

SUPERVISOR  
James J. Bach  
(716) 652-7590  
[jbach@townofaurora.com](mailto:jbach@townofaurora.com)



towncl

WS-3

**TOWN OF AURORA**  
**Southside Municipal Center**  
300 Gleed Avenue, East Aurora, NY 14052  
[www.townofaurora.com](http://www.townofaurora.com)

August 12, 2014

TOWN COUNCIL MEMBERS

To: Town Board Members

Susan A. Friess  
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[peggy@townofaurora.com](mailto:peggy@townofaurora.com)

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TOWN JUSTICE  
Douglas W. Marky  
Jeffrey P. Markello

HISTORIAN  
Robert L. Goller  
(716) 652-7944  
[historian@townofaurora.com](mailto:historian@townofaurora.com)

FAX: (716) 652-3507  
NYS Relay Number:  
1(800) 662-1220

I respectfully request that The Town Board approve our plans to host next year's Regional Dog and Animal Control Seminar in the Town of Aurora. In addition to the Town of Aurora Dog Control Office, the seminar will be presented in cooperation with The New York State Agriculture and Markets Office.

The tentative dates for the seminar are May 7<sup>th</sup> through May 8<sup>th</sup> 2015. The Hampton Inn has agreed to block off a group of rooms for the price of \$119 for those dates. We feel that Gleed Auditorium would be an ideal place to host this event, which will tentatively run from 9AM-3PM Thursday and 9AM-1PM or 2PM on Friday. This would allow time for people to explore our beautiful town in the afternoon and evening!

Hawk Creek Wildlife Center has offered to give seminar attendees a private tour of their facilities and to demonstrate a live owl capture! After Hawk Creek, we would like to showcase the Dog Park at Knox State Farm and have lunch on the premises. The State has given us permission to use one of their buildings for shelter in the event that we have inclement weather. First Student busing has quoted us the price of \$200 to provide roundtrip transportation to Hawk Creek and Knox Park State Farm from 300 Gleed.

Many experts in the field have already offered to speak at the event, including the Village's own Mayor Kasprzak, who will provide information about urban dog control (based on his experience working with the Buffalo Police Force). We also have verbal commitments from two dog behaviorists, a nutritional expert, a representative from the Department of Health and a representative from the New York State Department of Agriculture and Markets. We are in the process of assembling a legal panel and we are going to secure a veterinary tech or veterinarian to round out the event.

All of the speakers are doing so voluntarily. The only costs that the Town will incur are for bus transportation and the food and beverages that will be provided during the seminar. We feel that if we keep to registration fee to \$65, it will be sufficient to cover these costs. We are confident that this will be a successful event for our Town.

Sincerely,

David Gunner



EAST AURORA  
45 ANDERSON ROAD  
BUFFALO, NY 14225  
USA

Phone : (716) 897-5798  
Fax : (716) 892-1220

**Notice of Trip Confirmation**

Quote Date		Originally Printed On	Printed On	Trip Number
08/04/14 1:54PM			8/4/2014	126259
Event				Customer #
TOWN OF AURORA>HAWK CREEK				222793
Comments				
A \$75 CANCELLATION FEE IF A 48 HOUR NOTICE IS NOT GIVEN. ***DOG CONTROL**				

Contact Name	Phone Number	PO / Contract	Prepay Amount	Payment Method	Fax Number
DAVID GUNNER	(716) 652-8866		\$0.00	On Account	(652) 564-6__

Bus #	Charter Date	Vehicle Type	Pickup Location	Destination Location	Charter Status
01	May-07-2015	Large Conventional	TOWN OF AURORA REC. DEPT. 30 Leave Time : 05/07/15 9:45AM	HAWK CREEK WILD LIFE CENTER Rtn to Pkup : 05/07/15 12:45PM	Confirmed

PICK UP BY 9:45AM AT TOWN OF AURORA REC. DEPT.  
300 GLEED ST. EAST AURORA, NY 14052

TAKE TO HAWK CREEK WILD LIFE CENTER-  
656 LUTHER RD. EAST AURORA, NY 14052

RETURN GROUP BACK TO CENTER BY 12:45PM

Thank You for booking with First Student. Please review your confirmation for accuracy	Quote Amount :	\$200.00
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Cash is NOT accepted! MasterCard, Visa, & American Express accepted. All trips must arrive back on time to avoid additional billing of \$55-\$80 per hour. 48 hour cancellation notice required or a \$75 cancel fee will be charged per bus. NO UNAUTHORIZED PASSENGERS ON BUS. 15 minute load & unload time at each pickup & dropoff or additional time will be charged at \$60/hour.



EAST AURORA  
45 ANDERSON ROAD  
BUFFALO, NY 14225  
USA

Customer # : 222793  
Company Name # : TOWN OF AURORA RECREAT  
Trip # : 126259



49 Olean Street, East Aurora, NY 14052  
 t: 716.655.3300 f: 716.655.4740  
 eastaurora.hamptoninn.com

welcome to the hampton inn, east aurora.

August 4th, 2014

David Gunner  
 716.652.4050  
 dgunner@townofaurora.com

Dear David,

Thank you for selecting the Hampton Inn, East Aurora for your upcoming event! We provide our travelers a warm and inviting "home away from home." Some of our amenities included the proposed rate are:

- Free Hampton 'On the House' hot breakfast offered daily.
- Free high-speed and wireless internet access in the lobby and all guestrooms.
- Complimentary access to our indoor pool, hot tub, and fitness facility.
- Guests have the option to earn both HHonors points & airline miles.

Based on your needs, I have outlined your group requirements and the agreement terms & conditions below:

arrival	05/06/15	departure	05/08/15
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**Sleeping Rooms** (all rooms are non-smoking)

room type	rate	wed 05/06	thur 05/07	fri 05/08
Two Queen Beds	\$119	2	10	2
One King Bed	\$119	2	10	2

**Contract Details**

<b>Method of Reservation</b>	Reservations into the block can be made by calling 716.655.3300 and asking for the NYS DOG CONTROL CONFERENCE group rate.
<b>Cut-Off Date</b>	Guestrooms will be held until <b>April 15th, 2015</b> . Guestrooms not confirmed by that time will be released and space will be subject to availability.
<b>Billing Instructions</b>	All reservations require a credit card at the time of booking. Individuals are responsible for room, tax, and incidentals.
<b>Cancellation Policy</b>	To avoid a cancellation fee of the first night's room and tax, guests must contact us 24-hours prior to your arrival date.
<b>Agreement Terms</b>	To confirm rates quoted and the availability of rooms requested, please sign this agreement by <u>September 8th, 2014</u> or the requested guestrooms will be released.
<b>Performance</b>	After initial 20 blocked rooms have been booked, an additional 10 rooms may be granted based upon availability.

Please sign below and return via email or fax if you agree to the terms & conditions of this contract.

Kind Regards,

**Tara Marks**  
 Assistant General Manager  
 tara.marks@hilton.com  
 (716) 655-3300  
 (716) 655-4740

\_\_\_\_\_ date

\_\_\_\_\_ date

FROM THE DESK OF  
**DAVID LIBROCK**

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WS-4

August 6, 2014

Supervisor James Bach  
Town of Aurora

Dear Supervisor Bach,

Please allow this letter to serve as my sincere desire to become a member of the Town of Aurora Planning Board. It has been one of my interests for some time now to again serve our community in a volunteer capacity.

As you know, I am a retired Police Lieutenant from our department after having served for 22 years. During that time I was actively involved in many capacities involving the community. Some of those included D.A.R.E. Officer, Youth Services Board member and Chairman and a member of the East Aurora Boy's and Girl's Board of Directors.

I feel that one of my biggest assets for this position is the unique insight that a police officer gains into the community. This can include a variety of situations, most important to me being traffic and safety concerns, in addition to everyday situations and quality of life concerns of the residents.

I have also been a small business owner in the past having owned and operated a landscape business for 18 years and can understand development and planning from a business owners perspective.

My complete resume is available upon request.

Thank you in advance for your consideration.

Sincerely yours,



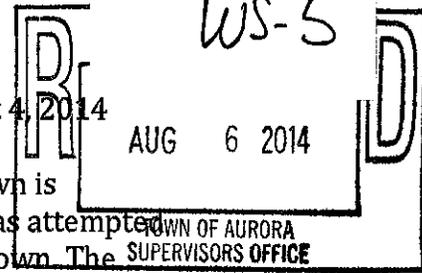
David Librock

Dear Supervisor Bach:

August 4, 2014

AUG 6 2014

WS-5



We are writing to you to make you aware of a serious situation our town is experiencing. Quasar, a company headquartered in Cleveland, Ohio, has attempted to store and spread anaerobically digested sewage sludge within our town. The sludge originates from wastewater treatment plants that treat raw sewage composed of human waste, greases and oils, and industrial, food and hospital wastes. The wastewater treatment plants separate the water from the solids. The water is treated and released, and the sludge remains. Most of the bad constituents of the sewage remain in the sludge. The sludge is put through an anaerobic digester to treat it for some pathogens, and extract methane gas from it. The remainder is intended for spreading on farmland, and in addition to organic matter, it contains pathogens, metals, flame retardants, viruses, synthetic organic chemicals, steroids, pharmaceuticals, hormones, industrial wastes, chemotherapy drugs and many other harmful constituents not able to be broken down. Quasar calls their product "equate".

In our town the New York State Department of Environmental Conservation (NYSDEC) has given a permit for a sewage sludge storage tank and is on the verge of finalizing permits for the spreading of sewage sludge on some parcels of land. The Town and the citizens have already filed suits against the DEC on the storage tank permit, on grounds that they did not properly assess the environmental and health impact in the approval process. The DEC has already granted spreading permits to Wilson, Lewiston, Pendleton, Cambria and Wheatfield. The DEC and Erie County and Niagara County Industrial Development Agencies have facilitated the building of two anaerobic digesters by Quasar; one in Wheatfield, the other in West Seneca.

Marilla has recently generated a resolution (included) urging the DEC to revoke/not grant any permits to spread sewage sludge on our land. We urge you to consider drafting a similar resolution for your town. In addition to ours, the Towns of Wilson and Wheatfield, and Niagara County have generated resolutions to the DEC. We are also generating restrictions for spreading in the Town.

Our goal is to get as many town boards to make resolutions, to build a majority of townships in our region, which would make a resounding statement to the DEC against anaerobically digested sewage sludge.

To convey our research, and to bring towns together to work with us, on anaerobically digested sewage sludge, we invite you, and other town supervisors, and/or your representatives to a meeting at the Marilla Community Center, 1810 Two Rod Rd., on Tuesday, August 19, 7:00 p.m. We will make a presentation of the facts we have collected and follow-up with a full discussion of the issue.

We ask that you seriously consider our offer. The DEC has quietly worked with Quasar on pushing "equate" into some of our towns. Marilla wants to make sure this

**RESOLUTION URGING NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION TO REVOKE OR DENY PERMITS GRANTED OR UNDER CONSIDERATION TO QUASAR ENERGY GROUP ALLOWING "EQUATE" TO BE APPLIED TO FARMLAND WITHIN ERIE, WYOMING, AND NIAGARA COUNTIES.**

**WHEREAS**, the New York State Department of Environmental Conservation has granted at least 10 permits to allow Quasar Energy Group to spread "Equate", a material derived from sewage, to be spread on agricultural land within Niagara County, and

**WHEREAS**, the New York State Department of Environmental Conservation is considering granting permits in Erie and Wyoming Counties, and

**WHEREAS**, various town governments have expressed concerns about Equate being used within their jurisdictions, and

**WHEREAS**, many members of the agricultural community have expressed concerns about Equate and their ability to bring produce to market, and

**WHEREAS**, many residents have expressed concerns about the impact of this product on the health of children, pets, and themselves, and

**WHEREAS**, the Honorable George D. Maziarz and the Honorable John L. Ceretto did, on April 8<sup>th</sup> of this year, jointly request that the DEC revoke any permits issued to Quasar Energy Group and its subsidiaries allowing for the spreading of Equate at sites in Western New York, and

**WHEREAS**, the Town of Marilla shares the concerns expressed by a great number of residents and believes the more prudent course for Equate is to allow further investigation of claims made by Quasar regarding the safety of this product, now therefore be it

**RESOLVED**, the Town Board of the Town of Marilla hereby adds its endorsement to the April 8, 2014 letter from Senator Maziarz and Member of the Assembly Ceretto to Commissioner Joseph Martens of the DEC, and be it further

**RESOLVED**, the Town Board of the Town of Marilla urges the New York State Department of Environmental Conservation Revoke/Deny any permit granted or under consideration to Quasar Energy Group allowing "Equate", a material derived from sewage, to be spread on farmland within Erie, Wyoming or Niagara Counties, be it further

**RESOLVED**, that the Town of Marilla shall forward copies of this Resolution to Governor Andrew M. Cuomo, Senate Vice President Pro Tem George Maziarz, Senate Temporary President Dean D. Skelos, Senate Deputy Majority Leader Thomas W. Libous, Speaker of the Assembly Sheldon Silver, Assembly Majority Leader Joseph Morelle, Assembly Minority Leader Brian M. Kolb, the entire WNY State Delegation, NYS DEC and all others deemed necessary and proper.

WS-6

**TOWN OF AURORA**  
300 GLEED AVENUE, EAST AURORA, NY 14052

BUILDING DEPARTMENT  
(716) 652-7591  
FAX (716) 652-3507

**MEMO**

TO: Jim Bach & Town Board Members  
FROM: Don Owens, Chairman, Planning Board  
DATE: August 14, 2014

=====

The following actions were taken at the August 6, 2014 meeting of the Planning & Conservation Board:

The Emery Road ODA plans were reviewed by South Wales Fire Chief Mike McClure and East Aurora Fire Chief Roger LeBlanc. Fire Chief McClure has recommended that both properties have a fire hydrant installed or sprinklers installed in the dwellings. This is due to the location of the nearest fire hydrant on Emery Road, the available fire equipment and the distance of the proposed dwellings from the road. William Voss requested this recommendation be passed to the Town Board for reference. The Planning Board further recommended the Developer make the future homeowners aware of the Fire Chief's recommendations.

William Voss moved to recommend to the Town Board that they approve the two lot Open Development Area project at Emery Rd, Town of Aurora, NY with a single 20' wide driveway with a bypass. The recommendation for a single driveway off the road is due to safety concerns. The shared portion of the driveway is to be located on a single property with the appropriate easements and maintenance agreement. Seconded by William Adams

Upon a vote being taken: ayes – six            noes – none            Motion Carried.



# South Wales Fire District #1

P.O. Box 94, South Wales, NY 14139-0185 Phone: (716) 652-6659 Fax: (716) 652-7301

August 11, 2014

William Kramer, Building Inspector

Aurora Town Hall

300 Gleed Ave.

East Aurora, N.Y. 14052

Mr. Kramer,

After reviewing the revised development plan for the lots to the rear of 1470 Emery Road, the South Wales Fire District No. 1 has the following concerns.

- 1) The driveways accessing the properties should be five to 20 feet wide each providing that they are constructed and maintained in such a manner as to accommodate heavy fire apparatus. They would also need to be clear of overhanging trees and limbs to the minimum height of 14 feet.
- 2) Because of the extreme distance of the dwellings to the roadway, we recommend that each dwelling be protected by an automatic fire sprinkler system.
- 3) If any other dwellings are to be constructed on these lots, we would request that at least one fire hydrant be installed and connected to the Erie County Water Authority owned water main located on Emery Rd. Hydrants should be placed every 500 feet and easily accessible at all times.

Please note that these recommendations are put forth in the best interest of the fire safety of the property owners of the proposed development and the safety of the firefighters who may be called upon to respond to an emergency at these properties.

Chief Mike McClure

South Wales Fire District No. 1



WS-7

TEL 716.714.5699 ■ FAX 716.714.5715  
411 Main Street, Suite 201 ■ East Aurora, New York 14052

Peter J. Sorgl, Esq. ■ direct line 716.908.3289 ■ psorgl@hopkinssorgl.com

August 13, 2014

Aurora Town Board  
300 Glead Avenue  
East Aurora, New York 14052

**Re: Donald Pressing Application for Site Plan Approval, 992 Olean Road, Town of Aurora  
Our File No. 0146.1**

Dear Aurora Town Board:

This letter is submitted on behalf of our firm's client, Donald Pressing, relative to the above referenced matter. I am in receipt of the Memo from Planning Board Chairman Donald Owens to the Town Board, dated July 3, 2014. That memo calls for five modifications which I have forwarded to Andrew Gow, P.L.S., by cc to this letter. However, before Mr. Gow modifies the plans, I would ask that the Town Board confirm these required modifications and any further modifications at the Town Board Work Session on August 19, 2014. This will enable Mr. Gow to finalize the site plan and related documentation for the Town Board Meeting on August 25, 2014 or September 8, 2014, depending upon Mr. Gow's schedule and how quickly written documentation can be provided to Mr. Gow and I as to the Town Board's required modifications of the site plan.

I have also reviewed the Town Board's required Restrictive Covenant Agreement and have talked to Town Attorney Ronald Bennett, Esq. relative to the terms thereof. Without waiving any legal rights relative to the legality of such a condition, the condition that the building be completed in September 2014 is clearly illegal as my client cannot legally be granted a building permit until such time as the site plan is approved, which obviously has not occurred. Furthermore, other conditions precedent may exist in the form of other governmental approvals prior to the lawful commencement of construction.

Accordingly, as my client has no legal ability to build the structure at this time, the condition is barred by the doctrine of impossibility and numerous other legal doctrines. Moreover, once final the final site plan application has been accepted by the Town, the Town must comply with the County Referral requirement of New York General Municipal Law § 239-m(3)(a)(iv) prior to granting site plan approval. Thus, I would ask that modification of the rezoning conditions be discussed at that August 19, 2014 Town Board Work Session. I also enclose a copy of the letter I sent to Hon. Douglas W. Marky, Aurora Town Justice, in the related legal proceeding, confirming Justice Marky's Judicial Notice that my client cannot legally start construction of the building until the Aurora Town Board grants site plan approval and thereafter a building permit is issued, neither of which has occurred.

**TOWN OF AURORA**  
300 GLEED AVENUE, EAST AURORA, NY 14052

GL

BUILDING DEPARTMENT  
(716) 652-7591  
FAX (716) 652-3507

GM

**MEMO**

TO: Supervisor Jim Bach & Town Board Members

FROM: Don Owens, Chairman, Planning Board

DATE: July 3, 2014

=====

The following actions were taken at the July 2, 2014 meeting of the Planning & Conservation Board:

William Voss moved to recommend to the Town Board that they approve the one lot Open Development Area project at Ellis Drive, Town of Aurora, NY with a change to SEQR question #2 to indicate Yes and Erie County Health Department. Seconded by Laurie Kutina.

Upon a vote being taken: ayes – six            noes – none            Motion Carried.

Douglas Crow moved to recommend to the Town Board that they approve the Site Plan of a proposed building at 992 Olean Road with the following conditions:

1. Entrance driveway widened to 20'.
2. The pinch point between the proposed building and the South property line be widened from 15' to 20' by moving said building to the North.
3. All surface water from the proposed building will be directed to the drainage ditch to the North.
4. Properly shielded exterior lights.
5. Revision of SEQR question #12B to yes.

Seconded by Timothy Bailey.

Upon a vote being taken: ayes – five    noes – none    abstain – Adams    Motion Carried.

~~\_\_\_\_\_~~  
Andy Gow  
at  
Nussbaumer



TEL 716.714.5699 ■ FAX 716.714.5715  
411 Main Street, Suite 201 ■ East Aurora, New York 14052

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Peter J. Sorgi, Esq. ■ direct line 716.908.3289 ■ psorgi@hopklnssorgi.com

August 13, 2014

Hon. Douglas W. Marky  
Aurora Town Justice  
571 Main Street  
East Aurora, New York 14052

**Re: People v. Donald Pressing**  
**Case No. 13070091**  
**Our File No. 0146.1**

Dear Judge Marky:

This letter is submitted on behalf of my client, Donald Pressing, to confirm Your Honor's following direction at this evening's Court Appearance.

1. The next Court Appearance is September 10, 2014 at 5PM and Mr. Pressing is required to attend;
2. Judicial Notice was taken that my client cannot legally start construction of the building until the Aurora Town Board grants site plan approval and thereafter a building permit is issued, neither of which has occurred; and
3. Your Honor directed that Mr. Pressing make good faith efforts to make certain improvements to the property such as buffering and fencing.

Enclosed also please find a copy of a letter submitted to the Town Board to move site plan approval forward. I appreciate the efforts of Your Honor and Code Enforcement Officer William Kramer to resolve this matter reasonably. If you have any questions or require further information, please advise. Thank you.

Sincerely,

HOPKINS & SORGI PLLC

A handwritten signature in cursive script that reads 'Peter J. Sorgi'.

Peter J. Sorgi, Esq.

Enc.

cc: William Kramer, Code Enforcement Officer  
Edward Snyder, Town Prosecutor  
Donald Pressing

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Permit # 4521

DAN #  
WANTS  
TO ATTEND

### Topics covered in this one-day workshop

- Odor Control
- Water Damage Instruments
- Moisture Detection
- Psychrometry
- Water Damage Documentation
- Restoration Cleaning
- Antimicrobials
- Coatings
- Air Movers
- Water Extraction
- Drying with Heat
- Marketing tools for agents

**Friday**  
**September 12, 2014**  
**8:30am - 3:00pm**

Lunch/refreshments included

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**GIVE-AWAY**

WS-9