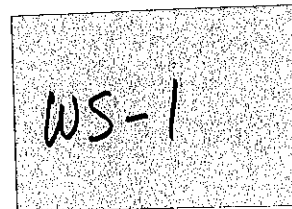


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(716) 652-7590
jbach@townofaurora.com



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Martha L. Libroek
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townclerk@townofaurora.com

TOWN OF AURORA
Southside Municipal Center
300 Glead Avenue, East Aurora, NY 14052
www.townofaurora.com



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FAX: (716) 652-3507

March 6, 2014

To: The Town Board

I respectfully request that the Town Board approve sending Sheryl Harris, Elizabeth Deveso and David Thomason to the dog control seminar in Webster, NY from April 29th-30th. The registration fee is \$65 a person. We will need three rooms for one night at the government room rate of \$50 a room. We will also be taking a Town vehicle to the seminar. Seminar expenses will be paid out of the DCO budget line A 3510.404

Sincerely,

A handwritten signature in black ink, appearing to read "D. Gunner".

David M. Gunner
Superintendent of Highways

*Registration fee: \$65.00 per person
Includes: morning coffee & snack
and lunch both days.*

*Checks/money orders payable to
Webster Town Clerk*

**Copy this registration form
and mail with payment to:**

*Webster Town Clerk
Re: Animal Control Seminar
1000 Ridge Road
Webster, New York 14580*

REGISTRATION FORM

Name: _____

Agency: _____

Address: _____

Phone: _____

E-Mail: _____

**Please submit
registration before
April 18, 2014**

Payment of the
seminar fee must be
made at the time of
registration. No
registrations will be
accepted at the door.

Lodging is available at the
government rate of \$50.00/night.
Call and speak to Adrienne at the
Super 8 - Very close, nice and
clean!!

Super 8 Webster

2450 Empire Blvd

Webster, NY 14580

Phone: 585-671-6990

Fax: 585-671-7494

TOWN OF WEBSTER ANIMAL CONTROL UNIT

In cooperation with

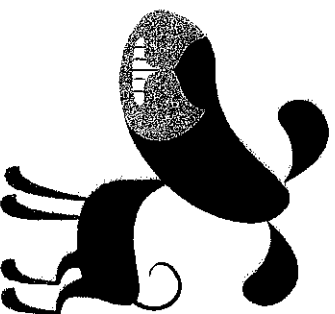
**NYS DEPARTMENT OF
AGRICULTURE and MARKETS**

PRESENTS

**ALMOST EVERYTHING
YOU EVER WANTED TO
KNOW ABOUT ANIMAL
CONTROL... BUT WERE
AFRAID TO ASK... VIII**

**APRIL 29 - APRIL 30
2014**

**West Webster Fire Station #1
1051 Gravel Rd Webster, NY
14580**



SEMINAR SCHEDULE

TUESDAY APRIL 29

8:30 – 8:45 am COFFEE, JUICE &
SNACKS

8:45 – 9:00 am WELCOME!!!

TOPICS TO BE COVERED

Animal Behavior / Where Dog
Breeds Attack by Bob Minchella

Personal Protection / Defense
Tactics / Crisis Intervention by
Webster Police Officers

PARVO VIRUS

NYS Ag & Mkts inspections of
DCOs and Shelter Operations – Are
you in compliance?

NYS Dept of Ag & Mkts latest
Updates of Animal Laws

Enforcement of Article 7 /
Criminal and civil Procedures by
Rick Arnold, esq., NYS Dept of Ag
& Mkts Counsel's Office

WEDNESDAY APRIL 30

7:30 – 8:00 am COFFEE, JUICE &
SNACKS

TOPICS TO BE COVERED

NYS Health Dept Rabies
Reporting and Procedures by
Eric Ammerman, Senior Public
Health Sanitarian

Dangerous Dog Laws & Court
Procedures by Webster Town
Attorney

Animal Handling / Dangerous
Dogs

Case Reports / Citation
Preparation

NYS DEC Wildlife Updates

Using or Handling Social Media /
Friend of Foe?

**THE SCHEDULE IS SUBJECT TO
CHANGE AS WE ARE STILL
SECURING SPEAKERS FOR THE
SEMINAR. BE PREPARED TO
STAY THROUGHOUT THE TWO
DAYS OR YOU MAY MISS A
TOPIC THAT INTERESTS YOU.**

FOR MORE INFORMATION:

call or e-mail

Tom Link, ACO

mlink@ci.webster.ny.us

Phone: 585-872-7009

OR

Patricia Famiglietti, LVT AHI

patricia.famiglietti@agriculture.ny.gov

Cell phone: 585-261-5844

Directions: from the east or west
Take Rt. 90 (NYS Thruway) to exit
45 or 47. Take Rt. 490 toward
Rochester to exit 21 onto Rt. 590
north. Take exit 8 for Empire Blvd
(Rt. 404) toward Webster. Turn
right at Empire Blvd (Rt. 404). Go
3.3 miles. Fork left at Gravel Rd
(just past The Nutcracker
Restaurant). Go ¼ mile on Gravel
Rd. The Firehouse is on the left!

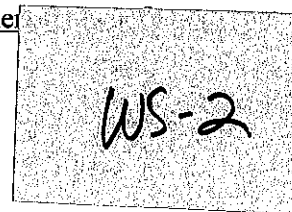
From the south take Rt. 86, Rt. 15
or Rt. 17 to Rt. 390 North to Rt. 590
north. Then follow directions above
from Route 590 north.

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



TOWN CLERK
Martha L. Librock
(716) 652-3280

townclerk



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historian@townofaurora.com

FAX: (716) 652-3507

March 3, 2014

To: Town Board Members

I respectfully request that the Town Board approve Paul Kielich as a regular part time employee, at the pay rate of \$15 an hour. This will be effective as of April 7, 2014.

Sincerely,

David M. Gunner
Superintendent of Highways

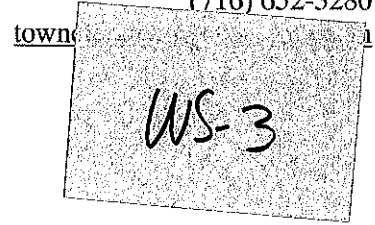
Current title
is LABORER PT
(wants to change to
LABORER RPT - there
is a position available)
CURRENT RATE =
\$12.48

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



TOWN CLERK
Martha L. Librock
(716) 652-3280

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TOWN COUNCIL MEMBERS

March 10, 2014

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FAX: (716) 652-3507

To: Town Board Members

I respectfully request permission to attend the NYSAWWA 100 years of Safe Drinking Water, New York Water Event. The event dates are May 13-15 2014.

This event is in Rochester NY. This event allows me to accumulate credit hours to maintain my Class D water operator license. New York State requires all municipalities that have public water to have a license holder in their town.

The Cost is:
Hotel-\$250
Conference-\$305

This is a budgeted expense in the water districts under line 8310.404

I will be taking a Town owned vehicle to the event.

Sincerely,

David M. Gunner
Water Director
Superintendent of Highways

Celebrating 100 Years OF SAFE DRINKING WATER

New York's Water Event

May 13-15, 2014

Rochester Riverside Convention Center

Featuring - Keynote Speaker Dr. Michael McGuire, author of "The Chlorine Revolution" and Special Guests - AWWA President, Jim Chaffee and AWWA Executive Director, David LaFrance

Event Highlights Include:

- Special "Operator's & Administrator's Day"
- Expanded Technical Program
- Expanded Exhibit Hall
- Networking Opportunities
- Monroe County Water Authority Treatment Plant Tour
- Historical Water Museum

Tuesday, May 13

- Now is your chance to get involved by attending a committee meeting!
- Exhibit Hall Grand Opening & Reception: Network and Tour the Expanded Exhibit Hall & Historical Water Museum
- 100th Anniversary Celebration: The 100th Anniversary festivities continue after the Exhibit Hall Grand Opening with Cocktail Hour followed by Dinner! Awards and Recognition will be given and enjoy live entertainment by Cutting Edge Dueling Pianos!!

Wednesday, May 14

- Top Ops, Meter Madness and Best Tasting Water Contests
- Special Student Track and Career Fair
- Young Water Professionals Trivia Night
- Rochester Red Wings Baseball Game (additional cost)

For more information on any of these activities contact Jenny Ingrao at (315) 455-2614.

Attention Exhibitors - Why should you exhibit with us?

Great New Layout featuring lots of options to exhibit large equipment!

Attendees have 6 events in the Exhibit Hall!

PLUS - they can receive a contact hour just for touring and visiting with our Exhibitors!

Easy load-in to Exhibit Hall! Exhibitor Lounge! And more!

For more information visit www.NYSAWWA.org

Spouses Welcome

This event is spouse friendly with a reduced rate of only \$40, which allows your spouse to attend the receptions, exhibit hall, and 100th Anniversary Celebration. We encourage you to bring your spouse to be a part of our 100th Anniversary Celebration!

Optional Spouse Activities

- Tuesday, May 13 - Complimentary transportation to Rochester's famous Lilac Festival
- Wednesday, May 14 - 2 Options to choose from -
 - Option 1 - Pittsford shop/dine (on your own) -AND- Casa Larga Vineyards tour/tasting - \$10
 - Option 2 - Erie Canal Boat Tour (lunch included) -AND- Casa Larga Vineyards tour/tasting -\$40

For information visit www.NYSAWWA.org

Program at a Glance

Tuesday, May 13, 2014 -- 9 a.m. Registration Opens

1:00 p.m. - 2:30 p.m.	Session 1: Opening Session with keynote address		
	Session 2: Water Treatment	Session 3: Sustainability	
2:45 p.m. - 3:15 p.m.	Introduction of DAF to America	Envision for Sustainable Water Infrastructure	
3:15 p.m. - 3:45 p.m.	Relevance of Direct Filtration in Today's World of Technology	Energy Savings through Pump Refurbishment & Coating	
3:45 p.m. - 4:15 p.m.	Adapting Conventional Water Treatment	A Sustainable Holistic Approach to Maintaining Water Quality	
4:15 p.m. - 4:45 p.m.	Comparison of FeCl ₃ & PACl in the areas of Filter Performance, etc.	Climate Change & Water Treatment	
5:00 p.m. - 6:30 p.m.	Exhibit Hall Ribbon Cutting/Reception		
6:30 p.m. - 10 p.m.	Banquet		

Wednesday, May 14, 2014 -- 6 a.m. Registration Opens; Exhibit Hall Hours 9:30 a.m. - 6 p.m.

7:30 a.m. - 8:30 a.m.	Awards Breakfast		
8:30 a.m. - 9:30 a.m.	Session 4: NYSDOH Regulatory Update		
9:30 a.m. - Noon	Session 5: Monroe County Water Authority Tours - pre-registration required		
	Session 6: History of Water	Session 7: Construction	Session 8: Safety & Operations
9:30 a.m. - 10:30 a.m.	History of Water Rates	6 Decades in the Making: MCWA Eastside Water Supply Project	Planning for Emerging Threats
10:00 a.m. - 10:30 a.m.		Design & Construction of 100-MGD Raw Water Intake Tunnel	Considering the Human Side of SCADA
10:30 a.m. - 11:00 a.m.	Break in the Exhibit Hall		
11:00 a.m. - 11:30 a.m.	New York City Water: Reliable Delivery: Past, Present, Future	Non-OEM Rehabilitation of a 17 MGD Packaged Treatment Plant	Protecting Safety w/ High Solids Linings for Water Storage Tanks
11:30 a.m. - Noon	History of Rochester Water	Activation of City Water Tunnel	Expanding your GIS using Mobile Technology
Noon- 1:30 p.m.	Lunch in the Exhibit Hall		
		Session 11: Young Water Professionals	Session 12: Groundwater
1:30 p.m. - 2:00 p.m.	Session 9: Top Ops	Assessing Water Risk at a Utility-Scale	Groundwater under Direct Influence of Surface Water
2:00 p.m. - 2:30 p.m.		NYC Water Demand Management Plan	Small Water Systems Recovery from Natural Disaster
2:30 p.m. - 3:00 p.m.	Break in the Exhibit Hall		
3:00 p.m. - 3:30 p.m.	Session 10: MAC presentations History of City of Troy Water & The Evolution of Upstate Water Authorities: Past, Present & Future	White Plains Microfiltration Plant Upgrade	When "Simple" Iron Removal Isn't Simple
3:30 p.m. - 4:00 p.m.		Planning & Coordination of a Water Reservoir Rehab Project	Hydraulic Fracturing & Groundwater Protection
4:00 p.m. - 4:30 p.m.	Contests: Meter Madness & Best Tasting Water in Exhibit Hall		
4:30 p.m. - 6:00 p.m.	Reception in Exhibit Hall		

Thursday, May 15, 2014 -- 7 a.m. Registration Opens; 8 - 9 a.m. Breakfast in Exhibit Hall; Exhibit Hall Hours 8 a.m. - Noon

9:30 a.m. - 10:30 a.m.	Session 13: Disinfection	Session 14: Storage & Distribution	Session 15: Management
	New Ozone Technology-Improve Performance & Cost Savings	What's Your Water Age?	AWWA Utility Management Standards
10:00 a.m. - 10:30 a.m.	Calcium Hypochlorite: Fact or Fiction	Mixers & Aeration Systems: Do These Affect my Tank?	The Nut Island Effect
10:30 a.m. - 11:00 a.m.	Break in the Exhibit Hall		
11:00 a.m. - 11:30 a.m.	Start-up & Operation of the Cat-Del UV Disinfection Facility	Leak Stabilization of the Delaware Aqueduct	Managing Generational Differences in a Utility's Workforce
11:30 a.m. - Noon	A Comparison of Chemical Disinfection Pump Technologies	Rehabilitation of 100-year-old Shale Water Supply Tunnel	Effective Water Conservation Planning

WS-4

**TOWN HIGHWAY SUPERINTENDENTS
ASSOCIATION OF ERIE COUNTY, INC.**
ERIE COUNTY, NEW YORK
INTER-MUNICIPAL
HIGHWAY SHARED SERVICES AGREEMENT
ORIGINAL --- 2013
SPONSORED BY THE
TOWN HIGHWAY SUPERINTENDENTS ASSOCIATION
OF ERIE COUNTY

THIS DOCUMENT WAS PREPARED BY THE TOWN HIGHWAY
SUPERINTENDENTS ASSOCIATION OF ERIE COUNTY
COMMITTEE:

- FREDERICK J. PIASECKI, JR. - ORCHARD PARK
- EDWARD J. MICHALSKI - EVANS
- MICHAEL J. ZYWAR - WALES
- RONALD A. MAGGS - EDEN
- PATRICK G. LUCEY - THSAEC

Page 1 of 4

HIGHWAY SHARED SERVICES AGREEMENT

1. For purposes of this contract, the following terms shall be defined as follows:
 - A. "Municipality" shall mean any Town or Village which has agreed to be bound by a contract for shared services or equipment similar in terms and effect with the contract set forth herein, and has filed a copy of said contract with their respective municipal clerk.
 - B. "Designated Filing Agent" shall mean the clerk of said municipality.
 - C. "Contract" shall mean the text of this agreement which is similar in terms and effect with comparable agreements, notwithstanding that such contract is signed only by the chief executive officer of each participating municipality filing the same, and upon such filing each filing municipality accepts the terms of the contract to the same degree and effect as if each chief executive officer had signed each individual contract.
 - D. "Shared Service" shall mean any service provided by one municipality for another that is consistent with the purposes and intent of this contract and shall include but not limited to:
 - i. The renting, exchanging, or lending of highway machinery, tools, and equipment with or without operators;
 - ii. The providing of a specific service;
 - iii. The maintenance of machinery or equipment.
 - E. "Superintendent" shall mean, in the case of a Town, the Town superintendent of highways; and, in the case of a Village, the superintendent of public works.
2. The Town or Village of _____ has caused this agreement to be

executed and to bind itself to the terms of this contract and it will consider this contract to be applicable to any municipality which has approved a similar contract and filed such contract with the Town or Village clerk.

3. The Town or Village of _____ by this agreement grants unto the superintendent, the authority to enter into any shared service arrangements with any other municipality or other municipalities subject to the following terms and conditions:

A. The Town or Village of _____ agrees to rent or exchange or borrow from any municipality any and all materials, machinery, and equipment, with or without operators, which it may need for the purposes of the Town. The determination as to whether such machinery, with or without operators,

Page 2 of 4

is needed by the Town, shall be made by the superintendent. The value of the materials or supplies borrowed from another municipality under this agreement may be returned in the form of similar types and amounts of materials or supplies, or by the supply of equipment or the giving of services of an equal value, to be determined by the mutual agreement of the respective highway superintendent.

B. The Town or Village of _____ agrees to rent, exchange, or lend to any municipality any and all materials, machinery, and equipment, with or without operators, which such municipality may need for its purposes. The determination as to whether such machinery, with or without operators, or material is available for renting, exchanging, or lending shall be made by the superintendent. In the event the superintendent determines that it will be in the best interests of the Town to lend to another municipality, the superintendent is hereby authorized to lend to another municipality. The value of the material or supplies loaned to another municipality under this agreement may be returned to the Town in the form of similar types and amounts of materials or supplies, or by the supply of equipment or the giving of services of an equal value to be determined by the mutual agreement of the respective superintendent.

C. The Town or Village of _____ agrees to repair or maintain machinery or equipment for any municipality under terms that may be agreed upon by the superintendent, upon such terms as may be determined by the superintendent.

D. An operator of equipment rented or loaned to another municipality, when operating such equipment for the borrowing municipality, shall be subject to the direction and control of the superintendent of the borrowing municipality in relation to the manner in which the work is to be completed. However, the method by which the machine is to be operated shall be determined by the operator.

E. When receiving the services of an operator with a machine or equipment, the receiving superintendent shall make no request of any operator which would be inconsistent with any labor agreement. All machinery and the operator, for the purposes of workers' compensation, liability, and any other relationship with third parties, shall be considered the machinery of, and the employee of, the municipality owning the machinery and equipment.

F. The lending municipality shall be liable for any negligent acts resulting from the operation of its machinery or equipment by its own operator.

G. Each municipality shall remain fully responsible for its own employees, including, but not limited to, salary, benefits, and workmen's compensation.

4. In the event machinery or equipment is being operated by an employee of the owning municipality is damaged or otherwise in need of repair while working for another municipality, the municipality owning the machinery or equipment shall be responsible to make or pay for such repairs. In the event machinery or equipment is operated by an

employee of the borrowing, receiving, or renting municipality, such municipality shall be responsible for such repairs.

Page 3 of 4

5. Any municipality which is party to this contract may revoke such contract by filing a notice of such revocation. Upon the revocation of such contract, any outstanding obligations shall be submitted within thirty (30) days of such revocation.

6. Any action taken by the superintendent pursuant to the provisions of this contract shall be consistent with the duties of such official and expenditures incurred shall not exceed the amount set forth in the Town budget for highway purposes.

7. If any provision of this contract is deemed to be invalid or inoperative for any reason, that part may be modified by the municipalities which are party to this contract to the extent necessary to make it valid and operative, or if it cannot be modified, then severed, and the remainder of the contract shall continue in full force and effect as if the contract had been signed with the invalid portions so modified or eliminated.

8. This contract shall be reviewed each year by the Town Board or Trustees and shall expire five (5) years from the dates of its signing by the Town Supervisor or Mayor. The Town or Village may extend or renew this contract at the termination thereof for another five (5)-year period.

9. Copies of this contract shall be sent to the clerk and the superintendent of each municipality with which the superintendent anticipates engaging in shared services. No shared services shall be conducted by the superintendent except with the superintendent of the municipality that has completed a shared services contract and has sent a copy thereof to the clerk of his or her municipality and the superintendent.

IN WITNESS THEROF, the said The Town or Village of _____ has by order of the Town Board or Trustees, caused these presents to be subscribed by the Town Supervisor or Mayor, and the seal of the Town to be affixed and attested by the Clerk thereof, this _____ day of _____, 20_____.

Town or Village of _____

By: _____

Supervisor or Mayor, Town or Village of _____

Attest: _____

Town Clerk, Town or Village of _____

Page 4 of 4

WS-7

EXHIBIT A

I. DESCRIPTION OF REQUESTED AREA VARIANCE:

The Applicant is seeking an area variance from the Zoning Board of Appeals (“ZBA”) to allow the previously approved allocation of single family units and two family units as approved in 2007 for the Legacy Polo Grounds Project to be adjusted to increase the number of single family units with a corresponding decrease in the number of approved two family units.

On April 9, 2007, the Town Board granted Final Plat Approval for the clustered Polo Grounds Project. A copy of the approved Final Plat is attached as Exhibit “C”. The density of the approved clustered project was 47 residential units. The Applicant is not seeking an area variance to increase the approved overall density of 47 residential units. At the time the Town Board granted Final Plat Approval on April 9, 2007, the layout for the clustered subdivision consisted of 13 single family units and 17 two family units.

Pursuant to the Table of District Regulations for the Town of Aurora Zoning Ordinance, the minimum lot size for single family units with water and sewer connections is 16,000 sq. ft. and the minimum lot for two family units is 20,000 sq. ft. On February 19, 2013, the Town issued a letter to the Applicant indicating that the approved maximum density for the clustered subdivision consists of 13 single family units and 17 two family units. A copy of this letter is attached as Exhibit “E”. The letter issued by the Town on February 19, 2013 references the Buildable Land Calculation Table submitted by the Applicant’s engineering firm on May 24, 2007.

A copy of the Buildable Land Calculation prepared by Greenman-Pedersen, Inc. as submitted to the Town on May 24, 2007 indicating the allowable total buildable land for the clustered project was 560,298 sq. ft. is attached as Exhibit "F" and a chart indicating the total buildable land needed per the Table of District Regulations for 13 single family units and 17 two family units is 548,000 sq. ft. is attached as Exhibit "G". The chart provided at Exhibit "G" also provides the required buildable land area for other possible combinations of single family and two family units.

As the approved clustered Project has been built-out during the past few years, there has been greater demand for single family units than two family units. There are currently 15 single family units and 7 two family units located on the Project Site. A copy the most recently updated as-built survey for the project site as prepared by Greenman-Pedersen, Inc. is attached as Exhibit "D".

The Applicant currently has contracts for two more single family units and there is currently very little demand for two family units. As such, the Applicant is requesting that the breakdown of single family units and two family units be modified to allow 23 single family units and 12 two family units, which does not alter the overall permitted density of 47 units.

Based on the required minimum lot area for single family units and two family units, the required total buildable land area for 23 single family units and 12 two family units is 608,000 sq. ft. [23 single family units x 16,000 sq. ft. = 368,000 sq. ft. plus 12 two family units x 20,000 sq. ft. = 240,000 sq. ft.]. Based on above calculation, the Applicant is requesting an area variance to allow the buildable land area utilized for clustered subdivision to be increased from 548,000 sq. ft. to 608,000 sq. ft., an increase of 50,000 sq. ft., or 9.1%.

II. JUSTIFICATION FOR REQUESTED AREA VARIANCE PURSUANT TO THE STATUTORY MANDATED BALANCING TEST AND FIVE CRITERIA CONTAINED IN NYS TOWN LAW §267-b(3)(b)

NYS Town Law §267-b(3)(b) sets forth a statutorily mandated balancing test to be considered by zoning board of appeals in connection with its review of a request for area variances. The statutorily mandated balancing test requires a zoning board of appeals to balance the benefits that will be realized if the requested area variance is granted against the resulting detriments to the health, safety and welfare of the community.

The granting of the requested area variance will result in substantial benefits to Applicant without any resulting detriments to the health, safety and welfare of the community. The substantial benefits that would be received by Applicant if the ZBA grants the requested area variance include the following:

- 1.) The Applicant will be able to construct additional single family units on the Project Site for prospective purchasers that are interested in building new single family units in the Polo Grounds Project. As mentioned previously, the Applicant is not proposing to increase the overall approved density of 47 units.
- 2.) The build-out of the Project Site will be completed quicker since there is currently much higher demand for single family units than two family units.

The granting of the requested area variance to allow the approved allocation of residential units to be adjusted so that more single family units can be constructed on the project site will not result in any detriments to the health, safety and welfare of the community. The granting of the requested area variance will not increase the density of the approved Project nor will it result in any additional impervious surfaces on the project such as roadways or any loss of green space.

In applying the statutorily mandated balancing test set forth above, NYS Town Law §267-b(3)(b) requires a zoning board of appeals to consider the following five criteria:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the requested area variance?

The granting of the requested area variances by the ZBA will not create an undesirable change in the character of the neighborhood or a detriment to nearby properties. The only change that will result from the granting of the requested area variance is an increase of the number of allowed single family units without any increase in overall approved overall density of 47 residential units.

2. Whether the benefit sought by the applicant can be achieved by some other method, feasible for the applicant to pursue, other than an area variance?

The benefit the Applicant is seeking to receive from the requested area variance is the ability to construct additional single family units without any increase in the approved overall density of 47 residential units. It would not be possible for the Applicant to obtain the benefits it is seeking in the absence of the requested area variance being granted by the ZBA since it is not feasible for the Applicant to decrease the overall approved density of 47 residential units without there such a reduction resulting in any decrease in the development costs for the Project including the substantial expenditures incurred to construct roadways and related infrastructure.

3. Whether the requested area variance is substantial?

The requested area variance is not substantial. The requested area variance will result in only a 9.1% increase of the approved Buildable Land Area calculation and the sole reason the area variance is needed is because the Table of District Regulations for the Town of Aurora Zoning Ordinance, requires additional minimum area for 2 single family units as compared to a single two family unit [32,000 sq. ft. vs. 20,000 sq. ft.].

The reason the magnitude of the variance is relevant is that, generally, the larger the difference the more likely it is that a negative effect would be generated. See Matter of Human Development Services of Port Chester v. Zoning Board of Appeals of the Village of Port Chester, 110 A.D.2d 135, aff'd, 67 N.Y.2d 702. However, in any particular case, the facts may demonstrate that while a variance may seem noteworthy on paper, no negative effect would be produced and, accordingly, the sought-after variance should be granted.

For example, in Matter of Frank v. Scheyer, 227 A.D.2d 558, 642 N.Y.S.2d 956 (2d Dept. 1996), the parcel was 19,983 square feet. However, the zoning code required a minimum lot size of one acre or 43,560 square feet. The variance at issue was more than 54%. Nevertheless, based the facts presented, no harm would befall the community and the Court directed the zoning board of appeals to grant the application. The Court took similar action in Matter of Shaughnessy v. Roth, 204 A.D.2d 333, 611 N.Y.S.2d 281 (2d Dept. 1994), in which the premises contained 50 feet of frontage and 5,000 square feet of area. The zoning code required 80 feet of frontage and a minimum lot size of 10,000 square feet. Accordingly, the application concerned a 50% reduction in lot area coupled with a second area variance seeking a 62.5% reduction from the required frontage. Nevertheless, based on the facts in the record, the Court directed the respondents to issue the variances. Additionally, in Matter of Sasso v. Osgood, 86 N.Y.2d 374 (1995), the applicant sought area variances for a 60% reduction in lot area and a 50% reduction in lot width. Based on all of the facts presented, the Court of Appeals, our State's highest court, overturned the holding of the appellate court and directed that the requested area variances be granted.

Merely because a variance may seem noteworthy on paper (which the requested area variance does not) does not mean that any “harm” would be generated on the surrounding community, and it is “harm” that is balanced against the interest of the applicant according to the Town Law §267-b(3) test. As mentioned previously, the requested area variance will not result in any “harm” on the surrounding community. Instead, the requested area variance is being sought simply to allow the approved allocation of the number of single family units to be increased without any increase in the overall approved density of 47 residential units.

It is the position of the Applicant that if the requested area variances are properly viewed as required by the cases discussed above, it is clear that the requested area variances are not substantial since they will not result in harm to the community.

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood.

The granting of the requested area variances will not have any adverse effects or impacts on physical or environmental conditions in the neighborhood. A Short Environmental Assessment Form has been attached to this Variance Application. The Town has already conducted an extensive environmental review of the approved clustered Project pursuant to SEQRA and this resulted in the issuance of a negative declaration based on a determination that the Project would not result in any potentially significant adverse environmental impacts.

It is clear that the granting of the requested area variance will not have any adverse effects or impacts on the physical or environmental conditions in the neighborhood since it will simply result in an increase in the number of allowable single family units without any increase in the approved overall density of 47 units.

5. Whether the alleged difficulty was self-created?

Town Law §267-b(3)(b) expressly states that the issue of whether an alleged difficulty is self-created cannot be utilized as the sole criteria in determining whether to grant a requested area variance.

It is the position of the Applicant that the alleged difficulty that has resulted in the need for the requested area variances is not self-created since the fact that seven years after the clustered Project was approved there is greater demand for single family units than was foreseeable in 2007 is not a self-created difficulty. Nonetheless, even if the ZBA determines that the alleged difficulty is self-created, the granting of the requested area variance is justified based on a proper application of the balancing test and the evidence demonstrating the other four criteria as cited above weigh in favor of the requested area variance being granted.

III. CONCLUSION:

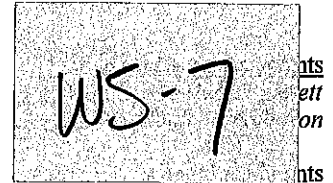
The Applicant requests that the ZBA grant the requested area variance to allow the allocation of single family units and two family units be modified to allow 23 single family units and 12 two family units.

The benefits that will be received by Applicant if the requested area variance is granted clearly outweigh any resulting detriments per the statutorily mandated balancing test and the Applicant is not aware of any detriments associated with the granting of the requested area variance.

LAW OFFICE OF
BENNETT, DiFILIPPO & KURTZHALTS, LLP

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Lori Boylin
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Andrea Muraco
Dawn Rumfola

March 7, 2014

Sean W. Hopkins
Attorney at Law
5500 Main Street
Suite 100
Williamsville, New York 14221

Re: Legacy Polo Grounds LLC
Request for Variance

Dear Sean:

This will confirm our telephone conference on Thursday, March 6, 2014. At that time we discussed the application of your client to the ZBA for a variance.

The petitioner requires a variance to the cluster subdivision approved by the Town. The requested variance will impact what the Town previously approved.

The Town requested time to discuss the proposed variance in order to appraise its position with the Zoning Board of Appeals. Upon mutual consent, the hearing before the Town of Aurora Zoning Board of Appeals scheduled for Thursday, March 20, 2014 has been adjourned until the April meeting of the Zoning Board of Appeals.

The Town Board will conduct its monthly work session on Tuesday, March 18, 2014. I have requested the Supervisor to include Legacy Polo Grounds for that meeting. You advised you would be presenting a more detailed plan of the proposed variance.

I thank you for your assistance in this matter.

Very truly yours,

BENNETT, DiFILIPPO & KURTZHALTS, LLP


Ronald P. Bennett

RPB/kjc

cc: James Bach, Supervisor - Town of Aurora
Martha Librock, Town Clerk - Town of Aurora



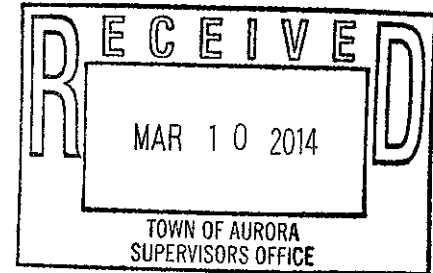
ELMA WATER DEPARTMENT

EUGENE STEVENSON, SUPT.



March 6, 2014

Town of Aurora
300 Glead Ave Ste 6
East Aurora, New York 14052-2983



Re: Change in rate structure

Dear Supervisor James Bach:

The Elma Town Board at its March 5, 2014 meeting has approved a new rate structure for all water purchased after March 21, 2014. The Elma Water District has gone to bid to increase its pumping capacity to meet the demands of our high volume accounts. To fund these upgrades, we have removed the fourth tier of our rate structure to offset the scheduled improvements to the Elma Water District.

The new rate schedule adopted is:	Gross	Net
Minimum (0 to 5 M gallons)	20.00	18.00
First 50 M	\$4.30 per M	\$3.87 per M
All water over 51M	\$4.11 per M	\$3.70 per M

We have not raised the cost of water for any water use under 200 thousand gallons, just removed the last tier of the rate structure.

If you have any questions please feel free to contact me at 674-8855.

Yours truly,

Eugene F. Stevenson
Water District Superintendent

WS-11

**Town of Aurora Board
300 Glead Street
East Aurora, NY 14052
Attn: Martha Librock**

Dear Town of Aurora Board,

I, Kathy Burr, am requesting permission to be an out of district water customer. I will be building a house on a lot to the left of 225 Beech Road, Town of Aurora.

Thank you for your consideration.

Sincerely yours,

Kathy Burr

**Kathy Burr
668-2337; 491-3304
liburian@verizon.net**

RECEIVED

FEB 27 2014

**TOWN OF AURORA
TOWN CLERKS OFFICE**

Miscellaneous Notes

- (M1) Some features shown on this plot may be shown out of scale for clarity.
- (M2) Dimensions on this plot are expressed in feet and decimal parts thereof unless otherwise noted. Bearings are referred to as assumed meridian and are used to determine angles only. Monuments were found at points where indicated.
- (M3) Unauthorized Alteration or Addition to this Survey Map is a Violation of Section 7208 Procedure 2 of the New York State Education Law.
- (M4) This Survey was prepared without the benefit of an up-to-date abstract of title and is subject to any state of facts that may be revealed by an examination of each.
- (M5) THIS MAP IS NOT VALID WITH AFFIDAVIT OF NO CHANGE

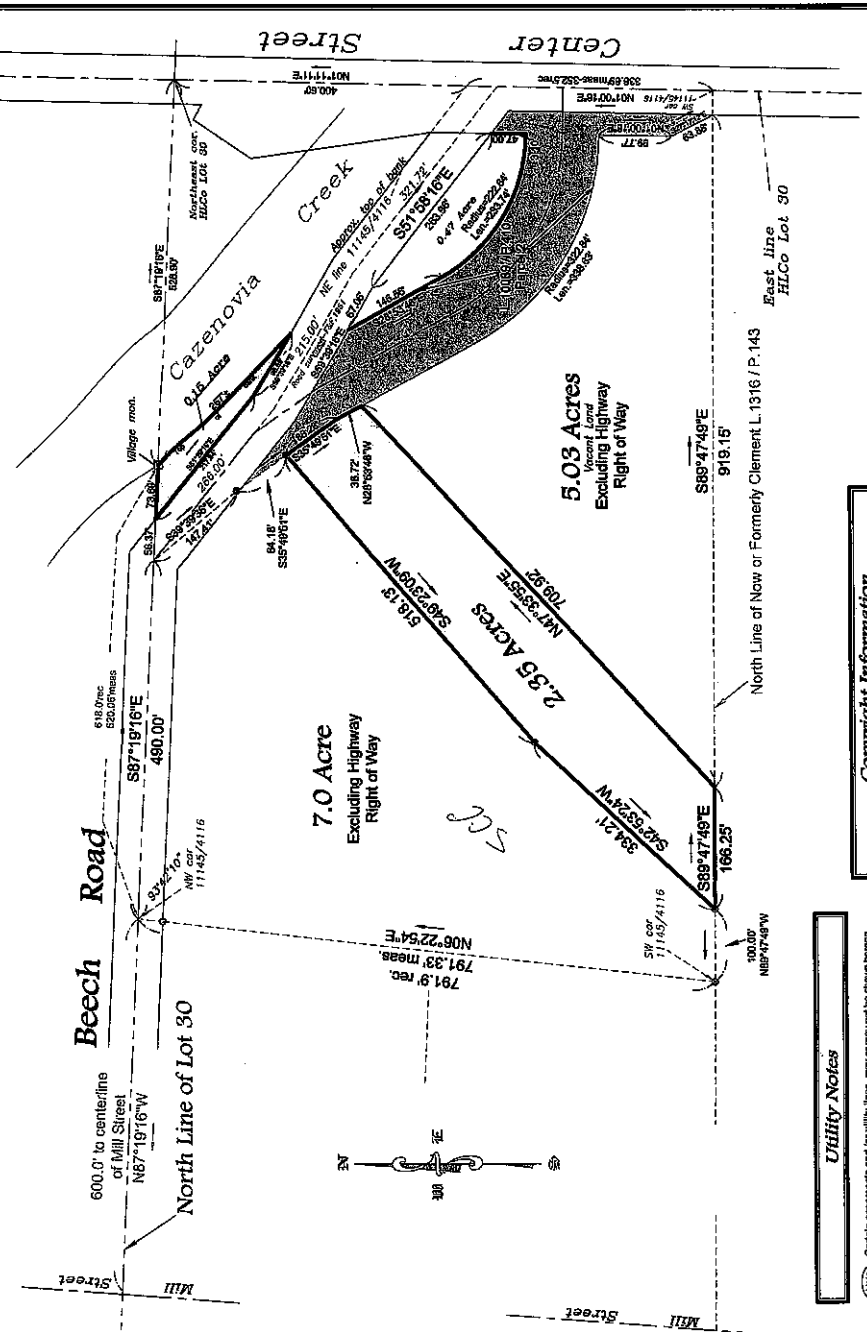
Legend of Symbols & Abbreviations

●	P / Method	○	Reconstrcted
○	Power Pole	○	R/W
○	Light Pole	○	Right-of-Way
○	Cell Tower	○	Indicates Method
○	Cell Tower	○	Owner
○	Cell Tower	○	PL of M.
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○	Cell Tower		

Survey
 Being Part of
 HLCo Lot 30 Twp 9 Rge 6
 Holland Land Company Survey
 Town of Aurora
 Erie County, New York

Survey Prepared By:
 Kathy Barr, Field and Klawon, Attorneys,
 Chicago Title Inc., Boylan Code LLP,
 C. Petronio Family, L.P.

Resurveying the Holland Land Company for the 21st Century
 1842 Camp Road - Orchard, NY 14098
 Phone: (716) 662-7760, Fax: (716) 662-4007



Reference Data

(R1) Maps and notes from the Holland Land Company Survey.

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Utility Notes

- (U1) Certain easements and/or utility lines, may or may not be shown herein, however, this shall not imply that all easements or utilities affecting premises are shown.
- (U2) No investigation has been made for subsurface utility lines, sewers, drains, conduits etc. Information shown is based upon surface indicators of utilities specifically requested by client.
- (U3) Before digging in this area, call Under Ground Services for field locations (request for ground marking) of underground utility lines.