

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

August 6, 2014

Members Present: Donald Owens, Chairman  
William Adams  
Timothy Bailey  
Laurie Kutina  
Norm Merriman  
William Voss

Alternate Member: Douglas Crow  
David Majka

Absent/ Excused:

Also Present: Greg Keyser, CRA  
William Kramer, Assistant Building Inspector

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 Adams led the recitation of the Pledge of Allegiance to the Flag.

**William Adams made a motion to accept the minutes, as amended, of the July 2, 2014. The motion was seconded by William Voss. Motion carried.**

OLD Business:

Don Owens discussed the special meeting with the Erie County Environmental Management Council. The Reading Road ditch reconfiguration project was well received. There were many great questions, suggestions and positive feedback. The ditches have been seeded and it has been determined that in some areas matting may be needed to help with stabilization.

Doug Crow asked if there is a financial consideration in regards to the matting.

Don Owens stated that the cost would come out of the Highway Department budget, but he is unaware of what that cost would be.

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Norm Merriman stated that it is about \$40/bale. There is single and double layered matting and the single layer matting biodegrades more quickly.

Don Owens indicated that it may be beneficial to go through the EC Environmental Management Council to see if other towns are interested in this matting and then possibly getting a discount based on volume of purchases.

Bill Voss asked who is presenting this project to the Town Board in respect to continuing with the ditch reconfiguration elsewhere in the Town.

Don Owens indicated Supervisor Bach and Councilman Snyder were in attendance of the special meeting. Don mentioned that David Gunner would discuss future ditch projects with the Town Board and that Don would also attend the meetings.

Don Owens thanked David Gunner, Liz Deveso and Liz Cassidy for organizing the event. He also thanked Bill Adams, Chuck Snyder and Jim Bach for their support.

NEW Business:

Emery Road Two Lot ODA referral from the Town Board. Andrew (Andy) Romanowski appeared as owner/developer representative.

Don Owens mentioned that he had requested all planning board members visit the site. He discussed the soils, topography and watershed.

Mr. Romanowski is proposing a 2 lot ODA for the purpose of constructing two single family homes. The total lot is just less than 11.25 acres and the two proposed lots would be approx. 5.08 and 6.15 acres. Public water, gas and electric are available at the site and septic systems for each residence will be required. There are no NYS registered wetlands on the site. There is a small area of Federal wetlands around the pond, but that area will be well away from the proposed disturbed areas. At the Town Board meeting in July, the plan submitted was for a shared driveway. After discussion at that meeting, he was encouraged to change the plan to two driveways. He is open to Planning Board input on this. He intends on constructing the driveway on the westerly lot first. He has a purchaser for that lot at this time. In the future, if a shared driveway was preferred, he would return to the Planning Board and propose a shared driveway, provided there is a shared access agreement that is acceptable.

Doug Crow indicated he likes the shared driveway with easement agreement. He expressed his concern that the shared portion of the driveway is not located solely on one property.

Mr. Romanowski indicated that his intent is to build the driveway on the westerly lot as shown on the drawing. In the future, if a buyer for the easterly lot is found, and he can get the two owners to agree, he would come back to the Planning Board with a proposed shared driveway agreement for approval.

Bill Voss indicated that he would prefer two separate driveways.

Laurie Kutina asked for clarification of access width of an ODA for more than one house.

Don Owens indicated that it is 50' access to the road with 20' hard pan surface driveway.

Tim Bailey asked about the road frontage.

Mr. Romanowski indicated that the lot has 134' of frontage. He is proposing 60' of frontage on the westerly lot and 74' on the easterly lot.

Tim Bailey asked for clarification of minimum road frontage and about the owner of the lot.

Bill Kramer stated that the minimum frontage is 125' for a buildable lot.

Don Owens stated that this is why the proposal is an ODA.

Mr. Romanowski indicated that he has owned the lot since 2010.

Norm Merriman asked for clarification of driveway width for the two driveways.

Don Owens indicated that both driveways have to be 20' wide.

Don Owens stated that he would prefer a shared driveway from the road because of the location. The property is located up on top of a hill and it is somewhat blinded when traveling west on Emery from Center St. From a safety standpoint it is better to have one driveway.

Laurie Kutina mentioned that with the two driveways, there will be a lot of impervious surface and runoff will need to be considered.

Bill Voss asked about the length of the driveway.

Mr. Romanowski indicated that it is roughly 640' long.

Bill Voss asked for clarification on the length of the driveway and the width.

Bill Kramer indicated that on the Appendix D it does say that with a driveway 501-750' long the width should be 26'.

Mr. Romanowski asked if that is the distance from the public right of way or the total length of the driveway.

Bill Kramer stated that it is the total length of the driveway.

Don Owens asked that if there a shared portion off of Emery, would the distance start from the split.

Bill Kramer indicated that the where the driveway exceeds 500' long, the width should be 26', according to Appendix D. He stated that it is his impression that when the ODA code was drafted, Appendix D was used for the schedule of turnouts, cul-de-sacs and hammerheads. It is his opinion that it was not intended to require the 26' driveway width. Appendix D is for commercial uses, but it is his opinion that it was used in the ODA code for turnarounds.

Bill Adams asked if the cul-de-sac is adequate for fire equipment.

Bill Kramer stated that the cul-de-sac is adequate. There would be a requirement for a pass by on both of those driveways. Both Chief LeBlanc of the EAFD and Chief McClure of the South Wales Fire Company recommend a hydrant at each property. The closest hydrant on Emery Road is located a couple of hundred feet down the road. They recommend either hydrants or sprinklers in the homes.

Doug Crow questioned two hydrants instead of one.

Bill Kramer indicated there is question of the legality of the use of a hydrant on someone else's property.

Bill Voss indicated that to put in a hydrant you need a large line.

Bill Kramer stated that an 8" line is required for a hydrant.

Mr. Romanowski stated that this is more than what state code requires and he believes he is well within the distance from the public ROW that does not require a sprinkler/hydrant.

Bill Kramer indicated he would have to verify the state code, but that this is the Town approval process and what the Town recommends. It is up to the Planning Board and Town Board to decide.

Doug Crow stated that if we require a hydrant, the driveway then needs to be 26' as per Appendix D.

Bill Voss stated that there is nothing in the code that requires a hydrant. He further stated that this recommendation should be discussed with the client, as it may affect the ability to fight a fire.

Norm Merriman indicated that two driveways 20+ feet wide will result in a third of the area being a hard surface. He stated concerns with this arrangement as opposed to a shared driveway with an agreement.

Don Owens stated that runoff and snow removal are of concern with the two driveways.

Mr. Romanowski indicated that he would need a shared driveway agreement to be reviewed. He further stated that the Town Board encouraged him to change to two driveways. He indicated that he is planning on a stone driveway, but he can't guarantee future homeowner's plans.

Bill Adams asked if there are any drainage ditches on the property.

Mr. Romanowski stated that along the back of the property there is a good size swale at the back of the property and on the easterly lot, there is no problem drainage because it slopes down towards the ravine.

Don Owens mentioned that the road access is near the crest of the hill.

Norm Merriman expressed concern with safety at road access. During a site visit, he drove on property. When exiting onto Emery Rd he had difficulty seeing a motorcyclist coming from the east because of a knoll. Decreased visibility and confusion with two driveways could be a safety hazard. A single driveway would maximize safety at the road.

Mr. Romanowski stated that arguments can be made for either driveway scenario and he is open to either one. He further stated that from a practical, safety point of view, if two neighbors are coming down the 500' driveway at the same time, by the time they make it to the road, they will have worked out who goes first.

Bill Adams indicated that Erie County could put up a sign indicating that there is a driveway.

Laurie Kutina mentioned that a friend of hers who lives on Emery had basement flooding problems when the water would run down his driveway and into the basement. It is something to be considered.

Mr. Romanowski stated that he has and referred Planning Board members to the topo map. On both lots, the proposed location of the home is near the high point of that lot and it is not directly in line with the driveway.

Laurie Kutina mentioned that another consideration is the water runoff to either side of the two driveways and as a result she is in favor of a single shared driveway.

Greg Keyser stated that there isn't anything in the code that requires a fire hydrant. He questioned whether it is practical or reasonable to install two 8" lines with hydrants to serve two houses. If the concern is fire protection, the Fire Department needs to make a recommendation that another fire hydrant in the vicinity of all these homes would be better served than placing the burden on the property owner.

Bill Kramer stated that Chief LeBlanc mentioned that with a road hydrant they would still be laying out 700-800' of line and at that point they would be out of hose. As a result, he has recommended either a hydrant on each lot or sprinklers for the houses.

Mr. Romanowski asked if this would then be an extension of the public utility.

Bill Kramer indicated he did not think it would be an extension of the public utility, but would rather be something the developer would be taking on.

Laurie Kutina mentioned that recommendations have been made on other ODA applications for sprinklers.

Mr. Romanowski reiterated that the plan has been designed so that the houses are not required to have sprinklers or a hydrant by NY code.

Bill Kramer indicated that these recommendations are made as a result of the Town of Aurora ODA application process. And the Town Board can make these recommendations a condition of the approval.

Bill Voss asked if there is any feasibility of having the 8" line run on the common property line and then split off to each lot. This could help with water pressure.

Bill Kramer mentioned that the South Wales Fire Chief did have a concern about water pressure on Emery Road.

Doug Crow asked what the requirement is for the width of the driveway. According to Appendix D over 500' the driveway is supposed to be 26' wide. And if a fire hydrant is added to the property then the driveway has to be 26' wide.

Bill Kramer confirmed that that is what Appendix D states.

Doug Crow asked if an exception would need to be made for the width.

Norm Merriman stated that it would seem impractical to require a 26' wide driveway when Emery Road isn't even that wide.

Doug Crow agreed and stated that it should be noted to the Town Board that the Planning Board recommended an exception to the driveway width.

Bill Kramer stated that the Fire Chief did not have a problem with the 20' wide driveway; his main concern was the length of the driveway and available equipment.

Don Owens asked about the cost associated with sprinkling a house and the size of the associated water line.

Mr. Romanowski indicated that it would likely cost \$6,000-\$7,000 plus the cost of the water lines. He further stated that he believes a larger water tap is necessary and as a result there is an increased monthly cost for the homeowner.

Bill Adams asked if Mr. Romanowski had considered having a shared water line from the road and then splitting it off to the houses.

Mr. Romanowski indicated that he had considered it but that it becomes complicated with easements and capacity.

Bill Kramer stated that Erie County prefers to have meter pit out by the street.

Mr. Romanowski agreed and stated that they would likely put both meters fairly close to the inside corner of the property line.

Laurie Kutina stated that the reason for the questions and discussion is that there are a lot of ODAs. There are problems with water and drainage. Because of the increasing amount of ODAs, the Planning Board felt it necessary to look very closely at each one to help avoid issues that had been missed in the past.

Mr. Romanowski stated that he understands how the code has been adapted. He further stated that the only reason he has an ODA is because of the amount of frontage. And that if he had the required frontage, he could build the exact same two houses, without any requirements to

sprinkle or add a fire hydrant, because he would only have to comply with NYS code. In terms of impact, he felt that there is no difference.

Bill Voss clarified the issues with respect to the recommendation to the Town Board. First, the hydrant is not a code or requirement. It is only a recommendation by the South Wales Fire Chief. The recommendation to the Town Board can state that the Planning Board has requested the developer pass the Fire Chief's recommendations for a hydrant or sprinkler to the future homeowners. Second is the width of the driveway. It is his understanding that the board is comfortable recommending a driveway of 20' wide to the Town Board.

Bill Kramer indicated that there would still need to be a passby somewhere on those driveways.

Bill Adams indicated his concern about water runoff.

Mr. Romanowski indicated that the water will be contained. He discussed the swale locations and site topography.

Doug Crow discussed the recommendation of the South Wales Fire Chief and that his understanding is that the Planning Board is not recommending a fire hydrant for the lots but is recommending that the Developer make future homeowners aware.

Bill Kramer stated that the Fire Chief's recommendation should be given to the Town Board as well.

Laurie Kutina asked about a preference of the board for one or two driveways.

Bill Voss stated he had no preference.

Norm Merriman believed there was more of a consensus for one.

Doug Crow agreed that there was a consensus for one driveway with the shared portion located on one lot.

Bill Voss clarified that one driveway from the road was for safety reasons, with appropriate easements and agreements.

Laurie Kutina asked if/when the neighbors are notified of the ODA.

Secretary Liz Cassidy reviewed the ODA procedures.

Laurie Kutina indicated she would like to see the neighbors notified of the ODA process.



Bill Voss asked since notification has not been done in the past, should that precedent be set.

Laurie Kutina stated that it is getting crowded and felt neighbors have the right to state their opinion on the projects.

Don Owens clarified that neighbor notification would not be due to a public hearing but just to let neighbors know that the ODA is being considered.

Bill Voss asked then why shouldn't neighbors be notified whenever land is going to be divided.

Don Owens stated that with an ODA, the applicant is requesting permission to build on back property with a long narrow access. This may have a larger impact on neighbors than division of land.

Bill Kramer indicated that if the Town Board felt the impact on neighbors was severe enough, they would call for a public hearing.

Laurie Kutina stated that as a matter of courtesy neighbor notification of an ODA application should occur.

The Emery Road ODA plans were reviewed by South Wales Fire Chief Mike McClure and East Aurora Fire Chief Roger LeBlanc. Fire Chief McClure has recommended that both properties have a fire hydrant installed or sprinklers installed in the dwellings. This is due to the location of the nearest fire hydrant on Emery Road, the available fire equipment and the distance of the proposed dwellings from the road. William Voss requested this recommendation be passed to the Town Board for reference. The Planning Board further recommended the Developer make the future homeowners aware of the Fire Chief's recommendations.

William Voss moved to recommend to the Town Board that they approve the two lot Open Development Area project at Emery Rd, Town of Aurora, NY with a single 20' wide driveway with a bypass. The recommendation for a single driveway off the road is due to safety concerns. The shared portion of the driveway is to be located on a single property with the appropriate easements and maintenance agreement. Seconded by William Adams

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

Don Owens stated that the discussion was appropriate and very helpful. This is a challenge and if you look at the Town of Aurora parcel map there is a lot of potential for ODAs to occur.

Laurie Kutina agreed and suggested continuing the discussion and looking again at ODAs in the Town.

Bill Voss suggested doing another ODA tour and documenting adherence to the recommendations. He felt that was a bigger issue, as the last review of ODAs revealed problems. The Blakeley Rd ODA was discussed.

Doug Crow suggest a yearly review of ODAs.

Greg Keyser encouraged the board to look at the ODA code as new questions come up and the reason behind the code may not be clear. In this case, the ODA code requires the long SEQR form for a two lot ODA. He stated that his professional opinion is that the long form for a development like this is excessive. He felt that the code should state that the proposed development should comply with SEQR. A large development would then require the long SEQR form.

A motion was made by Norm Merriman and seconded by Timothy Bailey to adjourn at 8:15PM.

**THE NEXT SCHEDULED MEETING WILL BE WEDNESDAY September 3, 2014 AT 7:00 P.M. AT THE TOWN HALL, 300 GLEED AVENUE, EAST AURORA, NEW YOK**