

January 29, 2021

A special meeting/work session of the Town Board of the Town of Aurora took place on Friday, January 29, 2021 at 5:00 p.m. The purpose of the meeting/work session was to discuss the proposed rezoning of 730 Olean Road and the Code Blue use at 765 Olean Road. Due to the coronavirus/Covid19 pandemic, tonight's meeting/work session was live-streamed via Zoom and YouTube in accordance with NYS Executive Order 202.1 – *Suspension of law allowing the attendance of meetings telephonically or similar service: Article 7 of the Public Officers Law, to the extent necessary to permit any public body to meet and take such action authorized by the law without permitting public in-person access to meetings and authorizing such meetings to be held remotely by conference call or similar service, provided that the public has the ability to view or listen to such proceeding and that such meetings are recorded and later transcribed.*

Members in attendance: (via Zoom)	Jolene M. Jeffe	Councilwoman
	Susan A. Friess	Councilwoman
	Charles D. Snyder	Councilman
	Luke Wochensky	Councilman
	James J. Bach	Supervisor
Others in attendance: (via Zoom or phone)	Ronald Bennett	Town Attorney
	Martha Libroch	Town Clerk
	Elizabeth Cassidy	Asst. Code Enforcement Officer

Supervisor Bach opened the meeting at 5:00 p.m. with the Pledge of Allegiance to the Flag.

The Town Board discussed the rezoning of 730 Olean to B2 and the Code Blue location at 765 Olean at length:

Councilman Snyder and Councilwoman Friess stated they did a little fact finding and noted they would like more information from Attorney Bennett and Assistant Code Enforcement Officer Cassidy.

Councilman Wochensky stated he reviewed all the emails, including Bill Kramer's, regarding Code Blue and local and state codes. Mrs. Cassidy responded that it is not clearly defined in the Town of Aurora code. She noted that "non-traditional family" is an allowable use in an R2 zone according to State Code, but not in Town Code.

Councilman Snyder asked who has precedence, Town or State.

Councilman Wochensky stated just because it is in building code does not mean you can do something in a certain zone.

Attorney Bennett stated that a use under Town zoning must conform to building code. The Town code says what can be done in a zone.

Councilwoman Jeffe stated that we cannot define every entity that wants to come into the Town and that a dwelling is a dwelling and a residence a residence.

Councilwoman Friess referred to the R3 zone regulations regarding boarding or rooming house and is not sure the Code Blue house fits into the R2 where it is now. Mrs. Friess stated that Code Blue is still an issue and the plan to move it across the street does not feel fit for this neighborhood.

Councilman Wochensky stated the Comprehensive Plan is how things should develop and Code Blue does not fit into the plan.

Councilwoman Jeffe stated she is struggling with this, as it is open to interpretation.

Councilman Wochensky noted that it is our job to make it not so open and asked if it would be reasonable to have a B3 zone.

Councilwoman Jeffe suggested defining this as B2 and have restrictive covenants.

Councilwoman Friess responded, no, if Code Blue is going there, and that we need to be sensitive to the neighbors that are already there. Mrs. Fries noted that the Regional Comprehensive Plan is a tool, one piece, that is used and that other input from the Town comes into the plan.

Councilwoman Jeffe stated that our zoning is our comprehensive plan.

Councilwoman Friess stated even without Code Blue she is still struggling with the rezoning with residences being there.

Supervisor Bach stated that issues can be mitigated with fences, etc., but he is not comfortable with having Code Blue there. Mr. Bach noted he would consider B2 with restrictive covenants.

Councilman Wochensky asked what the agreement is between ROC and Erie County regarding Code Blue. Supervisor Bach responded that Frank Cerny is looking to send an electronic copy of the contract to the Board.

Councilman Wochensky and Attorney Bennett are going to look into what, if any, challenges there are regarding restrictions/restrictive covenants.

Supervisor Bach closed the meeting/work session at 6:30 p.m., noting that the Board will hold further discussions on this matter.

Martha L. Librock
Town Clerk