

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

March 15, 2010

Members Present: Donald Owens, William Adams, Timothy Bailey, Jim Griffis, Al Fontanese,  
Laurie Kutina, William Voss  
Members Excused: Steve Mayer, Dick Glover  
Others Excused:

Others Present: Ned Snyder, Deputy Town Atty  
Greg Keyser, CRA Engineering  
Patrick Blizniak, Superintendent of Buildings  
Jolene Jeffe, Supervisor  
Jeff Harris, TOA councilman  
Sue Friess, TOA councilwoman

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.

**Al Fontanese made a motion to accept the minutes of February 2010. The motion was seconded by Bill Adams. Motion carried.**

Don Owens welcomed Laurie Kutina and Bill Voss as new alternate PCB members. They will be acting on behalf of Dick Glover and Steve Mayer tonight in their absence.

Don wants to remind all PCB members to always read & review the minutes prior attending the next meeting.

**Comments from the Audience:**

Beth Hoskins, Emery Rd and Lisa Marong were present to ask questions regarding the horses as it relates to the proposed RR matrix draft created by the PCB. She questioned whether the agenda and/or minutes are available to the public. The Town of Aurora (TOA) website at [www.townofaurora.com](http://www.townofaurora.com) will have that information shortly. The website currently has the dates and times of the meetings. She questioned what prompted the proposed change and was it about equine management? Don Owens explained that the first step to address the horse per acre issue was to develop a Master Plan (MP), then change the code which involves the SEQR process that allows for public hearing comments. Jim Griffis further explained that the current RR matrix is simply just a rough draft. Lisa Marong had Don Owens explain the purpose of a MP. The MP will show the goals of the community, to be adopted by the Town Board, then zoning regulations changes are recommended to the TB based on MP. The development of the MP will most likely take a year to a year & half. The MP movement was started by Erie County and its origin was with the Regional Comprehensive Plan which included 5 local communities: Elma, Wales, Holland, Village of East Aurora and Town of Aurora. There was funding available thru the County. The RCP allowed each community to manipulate and adopt areas that are best suited for each community. The Town Board has a work session on March 16, 2010 which will start the dialogue on the horse/livestock density per acre topic with the new town board members. Jim Griffis added that the TOA is 80% agricultural zoned and the PCB thought it was time to control the zoning for rural development

but to change zoning, the MP must be in place. Bill Adams stated that a vision map has been adopted by the Town Board that highlights residential in currently zoning A-agriculture districts. Al Fontanesi mentioned that the RR is open zoning but has requirements for small and large animals. Don went on to say that the existing horse farms would remain 'A-agriculture' zoned as identified on the Comprehensive Development Map created by the PCB. He also told Beth Hoskins that if she wished to be on any upcoming agenda, please contact the Building Dept one week prior to the meeting.

JH/Quaker SEQR: Pat Blizniak says that Part II of the SEQR will be reviewed at the TB work session on 3.16.10. A Negative Declaration will probably be declared with no conditions although there is impact issues that need to be resolved. There will be impacts from Federal Wetlands which the developer has satisfactorily avoided; sewage disposal issues where the DEC will provide options and regulated those options; and traffic. Grinder pumps are first presented by developer but Pat is not sure if they are still an option. The PCB, at this point, has not made their recommendation for the Preliminary Plat stage, waiting for additional information from applicant.

1519 Quaker – Open Development Area (ODA) approval: The driveway accessing the property from the road will not be an issue but any driveway at the start of his property must be conforming. If there is further development, then the entire access would need to be brought into conformance. 1519 Quaker will have a sufficient turn around and the house will probably be sprinkled. The applicant otherwise has meet all the ODA requirements. The Town Board has created a draft resolution for this matter.

### **Old Business:**

#### **Windmill moratorium:**

Jolene Jeffe started by saying that there is a time constraint to get a code in place because there is an application presently before the ZBA for a residential windmill. Pat Blizniak has created a TOA code with a layout consistent with other TOA codes. The PCB members are advised to review several codes by other towns in NYS. They are to be reviewed for good and bad points. Bill Adams noted that most of the other town codes have the PCB being a part of the review and feels strongly that the TOA include the PCB the review process. Additional, he said the Town of Concord and Holland are good codes but the Town of Wales is too detailed. The TOA code should be functional that is black and white with no gray areas. A one acre parcel seems insufficient which would allow for only 200' for fall zone. Greg Keyser, CRA, will create a buffer analysis, to present at next meeting, showing where they could be permitted. This will give the PCB members an idea for good aesthetics value to gage if the code would be too restrictive or not restrictive enough. The federal government is offering subsidizing for residential windmills covering upwards of 80% of the cost. Bill Voss mentioned that cost could range from \$30,000 to \$100,000 depending on the size, height and power. Visual impact as well as size, noise and lighting are big issues. Insurance and liability should be addressed in the new code as well as bonding for removal. Laurie stated that the size and height would be better guidelines than the power because efficiency increased over time and the fact that technology will change over time. It was brought up that back up power would be needed when there is no wind to power the blades. Access to commercial windmills should be addressed as well. NYSEG approves residential access for windmills. Also, there may be issues with the shadow, fluttering or flickering, especially at sunrise or sunset, which will change from season to season. The code could be based on residential and then create a sub section for commercial. The adoption of residential could happen first and then amend for commercial code. The codes are difference for residential and commercial although the beginning of the code would probably be the same. The commercial section would have more details and be more restrictions. PCB will work on residential to start. The idea is to create a code that is solid where any variations would be addressed by the ZBA. It is understood that standards will not stay the same over time. The ZBA is already part of the review process for cell towers and PCB members feel that the PCB should be involved with windmills, especially commercial installation. The PCB input is important and necessary because they are a planning

and conservation board. The PCB members feel that they should also be a part of the cell tower review. The Town of Batavia does not allow commercial windmills but Pat Blizniak feels that commercial use could just be made more difficult as opposed to not allowed at all.

A timeline should be established to make the development of the code process easy. An application and checklist for the project manager and the boards should be created in tandem with the creation of the code to establish efficiency for all involved.

All comments and suggestions are to be turned into Pat Blizniak by April 1, 2010.

**Correspondence:**

Erie County Agriculture & Farmland Protection Board is offering a class on March 25, 2010 at The EC Coop building on South Grove St, East Aurora. The topic is 'Planning for agriculture in Erie County'. The class starts at 5:30PM and runs for 2.25 hours. There is no fee for the class. It will not satisfy the NYS training requirements.

Southern Tier West conference is being offered on May 5, 2010 at Houghton College in Houghton NY. This is an all day conference which counts for the NYS training requirements. The fee is \$40 for pre-registry. Lunch is included in the cost. There is money in the budget to cover this cost. Please let Wendy know by ASAP if you are interested in attending.

Laurie is unavailable for the April meeting and Bill Voss is unavailable for the May meeting.

A motion was made by Jim Griffis and seconded by Al Fontanese to adjourn at 8:35PM.

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