friess stated that her position is to rezone to R3 and sees no reason for it not to be R3. ROC is a non-profit and non-profits are allowed in R3 zones.

Supervisor Bach stated the Board recently received information about there being a proposal for wedding and funeral receptions at the ROC. Tim Lafferty, ROC member, stated that it is undefined at this time, but there is a multipurpose room proposed for the building. Councilwoman Jeffe asked if there is a kitchen planned for the building. Mr. Lafferty responded, just a catering style kitchen, not a food preparation kitchen.

Councilwoman Jeffe stated the gist of the ROC's plan is business, but you have to consider what is there and err on the more restrictive zone, for example B1 vs. B2. Also, B1 includes any use in R3.

Councilman Wochensky stated R3 has no restrictions for non-profit use.

Elizabeth Cassidy stated that R3 uses carry over to B1 and would need to follow regulations for non-profit. Site plan review and special use permit are both required.

Councilwoman Friess stated it seems some are working hard to make it a B zone, but she goes back to R3 because her biggest fear is what we cannot foresee and the neighbors need to be protected.

Councilwoman Jeffe stated she could be comfortable with R3 or B1.

Councilman Wochensky stated there are two issues here: 1) rezoning – our decision should be in the best interest of the whole town and a comprehensive plan and zoning determine it. Mr. Wochensky stated it is a B1 use. It is more B1, but is not opposed to R3.

Elizabeth Cassidy stated uses are governed by special use permit.

Councilwoman Friess asked if it is zoned B2, what happens in ten years and ROC is not there anymore. What are the restrictions?

Attorney Bennett stated they are in the local law.

Councilman Wochensky asked what takes precedence, the zoning map or special use permit.

Attorney Bennett stated if there are no restrictions in the Local Law, the special use permit limits the uses.

Councilwoman Friess stated we are bending backward when it all fits in R3. We have to see what is around there now.

Councilman Wochensky stated the comprehensive plan should be our defining factor. Mr. Wochensky stated the con to zoning it R3 is that apartments could go in.

Supervisor Bach stated that no matter what we rezone the property to, the developer would need to come to the Town Board for site plan approval and a special use permit.

Councilman Wochensky stated this project would fit in an R3 zone and R3 is fine with him.

Councilwoman Friess stated that the people who bought houses and live here bought in a residential district.

Supervisor Bach stated he has a problem jumping to B2 and R3 seems like it fits. The ROC asked for B2 because they thought it was what was needed.

Councilman Wochensky stated the protection of neighbors is in the special use permit and site plan.

Councilman Snyder stated the uses will be identical to what is there; the neighbors won't see a difference. It should be zoned B1.

Supervisor Bach stated the ROC gave a list of programs they would want. Wedding ceremonies would be okay, but receptions would be an issue.

Councilman Wochensky stated he did not see how Pathways fits in there.

Supervisor Bach stated that changing the request from B2 to anything else would need a new public hearing.

Elizabeth Cassidy noted that septic could be a limiting factor on building size.

Councilman Wochensky stated the plan presented shows the initial building and two future buildings. The Board could approve the initial building and they would then need to come back for any additional improvements.

In a survey of the Board members, three said they thought it should be B1 zoning and two said R3.

Councilwoman Friess stated if it were rezoned to B1, her list of restrictions would be long and tight.

Councilwoman Friess and Councilman Snyder said they would meet with ROC representatives to discuss plans, restrictions, etc.

Councilman Wochensky asked how the Board would put restrictions on the property.

Attorney Bennett responded in the Local Law you put in what they can do and in the special use permit you put restrictions on what is allowed.

Supervisor Bach stated discussion on the rezoning of 730 Olean will be on going and asked for a motion to adjourn this work session.

Councilwoman Jeffe moved to adjourn at 8:45 p.m. Seconded by
Councilman Snyder. Upon a vote being taken: ayes – five noes – none
Motion carried.

Action #42
Board adjourns
spec mtg/wk
sess.

Martha L. Librock
Town Clerk