

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

February 10th, 2021

Members Present: Donald Owens, Chairman
David Librock
Jerry Thompson
Norm Merriman
Douglas Crow

Alternate Member: Alice Brown
Richard Glover

Absent/ Excused: Laurie Kutina
Timothy Bailey

Also Present: Elizabeth Cassidy, Assistant Code Enforcement Officer
Luke Wochensky, Town Board Member

This meeting was rescheduled from February 3, 2021.

Chairman Don Owens presided over the virtual meeting which began at 7:00 p.m via Zoom. He led the recitation of the Pledge of Allegiance to the Flag.

Chairman Don Owens stated that Richard Glover would be a voting member for the meeting.

Donald Owens made a motion to accept the minutes of the December 2, 2020 meeting. Seconded by Doug Crow. Motion carried.

**Upon a vote being taken:
ayes – five noes – none Motion Carried.**

PUBLIC COMMENTS: None

NEW BUSINESS:

Referral from Town Board for review and recommendation of an ODA application for 1211 Jewett Holmwood Rd. as presented by Thomas Stynes.

Don Owens begins by stating that Jerry Thompson has some comments regarding this application.

Jerry Thompson discusses his comments and concerns regarding the application. He states that the Town has the right to issue a variance on an ODA and this lot requires a variance for lot width. The variance would be 20+ feet and in his opinion is if the Town grants the variance for the ODA lot, it will establish a precedent for lots that follow to not meet the ODA requirements. This proposed lot does have the acreage requirement and does have the road frontage requirement but does not meet the lot width requirement (200')

Don Owens states that is a good point and asks if anyone else has any comments.

Doug Crow states in that area the lots are very deep and he understands the desire to try to make use out of a lot that deep. His concern is that area of the road (Jewett Holmwood) is getting very dense and he has safety concerns. If this ODA gets approved, then how can any future ODA lots in this area not be approved in a similar situation. Any extra driveways in that stretch of road will be too many access driveways, too dense for that stretch of road. The density is a concern, not the topography of the road.

Jerry Thompson states that variances are meant to be used for certain circumstances. This is an ODA request because the house happens to be situated on one side of the lot therefore it gives you the 60' of road frontage to create another lot. This is a self-created situation; it's not a situation that can't be dealt with any other way. The investor bought the property, with the house that was burned out (garage/house fire 2020) to rehab the property and could see he could (potentially) get another house put on it, so it's self-created.

Mr. Stynes (applicant) begins by stating that they didn't create the lot. Mr. Stynes is not claiming any hardship or seeking relief from a hardship. They knew the property prior to purchase but do not agree that this was self-created. He is looking for recommendation and guidance from the Planning Board prior to moving forward with spending money to fix the drainage on the property.

Jerry Thompson clarifies that by self-created he meant that the lot is currently a single lot with a single house on it and what he is proposing is creating a situation that will require the variance.

Richard Glover agrees with Jerry Thompson that this lot doesn't meet the requirements that were set in the ODA portion of the Town Code.

Norm Merriman states that he looked at the lot last week and he agrees with Dick Glover that there was a lot of time spent on figuring out the ODA requirements and this lot falls short of that. The property to the East there is also an ODA at that location but he is not sure if that is legal under the present-day rules.

Jerry Thompson explains that one of the reasons the ODA was created as it is today was because there was concern about the number of flag lots that were added with little road frontage so the ordinance was created with the 60' of road frontage, 200' width and the 3 acre requirements.

Doug Crow clarifies that the current ODA structure was changed/added in 2017 with the zoning code change.

The Planning Board made no recommendation directly in regards to the overall approval of the ODA application at 1211 Jewett Holmwood Rd. They made the following recommendation regarding the lot width variance that would be required:

Richard Glover moved to recommend that the Town Board do not grant a variance for lot width for the ODA application at 1211 Jewett Holmwood Rd.

Seconded by Jerry Thompson.

Upon a vote being taken:

ayes – five

noes – none

Motion Carried.

Referral from Town Board for review and recommendation for rezoning request at V/L Davis Rd (SBL 199.01-2-25) as presented by Gary (Jake) Dellaneve.

Don Owens begins by asking if anyone has been to the site.

Dave Librock responds that he has been to the site.

Gary (Jake) Dellaneve begins by discussing his intentions for the property. He does not currently own the property but is looking into purchasing it to have a storage facility for his business vehicles. He would like to have a pole barn on the property for that purpose. It would be solely for storage of work vehicles.

Dick Glover asks what the current zoning district is.

Don Owens responds it is currently zoned as R2.

Mr. Dellaneve discusses the properties in the area, stating that there are some commercial/business properties within a mile or so of this property.

Dick Glover brings up the residential zoning around this property.

Jerry Thompson mentions that the majority of the surrounding properties are R2 and re-zoning this property would be spot zoning. Usually the Town does not like to spot zone. There was also a comment by the Town engineer (GHD) that the property is also an inadequate size for the requested Business zoning district.

Mr. Dellaneve states that it is grandfathered as a building lot because it is a legal non-conforming lot. He can fit what he wants on there with less than the required width.

Discussion regarding the current zoning requirements.

Doug Crow states that yes, there are several businesses in that area but are within the designated business districts except for a couple (the gun shop and repair shop) but when you look at the residential district surrounding this property, those businesses were grandfathered in because they existed before the zoning code update (2017). The reason for the zoning was because the Town wanted to encourage residential use in that area and encourage businesses to be located in the business districts. Most people don't like to be located right next to a business. His other concern is that it is a small lot. The problem is your structures will be very close to the neighbors and that could be a negative impact to those neighbors. So that is a concern. The character of that little stretch of road would be changed. Perhaps you can have this closer to your existing property where you operate your business.

Discussion by the board and Mr. Dellaneve regarding the property across the street (at the North East corner of Davis and Tannery).

Doug Crow reiterates that he would like to see Mr. Dellaneve have this storage/use for his businesses closer to his existing location or in one of the already-designated business districts.

Further discussion by the board regarding the concentrated areas of Business districts where businesses would be encouraged.

Jerry Thompson reiterates that the lot is an inadequate size for a B1 zoning district.

Liz Cassidy confirms that the property would need both a lot width and area variance if it were to be a Business zoned property.

Discussion regarding lots that are grandfathered in to the zoning change and details on what is and what is not grandfathered in. Also further discussion regarding setback requirements on residential lots.

Jerry Thompson moved to recommend that the Town Board does not approve the rezoning request at Davis Rd. SBL 199.01-2-25 because it would be considered spot zoning and the lot size is inadequate for the requested B1 rezone.

Seconded by Douglas Crow.

Upon a vote being taken:

ayes – five

noes – none

Motion Carried.

OLD BUSINESS: None

PUBLIC COMMENTS: None

CORRESPONDENCE: None

Brief discussion about meeting in person for the next meeting. Agreement to meet in person next time.

A motion was made by Norm Merriman and seconded by Jerry Thompson to adjourn at 7:39 pm.

THE NEXT SCHEDULED MEETING WILL BE WEDNESDAY APRIL 7TH, 2021 AT 7:00 P.M. AT THE TOWN HALL, 575 OAKWOOD AVENUE, EAST AURORA, NEW YORK