

June 11, 2015

Mr. Donald Aubrecht – Chairman
Town of Aurora Zoning Board of Appeals
300 Glead Avenue
East Aurora, NY 14052

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TOWN OF AURORA
TOWN CLERKS OFFICE

Re: West Herr Vehicle Storage Lot – Case #1235
591 Olean Road, East Aurora
File No. 14J5-0047

Dear Chairman Aubrecht and Members of the Zoning Board of Appeals:

West Herr's pending application for a 365-car vehicle storage lot was presented to the Zoning Board of Appeals ("ZBA") during its meeting on April 16, 2015. At that meeting, the project components were discussed and questions were raised by the Board and residents that were in attendance. The discussion at that meeting was focused on the following key issues:

- 1) Project Impacts on the FEMA Flood 100-yr. flood plain.
- 2) Aesthetic impacts along Olean Road.
- 3) Application of the Towns' fencing requirement for storage yards.
- 4) Site lighting Impacts.
- 5) Loading and unloading of vehicles.

As a result of the input at the April 16th meeting, the ZBA referred the project to the Planning Board for its review and comment. We met with the Planning Board during their June 3rd meeting at which many of the same concerns were raised and discussed. In response to the questions that have been raised, we have resubmitted updated plans and reports. The following is a summary of the issues and what has been submitted to address the identified issues:

1) Project Impacts on the FEMA 100 yr. Floodplain:

Nussbaumer & Clarke, Inc. (Nussbaumer) has submitted an Engineer's Report outlining calculations that support the proposed mitigation plan for review by the Town's engineering consultants. Specifically, FEMA requires that for every cubic foot of fill placed within a 100-yr floodplain, one cubic foot of fill must be removed elsewhere within the same floodplain so that floodwaters can disperse during a storm event. We are conservatively proposing to remove more existing material than required by the relevant technical standards in order to further reduce the potential for flooding impacts. Our firm's Engineer's Report is based upon the FEMA's flood study for Town of Aurora's published in 1978. This report includes a hydraulic analysis of the Cazenovia Creek corridor adjacent to the site. The vehicle storage lot, which only encroaches into the fringe of the 100 yr. floodplain has been fully designed in accordance

with FEMA's stringent standards for the protection of properties along the floodplain corridor as well and the valuable vehicular inventory of the Applicant.

2) Aesthetic Impacts:

The Project Site is properly zoned for the proposed use pursuant to the Town's official Zoning Map. Nonetheless, we recognize that the aesthetics of the site are important to the community. As such, we have engaged a registered Landscape Architect; Frank Brzezinski to design a landscape buffer to provide screening for the vehicle storage lot. This plan is included within the submitted engineering drawings along with a street view rendering that depicts a combination of both deciduous trees and evergreens trees that would be planted for aesthetic and screening purposes. This information was presented to the Planning Board. The proposed greenspace/landscaping buffer is approximately 20 feet wide and runs the length of the vehicle storage area. The buffer is situated approximately 30 feet off the edge of the pavement in order to comply with the NYSDOT's 30-foot clear-zone requirement for 55 mile per hour roadways.

3) Fencing of Storage Lots and Requested Area Variance:

Due to aesthetic reasons and security concerns, the Applicant will be seeking a variance from the Town's complete enclosure fencing requirements for storage lots. A rendering depicting the appearance of the site with fencing along the frontage was presented to the Planning Board during its June 3rd meeting and the Planning Board concurred with the Applicant's position that the proposed landscaping is preferable to fencing around the vehicle storage area.

4) Site Lighting Impacts:

A photometric plan has been submitted to demonstrate that site lighting will not adversely impact adjacent properties. It should also be noted that the site is situated on commercially zoned property within a business district.

5) Loading & Unloading of Vehicles:

The loading and unloading of vehicles from car-carriers was a concern presented at both the Planning Board and the initial ZBA meeting. It is agreed that any unloading of vehicles should be conducted within the parking area and not along the edge of Olean Road. As such, the engineering plans have been modified to include a truck turn-around and loading/offloading area within the lot.

While this is not a sales lot, a customer may occasionally access the site to look at a vehicle. More commonly, vehicles will be brought directly to the dealership in the Village.

Additional Issues:

1) The Project Will Not Result in any Wetland Impacts:

A preliminary site wetlands investigation was performed by Earth Dimensions, Inc. earlier this month. While there are federal wetlands on a portion of the Project Site, there are not any wetlands on the portion of the Project Site to be developed. Therefore, a wetland permit will not be needed from the U.S. Army Corps of Engineers for the project.

2) Cultural Resources:

We have solicited comments from the State Historic Preservation Office (“SHPO”) because the site is within an area of the Town considered to be “archeologically sensitive” based on SHPO’s mapping. The Applicant has engaged an archeological firm per SHPO’s standards to perform a Phase 1A/1B cultural resource investigation of the portion of the Project Site to be developed. The Phase IA/IB Cultural Resource Investigation Report along with the response to be issued by SHPO based on its review of the report will be provided to the Town.

3) Proposed Donation of Portion of Project Site to the Town:

The Applicant has proposed to donate 14.5± acres of the Project Site, generally comprised of the agriculturally zoned lands that runs adjacent to the Cazenovia Creek and Major Park to the Town. This land could then be permanently preserved and available for passive recreational use by the community. The Town Board would need to approve the acceptance of the land that is being offered for donation.

4) Environmental Review Pursuant to SEQRA:

The project is a Type I action pursuant to the State Environmental Quality Review Act (“SEQRA”) due to the reduced threshold that applies to site that are contiguous to parkland. The reduced threshold per 6 NYCRR Part 617.4 is based on storage for more than 250 vehicles [storage of more than 1,000 vehicles would be the relevant Type I threshold if the Project Site was not adjacent to parkland]. Part 1 of the Long Environmental Assessment Form as prepared by our firm has been submitted.

Pursuant to SEQRA, a coordinated environmental review is required for all projects that are Type I actions. As such, the Applicant is requesting that the ZBA adopt a resolution during its upcoming meeting on July 17th to seek lead agency status and issue a lead agency solicitation letter and appropriate documentation to involved and interested agencies. This was discussed during the meeting of the Planning Board held on June 3rd.

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*Nussbaumer
& Clarke, Inc.*

Attached to this letter, please find the following documentation:

- 1) Two (2) Full size sets of engineering plans including a photometric plan and landscaping plan.
- 2) Eight (8) copies of the reduced size sets of engineering plans.
- 3) Ten (10) copies of the Landscaping Exhibit Renderings.
- 4) Two (2) copies of the Engineer's Reports including:
 - a. FEMA Mitigation Report
 - b. Stormwater Calculations
 - c. SWPPP.

The following documentation has previously been submitted to the ZBA for its consideration:

- 1) Part 1 of the Long Environmental Assessment Form.
- 2) Flood Plain Development Permit Application.
- 3) ZBA Application.
- 4) Letter of Intent.

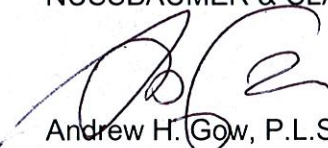
We would appreciate the opportunity to further discuss the project with the ZBA during its upcoming meeting on June 18th.

As mentioned above, the Applicant is requesting that the ZBA commence a coordinated environmental review pursuant to SEQRA at its upcoming meeting.

In the meantime, please feel to contact us with any questions. Please also feel free to contact Sean Hopkins, Esq., counsel for the Applicant, at 510-4338 or via e-mail at shopkins@hsr-legal.com with any questions.

Sincerely,

NUSSBAUMER & CLARKE, INC.



Andrew H. Gow, P.L.S.
Associate / Manager of Land Development

AG/g – Attachments

c: John Wabick, VP, West Herr Automotive Group [w/enclosures]
Sean Hopkins, Hopkins Sorgi & Romanowski PLLC [w/enclosures]



**PROPOSED STORAGE PARKING LOT
EAST AURORA, NEW YORK**

