

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

August 7, 2019

Members Present: Norm Merriman
Timothy Bailey
Douglas Crow
David Libroch
Jerry Thompson

Alternate Member: Alice Brown

Absent/ Excused: Donald Owens, Chairman
Richard Glover
Laurie Kutina

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

Chairman Don Owens has appointed Norm Merriman to temporarily preside over tonight's meeting which began at 7:00 p.m. at the Town Hall, 300 Gleed Avenue, East Aurora, NY. Jerry Thompson led the recitation of the Pledge of Allegiance to the Flag.

Norm Merriman states that Alice Brown will be a voting member for tonight's meeting.

Doug Crow made a motion to accept the minutes, of the July 10th, 2019 meeting. Seconded by Jerry Thompson. Motion carried.

PUBLIC COMMENTS: None

OLD BUSINESS:

Referral from Town Board for a Special Use Permit request at 12 Old Glenwood Rd., as presented by Natalka Prytula, business owner and John Lyden, architect.

Mr. Lyden begins presentation regarding site plan and parking layout. Building size is not increasing therefore occupancy load will stay the same for the operation of the new business. Within the property lines we are showing 17 stalls total at a size of 9' x 19'. Intend to keep the existing entrance to the parking lot and have 2 handicap parking stalls with the proper access

area and with proper signage. One inaccuracy on the current drawing is the location of the existing septic tank. We're being told it's actually located on the North side of the building (approximately by the current porch).

Doug Crow asks for clarification regarding the septic location.

Ms. Prytula states that she was told the septic was in the area shown on the drawing based on the location of the leech field pipe. I was also told that the septic was not on the property. So I contacted an engineer and they are working on the septic.

Mr. Lyden states that since we now know where the septic location is, it's safe to say that 2 of the parking spaces near the septic will be moved to where the septic location on the drawing is shown. The existing 17 stalls will stay at 17 moving forward, once we get the exact leech field location from the engineer. One thing that we are all aware of is the existing Department of Transportation property and the existing gentleman's agreement with the DOT that Nataalka has been in contact (for use of DOT property for parking) about, will continue per Nataalka's conversation with the DOT directly. With that area of the DOT property cleared out, 13 additional parking spaces can be added, providing 30 stalls total. So to summarize, stone parking lot, new striping, handicap parking, signage, up to 30 stalls (which layout may change based on septic location/engineer's finding/Erie County approval).

Ms. Prytula states that Erie County is asking for additional documentation (from an engineer) regarding the existing septic system because they do not have any documentation on it.

Doug Crow states that it's not unusual for the County to ask for that information once a business has closed. If the business had stayed open during the property transfer, they tend to just grandfather that in. But since this business closed and now you (Ms. Prytula) are purchasing the property, they will ask for that information.

Jerry Thompson asks if the existing septic has been tested yet?

Ms. Prytula answers no, but I am in the process of getting the engineer going with that. The building has been occupied the whole time and everything seems to be working correctly. But it needs to be official. The County's concern is that the septic is equipped to handle the capacity and is in the proper working order.

Norm Merriman asks if the parking lot is stone? So you probably won't be striping the parking spaces?

Mr. Lyden answers that it is stone currently but Ms. Prytula will stripe the spaces if it's required.

Dave Librock asks if Ms. Prytula has received the letter from the County (shows the letter from the County in regards to the septic system)?

Ms. Prytula answers, yes.

Dave Libroch reads a portion the letter from the County, which states that an engineer needs to prepare plans for a new septic system in order to operate the restaurant.

Ms. Prytula states that per conversations with the person who sent that, the letter was sent because they have no records of a septic system at that property and they told me to get an engineer to look at it (the existing system), etc. and that's what I am in the process of doing now. She told me that if it's to capacity and working properly, that's fine but I have to get an engineer to confirm all of that. They just have no record of anything.

Ms. Prytula reiterates that she will be on location every day.

Norm Merriman asks do you own this (property) now?

Ms. Prytula states I am in the process of purchasing it.

Norm Merriman states that part of that process is the County will have to inspect the existing septic.

Discussion by Board members regarding the inspection test (dye test) that the County will perform.

Dave Libroch states I know the Town Board will ask this, but do you have anything in writing regarding this gentleman's/handshake agreement (for parking on DOT property)?

Ms. Prytula answers that is what I am working on right now. I've talked to several people, I got transferred several times and got ahold of the woman in charge of Southern Erie area. She stated that it's been a gentleman's agreement for several years, and it will be the same for you. I told her that I'd like something more concrete, so I can show it to whoever asks for it, so there's no more question or tracking people down for the information. I'm waiting for a call back from them.

Doug Crow states that if you let someone use your land for parking and you don't kick them off for one full business day each year, they get a permanent right to access and use your parking lot forever. Even though you most likely have that common law right at this point, I am sure the Town is going to want to see something in writing, even if it's just an email.

Ms. Prytula states that I am working on that right now, and am requesting a letter for the agreement.

Mr. Lyden asks if the next step is the Town Board?

Doug Crow answers that this will go back to the Town Board, they are the decision maker, we were just asked for our recommendations. What things do we think they should consider when reviewing the application.

Mr. Lyden asks if they will also need to present to the Town Board?

Several board members answer that yes, they will want to be prepared to do that (present the site plan).

Alice Brown asks about the parking spaces that are adjacent to the porch because it's a sloped area.

Ms. Prytula answers that the area is grass, about 6' between the spaces and the porch. The porch is also up higher than the parking lot.

Doug Crow asks if the number of 30 parking spaces is based on the occupancy of the building and it up to code?

Ms. Prytula states that yes it is. Also, there were members of the Town Board that were concerned with parking, so we wanted to make sure we had enough spaces to avoid what has happened in the past (parking on the street and neighbor's lawns). I can keep saying over and over that I won't allow that to happen but I have to show you (and the Town Board) that I have a plan.

Doug Crow states that at the last meeting we talked about the possibility of recommending that the Town consider putting some type of "no parking" signs on the other side of the street. If the Town does it, then it's enforceable by the police.

Jerry Thompson mentions that there was one neighbor (Renee Ronan) at the last Planning Board meeting that spoke very highly of you and stated that you were communicating very well with her regarding her concerns.

Ms. Prytula states that I am trying to be very open and part of the community. I just want to have a place that is very much a part of the community and serve good food. Like I said, I plan to be there every day. It has to be successful and I am the key to that.

Ms. Ronan (13 Old Glenwood) asks about possible screening on the porch (for privacy when we are in our yard, based on past bar behavior)?

Ms. Prytula reiterates that poor behavior will not be tolerated at her business and that's up to me to enforce that. I bartended for a very long time and if you establish how things are going to be right from the get-go, nobody is going to question that. But, again, I can think about some screening, etc.

Dave Librock states that I was a police officer through a few of the owners of this bar and you get what you offer. Like you said, you have to set the tone for the place. There's been a bar

there forever, but it's what kind of place you want to run. From a police standpoint, that's what they'll look at. Occasionally you may have some parking issues here and there and you deal with them, but in general, if you run a nice place and you're there every day, you shouldn't have any problems.

Ms. Prytula states that's my goal, I don't have a problem being around and available even to the neighbors. I have to show everyone that I will be there, be present and a respectable owner.

Doug Crow moved to recommend the Town Board approve the Special Use Permit, presented by Natalka Prytula (business owner) at 12 Old Glenwood Rd. SBL: 199.01-1-18, with the following conditions:

1. Natalka provide written agreement from the DOT for use of DOT land for parking.
2. After existing septic system is reviewed by an engineer and approved/inspected by Erie County.
3. Town provide "no parking" signs across the street from the business, on Old Glenwood Rd. for safety purposes.

Seconded by Jerry Thompson.

Upon a vote being taken:

ayes – five

noes – none

Motion Carried.

CORRESPONDENCE: None

A motion was made by Dave Librock and seconded by Jerry Thompson to adjourn at 7:32PM.

**THE NEXT SCHEDULED MEETING WILL BE WEDNESDAY SEPTEMBER 4TH, 2019
AT 7:00 P.M. AT THE TOWN HALL, 300 GLEED AVENUE, EAST AURORA, NEW
YORK**