

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

April 7th, 2021

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

Alternate Member: Alice Brown

Absent/ Excused: Jerry Thompson
 Richard Glover

Also Present: Elizabeth Cassidy, Assistant Code Enforcement Officer
 Luke Wochensky, Town Board Member
 2 members of the public

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

**David Librock made a motion to accept the minutes of the February 10th, 2021 meeting.
Seconded by Doug Crow.**

Upon a vote being taken:

ayes – five noes – none Motion Carried.

PUBLIC COMMENTS: None

NEW BUSINESS:

Referral from Town Board for review and recommendation of an ODA/Site Plan/Revised Special Use Permit application(s) for the Blueberry Treehouse Farm at 1897 Davis Rd. as presented by Jyl and Rico Rivera.

Mr. Rivera begins a bit of history of the Blueberry Treehouse Farm, a blueberry U-pick farm for the past six years. The reason for expanding the use of the property to include events such as

live music last year (2019) was to draw more people in because of low blueberry picking numbers in previous years. However, 2020 actually saw quite an increase in blueberry picking numbers, due to Covid and it became more difficult to control traffic, etc.

This year (2021) they would like to expand the parking at the property to improve ingress/egress and add deck space towards the rear of the property for events (parties, weddings, other events) to bring in more revenue/income. In 2020 the Town Board issued a Special Use Permit in order to have events on the property.

This year they have a permanent beer and wine license from New York State and see a need to improve the ingress and egress from the property so that there is a better line of sight leaving the property.

Norm Merriman asks Greg Keyser to summarize his letter regarding the environmental assessment form.

Greg Keyser summarizes his letter and states that the Short Environmental Assessment Form has been revised to reflect his comments and he is satisfied with the changes.

In regards to the storm water management Greg recommends that the storm water be controlled during construction of the parking lot (silt fence, hay bales, silt sock) so that any runoff doesn't get into Cazenovia Creek. During construction of the parking lot, along the ditch, make sure there is a barrier in place with a temporary control structure (would not recommend a berm).

Mr. Rivera discusses some options and plans to also build a bit of a berm with some trees after construction.

Don Owens asks if the culvert under Rte. 240 (Davis Rd.) is large enough to handle the storm water flows.

Greg Keyser states that yes it is.

Mr. Rivera states that they will not be adding to any drainage there because the surface of the parking lot will be permeable (fabric barrier with limestone gravel). They will keep the surface as level as possible and let the water permeate through the stone to the soil. It will not be a paved surface.

Greg Keyser discusses the berm and green space on the site plan.

Mr. Rivera states that they wanted to leave some green space and plant the trees on the berm as a bit of a buffer with the neighbors. The Rivera's will maintain the trees.

Greg Keyser discusses the additional parking spaces (from 55 to 98.) The increase in parking is in response to the increase in visitors. From his calculations based on the visitor count, the daily

average is 81-120 so the request for additional parking is to meet their current need, rather than to drive more business.

Discussion about current traffic and the need to have much more controlled parking.

Greg Keyser reiterates that the new egress from the site addresses a blind spot that the previous egress had. The expanded parking also improves the onsite movement of people in a safer way. There is also clear improved access for emergency vehicles.

Laurie Kutina asks to confirm that the items from the SEAF have been fixed based on his comments?

Greg Keyser confirms that the SEAF is ok as revised. Greg recommends that controlling of the storm water is noted somewhere.

Laurie Kutina moved to recommend approval of the ODA/Site Plan/Revised Special Use Permit application(s) at 1897 Davis Rd. as presented by Jyl and Rico Rivera. The recommended approval includes the revisions to the Short Environmental Assessment Form based on GHD's comments.

Seconded by Norm Merriman with the addition of the following condition:

- 1. Silt fence/silt sock/hay bales are temporarily used during construction of the parking lot to control storm water runoff.**

Upon a vote being taken:

ayes – five

noes – none

Motion Carried.

PUBLIC COMMENTS:

Nancy Burkhardt asks about flag lots and if there have been any changes recently.

Jennifer Calkins (Planning Board secretary and Building/Zoning Clerk) states that she received Nancy's email from earlier in the afternoon and will send Nancy some information on the ODA code.

Doug Crow states that there are a lot of details in the Town Code in regards to how you can build a flag lot, there are a lot of requirements and a process that needs to be followed.

Ms. Burkhardt stated that there seems to be a lot of interest in flag lots lately and generally in the Town. With the Town being rural, Ms. Burkhardt would like to see that rural character continue.

Doug Crow states that there have been flag lots that have been both approved and denied and there is a specific section in the Town Code that addresses flag lots (ODA) and has specific requirements with how large the lot needs to be, how far off the road there needs to be, street access, etc. There have been at least two times in memory that an application was denied because it would have created too much density and safety concerns.

Ms. Burkhardt asks about dividing property.

Doug Crow states that someone can divide the property as much as they want, but the issue would be whether or not any new lot is buildable.

Ms. Burkhardt asks about the process.

Jennifer Calkins reiterates that there is a specific process and that the Building Department has a flow chart that walks you through that. She will email that to Nancy as well.

ADDITIONAL NEW BUSINESS:

Councilman Wochensky would like to discuss with the Planning Board members current Zoning Code discussions that are taking place at the Town Board level. Councilman Wochensky begins by discussing the recent re-zone request made by the Rural Outreach Center. Councilman Wochensky also states that he would still like to see the Town adopt a new Comprehensive Plan in order to avoid the situation that is occurring currently, being the current zoning is not adequate for the needs of the Town.

Councilman Wochensky goes on to discuss current zoning requirements of the B1, B2 zoning districts. He feels there is a need for a zoning district that falls between those two. The Town Board approved a moratorium for six months in the B1, B2 and I zoning districts, with a possible extension. During that time, the Town Board wants to look specifically at the Business and Industrial zoning districts, the Regional comprehensive plan and how to better preserve the Town of Aurora the way that we want to with the current zoning, and implement anything new if needed.

Councilman Wochensky shares a rough schedule/chart to keep the process moving and would like the Planning Board's input at certain points. He further discusses the schedule in detail.

Laurie Kutina reiterates that community input will be very important during that process. She also discusses the New York State Energy Code changes and consideration of NYStretch.

Doug Crow brings up the retail uses about Cannabis, it may be a good time to consider whether or not to pursue that retail use or defer decision to later.

Councilman Wochensky discusses the need for a Comprehensive Plan so that the zoning decisions are based on that rather than trying to piece something together quickly.

Dave Librock discusses the ROC project and why it was difficult to classify the zoning because of the nature of the “business”/project kept changing.

Councilman Wochensky reiterates that’s why it would be best to make a decision based on a Comprehensive Plan rather than based on the applicant. He further discusses the options that were discussed during the ROC rezoning process and how difficult it was to decide between 3 zoning districts.

Liz Cassidy discusses the reasoning behind Bill Kramer’s classification of the ROC property as a B2 zoning district and states that the future use of the property is what the Town Board was/is most concerned about.

Discussion about the many different pieces that were in play that led to the Town Board wanting to revisit and revise current Business and Industrial zoning districts. Further discussion among Board members about the Regional and Comprehensive Plan and the changing of businesses and technology during the pandemic.

Further discussion as well in regards how to best work together (Planning Board and Town Board) throughout the process to stay on schedule.

Councilman Wochensky also discusses a new West Falls community committee to work with the Town Board regarding some items in the hamlet of West Falls.

OLD BUSINESS: None

CORRESPONDENCE: None

A motion was made by David Librock and seconded by Norm Merriman to adjourn at 8:05 pm.

THE NEXT SCHEDULED MEETING WILL BE WEDNESDAY MAY 5TH, 2021 AT 7:00 P.M. AT THE TOWN HALL, 575 OAKWOOD AVENUE, EAST AURORA, NEW YORK