

PETITION

TO AMEND THE ZONING MAP OF THE TOWN OF AURORA, NEW YORK, OR FOR USE PERMIT BY THE TOWN BOARD

TO: THE TOWN BOARD OF THE TOWN OF AURORA, NEW YORK

Pursuant to Article IX of the Zoning Ordinance of the Town of Aurora, the undersigned owner(s) and petitioner(s) hereby request that the Zoning Map of the Town of Aurora, be amended as follows:

1. Donald R Pressing SR
Name (First) (Middle Initial) (Last)

2. Location of property to be rezoned: 992 Olean Road (SBC#188.01-2-11.11)
EAST Aurora N.Y 14052

3. Area, in square feet, of the property to be rezoned: 5,603 Acres
Dimension of the property to be rezoned: See survey provided.

4. If the petitioner is not the owner of the property:
Donald R Pressing SR
Owner's Name and Address
992 Olean Road, EAST Aurora N.Y 14052.
Owner's Name and Address

What is the interest of the petitioner in the proposed rezoning?

5. Petitioner understands and agrees to furnish any of the following if requested by the Town Board or its agencies: An accurate survey map prepared by a licensed surveyor showing all dimensions, including inter angles or bearing of lines, and the location, proposed use and height of all buildings; location of all parking and truck loading areas, with access and egress drives thereto; location of outdoor storage, if any; location of all existing or proposed site improvements, including drains, culverts, retaining walls and fences; description of method of sewage disposal and location of such facilities; location and size of all signs; location and proposed development of buffer areas; location and design of lighting facilities; and the amount of building area proposed for retail sales, if any.

6. Attach the legal description of the property to be rezoned.

7. Present zoning classification of the property: 75% zoning "A", 25% zoning B1

8. Proposed zoning classification of the property: ~~B2 or B1~~ A to B2; B1 to A

9. Present use of the property: Residential, Agriculture, and storage

10. Proposed use of the property: lawn & garden retailer and equipment repairs

DRP
AMENDED
5/11/13
M. L. B. ROCK
TOWN CLERK

11. Description of uses on all adjacent properties and a general description of the type of neighborhood in which the subject property is located: To the north JUDSON HESTER "B2", To the south Dave Christy "A", Andrew Metzger "A", Beverly Stewart "B1", unknown "B2", across the street TARA Martin "Iron Kettle" "B2", and Aurora community mobile homes.

12. Names and Addresses of Owners of Abutting Properties:

- 1. Judson Hester 976 Olean Road EA
2. Dave & Amy Christy 1000 Olean Road EA
3. Andrew Metzger 1018 Olean Road EA
4. Unknown Addresses
5. Tara Martin 1009 Olean Road EA
6. Beverly Stewart 1036 Olean Road EA
7.

Opns St Comp, 1980 No. 79-698, 1980 WL 7924 (N.Y.St.Cptr.)

New York State Comptroller
NYCPTR Opn No. **79-698**

***1** February 11, 1980

TO: THOMAS G. GRIFFEN, ESQ., TOWN ATTORNEY
TOWN OF KINDERHOOK

Town Law, §§ 264, 265

**1. ZONING AND PLANNING—ZONING CHANGES—IMPOSITION OF
CONDITIONS WITH RESPECT TO**

In rezoning property, a town board may impose reasonable conditions which protect neighboring property owners and the public in general.

This is in reply to your letter asking whether a town board may impose certain conditions upon the rezoning of property from R-1 (residential) to B-1 (commercial). Specifically, may the town board approve the rezoning application subject to the following conditions: submission of full site development plan with engineering and survey data, architectural drawings, and an economic feasibility study indicating economic viability for proposed uses; filing of performance bond for completion of all required site improvements; completion of certain stages of development within specified time periods, or the property reverts to R-1?

The rezoning of property subject to conditions negotiated with, or imposed upon, the owner-applicant is often referred to as "conditional zoning" or "contract zoning" (see 1 Anderson, *New York Zoning Law and Practice*, 2nd ed., 1973, §§ 8.13, 8.14). The leading New York decision on the subject is *Church v. Town of Islip*, 8 NY2d 254, 203 NYS2d 866, 168 NE2d 680 [1960], which held that a town board may impose reasonable conditions for the protection of neighboring property owners (see also *Albright v Town of Manlius*, 28 NY2d 108, 320 NYS2d 50, 268 NE2d 785 [1971]; *Flushing Property Owners Association, Inc. v Planning Commission of City of New York*, 43 AD2d 515, 348 NYS2d 765 [1st Dept. 1973]).

This Department is not able to state definitely whether the specific conditions mentioned by you are reasonable and acceptable. The answer depends upon all of the factual circumstances surrounding this particular rezoning application, as interpreted in the light of *Church v town of Islip, supra*. We suggest, therefore, that you study that decision and subsequent cases citing it, and apply the principles therein stated to your situation.

It should be noted that the condition providing for reversion to the prior zoning classification (R-1) when development is not completed within a prescribed time

period may be invalid if it contemplates automatic reversion without compliance with statutory amendment procedures (see Town Law, §§ 264, 265). In similar circumstances, a town board resolution restoring the prior zoning classification was held invalid because the town board failed to comply with statutory notice, hearing and posting requirements (*Stiriz v Stout*, 210 NYS2d 325 [1960]).

If you conclude, in the light of *Church v Town of Islip, supra*, that the proposed conditions are of doubtful validity, then you may wish to have the town planning board review and approve the proposed site plan pursuant to authority granted in Town Law, § 274-a. You stated in a telephone conversation that the town board has enacted legislation implementing that section. Rezoning might be withheld pending approval of the site plan by the planning board.

Opns St Comp, 1980 No. 79-698, 1980 WL 7924 (N.Y.St.Cptr.)

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ELMA WATER DEPARTMENT

EUGENE STEVENSON, SUPT.

WS-4

353

n

December 23, 2013

Town of Aurora
300 Glead Ave Ste 6
East Aurora, NY 14052

Re: Water rate increase

Dear Town of Aurora:

The Elma Town Board approved a rate increase of 2% on all tiers of our water rates on Wednesday, December 18, 2013. The below rates reflect 2% increase on the net charge (after discount) as most of our customers receive this rate to offset the rate increase from Erie County Water Authority. The new rates will be applied starting with your February 2014 bill.

	Gross	Net
Minimum	\$20.00	\$18.00
First 150 M	4.30 per M	\$3.87 per M
Next 300 M	4.11 per M	\$3.70 per M
Over 450 M	3.81 per M	\$3.43 per M

If you have any further questions please feel free to ask

Yours truly,

Eugene Stevenson

Water Department Superintendent

Highway Garage Lighting

WS-7

The fixtures that are presently in the Highway garage that need replacement are 250 watt High Pressure Sodium lights. (Same type that were in Glead warehouse) The two options that are available are as follows:

1. RAB Slim 26 wall Pac (LED). A 30 watt bulb is meant to replace a 300 watt bulb. Estimated life is 50,000 hours.
2. T-5 Hanging light fixture with 4 bulbs/covers.

RAB Slim 26 quotes:

*Koerff Electric	\$186 X 7=	\$1302.00
Shanor Electric	\$209 X 7=	\$1463.00
LA Wooley Electric	\$251 X 7=	\$1763.93

T-5 Hanging light quotes:

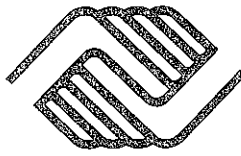
Koerff Electric	\$130 X 7=	\$910 + 100=	\$1010.00
Shanor Electric	\$174.56 X 7=	\$1221.92 + 100=	\$1321.92
LA Wooley Electric	\$180.99 X 7=	\$1266.93 + 100=	\$1366.93

- Recommended due to longevity and energy use savings.

If at all possible, can we discuss during the next work session 1/21/2014?

Pat

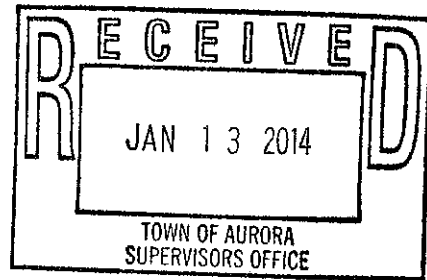
INSTALLATION will be Done in House
Per PAT BLIZIMAK



BOYS & GIRLS CLUB
OF EAST AURORA

WS-8

January 10, 2014



Mr. Jim Bach
Supervisor, Town of Aurora
300 Gleed Avenue
East Aurora, NY 14052

Dear Jim:

Congratulations on your new position of Aurora Town Supervisor! We commend you on your choice to be a servant of the people and wish you the best of luck as you face the challenge of the job. As you know, the Town of Aurora and the Boys & Girls Club of East Aurora have a long history of working together for the benefit of the children of our community. On behalf of the Board of Directors, staff and members of the Boys & Girls Club, I would like to extend our sincerest thanks to the Town for this continued and generous support.

We realize that the Town has some challenging decisions to make with regards to establishing the budget and are most grateful that you recognize the important role the Boys & Girls Club plays in the lives of our families. Our programs touch almost every child in the community whether it be through an athletic league, a Club program, a tournament, a camp session, a school field trip or a special event. We have managed many financial challenges over the past decade, and have felt an increase in the demand for our services. Over 330 of our kids are at the Club every day and we are here for them, providing quality, fun activities to participate in during their after-school discretionary hours thanks, in part, to the generous support of the Town of Aurora!

Enclosed please find the annual funding agreement in the amount of \$35,000 as approved by the Town of Aurora. It has been signed by our Board President, Sue Mentecchi. If everything looks in order, we would request that you sign the agreement, keep a copy and return the original to us.

We look forward to continuing to work with the Town of Aurora for the benefit of our kids and invite you to come by anytime, take a tour and see the great things that your support makes possible every day!

Sincerely,

Gary D. Schutrum
Chief Professional Officer

Agreement

Dated as of the 1st day of January, 2014 by and between the TOWN OF AURORA, County of Erie, State of New York, a municipal corporation maintaining offices at 300 Gleed Avenue, East Aurora, New York, hereinafter referred to as the "Town" and THE BOYS & GIRLS CLUB OF EAST AURORA, a not-for-profit organization maintaining offices at 24 Paine Street, East Aurora, New York, hereinafter referred to as the "Boys & Girls Club".

WHEREAS, there is a demonstrated need in the community for programs to advance the moral, physical, mental, and social well-being of the youth of the Town of Aurora; and

WHEREAS, the Boys & Girls Club has agreed to provide services and programs to the youth of the Town of Aurora in the year 2014 as set forth on Exhibit "A" of this Agreement; and

WHEREAS, the residents of the Town of Aurora will benefit from such programs being provided to the youth of the Town,

NOW WITNESSETH,

IT IS MUTUALLY AGREED by and between the Town and the Boys & Girls Club that the Boys & Girls Club will conduct the programs set forth on Exhibit "A" of this Agreement for the year 2014; and

In consideration therefor, the Town will pay the Boys & Girls Club the sum of Thirty-Five Thousand Dollars (\$35,000) as follows:

1 st installment – March, 2014	\$ 9,000
2 nd installment – April, 2014	\$ 9,000
3 rd installment – July, 2014	\$ 9,000
4 th installment – Sept., 2014	<u>\$ 8,000</u>
Total	\$35,000

EXHIBIT A

Athletics – After school athletic leagues for boys and girls in grades 2-9

- Flag Football
- Soccer
- Kickball
- Floor Hockey
- Basketball
- Lacrosse

Athletics – Evening athletic program for boys and girls in grades 9-12

- Flag Football
- Dodgeball
- Basketball
- Floor Hockey
- Lacrosse

Basketball programs for youth, ages 7-18

- WNY Travel Basketball Program
- Saturday Morning In-House Basketball Program
- Annual High School Basketball Tournaments

Social Recreation Programs for youth, ages 7-11

- Daily drop-in activities
- Smart Girls
- Peanut Patrol

Educational Programs for youth, ages 11-14

- History Club

Drug, Alcohol and Early Sexual Involvement Prevention Programs:

- Smart Moves
- Peer Mentors

Social Recreation Programs for youth, ages 12-18, afternoons and evenings

- Daily drop-in activities
- Community Service Program
- Dances
- Disc Jockey Club

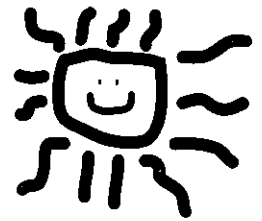
Summer Camp Programs

- Camp Ska-No-Ka-San: Summer day camp for youth, ages 7-13
- Jr. Counselor Program for youth, ages 14 and 15
- Adventure Camp Program for youth, ages 13-18

300 Gleed Avenue
East Aurora, NY 14052

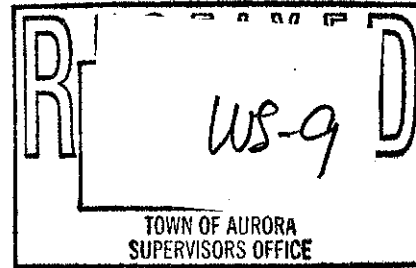
716.655.5131 tel
716.655.5466 fax
www.exploreandmore.org

explore&more
children's museum



January 2, 2014

The Honorable Jim Bach
Supervisor
Town of Aurora
300 Gleed Avenue
East Aurora, NY 14052



Dear Jim,

Explore & More Children's Museum would like to thank the Town of Aurora for its previous enthusiasm and support of the museum's efforts to serve children from our community and all over Western New York. We would like to make a formal request to the Town Board as the owner of the building at 300 Gleed Avenue.

Explore & More is hoping to hold our 5th annual Touch-A-Truck event on Sunday, May 18th, 2014. This event is a fundraiser where kids of all ages can touch, climb and explore trucks and other vehicles.

The museum would again need:

- Parking lots on both sides of the building (one side for the trucks, the other for museum visitors).
- Use of grass area on back of building (**not** the baseball fields).
- Use of the gymnasium for a performance to coincide with the outdoor activities.

Explore & More will be responsible for all other logistics including securing additional insurance for the museum and the Town as appropriate and for cleanup after the event. Since Touch-A-Truck is an occasion outside the museum's traditional activities, we will refer to it in all promotions as a special event.

For more information about the event, please feel free to contact me at 655-5131 x12 or bpleggett@exploreandmore.org, or we are happy to present details at one of your upcoming meetings.

Sincerely,

Barbara Park Leggett
Executive Director

where fun & learning play together

WS-10

ALVIN THOMAS FONTANESE

RECEIVED

JAN 15 2014

TOWN OF AURORA
TOWN CLERKS OFFICE

1/5/14

Dear Jim,

I am writing to let you know
that I am resigning my appointments
to the Planning & Conservation
Boards, effective immediately.

Very truly yours,

AT



MR JAMES J. BACH
SUPERVISOR
TOWN OF AURORA
SOUTHSIDE MUNICIPAL CENTER
300 GLEED AVE
EAST AURORA, N.Y. 14052

AVAYA PHONE MAINTENANCE SERVICE AGREEMENT

WS-11

This AVAYA PHONE MAINTENANCE SERVICE AGREEMENT (hereinafter referred to as "agreement") and entered into this ___ day of _____, 2014 by and between **KIERCOM COMMUNICATIONS** (herein after referred to as "CONTRACTOR") the **TOWN of AURORA** (herein after referred to as "TOWN").

This Service Agreement is for full service maintenance for one (1) year starting January 1, 2014 through December 31, 2014. The Town agrees that Kiercom Communications will be the sole provider of telephone equipment and service for the term of this agreement.

DRAFT

1. **SERVICE COVERAGE:** The Contractor will provide the following:

- a. Emergency service response within 8 hours depending upon the emergency which is determined at the time of initial phone call from Town to Contractor.
- b. Routine service response within three (3) business days.
- c. Standard coverage is between 8:00 am and 5:00 pm Monday through Friday. Remote diagnostics and repair will be provided when deemed applicable.
- d. All repair parts and materials are included at no additional charge. Contractor may use new or refurbished parts for replacement of defective equipment.
- e. Labor costs for troubleshooting, repairing and/or reprogramming defective equipment will be billed at half of Contractor's hourly rate of \$_____.
- f. Additions, moves and or changes to the telephone system will be charged to the Town on a time and material basis at the Contractor's hourly rate of \$_____.

2. **ANNUAL RATE:** The Town agrees to pay Contractor an annual rate of \$1860.00.

3. **INSURANCE:** The CONTRACTOR agrees that he will indemnify and save the TOWN harmless from all claims growing out of the lawful demand of subcontractors, laborers, workmen, mechanics, and furnishers of machinery and parts thereof, equipment, power tools, and all supplies incurred in the performance of this Agreement. The CONTRACTOR agrees to purchase and maintain the Liability Insurance and Workers Compensation and Employer's Liability Insurance, in the amounts noted on the attached sample certificate, with the Town of Aurora listed as Additional Insured on the Insurance Policies.

4. **PAYMENT:** The TOWN, in consideration of the faithful performance by the CONTRACTOR of all and singular his covenants, promises and agreements contained herein, agrees to pay the CONTRACTOR for the work embraced in this Agreement upon full completion by him of the work embraced in this Agreement, in the manner and within the time herein specified and limited.

5 **EXCLUSIONS:**

This agreement does not cover equipment malfunction due to natural disasters (floods, earthquakes or any other force man made or act of God).

This agreement does not cover any damage or malfunction attributable to negligence or intentional abuse of the system by the Town or its agents.

6. TERMINATION:

In the event that the Town or the Contractor wish to terminate this agreement, either party may do so on the condition that the party initiating the termination provide adequate opportunity for the remedy of any dispute or grievance presented as a reason for termination and not less than thirty (30) days written notice be provided. All service fees due prior to termination date shall be immediately due and payable.

This agreement is based on the Town's current phone system configuration.

DRAFT

7. EXECUTION OF CONTRACT:

This agreement is binding after it has been signed by all parties.
IN WITNESS WHEREOF, the said parties hereto have caused this instrument to be signed by their respective duly constituted officers.

TOWN OF AURORA

By: _____

James J. Bach, Supervisor

KIERCOM COMMUNICATIONS

By: _____

Title: _____

January 3, 2014

Town of Aurora
5 South Grove Street
East Aurora, New York 14052

Attention: Ms. Martha Libroch
Town Clerk

Regarding: Emery Road Culvert Replacement
Town of Aurora, New York

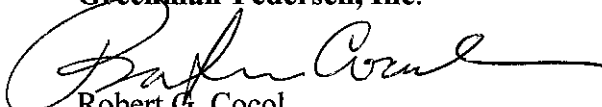
Dear Ms. Libroch

Attached please find revised waterline relocation plans which are part of Erie County's Culvert Replacement Project on Emery Road. The revisions reflect the design of a temporary waterline to be installed which will provide continued water service while the existing waterline is being replaced as part of the culvert replacement project. Erie County Water Authority has been provided copies of these drawings for their approval also.

Because it has been over two years, we have also included a new NYS Department of Health "Application of Approval of Plans for Public Water Supply Improvements". Following review and anticipated approval of the revised plans by the Town's Consultant (CRA), please have the Town Supervisor sign the application form and return it to our office, so that we can submit the application package to the Health Department for approval.

If the Town has any questions, feel free to contact our office anytime.

Very Truly Yours
Greenman-Pedersen, Inc.

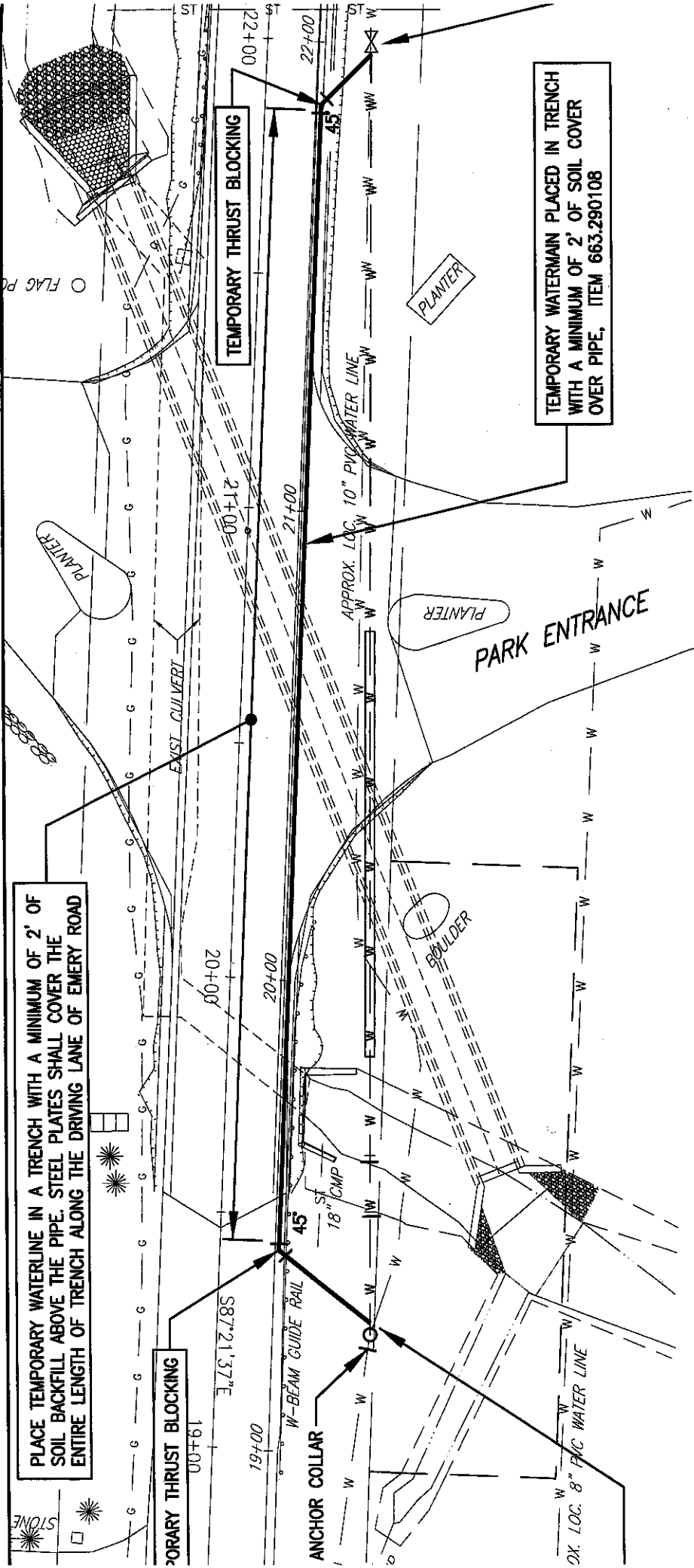


Robert G. Cocol
Senior Designer

enclosures

Western New York Branches

- 4950 Genesee Street, Suite 100, **Buffalo**, NY 14225 Tel: 716.633.4844 Fax: 716.633.4940
 - 200 Harrison Street, Suite H2, **Jamestown**, NY 14701 Tel: 716.488.2803 Fax: 716.488.2802
 - 20 Wildbriar Road, Suite E, **Rochester**, NY 14623 Tel: 585.486.4859
- www.gpinet.com An Equal Opportunity Employer



PLACE TEMPORARY WATERLINE IN A TRENCH WITH A MINIMUM OF 2' OF SOIL BACKFILL ABOVE THE PIPE. STEEL PLATES SHALL COVER THE ENTIRE LENGTH OF TRENCH ALONG THE DRIVING LANE OF EMERY ROAD

TEMPORARY THRUST BLOCKING

TEMPORARY THRUST BLOCKING

ANCHOR COLLAR

18" CMP

APPROX. LOC. 10" PVC WATER LINE

OX. LOC. 8" PVC WATER LINE

TEMPORARY WATERMAIN PLACED IN TRENCH WITH A MINIMUM OF 2' OF SOIL COVER OVER PIPE, ITEM 663.290108

NOTE:
 ALL FITTINGS, PIPE & OTHER ITEMS THAT ARE PART OF THE REPLACEMENT WATERLINE AND WILL REMAIN IN PLACE AFTER INSTALLATION OF THE PERMANENT WATERLINE ARE TO BE PAID UNDER THE RESPECTIVE BID ITEMS. ALL FITTINGS & MATERIALS THAT ARE INSTALLED AS PART OF THE TEMPORARY WATERLINE AND WILL BE REMOVED PRIOR TO INSTALLATION OF THE PERMANENT WATERLINE SHALL BE INCLUDED UNDER BID ITEM 663.290108

ITEM 663.290108 -- TEMPORARY WATERMAIN -- SHALL BE 10" BELL & SPIGOT, CLASS 150, P.V.C. PIPE w/ MEGALUG RETAINERS CONFORMING TO AWWA C900 SPECIFICATIONS AND ERIE COUNTY WATER AUTHORITY SPECIFICATIONS

TEMPORARY WATERLINE PLAN

SCALE: 1"=20'

NEW YORK STATE DEPARTMENT OF HEALTH
Bureau of Water Supply Protection

Application of Approval of Plans for
Public Water Supply Improvement

Applicant	Location of works (C,V,T)	County	Water District (specific area served)
ERIE COUNTY WATER AUTHORITY	TOWN OF AURORA	ERIE	Town Water District #18 (ECWA Aurora)

Type of Ownership	<input type="checkbox"/> Private - Other	<input checked="" type="checkbox"/> Authority	<input type="checkbox"/> Interstate
<input checked="" type="checkbox"/> Municipal	<input type="checkbox"/> Commercial	<input type="checkbox"/> Private - Institutional	<input type="checkbox"/> Federal
<input type="checkbox"/> Industrial	<input type="checkbox"/> Water Works Corp.	<input type="checkbox"/> Board of Education	<input type="checkbox"/> State
			<input type="checkbox"/> International
			<input type="checkbox"/> Native American Reservation

Modifications to existing system. If checked, provide PWS ID # NY **1450033**

New System. If checked, provide capacity development (viability) analysis*

If this project involves a new system, new water district, or a district extension provide boundary description location details in digital format on CD or Floppy Disk. If digital boundary location details are not available provide a text description.

Digital GIS Data Provided Digital CAD Data Provided Other Digital Data Provided Text Description Provided N/A

Funding Source Private DWSRF** Federal Other

If DWSRF is checked, please provide DWSRF #

Estimated Project Cost - \$

Source	Treatment	Storage	Distribution
			\$25,000.00
Pumping	Engineering	Legal/Permitting	Total
	\$3,000.00		\$28,000.00

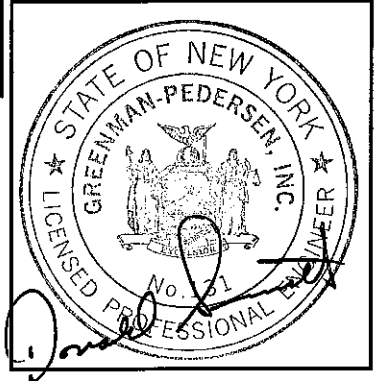
Type of Project	<input type="checkbox"/> Corrosion Control	<input type="checkbox"/> U.V. Light Disinfection	<input type="checkbox"/> Distribution
<input type="checkbox"/> Source	<input type="checkbox"/> Pumping Unit	<input type="checkbox"/> Fluoridation	<input type="checkbox"/> Storage
<input type="checkbox"/> Transmission	<input type="checkbox"/> Chlorination	<input type="checkbox"/> Other Treatment	<input checked="" type="checkbox"/> Other

Project Description EXISTING 10" WATERLINE RELOCATION WITHIN HIGHWAY ROW FOR PURPOSES OF REPLACING AN EXISTING CULVERT

Total Population of Service Area	N/A
% population actually served	N/A
% population affected by project	N/A

Latest Total Consumption Data (in MGD)	
Average Day	Year
N/A	
Maximum Day	Year
N/A	
Peak Hour	Year
N/A	

**NYS Professional
 Licensed Engineer
 Stamp and
 Signature*****



Name and Address of Design Engineer
 GREENMAN-PEDERSEN, INC.
 4950 GENESEE STREET, SUITE 100, BUFFALO, NY 14225
 ATTN: DONALD H. SENNETT, P.E.

Signature of Applicant	Date

NOTE: All applications must be accompanied by 3 sets of plans, 3 sets of specifications and an engineer's report describing the project in detail. The project must first be discussed with the appropriate city, county, district or regional public health engineer. Signature by a designated representative *must* be accompanied by a letter of authorization.
 *Additional information regarding capacity development may be found at: <http://www.health.state.ny.us/nysdoh/water/main.htm>
 **Current DWSRF project listings may be found at: <http://www.health.state.ny.us/nysdoh/water/main.htm>
 ***By affixing the stamp and signature the Design Engineer agrees that the plans and specifications have been prepared in accordance with the most recent version of the recommended standards for water works and in accordance with the NYS Sanitary Code.