

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

February 5th, 2025

Members Present: Doug Crow, Chairman  
Angela Griffis  
Timothy Stroth  
Chris Contento  
Laurie Kutina  
Norm Merriman

Alternate Member:

Absent/ Excused: Chelsea Root  
William Heidt

Also Present: Liz Cassidy, Code Enforcement Officer  
Danielle Johnson, Crafted Concepts  
A member of the public, Ben Garvey

Chairman Doug Crow presided over the meeting which began at 7:01 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 asks for a motion to approve the minutes from November 2024, December 2024, and January 2025

Tim Stroth makes a motion to approve the minutes for November 2024, December 2024, and January 2025

Seconded by Norm Merriman

Upon a vote being taken:

Ayes-6

Noes-0

ADMINISTRATIVE BUSINESS:

- a. Chairman, Doug Crow acknowledges the Planning Board presently has (7) members and (1) alternate. There (3) applicants currently being interviewed to fill the remaining alternate position.

- b. Chairman, Doug Crow asks for an update from Tim Stroth, on the South Towns Working Group

Tim Stroth states the last meeting was canceled due to inclement weather.

- c. Chairman, Doug Crow asks Angela Griffis for an update regarding the Town Comprehensive Plan.

Angela Griffis states the recent meeting was focused on all the different types of maps. Trying to figure out where we would want to recommend the expansion of the commercial district. The potential expansion of sewer lines and areas. The potential expansion of Olean Road and West Falls for commercial use. All of this will be discussed on the February 26<sup>th</sup> open house. The Open House will be at the East Aurora High School cafeteria. The format is open. There will be material there to view. There will be the opportunity to ask questions and give opinions.

Chairman, Doug Crow reminds the Board of the previous meetings discussion of a moratorium. The subject had mixed views. He mentioned to members of the Town Board, also, who had mixed feelings. No formal recommendations have been made. He has been invited to the next Town Working Session to have an open discussion.

OLD BUSINESS: none

NEW BUSINESS: Chairman, Doug Crow moves the meeting to the rezoning request for 1342 Quaker Road.

- a. Referral from the Town Board for the review and recommendation for a SUP application for 145 Reiter Road, SBL # 176.00-2-13, the fit out of an existing space above a three-car garage, creating a Dwelling Group.

Daniell Johnson, from Crafted Concepts located at 628 Main Street. She is here representing the owner of 145 Reiter Road, Kathleen Miller. There is presently a single-family home on the property. The property is also presently a horse and cattle farm. The structure is on the west side of Reiter Road, on 71 acres. It is zoned Rural Residential and Agricultural. The request for the fit out is 1300 square feet. It would be a two-bedroom, one bathroom. Presently there is radiant floor heating in the garage. We would use that existing boiler to provide baseboard heating on the second floor. Right now, the entire structure has a metal-clad exterior as well as garage ceiling. The metal ceiling would be removed and a fire separation that would be required between the garage and the apartment. They would fire rate the construction with one hour rating and stairwell for exiting. There is egress windows already installed in the framed-out windows. Nothing else is currently closed out on the second floor. A Site Plan has provided if in the future they were to parcel off that portion from the single-family home. There is

presently a septic application submitted to Erie County Health Department. The water supply would be tapped from the existing well. The owner's intention is to lease only the apartment space.

Chairman, Doug Crow reconfirms that the present code does allow for dwelling groups provided the additional dwelling is situated so it may be split at a later date. It would need to be compliant with required setbacks and frontage. One problem that we should acknowledge is the driveway access. The same considerations for the water supply.

CEO, Liz Cassidy states with any bank, it would require a recorded easement, potentially for water. The Town would not be involved with that. It would be handled by the attorneys.

Angela Griffis inquires about the septic system.

Danielle Johnson states a new septic has been designed for an appropriate location.

Tim Stroth states that the present plan does not match the footprint.

Danielle Johnson confirms. When she was brought onto the project by the owner she was given a set of plans. She went on site and did measurements of the structure. She has since provided updated plans as a result. The layout is slightly different.

CEO, Liz Cassidy acknowledged there was not a permit for the garage. We received An application for a SUP, which is when we were made aware there was a garage there. Danielle obtained all the documentation needed to verify what we have, so we could go forward with the required permit. Inspections were performed Together with Danielle, and the contractor. Fortunately, the structure placement was compliant. If the request is not approved, we would not have appropriate mean height and would need a variance. It exceeds the 15-foot mean height.

Angela Griffis inquiries about exterior lighting.

Danielle Johnson states there is existing soffit lighting as well as additional lighting near, but not on the building.

Multiple members discuss hypothetical scenarios if property is ever split.

Doug Crow asks if anyone is comfortable making a motion.

Chris Contento makes a recommendation to the Town Board to approve the SUP application for 145 Reiter Road, for the fit-out of an existing space above the three-car garage as proposed.

Seconded by Tim Stroth

Upon a vote being taken:

Ayes-6

Noes-0

Motion carried

- b. Chairman, Doug Crow states that CEO, Liz Cassidy has found some issues her department would like us to discuss to make some changes to the Town Code. One is adding two more sentences of the reason why the building department is allowed to issue a Stop Work Order. Basically, if a project is not being built following approved plans or, if a performed inspection fails.

CEO, Liz Cassidy states although not frequently, there are circumstances when work extends beyond the parameters of the issued permit or where an inspection failed, and work continues. Her department wishes to have the ability to issue a Stop Work Order until the issues have been resolved.

Tim Stroth clarifies this is a “shall” issue, meaning “must”, as opposed to “may”.

CEO, Liz Cassidy reiterates, although not frequently, the department would like the ability to issue the order when needed.

Chairman, Doug Crow introduces the second topic, Agricultural Zoning Permits.

CEO, Liz Cassidy states in our town we have Agricultural Zoning Permits which allows the property owner who has an exemption or lives within an agricultural district and are using their property for agricultural in some way, is not required a Building Permit. They must provide that information to the Assessors office, which is how we know if property is being used agriculturally. They do not need stamped and signed plans. No inspections. They can construct a structure provided they comply with certain zoning regulations. Our code does not specifically state which properties are eligible for agricultural zoning permits. Most of the Town is zoned agricultural. Our department would like the Town Code to reflect this requirement to avoid confusion in the future. When looking at the construction of a pole barn, you are looking at \$40,000 to \$50,000. If you add stamped plans, you are looking at approximately \$2000. on that, as well as the building permit fee. The costs are adding up, in addition to the actual building cost. The issue that we’re having particularly with this code section is it does not state that Agricultural Zoning Verification Permits are only allowed with properties with approved agricultural land use is verified by exemption or is in an agricultural district.

Multiple people talking.

Chairman, Doug Crow states the agricultural exemption was designed to give a tax break to farmers and lower their taxes.

Laurie Kutina states essentially you have to give verification that you are a farmer in order to qualify these exemptions from the building code.

CEO, Liz Cassidy states that has how it has been handled historically. Our present code does not say that.

Laurie Kutina made a motion to the Town Board to approve the requested (3) changes to the Town Code as proposed

Tim Stroth seconded

Upon a vote being taken:

Ayes-6

Noes-0

Motion carried

COMMUNICATIONS: none

PUBLIC COMMENTS: A member of the public introduces himself as one of the applicant for the Planning Board Vacancy.

CORRESPONDENCE: none

Chairman, Doug Crow asks for a motion to adjourn.

Tim Stroth makes a motion to adjourn at 8:06 pm

Seconded by Norm Merriman

Upon at vote being taken:

Ayes-6

Noes-zero

Motion carried.

**THE NEXT SCHEDULED MEETING WILL BE WEDNESDAY March 5th, 2025 AT 7:00 P.M. AT THE TOWN HALL, 575 OAKWOOD AVENUE, EAST AURORA, NEW YORK**