

September 9, 2019

A meeting of the Town Board of the Town of Aurora took place on Monday, September 9, 2019 at 7:00 p.m. in the Town Hall Auditorium, 300 Glead Avenue, East Aurora, New York.

Members Present:	Jeffrey T. Harris	Councilman
	Susan A. Friess	Councilwoman
	Jolene M. Jeffe	Councilwoman
	Charles D. Snyder	Councilman
	James J. Bach	Supervisor
Others Present:	Ronald Bennett	Town Attorney
	William Kramer	Code Enforcement Officer
	Camie Jarrell	Engineer/GHD
	Shane Krieger	Chief of Police
	David Gunner	Highway Superintendent
	Tony Rosati	Zoning Board member
	Paul Porter	East Aurora Village Trustee
	Karen Howard	Senator Gallivan's office

Supervisor Bach opened the meeting at 7:00 p.m. with the Pledge of Allegiance to the Flag. Mr. Bach welcomed Karen Howard, representative from Senator Patrick Gallivan's office, to the meeting.

Councilwoman Friess moved to approve the minutes of the August 26, 2019 Town Board work session and meeting; seconded by Councilman Snyder. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #315
8/26/19 wk
sess & mtg
min aprvd

AUDIENCE I: none

UNFINISHED BUSINESS:

Councilman Harris moved to adopt the following resolution regarding variances for the 840 Quaker Road ODA application; seconded by Councilman Snyder:

**RESOLUTION APPROVING ODA VARIANCE REQUEST
FOR 840 QUAKER ROAD**

WHEREAS, Mark Katilus has applied for an Open Development Area (ODA) permit for property located at 840 Quaker Road (SBL# 174.08-1-3) in the Town of Aurora; and

WHEREAS, the lot where a single-family dwelling is proposed to be built is 2.43± acres; and

WHEREAS, the proposed location of the single-family dwelling is approximately one hundred (100) feet from the front yard lot line; and

WHEREAS, Chapter 99-31(A) of the Codes of the Town of Aurora requires the minimum lot size to be three (3) acres exclusive of the "flagpole" portion of the property; and

WHEREAS, Chapter 99-31(A)(1) of the Codes of the Town of Aurora requires the front yard setback to be two hundred (200) feet from the boundary line parallel to the street right-of-way; and

WHEREAS, the applicant has requested a lot size variance of one (1)± acre and a front yard setback variance of one hundred (100) feet to permit the construction of a single-family residence on a lot smaller than provided for in the Town Code and closer to the front lot line than provided for in the Town Code; and

WHEREAS, the applicant purchased the property prior to the 2017 amendment to the Codes of the Town of Aurora, which increased the minimum lot size and setbacks for Open Development Areas, with the intention of building a single family residence; and

WHEREAS, this Open Development Area variance request was reviewed by the Town Planning Board and said Board recommended that the Town Board approve the lot size and front yard setback variances; and

WHEREAS, §99-37 of Chapter 99 authorizes the Town Board to vary the strict compliance of the regulations would not cause a concern of public interest.

NOW, THEREFORE, be it

RESOLVED, the Aurora Town Board does hereby grant a lot size variance of one (1) ± acre and a front yard setback variance of one hundred (100) feet to permit the construction of a single-family residence on a lot smaller than provided for in the Town Code, and closer to the front lot line than provided for in the Town Code at 840 Quaker Road (SBL#174.08-1-3).

Action #316
Resolution
for variances
for ODA at
840 Quaker
adopted

RESOLVED, this Resolution shall be incorporated by reference into the application and approval of the Open Development Area permit.

Upon a vote being taken: ayes – five noes – none Motion carried.

* * * * *

Councilman Snyder moved to adopt the following resolution; seconded by Councilman Harris:

**RESOLUTION
APPROVING OPEN DEVELOPMENT AREA PLAN
840 QUAKER ROAD
TOWN OF AURORA, NEW YORK**

WHEREAS, Chapter 99 of the Code of The Town of Aurora establishes standards for landowners who wish to develop or subdivide land that lacks adequate public road frontage for standard lot development (known as “open development area”); and

WHEREAS, Mark Katilus (“the Applicant”) has filed an Open Development Area application for 840 Quaker Road (SBL#174.08-1-3) and seeks approval to construct a single-family residence on the 2.43± acre parcel; and

WHEREAS, the Applicant has made every reasonable attempt and all necessary effort to comply with specifications of Chapter 99 of the Code of the Town of Aurora; and

WHEREAS, this action is considered a Type II under SEQR and no further review under SEQR is required; and

WHEREAS, the applicant petitioned the Town Board for a lot size variance and a front yard setback variance to allow the single-family residence to be built on a lot smaller than allowed by Town code and closer to the buildable area front lot line than allowed by Town code and the variances were granted by the Town Board; and

WHEREAS, while granting the variances, the Town Board took into consideration the location of an existing residence on Quaker Road whose backyard abuts the buildable front yard of this ODA and determined that a berm with fir trees be placed just north of this lot line; and

WHEREAS, according to Section 99-37 of the Code, the Town Board may modify the specifications and requirements in any Open Development Area Plan, where in the Board’s judgment, such modifications are in the public interest and/or will avoid the imposition of unnecessary hardship on the applicant; and

NOW THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Aurora acknowledges that compliance with all other standards, requirements and conditions, including those specified by the Town Board as noted above, is in the public interest and will substantially secure the objectives of the modified standard; and BE IT FURTHER

RESOLVED, that approval of this Open Development Area with lot size and front yard setback variances by the Town Board of the Town of Aurora, and any future development is subject to the standards and requirements of Chapter 99 of the Code of the Town of Aurora without modification, variance or waiver; and BE IT FURTHER

RESOLVED, that a condition of this approval is that the applicant or any future owner of the property is required, prior to commencing construction of a residence, to build a dirt berm three (3) feet high that extends from the west lot line of this parcel to the west edge of the culvert bank on this parcel and that six-foot tall evergreen trees be planted in a staggered pattern at ten foot intervals on the berm; and BE IT FURTHER

RESOLVED, that said Open Development Area Plan to construct a single-family residence at 840 Quaker Road (SBL#174.08-1-3) with lot size and front yard setback variances and conditions, is approved.

Action #317
840 Quaker
ODA aprvd
with
conditions

Upon a vote being taken: ayes – five noes – none Motion carried.
* * * * *

Councilwoman Jeffe moved to table the Special Use Permit application for 1089 Davis Road, PO West Falls, Town of Aurora. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #318
1089 Davis
special use
permit tabled

Councilwoman Friess moved to approve the amended Highway 284 (DA fund) Agreement in the amount of \$215,520.99 (which includes \$35,000 previously approve on 6/24/19) for the demolition, removal and reconstruction of the North Grove Street bridge in the Village of East Aurora, and to authorize the Supervisor and Town Board members to sign said agreement. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #319
Amended 284
Hwy agrmt -
DA fund
aprvd

Councilman Harris moved to authorize the Supervisor to sign an agreement with the Buffalo Polo Club for use of the Knox Farm State Park polo field for two polo events per year. Councilwoman Jeffe seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #320
Supv auth to
sign an
agreement w/
Bflo Polo
Club for use
of polo fields
at KFSP

Councilwoman Friess moved that Legacy Development's plan to build an additional single-family unit on Cheval Road at the Polo Grounds subdivision go before the Town Zoning Board of Appeals. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #321
Polo Grounds
subdiv
amended plan
shld go to
ZBA

After review of Part 2 of the short SEQR form for the Local Law to rezone SBL# 176.00-4-25.1, Councilman Harris moved to issue a negative declaration. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #322
Neg Declara-
tion issued
for LL2

Councilman Harris moved to adopt the following Local Law; seconded by Councilwoman Friess:

TOWN OF AURORA
LOCAL LAW 2 - 2019

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, BY AMENDING THE ZONE MAP.

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. This Local Law will amend the boundaries of the Zone Map to transfer the described property from its present location in A and RR Zoning Districts to a B2 Zoning District to accommodate the jewelry manufacturing business known as Gemini Finishers-Precious Memories, or its successors.

SECTION 2. SECTION 116-6, ZONE MAP

Section 116-6(A), Zone Map, of the Codes of the Town of Aurora is amended as follows: The present Zone Map adopted heretofore describing the district boundaries within the Town of Aurora is amended to transfer and place the following described property from its present classification as A and RR Zoning Districts to a B2 Zoning District:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Aurora, County of Erie and State of New York, being part of Lot No. 13, Township 9, Range 6 of the Holland Land Company’s Survey bounded and described as follows:

BEGINNING at a point in the center line of Route No. 16, also known as Olean Road and as Creek Road, said point being 1120.9 feet northerly of the south line of Lot No. 13, as measured along the center line of Route No. 16; running thence westerly forming an interior angle of 65° 12’ 06”, along the northerly line of lands conveyed by Lyle A. Giesler and Jean A. Giesler, to Dana G. Holmes and Kathleen A. Cardarelli in Liber 8989 of Deeds at page 72, through an iron pipe a measured distance of 533.95 feet and a recorded distance of 535.1 feet to a point in the easterly line of lands conveyed to the State of New York for the Aurora Expressway, recorded in Liber 7600 of Deeds at page 156; running thence northerly forming an interior angle of 84° 34’ 53” measured and 84° 28’ recorded, along the easterly line of lands of said Aurora Expressway recorded in Liber 7600 of Deeds at page 156, a distance of 304.04 feet to a point; running thence northerly forming an interior angle of 169° 32’ 26” along the easterly line of lands of said Aurora Expressway recorded in Liber 7600 of Deeds at page 156, a distance of 280.86 feet to a point in the southerly line of Sweet Road (abandoned); running thence easterly forming an interior angle of 94° 22’ 44” along the southerly line of Sweet Road (abandoned) a distance of 184.88 feet to a point in the center line of Route No. 16; running thence southeasterly forming an interior angle of 126° 09’ 51”, along the centerline of Route No. 16 a distance of 145.45 feet to an angle point in the center line of Route No. 16; running thence southeasterly forming an interior angle of 180° 08”, along the centerline of Route No. 16 a distance of 444.84 feet to the point and place of beginning, containing 4.70 acres, more or less.

EXCEPTING therefrom that part lying within the bounds of the Olean Road as not laid out.

ALSO EXCEPTING AND RESERVING therefrom so much of the above describe premises as described in a deed from Jennie E. Rickettson to County of Erie, dated July 12, 1941, recorded in Erie County Clerk's Office in Liber 3130 of Deeds at page 576 on July 21, 1941, known as parcel No. 21-A.

ALSO EXCEPTING that part appropriated by notices of appropriation recorded in the Erie County Clerk's Office in Liber 7600 of Deeds page 156, known as Map 886, Parcel 955.

SECTION 3. RESTRICTION ON USE

The rezoning of the real property described herein is subject to the following conditions:

1. Rezoning is for the use of the property solely for a 9400gsf building to accommodate a jewelry manufacturing business.
2. Storefront retail business will not be conducted at this location.
3. Prior to the commencement of the development of the property rezoned from A and RR to B2 the property owner shall be required to submit engineered plans and to obtain all required approvals from the Town of Aurora, but not limited to Site Plan approval.
4. Any signage, temporary or permanent, for the property shall be in compliance with all Town of Aurora codes.
5. Any future additions, use or structural, to the site plan must be submitted to the Town Board to determine that the addition is substantially in agreement with the intent of this rezoning.
6. Construction of the project on this property rezoned from A and RR to B2 shall commence within twelve (12) months of obtaining all required approvals and permits from the Town of Aurora, unless an extension of the timeframe for the commencement of construction shall be approved by the Town Board. For purposes of this property rezoned from A and RR to B2 commencement of construction of any structure on the property shall constitute commencement of the project.
7. A Declaration of Restrictive Covenants citing the Restrictions on Use shall be recorded at the Erie County Clerk's Office and shall expressly state that the restrictions contained therein cannot be amended or rescinded without the permission of the Town Board of the Town of Aurora.

SECTION 4. SEVERABILITY

If any portion, subsection, sentence, clause, phrase or portion thereof contained in this Local Law is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

SECTION 5. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the New York Secretary of State.

Upon a vote being taken:

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

Action #323
LL 2-2019
rezoning v/l
Olean Rd for
jewelry
business
adopted

ayes – five

noes – none

Motion carried.

Councilman Snyder moved to approve payment 1/final to Apollo Dismantling Services LLC, 4511 Hyde Park Blvd., Niagara Falls, NY in the amount of \$26,927.00 for the Town authorized demolition of 2250 Blakeley Road and payment 1/final to Advanced Contracting Services, PO Box 986, Grand Island, NY in the amount of \$800 for the air monitoring/sampling portion of the demolition. Funds will be disbursed from A1990 Contingency. Councilman Harris seconded the motion. Upon a vote being taken:
ayes – five noes – none Motion carried.

Action #324
Pymt to
vendors for
2250 Blakeley
demo aprvd

NEW BUSINESS:

Councilwoman Jeffe moved to set Tuesday, October 15, 2019 at 7:00 p.m. at the Town Hall Auditorium, 300 Gleed Avenue, E. Aurora, NY as the date, time and place for a public hearing on the use of CDBG funds. Councilwoman Friess seconded the motion. Upon a vote being taken:
ayes – five noes – none Motion carried.

Action #325
Public hrg set
for CDBG
funding

Councilman Snyder moved to authorized Kathleen Moffat to attend the NYGFOA Advanced Accounting Class on November 14, 2019 in Batavia, NY. The \$170 registration fee plus mileage reimbursement will be disbursed from A1220.404. Councilman Harris seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #326
K. Moffatt to
attend
NYGFOA
class

Councilwoman Friess moved to change the Civil Service title of Building Department clerk Jennifer Calkins from Seasonal Clerk PT to Clerk PT effective September 16, 2019. Councilwoman Jeffe seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #327
J. Calkins
title changed
to clerk PT

COMMUNICATIONS & REPORTS – The following communications and reports were received by the Board and filed:

- Water Clerk – August 2019 report
- Town Clerk – August 2019 report
- ORPS – Certificate of Final Telecommunications Ceiling for assessment roll
- Supervisor – August 2019 report

BUSINESS FROM BOARD MEMBERS AND LIAISONS:

The Board thanked the community for its support of the Lenny Mazurkiewicz benefit.

AUDIENCE II:

Paul Porter spoke about a planned presentation by the EAUFSD to the Village Board regarding school resource officers.

STAFF REPORTS: none

ABSTRACT OF CLAIMS:

The Abstract of Claims dated September 9, 2019, consisting of vouchers numbered 1171 to 1236, was presented to the Board for audit and authorization of payment from the following funds:

General	\$ 53,723.71
Part Town	1,510.44
Highway DA	105.00
Highway DB	4,754.08
Capital/MWIA	1,210.00

Capital/AMC	2,000.00
Trust/Agency	200.00
Special Districts	<u>32,600.37</u>
Grand Total Abstract	\$ 96,103.60

Councilwoman Friess moved to approve the 9/9/19 Abstract of Claims, and authorize payment of same. Councilman Harris seconded the motion. Upon a vote being taken: ayes – five noes – none
Motion carried.

Action #328
9/9/19
Abstract of
Claims aprvd

Councilwoman Jeffe moved to adjourn at 7:25 p.m.; seconded by Councilwoman Friess. Upon a vote being taken: ayes – five noes – none
Motion carried.

Action # 329
Meeting
adjourned

Martha L. Librock
Town Clerk