

March 14, 2022

A meeting of the Town Board of the Town of Aurora took place on Monday, March 14, 2022, beginning at 7:34 p.m. immediately after the work session. The Board met in-person and via Zoom at the Aurora Municipal Center, 575 Oakwood Avenue, East Aurora, New York.

Present:	Charles D. Snyder	Councilman (via Zoom)
	Luke Wochensky	Councilman
	James F. Granville	Councilman
	Joseph McCann	Councilman
	James J. Bach	Supervisor (via Zoom)
Others Present:	Brigid Maloney	Town Attorney
	Elizabeth Cassidy	Code Enforcement Officer
	Greg Keyser	GHD
	Tim Stroth	Planning Board member
	Shane Krieger	Chief of Police
	Elizabeth Wilber	Live Stream Coordinator

Councilman Wochensky opened the meeting 7:34 p.m., immediately following the work session. Councilman Snyder attended the meeting via Zoom from 459 Snyder Road, East Aurora, NY and Supervisor Bach attended the meeting via Zoom from 26 Hickory Lane, East Aurora, NY.

Councilman McCann moved to approve the minutes of the February 28, 2022 work session and meeting; seconded by Councilman Granville. Upon a vote being taken: ayes – five noes – none	Motion carried.	Action #113 2/28/2022 minutes aprvd
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AUDIENCE I: none

UNFINISHED BUSINESS:

Councilman Snyder moved to adopt the following resolution adopting Local Law 1-2022; seconded by Councilman Granville:

**RESOLUTION TO ADOPT LOCAL LAW NO. 1-2022**

**WHEREAS**, Local Law Intro No. 1-2022 has been submitted declaring a three (3) month moratorium on the use of land and development in B1, B2 and I Zoning Districts within the Town, and

**WHEREAS**, the moratorium set forth in the Local Law has been carefully considered by the Town, and

**WHEREAS**, a Public Hearing was held on February 28, 2022 permitting public comments in regard to the proposed moratorium.

**NOW, THEREFORE**, be it

**RESOLVED**, Local Law No. 1-2022 is hereby adopted and shall become effective upon filing of the Local Law with the New York Secretary of State, and be it further

**RESOLVED**, the Town Clerk is directed to file a copy of the Local Law with the New York State Department of State and forward a copy to General Code Publishers for the purpose of amending the Code Book of the Town of Aurora.

Action #114  
LL1-2022  
3mo B&I  
zones  
moratorium  
adopted

Upon a roll call vote being taken:

Supervisor Bach	Voted Aye
Councilman Snyder	Voted Aye
Councilman Wochensky	Voted Aye
Councilman Granville	Voted Aye
Councilman McCann	Voted Aye

ayes – five          noes – none

Motion carried.

**TOWN OF AURORA**  
**LOCAL LAW NO. 1- 2022**

A LOCAL LAW IMPOSING A THREE-MONTH MORATORIUM ON ZONING DISTRICTS  
B-1, B-2 and I.  
BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF AURORA AS FOLLOWS:

**SECTION 1.    TITLE**

This Local Law is referred to as the “Local Law Imposing a Three-Month Moratorium on Zoning Districts B-1, B-2 and I.”

**SECTION 2.    PURPOSE**

The purpose of this Local Law is to protect the public health, safety, and welfare of Town of Aurora residents by assuring that any future developments comply with the general community plan and to preserve the rural character of the Town of Aurora. The Town Board intends to address, in a careful manner, the uses set forth in the Zoning Code for Districts B-1, B-2 and I on a comprehensive Town-wide basis rather than on an ad hoc basis, and to adopt new Land Use Local Law provisions to specifically provide for uses within the Districts of B-1, B-2 and I and/or within new zones.

**SECTION 3.    AUTHORITY**

This Local Law is enacted under the provisions of Article 16 of the New York Town Law and Section 10 of the New York Municipal Home Rule Law.

**SECTION 4.    MORATORIUM AND DURATION**

For a period of three months following the date of adoption of this Local Law, the Code Enforcement Officer shall not grant any building permit for construction that would result in a non-residential commercial improvement either in the form of an addition to an existing structure or the construction of a new structure with the size of 2,500 square feet or larger within Districts B-1, B-2 and I.

For a period of three months following the date of adoption of this Local Law, the Town Board shall not accept any special use permit application that would result in a non-residential commercial improvement either in the form of an addition to an existing structure or the construction of a new structure with the size of 2,500 square feet or larger within Districts B-1, B-2 and I.

For a period of three months following the adoption of this Local Law, the Town Zoning Board of Appeals shall not grant any variance or other permit for the use of a Special Use Permit within the Districts of B-1, B-2 and I which has not been applied for as of the effective date of this Local Law.

The provisions of this Local Law do not apply to site plans, special use permits, and building permits under review by the Town Board as of the effective date of this Local Law.

The Town Board reserves the right to direct the Building Inspector/Code Enforcement Officer to revoke or rescind any Building Permits or Certificates of Occupancy issued in violation of this Local Law.

**SECTION 5.    EXTENSION OF MORATORIUM**

This moratorium may be extended for one additional period of up to three months by resolution of the Town Board upon a finding of necessity for such extension.

**SECTION 6.    PENALTIES**

Any person, firm or corporation that establishes, places, constructs, enlarges or erects any buildings or use requiring a building permit in violation of the provisions of this Local Law or that violate any provisions of this Local Law is subject to:

- a. Penalties as may otherwise be provided within the Codes of the Town of Aurora for violations;
- b. Injunctive relief in favor of the Town of Aurora to cease any and all such actions which conflict with this Local Law and, if necessary, to remove any construction that may have taken place in violation of this Local Law.

**SECTION 7. VALIDITY**

The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law that can be given effect without such invalid provision.

**SECTION 8. HARDSHIP**

A. Should any owner of property affected by this Local Law suffer an unnecessary hardship in the way of carrying out the strict letter of this Local Law, then the owner of said property may apply to the Town Board, in writing, for a variation from strict compliance with this Local Law upon submission of proof of such unnecessary hardship. For the purposes of this Local Law, unnecessary hardship shall not be the mere delay in being permitted to make an application or waiting for a decision on the application for a variance, special permit, site plan, subdivision or other permit during the period of the moratorium imposed by this Local Law.

B. Procedure. Upon submission of a written application to the Town Clerk by the property owner seeking a variation of this Local Law the Town Board shall, within thirty (30) days of receipt of said application, schedule a Public Hearing on said application upon five (5) days written notice in the official newspaper of the Town. At said Public Hearing, the property owner and any other parties wishing to present evidence with regard to the application shall have an opportunity to be heard, and the Town Board shall, within fifteen (15) days of the close of said Public Hearing, render its decision by duly adopted resolution either granting, modifying, or denying the application for a variance from the strict requirements of this Local Law. If the Town Board determines that a property owner will suffer an unnecessary hardship if this Local Law is strictly applied to a particular property, then the Town Board shall vary the application to this Local Law to the minimum extent necessary to provide the property owner relief from strict compliance with this Local Law.

**SECTION 9. EFFECTIVE DATE**

This Local Law shall take effect immediately upon filing with the Office of the New York State Secretary of State in accordance with §27 of the Municipal Home Rule Law.

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**NEW BUSINESS:**

Councilman Granville moved to amend the agenda by adding item 5H – Boy Scout Eagle project. Councilman McCann seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried. Action #115 Item 5H- Eagle Scout proj added to agenda

Councilman McCann moved to authorize the USDA Animal and Plant Health Inspection Service to install invasive pest traps for European Cherry Fruit flies and Box Tree moths on Town properties and rights-of-way. Councilman Granville seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried. Action #116 USDA insect traps aprvd

Supervisor Bach moved to refer a Special Use Permit application for a storage building at 426 Olean Road, East Aurora, NY, to the Planning Board for review and recommendation. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none Motion carried. Action #117 SUP for 426 Olean storage bldg ref to Plnng Brd

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

**A RESOLUTION OF THE TOWN BOARD OF THE TOWN OF AURORA  
AUTHORIZING THE ADOPTION OF  
THE 2022 ERIE COUNTY, NY HAZARD MITIGATION PLAN**

**WHEREAS**, all jurisdictions within Erie County have exposure to hazards that increase the risk to life, property, environment, and the County and local economy; and

**WHEREAS**; pro-active mitigation of known hazards before a disaster event can reduce or eliminate long-term risk to life and property; and

**WHEREAS**, The Disaster Mitigation Act of 2000 (Public Law 106-390) established new requirements for pre- and post-disaster hazard mitigation programs; and

**WHEREAS**; a coalition of Erie County municipalities with like planning objectives has been formed to pool resources and create consistent mitigation strategies within Erie County; and

**WHEREAS**, the coalition has completed a planning process that engages the public, assesses the risk and vulnerability to the impacts of hazards, develops a mitigation strategy consistent with a set of uniform goals and objectives, and creates a plan for implementing, evaluating and revising this strategy;

**NOW, THEREFORE, BE IT RESOLVED** that the Town of Aurora:

- 1) Adopts in its entirety, the 2022 Erie County Hazard Mitigation Plan (the “Plan”) as the jurisdiction’s Hazard Mitigation Plan and resolves to execute the actions identified in the Plan that pertain to this jurisdiction.
- 2) Will use the adopted and approved portions of the Plan to guide pre- and post-disaster mitigation of the hazards identified.
- 3) Will coordinate the strategies identified in the Plan with other planning programs and mechanisms under its jurisdictional authority.
- 4) Will continue its support of the Planning Partnership as described within the Plan.
- 5) Will help to promote and support the mitigation successes of all participants in this Plan.
- 6) Will incorporate mitigation planning as an integral component of government and partner operations.
- 7) Will provide an update of the Plan in conjunction with the County no less than every five years.

Action #118  
EC Hazard  
mitigation  
plan adopted

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

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Councilman McCann moved to approve the title change for Elizabeth Deveso from Highway Maintenance Clerk Regular Part Time to Highway Maintenance Clerk Full Time effective March 21, 2022. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five        noes – none  
Motion carried.

Action #119  
E. Deveso  
title changed  
to Hwy  
Maint Clerk  
FT

Councilman Snyder moved to authorize the purchase of a new 2023 Western Star 4700X plow truck with Viking Equipment snowplow package to be purchased off Cattaraugus County bid contract #514-2019 from Fleet Maintenance, Inc., at a cost of \$265,543.87. This will be paid from DB5130.217, contingent upon funds being available in the 2023 Budget. Councilman McCann seconded the motion. Upon a vote being taken: ayes – five        noes – none  
Motion carried.

Action #120  
Purchase of  
2023  
Western Star  
plow trk  
aprvd

Councilman Snyder moved to approve the payment to Ingelfinger Custom Contractor \$650.00; Varecka Builders \$951.00; and Varecka Builders \$7984.00 for repairs to the roof of the Highway Parks Building that was damaged during two recent windstorms. The insurance claim payment for this is \$9,529.35. Councilman McCann seconded the motion. Upon a vote being taken: ayes – five        noes – none  
Motion carried.

Action #121  
Payment for  
hwy parks  
bldg. roof  
repair aprvd

Councilman Granville moved to approve the following budget amendment to record the insurance claim payment of \$9,529.35 for wind damage of the roof of the Highway Parks Building:

- Increase revenue line A2680 Insurance Recoveries by \$9,529.35

- Increase appropriation line A1620.422 Buildings/Grounds R&M by \$9,529.35

Supervisor Bach seconded the motion. Upon a vote being taken:  
ayes – five                      noes – none                      Motion carried.

Action #122  
Budget  
amendment  
for hwy  
parks roof  
insurance  
pymt aprvd

Councilman McCann moved to table the Ukraine resolution for rewording. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five                      noes – none                      Motion carried.

Action #123  
Ukraine  
resolution  
tabled

Councilman Granville moved to approve the Eagle Scout project proposed by Scout Thomas Merletti, Troop 890, to install a flag retirement box and park clean up at the West Falls Veterans Memorial Park contingent upon discussion with the NYSDOT and how their Route 240 project may impact the park. Councilman McCann seconded the motion. Upon a vote being taken: ayes – five                      noes – none                      Motion carried.

Action #124  
Eagle Scout  
proj for flag  
box at WF  
Vet Mem  
Park aprvd

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

- Town Clerk – February 2022 report
- Town Clerk/Tax – February 2022 report
- Building Department – February 2022 report
- Senior Center – February 2022 report
- Work Requisitions – February 2022 report
- Dog Control – February 2022 report
- Water Clerk – February 2022 report
- Supervisor – February 2022 report
- EAPD – 2021 Annual report

BUSINESS FROM BOARD MEMBERS/LIAISONS:

Supervisor Bach thanked Councilman Wochensky for hosting tonight's meeting and appreciates the teamwork.

Councilman Snyder echoed Supervisor Bach's remarks.

Councilman Granville wished both Supervisor Bach and Councilman Snyder speedy recoveries. Mr. Granville announced that the Friends of the Aurora Town Public Library will be holding their used book sale April 7 – 9 at the Main Street library.

Councilman McCann stated he had visited the Warren Drive storage and restroom building with Meaghan Tent and feels that the building can be restored. Mr. McCann also commented on a proposed kayak launch at the Town owned parcel on Center Street at Cazenovia Creek.

Councilman Wochensky spoke about Code Red program and a proposed intermunicipal agreement between the Town and Village for use of the program.

AUDIENCE II:

Tim Stroth, Center Street, asked about the boat/kayak launch that Councilman McCann mentioned and requested to be involved. Mr. Stroth also asked to see any engineering drawings that may be developed. Supervisor Bach stated that the Town never accepted the property with the intention of having a kayak launch.

STAFF REPORTS:

Adam Zaremski, Aurora Library Board, stated that the new lights at the library are great.

ABSTRACT OF CLAIMS:

The March 14, 2022 Abstract of Claims, consisting of vouchers numbered 208 to 276 was presented to the Board for audit and authorization of payment from the following funds:

General	\$ 81,033.38
Part Town	1,316.65
Highway/DB	63,126.98
Special Districts	<u>15.00</u>
Grand Total Abstract	\$ 145,492.01

Councilman McCann moved to approve the 3/14/2022 Abstract of Claims and authorize payment of same. Councilman Granville seconded the motion. Upon a vote being taken: ayes – five noes – none  
Motion carried.

Action #125  
3/14/22  
Abstract of  
Claims aprvd

Councilman McCann moved to go into executive session to discuss the employment status and separation agreement of a particular employee, with no action to be taken during the session. Councilman Snyder seconded the motion. Upon a vote being taken: ayes – five noes – none  
Motion carried.

Action #126  
Board enters  
exec session  
re: separation  
agreement

Councilman Wochensky moved to come out of executive session; seconded by Councilman McCann. Upon a vote being taken: ayes – five noes – none  
Motion carried.

Action #127  
Brd comes  
out of exec  
sess

Councilman Snyder moved to resolve that the Town Board of the Town of Aurora hereby approves and authorizes the Supervisor to sign the Separation Agreement, Waiver and General Release as presented during the immediately preceding executive session. Councilman McCann seconded the motion. Upon a vote being taken: ayes – five noes – none  
Motion carried.

Action #128  
Separation  
agrmt &  
Supv signing  
aprvd

Supervisor Bach moved to adjourn at 8:18 p.m. Seconded by Councilman Snyder. Upon a vote being taken: ayes – five noes – none  
Motion carried.

Action #129  
Meeting  
adjourned

Martha L. Librock  
Town Clerk