

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

June 5, 2019

Members Present: Donald Owens, Chairman
David Librock
Douglas Crow

Alternate Member: Alice Brown

Absent/ Excused: Laurie Kutina
Timothy Bailey
Norm Merriman
Jerry Thompson
Richard Glover

Also Present: Greg Keyser, GHD
Elizabeth Cassidy, Assistant Code Enforcement Officer
1 member of the public

Chairman Don Owens presided over the meeting which began at 7:00 p.m. at the Town Hall, 300 Gleed Avenue, East Aurora, NY. He led the recitation of the Pledge of Allegiance to the Flag.

Douglas Crow made a motion to accept the minutes of the May 1, 2019 meeting. Seconded by Dave Librock. Motion carried.

Alice Brown made a motion to accept the minutes of the special/informal meeting held on April 23, 2019. Seconded by Don Owens. Motion carried.

PUBLIC COMMENTS: None

Don Owens states that Alice Brown will be a voting member this evening.

NEW BUSINESS:

Referral from Town Board for an Open Development Area Application for 840 Quaker Rd. as presented by Mark Katilus, owner.

Don Owens begins by discussing the property that is an interesting site close to the creek and asks if the applicant is here.

The applicant is not in attendance.

Don Owens asks if everyone has been out to the site?

Doug Crow states that the applicants SEQR states that the acreage is 2.43 but according to the Erie County GIS map it's just barely over 2 acres (2.0209). Per GIS, this includes the ROW.

Don Owens states there is a large amount of fill on the property and questions whether the culvert that goes across the drainage way was engineered a specific way?

Dave Librock states that during conversation with Norm Merriman, who looked at the culvert, was good pipe (36" HDPE).

Dave Librock notes that he has some questions for the property owner. This property was clearly unbuildable at the time of purchase; are we opening up the door for anyone to purchase an unbuildable piece of land, fill it full and call it buildable? My question would be to the applicant, did you buy this piece of land as a business proposition to fill it and build a house in there?

Doug Crow states that Mr. Katilus purchased the property in May 2009, then the property was transferred to Elmbrook Development, Inc in 2014, which I believe is a controlled entity of his because he is applying right now. So he's owned it for a long time, in the current shape, as a flag lot of 2 acres.

Dave Librock expresses his concern because every available spot could become a building lot and in my opinion that was part of the reason for having the ODA code.

Doug Crow believes the appropriate use for this property is to sell it to the people who own the property in front of it and turn it into a 2 ½ acre lot, which is the best use for this property.

Greg Keyser asks how long the fill has been in place/when was it brought in?

Liz Cassidy states that it's been filled for at least six years, since she has been at the Building Department.

Dave Librock states that there's got to be at least 15 feet of fill. He also feels that it's presumptuous to put a "for sale" sign on the property without it being a legal lot/having approval.

Liz Cassidy states that she spoke with the realtor and told them that it was not a legal buildable lot and that it does require approval.

Dave Librock reads the sales pitch on the property from the property listing. Dave also states that he personally has an issue with something that's put up for sale when there are no approvals yet. I think this would open up a can of worms because there are so many spots where a buildable lot could then be made in Town.

Doug Crow reiterates the reason for the 3 acre requirement in the ODA guidelines is so that you don't have a ton of small, tight together flag lots all over the place.

Dave Librock states that this lot also will not meet the front yard setback requirements for the ODA lot.

Liz Cassidy states that's correct, they need the lot area variance for the flag portion of the lot because it's less than 3 acres, but they will also need the front yard setback because it's almost 200' from the front property line to the top of the bank. I also think it's going to be difficult for them to get the 20' width for the driveway at the road. I measured from the widest point where the fence begins and it's about 12' there, then narrows right up to the road, because the guardrail is there because of the culvert that's at the road.

Don Owens states that there are a lot of deficiencies on this project.

Doug Crow indicates that we're focused on safety and privacy. The 200' setback is a huge issue, I think, to the neighbor. That person could reasonably expect someone not to build back there, anything that's not consistent with the current code. There could be a public hearing, but there are still a lot of issues.

Greg Keyser indicates that nothing is known about the type of fill there is as well.

Agreement by the board members that there is so much fill and nothing is known about it.

Liz Cassidy indicates that if it were to be built on, part of the requirements would be a full soil bore/test. So if they were to move forward with this, that would be a requirement as part of the building permit.

Dave Librock states that he does not see this as any hardship and wishes the owner was present to explain, it's completely different than any of the ODA's that we've dealt with.

Douglas Crow moved to recommend that the Town Board does not approve the ODA application for 840 Quaker Rd. SBL: 174.08-1-3 because of the multiple variances that would be required (setback, lot size and possible distance to the driveway) and concerns about the amount and type of fill on the property.

Seconded by David Librock.

Upon a vote being taken:

ayes – four

noes – none

Motion Carried.

PUBLIC COMMENTS:

Toni Rosati discusses/inquires about the possibility of solar development throughout the 20A corridor.

Discussion about solar (agricultural districts, high quality farm land, secondary use, proximity to transmission connection) and zoning by the board members.

CORRESPONDENCE:

Jen Calkins states that the July meeting will be held on July 10th instead of July 3rd.

Don Owens indicates that he will not be at the July 10th meeting due to ankle surgery.

A motion was made by Dave Librock and seconded by Doug Crow to adjourn at 7:28 PM.

THE NEXT SCHEDULED MEETING WILL BE WEDNESDAY JULY 10th, 2019 AT 7:00 P.M. AT THE TOWN HALL, 300 GLEED AVENUE, EAST AURORA, NEW YORK