

**TOWN OF AURORA
AMENDED SITE PLAN REVIEW APPLICATION**

Date submitted: 09/07/2022

Applicant name: The Rural Outreach Center, Inc.

Applicant Phone/Email:

Applicant address: 730 Olean Road, East Aurora, NY 14052

Property owner: The Rural Outreach Center, Inc.

Owner's address 730 Olean Road, East Aurora, NY 14052

Property address: 730 Olean Road, East Aurora, NY 14052

SBL # (s) _____

Prior owner _____

Is site adjacent to or within 500 feet of an 'R' District? Yes.

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Proposed Project: 9,740 sf Building and 4, 500 sf Accessory Building

Commercial: Yes Multi family: _____ Number of dwelling units _____

Zone: R-3 Total property Acreage: 7.55 Acreage covered by bldg: .33

Square footage of building: 14,240 Cubic footage of building: _____

Aggregate square footage of other buildings on property: _____

Fees, based on number of improved acres*

**Additional professional services, including but not limited to traffic study and SEQRA review, utilized by the Town during the review process shall be borne by the applicant*

0-1 Acres: \$250 1.01-5 Acres: \$500 5.01-10 Acres: \$1,000 >10 Acres: \$1,500

Fee: \$ _____

Receipt: # _____

Received by

_____ Town
Clerk/Deputy Clerk

SEQR action: _____ Type I (Long EAF) _____ Type II (Long EAF) X Unlisted (Short EAF)

STATEMENT IN SUPPORT OF AMENDED SITE PLAN

The proposed revisions to the site plan are meant to adjust the landscaping and fencing to accommodate conditions at the site and the practicality of installation. The revisions chiefly relate to the southern property line of applicant's property.

The first revision relates to the split rail fence that was originally proposed to commence on the southwest corner of the property and was to run along the southern border up to the westerly most (front) line of the building. The property grade and the location of the driveway make it more feasible to begin the split rail fence north of the property line, instead of at the exact southwest corner of the property. Additionally, there is a line of 12 tall, mature evergreens on the southern property line that extend approximately 70 feet from the front line of the building east towards the rear of the property. In order to install fencing as in the original site plan, removal of the trees would be required. It is proposed that the split rail fence terminate at the western edge of the line of trees and that the trees be conserved, rather than removed. The trees are a sufficient barrier, both physically and visually, where they now stand.

The second revision relates to the wood board privacy fence along the south property line that originally was meant to start at the end of the split rail fence and continue approximately 600 feet to the east line of the property. However, the property that extends along the southern boundary and easterly from the eastern edge of the parking lot is populated by thick brush and assorted mature hardwoods and evergreens. It is not easily passable by human beings and left undisturbed, acts to shield any line of sight from the easternmost property of the neighbor to the south to the applicant's building and parking lot. Additionally, the weight and wind load of the privacy fence requires that the fence posts be set in three foot holes with concrete. Installation of such a fence would require the removal of a 8 to 10 foot wide lane of the brush and trees along the southern boundary to allow for the movement of the equipment necessary for the installation. This would not only be an unnecessary expense, but would also do nothing to add to the privacy already provided by the trees and brush that currently exist. The revised site plan therefore provides for the privacy fence to begin at the end of the line of trees previously referred to and terminate at the eastern edge of the parking lot. Since a split rail fence is comparatively easy to install and would not require removal of brush and trees or the movement of equipment, such a fence could be erected starting at the

termination point of the privacy fence and run out to the eastern edge of the property, as shown on the revised site plan drawings. It should be noted however, that the fence would be generally not visible from either the northern or southern side of the property line since the trees and brush in that area would obscure it, so it is not clear what purpose the fence would serve.

Finally, the third revision is to delete the requirement that up to 40 trees be planned for placement along the property lines in accordance with the direction of the Town Board. It was contemplated that many of those trees were to be planted on the neighboring property to the south. With the building's placement and the parking lot location now apparent and with the fencing now proposed, it is clear that the residences of the neighbors on both sides are visually and physically shielded from the occupied areas of the property. Moreover, the planting of trees on neighbors' properties is not practical. The ROC has no easement on the properties, or even a license from the neighbors to enter their properties. It is unclear who would own the trees to be planted off the applicant's site. There are no agreements in place regarding insurance, the responsibility for maintenance of the plantings, or the liability for failure to maintain the trees in the event of property damage or personal injury. There would also be the potential for the neighbor to lose title to the property where such plantings were made under the doctrine of adverse possession.

Based upon the foregoing, it is respectfully requested that the Town Board approve the revised site plan.

Dated: September 7, 2022

THE RURAL OUTREACH CENTER, INC.
OWNER, APPLICANT

By: _____

Frank Cerny, Executive Director