

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

April 18, 2022

Members Present: Donald Owens, Chairman
Douglas Crow
Timothy Stroth
Jeanne Beiter
Alice Brown
Laurie Kutina

Alternate Member: Angela Griffis

Absent/ Excused: Grace Viger
Norm Merriman

Also Present: Liz Cassidy, Code Enforcement Officer
Chuck Snyder, Councilman
Luke Wochensky, Councilman
4 members of the public

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.

PUBLIC COMMENTS:

Rod Simeone (Zoning Board member) brings up the current garage door height requirement (116-17), would like to see a 10' requirement rather than 9' because of the abundance of requested variances.

Councilman Snyder states that the garage door height has been discussed and is being changed as part of the zoning code update.

NEW BUSINESS:

Review and recommendation of Town Code updates and additions (Chapter 116 Zoning, Chapter 65, addition of West Falls Overlay and Design Standards)

Doug Crow begins by discussing the background reasoning for the review and change/additions to the Zoning Code in order to provide consistency, clearer language and providing clearer direction. Some items changed were as-of-right uses vs. Special Use Permit requirement,

requirements from the State for Code Enforcement, West Falls Overlay for continuity and design standard recommendations.

Alice Brown states that in 116-60 D, “I” needs to be changed to “C3”

Laurie Kutina discusses Chapter 65 Code Enforcement required NYS changes and her concern that it will become additional work for Elizabeth Cassidy.

Additional discussion regarding the required inspections for the energy code. Liz Cassidy states that the changes won’t require a significant additional number of inspections.

Discussion on design standards, Doug Crow explains purpose to is to set standard for further development, process and support for decisions. Future possibility to add some tables and information to the website. Impervious surface requirement in West Falls is discussed, confirm percentage is based on the existing smaller lots and small businesses. Clarify blacktop (new) can begin after a 20’ landscaping buffer to encourage parking on the side or rear of businesses.

Rod Simeone (Zoning Board member, Byeberry Ct. resident) hands out a sheet of questions/clarifications, which were all clarified with discussion (definitions, zoning map, general commercial section, lot width requirement, objectives section and West Falls overlay.)

Discussion regarding Comprehensive Plan. Luke Wochensky states that as per the courts, one or more Comprehensive Plan can be referenced/referred to in order to make decisions, if one has not been officially adopted. Code committee used the Regional plan to streamline the new commercial zoning districts.

Tim Stroth questions using a date for the Regional Comprehensive Plan because one section references the date of 2004 and another references no date. Also a question of 2007 date, which is incorrect. The final draft of the Regional Comprehensive Plan that Liz Cassidy has in her office has a 2004 date.

Discussion about being general versus specific with the date and terminology when referencing the Comprehensive Plan, intention and using “in accordance with” wording.

Luke reiterates that the wording of the intent sections is used so that decisions are based on something specific and that changes weren’t just arbitrary.

Further discussion on the terminology, how to make the recommendation or leave it up to the Town Board? Consensus of the Planning Board is to reference the 2004 date since it’s an actual document and capitalization versus no capitalization (using the reference for compliance versus intent).

Tim Stroth notes that the West Falls Overlay and Commercial Districts-General have the same proposed code section number. Suggests having the overlay be numbered as 116-8.10.

Doug Crow moved to recommend the Town Board approve the updates to Town Code Chapter 116, Chapter 65 and the new West Falls Overlay and Design Standards, as proposed with the following suggestions:

1. 116-17 D: change garage door height maximum to 10'
2. 116-60 D: change reference to "I Industrial" to C3
3. West Falls Overlay should be numbered as 116-8.10 (116-8.6 is general commercial)
4. 116-8.6 B and West Falls Overlay (116-8.10 B) should both reference "Regional Comprehensive Plan of 2004" for consistency

Seconded by Laurie Kutina

Upon a vote being taken:

ayes – seven

noes – none

Motion Carried.

CORRESPONDENCE: None

A motion was made by Tim Stroth and seconded by Jeanne Beiter to adjourn at 8:20PM.

THE NEXT SCHEDULED MEETING WILL BE WEDNESDAY May 4th, 2022 AT 7:00 P.M. AT THE TOWN HALL, 575 OAKWOOD AVENUE, EAST AURORA, NEW YORK