

August 23, 2021

A meeting of the Town Board of the Town of Aurora took place on Monday, August 23, 2021 beginning at 6:50 p.m. immediately after the work session. The Board met in-person at the Aurora Municipal Center, 575 Oakwood Avenue, East Aurora, New York. The meeting was also streamed via Zoom and YouTube:

Present:	Jolene M. Jeffe	Councilwoman
	Susan A. Friess	Councilwoman
	Charles D. Snyder	Councilman
	Luke Wochensky	Councilman
	James J. Bach	Supervisor
Others Present:	Ronald Bennett	Town Attorney
	Elizabeth Cassidy	Code Enforcement Officer
	Greg Keyser	GHD
	Tony Rosati	ZBA member/Village Trustee

Supervisor Bach opened the regular meeting at 6:50 p.m., immediately following the conclusion of the work session.

Councilwoman Jeffe moved to approve the minutes of the August 9, 2021 work session and meeting. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried. Action #229
8/9/21 minutes
aprvd

AUDIENCE I:

Carl Lamendola, Mill Road, spoke to the board about the speed limit signs on Mill Road in the vicinity of Beech Road. Mr. Lamendola stated that his house is in the Village of East Aurora and there is a 45mph speed limit sign in front of his house. He is requesting that the 45mph sign be placed further to the south on Mill Road, maybe even past the Aurora Mills entrance. Along this stretch of Mill are private driveways, the entrance to the Kelly Drive apartments and the entrance to the Aurora Mills subdivision. Mr. Lamendola noted that 100% of his neighbors are behind this proposal.

Supervisor Bach stated that there are four governments involved: Erie County owns Mill Road, the road is in the Town, it abuts the Village and the NYSDOT becomes involved when a change in speed on a road is requested.

UNFINISHED BUSINESS:

The Open Development Area proposal from Eric Morrow for his property in Willardshire Road was determined to be an unlisted action. Mr. Morrow submitted Part 1 of the Short SEQR form. The Town Board reviewed Part 2 of the SEQR form. Action #230
Neg
Declaration
issued for
Willardshire
ODA
(Morrow)

Councilwoman Friess moved that the ODA at SBL#163.00-1-2.2 Willardshire Road will not result in any significant adverse environmental impacts and that a negative declaration is issued. Councilwoman Jeffe seconded the motion. Upon a vote being taken: ayes – five noes – none
Motion carried.

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

RESOLUTION TO APPROVE AN OPEN DEVELOPMENT AREA

WHEREAS, on July 26, 2021, Eric Morrow as agent for Morrow 2019 Family Trust (the Applicant), applied for an Open Development Area for property located at SBL#163.00-1-2.2 Willardshire Road in the Town of Aurora, and

WHEREAS, a Survey prepared by David S. Freeman in 2000, last revised in 2004, with mark-ups added by the applicant on July 22, 2021, attached as Attachment A, describes a proposed development which would combine a lot identified as lot number 1 (SBL#163.00-1-2.4) having 125 feet of frontage on Willardshire Road with lot number 2 known as 1045 Willardshire Road (SBL#163.00-1-2.3) into one lot to be known as lot 2, both of said original lots being shown for historical reference on the Survey attached as Attachment B, and

WHEREAS, the acreage of the flag portion of lot number 3 (SBL#163.00-1-2.2) will be increased from 1.8 acres to 2.3 acres (measuring the flag portion only) by appropriating land from lot 2 by moving the rear lot line of lot 2 approximately 85 feet to the east toward Willardshire Road, and

WHEREAS, the size of the flag portion of lot 3 will require an area variance to allow it to be a buildable lot; and

WHEREAS, the Applicant is requesting a front yard setback variance of 40 feet to allow a residence to be built 160 feet from the front lot line of lot 3; and

WHEREAS, the Applicant is seeking a rear yard setback restriction requiring a proposed residence to be built no closer than 150 feet from the rear lot line of lot 3; and

WHEREAS, this action is considered an Unlisted Action under SEQR and further review by the Town Board determined that the proposed action will not result in any significant adverse environmental impacts; and

WHEREAS, the Town Board has under consideration the proposed development plan submitted by the applicant,

NOW, THEREFORE, be it

RESOLVED, the Town Board having considered the granting of the Open Development Area Application in accordance with its specific terms, the Application is approved according to the following:

1. The Town Board, having found that the actions proposed in the Application will not result in any significant adverse environmental impacts, hereby issues a Negative Declaration pursuant to the New York State Environmental Quality Review Act (SEQR).
2. Lots 1 and 2 shall be combined into one legal lot. The combined lot shall be included in a deed description with the restrictive covenant that the combined lots shall not be allowed to be sub-divided in the future.
3. The acreage of the flag portion of lot 3 will be increased to 2.3 acres by appropriating approximately .5 acres from the west side of lot 2, as shown on the annotated Survey attached as Attachment A.
4. The flag portion of the lot identified as lot 3 will encompass 2.3 acres and the applicant will be granted an area variance of .7 acres, a front yard setback variance of 40 feet and a rear yard setback restriction of 150 feet to allow the construction of a single-family residence.

5. The filing of the new deed descriptions for lots 2 and 3 will take place within one year of the date of this resolution. The Deeds shall be recorded in the Erie County Clerk's Office. The proposed deeds are subject to approval by the Town Attorney.
6. The Open Development Area and variances approved herein will expire ten (10) years from the date of granting approval unless a residence has been constructed on lot 3 within that time. After ten years, if no residence has been constructed on lot 3, the Open Development Area and any other relevance of the Codes of the Town of Aurora shall govern the use of the subject lot.

RESOLVED, the applicant for the Open Development Area Permit will acknowledge receipt of a copy of this Permit and agrees and accepts the provisions therein, and be it further

Action #231
Willardshire
ODA
(Morrow)
aprvd

RESOLVED, that a Certified Copy of this Resolution shall be submitted to the applicant.

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

Councilman Wochensky moved to set 7:00 p.m. on Monday, September 13, 2021 at the Aurora Municipal Center, 575 Oakwood Ave., East Aurora, NY, as the time, date and place to hold a public hearing on the proposed Site Plan and Special Use Permit for the Rural Outreach Center, 730 Olean Road, East Aurora, NY. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #232
Public Hrg
set for ROC
site plan &
special use
permit

NEW BUSINESS:

Councilwoman Jeffe moved to amend tonight's agenda by adding item 6H – baseball donation. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #233
Item 6H –
baseball
donation
added to
agenda

Councilwoman Jeffe moved to approve expending up to \$25,000.00 from A1990 Contingency toward the emergency clean-up of a log jam in the East Branch of Cazenovia Creek, between the area of 1645 Olean Road and the Blakeley Road bridge, in conjunction with Erie County Soil and Water (ECSW) and with ECSW acting as Lead Agency with regard to SEQR. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Action #234
\$25K auth to
be spent to
clear Caz
creek log
jam

Quotes for 500 14-gallon recycling bins were received from:

Orbis	\$9.10 per bin (shipping included in the cost)	\$4,550.00
Cascade	\$10.05 per bin (plus \$475.00 shipping)	\$5,500.00
Recycle Away	\$13.95 per bin (plus 416.03 shipping)	\$7,391.03

Action # 235
Purch of
recycling
bins from
Orbis aprvd

Councilwoman Friess moved to approve the purchase of 500 14-gallon recycling bins from Orbis at a cost of \$4,550.00. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried.

Councilman Snyder moved to approve the request from Highway Superintendent Gunner to attend the 2021 NYS Association of Town Superintendents of Highways Annual Conference, Education Symposium and Expo in Saratoga Springs, NY from September 28 to October 1, 2021. The \$100 registration fee and \$537 hotel cost will be disbursed from A5010.404 Hwy Admin expense and travel. Councilman Wochensky seconded the motion. Upon a vote being taken: aye – five noes – none
Motion carried.

Action #236
Hwy Supt to attend conference

Councilwoman Friess moved to approve the Civil Service Title Change for Jennifer Calkins from Seasonal Clerk PT to Clerk PT effective September 7, 2021. Councilwoman Jeffe seconded the motion. Upon a vote being taken: aye – five noes – none
Motion carried.

Action #237
J. Calkins CS title changed to clerk PT

Councilwoman Friess moved to approve the following budget transfer to cover payroll through the end of the year:
From: A1910 Unallocated Insurance \$5,875.00
To: A1220.103 Secretary to Supervisor \$5,875.00
Councilman Wochensky seconded the motion. Upon a vote being taken: aye – five noes – none
Motion carried.

Action #238
Budget transfer for Secy to Supv payroll aprvd

Councilman Snyder moved to approve the following budget transfer to cover the cost of additional recreation office staff during summer 2021:
From: A7020.122 Secretarial \$1,549.60
To: A7020.113 Secretary/PT Seasonal \$1,549.60
Councilwoman Jeffe seconded the motion. Upon a vote being taken: aye – five noes – none
Motion carried.

Action #239
Budget transfer for rec office staff aprvd

Councilman Wochensky moved to approve the following budget transfer to cover the cost of purchasing two filing cabinets for the building department:
From: A3620-0103 Asst. Code Enforcement Officer \$1,452.00
To: A3620-0401 Office Expense \$1,452.00
Councilwoman Friess seconded the motion. Upon a vote being taken: aye – five noes – none
Motion carried.

Action #240
Budget transfer for building dept file cabinets aprvd

Councilwoman Jeffe moved to accept a \$2,500.00 donation from East Aurora Baseball and Softball, Inc. to be used toward baseball diamond dirt. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none
Motion carried.

Action #241
\$2,500 donation from EA Baseball accepted

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

- Town Clerk/Tax – July 2021 report
- Recreation Director – July 2021 report
- Building Department – July 2021 report

BUSINESS FROM BOARD MEMBERS AND LIAISONS:

Councilman Wochensky stated:

- 1) He has two candidates that inquired about open positions on Town committees;

- 2) He is looking at alternatives to Red Alert and can set up demonstrations;
- 3) He and Supervisor Bach will meet with Community Garden members;
- 4) He is getting more information on the West Falls sign proposal;
- 5) He wanted to know if the Town could do anything to get Borderland attendees from the concert site to Village businesses. Councilwoman Friess stated this is a for profit event and that anything like that should be set up by the event coordinators and/or local businesses and it would be counter intuitive to Borderland since they have food and drink at the event. Supervisor Bach stated that would be a liability for the Town

Supervisor Bach noted that it is approximately two weeks until the 9/4/21 fireworks display at Hamlin Park.

AUDIENCE II: none

STAFF REPORTS:

Tony Rosati, ZBA member, reminded the Board of the ZBA's request to have the maximum door height changed to 10 feet in the Town Code.

ABSTRACT OF CLAIMS:

The 2021 Abstract of Claims dated August 23, 2021, consisting of PCard voucher number 856; vouchers numbered 857 to 912; and Prepaid vouchers numbered 913 to 914 was presented to the Board for audit and authorization of payment from the following funds:

General	\$ 47,526.77
Part town	30.78
Highway/DB	20,111.63
Special Districts	<u>171,307.71</u>
Grand Total Abstract	\$238,976.89

Councilwoman Friess moved to approve the 8/23/2021 Abstract of Claims, and authorize payment of same. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none
Motion carried.

Action #242
8/23/21
Abstract of
Claims
approved.

Councilwoman Jeffe moved to adjourn at 7:30 p.m.; seconded by Councilwoman Friess. Upon a vote being taken: ayes – five noes – none
Motion carried.

Action #243
Meeting
adjourned

Martha L. Librock
Town Clerk