

- Town Clerk/Tax – August 2021 report
- Town Clerk – August 2021 report
- Building Department – August 2021 report
- Water Clerk – August 2021 report
- Supervisor – August 2021 report

AUDIENCE II:

Robert Aronica, Boies Road, stated that Jerrold Thompson Sr. should recuse himself from any ODA decisions made by the Planning Board since he is a realtor.

Thomas Kin, Old Glenwood Road, spoke to the Board about his concerns with the proposed bike path (Rails to Trails pathway that will use the abandoned railroad bed) in the Town. Mr. Kin is very concerned with the condition of one of the culverts under the railroad bed and stated it causes severe flooding on his property. He also noted his concern with the closeness of the bike path to his home citing lack of privacy and not be able to protect his property.

Supervisor Bach asked Mr. Kin what exactly it that he wants is.

Mr. Kin responded that he wants the culvert fixed.

Rick LeFeber, Executive Director of the Cattaraugus Economic Development Corporation, stated that he and his people visited Mr. Kin's property and noted that Mr. Kin has a legitimate problem. Mr. LeFeber stated he is Mr. Kin's advocate for his organization and is committed to helping fix the culvert problem.

Supervisor Bach stated that the Town's position on the Rails to Trails project remains the same (not in favor) and that Rails to Trails needs to mitigate issues with the West Falls Conservation Society and neighbors whose property abuts the trail. The Town might be able to change its position if the issues are mitigated.

* * * * *

The next item was a Public Hearing on the Site Plan and Special Use Permit for the Rural Outreach Center, Inc. (ROC) at 730 Olean Road, East Aurora, NY. The notice was published in the East Aurora Advertiser and posted on the Town Clerk's bulletin board.

Supervisor Bach opened the hearing at 7:06 p.m. and asked Councilman Snyder to give an overview of the project.

Councilman Snyder stated that over the past few months he and Councilwoman Friess have met with ROC representatives and neighbors with regard to the site plan and special use permit. Mr. Snyder noted that ROC representatives have agreed to modifications and revisions, but there are three more modifications the Town Board would like to see added to the site plan:

- 1) Along the north line of the property where it forms a corner – add back the eleven (11) conifer trees as they were shown on the original site plan submission.
- 2) Along the south line of the property – extend the wood board-on-board fence all the way back to the rear property line.
- 3) Set aside (escrow) forty (40) conifer trees to be used after final grading to fill in any bare spots in locations to be determined along the north and south property lines, and possibly used to screen the fence on the neighbor's side.

Supervisor Bach opened the discussion up to the public

Michael Sawicki, ROC Board Member, asked for clarification with regard to the 40 trees. Who determines where they will go? Councilman Snyder responded that the Town Board will decide. Mr. Sawicki said that it sounds like trees could get planted on the neighbor's side of the fence. Councilman Snyder responded, yes.

Madonna Priore stated that the current building is difficult for disabled persons to get into and that the new building will be handicapped accessible.

Kristel Dedrick, Olean Road, stated she is the neighbor to the south and that trespassing takes place from the ROC property onto hers and that a fence should be put around the entire perimeter of the ROC property. Ms. Dedrick stated that the Special Use Permit seems reasonable.

Hearing no further comments, the Supervisor closed the hearing at 7:19 p.m.

Councilwoman Jeffe stated that the site plan needs to be formally revised; any approval of the site plan would be contingent upon receipt of a revised site plan.

UNFINISHED BUSINESS:

The Town Board reviewed Part 2 of the SEAF, answering “No, or small impact may occur” to questions 1, 3-11 and “Moderate to large impact may occur” to question 2 – Will the proposed action result in a change in the use or intensity of use of land?

The Town’s explanation in Part 3 of the SEAF is that a moderate to large impact may occur in a change in the use or intensity of use of land with the proposed project. The project is of larger scale than what currently exists. A mostly undeveloped lot is being developed with two buildings and a parking lot. The project went through a thorough site design process to mitigate any adverse impacts. The architectural style of the proposed building is aesthetically pleasing. Buffering will be added in the form of trees, fencing and other vegetation. Stormwater control features will be implemented.

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

A RESOLUTION DECLARING LEAD AGENCY AND ADOPTING A NEGATIVE DECLARATION

WHEREAS, the Town Board of the Town of Aurora is considering approving a Site Plan and Special Use Permit for the Rural Outreach Center, Inc., to conduct its charitable business at 730 Olean Road, in the Town of Aurora; and

WHEREAS, the Town Board of the Town of Aurora is duly qualified to act as lead agency and has requested lead agency status with respect to compliance with SEQRA which requires environmental review of certain actions undertaken by local government; and

WHEREAS, the proposed action appears to be an Unlisted action pursuant to the Rules and Regulations of the State Environmental Quality Review Act; and

WHEREAS, the Town Board forwarded Part I of the Short Environmental Assessment Form along with copies of the proposed site plan and special use permit to Potentially Involved and/or Interested Agencies, who had no objections to the Town being Lead Agency; and

WHEREAS, the State Historic Preservation Office/Office of Parks, Recreation, and Historic Preservation Office (SHPO/OPRHP) recommended a Phase IA/IB archaeological survey for components of the project that will involve ground disturbance, unless substantial prior ground disturbance can be documented. A Phase IA/IB survey is designed to determine the presence or absence of archaeological sites or other cultural resources in the project’s Area of Potential Effects (APE); and

WHEREAS, a Phase I study was prepared by Morton Archaeological Research Services and submitted to SHPO/OPRHP and after review of the study, OPRHP determined that no further archaeological investigations are warranted; and

WHEREAS, the Town Board has reviewed Part II of the Short Environmental Assessment Form.

NOW, THEREFORE, BE IT,

RESOLVED, that the Town Board of the Town of Aurora declares itself lead agency with regard to SEQR for this action; and further

RESOLVED, that after considering the action proposed 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

RESOLVED, that the Town Board of the Town of Aurora reviewed Part 2 of the Short Environmental Assessment Form and noted in Part 3 of the Short Environmental Assessment Form that steps will be taken to mitigate any moderate to large impacts that may result from a change in the use or intensity of use of the land; and further

Action #265
SEQR resol
re: Lead
agency and
neg
declaration

RESOLVED, that the proposed Unlisted action will result in no significant adverse impacts on the environment and, and therefore, an environmental impact statement need not be prepared; and further

RESOLVED that a negative SEQR declaration is issued with regard to the site plan and special use permit for the Rural Outreach Center, Inc., 730 Olean Road, East Aurora, NY.

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

Councilman Snyder moved to adopt the resolution approving the site plan for the Rural Outreach Center, Inc. at 730 Olean Road, East Aurora, contingent upon receipt of a revised site plan showing the additional trees and fencing requested by the Town; seconded by Councilman Wochensky:

RESOLUTION APPROVING SITE PLAN
730 Olean Road (SBL#176.00-4-17.2)

WHEREAS, The Rural Outreach Center, Inc. (“Applicant”) has applied for a Site Plan Review for 730 Olean Road (aka: Route 16) in the Town of Aurora, Erie County, New York; and

WHEREAS, the Applicant plans to construct a 9740sf principal building, a 4500sf accessory building and a 62 space parking lot at 730 Olean Road; and

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

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

WHEREAS, the Applicant amended the site plan in accordance with the Town’s requests; and

WHEREAS, as an Unlisted action under SEQRA requiring further review, the Town forwarded the site plan to interested agencies who had no objections to the Town being Lead Agency; and

WHEREAS, upon receiving no objections from the interested agencies, the Town completed Part 2 of the SEQR short form and found that the project will not result in any significant adverse environmental impacts; and

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Chapter 95 Site Plan Review, Section 95-2 C, the Aurora Town Board hereby approves the Site Plan submitted for 730 Olean Road for the Rural Outreach

Center, Inc., to construct two buildings, a parking lot, and required drainage with the following conditions:

1. The temporary trailer currently being used by ROC will be removed from the property within 30 days of a certificate of occupancy (either temporary or permanent) being issued for the first building constructed on the property.
2. A six (6) feet high wood board-on-board fence shall be installed along the south, north and northwest lot lines as indicated on the approved Site Plan (including the extension of the above described fence on the south lot line).
 - A. The board-on-board fence along the south lot line shall begin at the front line of the principal building and extend toward the east to the rear property line of 730 Olean Road.
 - B. All fences shall be set a minimum of one (1) foot from the property lines.
3. Pine trees shall be planted in accordance with the approved Site Plan (including the eleven trees shown on the original site plan submission).
4. Up to forty (40) additional pine trees will be escrowed for planting in areas along the south and or north lot lines as determined by the Town Board after the excavation and grading are completed.
5. Silt fence/silt sock/hay bales shall be used during the construction to control storm water runoff.
6. A temporary construction fence shall be erected and maintained along the north and south property lines during construction;
7. Outdoor construction activities shall be limited to the hours between 7:00 a.m. and 5:00 p.m. Monday through Saturday.

Action #266
ROC 730
Olean site
plan aprvd
contingent

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

* * * * *

Councilman Snyder moved to approve the following Special Use Permit being issued to the Rural Outreach Center, Inc., for 730 Olean Road, East Aurora, NY; seconded by Councilwoman Jeffe:

SPECIAL USE PERMIT

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

APPLICANT: The Rural Outreach Center, Inc.

PROPERTY ADDRESS: 730 Olean Road, PO East Aurora (SBL#176.00-4-17.2)

PROPERTY OWNER: The Rural Outreach Center, Inc.

CODE: Chapter 116 – Zoning §116
 R3 Residential 3

USE: Principal Use: Administrative Offices and Rooms to conduct charitable activities
 Auxiliary Use: Worship Center for Pathways Christian Fellowship

The Town of Aurora Town Board received an application for a Special Use Permit from the Applicant and referred the Special Use Permit Application to the Planning and Conservation Board on July 26, 2021. On August 4, 2021, the Planning and Conservation Board recommended to the Town Board to approve the application. On September 13, 2021, the Town Board conducted a public hearing on the Special Use Permit Application.

Background. Applicant currently operates the Rural Outreach Center (ROC) out of a temporary trailer on the Property. The 7.3 acre parcel was originally Zoned RR (Rural Residential) and A (Agriculture). On April 26, 2021 the Town Board adopted Local Law 2 of 2021 rezoning the entire parcel to R3 (Residential 3). The Applicant desires to continue its charitable activities at this location and to construct a new building to operate out of.

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

1. CODE REQUIREMENTS: Full compliance with all sections of the Aurora Code as presently codified or as may be amended from time to time.
2. APPLICATION:
 - A. Subject to all plans and specifications submitted with the application, recommendations of the Planning Board, recommendations of GHD (the Town's engineer), and additional conditions and terms as adopted by the Town Board.
 - B. Subject to all requirements in the Verified Petition of the Attorney General of the State of New York, County of Erie in the Matter of the Application of Pathways Christian Fellowship, a Religious Corporation, for leave to transfer real estate pursuant to Section 12 of the religious corporation's law.
3. VIOLATION: Any violation of the provisions of the Permit or any other applicable law, code, rule or regulation of any government or department shall subject this Permit to suspension or revocation in the discretion of the Town Board.
4. AMENDMENT: No changes or modifications may be made to this permit by anyone other than the Town Board and this Special Use Permit is subject to amendment or modification by the Town Board at any time in its sole discretion.
5. ATTACHMENT: This permit is subject to any and all special conditions attached hereto.

ACKNOWLEDGEMENT: the undersigned as applicant for this Special Use Permit for The Rural Outreach Center to conduct certain charitable activities and lease a portion of the building to Pathways Christian Fellowship for worship services at 730 Olean Road, East Aurora, New York, does hereby acknowledge receipt of a copy of this Permit, agrees, and accepts the provisions herein. The applicant further acknowledges that a violation or breach of any covenants, provisions or conditions of this Special Use Permit will result in suspension or revocation of this Special Use Permit. The undersigned agrees to all terms and provisions of this Special Use Permit as herein stated or as hereafter may be amended.

SPECIAL CONDITIONS FOR
SPECIAL USE PERMIT GRANTED TO
THE RURAL OUTREACH CENTER, INC.
FOR
730 OLEAN ROAD, EAST AURORA, NEW YORK
(attachment)

1. USE:
 - A. Offices, multi-purpose rooms, auditorium and recreational areas as shown on the

approved Site Plan for the following charitable activities:

- 1) Social services, counseling, academic services, wellness training, education and enrichment programs to individuals, small groups, and families conducted by Rural Outreach Center (ROC).
- 2) Administrative support services and meetings conducted by ROC.

B. Worship Center for Pathways Christian Fellowship for the following activities:

- 1) Worship services, mission activities and religious studies.
- 2) Indoor wedding ceremonies and funerals having less than 50 people in attendance for members of Pathways Christian Fellowship and ROC participants.

2. SIGN(S): Shall be in accordance with Section 116.34 of the Town Code of the Town of Aurora.

3. RESTRICTIONS:

- A. No vehicle parking on Olean Road. All parking shall be in the parking lots shown on the approved Site Plan.
- B. ROC staff must be present at all times the property is in use and all programs must be supervised.
- C. No overnight lodging or use as a shelter at any time.
- D. Outdoor amplified sound limited between the hours of 9:00 a.m. and 5:00 p.m. weekdays and Saturdays and during church services on Sunday's between 10:00 a.m. and 1:00 p.m. Outdoor amplified sound is not allowed during hours not specified in this paragraph.

4. HOURS OF OPERATION:

A. Standard Hours:

- Monday: 8:00 a.m. to 8:00 p.m.
Tuesday: 8:00 a.m. to 8:00 p.m.
Wednesday: 8:00 a.m. to 8:00 p.m.
Thursday: 8:00 a.m. to 8:00 p.m.
Friday: 8:00 a.m. to 8:00 p.m.
Saturday: 8:00 a.m. to 5:00 p.m.
Sunday: 8:00 a.m. to 1:00 p.m. for Pathways worship services and church activities only.

B. Other Hours and Conditions:

- 1) Indoor only activities for groups of less than 50 people may occur until 9:00 p.m. Monday through Friday.
- 2) Weekend outdoor programming activities (not including Pathways church activities) are limited to 20 people, not including ROC staff.

5. USES ALLOWABLE WITH A SPECIAL EVENT PERMIT:

- A. Wedding celebrations of more than 50 but less than 150 people for ROC participants and Pathways Christian Fellowship members.
- B. Fundraising events with the entire proceeds supporting The Rural Outreach Center, Inc.
- C. ROC programming outside of standard operating hours and uses.

6. REVIEW:

The Town Board reserves the right to review the conditions of this permit upon receipt of written complaint(s) addressed to the Town of Aurora Supervisor or at any time deemed necessary by the Town Board.

Action #267
ROC
730 Olean
spec use
permit aprvd

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

* * * * *