

TOWN OF AURORA  
TOWN BOARD WORK SESSION  
October 18, 2016

The following members of the Aurora Town Board met on Tuesday, October 18, 2016 at 5:30 p.m. in the Southside Municipal Center Town Hall Auditorium, 300 Gleed Avenue, East Aurora, NY, for the purpose of holding a work session:

Present:	Susan A. Friess	Councilwoman
	Jolene M. Jeffe	Councilwoman
	Jeffrey T. Harris	Councilman
	Charles D. Snyder	Councilman
	James J. Bach	Supervisor

Others Present:	Ronald Bennett	Town Attorney
	William Kramer	Code Enforcement Officer
	Patrick Blizniak	Superintendent of Building
	Camie Jarrell	GHD/Engineer

5:30 p.m.

1) Code Review:

The Board continued its review of proposed Code additions and changes. Supervisor Bach and Councilwoman Jeffe attended a Municipal Solar Ordinance Workshop in Orchard Park on October 13<sup>th</sup>. Mrs. Jeffe stated that representatives from NYSERDA and the UB Regional Institute lead the discussion. The model solar energy law that they received at the seminar was reviewed, along with the solar energy law from the Town of Lockport, NY. Councilmen Snyder and Harris and Bill Kramer will take the Lockport code and amend it to fit the needs of the Town of Aurora.

7:00 p.m.

Supervisor Bach led the recitation of the Pledge of Allegiance to the Flag.

1) Public Hearing – Local Law Intro 5 -2016 Extension of Subdivision Moratorium

The Supervisor stated that a Public Hearing on a six (6) month extension of a moratorium on Subdivisions and Cluster Development in the Town of Aurora is being held tonight. The Town Clerk presented the Affidavits of Publication and Posting. Supervisor Bach opened the hearing at 7:00 p.m. and asked if anyone wished to comment.

Hearing no comments, the hearing was closed at 7:01 p.m.

2) Public Hearing – Local Law Intro 6 -2016 Extension of Open Development Moratorium

The Supervisor stated that a Public Hearing on a six (6) month extension of a moratorium on the division and development of land lacking adequate road frontage in the Town of Aurora is being held tonight. The Town Clerk presented the Affidavits of Publication and Posting. Supervisor Bach opened the hearing at 7:01 p.m. and asked if anyone wished to comment.

Hearing no comments, the hearing was closed at 7:02 p.m.

There were no comments from the Town Board.

3) Consideration of Local Laws to extend moratoriums:

Councilwoman Jeffe moved to adopt Local Law No. 5-2016; seconded by Councilwoman Friess:

TOWN OF AURORA  
LOCAL LAW 5 - 2016

A LOCAL LAW, TO AMEND LOCAL LAW 1-1990 KNOWN AS “THE CODES OF THE TOWN OF AURORA”, ADOPTED BY THE TOWN BOARD OF THE TOWN OF AURORA ON JANUARY 22, 1990, TO ESTABLISH A MORATORIUM ON THE SUBDIVISION OF LAND AND CLUSTER DEVELOPMENT WITHIN THE TOWN OF AURORA.

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF AURORA AS FOLLOWS:

SECTION 1. LEGISLATIVE INTENT

This Local Law amends a prior Local Law known as “The Town of Aurora Code” adopted by the Town of Aurora on January 22, 1990, as amended, relating to the administrative, legislative and general legislation of Codes within the Town of Aurora as therein set forth.

SECTION 2. PURPOSE

The Town Board of the Town of Aurora has under review amendments to Chapter 99 which governs the subdivision of land within the Town. The purpose of Chapter 99 is to protect and provide for the public health, safety and welfare of the Town with guidance to future growth and development of the Town. By so doing, it is the intent of Chapter 99 to protect the character of all parts of the Town and to encourage the orderly and beneficial development of its parts, protecting and conserving the value of land, and to provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the Town. In the subdivision of land, it is necessary to establish reasonable standards for the design and procedure in order to further the orderly layout and use of land throughout the Town. It is acknowledged that Local Law No. 3-2015 previously established a six (6) month moratorium. It is also acknowledged that Local Law No. 3 of 2016 established an six (6) month moratorium extension to the 2015 local law. The Town Board has had numerous sessions reviewing the appropriate codes together with support of the Town Planning Board. The Town Board of the Town of Aurora finds it prudent and necessary to enact an extension to a moratorium applicable to the subdivision of land and cluster development within the Town. This moratorium extension is intended to ensure that no approvals for such land use application be granted or permitted until this Board can complete its planning studies and has had an opportunity to consider and enact appropriate amendments to the Code. It is anticipated that the required code revisions shall be under consideration by the Town Board well within the time frame of the additional six (6) month moratorium.

SECTION 3. AUTHORITY

This Local Law is enacted pursuant to the provisions of Article 16 of the New York Town Law and Section 10 of the New York Municipal Home Rule Law.

SECTION 4. MORATORIUM AND DURATION

The Town Board of the Aurora hereby declares a six (6) month moratorium extension on the subdivision of land within the Town, with an opportunity to review and consider amendments to Chapter 99.

**SECTION 5. SEVERABILITY**

The invalidity of any word, section, clause, paragraph, sentence, or part or provision of this Local Law shall not affect the validity of any other part of this Local Law which shall be given effect.

**SECTION 6. EFFECTIVE DATE**

This Local Law shall become effective immediately upon the adoption by the Town of Aurora Town Board and filing with the New York Secretary of State.

Upon a roll call vote being taken:

Councilman Harris – aye  
Councilwoman Jeffe – aye  
Councilwoman Friess – aye  
Councilman Snyder – aye  
Supervisor Bach – aye

Action #316  
LL5-2016 – 6mo  
moratorium on  
subdivisions  
adopted

Ayes – five

Noes – none

Motion carried.

\* \* \*

Councilman Snyder moved to adopt Local Law No. 6-2016; seconded by Councilwoman Jeffe:

**TOWN OF AURORA  
LOCAL LAW 6 - 2016**

A LOCAL LAW, TO AMEND LOCAL LAW 1-1990 KNOWN AS “THE CODES OF THE TOWN OF AURORA”, ADOPTED BY THE TOWN BOARD OF THE TOWN OF AURORA ON JANUARY 22, 1990, TO ESTABLISH A MORATORIUM ON THE DEVELOPMENT OR SUBDIVISION OF LAND THAT LACKS REQUIRED ROAD FRONTAGE WITHIN THE TOWN OF AURORA.

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF AURORA AS FOLLOWS:

**SECTION 1. LEGISLATIVE INTENT**

This Local Law amends a prior Local Law known as “The Town of Aurora Code” adopted by the Town of Aurora on January 22, 1990, as amended, relating to the administrative, legislative and general legislation of Codes within the Town of Aurora as therein set forth.

**SECTION 2. PURPOSE**

The Town Board of the Town of Aurora has under review amendments to Chapter 79 which governs the division and development of land that lacks required road frontage in the Town. The purpose of Chapter 79 is to protect and provide for the public health, safety and welfare of the Town with guidance to future growth and development of the Town. By so doing, it is the intent of Chapter 79 to protect the character of all parts of the Town and to encourage the

orderly and beneficial development of its parts, protecting and conserving the value of land, and to provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the Town. It is necessary to establish reasonable standards for the design and procedure in order to further the orderly layout and use of land throughout the Town. It is acknowledged that Local Law No. 2-2015 previously established a six (6) month moratorium. It is also acknowledged that Local Law No. 2 of 2016 established a six (6) month moratorium extension to the 2015 local law. The Town Board has had numerous sessions reviewing the appropriate codes together with support of the Town Planning Board. The Town Board of the Town of Aurora finds it prudent and necessary to enact an extension to a moratorium applicable to the division or development of land lacking required road frontage within the Town. This moratorium extension is intended to ensure that no approvals for such land use application be granted or permitted until this Board can complete its planning studies and has had an opportunity to consider and enact appropriate amendments to the Code. It is anticipated that the required code revisions shall be under consideration by the Town Board well within the time frame of the additional six (6) month moratorium.

**SECTION 3. AUTHORITY**

This Local Law is enacted pursuant to the provisions of Article 16 of the New York Town Law and Section 10 of the New York Municipal Home Rule Law.

**SECTION 4. MORATORIUM AND DURATION**

The Town Board of the Aurora hereby declares a six (6) month moratorium extension on the development or subdivision of land that lacks required road frontage within the Town, with an opportunity to review and consider amendments to Chapter 79.

**SECTION 5. SEVERABILITY**

The invalidity of any word, section, clause, paragraph, sentence, or part or provision of this Local Law shall not affect the validity of any other part of this Local Law which shall be given effect.

**SECTION 6. EFFECTIVE DATE**

This Local Law shall become effective immediately upon the adoption by the Town of Aurora Town Board and filing with the New York Secretary of State.

Upon a roll call vote being taken:

Councilman Harris – aye  
Councilwoman Jeffe – aye  
Councilwoman Friess – aye  
Councilman Snyder – aye  
Supervisor Bach – aye

Action #317  
LL6-2016– 6mo  
moratorium on  
ODA’s  
adopted

Ayes – five

Noes – none

Motion carried.

\* \* \*

4) Water District Petition – East Main Street/Reiter Road

Peter Herman, E. Main Street, previously presented a petition signed by residents of the Towns of Aurora and Wales who are interested in obtaining municipal water. Camie Jarrell

stated that she looked at the map, plan and report that was developed in 2005 for a proposed water district in the area of East Main Street and Reiter Road. Ms. Jarrell noted that this project consisted of 50,000 feet of pipe, a water tank and pump station. Today we would need to obtain current construction costs, a boundary update and parcel count. ECWA Commissioner Earl Jann stated that the 2005 plan would cost about \$10 million today. Mr. Jann spoke to the Board about several different routes water mains could go, including using the water tank in Marilla and the water main going from there to Wales Center, with a possible branch off to Porterville Road which would lead to Reiter Road. A meeting between Wales, Marilla, Aurora, and the ECWA was suggested. Camie Jarrell will coordinate the meeting which will be held at the ECWA Cheektowaga location.

5) Master Water Improvement Area (MWIA) update:

Camie Jarrell, GHD/Engineer, stated that the surveying and preliminary design for the project is done; design improvements are being worked on; the pump station on Ellis Dr. needs to be replaced and expanded. Ms. Jarrell noted that a piece of land would need to be purchased for the new pump station. Supervisor Bach will send a letter to the property owners and GHD will talk to them about the details. The Town will be purchasing and installing the 220 new water meters that are needed to replace existing meters. Ms. Jarrell will get the meter sizes to David Gunner.

6) Fire Hall/Senior Center purchase update:

Town Attorney Ronald Bennett stated that the environmental review of the property is complete and the report was negative (no environmental impacts or problems). Mr. Bennett is waiting for the property title. There will be one deed describing the three parcels involved.

7) Southside Municipal Center sale update:

Attorney Bennett noted that the title is being worked on as is an agreement for the east lot line regarding snow removal/storage and recreation use. The purchaser's attorney has the title, search and survey.

8) Major's Park Hubbard Cabin:

Councilman Harris gave a brief history on the cabin that is located at the south end of Major's Park. He noted that it was denied historic status; it is known as being the former hunting cabin for the Hubbard's; the area around the building has been cleaned up; the building needs to be made more secure; it will need a new roof, but the rest of the building is structurally sound. Supervisor Bach stated that the Board needs to determine a use for the cabin before spending money on it, but it should be made safe. Councilman Harris stated he would like to form a committee, a group of volunteers to help fix the cabin and to possibly raise funds to fix it.

9) Aurora Mills Cluster Subdivision:

Gary Eckis asked if there could be conditions placed upon approval of the Preliminary Plat with regard to the sidewalks, pavement width, etc. Attorney Bennett responded, no, everything agreed up or asked for by the Town Board should be part of the Preliminary Plat. Mr. Eckis stated that they do not want to make the roads wider because it is more expensive. He believes the roads to be adequate and safe for fire protection. Mr. Eckis stated that this width road, 24 feet plus 2 feet gutters on each side, is done in other cluster developments. Councilwoman Jeffe stated she has no problem with the proposed road width as long as there are sidewalks and proposed they be installed on the outer loop. Mr. Eckis stated they do not want sidewalks due to the setbacks, utilities, etc. Councilman Snyder asked why they could not increase the lot depth by 4 feet and move the houses back 4 feet. Councilwoman Friess suggested adding 6 feet to the lot depth and a road pavement width of 26 feet. Mrs. Friess stated that sidewalks are important. Mr. Snyder said the fire department should be asked for their

opinion on the road width. Councilwomen Jeffe and Friess and Councilman Snyder stated they would like to see sidewalks for sure. Supervisor Bach stated that if the road is 24 feet then there should be sidewalks. The developer needs to address the concerns and comments of the Board and engineer.

10) Aurora Community Gardens:

Councilwoman Jeffe stated she was contacted by Nancy Smith regarding the fact that NY State, on the recommendation of the Erie County Legislature, approved Ag District designation for the Aurora Community Gardens. Councilwoman Friess suggesting talking with Jeff Markello regarding the court decision he made regarding this property.

Martha L. Librock  
Town Clerk