

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

April 5<sup>th</sup>, 2023

Members Present: Donald Owens, Chairman  
Jeanne Beiter  
Timothy Stroth  
Angela Griffis  
Laurie Kutina  
Norm Merriman

Alternate Member: Alice Brown

Absent/ Excused: Chris Contento  
Douglas Crow

Also Present: Liz Cassidy, Code Enforcement Officer  
Rich Miga, Assistant Code Enforcement Officer

Chairman Don Owens presided over the meeting which began at 7:02 p.m. at the Town Hall, 575 Oakwood Avenue, East Aurora, NY. He led the recitation of the Pledge of Allegiance to the Flag.

Don Owens states that Alice Brown and Chris Contento will be voting members tonight.

**Tim Stroth made a motion to accept the minutes of the March 1<sup>st</sup>, 2023 meeting. Seconded by Jeanne Beiter. Motion carried.**

PUBLIC COMMENTS: None

NEW BUSINESS: NONE

OLD BUSINESS:

**Review and recommendation of a rezoning request at 359 Quaker Rd. as presented by Nicholas Tuttle, agent for property owner.**

Nicholas Tuttle (Attea & Attea, applicant representative) summarizes the discussion from the December 2022 Planning Board meeting in which the rezoning of 359 Quaker Rd to an R3 designation was originally reviewed. At that time the Planning Board suggested the Town Board modify current zoning code to add multifamily use to Commercial zoning districts. Town Board did not favor that path and therefore the applicant would like to continue the rezoning application.

Mr. Tuttle discusses “spot zoning” and case law with some exceptions the applicant feels fits this application. Mr. Tuttle also gives some background of the applicants, as well as his, professional history, having served as attorney in municipal setting as well as zoning board. They are sensitive to the concerns of the Planning Board, having been on the municipal side of things before. Mr. Tuttle continues discussion about “spot zoning”, how the parcel is not part of the Village, the unique characteristics of the neighborhood (Industrial zoning, residential across the street and some Commercial use). The applicants think because of the mixed-use nature of the neighborhood, it will not have a negative impact on the area and also feel apartments are needed. The applicants would like to bring quality rental apartments, consistent with the comprehensive plan for pedestrian-friendly use (sidewalks present, proximity to shopping centers). Mr. Tuttle provides a printout to board members.

Laurie Kutina asks for clarification between Commercial districts (C1, C2, C3)

Liz Cassidy explains the use differences and building size differences.

Mr. Tuttle explains the property is too small for any industrial type of use.

Laurie Kutina agrees that having a multi-family residential use is one of the best uses of this property.

Jeanne Beiter discusses the surrounding Village zoning and asks if the residential use creates more of an island (surrounded by commercial use). It’s important to be mindful about what’s going on across the municipal boundary.

Mr. Tuttle discusses the residential use across the street and nearby down the street.

Laurie Kutina notes that it can be difficult to put multi-family dwellings in a residential zoning district. However, since this area is already multi-use, the location makes sense.

Discussion by board members regarding why this property is not part of the Village, agreement that the applicant makes a compelling argument for zoning change given their limited options. Mr. Tuttle is also aware of and acknowledges that they have more reviews to go through before proceeding (site plan, possible variances, etc.)

Laurie Kutina motions to recommend the Town Board approve the proposed **Rezoning request at 359 Quaker Rd.**, from C3 to R3, as requested.

Secoded by Norm Merriman

Upon a vote being taken:

ayes – seven

noes – one

Motion Carried.

**Review and discussion of Site Plan and Special Use Permit applications at 1863 Davis Rd. as presented by West Falls Center for the Arts.**

Don Owens opens discussion about the drainage way coming from under the railroad (in the rear of property), the direction towards the front of the property. Sharp turn in the drainage way and he's concerned about heavy flow not making the turn.

Mr. Rivera states that it's naturally occurring and is not proposed. They have discussed straightening it out but have no definite plans to do so. Also notes Rails to Trails may add culvert under rail trail.

Laurie Kutina asks if everything from the original requested changes (from March meeting) were incorporated?

Rich Miga, assistant code enforcement officer, states that per the revised review from GHD it was indicated that the SWPPPs will need to be identified along with engineering calculations.

Mr. Rivera notes that everything was done per notes and motion from last meeting except the engineers stamp and SWPPP, both of which are currently in progress. The immediate goal is to get the catch basins, drainage for parking lot and the parking lot started before the summer for events for safety purposes.

Tim Stroth asks for clarification since they want to focus on the parking lot, is the applicant looking for Phase 1 approval and willing to split the project approvals per phase?

Mr. Rivera states that if they could at least do that then it would be ideal until they receive all of the other stamps/required engineering, pond information from Army Corps. Of Engineers, funding, etc.

Tim Stroth asks about SWPPP.

Rich Miga responds that the SWPPP paperwork would be submitted to GHD (Town Engineer) for their review as well as to the DEC.

Further discussion about the drainage way previously discussed coming from the tracks, reassurance the applicant's engineer is reviewing their grading plan. Further discussion about the comments from GHD.

Norm Merriman asks about the 12" pipe noted on the plan?

Mr. Rivera notes that it's a ditch that extends under Rte. 240 through a culvert.

Norm Merriman asks for clarification on 1 or 2 driveway entrances?

Mr. Rivera states that there will now be just 1 in and out entrance. Would like to change entrance to Blueberry Treehouse Farm from 1887 Davis Rd. to be combined to this property.

Norm Merriman is concerned about traffic pattern control so cars don't cross over the sidewalk and onto the road, bypassing the exit.

Mr. Rivera explains the plan for a split rail fence from the grass island to the building and another in front of the lawn area by rental property. West Falls Center for the Arts typically has high visibility volunteers to help direct traffic after their events.

Further discussion about parking locations and materials for parking areas (permeable). Discussion regarding fabric and millings, drainage, etc. Applicant plans to have the parking areas be all gravel, with proper pitch and catch basins. Striping on gravel is planned for parking spaces.

Norm Merriman asks if graded base will be clean #2 or crushed?

Mr. Rivera responds that they will use asphalt millings.

Norm Merriman suggests adding some underdrains to collect any standing water, directed to catch basin. Clarifies the permeability of the parking area, asphalt millings will pack over time and become less permeable.

Mr. Rivera notes that the area will be graded so that if there is compaction of that material, the catch basins will be there to catch the rest of the water. Underdrains and surface drains should handle all of the water. Engineer will review the drawings and make any changes/suggestions.

Further discussion about clean #2 material as an option as well as proposed lighting noted on plans and using native plants/ trees on the landscaping plan.

Tim Stroth motions to recommend the Town Board approve **Phase 1 work** (for parking areas, screening, landscaping, building demolition; sidewalk to be included in future phase) **for the proposed Site Plan at 1863 Davis Rd.**, with the following conditions:

1. Engineered stamped plan noting underdrains and materials that make parking lot permeable.
2. Elimination of any parking spaces currently shown in the Right of Way.
3. Consideration of West Falls Overlay (Town Code §116-8.10 D4) regarding screening.
4. Fence installation in Phase 1.

Seconded by Angela Griffis

Upon a vote being taken:

ayes – seven

noes – one

Motion Carried.

CORRESPONDENCE: None

A motion was made by Laurie Kutina and seconded by Jeanne Beiter to adjourn at 8:23 PM.

**THE NEXT SCHEDULED MEETING WILL BE WEDNESDAY APRIL 5<sup>th</sup> AT 7:00 P.M. AT THE TOWN HALL, 575 OAKWOOD AVENUE, EAST AURORA, NEW YORK**