

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

August 4<sup>th</sup>, 2021

Members Present: Donald Owens, Chairman  
Douglas Crow  
Norm Merriman  
David Librock  
Jerry Thompson

Alternate Member: Alice Brown  
Richard Glover

Absent/ Excused: Laurie Kutina

Also Present: Elizabeth Cassidy, Code Enforcement Officer  
Greg Keyser, GHD  
Charles Snyder, Councilman

Chairman Don Owens presided over the meeting which began at 7:00 p.m. at the Town Hall, 575 Oakwood 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 July 7<sup>th</sup>, 2021 meeting.  
Seconded by Dave Librock.**

Upon a vote being taken:

eyes –six

noes – none

**Motion Carried.**

**PUBLIC COMMENTS:** None

**NEW BUSINESS:**

**Official referral from Town Board for review and recommendation of a Special Use permit for the Rural Outreach Center at 730 Olean Rd. as presented by representatives from the Rural Outreach Center.**

Don Owens begins by asking if Greg Keyser to summarize previous comments.

Greg Keyser states that the comments from the Site Plan review have all been addressed by the Rural Outreach Center and architects. GHD will be completing the SWPPP review within the week. Nothing major is anticipated to come up from that review.

Mr. Sawicki (Rural Outreach Center) states that the ROC has met with several Town Board members to work through the Special Use Permit and allowed uses.

Greg Keyser reiterated that he doesn't have many comments. From an engineering standpoint he does not see any issues with what is being proposed and what was filled out on the SEQR form.

It's up to the Planning Board to discuss the uses that are being proposed and ask questions to the applicant. From a planning and engineering standpoint he has no comments.

Elizabeth Cassidy states that the proposed allowable uses are generalized so in the event that something else comes up that falls into those categories (social services, counseling, etc.) but is not specifically listed on the Special Use Permit, they would be allowed that use without having to come back and amend the Special Use Permit. The outdoor amplified sound is something that could be of concern in the neighborhood.

Don Owens asks about lighting.

Liz Cassidy states that lighting was part of the Site Plan application. The Planning Board is looking at the use of the property today.

Richard Glover asks if there have been any issues regarding the uses from the Town Board?

Charles Snyder (Councilman) answers that the ROC has met with some of the Town Board members to iron out differences. The Special Use Permit (application that the Planning Board is looking at) covers all, to the best of our abilities, all of the activities and programs that the ROC wants to do but also limits the uses so they don't impose on the neighbors. There are time restraints, for both outside and inside as well as for weekends.

Richard Glover states he thought all of the uses were covered by the rezoning (of the property)?

Chuck Snyder answers that the rezoning doesn't get as specific with details as the Special Use Permit does. Standard hours of operations, etc.

Liz Cassidy answers as well that the rezone was specifically rezoned to an R3 to allow a non for profit organization to build a building there. The Special Use Permit looks at the individual uses of the property.

Dave Libroek asks about the use of "occasional" listed under Fundraising Events? Please clarify.

Mr. Sawicki discusses past events, perhaps one or two fundraising activities a year.

Dave Libroek asks about parking spots.

Mr. Sawicki states that there are 63 planned. In the conditions of the Special Use Permit the ROC has agreed to no on-street parking.

Chuck Snyder adds to the discussion about fundraising events. In the Special Use Permit, any event over and above 50 people would have to go through a "Special Event Permit" approval through the Town Board. There wouldn't be a fundraiser with 250+ people.

Dave Libroek stated that his concern is if someone asks to have a concert for a fundraiser, that could get loud, etc.

Chuck Snyder reiterates that any event would be required to be under the parameters of the Special Use Permit.

Dave Libroch asks about the allowable uses for wedding, funerals can have up to 150 people?

Chuck Snyder responds that the wording was changed and there will be allowable events with a Special Event Permit in order to have events with over 50 people.

Dave Libroch asks about provisions in the permit for alcohol use?

Chuck Snyder states that those details are all in the Special Use Permit. It will address uses, parking, sanitary requirements, etc. will all be detailed in the SUP.

Norm Merriman discusses the fundraising event that used to be held at Elm St. Bakery, if that event were to be held at Olean Rd., it would need the Special Event Permit.

Dave Libroch raises his concern of having such a nice piece of property leading to having outdoor wedding events every weekend.

Mr. Sawicki answers that weddings would be limited to the Pathways Congregation members or to clients/participants. It's expected that those weddings would not have more than 50 people. It's understood that under the Not-For-Profit law, they cannot use the building as a rental hall on the weekends.

Doug Crow reiterates that because the church is part of the organization, it's expected to have some occasional weddings. It's nice to have the clarification that the ROC is not looking to have it as a *venue*.

Mr. Sawicki answers that correct, it would not be rented out to the public.

Doug Crow asks if there is anything the ROC is doing now/services providing now that will not be allowed under this Special Use Permit?

Mr. Sawicki discusses the Code Blue program and the fact that they cannot provide that service under this zoning and Special Use Permit. Food distribution was an issue during the pandemic and that was something the USDA asked the ROC to do on an emergency basis. Typically the ROC is not a food distribution business. That's not something that will continue on a regular basis.

Liz Cassidy comments regarding the Code Blue Shelter and the current Business and Industrial zoning district moratorium. Luke Wochensky is still looking at possible locations for that use and would likely fall more in line with commercial zoning. That's all still being worked on. It's an option that is still on the table for a place/use within the Town.

Doug Crow agrees that would be good to find a use for that.

Greg Keyser asks if lighting will be on a timer?

Mr. Sawicki answers that yes, it will be. Site Plan has been updated and per the architects there will be little to no light that leaves the property.

Chuck Snyder brought the updated Site Plan sheet that shows all of the lighting including the lumens at the ground, etc.

**Douglas Crow moved to recommend the Town Board approve Special Use Permit application for the Rural Outreach Center at 730 Olean Rd Rd. as presented by Mike Sawicki of the Rural Outreach Center.**

**Seconded by Jerry Thompson.**

**Doug Crow stated that he hopes the Town/Rural Outreach Center can find and work out a zoning district that will allow the Code Blue shelter to be located in, as it is an important resource.**

**Upon a vote being taken:**

**ayes – six**

**noes – none**

**Motion Carried.**

**OLD BUSINESS:**

**Referral from Town Board for review and recommendation of an ODA application at 430 Maple Rd., as presented by Russo Developers & Builders.**

Mr. Russo begins by stating he is asking for approval for his ODA application.

Don Owens asks if there are any comments.

Richard Glover discusses subdivision and requirements of approval from the Town Board. He also discusses the need to review the plan and determination of requirements met or not. In this case, prior to even discussing any variances, the property does not meet the required area for an ODA lot (3 acres min.). As a Planning Board we can't and shouldn't recommend approval here of a single lot ODA if it doesn't meet the requirements (of minimal lot size). The Town Board has the authority to grant the permissions with variances or as non-conforming. He also discusses how if the Town Board were to grant variances in these instances, it establishes a precedence for the future ODA applications.

Dave Librock states that there are at least six variances that would be needed which is not even close to meeting any of the requirements for an ODA; including lot size, front and side yard setbacks, driveway separation and accessory building. It doesn't meet the requirements of the ODA code.

Liz Cassidy discusses how the lot was created in 2005 prior to the Town having any ODA code. The variances were written into the current (2017) ODA code to take into account applications similar to this (existing non-conforming). It is up to the Town Board to grant any (if any) variances and they would like the opinions of the Planning Board as to the variances that are being requested. The accessory building in the front yard will be a Zoning Board variance but the other variances could theoretically be given by the Town Board as allowed by the code.

Jerry Thompson asks for clarification on approved vs. split?

Liz Cassidy answers that this is not an approved lot, it was only split in 2005 but was not given any building approvals.

Jerry Thompson is not in favor of approving or allowing any variances. Even though it was split back in 2005, it does not meet today's code and because of all the requested variances, I do not favor approval.

Alice Brown agrees that the whole point of changing the code/law was to prevent lots that are this far off from what is really wanted (Town wide).

Doug Crow also agrees and is not in favor of the Town Board approving this ODA application with variances, especially the area and the setbacks.

**Douglas Crow moved to recommend the Town Board does not approve the ODA application with variances at 430 Maple Rd. as presented by Frank Russo, due to lack of requirements met.**

**Seconded by Jerry Thompson.**

**Upon a vote being taken:**

**ayes – six**

**noes – none**

**Motion Carried.**

**CORRESPONDENCE:** None

Discussion by Board Members regarding current ODA Moratorium. Planning Board members agree with and support the Town Board reviewing the ODA code in order to be specific about what the Town wants.

A motion was made by Jerry Thompson and seconded by Norm Merriman to adjourn at 7:50 pm.

**THE NEXT SCHEDULED MEETING WILL BE WEDNESDAY September 1<sup>st</sup>, 2021 AT 7:00 P.M. AT THE TOWN HALL, 575 OAKWOOD AVENUE, EAST AURORA, NEW YORK**