

April 12, 2021

A meeting of the Town Board of the Town of Aurora took place on Monday, April 12, 2021 at 7:00 p.m. The Board met in-person and via Zoom at the Aurora Municipal Center, 575 Oakwood Avenue, East Aurora, New York. Public attendance was permitted at this meeting. The meeting was live-streamed via Zoom and YouTube.

Members in attendance:	Susan A. Friess	Councilwoman
	Charles D. Snyder	Councilman/Deputy Supervisor
	Luke Wochensky	Councilman
	James J. Bach	Supervisor (via Zoom)
Members absent/excused:	Jolene M. Jeffe	Councilwoman
Others in attendance:	Ronald Bennett	Town Attorney
	Elizabeth Cassidy	Code Enforcement Officer
	Kevin Glover	Asst. Code Enforcement Officer
	David Gunner	Highway Superintendent
	Joseph Wetzel	GHD/Engineer
	Shane Krieger	Chief of Police
	Tony Rosati	ZBA member/Village Trustee

Councilman Snyder opened the meeting at 7:00 p.m., following the conclusion of the work session.

The first item on the agenda was a PUBLIC HEARING on the site plan, special use permit and ODA for 1887, 1895 and 1897 Davis Road. The notice of public hearing was published in the East Aurora Advertiser and posted on the Town Clerk's bulletin board.

Councilman Snyder opened the hearing at 7:00 p.m. and asked the applicants, Jyl and Ricardo Rivera, to address the Board as to what they are planning.

Mr. Rivera stated they currently have a special use permit for an outdoor event center, but want to make changes to it. In 2020, their u-pick blueberry business attracted approximately 10,000 visitors over a six-week period. They are currently in the process of purchasing 1887 Davis Road in order to increase the parking and add an ingress/egress driveway.

Councilman Snyder asked if there will be any fences along the property lines. The Rivera's responded they have already planted a live willow fence, will plan to include a hard fence along the south property line and there is a berm on the north side of the property.

Councilwoman Friess asked if the stage area is far enough from the lot line. Code Enforcement Officer Cassidy stated it should be a minimum of 10 feet from the property line. The Rivera's' stated there were more trees hiding it from view, but the neighbor cut them down. Mr. Rivera is proposing a vertical slat fence, 7' high along the south property line.

Councilman Snyder asked about the condition of the stage canopy and the stones and hole that a neighbor is complaining about. Mr. Rivera stated the canopy will be replaced and the rest taken care of. Mrs. Rivera stated they have not gotten to spring clean-up yet.

Shelly Kenny, Bridge Street, stated she is in support of this project and she can see the white dome stage canopy from her patio and it is a non-issue.

Eleven letters of support and one letter with concerns were received by the Town. Hearing no further comments, the hearing was closed at 7:21 p.m.

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The next item on the agenda was a PUBLIC HEARING on a proposed Local Law for the rezoning of 730 Olean Road from RR and A to R3. The notice of public hearing was published in the East Aurora Advertiser and posted on the Town Clerk's bulletin board.

Councilman Snyder opened the hearing at 7:22 p.m.

Donna Jaworski, Olean Road, thanked the Board for the work and effort they have put toward this. Mrs. Jaworski stated she is concerned with there still being people at the Code Blue house even though the temperature has not been below freezing at night. Camille, from Rural Outreach Center (ROC) stated she is the coordinator of Code Blue and they decided to function on a 24/7 basis and decided to have individuals there. She stated that next year there will be no Code Blue at either 730 or 765 Olean and their contract (with Erie County) is November 1, 2020 to April 30, 2021. Councilman Wochensky stated this hearing is for the rezoning and

question/comments should address that, not Code Blue. Mrs. Jaworski stated this is a trust issue.

Krystal Dedrick, Olean Road, stated she is the neighbor to the south of 730 Olean. The proposed 15,000sf structure does not fit in the area. It will be about sixty feet from her home and she will have a view of the building and parking lot. Ms. Dedrick asked if the ROC will service the same people that are at the Code Blue house. Camille responded they do provide care coordination with homeless individuals. Ms. Dedrick stated she is concerned with the number of individuals that could be there daily and has concerns about the assembly hall.

Councilman Snyder stated that the site plan and special use permit will address those concerns and that this hearing is for the rezoning. Ms. Dedrick responded that the zoning change is what will enable this project. Ms. Dedrick stated she does not think it should be rezoned.

Hearing no further comments from the audience, the hearing was closed at 7:34 p.m.

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The next item on the agenda was a PUBLIC HEARING on a proposed Local Law setting a six-month moratorium on development in B-1, B-2 and I zoning districts in the Town. The notice of public hearing was published in the East Aurora Advertiser and posted on the Town Clerk's bulletin board.

Councilman Snyder opened the hearing at 7:35 p.m. and asked if anyone wished to comment on the proposed Local Law. Hearing no one, the hearing was closed at 7:36 p.m.

\* \* \* \* \*

Councilman Wochensky moved to approve the minutes of the 3/22/2021 work session and meeting and the 4/5/2021 special meeting; seconded by Councilwoman Friess. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #77  
3/22/21 &  
4/5/21 minutes  
aprvd

#### AUDIENCE I:

Kelly Shanahan, Fillmore Ave, E. Aurora, stated she is the ROC Care Coordinator and works with the Code Blue shelter folks. Ms. Shanahan said there are not seventy-five people a day, she does off-site visits, too.

Barbara Leggett, Pine St., E. Aurora, stated she is a ROC volunteer and supporter and noted her support of ROC and the rezoning.

Frank Cerny, Executive Director of ROC, stated he understands the fear, but said these people are not drug abusers, etc.

Donna Jaworski, Olean Road, stated there was a drug overdose there and it's not that simple.

#### UNFINISHED BUSINESS:

The special use permit for the Blueberry Treehouse outdoor event center is an unlisted action under SEQR. The questions on Part 2 of the Short Environmental Assessment form were all answered "No, or small impact may occur".

Action #78  
Neg SEQR  
Declaration for  
Blueberry  
Treehouse SUP

Councilman Wochensky moved to declare that, for the purpose of SEQR, the amended special use permit, site plan and ODA actions for the Blueberry Treehouse property at 1887, 1895 and 1897 will not result in any significant adverse environmental impacts and therefore a Negative Declaration is issued. Councilwoman Friess seconded the motion. Upon a vote being taken:

ayes – four

noes – none

Motion carried.

Supervisor Bach moved to adopt the following resolution; seconded by Councilwoman Friess:

**RESOLUTION APPROVING ODA VARIANCES**

WHEREAS, Jyl and Ricardo Rivera (Petitioners) have applied for an Open Development Area (ODA) permit for property located at 1897 Davis Road, PO West Falls, (SBL# 199.03-1-9.21) in the Town of Aurora; and

WHEREAS, the 5.63± acre parcel is currently used for a U-pick Blueberry business, Outdoor Event Center (through a Special Use Permit) and Treehouse business; and

WHEREAS, the Petitioners are requesting an amendment to their current Special Use Permit for the Outdoor Event Center at this location, including the addition of a bar/deck and increased months of operation; and

WHEREAS, 1897 Davis Road has 16.09± feet of frontage and right-of-way width, 33.91± feet less than the 50 feet required by Town Code Chapter 99 Article VI Section 99-34 B (1); and

WHEREAS, the width of the driveway is 11± feet, 9± feet less than the 20 feet of hard surface required by Town Code Chapter 99 Article VI Section 99-34 B (1)(2); and

WHEREAS, the Petitioners propose to use the driveway at 1897 Davis Road for ingress only as there will be ingress/egress to the property through 1887 Davis Road; and

WHEREAS, the Petitioners have requested a frontage and right-of-way width variance of 33.91± feet for the “flag pole” portion of the property and a driveway width variance of 9± feet; and

WHEREAS, these Open Development variance requests were reviewed by the Town Planning Board and said Board recommended that the Town Board approve the frontage width variance and driveway width variance; 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.

NOW, THEREFORE, be it

RESOLVED, the Town Board of the Town of Aurora does hereby grant a 33.91± feet frontage and right-of-way width variance and a 9± feet driveway hard surface width variance to allow for the expanded Outdoor Event Center use of the property at 1897 Davis Road, PO West Falls, Town of Aurora (SBL#199.03-1-9.21); and be it

Action #79  
1897 Davis –  
Blueberry  
Treehouse –  
ODA variances  
aprvd

FURTHER 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 – four    noes – none    Motion carried.

\* \* \* \* \*

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

**RESOLUTION  
APPROVING OPEN DEVELOPMENT AREA  
1897 DAVIS ROAD, PO WEST FALLS  
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, Jyl and Ricardo Rivera (“the Applicants”) have filed an Open Development Area application for 1897 Davis Road (SBL#199.03-1-9.21) and seek approval to amend and expand their Special Use Permit for an Outdoor Event Center; 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 an Unlisted action under SEQR and upon review, the Town Board issued Negative Declaration; 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.

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

Action #80  
1897 Davis –  
Blueberry  
Treehouse –  
ODA aprvd

FURTHER RESOLVED, that approval of this Open Development Area with a frontage and right-of-way width variance and a driveway width variance as granted 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 said Open Development Area Plan to expand the Outdoor Event Center use at 1897 Davis Road (SBL#199.03-1-9.21) with frontage and right-of-way width and driveway width variances, is approved.

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

Supervisor Bach moved to adopt the following resolution; seconded by Councilman Wochensky:

**RESOLUTION APPROVING SITE PLAN  
1887, 1895 and 1897 Davis Road**

WHEREAS, Jyl and Ricardo Rivera (“Applicants”) have applied for a Site Plan Review for 1887 and 1897 Davis Road, PO West Falls, Town of Aurora, NY; and

WHEREAS, the Applicants plan to amend and expand their current Special Use Permit for an Outdoor Event Center, including the construction of a non-residential commercial improvement at 1897 Davis Road and expansion and use of the parking lots at 1887, 1895 and 1897 Davis Road (SBL#199.03-1-9.1, 199.03-1-10.1 and 199.03-1-9.21); and

WHEREAS, the Aurora Town Board referred the Site Plan application to the Aurora Planning Board for their review and recommendations; and

WHEREAS, the Planning Board voted unanimously to recommend that the Town Board approve the Site Plan; and

WHEREAS, as an Unlisted action under SEQRA requiring further review, the Town completed Part 2 of the SEQR short form and found that the project will not result in any significant adverse environmental impacts.

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Chapter 95 Site Plan Review, Section 95-2 C, the Aurora Town Board hereby approves the Site Plan submitted for 1887, 1895 and 1897 Davis Road to expand the Outdoor Event Center to include a treehouse lounge (bar) and other improvements, to expand and improve the parking areas and install a hard fence along the south lot line of 1897 Davis Road from the front of the property to the band shell platform; and be it

Action #81  
Site plan for  
1887,1895 &  
1897 Davis –  
Blueberry  
Treehouse  
aprvd

FURTHER RESOLVED, that a silt fence/silt sock/hay bales are temporarily used during the construction/reconstruction of any of the parking lots to control storm water runoff.

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

Councilwoman Friess moved to approve the following Special Use Permit, including special conditions, as amended from the permit approved August 10, 2020 (Action #223); seconded by Supervisor Bach:

**SPECIAL USE PERMIT**

Pursuant to Chapter 116 Article III of the Zoning Code of the Town of Aurora, a Special Use Permit is hereby granted by the Town Board of the Town of Aurora in accordance with the following:

**APPLICANT:** Ricardo and Jyl Rivera  
The Blueberry Treehouse Farm

**PROPERTY ADDRESS:** 1887 Davis Road, PO West Falls; SBL#199.03-1-9.1  
1895 Davis Road, PO West Falls; SBL#199.03-1-10.1  
1897 Davis Road, PO West Falls; SBL#199.03-1-9.21

**PROPERTY OWNER:** Ricardo and Jyl Rivera

**CODE:** Chapter 116 – Zoning §116-8.7  
B2 Business; Paragraph B

**USE:** Principal Use: U-Pick Blueberry Farm  
and treehouse design/construction business  
Auxiliary Use: Outdoor Event Center

The Town of Aurora received an application to amend a Special Use Permit granted to the Applicants on August 10, 2020.

**Background.** Applicants operate a u-pick blueberry farm and treehouse construction business on the Property, which is Zoned Business 2. The Property is also adjacent to the Applicants’ primary residence. The Applicants were granted a Special Use Permit on August 10, 2020 to hold out-door concerts on Thursdays to attract more berry pickers and to use the property as a venue for small weddings and private parties and to provide alcohol for these functions.

Additional conditions and safeguards are deemed necessary by the Town Board to implement the purpose and intent of the Amended Special Use Permit. This permit is contingent and subject to the following:

1. CODE REQUIREMENTS: Full compliance with all sections of the Aurora Code as presently codified or as may be amended from time to time.
2. APPLICATION AND PLANNING BOARD: Subject to all plans and specifications submitted with the application, recommendations of the Planning Board and additional conditions and terms as adopted by the Town Board.
3. VIOLATION: Any violation of the provisions of the Permit or any other applicable law, code, rule or regulation of any government or department shall subject this Permit to suspension or revocation in the discretion of the Town Board.
4. AMENDMENT: This Special Use Permit is subject to amendment or modification by the Town Board at any time in its sole discretion.
5. ATTACHMENT: This permit is subject to any and all special conditions attached hereto.

ACKNOWLEDGEMENT: the undersigned as applicant(s) for this Amended Special Use Permit for an outdoor event center at 1897 Davis Road, PO West Falls, Town of Aurora, NY, including parking at 1895 and 1887 Davis Road, does hereby acknowledge receipt of a copy of this Amended Permit, agrees, and accepts the provisions herein. The applicant further acknowledges that a violation or breach of any covenants, provisions or conditions of this Special Use Permit will result in suspension or revocation of this Special Use Permit. The undersigned agrees to all terms and provisions of this Special Use Permit as herein stated or as hereafter may be amended.

DATED: \_\_\_\_\_

By: \_\_\_\_\_  
Ricardo Rivera

DATED: \_\_\_\_\_

By: \_\_\_\_\_  
Jyl Rivera

**ACKNOWLEDGED AND APPROVED AS TO FORM AND SUBSTANCE**

DATES: \_\_\_\_\_

\_\_\_\_\_  
JAMES J. BACH, Supervisor  
Town of Aurora

**SPECIAL CONDITIONS FOR  
SPECIAL USE PERMIT GRANTED TO  
RICARDO AND JYL RIVERA  
FOR  
1887, 1895 and 1897 DAVIS ROAD  
PO WEST FALLS, TOWN OF AURORA**

1. USE: In addition to a treehouse design and construction business and a U-pick blueberry farm, the current uses on the property, the site will be used for an Outdoor Event Center.
2. SIGN(S): Shall be in accordance with Section 116.34 of the Town Code of the Town of Aurora.
3. PARKING: On-site parking is limited to a total of 95 vehicles at 1987 Davis Road and adjacent parcels at 1895 and 1897 Davis Road, which is currently leased by the Applicant, as shown on the attached drawing. If off-site parking is necessary, Applicant shall provide transportation to and from off-site parking. Parking is not permitted on Davis Road.
4. ATTENDEES: The maximum number of attendees at any one event is 380 based on the proposed number of parking spaces (95) and the Town Code of four occupants per vehicle.

5. EVENTS – Applicant shall not hold more than three events per week. Applicant shall not hold events Mon.-Wed. and shall limit the hours of events as follows:

- Thurs.: 5:00pm – 9:00pm
- Fri.: 10:00am – 10:00pm
- Sat.: 10:00am – 10:00pm
- Sun.: 12:00pm – 7:00pm

Events include, but are not limited to, concerts, weddings, receptions, and private parties. Events are limited to the months of June through October.

6. OTHER CONDITIONS:

- Applicant shall not permit more than two food trucks per event.
- Sound application systems are not permitted after 9:00pm.
- There shall be a minimum of two portable toilets. New York State Building and Plumbing code will dictate the number of portable toilets and hand washing/sanitizing stations based on the number of attendees at any particular event.
- Alcoholic beverages are permitted subject to a license from the New York State Liquor Authority. Alcoholic beverages may only be served within the location marked on the attached drawing.
- Alcoholic beverages are permitted only within the area marked on the attached drawing.
- Applicant will ensure adequate lighting for security, safety, and traffic circulation.
- Applicant shall receive approval of a traffic circulation, signage and safety plan from the East Aurora Police Chief and West Falls Fire Chief.
- This permit shall be reviewed annually by the Town Board during the month of May, or before, each year beginning in 2021. Town of Aurora may terminate the Special Use Permit at any time.
- Applicants must be the venue operator and the property must remain under the Applicants' ownership.
- Applicant shall at all times comply with applicable regulations, including liquor authority requirements, health department codes, and Town of Aurora Codes.
- Overnight accommodations of guests are prohibited.
- A hard-style fence will be installed along the southerly lot line of 1897 Davis Road (SBL#199.03-1-9.21) from the front of the property to the band shell platform location.

Upon a vote being taken: ayes – four      noes – none      Motion carried.      Action #82  
Amended Special  
Use permit for  
Blueberry  
Treehouse aprvd

\* \* \* \* \*

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

**A RESOLUTION RELATING TO THE STATE  
ENVIRONMENTAL QUALITY REVIEW PROCESS**

WHEREAS, the Town Board of the Town of Aurora is considering adopting a Local Law to amend the Town Zoning map by rezoning 730 Olean Road from RR and A to R3; and

WHEREAS, the Town Board of the Town of Aurora is duly qualified to act as lead agency for environmental review of certain actions undertaken by local government; and

NOW, THEREFORE, BE IT,

RESOLVED, that the Town Board of the Town of Aurora hereby declares itself as Lead Agency for SEQRA review purposes relating to rezone 730 Olean Road and hereby determines that the proposed action is a Type II action that will result in no significant environmental impact and no further review will be undertaken.

Action #83  
SEQRA for  
LL to rezone  
730 Olean –  
no significant  
impact – Type  
II

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

Supervisor Bach moved to adopt a Local Law to rezone 730 Olean Road from RR and A to R3; seconded by Councilman Wochensky. Discussion following the motion:

Councilwoman Friess stated she would like to see additional language added to the law regarding not-for-profit (non-profit) entities. Mrs. Friess stated it is not the Town Board's intent to have for-profit use here.

Attorney Bennett stated that a change like that would be a material change, not just a typo correction, which would need an amended local law and another public hearing.

Councilwoman Friess moved to amend Local Law Intro1-2021 to rezone 730 Olean Road from RR and A to R3 and to set a further public hearing for 7:00 p.m. on Monday, April 26, 2021 at 7:00 p.m. at the Aurora Municipal Center, 575 Oakwood Avenue, East Aurora, NY. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – four  
noes - none Motion carried.

Action #84  
LL intro for  
730 Olean  
rezoning to be  
amended &  
further public  
hearing set

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

**A RESOLUTION RELATING TO THE STATE  
ENVIRONMENTAL QUALITY REVIEW PROCESS**

WHEREAS, the Town Board of the Town of Aurora is considering adopting a Local Law to declare a moratorium on certain development in Business (B1 and B2) and Industrial (I) zones within the Town; and

WHEREAS, the Town Board of the Town of Aurora is duly qualified to act as lead agency for environmental review of certain actions undertaken by local government;

NOW, THEREFORE, BE IT,

RESOLVED, that the Town Board of the Town of Aurora hereby declares itself as Lead Agency for SEQRA review purposes relating to a moratorium on certain development in Business (B1 and B2) and Industrial (I) zones in the Town of Aurora and hereby determines that the proposed action is a Type II action that will result in no significant environmental impact and no further review will be undertaken.

Action #85  
SEQRA for  
LL to set 6  
month  
moratorium  
for B and I  
zones – no  
environmental  
impact – Type  
II

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

Supervisor Bach moved to adopted Local Law 1 of 2021 imposing a moratorium on certain development in B1, B2 and I zones; seconded by Councilman Wochensky:

**TOWN OF AURORA  
LOCAL LAW NO. 1 - 2021**

**A LOCAL LAW IMPOSING A SIX-MONTH MORATORIUM ON ZONING  
DISTRICTS B-1, B-2 and I.**

**BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF AURORA AS FOLLOWS:**

**SECTION 1. TITLE**

This Local Law is referred to as the “Local Law Imposing a Six-Month Moratorium on Zoning Districts B-1, B-2 and I.”

**SECTION 2. PURPOSE**

The purpose of this Local Law is to protect the public health, safety, and welfare of Town of Aurora residents by assuring that any future developments comply with the general



community plan and to preserve the rural character of the Town of Aurora. The Town Board intends to address, in a careful manner, the uses set forth in the Zoning Code for Districts B-1, B-2 and I on a comprehensive Town-wide basis rather than on an ad hoc basis, and to adopt new Land Use Local Law provisions to specifically provide for uses within the Districts of B-1, B-2 and I and/or within new zones.

### SECTION 3. AUTHORITY

This Local Law is enacted under the provisions of Article 16 of the New York Town Law and Section 10 of the New York Municipal Home Rule Law.

### SECTION 4. MORATORIUM AND DURATION

For a period of six months following the date of adoption of this Local Law, the Code Enforcement Officer shall not grant any building permit for construction that would result in a non-residential commercial improvement either in the form of an addition to an existing structure or the construction of a new structure with the size of 2,500 square feet or larger within Districts B-1, B-2 and I.

For a period of six months following the date of adoption of this Local Law, the Town Board shall not accept any special use permit application that would result in a non-residential commercial improvement either in the form of an addition to an existing structure or the construction of a new structure with the size of 2,500 square feet or larger within Districts B-1, B-2 and I.

For a period of six months following the adoption of this Local Law, the Town Zoning Board of Appeals shall not grant any variance or other permit for the use of a Special Use Permit within the Districts of B-1, B-2 and I which has not been applied for as of the effective date of this Local Law.

The provisions of this Local Law do not apply to site plans, special use permits, and building permits under review by the Town Board as of the effective date of this Local Law.

The Town Board reserves the right to direct the Building Inspector/Code Enforcement Officer to revoke or rescind any Building Permits or Certificates of Occupancy issued in violation of this Local Law.

### SECTION 5. EXTENSION OF MORATORIUM

This moratorium may be extended for up to two additional periods of up to three months each by resolution of the Town Board upon a finding of necessity for such extension.

### SECTION 6. PENALTIES

Any person, firm or corporation that establishes, places, constructs, enlarges or erects any buildings or use requiring a building permit in violation of the provisions of this Local Law or that violate any provisions of this Local Law is subject to:

- a. Penalties as may otherwise be provided within the Codes of the Town of Aurora for violations;
- b. Injunctive relief in favor of the Town of Aurora to cease any and all such actions which conflict with this Local Law and, if necessary, to remove any construction that may have taken place in violation of this Local Law.

### SECTION 7. VALIDITY

The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law that can be given effect without such invalid provision.

### SECTION 8. HARDSHIP

A. Should any owner of property affected by this Local Law suffer an unnecessary hardship in the way of carrying out the strict letter of this Local Law, then the owner of said property may apply to the Town Board, in writing, for a variation from strict compliance with this Local Law upon submission of proof of such unnecessary hardship. For the purposes of this Local Law, unnecessary hardship shall not be the mere delay in being permitted to make an application or waiting for a decision on the application for a variance, special permit, site plan, subdivision or other permit during the period of the moratorium imposed by this Local Law.

B. Procedure. Upon submission of a written application to the Town Clerk by the property owner seeking a variation of this Local Law the Town Board shall, within thirty (30) days of receipt of said application, schedule a Public Hearing on said application upon five (5) days written notice in the official newspaper of the Town. At said Public Hearing, the property owner and any other parties wishing to present evidence with regard to the application shall have an opportunity to be heard, and the Town Board shall, within fifteen (15) days of the close of said Public Hearing, render its decision by duly adopted resolution either granting, modifying, or denying the application for a variance from the strict requirements of this Local Law. If the Town Board determines that a property owner will suffer an unnecessary hardship if this Local Law is strictly applied to a particular property then the Town Board shall vary the application to this Local Law to the minimum extent necessary to provide the property owner relief from strict compliance with this Local Law.

**SECTION 9. EFFECTIVE DATE**

This Local Law shall take effect immediately upon filing with the Office of the New York State Secretary of State in accordance with §27 of the Municipal Home Rule Law.

Action #86  
LL 1-2021  
6 month  
moratorium  
on B & I  
zones adopted

Upon a roll call vote being taken:

Councilman Wochensky voting aye  
Councilwoman Friess voting aye  
Councilman Snyder voting aye  
Supervisor Bach voting aye

ayes – four      noes – none

Carried.

**NEW BUSINESS:**

Councilwoman Friess moved to amend tonight’s agenda by adding item 6I – EA Lacrosse Temporary Use Permit for BBQ at Warren Drive park. Councilman Wochensky seconded the motion. Upon a vote being taken: ayes – four      noes – none      Motion carried.

Action #87  
Item 6I – EA  
Lacrosse bbq  
added to  
agenda

Councilman Wochensky moved to accept a \$1,000.00 donation from the Glory Days Softball League to be used toward diamond dirt for the ball diamonds at JP Nicely West Falls Park. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – four      noes - none      Motion carried.

Action #88  
\$1,000  
donation from  
GLSL for  
W.Falls  
diamond dirt  
accepted

Councilwoman Friess moved to approve the Civil Service title change for Jennifer Calkins from Clerk PT to Clerk PT Seasonal effective April 19, 2021 through September 6, 2021, to allow her to work up to 39.5 hours to accommodate the Building Department during the busy season. Supervisor Bach seconded the motion. Upon a vote being taken: ayes – four      noes – none      Motion carried.

Action #89  
J. Calkins civil  
svc title  
changed to  
clerk PT  
seasonal

Supervisor Bach moved to approve the use of Debt Reserve funds to make a \$45,000 principal and \$3503.75 interest payment for the Glead Avenue HVAC and parking lot bond that is due 4/15/21. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – four      noes – none      Motion carried.

Action #90  
Use of debt  
reserve funds  
for Glead bond  
aprvd

Councilwoman Wochensky moved to approve promoting Jason Buranich to a full time highway laborer at an hourly rate of \$18.48 effective

May 1, 2021. (Jason is currently employed part-time for the Town.)  
Councilwoman Friess seconded the motion. Upon a vote being taken:  
ayes – four                      noes – none                      Motion carried.

Action #91  
J. Buranich –  
FT highway  
laborer  
effective 5/1/21

Councilwoman Friess moved to authorize a TE9 speed study request  
for Davis Road from Route 20A to Ellicott Road. Supervisor Bach  
seconded the motion. Upon a vote being taken: ayes – four      noes – none  
Motion carried.

Action #92  
TE9 for Davis  
from 20A to  
Ellicott auth

Councilman Wochensky moved to appoint Elizabeth Cassidy as the  
Town's Affirmative Action Office to replace William Kramer (retired).  
Councilwoman Friess seconded the motion. Upon a vote being taken:  
ayes – four                      noes – none                      Motion carried.

Action #93  
E. Cassidy appt  
affirmative  
action officer

Councilwoman Friess moved to forward the following applications to  
the Planning Board for review and recommendation:

- Open Development Area – 1875 Boies Road
- Open Development Area – split from 535 Jewett Holmwood Rd
- Special Use Permit & Site Plan – 1158 Davis Road

Councilman Wochensky seconded the motion. Upon a vote being taken:  
ayes – four      noes – none                      Motion carried.

Action #94  
1875 Boies  
ODA; 535 JH  
ODA; 1158  
Davis site plan  
& SUP  
forwarded to  
planning brd

Councilman Wochensky moved to approve a Temporary Use Permit  
to WNY Cyclocross Club to hold cyclocross events at JP Nicely West Falls  
Park on August 15, 2021 and October 17, 2021. Councilwoman Friess  
seconded the motion. Upon a vote being taken: ayes – four      noes – none  
Motion carried.

Action #95  
TUP apvd for  
WNY  
Cyclocross for  
WF park

Councilman Wochensky moved to approve a Temporary Use Permit  
to East Aurora Lacrosse Association to have a drive-thru only chicken  
barbeque, with no beer truck, contingent upon approval of the pit location  
by the Town. Councilwoman Friess seconded the motion. Upon a vote  
being taken: ayes – four      noes – none                      Motion carried.

Action #96  
TUP for EA  
Lacrosse for  
bbq at Warren  
Dr Park aprvd

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

- Senior Center – March 2021 report
- Recreation Director – March 2021 report
- Town Clerk – March 2021 report
- Town Clerk/Tax – March 2021 report
- Water Clerk – March 2021 report
- EAPD – February 2021 report
- Supervisor – March 2021 report

BUSINESS FROM BOARD MEMBERS AND LIAISONS:

Supervisor Bach stated that planning has begun for the June 12, 2021 ribbon cutting  
ceremony at the Aurora Municipal Center.

Councilman Snyder noted that he and the Town Clerk participated in a webinar hosted by  
the Association of Towns on the new cannabis law in NYS.

AUDIENCE II: none

STAFF REPORTS: none

ABSTRACT OF CLAIMS:

The 2021 Abstract of Claims dated April 12, 2021, consisting of vouchers numbered 290 to 359 and prepaid vouchers 360 to 361 was presented to the Board for audit and authorization of payment from the following funds:

General	\$ 39,044.58
Part Town	59,375.50
Highway/DA	333.66
Highway/DB	7,843.97
Special Districts	<u>207,383.22</u>
Grand Total Abstract	\$313,980.93

Councilwoman Friess moved to approve the 4/12/2021 Abstract of Claims, and authorize payment of same. Councilman Wochensky seconded the motion. Upon a vote being taken:  
ayes – four          noes – none          Motion carried.

Action #97  
4/12/21  
Abstract of  
Claims  
approved.

Councilwoman Friess moved to enter into Executive Session to discuss the employment of two particular individuals, with no action to be taken during the session, but with the possibility of voting after coming out of Executive Session. Councilman Wochensky seconded the motion. Upon a vote being taken: ayes – four          noes – none          Motion carried.

Action #98  
Brd enters  
exec sess

Councilwoman Friess moved to come out of Executive Session at 8:58 p.m.; seconded by Councilman Wochensky. Upon a vote being taken:  
ayes – four          noes – none          Motion carried.

Action #99  
Brd exits exec  
sess

Councilwoman Friess moved to authorize the Deputy Supervisor to sign a separation agreement with a previous employee. Councilman Wochensky seconded the motion. Upon a vote being taken: ayes – four  
noes – none          Motion carried.

Action 100  
Deputy Supv  
to sign emp  
separation  
agreement

Councilwoman Friess moved to approve the hiring of Molly Hogan, 25 Hillside, Orchard Park, New York, as a part-time court clerk beginning May 3, 2021 at an hour rate of \$16.35. Councilman Wochensky seconded the motion. Upon a vote being taken: ayes – four          noes – none  
Motion carried.

Action #101  
M. Hogan  
hired as PT  
court clerk

(Note: NYS Public Officers Law Article 2, Section 3(24) (as added by L.1991 c.747) In the towns of Aurora, Holland and Marilla, Erie County, the provisions of this section requiring a person to be a resident of the political subdivision or municipal corporation of the state for which he shall be chosen or within which his official functions are required to be exercised, shall not prevent a person from holding the office of court clerk to the justices of the towns of Aurora, Holland and Marilla provided that such person resides in the county in which such town is located or an adjoining county within the state of New York.)

Councilwoman Friess moved to increase Court Clerk Claire Granville's hourly rate to \$19.00 per hour beginning April 17, 2021. Councilman Wochensky seconded the motion. Upon a vote being taken:  
ayes – four          noes – none          Motion carried.

Action #102  
C. Granville  
hourly rate  
increase  
effective  
4/17/21

Councilman Wochensky moved to adjourn at 9:01 p.m.; seconded by Councilwoman Friess. Upon a vote being taken: ayes – four  
noes – none          Motion carried.

Action #103  
Meeting  
adjourned