

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

October 6, 2010

Members Present: Donald Owens, William Adams, Timothy Bailey, Jim Griffis, Al Fontanese, Steve Mayer, Dick Glover

Members Excused: William Voss

Member Absent: Laurie Kutina

Others Present: Ned Snyder, Deputy Town Atty
Greg Keyser, CRA Engineering
Patrick Blizniak, Superintendent of Buildings
Jolene Jeffe, Supervisor
Jim Collins, TOA councilman

Chairman Don Owens presided over the meeting which began at 7:00 p.m. at the Town Hall, 5 South Grove Street, East Aurora, New York. Bill Adams opened the meeting with the recitation of the Pledge of Allegiance to the Flag.

Bill Adams made a motion to accept the minutes of August 2010. The motion was seconded by Jim Griffis. Motion carried.

OLD BUSINESS:

232 Ellicott Road – The Town Board approved the re-zoning of the parcel at their Sept 27th, 2010 meeting from an ‘A’ to an ‘I’ at the petitioners request.

One-lot subdivision – Ned Snyder prepared a letter to the Town Board asking to either change or review the current TOA code definitions to verify whether one-lot subdivision needs Town Board approval.

WECS – the Town Board referred the proposed code back to the PCB for their input on changes that were made since the PCB made their recommendations in May 2010. Patrick Blizniak stated having the code read 100’ for tower height would prompt every application to seek a variance. If a variance is sought, then it would be an area variance. Jim Griffis stated that most non-commercial towers codes are 140’ but 100’ is not uncommon. Dick Glover added that 100’ is to tower height which does not include to the top of the blades, and that towers are site dependent and heights will differ at each site. The TB voted on Sept 13, 2010 for a 3-month moratorium for further review to continue the development of the code. The proposed code

reads that each tower application would be subject to a Site Plan Review. The TB scheduled a public hearing for October 12, 2010.

Bill Adams made a motion, seconded by Steve Mayer to recommend the newest, revised WECS code citing one change as follows:

Page 16, Section 9: SEVERABILITY should read: *Should any provisions of this Local law be declared by the courts to be unconstitutional **OR** invalid,.....*

The board members are in agreement with the tower height of 100', as defined in Section 5. Section 116-40(5): EXEMPTIONS

Aye – All No – none Motion carried

NEW BUSINESS:

1731 Grover Road, Dwelling Group application – the property is zoned 'A' which would be an allowable use. The property is currently a vacant parcel. The required square footage of a dwelling in an A district is the same as an R-3 which is 720 square feet. The criteria for a dwelling group is to make sure that the setbacks for each house would be compliance is the property were to be split to create legal lots.

Tim Bailey made a motion to table this action until the property owner was present to answer questions, seconded by Dick Glover.

Aye- Tim, Dick No – Bill, Don, Jim, Steve & Al motion not carried

Steve Mayer made a motion to deny the dwelling group request based on previous recommendations by the PCB, seconded by Al Fontanese.

Aye- Steve, Al, Jim, Don & Bill No – Dick, Tim motion carried

Bowen Rd, Open Development approval – The property is zoned 'A'. There is 15.3 acres which they wish to divide into 3 lots. The 3 lots will share a single driveway entering the properties meeting NYS standards with hammerhead turnaround. Natural drainage will be followed with no change in topography by the contractor. The water flows to the east. A 4" or 6" pipe will be installed across the driveway where the driveways split to each lot. The water service will be received from the east where the road is. There will be a septic for each site but no boring/testing has been done yet. The property is not in 100-year floodplain. The wetlands were identified by a map and indicated on the site plan. There were no delineations done. A maintenance agreement was submitted with the application. It will be a private road, not owned by the Town. There are no current deed restrictions in place but the petition may incorporate some. Don Owens stated that the soils are formed in glacier till, non hydric but has hydric inclusions. Currently, all 3 lots are for sale with Lot 3 having a potential buyer. Bill Adams is

concerned because there is no letter for wetlands from the Army Corp of Engineers. Don Owens recommends the applicant to get wetlands delineations. Patrick recommends the turnarounds extended closer to the actual dwellings and that sprinklers may be needed because of the significant distance from the road. The timeline needs to be clarified as to when the building department and the PCB gets the ODA application information.

Al Fontanese made a motion to recommend to the Town board to approve the ODA, seconded by Steve Mayer.

Aye – Don, Al, Steve, Tim, Dick, Jim, Steve No – Bill Motion carried

Master Plan – What are the benefits, drawbacks, financing and next step to proceed with the development of the MP? The MP protects the community. The vision plan was mapped out. Don Owens would like to appoint Jim Griffis as lead person as well as invite other PCB members to get involved in this effort. An outline needs to be created as to what is involved, why, what needs to happen and what is needed from the TB. Don Owens believes that a few changes should be made. Also, when changing the zoning, it needs to be legally defensible. The TB can adopt a resolution verifying their support to pursue the MP. Jim Griffis will work on an outline to present to the TB in the next 4-6 weeks.

Reed Hill Subdivision (JH/Quaker) – The TB will be revisiting the preliminary plat at their Oct 12, 2010 meeting before the final plat is reviewed.

A motion was made by Tim Bailey and seconded by Dick Glover to adjourn at 8:30PM.

THE NEXT SCHEDULED MEETING WILL BE WEDNESDAY, November 3, 2010 AT 7:00 P.M. AT THE TOWN HALL, 300 GLEED AVENUE, EAST AURORA, NEW YORK