

October 23, 2017

A regular meeting of the Town Board of the Town of Aurora took place on Monday, October 23, 2017, at 7:00 p.m. in the Town Hall Auditorium, 300 Glead Avenue, East Aurora, New York.

Members Present:	Jeffrey T. Harris	Councilman
	Jolene M. Jeffe	Councilwoman
	Charles D. Snyder	Councilman
	Susan A. Friess	Councilwoman/Deputy Supervisor
Absent/Excused:	James J. Bach	Supervisor
Others Present:	Ronald Bennett	Town Attorney
	David Gunner	Highway Superintendent
	William Kramer	Code Enforcement Officer
	Tony Rosati	ZBA Member
	Elizabeth Cassidy	Building Clerk
	Robert Alessi	Library Director

Deputy Supervisor Friess opened the meeting at 7:00 p.m. with the Pledge of Allegiance to the Flag.

The first item on the agenda was a PUBLIC HEARING on the use of Federal Community Development funds also known as Community Development Block Grant (CDBG). The notice was published in the East Aurora Advertiser as evidenced by the Affidavit of Publication and posted on the Town Clerk bulletin board as noted by the Affidavit of Posting. Deputy Supervisor Friess opened the hearing at 7:01 p.m. and asked if anyone in the audience wished to address this topic. Hearing no one, the public hearing was closed at 7:02 p.m.

Councilman Harris moved to authorize the Supervisor to sign, submit and execute contracts with the Erie County Community Development Block Grant (ECCDBG) program for the following projects upon approval of the ECCDBG:

Action #341  
CDBG project authorized

1) Continuation of the Rural Transit Service, Inc. program

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

Action #342  
10/10/17 TB  
minutes aprvd

Councilwoman Jeffe moved to approve the minutes of the 10/10/17 Town Board meeting; seconded by Councilman Harris. Upon a vote being taken: ayes – four                      noes – none                      Motion carried.

AUDIENCE I: none

UNFINISHED BUSINESS:

Councilman Snyder moved to approve payment no. 6 for DJM Contracting, Inc., Boston State Road, Hamburg, NY, in the amount of \$177,574.53, covering the period from September 1 – October 13, 2017 for the Master Water Improvement Area waterline improvements. Funds will be disbursed from Capital Fund HA8340.200. Councilwoman Jeffe seconded the motion. Upon a vote being taken: ayes – four                      noes – none                      Motion carried.

Action #343  
Pymt #6 to  
DJM for  
MWIA water  
line work aprvd

NEW BUSINESS:

Councilwoman Jeffe moved to amend the agenda by adding item 60 – Supporting resolution for tax act amendment re: zombie houses. Councilman Harris seconded the motion. Upon a vote being taken: ayes – four                      noes – none                      Motion carried.

Action #344  
Agenda  
amended –  
item 60 resol  
to amend tax  
act

Action #345  
Changes to  
2018 tentative  
budget aprvd

Councilman Snyder moved to approve the following changes to the 2018 Tentative Budget:

- Add all water districts back into the budget
- Update all taxable valuations with Assessor's final numbers
- Decrease A9060.800 Hospital/Medical Insurance by \$13,000
- Decrease A9061.800 Hospital/Medical Ins. Retiree by \$4,000

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

Action #346  
Addition of  
Omitted Tax  
to 2018 budget  
aprvd

Councilwoman Jeffe moved to add the Omitted Tax amount of \$8,086.18 to the 2018 Budget. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – four      noes – none      Motion carried.

Action #347  
2018 Tentative  
budget  
adopted as  
Preliminary  
budget

Councilwoman Jeffe moved to accept the changes made to and to adopt the 2018 Tentative Budget as the 2018 Preliminary Budget. Councilman Snyder seconded the motion. Upon a vote being taken:  
ayes – four                      noes – none                      Motion carried.

Councilwoman Jeffe moved to set Monday, November 6, 2017 at 7:00 p.m. at the Town Hall Auditorium, 300 Gleed Avenue, East Aurora, NY, as the date, time and place to hold a public hearing on the 2018 Preliminary Budget. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – four      noes – none      Motion carried.

Action #348  
Public hearing  
set for 2018  
budget

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

**RESOLUTION APPROVING VARIANCE REQUEST**

WHEREAS, David Fatta has applied for an Open Development Area (ODA) permit for property located at SBL#186.00-5-28.11 Ellis Drive in the Town of Aurora; and

WHEREAS, the proposed construction of the single-family dwelling is to be located approximately 864 feet± from the public right-of-way of Ellis Drive; and

WHEREAS, Chapter 99-31 (A) of the Codes of the Town of Aurora requires a sprinkler system for a residence located 750 feet or more from the street right-of-way as measured along the route of the driveway; and

WHEREAS, the applicant has requested a variance to permit the construction without a sprinkler system acknowledging that the sprinkler system would be beneficial in the event of a fire; and

WHEREAS, the single family dwelling will be serviced by a connection to public water and a NYSDEC approved pond with a stand pipe will be installed, thereby providing a source of water in the event of a fire; and

WHEREAS, Chapters 44-1 (A) and 99-34 (B)(1) of the Codes of the Town of Aurora require a 50 foot wide permanent easement or right-of-way extending from the public street right-of-way to the building; and

WHEREAS, the applicant has requested a variance of 25 feet to the 50 foot width requirement for the first 135 feet of the ingress/egress easement or right-of-way beginning at the termination of Ellis Drive; and

WHEREAS, the site plan for the property indicates a 50 foot wide driveway easement 136 feet from the public street to the proposed residence; and

WHEREAS, Chapter 99-31 (A) (1) requires a front yard setback of 200 feet for an Open Development Area lot; and

WHEREAS, the applicant has requested a variance of 60 feet to the 200 foot front yard setback requirement;

WHEREAS, §99-37 of Chapter 99 authorizes the Town Board to vary the strict compliance of the regulations if said variance would not cause a concern of public interest.

NOW, THEREFORE, be it

RESOLVED, the Town Board of the Town of Aurora does hereby grant a variance by not requiring a sprinkler system for the single-family dwelling proposed to be located at SBL#186.00-5-28.11 Ellis Drive; and be it further

RESOLVED, the applicants shall comply with all smoke detectors and all points of ingress and egress as required by building code(s) for the single-family dwelling; and be it further

RESOLVED, the Town Board of the Town of Aurora does hereby grant a 25 foot width variance for the first 135 feet of the ingress/egress easement or right-of-way beginning at the termination of Ellis Drive; and be it further

RESOLVED, the applicant shall be responsible for maintaining an open and accessible right-of-way from Ellis Drive to the subject premises for the purpose of accommodating emergency vehicles; and be it further

Action #349  
(3)Variances  
for Ellis Drive  
ODA  
approved

RESOLVED, the Town Board of the Town of Aurora does hereby grant a 60 foot front yard setback variance for the proposed residence at SBL#186.00-5-28.11 Ellis Drive; and be it further

RESOLVED, this Resolution shall be incorporated by reference into the application and approval of the Open Development Area permit.

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

\* \* \* \* \*

Deputy Supervisor Friess stated that this Open Development plan for SBL#186.00-5-28.11 Ellis Drive, as presented, is Type II for purposes of SEQRA.

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

**RESOLUTION  
APPROVING OPEN DEVELOPMENT AREA PLAN FOR  
SBL#186.00-5-28.11 ELLIS DRIVE  
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, the Applicant has filed an Open Development Area application for SBL# 186.00-5-28.11 Ellis Drive and seeks approval to construct a single-family residence on the 31.73± acre parcel; and

WHEREAS, the Applicant has made every reasonable attempt and all necessary effort to comply with specifications of Chapter 99 of the Code of the Town of Aurora; and

WHEREAS, a narrative description of the private right-of-way, including but not limited to, ownership of the right-of-way and a maintenance plan for the right-of-way, is required under Chapter 99 Section 99-29 (4) (a)(b)(c) and shall be filed with the Erie County Clerk; and

WHEREAS, the applicant has petitioned the Town Board to waive the requirement for a residential sprinkler system in the residence for reason of undue financial hardship; and

WHEREAS, a survey prepared by GPI Engineering, Landscape, Architecture & Survey, LLP, depicts an ingress/egress easement width of 25.01 feet for the first 135 feet of the easement to SBL#186-00-5-28.11 and a front yard setback of 140 feet ±; and

WHEREAS, the applicant has petitioned the Town Board to waive the requirement for a fifty (50) foot wide ingress/egress for the first 135 feet of the easement beginning at the end of Ellis Drive to the property at SBL#186.00-5-28.11; and

WHEREAS, the applicant has petitioned the Town Board to waive the requirement for a 200 foot front yard setback from the property line to the proposed residence; and

WHEREAS, this action is considered a Type II under SEQRA and no further review is required; and

WHEREAS, according to Section 99-37 of the Code, the Town Board may modify the specifications and requirements in any Open Development Area Plan, where in the Board’s judgment,

such modifications are in the public interest and/or will avoid the imposition of unnecessary hardship on the applicant.

NOW THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Aurora acknowledges that compliance with all other standards, requirements and conditions, including those specified by the Town Board as noted above, is in the public interest and will substantially secure the objectives of the modified standard; and BE IT FURTHER

RESOLVED, that approval of the Open Development Area with variances by the Aurora Town Board: 1) to the requirement for a residential sprinkler system; 2) a 25 foot width variance to the first 135 feet of the ingress/egress easement; 3) and a 60 foot front yard setback variance is expressly for SBL#186.00-5-28.11 Ellis Drive, and any future development will be subject to the standards and requirements of Chapter 99 of the Code of the Town of Aurora without modification, variance or waiver; and BE IT FURTHER

Action #350  
Ellis Drive  
ODA – SBL#  
186.00-5-28.11  
approved (D.  
Fatta)

RESOLVED, that said Open Development Area Plan for SBL#186.00-5-28.11 Ellis Drive is approved contingent upon receipt by the Town of a signed driveway ownership and maintenance agreement and the filing of a 50 foot wide ingress/egress easement with the Erie County Clerk and a copy of the filed easement shall be filed with the Aurora Town Clerk; and BE IT FURTHER

RESOLVED, that a Certificate of Occupancy will not be issued until the above requirements are met.

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

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

**RESOLUTION**  
**APPROVING SPECIAL USE PERMIT and SITE PLAN**  
**180 Ellicott Road (SBL# 186.00-1-58)**

WHEREAS, Daniel S. Orfeo has applied for a Special Use Permit and submitted a Site Plan for a 40' by 60' building at 180 Ellicott Road, PO West Falls, Town of Aurora, NY, to be used an office and warehouse for West Falls Transportation Inc.; and

WHEREAS, the Town Board of the Town of Aurora referred the Special Use Permit and Site Plan applications to the Town of Aurora Planning Board for their review and recommendations; and

WHEREAS, the Planning Board voted unanimously to recommend that the Town Board approve the Special Use Permit; and

WHEREAS, the Planning Board voted unanimously to recommend that the Town Board approve the Site Plan subject to additional details for the drainage swale design; and

WHEREAS, the applicant provided the additional drainage swale design details; and

WHEREAS, this is a Type II action under SEQRA.

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Chapter 116 – Zoning, Section 116-8.8 and Chapter 116 – Zoning, Article III of the Code of the Town of Aurora, the Aurora Town Board does hereby grant a Special Use Permit to Daniel S. Orfeo to construct a 40' by 60' commercial building in an I (industrial) zone to be used as an office and warehouse at 180 Ellicott Road (SBL#186.00-1-58), in the Town of Aurora, New York; and be it further

Action #351  
Site Plan &  
Spec Use  
Permit  
approved – 180  
Ellicott Road  
(D. Orfeo)

RESOLVED, that pursuant to Chapter 95 of the Code of the Town of Aurora, the Aurora Town Board approves the site plan submitted for 180 Ellicott Road (SBL#186.00-1-58), in the Town of Aurora, New York.

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

Councilwoman Jeffe moved to authorize the Supervisor to sign the Highway Superintendent Software annual support contract (11/1/17 thru 10/31/18) with Williamson Law Book Company, Victor, NY, at a cost of \$724.00. Councilman Harris seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #352  
Supv auth to sign Hwy software support contract

Councilman Snyder moved to approve the purchase of five (5) Mueller Hydro-guard water sample stations for the private water lines at Mitchell Road, Hickory Lane (aka: Sanford Road), Westgate Drive (aka: Center Street private line), South Herrick Road and Mary Jane Lane for mandatory water testing after the Town's water district/water line transfer for direct service with the Erie County Water Authority. The cost is \$1,584.00 per unit, which will be purchased from authorized Mueller dealer Lock City Supply, Inc., Lockport, NY. Councilman Harris seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #353  
Purchase of 5 Mueller water sample stations aprvd

Councilwoman Jeffe moved to approve the following budget transfers requested by Highway Superintendent Gunner to cover budget line shortages:

From: CE8810.100 Cemetery – payroll	\$101.00
To: CE8810.401 Cemetery - repairs	\$101.00
From: DB5142.140 Payroll/overtime	\$1,675.00
To: DB5110.140 Gen. repairs/overtime	\$1,675.00

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

Action #354  
Cemetery & Hwy budget transfers aprvd

Councilman Snyder moved to approve the following budget transfer to cover the cost of services provided by Three+one, as approved by the Town Board August 14, 2017:

From: A1990 Contingency	\$9,900.00
To: A1320.404 Financial Services	\$9,900.00

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

Action #355  
Financial budget transfer aprvd

Councilman Harris moved to authorize Justice Court action against Jodyann Galvin and Robert Lane, Jr., 279 Greenwood Court, East Aurora, NY, for a violation of Aurora Town Code Chapter 35 Alarm Systems; Section 35-11 Failure to remit for false alarm charges.

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

Action #356  
Justice Court action auth for 279 Greenwood re: alarm fees

Councilman Harris moved to authorize Justice Court action against Michael Webb, 1102 Davis Road, PO West Falls, Town of Aurora, NY, for a violation of Aurora Town Code Chapter 65 Fire Prevention and Building Construction; Section 65-15 (A) Certificate of occupancy required – for failure to complete the permit work or renew the expired permit. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #357  
Justice Court action auth for 1102 Davis Rd re: certificate of occupancy

Councilman Snyder moved to authorize the Supervisor to sign the annual maintenance agreement with Eagle Systems, Harlem Road, Cheektowaga, NY, for the Town's four (4) Sharp copiers. The cost is \$1,050.00. Councilwoman Jeffe seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried.

Action #358  
Supv auth to sign Sharp copier maint agreement

Councilman Snyder moved to approve garbage and recycling pick-up for the four (4)-unit property at 111 Beech Road. The property owner is already paying for two (2) units of pick-up at that location and two additional unit charges will be added to the property. Councilman Harris seconded the motion. Upon a vote being taken: ayes – four noes – none  
Motion carried.

Action #359  
Garbage/recycle  
pick for 111  
Beech – 4 unit  
parcel aprvd

Councilwoman Jeffe moved to approve the request from Robert Alessi, Director of the Aurora Town Public Library, to install a gas line and gas logs in the fireplace at the library at 550 Main Street, along with fireplace door, new ledger stone and a safety “fender”. Funds for the project will come from the Friends of the Aurora Town Public Library. A building permit needs to be obtained to ensure that all modifications to the fireplace are to code. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – four noes – none  
Motion carried.

Action #360  
Installation of  
gas logs in  
library fireplace  
aprvd

Councilwoman Jeffe moved to adopt the following resolution; seconded by Councilman Harris:

**Resolution Supporting a Home Rule Request Seeking Permission  
From New York State to Amend the Erie County Tax Act**

WHEREAS, since 2015 more than 800 homes in Western New York have been deemed “zombie houses” defined as properties undergoing the foreclosure process that can remain vacant for years; and

WHEREAS, the economic result of such vacant properties is nearly \$58 million worth of real estate in Erie County since it was last calculated; and

WHEREAS, if the home remains vacant for a long enough period of time the property value could decrease to such a level that it is no longer in a bank’s financial interest to foreclose on the property implying that time is a crucial factor in these cases; and

WHEREAS, these houses remain empty typically due to homeowners’ misunderstanding of property foreclosure procedure – leaving these houses in limbo, i.e. the homeowners no longer maintain the property and banks are not legally obligated to. This means these properties are maintained oftentimes at the expense of taxpayers; and

WHEREAS, in the United States the average time it takes to foreclose on a property is two years. If a house has been deemed abandoned by the municipality the foreclosure process should only take one year; and

WHEREAS, as such the Town of Aurora Town Board requests that permission from New York State be given to make the following amendments to the legislation known as the Erie County Tax Act; and

WHEREAS, the purpose of this resolution is to recommend the New York State Senate and Assembly amend § 9-1.0 of the Erie County Tax Act to shorten the period in which the holder of a tax sale certificate may foreclose on a property that is certified by a municipality to be vacant and abandoned from two years to one year; and

WHEREAS, additionally to recommend § 11-2.0 of the Erie County Tax Act be amended to shorten the period in which the county may foreclose on a tax certificate on a property that is certified by a municipality to be vacant and abandoned from two years to one year.

NOW, THEREFORE BE IT

RESOLVED, the above resolution is hereby adopted by the Town of Aurora Town Board; and be it further

RESOLVED, that the Clerk of the Town of Aurora forward certified copies of this resolution to the New York State Assembly Speaker and New York State Senate Majority Leader as well as to the Erie County Executive, Erie County Legislature and to all other parties deemed necessary and proper.

Action #361  
Resolution re:  
EC tax act  
amendment &  
zombie homes  
adopted

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

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COMMUNICATIONS and REPORTS - The following communications and reports were received by the Board and filed:

- Town Clerk - August 2017 report
- Water Clerk - August 2017 report
- Building Department - August 2017 report
- Senior Center - August 2017 report

**BUSINESS FROM BOARD MEMBERS:**

Councilwoman Jeffe gave an update on the new Town Hall noting that the Village Board was given information and asked if they wanted to join the Town at the 575 Oakwood location. As of today, no formal response has been received from the Village and therefore the Town will proceed with renovating the building for Town offices and Court facilities.

AUDIENCE II: none

STAFF REPORTS: none

**ABSTRACT OF CLAIMS**

The October 23, 2017 Abstract of Claims, consisting of vouchers numbered 1561 to 1648, was presented to the Board for audit and authorization of payment from the following funds:

General	\$ 46,404.82
Part Town	1,439.24
Highway	38,373.19
Capital/MWIA	225,811.93
Capital/Firehall	5,704.00
Special Districts	<u>231.15</u>
Grand Total Abstract	\$317,964.33

Councilman Harris moved to approve the October 23, 2017 Abstract of Claims and to authorize payment of same. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none  
Motion carried.

Action #362  
10/23/17  
Abstract aprvd

Councilwoman Jeffe moved to adjourn at 7:26 p.m. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none  
Motion carried.

Action #363  
Mtg adjourned

Martha L. Librock  
Town Clerk