

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

October 2nd, 2024

Members Present: Doug Crow, Chairman
Angela Griffis
Timothy Stroth
Jeanne Beiter
Norm Merriman
Chris Contento

Alternate Member: Alice Brown
William Heidt
Chelsea Root

Absent/ Excused: Laurie Kutina

Also Present: Liz Cassidy, Code Enforcement Officer
Jennifer & Richard Higgins
Rob Pidanick, Nussbaumer & Clark Inc., Manager of Land Development
Dominic Palmisano, Project Architect
Rich Potter, PreVision Construction Consulting & Management, LLC.
2 Members of the public

Chairman Doug Crow presided over the meeting which began at 7:02 p.m. at the Town Hall, 575 Oakwood Avenue, East Aurora, NY. He led the recitation of the Pledge of Allegiance to the Flag.

Jeanne Beiter made a motion to accept the minutes of the September 4th, 2024, meeting. Seconded by Chris Contento.

A vote is taken.

Ayes- 7

Noes-zero

Motion carried.

ADMINISTRATIVE BUSINESS:

- a. Chairman, Doug Brown acknowledges Alice Brown is a voting member.
- b. Chairman, Doug Crow asks for an update from Tim Stroth, on the South Towns Working Group

Tim Stroth states there is an upcoming meeting planned. Unsure of date. He spoke with the Village Planning Commission and found there would be no active participation from them at this time. The village will be represented by Dan Castle. There was no

representation from Orchard Park or Hamburg, Village or Town last time. Tim intends to go to the upcoming meeting. He will report back to the Planning Board at the next meeting.

- c. Chairman, Doug Crow asks Angela Griffis for an update regarding the Town Comprehensive Plan

Angela Griffis states the first meeting is scheduled for October 8th. A press release has been made in the Advertiser and the Bee. Ray Wrazen has taken the position of Chair of the group. There are eleven members.

Three of the members are from Labella Associates:

Ed Flynn, Director of Planning

Derik Kane, Senior Planner & Project Manager

Joshua Greene, Planner for LaBella Associates

There are members from the community as well as the Town Board.:

Nancy Burkhardt, Regional Economic Development, ZBA

Dan Castle, Commissioner, Erie County Dept. of Environment & Planning

Bob Morgan, Real Estate, COO/CEO United Way, Local Business

Dale Morris, Former Director of Geographic Information Services at Erie County, Open Space Committee

Sue Russell, Climate Smart Committee, ACES, Consultant

Chuck Snyder, Town Board, Town Supervisor, President Charles D. Snyder Inc.

Ray Wrazen, Committee Chair, Town Board, Councilman, Director Operations

Angela Griffis, Planning Board Member, (Village & Town), Strategic Planning & Growth Analytics

The committee will be meeting every other month.

From now thru February, the focus will be on Inventory, Vision, & Goals. From March through May, the focus will be on Prioritize Issues & Develop Strategies. June through August, focusing on Preparing Draft Plan. September through October, focus will be on Preparing & Submit Final Plan / SEQRA, and Plan Adoption.

The following meeting will be in December at which time we will be looking at Existing Conditions, Visions & Goals Review. The whole process is going to be lengthy with the opportunity of community engagement, and public hearings.

I will share the discussions of the October 8th meeting at our next Planning Board meeting

OLD BUSINESS: None

NEW BUSINESS:

- a. Chairman, Doug Crow addresses the referral from the Town Board for the review and recommendation of an application for a Special Use Permit, for a Short-Term Rental at 140 Jewett Holmwood Road, SBL # 175.10-3-12, by Douglas Nemeec.

Chairman, Doug states the applicant is not present and suggest that it be tabled.

Tim Stroth makes at motion to table it.

Seconded by Norm Merriman

Upon a vote being taken:

Ayes-7

Noes-zero

Motion carried.

- b. Chairman, Doug Crow addresses the referral from the Town Board for the review and recommendation of an application for a Special Use Permit, for a Short-Term Rental at 59 Cook Road, SBL #176.00-1-4.1, by Jennifer Higgins. It is a cottage/guest house separate from the main dwelling.

Jennifer Higgins introduces herself and husband Richard. She states previously she was unaware of restrictions of STR and was requested to take the required steps to be granted a SUP.

The cottage/guest house is approximately 150' west of the main dwelling and surrounded by 20-acres of open and wooded land. It can be accessed by a secondary driveway to the south of the main dwelling. It is 400 square feet and laid out as a 2-person, efficiency dwelling, with combination living room/bedroom, a small kitchenette, and separate bathroom. There are two entrances on opposite sides of the structure. There is space for two vehicles.

Chairman, Doug Crow reconfirms that the property is in a R-1 district, where multiple dwelling is prohibited.

CEO, Liz Cassidy, says that it is a preexisting, non-conforming multiple dwelling group. That was there prior to the existing Town code.

Jeanne Beiter asks what services are provided to tenants.

Jennifer Higgins states no services are provided other than cleaning the unit prior to a tenant's arrival and following their departure.

William Heidt asks about the pool on site.

Jennifer Higgins states the pool is not offered to tenants. It is properly fenced in and available for friends and family only.

William Heidt inquired about the access driveway. Is it gravel. Also, he asked about lighting for the driveway.

Jennifer Higgins stated it is graveled and mowed closer to cottage. There is lighting at the road, lighting on cottage, and spotlights shedding light from main dwelling. She tries to present at the time of tenant arrival.

Chairman, Doug Crow asks about previous occupancy.

Jennifer Higgins states that she has previously rented for weekends for weddings, festivals, etc. A very positive experience, meeting a variety of people. She encourages people not familiar with our area to tour and enjoy all that is available in our Town and Village. Restaurants, shops, historical sites.... The property is quite unique. She and her husband bought the property from the Gratwick family forty years ago. The Gratwick's ran a camp there on the property for thirty years, until 1977. They are the ones who built the structure for the camp.

Angela Griffis asks about the length of stay restrictions.

Jennifer Higgins stated she requires a minimum of two nights, but not more than seven.

Norm Merriman suggested adding reflectors to more clearly mark the driveway.

Chris Contento asks if the cottage is used for anything else.

Jennifer Higgins states that when it is not occupied it can be used for storage. The unit is heated however it is only rented from Memorial Day through Halloween due to access when snow is present.

Chairman, Doug Crow asks for any further discussions, or is someone comfortable to make a motion.

Chris Contento makes a motion to recommend to the Town Board approve the SUP for a short-term rental at 59 Cook Rd., SBL # 176.00-1-4.1, as proposed.

Jeanne Beiter seconds the motion

Upon a vote being taken:

Ayes-7

Noes-zero

Motion carried. 7-0

- c. Chairman, Doug Crow addresses the referral from the Town Board for the review and recommendation of an application for rezoning V/L 0 (710) Davis Rd., SBL #174-00-3-5-.111, by Al Franjoine, from RR- rural residential and A- agricultural to C2- Commercial. The proposed use of the property is for a soccer field complex.

Chairman, Doug Crow states Tim Stroth has had to recuse from this topic. He has stated that William Heidt and Alice Brown will be voting members for this discussion.

Rob Pidanick, Nussbaumer & Clark Inc., Manager of Land Development introduces himself, as well as Dominic Palmisano, Project Architect. Also, Rich Potter, PreVision Construction Consulting & Management, LLC., They represent Al Franjoine, the project sponsor and applicant for the rezoning request of 12.29 acres, at 0 (710) Davis Rd. The owner of the property is Brian Hillery

The proposed plan for the property would consist of three soccer fields, and a concession building. A septic system will need to be added to accommodate the bathrooms. There is also an area for parking which has 105 spaces.

The applicant is willing to deed restrict this property to only an athletic facility. He is very active in many soccer clubs.

Chairman, Doug Crow thanks Rob Pidanick for a description of the proposed use of the land, however this evening is strictly addressing the rezoning of the property.

William Heidt asks CEO, Liz Cassidy for clarification of land zoned agricultural allow for private, nonprofit, club recreational use.

CEO, Liz Cassidy confirms.

Chairman, Doug Crow states the RR portion of the property, which is a parking lot. It could possibly be done without rezoning.

Rob Pidanack acknowledges the need to secure additional approvals such as health department for septic, et. It is a pending sale of the property.

Chairman, Doug Crow asks for additional discussion and questions.

Chelsea Root asks about surrounding property owners.

Multiple people talking discussing surrounding properties.

Angela Griffis states there does not appear to be any other C2 properties in this area. It all appears to be residential. So, this would be a case of spot zoning?

Norm Merriman states if it is proposed a private club, there would be no need to rezone the property.

Rob Pidanack reads an email he received from Mr. Franjoine the previous day. It is summarized stating, after three years he had found the perfect property. It would be a private purchase to develop land for soccer fields, he would use for his teams to train, play games, and rent/lease field time to organizations and individuals. He has affiliations within the soccer community however this purchase is not related to any other party.

Chairman, Doug Crow states, that makes it commercial.

Chairman, Doug Crow references the rezoning with deed restrictions has historically raised problems. The Town Board has in the past looked unfavorably at deed restrictions.

Angela Griffis asks if there has been any contact with neighboring property owners.

Rob Pidanack states to the one side is property seller. Across the street is horse pasture. Both of which are large parcels.

Jeanne Beiter has concerns about the traffic that will be created through personal experience in the soccer sport, through her own family. One hundred and five cars creates a lot of traffic. During the time of field use theoretically, a large quantity of vehicles arrives at the same time and leave at the same time. Typically, they length of time for games is 1 ½ hours to 2 hours. That cycle could happen multiple times a day. That will add a significant amount of traffic in that area. She asks Rob Pidanack if there have been any traffic studies. It is a subject that needs to be addressed.

Rob Pidanack states no. But is aware it would be required.

Chairman, Doug Crow if the proposed project is possible without rezoning.

Norm Merriman states his concern in rezoning to C2 with or without restrictions. There are properties in close proximity with a few hundred acres or more, owned by one or two people. Rezoning to C2 could in the future create opposition, opening to conflict of the potential future of their property.

Chairman, Dug Crow agrees that in the future, neighboring properties could request to be rezoned C2. They could argue that fact in court and would probably win in court. Which is the Planning Boards reasoning for not spot zoning.

Rob Pianack asks if the “for profit” what makes it not conforming to the agricultural zone.

Chairman, Doug Crow reiterates if you rent the property, whether you make a profit or not, warrants it classified as commercial.

He is asking for further discussions prior to anyone making a motion.

Norm Merriman states his opinion for the applicant to pursue doing something on the private side that would comply with agricultural zoning. Although he states he is in favor of a new soccer complex there, changing this location to C2 could be opening a whole can of worms. There appear to be other options available. So therefore, he cannot support spot rezoning.

Chairman, Doug Crow expresses his opinion and agrees with Norm Merriman. He feels there enough other C2 properties in the area that would not impact the neighbors. Hours of usage, lighting, traffic, and noise would have a direct impact on the neighborhood.

Angela Griffis states she agrees with Chairman, Doug Crow and Nom Merriman, for the same reasons. She is not in favor of spot rezoning when other options are available.

Alice Brown agrees with others. She cannot imagine living on Davis Road and experiencing the change in noise, traffic, and other things that would impact those living there.

William Heidt has mixed emotions for the soccer field project for various reasons. That zoning would allow for private clubs on the same parcel, without rezoning, if not making profit. The state speed limit is 55 mph. The bus garage is a quarter mile down the road, with multiple buses exiting and entering at the same time, at various times of day. However, aside from his comparative thoughts, he is still not in favor of spot zoning.

Chairman, Doug Crow states he sees interest from the board for a soccer facility, however, not the spot rezoning of the tentative site. Right now, the present issue is strictly for the rezoning of the parcel.

William Heidt is asking for reconfirmation of what would happen if the Planning Board made a recommendation to the Town Board not to approve the rezoning on the proposed parcel.

CEO, Liz Cassidy states if the Planning Board makes a recommendation to not rezone the property, the process continues. The front may not need to be rezoned. There are multiple options.

Chairman, Doug Crow stated the Town Board can agree with the recommendation, or reconsider and approve anyway. Or the applicants could say, let's try different path and make an alternate proposal to ask for a rezoning, or go straight to the site plan.

Norm Merriman addresses Rob Pidanack asking how he feels following hearing the Board discussion.

Rob Pidanack states he accompanied Mr. Franjoine to multiple other properties and this by far was the nicest. If unable to rezone the property, he may be willing to keep the facility private, and not lose his deposit.

Chairman, Doug Crow asks for need for further discussion, or anyone ready to make a motion.

William Heidt makes a motion to the Town Board to not approve the application to rezone the V/C land at 0 (710) Davis Road, with or without deed restrictions to a C-2.

Chris Contento seconds the motion.

Upon a vote being taken:

Ayes-7

Noes-zero

Motion carried.

Chairman, Doug Crow directs Rob Pidanac to speak with Mr. Franjione. He has the option to either try to convince the Town Board or take the alternate route.

PUBLIC COMMENTS: none

PLANNING BOARD APPROVAL PROCESS DISCUSSION:

Chairman, Doug Crow opens the opportunity to delay the discussion for the Approval Process for Site Plan, Sup, and ODA, due to some members not being present at last meeting. Giving them the opportunity to look over the packets provided.

CORRESPONDENCE:

Chairman, Doug Crow has observed numerous emails regarding training.

Chairman, Doug Crow asks for a motion to adjourn.

Tim Stroth makes a motion to adjourn

Seconded by Jeanne Beiter

Upon a vote being taken:

Ayes-7

Noes-zero

Motion carried.

THE NEXT SCHEDULED MEETING WILL BE WEDNESDAY November 6th, 2024, AT 7:00 P.M. AT THE TOWN HALL, 575 OAKWOOD AVENUE, EAST AURORA, NEW YORK