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

MAY 3, 2017

Members Present:	Donald Owens, Chairman Timothy Bailey Douglas Crow Laurie Kutina David Librock Norm Merriman William Voss
Alternate Member:	Richard Glover Jerry Thompson
Absent/ Excused:	
Also Present:	David Gunner, Highway Superintendent Ron Knuth, resident

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

David Librock made a motion to accept the minutes of the April 5, 2017. The motion was seconded by Norm Merriman. Motion carried.

New Business:
Brief discussion regarding jams along East Branch of Cazenovia Creek – followed by a site visit to areas of concern.

Don Owens discussed the landscape and topography of the town. He noted that in the north part of town the drainage ways are relatively short and not deeply dissected, and there is underlying topography. South of 20A is the Allegany plateau with u-shaped valleys and broad ridges. The topography is particularly steep on the side slopes. The two valleys in town are occupied by the East and West branches of the Cazenovia Creek. Deep gorges are present and tend to run parallel. Don Owens noted that the section of the East Branch of the Cazenovia Creek that runs through town is challenging because it is steeper to the south in Holland but then flattens out in the town. Water comes down quickly from the south and then slows down north of Blakeley.

He further noted that when it slows down, it drops it bedload and siltation. It has been this way for the last 12,000 years and it's not going to change. And whatever you do it will be a temporary fix. The next storm may take down a tree or branches that cause another blockage and the channel will seek a new course. The sediments in that part of the stream are mostly silt with very little stones, so when water changes course, it can carve a new channel way instantly. It will continue in this new channel until another blockage occurs. Don asked Mr. Knuth to share his concerns.

Ron Knuth, 2268 Blakeley Rd is his business property which he purchased in 1981. He stated there were no problems with flooding until the Blakeley Rd bridge was built. All the debris that wasn't secured began heading downstream causing blockages. A big concern is the restrictor behind the Legion, which is now filled to the top. He noted no one will acknowledge ownership of the restrictor.

Doug Crow asked if it has been cleaned out, because the one near him in West Falls has been cleaned out at least twice since he has lived there.

Mr. Knuth noted that the Army Corps of Engineers can't find records for this. It was put in in 1960 to slow erosion downstream. The creek was diverted north of Blakeley Road bridge to north of the 400 bridge and NYS DOT has responsibility for the creek in that location, including part on his property. The DOT cleans out debris and makes sure the rip-rap is ok. He noted they have been very good about maintenance. He expressed concern about new construction in the area and the new parking lot on Olean Rd. Blockages along the creek haven't been removed in a very long time.

Dick Glover mentioned that he used to own the property at the end of Sweet Rd and was told not to clean it out because the regulatory agencies would come down hard.

Mr. Knuth stated that the Army Corps will issue a permit for cleanout; they just want to know what is being done.

David Gunner stated that the Army Corps and the DEC do manage the creek. He noted that they received their permits on Monday and the Town is allowed through June 2018 to remove debris from the creek. He confirmed that it is possible to get a permit; it is just that you have to go through the process.

Bill Voss asked where the Town is allowed to remove debris.

David Gunner noted that the permit is for Town property, Major's Park just north of the Sweet Road bridge. He further noted that the permit is to clear debris from the creek which will be left on the side of the creek. He also stated that the Town still owns the bridge at the end of Sweet Road, but not any property before or after the bridge, that was deeded to residents. David

expressed his appreciation for the Planning Board inviting Mr. Knuth to speak about the issues. He further indicated that the Town Highway has no jurisdiction over the creek and as a result it has to go through the Town processes for money to clean it out. If it was a threat to a town road, the Town would have legal authority to take action.

Tim Bailey asked who has the responsibility to act when there is an issue with the creek.

David Gunner indicated that it is the property owner.
Bill Voss noted that there are government agencies that will take legal action, however, if an owner does take action.

Doug Crow noted that the Town has permits and now the Town has the authority, if it wants to, to clear out the debris. He asked if this would include dredging above the dam at the Legion.

David Gunner stated no. Work will only be done on Town property at Major's Park. He mentioned that the largest dam is located behind the West Herr property.

Doug Crow asked if there has been blockage at the Sweet Rd bridge.

David Gunner noted that at this time there isn't a blockage there but in the past there have been issues there.

Dick Glover stated that ever year there would be a blockage in a different area depending on the weather condition in the spring. Very often his field at the end of Sweet Rd flooded, the shallow creek eroded, and trees ended up in the creek.

David Gunner suggested a solution would be to remove the dam at the Legion and that would clean up the creek from the silt.

Don Owens noted that most of the debris and sediment is gone before you get to the dam.

Doug Crow asked if removal of the dam would increase water flow rate.

Don Owens indicated that it wouldn't increase too much.

Dick Glover mentioned that if you increase water flow, erosion increases, and there will be more debris.

Jerry Thompson noted that what people may not realize is how much that area has changed. He recalled that when he was a kid, the area behind what is now Masterson's was always flooded in spring and fall. Same thing with the area that is now the West Herr parking lot and Mr. Knuth's property before the 400 was built. He further mentioned that this will never be cleared up.

Dave Librock asked about the location of the major blockage.

David Gunner stated that it is a little south of the iron bridge in Major's Park.

Dave Librock asked if an excavator can get in there to clean it out.

David Gunner confirmed that he can get an excavator in there to clean it out.

Dave Librock restated that it is now up to the Town to spend the money to have it cleared out.

David Gunner asked if the Planning Board would be taking a drive to look at the blockage.
Mr. Knuth asked that if there is anything that the Planning Board can do to get the dam behind the Legion looked at and cleaned. He expressed concern over the impact.

Jerry Thompson noted that the municipality has to put the Army Corps and the DEC on notice, in writing, about the concerns about the dam.

David Gunner suggested that the Planning Board may want to suggest something like that be done. He suggested getting a letter from both the Town and Village.

A motion was made by Bill Voss and seconded by Doug Crow to adjourn at 7:31PM.

THE NEXT SCHEDULED MEETING WILL BE WEDNESDAY June 7, 2017 AT 7:00 P.M. AT THE TOWN HALL, 300 GLEED AVENUE, EAST AURORA, NEW YORK