

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



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[a.com](http://www.townofaurora.com)

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

10 Ellis Drive – owner: William and Rebecca Heidt
Open Development Area (ODA) and Zoning Board of Appeals (ZBA) timeline:

2014 – ODA approved for a single-family residence (under Chapter 79 of the Town Code prior to driveway bump-outs being a requirement).

2021 – Owner is currently occupying the current structure which consists of residence on the second floor and garage/workshop on the first floor. Plans are to construct a single-family residence behind this building which will be turned into an accessory building with no residential unit. ZBA approves building height and front yard variance for the accessory building.

2021 (December) – Owner submits application to revise the original ODA to construct a new single-family residence and convert the current building into an accessory building based on ZBA decision.

2022 (January) – Town Board refers ODA application to Planning Board.

2022 (February) – Planning Board reviews application and recommends waiving the driveway bump-out requirement, changes to the SEAF and an erosion and sediment control plan.

2022 (March) – ZBA unanimously approves a variance waiving the requirement for driveway bump-outs.

2022 (March) – Owner submits SEAF with changes and an erosion/sediment control plan.

2022 (March) – ODA application is before the Town Board for consideration.



575 Oakwood Avenue, East Aurora, NY

TOWN OF AURORA
OPEN DEVELOPMENT AREA APPLICATION

PETITIONER: Name: WILLIAM A. HEIDT
Address: 10 ELLIS DRIVE
WEST FALLS NY 14170
Phone: 716 Fax: E-Mail: vl.com

PROPERTY OWNER (if different from petitioner):

Name:
Address: Ph. No.

PROJECT ADDRESS: 10 ELLIS DRIVE 199.01-1-49.11
No. Street SBL No.

PROJECT DESCRIPTION: REVISION to the previously approved ODA for a new 2 story - Single Family RESIDENCE. EXISTING RESIDENCE TO BE CONVERTED to AN ACCESSORY BUILDING.

Signature of Applicant: William A. Heidt

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

On the 7th day of December, in the year 2001, before me, the undersigned, a notary public in and for said state, personally appeared WILLIAM HEIDT, 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.

MARTHA L. LIBROCK
Notary Public, State of New York
No. 01LI5028312
Qualified in Erie County
My Commission Expires May 31, 2002

OFFICE USE ONLY:
File #: Number of Lots Total Acreage Zoning
Open Development Area Review Application Fee \$
Materials Received by Town Clerk & Fee Paid
Accepted by Date

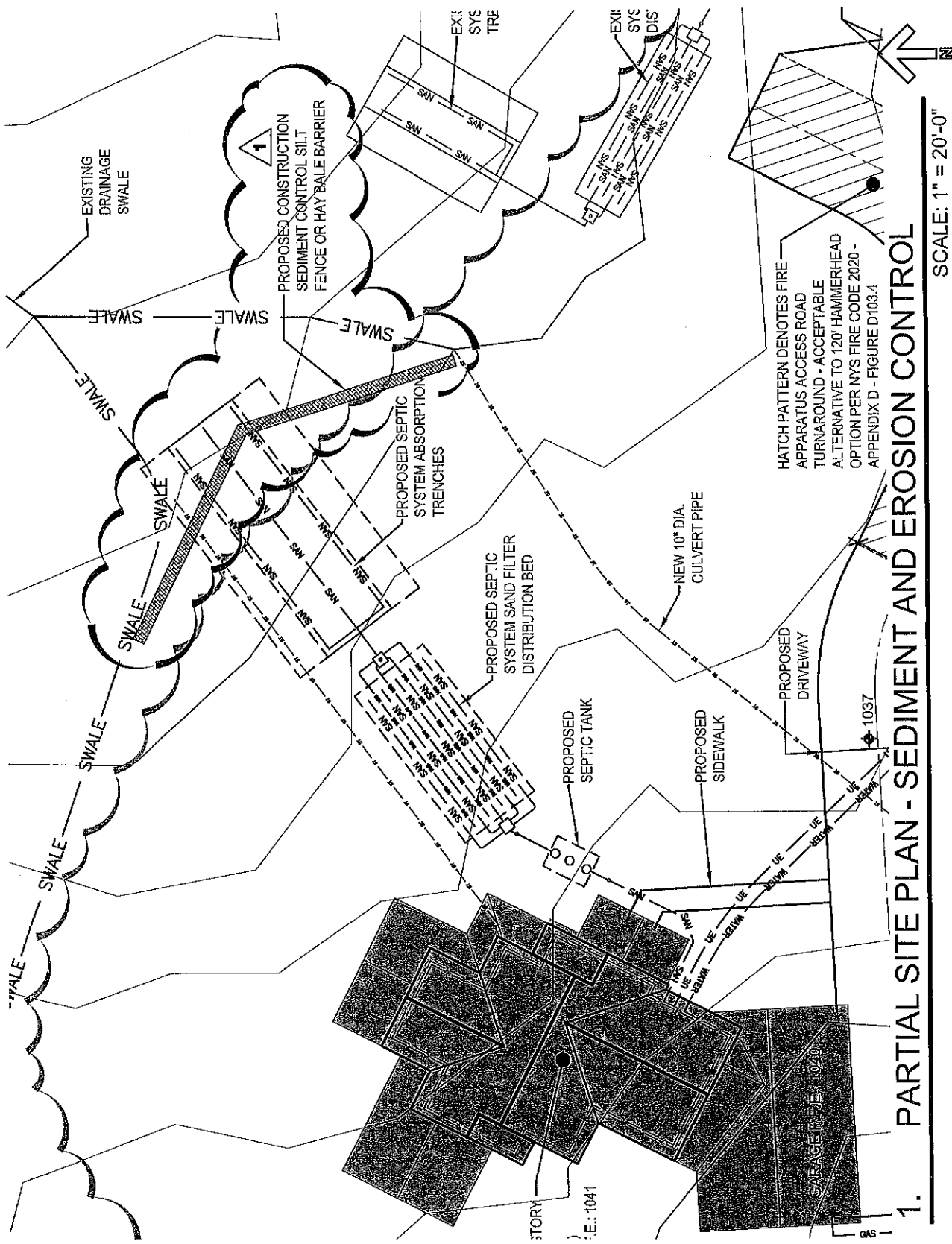
Open Development Area Submission:

1. Current Survey – (10) copies
2. Copy of the Recorded Deed describing the Subject Premises
3. Development Plan – (10) copies – to include:
 - a. Owner's name and Address:
 - William Heidt
 - 10 Ellis Drive, West Falls, NY 14170
 - b. Pertinent features: Existing Structures, streets, USGA topography and other information that may influence the design of the plan - See attached SP-1 and SP-2.
 - c. Location, width and approx. grade of all proposed access roadways - See attached SP-1 and SP-2.
 - d. Location, dimensions and area of all proposed or existing lots, drainage plans, public utilities and sewage disposal – See attached SP-1 and SP-2.
 - e. Names of all property owners of record within a 500'-0" radius of all property lines

0 Ellis Drive – David Fatta	168 Ellis Drive – Ralph R Turansky
0 Ellis Drive – Loretta V Ellis Estate	175 Ellis Drive – Bonnie L Klocke
24 Ellis Drive – James B Thomson	198 Ellis Drive – Joseph Ball JR
36 Ellis Drive – Sean B Peck	
51 Ellis Drive – Michael J. Potla	5 Old Glenwood Road – Carl N Peters
62 Ellis Drive – Gerard E Nowak (L/E)	12 Old Glenwood Road – Natalka Prytula
65 Ellis Drive – Joseph E. Hanrahan	13 Old Glenwood Road – Shawn M Ronan
83 Ellis Drive – David Janish	16 Old Glenwood Road – Quinn I Hennessy-Snow
88 Ellis Drive – Jeffrey J Dominiak	17 Old Glenwood Road – Daniel C Patti
97 Ellis Drive – William E. Brown	25 Old Glenwood Road – Jason T Zagst
98 Ellis Drive – Barbara Scarcello	32 Old Glenwood Road – John R Stublely
114 Ellis Drive – Beverly J Sharp	33 Old Glenwood Road – Nicholas S Peters
115 Ellis Drive – Thomas P. Fitzpatrick (L/E)	34 Old Glenwood Road – Michael A Campanella
127 Ellis Drive – James Brooks III	45 Old Glenwood Road – John L Farrell
128 Ellis Drive – Mary C Ptak	48 Old Glenwood Road – Russell A Schroeder
134 Ellis Drive – Eileen S Braniecki Living Trust	51 Old Glenwood Road – Richard E Swartzmeyer (J/T)
135 Ellis Drive – Jordan C Schneider	57 Old Glenwood Road – Ramona Cook
143 Ellis Drive – Doris M Ellis	58 Old Glenwood Road – Kevin M Kelly
146 Ellis Drive – Frank C Dolce	64 Old Glenwood Road – Rosemarie A Wagner

151 Ellis Drive – Renee Krolczyk (L/E)	79 Old Glenwood Road – Cheryl Tubinis
152 Ellis Drive – Cory M Kanderfer	93 Old Glenwood Road - Nicholas J. Passucci
157 Ellis Drive – Dolores M Lewandowski (L/E)	103 Old Glenwood Road - Ray E. Matthewson (L/E)
160 Ellis Drive – Ronald P Angrignon	Old Glenwood Road – St. George R.C. Church
165 Ellis Drive – Robert C Hanlon	298 Ellicott Road – RNH 298 LLC (Robert Neil Hopkins)

- f. The acreage of the tract to be developed to the nearest 1/10 of an acre.
 - 0.9 acres
 - g. The 500 year and 100 year floodplains, as appropriate
 - Not even remotely close – See attached Floodplain Map
 - h. National wetland Inventory and New York State Department of Environmental Conservation mapped wetlands – See attached Wetlands Map
 - i. The location and approximate watershed size of all drainage ways – See SP-01 and SP-02.
 - j. Any other information deemed appropriate or requested by the Planning Board and/or Town Board.
4. Narrative description of the planned private right-of-way including:
- a. Specification for the private right-of-way
 - There will be a 50'-0" wide right-of-way provided at Ellis Drive through the properties 75' frontage. The right-of-way will consist of a 20'-0" wide gravel driveway and 30'-0" wide area to run underground utilities (Gas, Electric, Water and Phone/Data/Cable)
 - b. Ownership of the right-of-way
 - Right-of-way will be Owned by the owner of the property that it is provide access to: William A. Heidt
 - c. A maintenance plan for the right-of-way
 - The right-of-way will be maintained by the Owner of the Property that it is providing access to: William A. Heidt
5. A statement as to the proposed water supply and similar utilities service capabilities.
- a. The property has access to Public Water, Gas and Electric at Ellis Drive and each will be run along the right-of-way to the future residence. There is no public sewer, so a county approved septic system will be installed.
6. Fee Payable to the Town of Aurora, as determined by a fee schedule established by the Town Board. \$100.00 ?
7. Part I of the Short Form SEQR – See attached.



1. PARTIAL SITE PLAN - SEDIMENT AND EROSION CONTROL

SCALE: 1" = 20'-0"

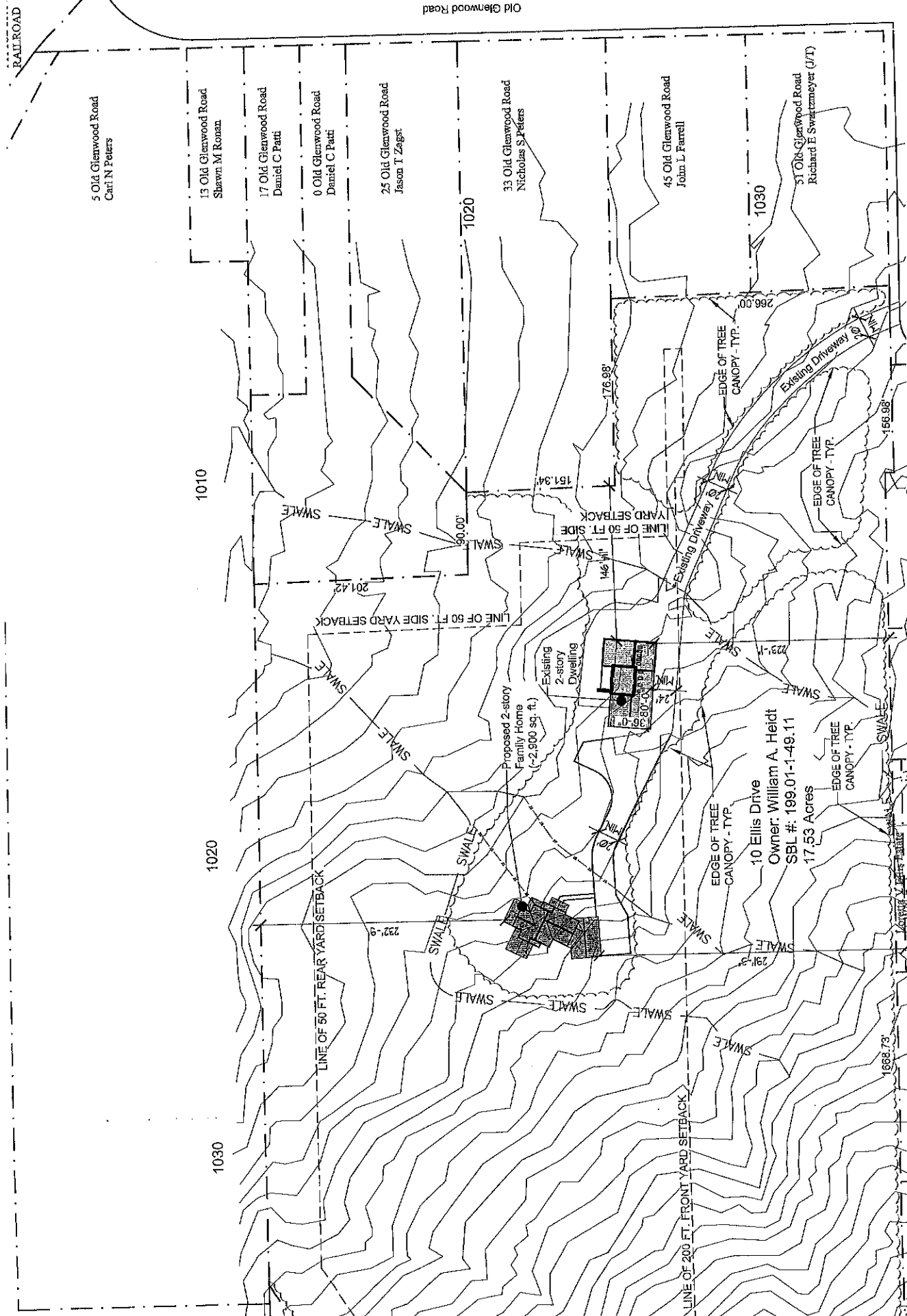
HATCH PATTERN DENOTES FIRE APPARATUS ACCESS ROAD TURNAROUND - ACCEPTABLE ALTERNATIVE TO 120' HAMMERHEAD OPTION PER NYS FIRE CODE 2020 - APPENDIX D - FIGURE D103.4

SARAGE FIRE 1020

STORY
E: 1041

GAS

58 Old Glenwood Road Kevin M Kelly Russell A	34 Old Glenwood Road Michael A Campanella	32 Old Glenwood Road John R Stuble	16 Old Glenwood Road Quinn I Hennessy-Snow	12 Old Glenwood Road Nanika Pytla
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58 Old Glenwood Road Kevin M Kelly Russell A	34 Old Glenwood Road Michael A Campanella	32 Old Glenwood Road John R Stuble	16 Old Glenwood Road Quinn I Hennessy-Snow	12 Old Glenwood Road Nanika Pytla
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3/17/22

ZBA #1397
3/17/22

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

March 17, 2022

CASE #1397-William & Rebecca Heidt
10 Ellis Road, East Aurora, NY

Decision:

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 Mandy Carl and seconded by Tony Rosati to approve the elimination of two (2) bump outs on an open development area lot at 10 Ellis Dr., PO West Falls, Town of Aurora, NY.

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

Upon a vote being taken:

Rosati Aye

Simeone Aye

Carl Aye

Morgan Aye

Upon a vote being taken Ayes-Four Noes-None Motion carried.

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information				
Name of Action or Project: Heidt Forever Home				
Project Location (describe, and attach a location map): 10 Ellis Drive, SBL: 199.01-1-49.11				
Brief Description of Proposed Action: The proposed action seeks approval for revisions to the Open Development Area plan.				
Name of Applicant or Sponsor: William A. Heidt		Telepho: _____ E-Mail: _____		
Address: 10 Ellis Drive				
City/PO: West Falls		State: New York	Zip Code: 14170	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: Erie County Department of Health - On-Site Wastewater Treatment Permit (Septic System)			NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		_____ 17.5 acres		
b. Total acreage to be physically disturbed?		_____ .90 acres		
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ 17.5 acres		
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland				

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Consistent with the adopted comprehensive plan?	NO	YES	N/A	
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES		
	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES		
	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES		
	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
	b. Are public transportation service(s) available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO	YES		
	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO	YES		
	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ An On-Site Wastewater Treatment System (Septic System) will be constructed	NO	YES		
	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES		
	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
b. Is the proposed action located in an archeological sensitive area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>		
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES		
	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
	b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	<input type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input checked="" type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban				
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES		
	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
16. Is the project site located in the 100 year flood plain?	NO	YES		
	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES Storm water discharge will be directed to the existing naturally formed ditches and swales, as the existing storm water currently does. The drainage ditches and swales exit the property in the same manor as they have before development.	NO	YES		
	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>		

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <u>William A. Heidt</u> Date: <u>03/15/2022</u> Signature: _____		

**RESOLUTION
APPROVING OPEN DEVELOPMENT AREA PLAN
FOR
SBL 186.00-5-25.121 and SBL 199.01-1-49.1 ELLIS DRIVE
TOWN OF AURORA, NEW YORK**

WHEREAS, Chapter 79 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, the Applicant has filed an Open Development Area application for SBL 186.00-5-25.121 and SBL 199.01-1-49.1 Ellis Drive and seeks approval to construct a single family residence on the 18± acre parcel; and

WHEREAS, the Applicant has made every reasonable attempt and all necessary effort to comply with specifications of Chapter 79 of the Code of the Town of Aurora; and

WHEREAS, the Town of Aurora Planning Board has reviewed the proposed Open Development Area plan and has filed a recommendation of support of the application; and

WHEREAS, the Town Board has reviewed the SEQRA Short Environmental Assessment Form, submitted as part of the application, determining that the proposed use will not have a significant impact on the environment, and

NOW THEREFORE BE IT

RESOLVED, that approval by the Town Board of the Town of Aurora is expressly for SBL#186.00-5-25.121 and SBL 199.01-1-49.1 Ellis Drive, and any future development will be subject to the standards and requirements of Chapter 79 of the Code of the Town of Aurora without modification, variance or waiver; and BE IT FURTHER

RESOLVED, that said Open Development Area Plan for SBL#1186.00-5-25.121 and SBL 199.01-1-49.1 Ellis Drive is approved; and BE IT FURTHER

RESOLVED, that all deeds and easements of all or part of the real property in this Open Development application as approved by the Town Board of the Town of Aurora shall contain the following provision: "This conveyance is made and accepted subject to the open development area plan for SBL186.00-5-25.121 and SBL 199.01-1-49.1 Ellis Drive approved by the Town Board of the Town of Aurora on the 14th day of July, 2014".

OPEN DEVELOPMENT AREA PERMIT

Pursuant to Chapter 79 of the Codes of the Town of Aurora, establishing regulations for Open Development Area, approval is hereby granted pursuant to the terms and conditions stated herein.

1. APPLICANT: William A. Heidt
316 Behm Road, West Falls, NY

2. PREMISES: SBL 186.00-5-28.121 and SBL 199.01-1-49.1
Ellis Drive, PO West Falls, Town of Aurora, NY

3. TERMS AND CONDITIONS:
 - A. Development: The development will consist of a single family residence.

 - B. Specifications: All specifications of Chapter 79 of the Codes of the Town of Aurora shall be complied with, including but not limited to the following:
 - 1) The ODA permit is for a single-family dwelling. Any additional buildings require a permit review and approval by the Town Board.
 - 2) An Erie County Health Department Permit for septic must be received prior to the issuance of a building permit.
 - 3) A building permit shall be applied for and issued for a single-family dwelling to be located on the subject property.
 - 4) Any future development will require an amendment to this ODA permit.

 - C. Town Attorney: The Town Attorney shall review the ODA permit to insure compliance.

 - D. SEQRA: This ODA permit is issued on the basis of a Short Environmental Assessment form submitted by the applicant and a subsequent Negative Declaration declared by the Town Board based upon the information submitted.

4. DOCUMENTS: All documents relevant to this application are included by reference. Such documents include, but are not limited to the application and supporting documents, minutes and recommendations of the Planning Board and minutes of the Town Board.

5. PROHIBITION: No other development or use of the premises is permitted unless an application is filed with the Town requesting approval of the proposed amendments by the Town Board.

6. APPROVAL: The Open Development Area in accordance with the terms and conditions of the application and proceedings were approved at a regular meeting of the Town of Aurora Town Board held on the ___ day of _____, 2014.

3/18/21

**ZONING BOARD OF APPEALS
TOWN OF AURORA
DECISION**

RE: APPEAL NO. 1378

A public hearing on the Application of William and Rebecca Heidt, (the "Petitioners"), having been called before the Zoning Board of Appeals in the Aurora Municipal Building, 575 Oakwood Avenue, on the 18th day of March, 2021 at 7:15 p.m., after due notice published in the East Aurora Advertiser as prescribed in Section 267-a, Subdivision 7 of the Town Law and Section 116-9 (F) of the Code of the Town of Aurora.

Present were:

Paul Ernst
Rodney Simeone
Anthony Rosati
Timothy Stroth

Also Present : Elizabeth Cassidy – Code Enforcement Officer
Kevin Glover – Assist. Code Enforcement Officer

The Secretary read the Notice of Public Hearing and the Affidavit of Publication which were duly marked as exhibits herein. Exhibits 1 and 2.

The Petitioner seeks a building height variance and a front yard variance for an accessory building (garage) at 10 Ellis Drive, PO West Falls, Town of Aurora, New York (the "premises").

At this time Chairman Ernst recused himself from this case and assigned Timothy Stroth as Acting Chairman.

The Petitioner appeared. Mr. Heidt indicated he and his wife Rebecca live in the subject building with a single bedroom/bathroom, small kitchen and large storage/shop as shown on Exhibit 8 2nd Floor Plan. As newlyweds, their plans are now to build a new home to meet the needs of a growing family on this 17 plus acre lot and convert the existing dwelling into an accessory building. He proposes to remove the small kitchen while keeping the bathroom as a convenience to the shop and convert the bedroom into a crafts room. The existing mean height of the building is 20'-5", whereas the code requires the max. mean height calculation not to exceed 20'-0". Mr. Height is requesting a 5" variance.

Due to the unique layout of their property (flag lot), their front yard borders the backyards of at least 11 properties on Ellis Drive. Mr. Heidt is proposing to move the new house location deeper into the center of his property (approx. 288') (Exhibit 6). The lot is heavily wooded, so this will allow more screening of his new home's front yard from his neighbor's backyards on Ellis, but it will place the new home behind the proposed accessory building (existing dwelling). Mr. Heidt feels this location is a benefit to all parties, therefore is requesting a front yard variance for an accessory building.

No one else appeared.

At a duly convened public meeting held on the 18th day of March, 2021, after said public meeting, the Zoning Board of Appeals finds as follows:

3/18/21

Findings

1. This is a Type II Action pursuant to Article 8 of New York State Environmental Conservation Law and the regulations promulgated thereunder, Part 617 of Title 6 of the New York State Code of Rules and Regulations (SEQR).
2. The Board acknowledged receiving an email of support from John and Patricia Farrell, 45 Old Glenwood Road, which is adjacent to 10 Ellis Drive. (Exhibit 13)
3. The Board members, having visited the premises on March 13th, were able to see the home's proposed location. They collectively observed at this meeting to the benefits of its location as described by the Petitioner and showed on Exhibit 6.
4. The Board feels the variance will not create an undesirable change in character of the neighborhood and the benefit sought by the Petitioner cannot be achieved by some other method other than variance. The variance is not substantial under the circumstances and it will have no adverse effect or impact on the physical or environmental condition of the neighborhood. The Petitioner did not self-create the difficulty.

Rodney Simeone made a motion to approve the building height variance of 5" and front yard variance as requested by the Petitioner for an accessory building (garage) at 10 Ellis Drive, PO West Falls, Town of Aurora, New York (the "premises").

Timothy Stroth seconded the motion.

On a roll call, the vote was:

Rodney Simeone	Aye
Anthony Rosati	Aye
Timothy Stroth	Aye

The motion was carried.

Ayes : 3

Noes : None

RESOLVED, that variances applied for by the Petitioner in his Application No. 1378 be and hereby is granted subject to any conditions set forth herein.

Dated: East Aurora, New York
March 18, 2021


Acting Chairman

285 Delaware Avenue, Suite 500
Buffalo, New York 14202
United States
www.ghd.com

2/1/22



Our ref: 11207908

1 February 2022

Martha Librock, Town Clerk
Town of Aurora
575 Oakwood Avenue
East Aurora, New York 14052

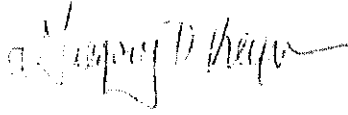
Open Development Area – 10 Ellis Drive

Dear Ms. Librock,

GHD has completed a review of the Open Development Area (ODA) application for the above referenced property. It is our understanding the applicant is seeking approval to construct a single-family residence on a previously approved ODA lot. The proposed residence will replace an existing residential structure which will be converted to an accessory building for the proposed residence. The property is zoned Agriculture, and we offer the following comments.

- New York State Environmental Quality Review (SEQR) – The proposed residence does not appear to exceed any Type 1 thresholds but appears to meet the definition of a Type 2 action involving the construction of a single-family residence on an approved ODA building lot. As a Type 2 action, the proposed residence does not require any further review under SEQR.
- Short Environmental Assessment Form (SEAF) – Part 1 of the SEAF has been completed which is intended to provide information about the project and its affected environment. GHD recommends the SEAF be revised to address the following items.
 - Question 2 – Additional approvals that may be required include the following:
 - Erie County Department of Health – Septic System Approval
 - Question 11 – Construction of an on-site septic system is being proposed and should be indicated as the method for providing wastewater treatment.
- Access Driveway – Minimum standards for ODA access driveways are set forth in §99-31A(4)(a) of the Town Code. The existing driveway is being extended and will require vehicle pass-by bump-outs every 150-feet of driveway length measuring a minimum of 6-feet wide and 25-feet long.
- Drainage and Stormwater – Construction of the proposed residence, driveway extension and associated utilities involves approximately 0.90 acres of land clearing and grading which may create the potential for storm water run-off during construction. GHD recommends the applicant provide an erosion and sediment control plan that delineates the area to be physically disturbed and provides perimeter protection measures to mitigate the impact of drainage leaving the site.

Regards

A handwritten signature in cursive script, appearing to read "Gregory D. Keyser".

716 362-8877

gregory.keyser@ghd.com

Copy to: Elizabeth Cassidy, Code Enforcement Officer
Planning Board

2/2/22

TOWN OF AURORA

575 OAKWOOD AVENUE, EAST AURORA, NY 14052

BUILDING DEPARTMENT
(716) 652-7591
FAX (716) 652-3507

MEMO

TO: Jim Bach & Town Board Members
FROM: Don Owens, Chairman, Planning Board
DATE: February 3, 2022

=====

The following actions were taken at the February 2, 2022 meeting of the Planning & Conservation Board:

Laurie Kutina moved to recommend the Town Board approve the Open Development Area application at **10 Ellis Dr.** as proposed with the following considerations in response to GHD's comments:

1. Recommend the Town Board waive the vehicle pass-by bump-out requirement for the first 300' of the existing driveway because the existing turnaround as well as the proposed additional turnarounds in the driveway extension meet the intention of the requirement
2. Changes to SEAF Part 1 question #2 and #11 (Erie County septic system approval)
3. Drainage and stormwater considerations for erosion and sediment control

Seconded by Doug Crow
Upon a vote being taken:
ayes – seven

noes – none

Motion Carried.

TOWN OF AURORA

575 OAKWOOD AVENUE, EAST AURORA, NY 14052
BUILDING DEPARTMENT
(716) 652-7591

MEMO

TO: Martha Librock, Town Clerk
FROM: Elizabeth Cassidy, Code Enforcement Officer
DATE: February 9, 2022

I have reviewed the ODA application submitted by William Heidt at 10 Ellis Dr. Even though Mr. Heidt has an existing ODA approval, the current application is subject to today's ODA code requirements as adopted by the Town Board last year.

The requirements are as follows:

- 1-Access roadways a minimum of 20' wide from ROW to residence and constructed of a hard surface to support emergency vehicles
- 2-At increments of 150' of access roadway length there will be an additional 6' wide by 25' long bump-out
- 3-A code compliant turnaround is required
- 4-Access roadways will not exceed 10%grade
- 5-A minimum 28' turning radius in an access roadway

The requirements above apply to the existing and new portion of the access roadway. At the Planning Board meeting Mr. Heidt asked if the original portion could be "grandfathered" or could the Town Board grant relief since it was approved under a previous code. The Town Attorney responded that the Code requires the ZBA to grant relief only and that there is no grandfathering.

As a result, Mr. Heidt will need to install the bump outs for the first section of the driveway or he will need to request relief from that section of the code from the ZBA.

If you have any questions, please contact me at 652-7591.
Liz Cassidy

March 28, 2022

WS-2 4B

AGREEMENT

Between

The Town of Aurora and

East Aurora Baseball and Softball, Inc.

THIS AGREEMENT, made and entered into this ____ day of _____, 20__, by and between the TOWN OF AURORA, a municipal corporation duly existing pursuant to the laws of the State of New York, with an address for the conducting of business at 575 Oakwood Avenue, East Aurora, New York, hereinafter referred to as (“the Town”); and the East Aurora Baseball and Softball, Inc., a domestic not-for-profit corporation duly existing pursuant to the laws of the State of New York with a mailing address for conducting of business at PO Box 105, East Aurora, New York, hereinafter referred to as (“Baseball/Softball”).

Recitals

WHEREAS, the Town, as owner of certain real property located at 300 Glead Avenue (rear), 690 South Street, and 736 Warren Drive in the Town of Aurora, County of Erie and State of New York which is shown on a Map labeled as “Exhibit A”; and

WHEREAS, said “Exhibit A” shows portions of the subject real property labeled as “Baseball/Softball Diamonds”; and

WHEREAS, the Baseball/Softball Diamonds have been utilized by “Baseball/Softball” for the purpose of conducting and operating baseball and softball teams and baseball and softball recreational activities; and

WHEREAS, “Baseball/Softball” has provided a positive and important recreational purpose to the residents of the Town of Aurora by continuing the operation of baseball and softball activities originated by the Town of Aurora Recreation Department; and

WHEREAS, “Baseball/Softball” desires to continue to use the ball diamonds for its baseball and softball program; and

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WHEREAS, "Baseball/Softball" desires to have use of the lavatory facilities at Community Pool during said baseball and softball activities; and

WHEREAS, "Baseball/Softball" desires to use the Town's concession stand at Community Pool Park to provide refreshments to players and spectators during baseball and softball games.

WHEREAS, the Town wishes to accommodate "Baseball/Softball's" use of the ball diamonds and facilities on the terms and conditions set forth herein.

NOW THEREFORE, be it resolved, in consideration of the covenants and agreement hereinafter contained, it is mutually agreed by and between the Town and "Baseball/Softball" hereto as follows:

1. **Use of baseball and softball diamonds.** The Town agrees to permit "Baseball/Softball" to utilize certain ball diamonds for the purpose of "Baseball/Softball" conducting its baseball and softball program, including games and practices.

- "Baseball/Softball" shall insure that all participants in its programs comply with all Town rules pertaining to the premises.

2. **Scheduling.** The Town of Aurora Recreation Department will be responsible for setting up the use schedule for the ball diamonds by "Baseball/Softball" and other organizations, including but not limited to East Aurora High School.

- Use of the diamonds shall be scheduled with the following order of preference:

No. 1 – East Aurora High School

No. 2 – "Baseball/Softball"

No. 3 – All other organizations

- "Baseball/Softball" shall provide a schedule to the Recreation Department of all practices and games and the locations of such activities on a regular basis, but at minimum two (2) days in advance of practices and games; and

3. **Maintenance Standards - Baseball and Softball diamonds** - In agreeing to use the ball diamonds, "Baseball/Softball" agrees to participate in completing routine maintenance items while using the ball diamonds:

- Inspect the baseball and softball diamonds prior to use.
- Litter control –"Baseball/Softball" shall properly dispose of garbage/trash in Town provided receptacles, which shall be emptied by the Town on a regular basis.
- Reporting of any damages and/or maintenance concerns to the Town as soon as "Baseball/Softball" becomes aware of damage or maintenance issue.
- All non-permanent "Baseball/Softball" signage attached to the fences shall be removed at the end of the season.

FURTHERMORE, the Town agrees to prepare/groom the baseball and softball diamonds prior and throughout the baseball/softball season to maintain quality conditions for use.

In addition the Town shall:

- The Town shall maintain the fences and backstops at all three locations;
- The Town shall mow the infield and outfield at all three locations;
- The Town shall maintain the dug-out shelters and bleachers at the Gleed Avenue diamonds and Community Pool Park diamonds.

The Town shall maintain the right to modify maintenance procedures as deemed necessary.

The responsibility of the common areas will be the responsibility of the Town unless otherwise identified.

4. **Use of Community Pool lavatories** – The Town agrees to permit "Baseball/Softball" to utilize the lavatories at Community Pool during its baseball and softball program, including games and practices.

5. **Maintenance Standards – Community Pool lavatories** - In agreeing to use the lavatories at the Town's Community Pool, "Baseball/Softball" agrees to participate in completing routine maintenance items while using the lavatories:

- Inspect the lavatories prior to use and after use for cleanliness or damage .
- Reporting of any damages and/or maintenance concerns to the Town.
- Lavatories shall be accessed only from the exterior of the pool enclosure.
- Lavatories shall be unlocked by a representative of "Baseball/Softball" just prior to a practice or game.
- Exterior lavatory doors shall be locked by a representative of "Baseball/Softball" at the end of practice or games;
- "Baseball/Softball" is responsible for proper use, clean up, and supervision of the lavatory facilities during practices and games.

FURTHERMORE, the Town agrees to provide "Baseball/Softball" access to the lavatory light switches. The Town shall be responsible for stocking the lavatories with hand soap, paper towels and toilet paper. The Town shall be responsible for removal of garbage/trash from the lavatory receptacles.

6. **Use of Concession Stand** - The Town agrees to permit "Baseball/Softball" to utilize the Concession Stand at Community Pool Park during its baseball and softball games with the following conditions:

- A permit issued by the Erie County Health Department must be in effect during the time of use. "Baseball/Softball" shall be responsible for obtaining the permit.
- "Baseball/Softball" shall provide volunteers to operate the Concession Stand and at all times during use of the Concession Stand, shall have adult supervision at the Stand.
- "Baseball/Softball" shall provide the food, beverages, paper products to be sold or used at the Concession Stand.
- Concession Stand proceeds shall belong to "Baseball/Softball" to be reinvested into supporting East Aurora Baseball and Softball activities.

7. **Maintenance Standards – Concession Stand** - In agreeing to use the concession stand

a “Baseball/Softball” agrees to participate in completing routine maintenance items while using the concession stand.

- Inspect the concession stand prior to use.
- Litter control –“Baseball/Softball” shall properly dispose of garbage/trash in Town provided receptacles, which shall be emptied by the Town on a regular basis.
- “Baseball/Softball” shall be responsible for the day-to-day cleaning of the Concession Stand.

8. Indemnification.

During “Baseball/Softball” activities, East Aurora Baseball and Softball, Inc. shall indemnify, defend and hold harmless the Town of Aurora, its officials and employees, from any and all claims, causes of action, losses, expenses injuries or damages arising directly or indirectly from the acts, errors or omissions of East Aurora Baseball and Softball, Inc., its directors, officers, agents, employees, volunteers, participants, or anyone rendering services on its behalf. This indemnity shall include all reasonable costs and attorney’s fees incurred in defending any action covered by this Section.

9. Insurance.

East Aurora Baseball and Softball, Inc. shall furnish, annually, a Certificate of Insurance naming the Town of Aurora as an Additional Insured on a primary and non-contributory basis with a waiver of subrogation under both the General Liability Insurance and umbrella policy. The insurance policy shall provide a limit of liability equal to or more than \$1,000,000 per occurrence.

10. No Alteration.

“Baseball/Softball” shall not make structural improvements, changes, or alteration to the baseball or softball diamonds, fields, lavatories or concession stand without first obtaining approval and written consent of the Town Board.

11. No Assignment.

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“Baseball/Softball” shall not assign its interest in this agreement without obtaining the approval and written consent of the Town Board.

12. Binding upon successors.

This agreement shall be binding upon the successors and assigns of the parties hereto.

13. Term.

The term of this annual agreement shall begin March 31, 2022 and conclude on March 30, 2023 and shall automatically renew annually for an additional one (1) year term, unless either party provides written notice to the other party with a minimum of 60-days notice of its intent to terminate this agreement.

14. Issue Resolution.

In the event of issues not addressed in this agreement, either the Town or “Baseball/Softball” shall commence a formal resolution procedure by telling the other party, in writing: (a) that there is an issue to be resolved (b) the nature and scope of the issue. Representatives from each party shall meet to attempt to resolve any issue.

15. Amendments.

This agreement shall not be amended, modified or terminated orally, nor may any obligation under it be waived orally. No amendment, modification, termination or waiver shall be effective for any purpose unless made by action taken or authorized by the respective Boards of Directors and it is in writing and signed on behalf of each of the parties hereto.

16. Payment.

“Baseball/Softball” agrees to pay the Town \$ _____ annually during the time this agreement is in effect as and for “Baseball/Softball’s” contribution to costs including maintenance, upkeep, equipment purchases and improvements to the ball diamonds and fields and any other areas utilized by “Baseball/Softball” as determined by the Town.

This Agreement contains all of the terms, conditions and agreements between the parties hereto

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and no amendments, additions or changes hereto shall be valid unless attached hereto in writing and signed by the Town and "Baseball/Softball". Failure to abide by the policies and rules set forth in this agreement could result in loss of privileges regarding the use of baseball and softball diamonds, lavatories and/or concession stand.

IN WITNESS WHEREOF, the parties hereto have, the day and year first above written, signed and executed this Agreement by virtue of authority given and granted by the respective corporate/governing authorities of the parties hereto.

TOWN OF AURORA

By: _____
Supervisor

**EAST AURORA BASEBALL AND
SOFTBALL, INC.**

By: _____
President

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

On the ___ day of _____, 20___, before me, the undersigned, a notary public in and for said state, personally appeared _____, _____ of the Town of Aurora, personally known to me or proved 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 executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

On the ___ day of _____, 20___, before me, the undersigned, a notary public in and for said state, personally appeared _____, President of the East Aurora Baseball and Softball, Inc., personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within

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instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

DRAFT

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



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

To: Aurora Town Board
From: Martha Librock, Town Clerk
Date: March 23, 2022
Re: Senior Exemption Rate Increase

The attached Local Law Intro addresses an increase in the income level allowed by Senior Citizens when applying for tax exemptions. The Erie County Legislature adopted the maximum allowable income level of \$37,399.00 on March 3, 2022. The last increase was in 2018. Adopting the same income levels as that of Erie County promotes consistency and avoids confusion for those residents applying for senior exemptions. If you have any questions, please contact Town Assessor Roger Pigeon.

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY CLERK'S OFFICE

BUFFALO, N.Y., March 3, 2022

TO WHOM IT MAY CONCERN:

I HEREBY CERTIFY, That at the 3rd Session of the Legislature of Erie County, held in the Legislative Chambers, in the City of Buffalo, on the 3rd day of March, 2022 A.D., a Resolution was adopted, of which the following is a true copy:

RESOLVED, upon public hearing, the maximum allowable income levels for the Senior Citizen Real Property Tax Exemption for the County property tax purposes are hereby revised to the following levels:

Percentage of Exemption (%)	Minimum Income	Maximum Income
50	\$0.00	\$29,000.00
45	\$29,000.01	\$29,999.99
40	\$30,000.00	\$30,999.99
35	\$31,000.00	\$31,999.99
30	\$32,000.00	\$32,899.99
25	\$32,900.00	\$33,799.99
20	\$33,800.00	\$34,699.99
15	\$34,700.00	\$35,599.99
10	\$35,600.00	\$36,499.99
5	\$36,500.00	\$37,399.99

and be it further

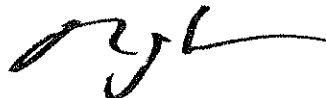
RESOLVED, that the Erie County Legislature hereby applies aforesaid exemption schedule to all taxable status dates for the 2023 assessment rolls in Erie County, applying to such tentative assessment rolls prepared on taxable status dates occurring on or after December 1, 2022; and be it further

RESOLVED, that a public hearing concerning these partial exemption from taxation and ad valorem levies was held to consider public input; and be it further

RESOLVED, that certified copies of this resolution be forwarded to County Executive Mark Poloncarz, Budget Director Robert Keating, Director of Real Property Tax Services Scott Bylewski, County Attorney Michael Siragusa, Acting Senior Services Commissioner Timothy Hogues, Veterans Service Officer Shawn Lavin, and to the Assessors of each city and town in Erie County.

REFERENCE: **INTRO. 3-4 (2022) AS AMENDED**

ATTEST



ROBERT M. GRABER
Clerk of the Legislature of Erie County

TOWN OF AURORA
LOCAL LAW INTRO 2-2022
LOCAL LAW NO. ___-2022

A LOCAL LAW, TO AMEND LOCAL LAW 1-1990 KNOWN AS THE CODES OF THE TOWN OF AURORA, ADOPTED BY THE TOWN BOARD OF THE TOWN OF AURORA ON JANUARY 22, 1990, BY AMENDING CHAPTER 101 ARTICLE 1 SECTIONS 101-2(B)(1) and 101-2 (B)(2) TO INCREASE THE MAXIMUM INCOME ELIGIBILITY FOR SENIOR CITIZENS TO RECEIVE A REAL PROPERTY TAX EXEMPTION.

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

SECTION 1. LEGISLATIVE INTENT

This Local Law amends a prior Local Law known as The Codes of the Town of Aurora, adopted by the Town of Aurora on January 22, 1990, as amended, relating to the administrative, legislative and general legislation of the Codes within the Town of Aurora as herein set forth. This legislation amends the maximum annual income for persons sixty-five (65) years of age or over.

SECTION 2. CHAPTER 101, ARTICLE I, SECTIONS 101-2(B)(1) and 101-2(B)(2)

CONDITIONS FOR EXEMPTION; GRANT OF EXEMPTION

Chapter 101-2 (B)(1) is amended by adopting as follows: The income of the owner or the combined income of the owners must not exceed \$37,399.99 for the income tax year prior to the date that the application is filed.

Chapter 101-2(B)(2) is amended by adopting as follows: In the event the property owner's income is less than \$37,400.00 the following percentage of the assessed valuation exemption from taxation shall apply:

<u>Maximum Annual Amount</u>	<u>Percentage</u>
\$0 - 29,000.00	50%
\$29,000.01 - \$29,999.99	45%
\$30,000.00 - \$30,999.99	40%
\$31,000.00 - \$31,999.99	35%
\$32,000.00 - \$32,899.99	30%
\$32,900.00 - \$33,799.99	25%
\$33,800.00 - \$34,699.99	20%
\$34,700.00 - \$35,599.99	15%
\$35,600.00 - \$36,499.99	10%
\$36,500.00 - \$37,399.99	5%

SECTION 3. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of State.

5A

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE, that a public hearing will be held by the Town Board of the Town of Aurora on the 11th day of April, 2022 at 7:00 p.m. at the Aurora Municipal Center, 575 Oakwood Avenue, East Aurora, New York, at which hearing parties and interested citizens shall have an opportunity to be heard on the adoption of a Local Law of the Town of Aurora for the year 2022, to amend Chapter 101 of the Codes of the Town of Aurora to increase the maximum annual income eligibility for Senior Citizens to receive a real property tax exemption.

All interested parties are entitled to be heard upon the said proposed Local Law at such public hearing. Copies of said proposed Local Law are available for review at the offices of the Town Clerk during normal business hours or on the Town website www.townofaurora.com

By Order of the Town Board of the Town of Aurora.

Dated: March 28, 2022

MARTHA LIBROCK, Town Clerk
Town of Aurora

COMMUNITY DEVELOPMENT BLOCK GRANT

SUBRECIPIENT AGREEMENT BETWEEN THE COUNTY OF ERIE AND THE TOWN OF AURORA FOR

AURORA SENIOR CENTER EXTERIOR DOOR REPLACEMENT AND LED LIGHT UPGRADE

THIS AGREEMENT, entered into this ____ day of _____, 2022 between the COUNTY OF ERIE, a municipal corporation of the State of New York, with principal offices located at 95 Franklin Street, Buffalo, New York 14202, (hereinafter referred to as the "Grantee") and the TOWN OF AURORA, a municipal corporation of the State of New York, located at 575 Oakwood Avenue, East Aurora NY 14052, hereinafter referred to as the "Subrecipient").

WHEREAS, the Grantee has applied for and received funds from the United States Government under Title I of the Housing and Community Development Act of 1974, as amended (HCD Act), Public Law 93-383; and

WHEREAS, the Grantee wishes to engage the Subrecipient to assist the Grantee in utilizing such funds;

NOW, THEREFORE, it is agreed between the parties hereto that;

I. SCOPE OF SERVICE

A. Activities

The Subrecipient will be responsible for administering a CDBG Year 2022 Project- Aurora Senior Center Exterior Door Replacement and LED Light Upgrade - in a manner satisfactory to the Grantee and consistent with any standards required as a condition of providing these funds. Such project will include the following activities eligible under the Community Development Block Grant program. Said Activity(s) is more fully described in Exhibit A(1).

Activity #1 The project will include the removal of five (5) existing exterior doors and the purchase and installation of five (5) new doors. New handicapped door openers will be installed on three (3) exterior doors and two (2) interior lobby doors. The LED light project involves the retrofitting of 100+ fluorescent fixtures with LED bulbs.

B. National Objectives

All activities funded with CDGB funds must meet one of the CDBG program's National Objectives: benefit low- and moderate-income persons; aid in the prevention or elimination of slums or blight; or meet community development needs having a particular urgency, as defined in 24 CFR 570.208.*The Subrecipient certifies that the activity (ies) carried out under this Agreement will meet (indicate which National Objective). **Briefly describe how this National Objective will be met.**

LMC – Senior citizen clientele are predominately low and moderate income

C. Levels of Accomplishment – Goals and Performance Measures

The Subrecipient agrees to provide the following levels of project services. Said services are further described in Exhibit A(1).

<u>Activity</u>	<u>Total Units</u>
Activity #1	2,575 senior residents to be assisted

D. Performance Monitoring

The Grantee will monitor the performance of the Subrecipient against goals and performance standards as stated above. Substandard performance as determined by the Grantee will constitute noncompliance with this Agreement. If action to correct such substandard performance is not taken by the Subrecipient within a reasonable period of time after being notified by the Grantee, contract suspension or termination procedures will be initiated. The Subrecipient shall file bi-annual reports to the Grantee summarizing progress in meeting the goals and performance standard. Exhibit A(3) contains information to be included in each reporting document

II. TIME OF PERFORMANCE

Services of the Subrecipient shall start on the 1st day of April, 2022 and end on the 31st day of March, 2023. The term of this Agreement and the provisions herein shall be extended to cover any additional time period during which the Subrecipient remains in control of CDBG funds or other CDBG assets, including program income. The Subrecipient shall complete all job creation goals within three years of the date of this Agreement.

III. BUDGET

The project budget is described in Exhibit A(2) of this Agreement.

Any indirect costs charged must be consistent with the conditions of Paragraph IX (C)(2) of this Agreement. In addition, the Grantee may require a more detailed budget breakdown than the one contained herein, and the Subrecipient shall provide such supplementary budget information in a timely fashion in the form and content prescribed by the Grantee. Any amendments to the budget must be approved in writing by both the Grantee and the Subrecipient.

IV. PAYMENT

It is expressly agreed and understood that the total amount to be paid by the Grantee under this Agreement shall not exceed \$95,190. Drawdowns for the payment of eligible expenses shall be made against the line item budgets specified in Paragraph III herein and in accordance with performance. Expenses for general administration shall also be paid against the line item budgets specified in Paragraph III and in accordance with performance.

Payments may be contingent upon certification of the Subrecipient's financial management system in accordance with the standards specified in 24 CFR 85.21.

V. APPROPRIATIONS

This Agreement, and the Grantee's liability thereunder, shall be executory only to the extent that the Federal Government appropriates and makes available to the Grantee monies for the project(s) specified in this Agreement.

VI. NOTICES

Notices required by this Agreement shall be in writing and delivered via mail, commercial courier, or personal delivery or sent by facsimile or other electronic means. Any notice delivered or sent as aforesaid shall be effective on the date of delivery or sending. All notices and other written communications under this Agreement shall be addressed to the individuals in the capacities indicated below, unless otherwise modified by subsequent written notice.

Communication and details concerning this contract shall be directed to the following contract representatives:

<u>Grantee</u>	<u>Subrecipient</u>
PAUL D'ORLANDO _____	JAMES J. BACH _____
Principal Contract Monitor	Supervisor
Grantee <u>The County of Erie</u>	Subrecipient <u>Town of Aurora</u>
[Address] <u>95 Franklin Street</u>	[Address] <u>575 Oakwood Avenue</u>
[City, State, ZIP] <u>Buffalo, NY 14202</u>	[City, State, ZIP] <u>East Aurora, NY 14052</u>
[Telephone] <u>716-858-8390</u>	[Telephone] <u>716-652-7590</u>
[Fax Number] <u>716-858-7248</u>	[Fax Number] <u>716-652-3507</u>

VII. SPECIAL CONDITIONS

A. Local Cost Share:

The Subrecipient shall be responsible for contributing a direct cash contribution of \$5,010 and/or an in-kind contribution of \$ 0, (representing 5% of the estimated project cost), prior to release of final payment by the Grantee. Acceptable in-kind contributions shall be as defined by Erie County.

In the event the final project cost is less than the estimated cost described in Exhibit A (2), the Subrecipient shall remain responsible for contributing the local share equal to 5% of said final cost. Said local share shall reflect the same percentage breakdown between cash and in-kind as shown on Exhibit A (2). Full payment of the local cash match to the contractor shall occur prior to release of final payment by the Grantee.