

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

November 1, 2023

Members Present: Doug Crow, Chairman  
Jeanne Beiter  
Timothy Stroth  
Alice Brown (voting member)  
Angela Griffis  
Chris Contento  
Laurie Kutina Chris Contento

Alternate Member:

Absent/ Excused: Norm Merriman

Also Present: Liz Cassidy, Code Enforcement Officer  
Chuck Snyder, Councilman  
Joe McCann, Councilman

Chairman Doug Crow 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.

Chairman, Doug Crow addressed the following matters:

1. Residents at 4470 Transit Rd have a house and large garage, not connected, on the property. The occupants would like to make the garage a second dwelling on the same lot. Following much discussion from the planning board, possible consideration of possibly changing some building code. The Town Board amended to add additional dwelling groups as special use permits in the RR district. It was forwarded to the Zoning Board, in September for some variances. Once approved, went to the Town Board on October 10<sup>th</sup>, for the SUP, which was approved.
2. Next topic is the minutes from previous meeting, September 6<sup>th</sup>. Requesting a motion to approve those minutes.

**Tim Stroth made a motion to accept the minutes of the September 6, 2023, meeting. Seconded by Alice Brown. Motion carried unanimous.**

PUBLIC COMMENTS: N/A

NEW BUSINESS:

**Sketch Plan meeting with Brett Morgan, representative Vertical Bridge, Verizon Wireless, for telecommunication tower proposed at 4399 Transit Rd. David Bass present on Zoom. David Bass present on zoom.**

Brett Morgan attended the meeting with updated drawings, showing relocation of tower on parcel. The relocation would place tower on parcel, meeting proper code criteria. The location modification would put tower 800 ft from public right of way, 500 ft. from residences, and the fall zone

Also, the height of the tower has been reduced by 20 feet to a height of 139 feet, including lightning rod. This height would not require lighting.

The tower will be 4g and 5g capability.

The tower is engineered with a bend point, so in event of catastrophic physical failure, the tower would bend at that point.

Mr. Morgan also stated, once approved there is a quick turnover time of approximately 2 months. Beginning with pouring foundation, cure time, and erection of tower.

Jeanne Beiter inquired about updating present towers.

Richard Mund replied, it is a logistics company, located up the street. That company is undergoing parking lot improvements. Their trucks are at 196 Ellicott Road temporarily.

Doug Crow asked about potential tenants.

Richard Mund states his existing building is full. The new spaces will be available to the public.

Tim Stroth asked if there will be exterior doors on all sides.

Richard Mund clarified the will only be doors on the long sides.

Angela Griffs asked about lighting.

Richard Mund replied, buildings will only have security lighting and cameras. Eventually property to be fenced as well.

Doug Crow inquired about placement of building.

Richard Mund explained site plans as submitted.

Doug Crow asked about driveway access.

Richard Mund indicated gravel will be all around buildings for access.

Richard Mund also discussed tractor trailers on site, are currently being used for storage. When new building is complete, that storage will be transferred.

Doug Crow asked what would happen to empty trailers at that time.

Richard Mund confirmed they would be removed.

Tim Stroth asked if truck bodies would be removed also.

Richard Mund confirmed yes to the removal.

Members discussed the need for site plan to review due to purposed building being over 2500 feet. A special use permit is required due to the town code.

Doug Crow noted this unlisted action for purposes of SEQRA.

Norm Merriman asked about vertical pipe to the right of existing building sticking out of ground.

Richard Mund replied it is part of drainage to prevent road from flooding during heavy rain.

Norm Merriman asked about drainage purposed for new building.

Richard Mund states drainage ditch surrounds entire property and drains out to the road and to the rear of property.

Tim Stroth asked if there will be sufficient grading to prevent puddling between buildings.

Richard Mund confirmed yes to proper grading.

Tim Stroth asked about interior concrete floor level.

Richard Mund replied they are at least two inches above grade.

Tim Stroth asked if it is an ODA lot.

Liz Cassidy replied that it is but has never required any property on this road to go through an ODA process.

Tim Stroth asked for legal clarification on whether ODA application is required. He asked if the purposed building requires a variance for setback from back of building to lot line.

Liz Cassidy explained the lot orientation, and that the back of purposed building to the west lot line is side yard.

Tim Stroth noted building as purpose does not meet side yard regulations for C3 district and asked if the plan could be revised.

Richard Mund indicated he could move the building to comply with the current updated code.

Tim Stroth notes site plan is not to scale. The new building would have to move 40 feet of lot line. Thus, the building would be staggered. Tim also asked the board if there are any concerns about developing off private driveway.

Doug Crow indicated he has concerns as the applicant does not own said road or driveway.

Dog Crow also stated the approval time to address concerns about driveway would be new developed vacant lots or development required by owner of driveway.

Doug Crow noted the property at 196 Ellicott Rd. is a nonconforming ODA lot.

Doug Crow moved to recommend approval of site plan at 196 Ellicott Rd with the following conditions:

1. Provided the building is moved 40 feet from the west lot line to be consistent with the C3 zoning district.
2. A site plan updated to show site grading, topography and building elevation.

Seconded by Tim Stroth

Upon a vote being taken:

eyes – seven

noes – one

Motion Carried.

### **Review and discussion for proposed recreational center at 0/600 Olean Road, as presented by Harrison Kelly**

#### **The property in question needs to be rezoned from RR/A to C2.**

Doug Crow asked the applicant to briefly explain the proposed project.

Harrison Kelly proposes the project in three phases. Phase one would consist of a recreational center with golf simulators, and indoor mini golf. Phase two would be an outdoor miniature golf course. Phase three to have a driving range.

Doug Crow reiterated the action before them today is rezoning.

Harrison Kelly acknowledges the property consists of fourteen acres. RR at the road, and agricultural behind. He is requesting the ten acres to the north end of the property be rezoned to C2.

Doug Crow asked why ten acres instead of whole lot.

Harrison Kelly indicated four remaining acres to the south of the lot is a heavily wooded area and has wetlands. This four acres would act as a buffer for the two residences to the south.

Doug Crow discussed zoning in the neighborhood. Suggested extending C2 zoning to the county asphalt property at 586 Olean.

Tim Stroth clarified that the north ten acres of property would be C2 from ROW to railroad tracks. The remaining four acres would be RR 300 feet from ROW and agricultural to railroad tracks.

Harrison Kelly reiterates wishes to maintain rural feel of property with building style to reflect such.

Tim Stroth asked if approved rezoning as requested does property have to be subdivided.

Liz Cassidy stated no. You can have multiple zones on same property.

Jeanne Beiter asked for time frame for project to start if rezoning is approved.

Harrison Kelly states he is actively working on design but everything is pending on rezoning decision.

Angela Griffs recommends approving rezoning ten acres to C2 and remaining four acres to RR.

Doug Crow suggests the town board consider rezoning county property at 586 Olean to be rezoned C2 as well That making property contiguous with other C2 properties.

Tim Stroth asked if Mr. Kelly had spoken with neighbors.

Harrison Kelly indicates he sent letters but has no replies at this time.

Angela makes a motion to town board to rezone ten acres to C2 for proposed **Recreational Center, at 0/600 Olean Rd.**

Seconded by Chris Contento

Upon voted, unanimous. All in favor.

**Review and discussion to sketch plan meeting for 4479 Transit Rd**

Applicants rescinded application until 2024.

### **Review and discussion regarding accessory buildings on residential lots with out residential structure**

Rod Simeone opens discussion with concerns regarding accessory buildings being erected on residential lots where no residential structure is present. Town code is ambiguous with respect to this situation. Would the planning board be in agreement to not allow accessory buildings on residential lots without a residence on it. If in agreement, then the zoning board would request a code change from the town board.

Doug Crow asked Rod for clarification if he had seen these requests.

Rod Simeone states he has seen two cases for the same property. They made a condition in both cases, that applicant combine lots to have a residence on lot. He believes the town did not intend for someone to build an accessory building on residential property without a house.

Doug Crow mentioned that R1 R2 R3 & RR would be included.

Liz Cassidy noted that the town code for RR district allows for agricultural use including buildings on RR properties that do not have residents. Once the residence is built the RR code is in effect. Concern is if you restrict the RR district you may impact properties being used agriculturally.

Rod Simeone stated another concern would be putting in an agricultural building on RR lot. 75 feet from ROW and future house would require a variance because it would set back behind building.

Norm Merriman asked about situations where residents plan to build a house but want to build an accessory building to store materials and equipment.

Liz Cassidy has issued permits for accessory buildings first if residence breaks ground in minimal time from. Each case by case.

Chris Contento asked if residents purchased property next door asks why they could not put up a barn on second lot.

Doug Crow stated they would have to merge property.

Liz Cassidy part of concern with buildings like these is a creeping use. If you own a lot today with a building on it for personal storage, I sell it and the next person puts a business in it, in a residential district.

Doug Crow asks Liz Cassidy if she would be okay with R1 R2 R3 but not RR.

Liz Cassidy responded if you word it so RR properties being used for agricultural purposes could put building in RR. Then I would be okay with that.

Tin Stroth asked if a person owns a vacant lot 350 feet deep and rents it to a farmer for field or crops, we ae going to restrict their use from fully agricultural.

Doug Crow responded, the ZBA proposal including all residential districts. But you could carve out an exception for RR properties being used for agricultural purposes.

Angela Griffs asked about the attorney's opinion.

Rod stated the attorney confirmed that an accessory building needs a residence in order to be built.

Doug Crow states it would be better if it was explicit in the code. If code says no a use variance would be required.

Rod Simeone says it is not a pressing issue, but they are working to put something together for the town board.

Doug Crow states it appears there are no issues with R1 R2 R3 but RR could either be included or carve out and exception for agricultural uses.

Angela Griffs asked when they were hoping to take to board.

Rod Simeone said they spoke about it informally at the last session. They will talk about it again at the next session. Would probably be taken to the town board in next month or so.

Tim Stroth asked to clarify what the proposal will be.

Rod Simeone stated that an accessory building can be built with residence on a residential lot.

Doug Crow states sounds like we are in support of R1 R2 R3 and are divided on RR

Rod Simeone indicated he would proceed with this information to the zoning board.

This discussion closed at this time.

Doug Crow discussed training opportunities amongst members.

Tim Stroth motioned to adjourn the meeting.

Jeanne Beiter second it

Unanimous approval.