

October 28, 2024

A meeting of the Town Board of the Town of Aurora took place on Monday, October 28, 2024, beginning at 6:30 p.m. The Board met in-person at the Aurora Municipal Center, 575 Oakwood Avenue, East Aurora, New York. The meeting was streamed via Zoom and YouTube.

Present:	Joseph McCann	Councilman
	Luke Wochensky	Councilman
	Raymond M. Wrazen	Councilman
	Charles D. Snyder	Supervisor
Absent/Excused:	James F. Granville	Councilman
Others Present:	Brigid Maloney	Town Attorney
	Richard Miga	Asst. Code Enforcement Officer
	David Gunner	Highway Superintendent
	Paul Ernst	ZBA Chairman
	Doug Crow	Planning Board Chairman
	Patrick Welch	Chief of Police
	Elizabeth Wilber	Live Stream Coordinator

Supervisor Snyder opened the meeting at 6:30 p.m. with the recitation of the Pledge of Allegiance to the Flag.

The first item on the agenda was a Public Hearing on a Special Use Permit for a short-term rental at 59 Cook Road, East Aurora, NY. Supervisor Snyder opened the hearing at 6:31 p.m. and asked if anyone wished to comment. Hearing no-one, the Supervisor closed the hearing at 6:32 p.m.

The next item on the agenda was a public hearing on the 2025 Preliminary Budget. Supervisor Snyder opened the hearing at 6:32 p.m. and asked if anyone wished to comment. Hearing no-one, the Supervisor closed the hearing at 6:33 p.m.

Councilman McCann moved to approve the October 15, 2024 meeting minutes with one addition – add \$100,700.00 to 1) Aurora Senior Center – replacement of movable wall. Councilman Wrazen seconded the motion. Upon a vote being taken: ayes – three abstain – one (Wochensky)
noes – none Motion carried. Action #352
10/15/24
minutes with
one addition
aprvd

Councilman Wrazen moved to approve the October 28, 2024 Abstract of Claims vouchers 1392 to 1458 to be paid from the following funds:		Action #353 10/28/24 Abstract of claims aprvd
General	\$ 25,076.97	
Part Town	101.56	
Highway/DB	5,674.04	
Special Districts	<u>1,743.78</u>	
Grand Total Abstract	\$ 32,596.35	

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

AUDIENCE I:

Robert Aronica, Boies Road, spoke to the Board about the Special Event Permit application for the holiday light show next door to his residence, noting that the people visiting the site have a blatant disregard for signs and the event disturbs the Aronicas' quality of life.

UNFINISHED BUSINESS:

Councilman McCann moved to adopt the following resolution;
seconded by Councilman Wrazen:

RESOLVED that the Town Board of the Town of Aurora declares itself lead agency with regard to SEQR for the Open Development Area at 2271 Lapham Road; and further

RESOLVED that after considering the action stated herein, reviewing the criteria contained in Section 617.11 of the Rules and Regulations of the State Environmental Quality Review Act, determines that the action is an Unlisted action; and further

Action #354
Neg SEQR
declaration
for 2271
Lapham
ODA issued

RESOLVED that the Town Board of the Town of Aurora has determined that this Unlisted action will result in no significant adverse impacts on the environment, and therefore, an environmental impact statement need not be prepared; and further

RESOLVED that a negative declaration is issued with regard to the Open Development Area at 2271 Lapham Road, East Aurora, New York.

Upon a vote begin taken: ayes – four noes – none Motion carried.
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Councilman Wrazen moved to adopt the following resolution; seconded by Councilman Wochensky:

Resolution Approving Development on an
OPEN DEVELOPMENT AREA LOT
2271 Lapham Road
(SBL# 176.00-3-20)
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, Alex Handley (“the Applicant”) has filed an Open Development Area (ODA) application to be able to construct a single-family residence on an ODA lot at 2271 Lapham Road; and

WHEREAS, the Applicant has made a reasonable attempt and effort to comply with specifications of Chapters 99 of the Code of the Town of Aurora; and

WHEREAS, the applications and supporting documentation were forwarded to the Erie County Division of Planning whose response was that the proposed action has been reviewed and determined to be of local concern and they have no recommendations; and

WHEREAS, the Applicant applied for and the Zoning Board of Appeals granted a 2.3’ lot frontage variance and a 9’ ingress/egress width variance for this ODA lot; and

WHEREAS, the Town of Aurora Planning Board moved to recommend that the Town Board approve the Open Development Area application for 2271 Lapham Road; and

WHEREAS, as an unlisted action under SEQRA the Town Board found that this will not result in any significant adverse environmental impacts.

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Chapter 99 Article VI – Open Development Area of the Code of the Town of Aurora, the Town Board does hereby approve the Open Development Area application for a single-family residence at 2271 Lapham Road, East Aurora, New York.

Action #355
2271 Lapham
ODA aprvd

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

Councilman McCann moved to approve the following quote from GAR Associates, 5500 Main Street, Williamsville, NY, to provide real estate appraisal services for the West Herr Article 7 tax certiorari case:

- Preliminary appraisal \$6,500.00
- Court-ready appraisal \$8,400.00
- Pre-trial preparation \$200.00 per hour
- Court testimony/trial \$250.00 per hour

Action #356
GAR quote
for W Herr
appraisal
aprvd

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

Councilman Wochensky moved to approve payment no. 13 to Azar Design Co. (formerly Foit-Albert) in the amount of \$1,625.76 for professional services rendered from 6/29 – 9/27/24 for the East Fillmore Avenue bridge replacement project. Funds will be disbursed from H7 5120.210. Councilman McCann seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #357
Pymt 13 to
Azar (Foit
Albert) – E.
Fillmore proj
aprvd

NEW BUSINESS:

Councilman Wrazen moved to refer the Special Use Permit application for a bed and breakfast/short-term rental at 140 Jewett Holmwood Road to the Planning Board for review and recommendation(s). Councilman McCann seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #358
SUP appl for
short-term
rental 140
Jewett
Holmwood
referred to
Plnng Brd

Councilman Wochensky moved to refer the Special Use Permit application for a bed and breakfast at 1150 Underhill Road to the Planning Board for review and recommendation(s). Councilman Wrazen seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #359
SUP appl for
B-n-B 1150
Underhill
referred to
Plnng Brd

Councilman McCann moved to accept a \$100 donation to the Aurora Senior Center from Kathleen Vanbaren in memory of Rosemary Krieger. Funds will be deposited to TA1000.0900. Councilman Wochensky seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #360
Donation to
SrCtr
accepted

Councilman Wochensky moved to approve the following highway budget transfer to correct an over-drawn budget line:
From: DB 5142.140 snow removal overtime \$1,511.97
To: DB 5110.140 general repairs overtime \$1,511.97
Councilman Wrazen seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #361
Hwy budget
transfer aprvd

Councilman McCann moved to set 6:30p.m. on Tuesday, November 12, 2024 at the Aurora Municipal Center, 575 Oakwood Avenue, East Aurora, NY as the time, date and place for a Public Hearing on a Special Event Permit application from Michael Bojanowski for a holiday light show at 1840 Boies Road. Councilman Wochensky seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #362
Public hrg set
for 1840
Boies special
event permit

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

Bridge NY Resolution – Town of Aurora
(Culvert Project – Municipality Administered)
RESOLUTION NUMBER: 363 - 2024

Authorizing the implementation and funding of 100% of the costs of a transportation project, of which qualified costs may be reimbursed from Bridge NY funds.

WHEREAS, a project for the Culvert Replacement Project Shearer Avenue over Tannery Brook, P.I.N. 5765.54 (the “Project”) IS ELIGIBLE FOR REIMBURSEMENT OF QUALIFIED COSTS FROM

WHEREAS, the Town of Aurora desires to advance the Project by making a commitment of 100% of the costs for \$274,474.00.

NOW, THEREFORE, the Aurora Town Board (the “Town Board”), duly convened does hereby

RESOLVE, that the Town Board hereby approves the above-subject Project; and it is hereby further

RESOLVED, that the Town Board hereby authorizes the Town of Aurora to pay 100% of the cost of \$274,474.00 work for the Project or portions thereof, with the understanding that qualified costs may be eligible for federal-aid, state-aid, or reimbursement from Bridge NY funds; and it is further

RESOLVED, that the sum of \$274,474.00 is hereby appropriated from General Fund A Fund Balance and made available to cover the cost of participation in the above phases of the Project; and it is further

RESOLVED, that the Town Board hereby agrees that the Town of Aurora shall be responsible for all costs of the Project which exceed the amount of federal-aid, state-aid, or NY Bridge funding awarded to the Town of Aurora; and it is further

RESOLVED, that in the event the Project costs not covered by federal-aid, state-aid or NY Bridge funding exceed the amount appropriated above, the Town Board of the Town of Aurora shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Town Clerk thereof, and it is further

RESOLVED, that the Aurora Town Board hereby agrees that the construction of the Project shall begin no later than twenty-four (24) months after award and the construction phase of the Project shall be completed within thirty (30) months; and it is further

RESOLVED, that the Supervisor of the Town of Aurora be and is hereby authorized to execute on behalf of the Town of Aurora all necessary agreements, certifications or reimbursement requests for federal-aid and/or state-aid with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Town of Aurora’s funding of Project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and it is further

Action #364
BridgeNY
Brooklea
bridge proj
agreement
adopted

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

RESOLVED, that this Resolution shall take effect immediately.

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

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

Bridge NY Resolution – Town of Aurora
(Culvert Project – Municipality Administered)
RESOLUTION NUMBER: 365 - 2024

Authorizing the implementation and funding of 100% of the costs of a transportation project, of which qualified costs may be reimbursed from Bridge NY funds.

WHEREAS, a project for the Culvert Replacement Project Cornwall Road over Cazenovia Creek Tributary, P.I.N. 5765.55 (the “Project”) is eligible for reimbursement of qualified costs from Bridge NY funding that calls for the post-reimbursement apportionment of the qualified costs to be borne at the ration of 100% Bridge NY funds and 0% non-Bridge NY funds; and

WHEREAS, the Town of Aurora will design, let and administer all phases of the Project.

WHEREAS, the Town of Aurora desires to advance the Project by making a commitment of 100% of the costs of the \$1,486,000.00 work for the Project or portions thereof.

NOW, THEREFORE, the Aurora Town Board (the "Town Board"), duly convened does hereby

RESOLVE, that the Town Board hereby approves the project; and it is hereby further

RESOLVED, that the Town Board hereby authorizes the Town of Aurora to pay 100% of the cost of \$1,486,000.00 work for the Project or portions thereof, with the understanding that qualified costs will be reimbursed from Bridge NY funding; and it is further

RESOLVED, that the sum of \$1,486,000.00 is hereby appropriated from General Fund A Fund Balance and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that the Town Board hereby agrees that the Town of Aurora shall be responsible for all costs of the Project, including costs which exceed the amount of reimbursement available from the NY Bridge Funding awarded to the Town of Aurora; and it is further

RESOLVED, that in the event the costs of the Project exceed the amount appropriated above, the Town Board of the Town of Aurora shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Town Clerk thereof, and it is further

RESOLVED, that the Town Board hereby agrees that the Town of Aurora hereby commits that the construction of the Project shall begin no later than twenty-four (24) months after award and the construction phase of the Project shall be completed within thirty (30) months; and it is further

RESOLVED, that the Supervisor of the Town of Aurora be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests with NYS DOT for State Aid and/or Bridge NY funding on behalf of the Town of Aurora in connection with the advancement or approval of the Project providing for the administration of the Project and the municipality's funding of the Project costs, and it is further

Action #365
BridgeNY
Cornwall Rd
culvert
agreement
adopted

RESOLVED, that the Town of Aurora will be responsible for all maintenance of the Project; and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

RESOLVED, that this Resolution shall take effect immediately.

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

- Dog Control – September 2024 report
- Work Requisitions – September 2024 report
- EAPD – September 2024 report

BUSINESS FROM BOARD MEMBERS/LIAISONS:

Councilman McCann stated that he contacted a NYSDEC representative regarding the deer population situation brought up at the last meeting. Mr. McCann noted that according to the NYSDEC a lot can be done and that he will continue to work with them.

Councilman Wochensky noted that the Town of Aurora is on tract to be the first Climate Smart Silver community in Western New York.

Councilman Wrazen spoke about the Comprehensive Plan process.

Supervisor Snyder thanked Councilman McCann for his service on the Erie County Sewer District 8 Board of Directors and noted that Councilman Wrazen will be filling that

vacancy. Mr. Snyder stated the NY Forward slate of projects has been sent to NY State for review.

AUDIENCE II:

Robert Aronica, Boies Road, suggested that slowing the speed limit on Boies Road might help to prevent deer/car collisions.

STAFF REPORTS:

Police Chief Welch stated he has also talked with NYSDEC officials and noted that other towns have programs and plans to monitor the deer population. Mr. Welch suggested that the Town and Village form a joint task force or committee to address the situation. He would like to start with the Village first and then bring it to the Town.

Councilman McCann moved to adjourn at 7:00 p.m. Seconded by Councilman Wrazen. Upon a vote being taken: ayes – four noes – none Motion carried. Action #366 Meeting adjourned

Martha L. Librock
Town Clerk