

TOWN OF AURORA
TOWN BOARD WORK SESSION
June 28, 2021

The following members of the Aurora Town Board met on Monday, June 28, 2021 at 6:00 p.m. for the purpose of holding a work session. The Board met in-person at the Aurora Municipal Center, 575 Oakwood Avenue, East Aurora, New York.

Present:	Jolene M. Jeffe	Councilwoman
	Charles D. Snyder	Councilman
	Luke Wochensky	Councilman
	James J. Bach	Supervisor
Absent/Excused:	Susan A. Friess	Councilwoman
Others Present:	Ronald Bennett	Town Attorney
	Elizabeth Cassidy	Code Enforcement Officer
	David Gunner	Highway Superintendent
	Shane Krieger	Chief of Police
	Tony Rosati	Village Trustee/Town ZBA Member

Supervisor Bach opened the work session at 6:00 p.m. with the recitation of the Pledge of Allegiance to the Flag and noted the regular meeting would begin immediately after the work session.

1) Willardshire Road ODA - Morrow:

Eric Morrow spoke to the Board about a letter dated November 9, 2004 from former Superintendent of Building Patrick Blizniak to his father, Jerry Morrow. Eric Morrow is asking the Town Board to recognize and honor the letter as an official determination pertaining to properties at 1045 Willardshire Road. Mr. Morrow is specifically asking if lot 3 on the plot plan he provided is buildable.

Town Attorney Bennett stated that the substance of the letter is in regard to a 3/4 acre lot size with 125' frontage. Lot 1 on the plan includes the right-of-way which is not included in the buildable portion of a lot. Code Enforcement Officer Elizabeth Cassidy stated that the actual size of lot 1 is .66 acres and is not buildable. Ms. Cassidy noted that in conversations she has had with the Erie County Health Department, a septic system would not be permitted by the ECHD for this lot.

Mr. Morrow stated that his request tonight is only for lot 3.

Ms. Cassidy stated that the Code that is followed is that which is in effect at the time an action takes place. It's 2021 and the current code is followed. An area variance for size would be required for lot 3.

Councilman Wochensky asked Mr. Morrow, what, specifically he is looking for.

Mr. Morrow responded he wants to know if lot 3 is buildable – just asking that lot 3 be recognized as a buildable lot based on the letter.

Councilman Wochensky stated he interprets the (2004) letter differently as there is nothing explicit in the letter and the Town has the right to update codes and zones. The letter has no binding legal effect.

Ms. Cassidy stated the lot looks buildable if an area variance were granted.

Councilman Wochensky asked if Mr. Morrow would be applying for lot 1 again. Mr. Morrow responded he has no intention for lots 1 or 2 now – the focus tonight is lot 3.

Councilwoman Jeffe noted that lot 3 requires a variance for size to be buildable.

Councilman Wochensky stated there is no grandfathering in this case.

Attorney Bennett stated that the letter is not binding. A Town employee cannot bind the Town and this letter would be considered an opinion.

Councilwoman Jeffe stated this letter does not address anything in the letter relating to lot 3, just to lot 1.

Mr. Morrow stated if there is an opportunity for a variance, it would be helpful.

Councilman Snyder stated an application for a variance needs to be completed and submitted. Mr. Snyder noted that the lot is currently 2.2 acres, less the “flag pole” portion which is not considered in the lot size, making it 1.88 acres. Three acres are required under the current ODA code, so a 1.22 acre variance is needed.

Councilwoman Jeffe suggested that Mr. Morrow return with a completed request as to exactly what he is asking for.

2) Borderland Temporary Use Permit:

Jennifer Brazill of Borderland Music and Arts Festival submitted an application for a Temporary Use Permit to use the Town managed portion of Knox Farm State Park for parking for the 2021 Borderland Festival on September 18-19. The Traffic and Parking Management Plan and maps were reviewed by the Chief of Police and the Town and were found to be acceptable for the 2021 event. A certificate of insurance naming the Town of Aurora as additional insured is still needed.

Mike Breddy, Gypsy Lane, stated he is concerned about parking on the Polo field and damage being done to them. Mr. Breddy asked what happens if it rains. Highway Superintendent Gunner stated that in the event of rain, there is alternate parking on the State side of the park opposite the Polo fields and Equestrian area. Mr. Gunner stated they would do their best to make sure the fields are not damaged.

3) Warren Drive Park – Lacrosse storage shed:

The EA Lacrosse organization is requesting permission from the Town to erect a storage shed at Warren Drive Park to store some of their equipment. Highway Superintendent Gunner stated that since they remodeled the bathrooms, the remaining part of the building will be used by the Town for storage for recreation programs at the park. Code Enforcement Officer Cassidy stated that a building permit is required for the shed. Since the property is owned by the Town, the Town will apply for the permit.

4) Estoppel – Wales Out of District Water:

Supervisor Bach stated that the Estoppel letter spells out and confirms the details of the Out of District Water agreement that is in place for 6401 (fka: 6389) Olean Road, PO South Wales, Town of Wales, NY. This was requested by the Broadway Group LLC who is developing the property.

5) Knox Road – Pedestrian Safety:

Highway Superintendent Gunner spoke to the Board about several items that would help with pedestrian safety on Knox Road, a County road, along the Town managed side of Knox Farm State Park and the State managed side.

Mr. Gunner stated if the Town wants a striped crosswalk it would need to adopt a resolution 1) stating it wishes to have a striped crossing; and 2) giving the Town the ability to sign a Pavement Marking Permit documenting that Town would maintain the crosswalk. Once the permit is received from the County, the Town can put the paint on the road.

The Town Clerk stated a TE-9 Speed Study request has already been submitted for a speed reduction on that portion of Knox due to the many people who walk or run along that stretch of Knox and who cross from the parking lot to the park.

Mr. Gunner noted that the walkway along Knox at the culvert that he spoke about in the past would be difficult to install due to ADA requirements for surface, width and grade and probably won't be done. Mr. Gunner stated he is asking the County if the guard rail at that point in the road can be moved back.

6) Open Development Area (ODA) Moratorium:

Supervisor Bach stated that the ODA (flag lot) code that was adopted in 2017 needs to be reviewed and updated.

Councilman Wochensky stated the intent and purpose of the ODA code should work with the Comprehensive Plan.

7) Temporary Use Permits:

A) Warren Drive Park – Soccer Shots: Maureen Miller, representing Soccer Shots, submitted an application requesting a Temporary Use Permit to hold a non-competative youth soccer program at Warren Drive Park on Wednesdays beginning September 15 through November 3, 2021. A certificate of insurance from M&M Youth Sports LLC dba Soccer Shots Buffalo was received with the application.

B) JP Nicely West Falls Park – WNY Cyclocross: John Roden, WNY Cyclocross Club, submitted an application requesting a Temporary Use Permit to hold two Cyclocross at JP Nicely West Falls Park. The first event would be on Saturday, August 14, 2021 and the second on Sunday, October 17, 2021. A certificate of insurance with the Town as certificate holder is still needed.

C) JP Nicely West Falls Park – 42 North company picnic: Catherine Cimperman submitted an application requesting a Temporary Use Permit to hold a company kickball game (picnic) at JP Nicely West Falls Park from 4:00-8:00pm on July 12, 2021. A certificate of insurance with the Town as certificate holder was provided with the application.

8) Griffins Mills Heritage Day – Alan Davis spoke to the Board about the Griffins Mills Heritage Day planned for Saturday, July 24, 2021 as part of the Erie County Bicentennial. Mr. Davis stated that are planning walking tours of the original Mill site, Griffins Mills Cemetery and Griffins Mills Church. Mr. Davis stated they want to close portions of Mill and West Falls Roads for the event, but after talking with Mr. Hatcher at the County, realizes that road closure might not be possible and the Town would have to be a co-applicant.

Supervisor Bach stated that for the Town to even consider that, we would need a written plan, a map and their plan would need the blessing of the WF Fire Department and EA Police Department.

Police Chief Krieger asked where they planned to park 400-500 cars. Mr. Davis responded at the two churches.

Highway Superintendent Gunner noted that this is not the Town's jurisdiction and it would be tough to get this together on such short notice.

Mr. Davis said that Plan B would be to manage traffic and pedestrians with traffic cones and cross walks.

Chief Krieger asked Mr. Davis to come in to speak with himself and Lt. Welch in the very near future.

Councilwoman Jeffe stated this is a great idea, but notice is needed way in advance and the Board just found out about it today.

Mr. Davis stated they coordinated it with Reunion Weekend. Chief Krieger stated the police department is already very busy that weekend.