



575 Oakwood Avenue, East Aurora, N

WS-1

5A

**TOWN OF AURORA
OPEN DEVELOPMENT AREA APPLICATION**

PETITIONER: Name: Lawrence Roland
Address: 757 Center St
East Aurora NY 14052
Phone: 716- [redacted] : _____ State _____ Zip _____
E-Mail: _____

PROPERTY OWNER (if different from petitioner):

Name: _____
Address: _____ Ph. No. _____

PROJECT ADDRESS: 757 Center St 187.02-1-3.31
No. Street SBL No.

PROJECT DESCRIPTION: agriculture storage barn
hold items around my house.

Signature of Applicant: [Signature]

State of New York) :SS:
County of Erie)

On the 5th day of July, in the year 2022, before me, the undersigned, a notary public in and for said state, personally appeared Lawrence Roland, personally known to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and they by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

[Signature]
Notary Public
SHERYL A. MILLER
Reg. #01MI6128663
Notary Public, State of New York
Qualified in Erie County
Commission Expires June 13, 2025

OFFICE USE ONLY:
File #: _____ Number of Lots 2 Total Acreage _____ Zoning A
Open Development Area Review Application Fee \$ 150⁰⁰ cash
Materials Received by Town Clerk & Fee Paid [Signature] 7/7/2022
Accepted by _____ Date _____

29

25.8 A(C)
1.11

NO. 3

484.56

1.2
1.3 A (C)

125

DISTRICT

199.9

592.10

100.98

2.4 A
2.1

573

180.04

920

5.82 A
3.3

ROLAND

make 3.4
410.3
389.70

106.80

3.1

400

356.6

120

4

120

642.80

244.32

FETZER

622.80

SEWER

5

120

7.82 A
3.2

92

6

92

92

7

92

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8

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920

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400

5.2 A(C)
9

S

10

120

125

125

2.1A

12.1

COUNTY

MC 1969

13

1969

1969

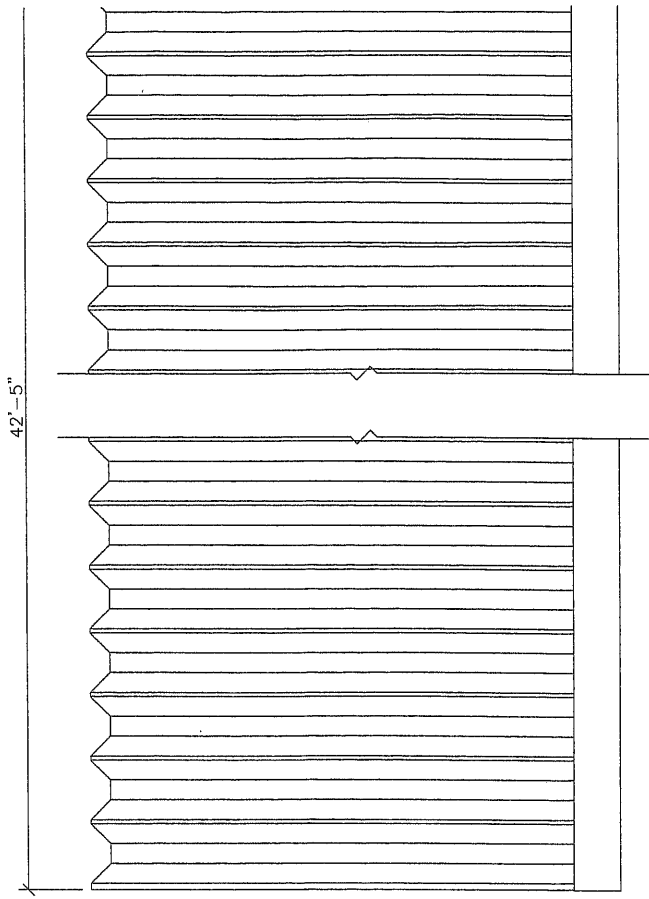
(66' WIDE)

STREET

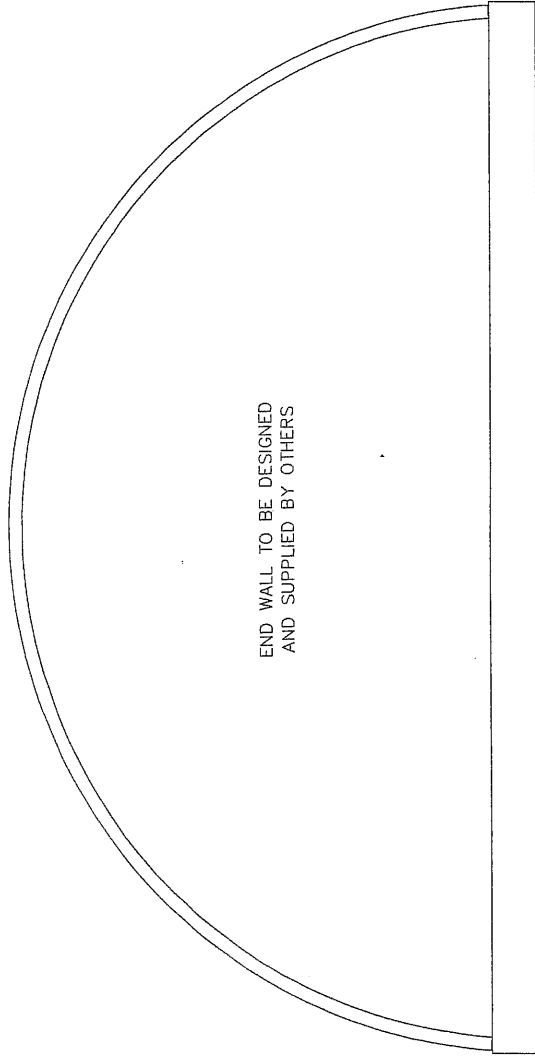
SEC 187.02

BLK 1

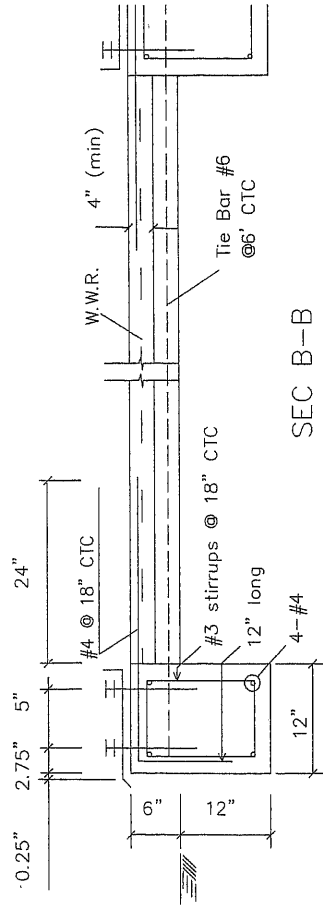
765 CENTER ST



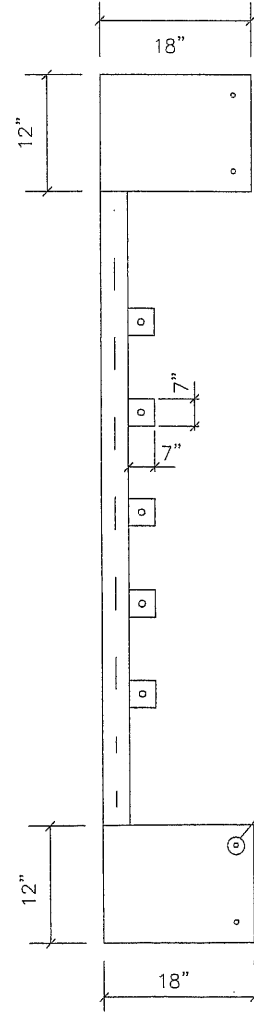
SIDE ELEVATION



REAR ELEVATION



SEC B-B



SEC A-A

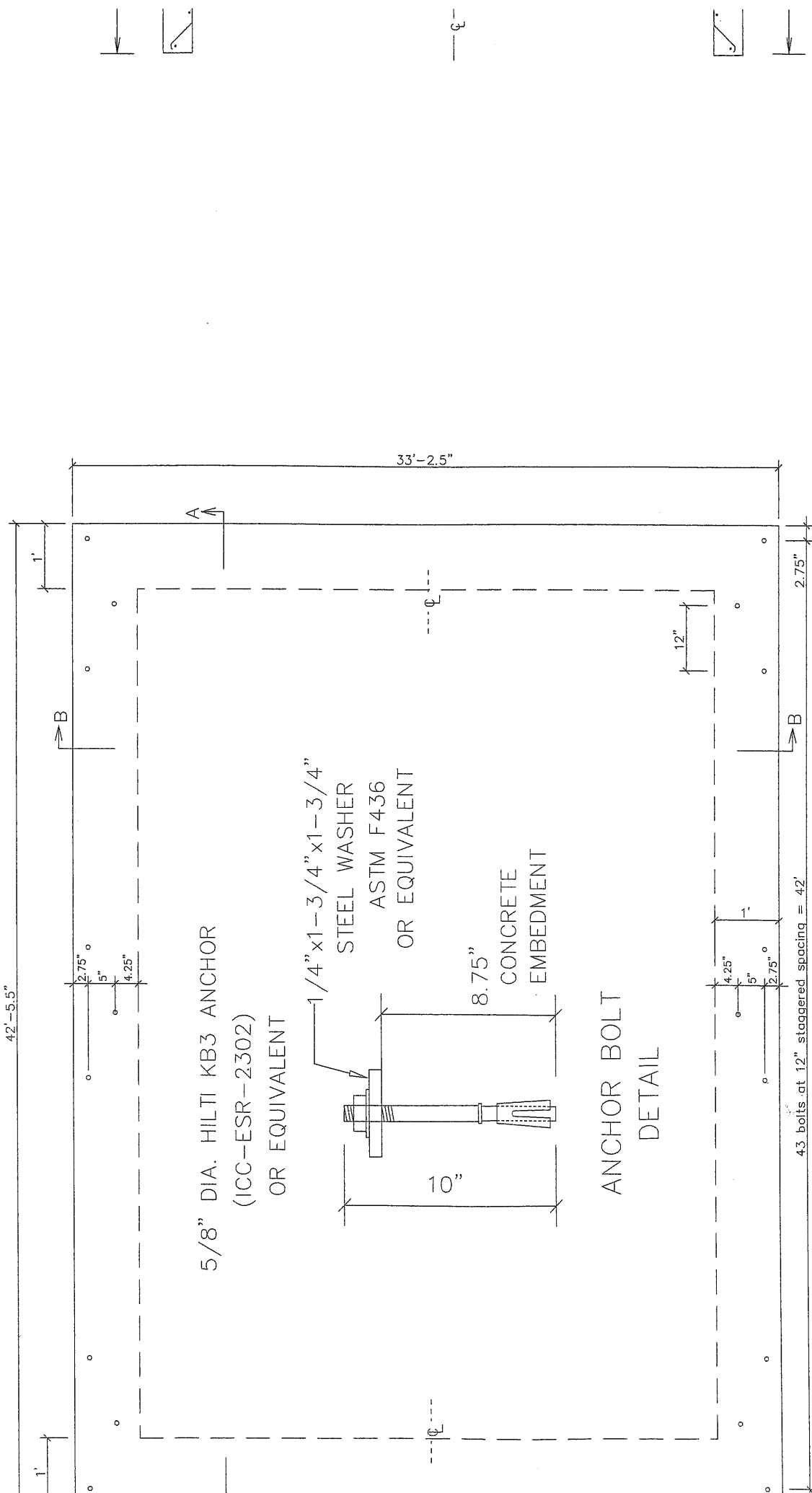
WARNING: DO NOT REMOVE OR REDUCE THE CONCRETE FLOOR OR THE REINFORCING STEEL, AND/OR RAISE THE TOPS OF THE FOOTERS ABOVE THE FLOOR OR BUILDING FAILURE MAY RESULT

Minimum Concrete Cover:

(a) Concrete Cast against earth:

Total 7 Tie Bars @6' CTC

(c) Concrete not exposed to earth or weather:
0.75"

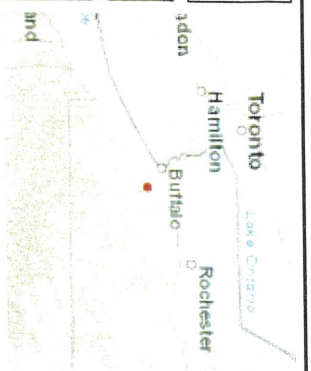


FOUNDATION PLAN





Erie County On-Line Mapping Application



Legend
 Parcels



WGS_1984_Web_Mercator_Auxiliary_Sphere
 THIS MAP IS NOT TO BE USED FOR NAVIGATION

**ERIE COUNTY
 DEPARTMENT OF ENVIRONMENT & PLANNING
 OFFICE OF GIS**

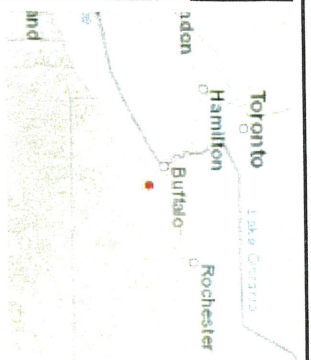
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1: 2,257





Erie County On-Line Mapping Application



Legend
 Parcels

0 0.02 0.0 Miles
 WGS_1984_Web_Mercator_Auxiliary_Sphere
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1: 1,128



ZBA #1410
9/14/22

MINUTES OF A MEETING AS HELD BY THE
ZONING BOARD OF APPEALS OF THE
TOWN OF AURORA

September 14, 2022

CASE #1410 Lawrence Roland,
767 Center St, East Aurora, NY

After due deliberation by the members of the Zoning Board of Appeals of the Town of Aurora, County of Erie and State of New York, the following motion was made by Paul Ernst and seconded by Rod Simeone to grant a front yard variance, flag lot frontage width variance of 35 feet and a distance between rights of way variance of 66 feet for an accessory building in the front yard of the residence at 757 Center Street, East Aurora, NY (an Open Development Area lot).

This variance is granted on the condition of obtaining an approved building permit within (1) one year.

The variance is granted in accordance with the testimony and exhibits presented.

This is Type 2 under SEQRA.

Upon a vote being taken:

Ernst Aye

Simeone Aye

Morgan Aye

Carl Aye

Burkhardt Aye

Upon a vote being taken Ayes-Five Noes-No Motion carried.

SUPERVISOR
James J. Bach
(716) 652-7590
jbach@townofaurora.com



TOWN CLERK
Martha L. Librock
(716) 652-3280
townclerk@townofaurora.com

TOWN OF AURORA

Aurora Municipal Center
575 Oakwood Avenue, East Aurora, NY 14052
www.townofaurora.com

July 7, 2022

TOWN COUNCIL MEMBERS

Charles D. Snyder
csnyder@townofaurora.com

Luke Wochensky
lwochensky@townofaurora.com

James F. Granville
jgranville@townofaurora.com

Joseph M. McCann
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building@townofaurora.com

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(716) 652-8866
chris@townofaurora.com

TOWN ATTORNEY
Brigid M. Maloney

TOWN JUSTICE
Jeffrey P. Markello
Anthony DiFilippo IV

HISTORIAN
Robert L. Goller
(716) 652-7944
historian@townofaurora.com

FAX: (716) 652-3507

*This institution is an equal
opportunity provider and employer.*

Lawrence Roland
757 Center St
East Aurora, NY 14052

Dear Lawrence:

The Building Department has reviewed request to construct an accessory building on your property at 757 Center St. The request has been denied because it fails to meet the code requirements for an accessory building in the Agriculture (A) Zoning District in which it is located. Additionally, variances are needed from the current ODA regulations.

Section 116-8.5F(2) & 116-18A(1)

Required: No accessory building/structure shall be erected in the front yard.

Requested: Accessory building in the front yard

Variance: Accessory building in the front yard

Section 99-31A(2)

Required: The flagpole portion of the lot must have a minimum 75' frontage on an existing state, county, or Town road and maintain a minimum 75' wide ROW retained by the property owner.

Requested: Existing ingress/egress of 40'

Variance: 35'

Section 99-31A(9)

Required: Minimum distance between rights-of-ways of 100'

Requested: Existing ROW is approximately 34' to ROW at 765 Center St

Variance: 66'

This letter serves as notice that we have received the application and fee for the Zoning Board of Appeals. You will receive notification from the Town Clerk with the date and time of the next available hearing. If you have any questions, please contact our office at 652-7591.

Sincerely,

Elizabeth Cassidy
Code Enforcement Officer

V. SIGNATURES (This application must be signed by the applicant/petitioner. If the applicant is not the owner of the property, a separate owner authorization form must be submitted – see pg. 5)

Lawrence P. Poland
Signature of Applicant/Petitioner

Lawrence P Poland
Print name of Applicant/Petitioner

State of New York; County of Erie

On the 30th day of June in the year 2022 before me, the above individual appeared, personally known to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she/they executed the same for the purposes therein stated.

Leah M. Di Filippo
Notary Public

(Notary stamp)

Leah M. Di Filippo
NOTARY PUBLIC, NYS
Erie County, #01DI6210715
My Comm expires Aug. 31, 2025

Office Use Only: Date received: 7/7/22 Receipt #: 385850

Cash Sam

Application reviewed by: _____

ECDP ZR-1 form sent to EC: _____ Hearing publication date: _____

PREVIOUS APPEAL(S):

A previous appeal to the Zoning Board of Appeals () has () has not been made with respect to this property.

Previous appeals:

Date: _____ Type of Appeal: _____ Granted _____ Denied _____

Date: _____ Type of Appeal: _____ Granted _____ Denied _____

PETITIONER'S LETTER OF INTENT

Please describe in detail the proposed project, reason the variance and/or special use permit is being requested and any additional information that may be helpful to the Zoning Board of Appeals in deciding this appeal: (attach additional pages if needed)

I am requesting this due to a request to go in front of the zoning board for the building of my agricultural storage barn. My residence is not visible by the human eye from all four sides of my property. This barn will be for use of items around my home. The residents to my left are my daughter and brother-in-law who both are pleasant to have this new building built.

TO BE COMPLETED ONLY WHEN A USE VARIANCE IS BEING REQUESTED:

A Use Variance is requested because the applicable regulations and restrictions in the Zoning Code of the Town of Aurora have caused unnecessary hardship as demonstrated by the following:

1) I cannot realize a reasonable return on my property for each and every permitted use allowed in the current zoning classification as demonstrated by the accompanying financial evidence (provide financial evidence to support your argument).
Financial Evidence Provided Yes ___ No ___ (financial evidence is required per NYS Town Law)

2) Describe why your alleged hardship relating to the subject property is unique and does not apply to other properties in the zoning district or neighborhood: _____

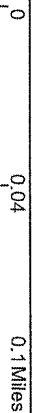
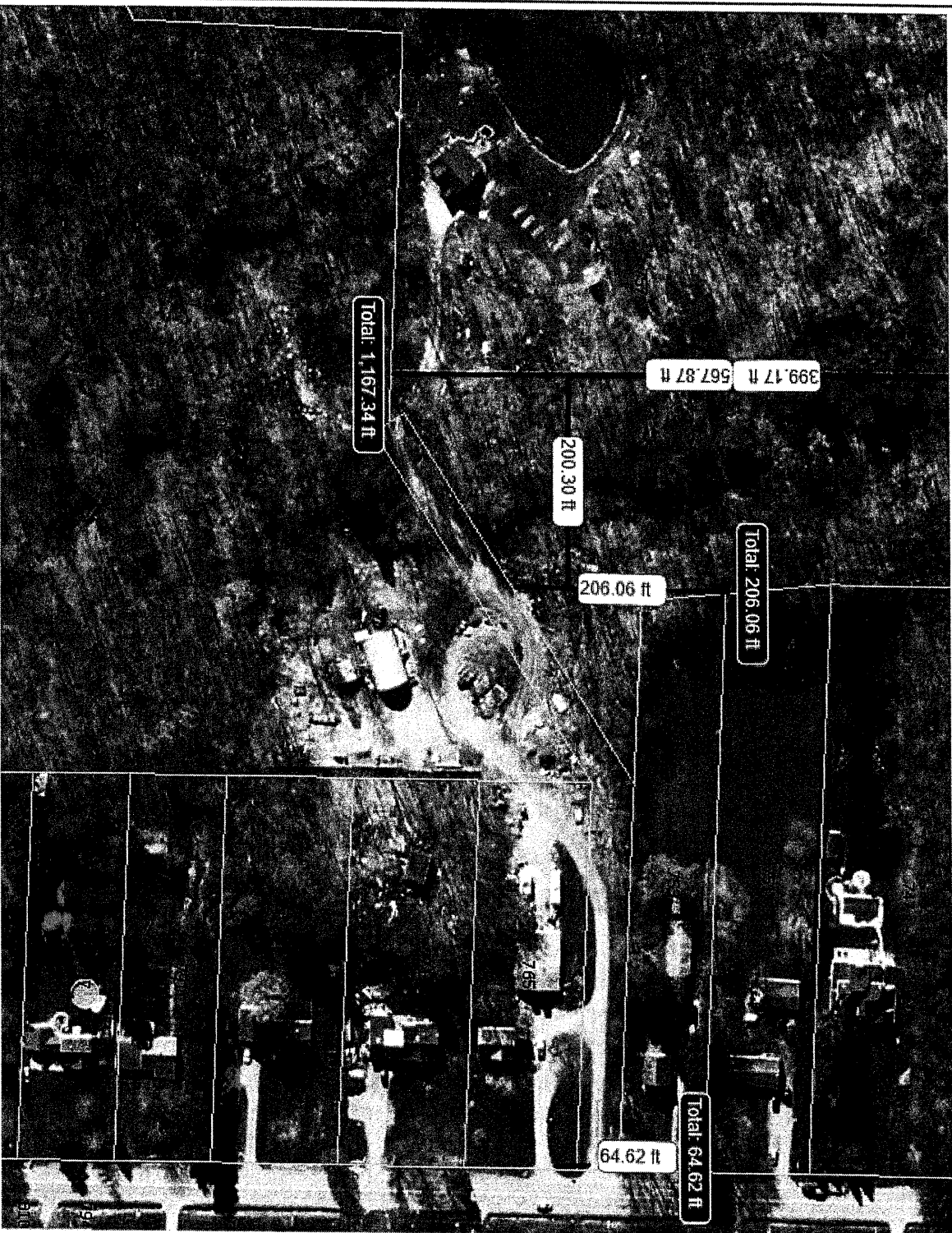
3) Describe why you believe that the essential character of the neighborhood/community will not change if the Zoning Board of Appeals grants you a use variance: NO one will be affected by the location or the building no one can see the building.

4) Is your need for a use variance a result of you own actions (is your difficulty self-created)? Please explain: NO

(Attach additional pages if needed)



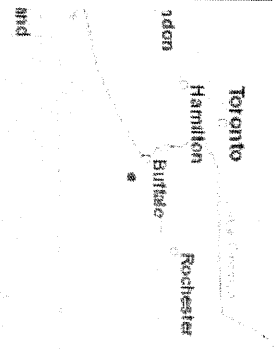
Erie County On-Line Mapping Application



WGS, 1984 Web, Mercator Auxiliary, Sphere
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ERIE COUNTY
DEPARTMENT OF ENVIRONMENT & PLANNING
OFFICE OF GIS

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Legend
□ Parcels

1: 2,257





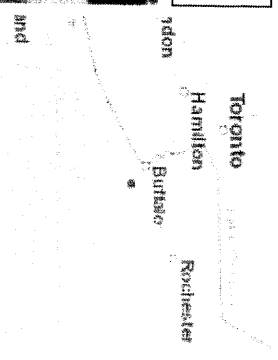
Erie County On-Line Mapping Application



0 0.02 0.04 Miles
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Legend
 Parcels

1: 1,128



WS-2 5B

TOWN OF AURORA
AMENDED SITE PLAN REVIEW APPLICATION

Date submitted: 09/07/2022

Applicant name: The Rural Outreach Center, Inc.

Applicant Phone/Email:

Applicant address: 730 Olean Road, East Aurora, NY 14052

Property owner: The Rural Outreach Center, Inc.

Owner's address 730 Olean Road, East Aurora, NY 14052

Property address: 730 Olean Road, East Aurora, NY 14052

SBL # (s) _____

Prior owner _____

Is site adjacent to or within 500 feet of an 'R' District? Yes.

=====

Proposed Project: 9,740 sf Building and 4, 500 sf Accessory Building

Commercial: Yes Multi family: ____ Number of dwelling units _____

Zone: R-3 Total property Acreage: 7.55 Acreage covered by bldg: .33

Square footage of building: 14,240 Cubic footage of building: _____

Aggregate square footage of other buildings on property: _____

Fees, based on number of improved acres*

**Additional professional services, including but not limited to traffic study and SEQRA review, utilized by the Town during the review process shall be borne by the applicant*

0-1 Acres: \$250 1.01-5 Acres: \$500 5.01-10 Acres: \$1,000 >10 Acres: \$1,500

Fee: \$ 500 (ebe)
Receipt: # 385984

Received by
S. Miller Town
Clerk/Deputy Clerk

SEQR action: ____ Type I (Long EAF) ____ Type II (Long EAF) Unlisted (Short EAF)

STATEMENT IN SUPPORT OF AMENDED SITE PLAN

The proposed revisions to the site plan are meant to adjust the landscaping and fencing to accommodate conditions at the site and the practicality of installation. The revisions chiefly relate to the southern property line of applicant's property.

The first revision relates to the split rail fence that was originally proposed to commence on the southwest corner of the property and was to run along the southern border up to the westerly most (front) line of the building. The property grade and the location of the driveway make it more feasible to begin the split rail fence north of the property line, instead of at the exact southwest corner of the property. Additionally, there is a line of 12 tall, mature evergreens on the southern property line that extend approximately 70 feet from the front line of the building east towards the rear of the property. In order to install fencing as in the original site plan, removal of the trees would be required. It is proposed that the split rail fence terminate at the western edge of the line of trees and that the trees be conserved, rather than removed. The trees are a sufficient barrier, both physically and visually, where they now stand.

The second revision relates to the wood board privacy fence along the south property line that originally was meant to start at the end of the split rail fence and continue approximately 600 feet to the east line of the property. However, the property that extends along the southern boundary and easterly from the eastern edge of the parking lot is populated by thick brush and assorted mature hardwoods and evergreens. It is not easily passable by human beings and left undisturbed, acts to shield any line of sight from the easternmost property of the neighbor to the south to the applicant's building and parking lot. Additionally, the weight and wind load of the privacy fence requires that the fence posts be set in three foot holes with concrete. Installation of such a fence would require the removal of a 8 to 10 foot wide lane of the brush and trees along the southern boundary to allow for the movement of the equipment necessary for the installation. This would not only be an unnecessary expense, but would also do nothing to add to the privacy already provided by the trees and brush that currently exist. The revised site plan therefor provides for the privacy fence to begin at the end of the line of trees previously referred to and terminate at the eastern edge of the parking lot. Since a split rail fence is comparatively easy to install and would not require removal of brush and trees or the movement of equipment, such a fence could be erected starting at the

termination point of the privacy fence and run out to the eastern edge of the property, as shown on the revised site plan drawings. It should be noted however, that the fence would be generally not visible from either the northern or southern side of the property line since the trees and brush in that area would obscure it, so it is not clear what purpose the fence would serve.

Finally, the third revision is to delete the requirement that up to 40 trees be planned for placement along the property lines in accordance with the direction of the Town Board. It was contemplated that many of those trees were to be planted on the neighboring property to the south. With the building's placement and the parking lot location now apparent and with the fencing now proposed, it is clear that the residences of the neighbors on both sides are visually and physically shielded from the occupied areas of the property. Moreover, the planting of trees on neighbors' properties is not practical. The ROC has no easement on the properties, or even a license from the neighbors to enter their properties. It is unclear who would own the trees to be planted off the applicant's site. There are no agreements in place regarding insurance, the responsibility for maintenance of the plantings, or the liability for failure to maintain the trees in the event of property damage or personal injury. There would also be the potential for the neighbor to lose title to the property where such plantings were made under the doctrine of adverse possession.

Based upon the foregoing, it is respectfully requested that the Town Board approve the revised site plan.

Dated: September 7, 2022

THE RURAL OUTREACH CENTER, INC.
OWNER, APPLICANT

By: Frank J. Cerny

Frank Cerny, Executive Director



This plan was prepared by the Architect under contract with the Client. It is not to be used for any other project without the written consent of the Architect.

WS-3

TOWN OF AURORA
LOCAL LAW INTRO - _____
LOCAL LAW NO. _____

A LOCAL LAW TO AUTHORIZE MEMBERS OF THE TOWN BOARD TO PARTICIPATE IN TOWN BOARD MEETINGS VIDEOCONFERENCING FROM LOCATIONS OUTSIDE THE TOWN OF AURORA'S GEOGRAPHICAL LIMITS.

Section 1. Legislative Intent

It is the intent of this local law to give town board members the authority to participate in town board meetings via videoconference from locations that fall outside the town's geographical boundaries. Videoconferencing has proven to be an effective and useful tool for town board meetings that allows members to participate despite issues such as inclement weather, illness, or travel plans. Videoconferencing also helps ameliorate potential quorum issues so that the town is able to address business and matters in a more timely fashion.

Although Public Officers Law § 102 expressly allows members of a public body to attend and participate in meetings using videoconferencing, Town Law § 62 states that town board meetings must take place within the town thereby making it unclear if a town board member may participate via videoconference from a location outside the town's boundaries. This local law is meant to expressly provide that authority to members of the town board.

Section 2. Authority

This local law is adopted pursuant to Municipal Home Rule Law § 10 which expressly authorizes the town board to adopt a local law superseding any provision of Town Law relating to the property, affairs or government of the town.

Section 3. Videoconferencing from Outside Town Limits

The Town Board of the Town of Aurora hereby supersedes Town Law §62 to expressly allow town board members to participate in town board meetings using videoconferencing from locations that fall outside the geographical limitations of the town so long as a quorum of the board participates from locations where the public may be physically present.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date.

This local law shall take effect immediately upon filing with the Secretary of State.

Town of Henrietta Videoconferencing Policy and Procedure

The following shall apply to the public bodies of the Town of Henrietta relative to public meetings thereof, all consistent with NY Open Meetings Law and the Town of Henrietta Videoconferencing Local Law:

1. **Physical Presence of Members Unless Extraordinary Circumstances.** In order to participate as a member of a public body during a public meeting, such member shall be physically present at the public meeting unless such member is unable to be physically present at any meeting location due to extraordinary circumstances including: disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes a member's physical attendance at such meeting, in which case the member may participate via videoconferencing as set forth herein. Physical absence and request to participate via videoconference due to extraordinary circumstances shall be noticed to the Board Chair and Town Clerk as soon as reasonably practicable.
2. **Physical Location Quorum for Videoconferencing.** A public body may, in its discretion, use videoconferencing to conduct its meetings, provided that a minimum number of members are present to fulfill the public body's quorum requirement in the same physical location or locations where the public can physically attend, and all other requirements set forth herein have been met.
3. **Members Viewable and Audible.** Except during an executive session, the public body shall ensure that the members of the public body can be heard, seen and identified while the meeting is being conducted, including but not limited to any motions, proposals, resolutions, and any other matter formally discussed or voted upon, whether such member(s) are physically present or participating via videoconferencing.
4. **Public Participation in Videoconference.** If videoconferencing is used to conduct a meeting, the public body shall provide the opportunity for members of the public to view such meeting via video, and to participate in proceedings via videoconference in real time where public comment or participation is authorized, including that the videoconferencing authorizes the same (except in the case of executive sessions).
5. **Notice.** If videoconferencing is used to conduct a meeting, the public notice for such meeting shall inform the public that videoconferencing will be used, where the public can view and/or participate in such meeting, where required documents and records will be posted or available, and identify the physical location for the meeting where the public can attend.
6. **Minutes.** Minutes of any meetings which involves videoconferencing shall include which, if any, members participated remotely and shall be made available to the public pursuant to NY Open Meetings Law.
7. **Recordings and Transcription.** Each meeting conducted using videoconferencing shall be recorded and such recordings posted or linked on the Town's website within five (5) business days following the meeting, and shall remain so available for a minimum of five (5) years thereafter. Such recordings shall be transcribed upon request.
8. **State of Emergency.** Provisions of this Policy may be waived or altered during a State of Emergency, all in accordance with NY Open Meetings Law.
9. **Policy on Website.** This Policy shall be posted on the Town of Henrietta website.

Sample

Local Law Filing

www.dos.state.ny.us/corps

(Use this form to file a local law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Town of Henrietta

Local Law No. 11 of 2022

Sample

BE IT ENACTED, by the Town Board of the Town of Henrietta, Monroe County, State of New York, as follows:

Section I. Authorization

The adoption of this Local Law is in accordance with Public Officers Law Section 103-a, which expressly authorizes the Town Board to adopt a local law allowing members of public bodies of the Town to participate in public meetings via videoconference from locations not accessible to the public so long as a quorum of the body participates from location(s) where the public may be physically present and other conditions are met.

Section II. Title and Purpose

This law shall be known as and may be cited as Local Law No. 11 of 2022 to Permit Members of the Public Bodies of the Town of Henrietta to Participate in Meetings via Videoconference, and its purpose is to provide the members of the public bodies of the Town of Henrietta with the authority to participate in public meetings via videoconference in a manner consistent with the Town's videoconferencing policy and the authority granted via Public Officers Law Section 103-a.

Section III. Legislative Intent and Finding

The Henrietta Town Board finds that, as authorized pursuant to NY Public Officers Law Section 103-a, the members of its public bodies shall be permitted to participate in public meetings via videoconferencing.

Section IV. Authorization of Videoconferencing for Public Meetings

Chapter 155 of the Town Code shall be established, entitled "Meetings," and shall read as follows:

Section 180-1. Generally.

The public bodies of the Town of Henrietta shall conduct meetings as required by the New York Open Meetings Law, as applicable.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Section 180-2. Videoconferencing.

Members of the public bodies of the Town are authorized to participate in public meetings using videoconferencing technology in a manner consistent with Public Officers Law § 103-a and the Town's videoconferencing policy adopted by the Town Board and on file with the Town.

Section V. Validity and Severability

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section VI. Repeal, Amendment and Supersession of Other Laws

All other ordinances or local laws of the Town of Henrietta which are in conflict with the provisions of this local law are hereby superseded or repealed to the extent necessary to give this local law force and effect during its effective period.

Section VIII. Effective Date

This Local Law will take effect immediately.

AS ACTED UPON DURING A DULY NOTICED OPEN MEETING OF THE TOWN BOARD OF THE TOWN OF HENRIETTA, COUNTY OF MONROE, STATE OF NEW YORK, HELD AT THE HENRIETTA TOWN HALL AT 475 CALKINS ROAD, HENRIETTA, NEW YORK ON MAY 25, 2022 AT 6:00 P.M.

RESOLUTION #11-193/2022 To adopt Local Law No. 11 of 2022 to amend the Henrietta Town Code to permit Videoconferencing under updated New York Open Meetings Law and to adopt Videoconferencing Policy and Procedures in connection with the same.

On Motion of Councilmember Bolzner

Seconded by Supervisor Schultz

WHEREAS, a public hearing has been duly advertised and held on a proposed local law to "Permit Members of the Public Bodies of the Town of Henrietta to Participate in Meetings Via Videoconference;" and

WHEREAS, the Henrietta Town Board, after due deliberation, finds it in the best interest of the Town to adopt said local law, for all the reasons set forth therein; and

WHEREAS, in connection with such local law, the Town Board is also considering approval of its Videoconferencing Policy and Procedure as required by law.

THEREFORE, BE IT RESOLVED, that the Henrietta Town Board hereby approves and adopts said Local Law No. 11 of 2022 to Permit Members of the Public Bodies of the Town of Henrietta to participate in meetings via videoconference, which Local Law is attached hereto, incorporated herein, and made a part hereof.

BE IT FURTHER RESOLVED, that the Town Clerk be and hereby is directed to enter said Local Law into the minutes of this meeting and to give due notice of the adoption of said Local Law to the Secretary of State of the State of New York.

BE IT FURTHER RESOLVED, that the Town Board also approves the Town of Henrietta Videoconferencing Policy and Procedure, as attached hereto, which is hereby incorporated herein and made a part hereof.

Duly put to a vote:

Councilmember Sefranek Aye
Councilmember Bolzner Aye
Councilmember Page Aye
Councilmember Bellanca Aye
Supervisor Schultz Aye

RESOLUTION ADOPTED

This is to certify that the foregoing is a true copy of a record on file in the Town Clerk's office, Town of Henrietta, New York. Do not accept this copy unless the raised seal of the issuing locality is affixed thereon.

Date: May 26, 2022
J.P. Mianola Deputy Town Clerk

Local Law No. 5 of the year 2022

A Local Law Authorizing the Town Board and the Other Public Bodies of the Town to Use Videoconferencing Technology to Participate in Public Meetings

Be it enacted by the **Town Board** (Name of Legislative Body)

County of Ontario
City
Town of **Geneva**

as follows:

Section 1. Legislative Intent

It is the intent of this local law to give the town board and the town's other public bodies, as that term is defined in Public Officers Law § 102, the authority to participate in meetings via videoconference in a manner consistent with the town's videoconferencing policy and the authority granted in Public Officers Law §103-a.

Section 2. Authority

This local law is adopted pursuant to Public Officers Law § 103-a which expressly authorizes the town board to adopt a local law giving the town board and the town's other public bodies the authority to participate in meetings via videoconference from locations not accessible to the public so long as a quorum of the board/body participates from locations where the public may be physically present and other conditions, as may be set by resolution of the Town Board, are met.

Section 3. Supersession of New York State Town Law Section 62

Paragraph 2 of Section 62 of New York State Town Law requires, in part, that "All meetings of the town board shall be held within the town". To the extent that this local law permits members of the Town Board to participate in meetings of the Town Board via videoconference, this local law shall supersede this requirement of Town Law Section 62 in that those Town Board members permitted by this local law to participate in meetings of the Town Board via videoconference are permitted to so participate from locations that are not within the town.

Section 4. Videoconferencing for Public Meetings

In extraordinary circumstances, which include, but are not limited to, disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event that precludes physical attendance, the Town Board of the Town of Geneva hereby authorizes members of the town board and all members of the town's other public bodies to participate in meetings using videoconferencing technology in a manner consistent with Public Officers Law § 103-a and the town's videoconferencing policy, which shall be adopted by resolution of the town board and conspicuously posted on the Town website, with such members participating in meetings via videoconference being permitted to participate via videoconference from locations not accessible to the public so long as a quorum of the board/body participates from locations where the public may be physically present.

Section 5: Severability

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been ordered.

Section 6: Effective date

Sample

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**Climate Smart
Communities**

WS-4

Model Resolution

Any city, town, village, or county government in New York State can take a stand by adopting the Climate Smart Communities pledge. Local governments may amend the preamble of the pledge below, but all ten points of the pledge must be adopted verbatim by the highest body of elected officials (e.g., town board or city council). The final resolution document must include a signature from the municipal clerk verifying the authenticity of the resolution and indicating the date of passage. Local governments should then designate a primary contact person to complete the online registration form and upload the resolution by following the steps at <https://climatesmart.ny.gov/actions-certification/getting-started/>. After the registration is reviewed, the community will be designated a Registered Climate Smart Community and be added to the online list. Join us!

Councilmember _____ moved and Councilmember _____ seconded that

WHEREAS, the Town/Village/City/County of _____ (hereinafter “local government”) believes that climate change poses a real and increasing threat to our local and global environments ~~and is primarily due to the burning of fossil fuels; and~~

WHEREAS, the effects of climate change will endanger our infrastructure, economy and livelihoods; harm our farms, orchards, and ecological communities, including native fish and wildlife populations; spread invasive species and exotic diseases; reduce drinking water supplies and recreational opportunities; and pose health threats to our citizens; and

WHEREAS, we believe that our response to climate change provides us with an unprecedented opportunity to save money, and to build livable, energy-independent and secure communities, vibrant innovation economies, healthy and safe schools, and resilient infrastructures; and

WHEREAS, we believe the scale of greenhouse gas (GHG) emissions reductions required for climate stabilization will require sustained and substantial efforts; and

WHEREAS, we believe that even if emissions were dramatically reduced today, communities would still be required to adapt to the effects of climate change for decades to come,

IT IS HEREBY RESOLVED that Town/Village/City/County of _____, in order to reduce greenhouse gas emissions and adapt to a changing climate, adopts the New York State Climate Smart Communities pledge, which comprises the following ten elements:

- 1) **Build a climate-smart community.**
- 2) **Inventory emissions, set goals, and plan for climate action.**
- 3) **Decrease energy use.**
- 4) **Shift to clean, renewable energy.**
- 5) **Use climate-smart materials management.**
- 6) **Implement climate-smart land use.**
- 7) **Enhance community resilience to climate change.**
- 8) **Support a green innovation economy.**
- 9) **Inform and inspire the public.**
- 10) **Engage in an evolving process of climate action.**

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