

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

April 7, 2010

Members Present: Donald Owens, William Adams, Timothy Bailey, Jim Griffis, Al Fontanese,
William Voss, Dick Glover
Members Excused: Steve Mayer, Laurie Kutina
Others Present: Ned Snyder, Deputy Town Atty
Greg Keyser, Bryan Smith & Dave Britton, CRA Engineering
Patrick Blizniak, Superintendent of Buildings
Bill Kramer, Asst Building Inspector
Jolene Jeffe, Supervisor
Sue Friess, TOA councilwoman
Jim Collins, TOA Councilman
Jim Bach, 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 Voss will be acting as a voting member for this meeting.

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

Comments from the audience:

Beth & Brian Schumacher, Tannery Rd, had questions regarding horses as to why the horse issue is being addressed and the size of acreage allowed per horse. They stated that other towns have less than 10 acres per horse (as stated by TOA atty Ronald Bennett at last Town board meeting (March 22, 2010). Such towns include Colden and Marilla. Brian will provide info of such towns to the PCB.

Marion Dombrowski, Jewett Holmwood Rd, opposes the JH/Quaker subdivision development because it is too close to the creek and believes the 'no build' zone should be increased along the creek.

Old Business: Jewett Holmwood/Quaker Rd proposed development

Peter Sorgi, Atty for developer and Mike Metzger, Engineer for developer were present. PCB is in the process of the preliminary plat recommendation. There has been quite some time since the sketch plan approval (Town Board approved 3/8/08) due to effluent disposal issues that created extensive discussion. The developer has now decided on a lift (gravity) station instead of grinder pumps. The 8" pipe would collect to the lift station which will be placed in the western cul-de-sac because it is the low point on the site. The lift station will be built large enough for Erie County to tie into at a later date thru Commerce Green, with an easement. The idea of a Home Association has been eliminated for this project. Lot 18 on the subdivision map has been enlarged. Portions of the current property have been deeded to abutting

property owners as indicated on the map dated June 25, 2007. The developer has met with the Highway superintendent to allow better access off of Jewett Holmwood which EC has approved the widening of the road.

The 'no build' zone has not changed from the original plat. Dick Glover asked if the front yard setback requirement of 75' could be lessened to 45' to create larger buffer 'no build' zone. (A variance would need to be sought). He is concerned about the stability of the steep slope. Don Owens pointed out that a soil test will dictate the location of the dwelling on the parcels with steep slopes. Mike Metzger added that there may be deed restrictions to preserve the current surroundings without spoiling the environment. Lots 22 & 23 have wetlands that are now regulated by the Army Corp of engineers. The cul-de-sacs will have islands with grass.

Peter Sorgi stated sidewalks and street lighting would be included in the project. He has spoken to the County to have the sidewalks connected all the way to Quaker in front of the Post Office. The County said 'no'. Bill Adams asked Peter to make a formal request to the DOT.

Bill Kramer asked some questions about the development which were addressed by Peter Sorgi as follows:

- **Street Ownership?** The developer will pay for the road and dedicate them to the town. The street names will hopefully reflect historical virtues which they are looking into thru the TOA Historian. Final names should be chosen by November 2010.
 - **Stormwater Maintenance?** A drainage district (with easements) will be formed among lot owners which will pay for maintenance. The detention area on Lot 18 will be owned by lot owner but will have access for TOA to maintain.
 - **Home elevation minimum or maximum?** The developer does not foresee clear cutting the grade to make flat because the existing contour will be used. Their final plan will show details of each lot to set grading for drainage to work properly.
 - **Paved passing lane at entrance of subdivision?** Erie County has approved the widening of the paved shoulder to be paid for and installed by developer.
 - **Sanitary maintenance?** Erie County will own and maintain the system which will be paid for and installed, per EC specs, by developer.

Dick Glover asked is there will be deed restrictions for home square footage which Peter replied that they will probably be larger homes because of current standards. He also stated that the developer will have architectural approval for all houses. There are several agencies who still need to approve this project like the EC Environmental Planning. Bryan Smith is satisfied with the project up to this point. Pat Blizniak brought up the fact that The property owner to the east, Dispenza, has an easement on Lot #1 of the development. There is about 47' between the existing driveway and the proposed entry into the subdivision. Perhaps a buffer or landscaping can be created to separate existing property from new subdivision entrance.

Hydrants will be spaced 500' apart with the addition of more hydrants. Jolene Jeffe asked is the property lines have been clearly marked with flags. Peter Sorgi will provide to the Town board an aerial map with the houses and property lines superimposed.

Bill Adams made a motion, seconded by Tim Baily to recommend the Town board approve the preliminary plat with the following condition:

Formal acknowledgment is needed from Dept of Transportation, to see if sidewalks can be extended from Post Office location on Quaker Rd.

No - none

Abstained - Don Owens

Motion

WECS- windmills, review for proposed code

Greg Keyser, CRA, handed out two different buffer fall down maps: **First map:** the red areas would not allow for windmills because a 210' buffer needed based on a 140' tower, the yellow area are potential conflict areas with a buffer of 500' for residents and the blue areas would allow windmills. The black dots indicate residential structures. **Second map:** the red areas would not allow for windmills because of a 105' buffer needed based on a 70' tower. Pat Blizniak has collected the input from PCB and Town board members to create the current code that he handed out this meeting. Don Owens asked if 70' is average. Jolene stated that the blades would need to be 30' above trees to be effective. Don pointed out that there are a lot of areas have long, narrow lots therefore not suitable for towers. As per the map, 1600 Bailey Rd would not be a suitable location (1600 Bailey applied to the ZBA for a 140' tower in November 2009 to which the ZBA tabled their decision until a TOA code put in place). Bill Voss asked if the code should be specific to the terms of lease and bonding which a lease would probably be commercial. Ned Snyder, Atty for PCB, will provide the best verbiage for a lease to deal with the entire parcel and/or if the neighbor need property for fall down zone. Ned will also provide input regarding the NYS Ag law as it applies to a private farmer (see proposed code E. Exemptions (2)). Section D5 should include the need for a soil boring and a geotechnical report for structural stability. There was much discussion about the noise or sound generated (F13) as it relates to scale, decibels, frequency and how it's measured. DBA is the standard measurement scale. Further discussion about electromagnetic interference (F18) begged the question of how that was measured and who would enforce this section. Possible interference would come into play when the tower is maintained or when a blade is changed. Interference wouldn't be known until the tower was put up. The building dept would handle complaints. Jim Bach thought it would be a good idea that towers would be inspected by the Bldg Dept on a bi-annual basis after installation. Al Fontanese wondered about windmills on structures or multiple windmills. There are such roof tops models that stand 18' high or could be multiples. (The code does state that only one per property is allowed).

Jim Griffis made a motion, seconded by Bill Voss to hold a special meeting, April 21st, 7PM at 300 Glead, for further review of the code.

Aye - all

No - none

Motion

A motion was made by Bill Adams and seconded by Jim Griffis to adjourn at 8:50PM.

Bill Voss will not be available for the special meeting or the May meeting.

Wendy will check for any NYS training offered in the area to satisfy the 4-hr annual requirement for PCB members.

SPECIAL MEETING ON APRIL 21ST, 7 PM AT 300 GLEED AVE

**THE NEXT REGULAR SCHEDULED MEETING WILL BE WEDNESDAY, May 5, 2010 AT
7:00 P.M. AT THE TOWN HALL, 300 GLEED AVENUE, EAST AURORA, NEW YORK**