

SUPERVISOR
CHARLES D. SNYDER
(716) 652-7590
supervisor@townofaurora.com



WS-2

town

TOWN OF AURORA

575 Oakwood Avenue, East Aurora, NY 14052

www.townofaurora.com

MEMO

TO: Aurora Town Board
FROM: Kathleen Moffat
RE: Fiber Internet and Phone Service
DATE: 8/25/25

Supervisor Snyder, IT Consultant Nick Fodero and I recently met with representatives from Go Net Speed to determine whether switching internet and phone providers for some locations would result in cost savings for the Town. Attached please find a cost comparison spreadsheet.

In addition to pricing, there are some other points to consider:

- The Initial Term of the Agreement between the Town of Aurora and Spectrum for fiber internet at 575 Oakwood is 36 months, commencing on 8/25/23. If the Town terminates service during the Initial Term, payment equal to 1/36th of a One-time Construction Cost of \$6,535.06 multiplied by the number of months remaining is owed.
- Go Net Speed is proposing a 5-year term
- Both Go Net Speed and Vaspian offer seasonal ^{phone} service. That is, we can suspend phone service at the Pool and Hamlin Park when they are not in use. There is no charge to suspend or reactivate service.
- If we switch to Go Net Speed, it will take Nick Fodero approximately 3 hours to configure the new system

TOWN OF AURORA
FIBER INTERNET AND PHONE SERVICES COST COMPARISON

LOCATION	SERVICE	CURRENT PROVIDER	CURRENT COST	PROPOSED PROVIDER 1	PROPOSED COST	PROPOSED PROVIDER 2	PROPOSED COST
575 Oakwood	Fiber Internet 50 mbps (DIA)	Spectrum	\$449/mth	Go Net Speed 300mbps (not DIA)	\$100/mth		
	Static Ip's	Spectrum	Included	Go Net Speed	\$59.80/mth		
Hamlin Park	Internet	Verizon 5G Gateway	\$45/mth	Go Net Speed 300mbps	\$100/mth		\$12.50/mth; \$70 for phone
	Phone	Spectrum	\$48.99/mth	Go Net Speed	\$20/mth	Vaspian	
Community Pool	Internet	Verizon 5G Gateway	\$45/mth	Go Net Speed 300mbps	\$100/mth		\$12.50/mth; \$140 for 2 phones
	Phone	Verizon	\$80/mth	Go Net Speed	\$20/mth	Vaspian	

KM 8/14/2025



Thank you for your interest in **GoNetspeed Business Fiber Internet**. I am happy to provide you the following estimate, and look forward to doing business with you.

Contact Name Kathleen Moffat
Account Name Town of Aurora
Billing Address 575 Oakwood Avenue
East Aurora, NY 14052
United States

Prepared By Tony Dillsworth
Email anthony.dillsworth@gonetspeed.com
Created Date 7/14/2025
Expiration Date 7/31/2025

Product	Contract Term	MRC	NRC
BULK STATIC IP	60	\$0.00	\$0.00
ELITE DEDICATED INTERNET (DIA) 300M	60	\$425.00	\$0.00
GNS USA BUSINESS PHONE	60	\$40.00	\$0.00
PREMIUM FIBER INTERNET 300M	60	\$200.00	\$0.00
STATIC IP (INCLUDED)	60	\$0.00	\$0.00

Monthly Recurring Revenue \$665.00
Non-Recurring Revenue \$0.00

Additional Terms & Conditions:

- The above pricing may require a site survey prior to order execution
- Monthly Recurring includes all ongoing maintenance services
- Pricing does not include any x-connects, applicable building owner access fees or applicable government taxes or fees
- Non-recurring Charges includes provisioning, engineering, permits and splicing
- Bandwidth is symmetrical

SUPERVISOR
Charles D. Snyder
(716) 652-7590
csnyder@townofaurora.com



town

WS-3A

TOWN OF AURORA

Aurora Municipal Center

575 Oakwood Avenue, East Aurora, NY 14052

www.townofaurora.com

TOWN COUNCIL MEMBERS

Luke Wochensky
lwochensky@townofaurora.com

James F. Granville
jgranville@townofaurora.com

Joseph M. McCann
jmccann@townofaurora.com

Raymond M. Wrazen
rwrazen@townofaurora.com

SUPT. OF HIGHWAYS
David M. Gunner
(716) 652-4050
highway@townofaurora.com

CODE ENFORCEMENT
OFFICER
Elizabeth Cassidy
(716) 652-7591
building@townofaurora.com

ASSESSOR
Stephen R. Pigeon
assessor@townofaurora.com
(716) 652-0011

DIR. OF RECREATION
Christopher Musshafen
(716) 652-8866
chris@townofaurora.com

TOWN ATTORNEY
Brigid M. Maloney

TOWN JUSTICE
Jeffrey P. Markello
Anthony DiFilippo IV

HISTORIAN
Robert L. Goller
(716) 652-7944
historian@townofaurora.com

FAX: (716) 652-3507

August 12, 2025

To: Town Board Members

I respectfully request the Town Board approval of a new Caterpillar 303.5 Mini Excavator. It will be purchased off the NYS Government Contract for the price of \$66,608.

It will be paid for out of DB 5130.217 after January 1, 2026, out of the 2026 Budget.

The Vendor understands that this approval is contingent upon funding and approval in the 2026 Budget.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dy", written over a horizontal line.

David M. Gunner
Superintendent of Highways

Milton



SALES ORDER

07/28/2025

ORDER DATE

SOLD TO: TOWN OF AURORA HWY DEPT
D/B/A:
ADDRESS: 251 QUAKER RD
CITY: EAST AURORA, STATE: NY ZIP: 14052
PHONE #: (716) 652-4050 CELL: (716) 983-0313
Fax #:
EMAIL: dgunner@townofaurora.com

Customer #: 8006719

FOB: Tonawanda, NY

SELL PRICE \$ 66,608.00

INVOICE TO Customer #: P.O.#:

SHIP TO ADDRESS: 251 QUAKER RD

CITY, STATE, ZIP: EAST AURORA, NY 14052

TRADE IN \$

NET BALANCE \$ 66,608.00

STATE TAX: Exempt

SALES TAX \$

FREIGHT \$

TOTAL DUE \$ 66,608.00

DOWN PYMT \$

PAYOFF AMT \$

BALANCE \$ 66,608.00

DESCRIPTION

MAKE: CATERPILLAR SERIAL #:

MODEL: 303.5 ID #:

ATTACHMENTS & NOTES:

1 - Cat 303.5 Excavator, Enclosed Cab w/ Integrated HVAC and Radio, Jog Dial, 12" Rubber Track, Aux Hydraulics, Long Stick, Fixed Blade, Stick Steer, Cruise Control, Hydraulic Coupler, Hydraulic Thumb, 18" Dig Bucket and 40" Ditch Cleaning Bucket

NYS OGS/SOURCEWELL Cat Contract #PC69406

Delivery Included - 48 Month Extended Protection Plan Included

QUOTE IS GOOD FOR 30 DAYS FROM ABOVE DATE

Condition: ☐ AS IS ☒ NEW PRODUCT ☒ WARRANTY: 48 Months or 2,000 Hours, whichever comes first, PREMIER

TRADE IN: MAKE: MODEL: SERIAL #: ALLOWANCE \$

DESCRIPTION YEAR: SOLD TO CUSTOMER # / SALESMAN #:

TRADE IN: MAKE: MODEL: SERIAL #: ALLOWANCE \$

DESCRIPTION YEAR: SOLD TO CUSTOMER # / SALESMAN #:

TRADE IN: MAKE: MODEL: SERIAL #: ALLOWANCE \$

DESCRIPTION YEAR: SOLD TO CUSTOMER # / SALESMAN #:

For Office Use Only

Date Shipped Finance Rep

CSA or TM&R

Rental Conversion / Reverse Months

Merchandising Program Code(s)

GMP25USA
GOV25NETOP

SUBJECT TO CREDIT APPROVAL

FINANCING TERMS: (☐ SMI FINANCING ☐ CAT FINANCING)☒ - NET CASH UPON RECEIPT OF INVOICE☐ SEE INSTALLMENT SALE CONTRACT☐ - OTHER☐ SKIP PAYMENTS:

PAYABLE AS FOLLOWS:

Net 30

Seller

SOUTHWORTH-MILTON, INC.

BY: Joe Russo G1-00058-13

(SALES AGENT)

DIV/TYPE#/STORE

Print: *David M Gunner*

ACCEPTED BY:

(BRANCH OR SALES MANAGER)

By: X *David M Gunner*

ADDITIONAL TERMS AND CONDITIONS ON REVERSE SIDE

SUPERVISOR
Charles D. Snyder
(716) 652-7590
csnyder@townofaurora.com



town

WS-3B

TOWN OF AURORA

Aurora Municipal Center

575 Oakwood Avenue, East Aurora, NY 14052

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8/12/25

To: Town Board
Re: Work Session Discussion

Please add the following to next week's work session:

- Discussion about removing trees from the creek at Majors Park
- Discussion about putting a Town of Aurora sign up at the Rte 400 traffic circle.

Thanks,

David Gunner
Highway Superintendent

2025 Summer Maintenance Bid

SECTION 900											
Item No.	Item	Pay Unit	New Frontier Excavating & Paving, Incorporated	Northeast Diversification Inc.	Occhino Corp.	Pat Roberts & Sons, Inc.	Red Rose Landscaping LLC	Robinson Paving, Inc	Suit-Kote Corporation	Union Concrete and Construction Corp.	Zoladz Construction Co., Inc.
E900.19PD	15-Ton Excavator Crawler without Operator	Day	--	--	--	--	--	--	--	--	--
E900.19PW	15-Ton Excavator Crawler without Operator	Week	--	--	--	--	--	--	--	--	--
E900.19PM	15-Ton Excavator Crawler without Operator	Month	--	--	--	--	--	--	--	--	--
E900.20PD	15-Ton Excavator Crawler with Operator	Day	--	\$2,140.00	\$2,450.00	\$2,000.00	--	--	--	\$1,735.00	--
E900.20PW	15-Ton Excavator Crawler with Operator	Week	--	\$7,020.00	--	\$8,000.00	--	--	--	\$8,675.00	--
E900.20PM	15-Ton Excavator Crawler with Operator	Month	--	\$26,125.00	--	--	--	--	--	--	--
E900.21PD	22-Ton Excavator Crawler without Operator	Day	--	--	--	--	--	--	--	--	--
E900.21PW	22-Ton Excavator Crawler without Operator	Week	--	--	--	--	--	--	--	--	--
E900.21PM	22-Ton Excavator Crawler without Operator	Month	--	--	--	--	--	--	--	--	--
E900.22PD	22-Ton Excavator Crawler with Operator	Day	--	\$2,775.00	\$2,750.00	--	--	--	--	\$2,150.00	--
E900.22PW	22-Ton Excavator Crawler with Operator	Week	--	\$8,890.00	--	--	--	--	--	\$10,750.00	--
E900.22PM	22-Ton Excavator Crawler with Operator	Month	--	\$31,725.00	--	--	--	--	--	--	--
E900.26PD	18-Ton Exc. Rubber Tire w/Telescope Boom with Operator	Day	--	--	--	--	--	--	--	\$2,500.00	--
E900.26PW	18-Ton Exc. Rubber Tire w/Telescope Boom with Operator	Week	--	--	--	--	--	--	--	\$12,500.00	--
E900.29PD	Wheel Loader, Rubber Tire, 2-Yard Unit without Operator	Day	--	\$800.00	--	--	--	--	--	--	--
E900.29PW	Wheel Loader, Rubber Tire, 2-Yard Unit without Operator	Week	--	\$2,200.00	--	--	--	--	--	--	--
E900.29PM	Wheel Loader, Rubber Tire, 2-Yard Unit without Operator	Month	--	\$5,400.00	--	--	--	--	--	--	--

Visual IMPACT S·I·G·N·S

est.1984

(716) 655-3068

QUOTATION

316 MAIN STREET • EAST AURORA, NEW YORK 14052

YOUR FULL SERVICE SIGN COMPANY OFFERING COMPLETE DESIGN / CONCEPTS
PRODUCTION AND INSTALLATION OF THE HIGHEST QUALITY SIGNS AVAILABLE.

SPECIALISTS IN CARVED & 3-DIMENSIONAL SIGNAGE, SCULPTURES, MURALS
DIGITAL PRINTING, VINYL & HAND LETTERING, GOLD LEAF, TRUCKS, BOATS,
BANNERS, STOREFRONTS, NEON, LED, BACKLITS & MORE...

Client: Town of Aurora

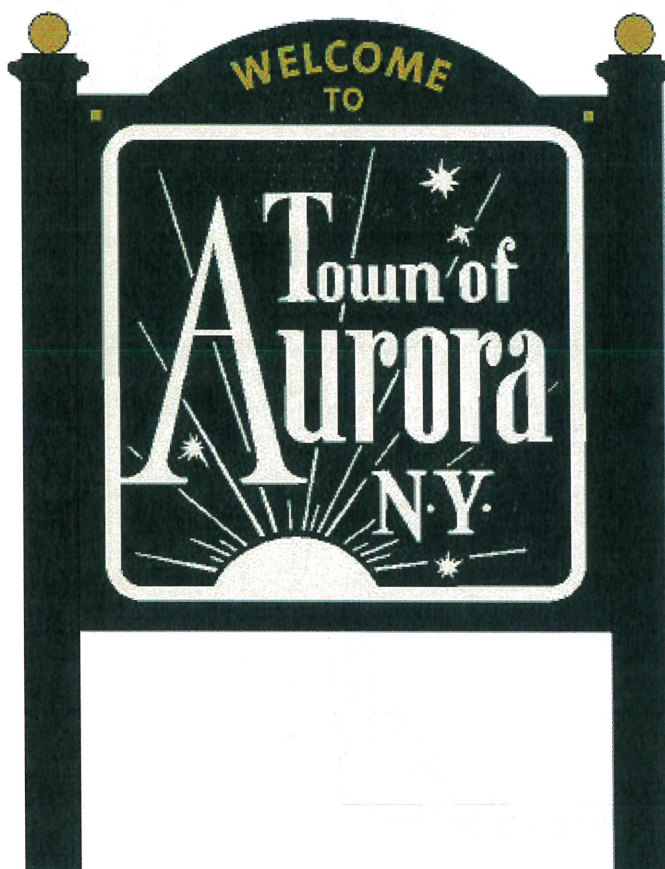
Phone: 716.652.8004

Date: 17/22/25

60x54x2" Freestanding single-faced HDU carved sign (22.5 sq.ft.) \$2900.

Installed on matching 6x6" by 7" p.t. posts w/caps & gold finials: 500.

Total: \$3400.



Completion date:

Terms: **50% down, balance
upon completion**

**This design is the property of the designer, and may not
be reproduced in any manner without written permission**

Price	\$2900.00
Delivery / Installation	500.00
Sub total	3400.00
Sales tax	-----
Total	3400.00
Deposit	1700.00
Amount due upon completion	\$1700.00

SKETCH DEPOSIT: The sketch deposit covers minimal costs involved in developing a concept. It does not cover the actual purchase of a custom design, which would be figured at an hourly rate, with a quoted minimum price. The sketch remains the property of the designer.

PRICES: as indicated above, are minimum estimates for art or sign work only. Photostats, typography, photographs, overtime, changes and/or additions, delays caused by the client, special consultations and all other work expense that cannot be estimated accurately in advance will be billed extra unless otherwise specified herein.

FINISHED art, mechanicals, and signs will be released for use by the client only. Mechanicals, original art, sketches and materials other than signs originated by the

designer are the property of the designer and will be held for the client, unless otherwise shown.

THE CLIENT agrees to pay all costs of collection in the event of default of payment by the client, including a reasonable attorney's fee. In the event of delinquent payments, the client will be charged a rate of 2-1/2% interest for every month after the first 30 days.

SPECIAL conditions on client's purchase orders in no way negate the above Conditions of Sale. In ordering the work described above, the client accepts all of these conditions whether noted on his purchase order or not.

THANK YOU FOR YOUR ORDER: This signed contract constitutes authorization to proceed.

SIGNATURE

COMPANY

DATE

David Gunner

From: Wheeler, Tracy A. (DOT) <Tracy.Wheeler@dot.ny.gov>
Sent: Wednesday, July 9, 2025 12:02 PM
To: David Gunner
Cc: Schrauth, Andrew (DOT)
Subject: FW: Route 400 Roundabout field visit
Attachments: NYSDOT 400-16 Roundabout Landscape Plan excerpt.pdf; app_11B Decorative Comm Gateway Sign.pdf

Good afternoon, Dave,

Attached are the NYSDOT 400-16 Roundabout Landscape plans and Appendix 11B of the Highway Design manual regarding Decorative Gateway Signing policy. Drew will be willing to work with you on the roundabout landscaping plan. Please contact us when you are ready to move forward.

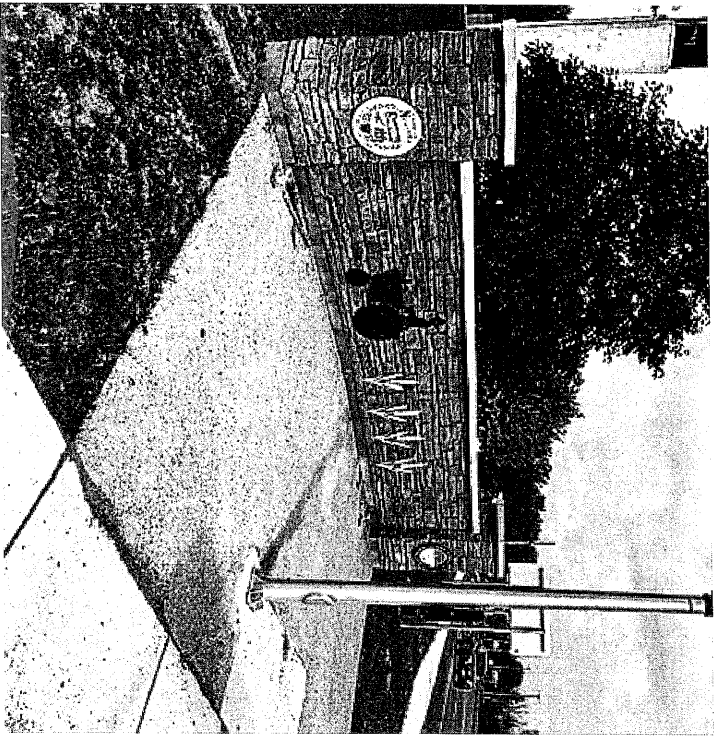
As discussed, approval is required by NYSDOT Traffic and Safety for any signs in the ROW (in the roundabout or other). Below are pictures of the Town of Wheatfield welcome walls on US 62, Niagara Falls Blvd, at Nash Rd, Ward Rd and Witmer Rd.

Nash Rd

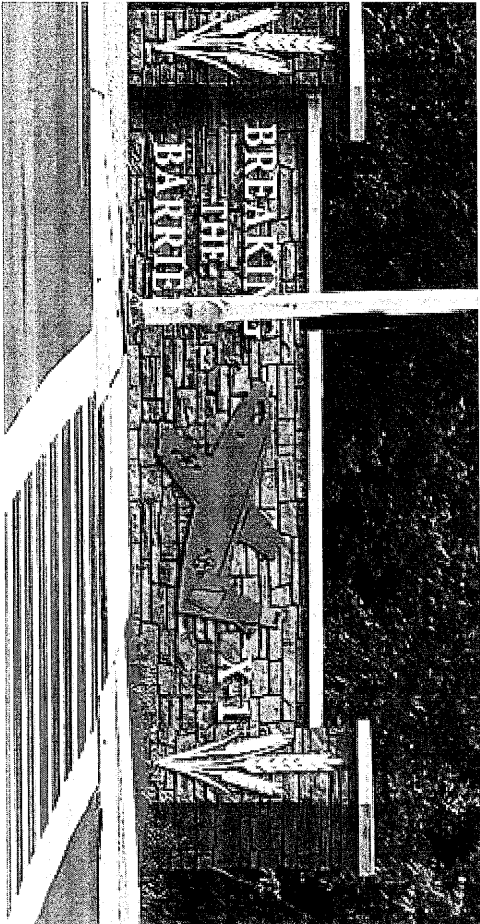


Ward Rd

Tracy Wheeler
716-847-5275



Wimmer



Article XII

116-96 Purpose and Intent

The purpose of this article is to provide regulations which will protect the health, safety and welfare of the general public, conserve valuable energy resources, prevent light trespass from interfering with quality of life, protect ecological and natural resources, and preserve the ability to view the celestial features of the night sky for present and future generations. By this legislation, the Town Board establishes provisions and a process for review so that outdoor lighting that is protective of the environment is installed on all new construction and is used when current outdoor lighting fixtures that are not in compliance with this article need replacement. These standards provide for the following:

- A. Comprehensive regulations and guidelines in order for residents, business owners, and the municipality to comply with the standards set by the community for outdoor lighting.
- B. Preservation of rural character, aesthetic value, and the unique quality of life enjoyed by Town residents by preserving and enhancing the ability to view the night sky.
- C. Advancement of sound environmental policies which will benefit residents and serve as a positive example.
- D. Proper direction and use of light in order to minimize light trespass, and energy wasted on unnecessary and indiscriminate illumination.
- E. Elimination of the need for commercial establishments to compete for visual attention by escalating outdoor lighting levels
- F. Reduction in excessive illumination which can have a detrimental effect on flora and fauna that depend on the natural cycle of day and night for survival.
- G. Prevention of nuisances caused by unnecessary light intensity, and light trespass.
- H. Reasonable implementation of lighting changes to minimize impact on existing properties.

116-97 Definitions *[this section will be addressed after the code is finalized]*

As used in this article, the following terms shall have the meanings indicated;

Average Footcandles

The average level of illuminance for a given area measured at ground level with a light meter placed parallel to the ground.

Commercial Lighting

Any outdoor lighting intended for use on a lot with a business (except home occupation), industrial, or institutional use (or if undeveloped, is zoned for such use). Municipal buildings and facilities shall follow commercial standards.

Essential Lighting

Light used for a specified period of time that is necessary for a specific purpose, as defined herein, while said purpose is actively being served. This includes fully shielded lighting that is necessary to promote location identification, identify entrances and exits for public circulation, to illuminate walkways in order to promote public safety, and fully shielded security lighting activated by motion sensors and/or timers providing for illumination for a maximum period of 10 minutes per triggering event.

Excessive Lighting

Light that exceeds the amount that is needed to perform a visual task at night or is required for safety, per suggested minimum illuminance levels published by IES in its Recommended Practices.

Light Fixture

The complete lighting assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens; also referred to as a "luminaire."

Flood- or Spotlight

Any light fixture or lamp that incorporates a reflector, a refractor, or a prismatic lens to concentrate the light output into a directed beam in a particular direction.

Fluorescent

A type of discharge lamp that employs mercury vapor and phosphors. Unlike incandescent lamps, fluorescent lamps require a ballast to regulate the flow of electricity.

Footcandle

The unit of measurement used to quantify the amount of light falling on a surface. One footcandle is the illuminance produced by a candle on a surface one-foot square from a distance of one foot.

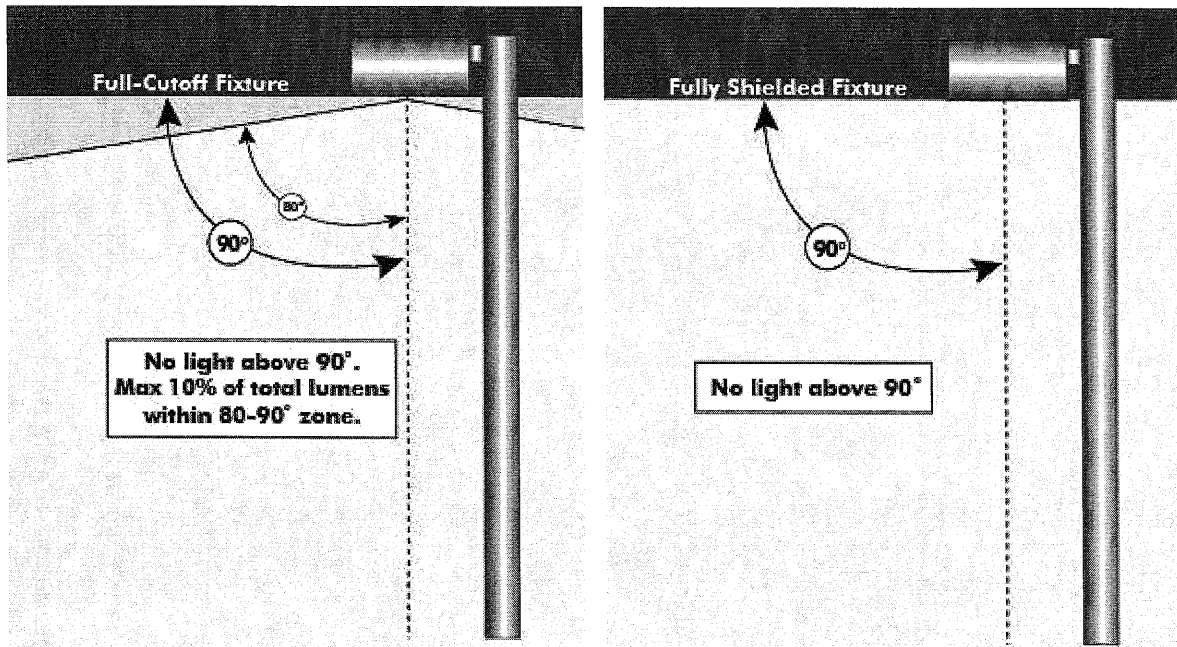
Full-Cutoff

For the purposes of this article, a "full-cutoff fixture" is considered one that delivers 100% of the total lumens within the 0° to 90° zone with a maximum of 10% of total lumens delivered within the 80° to 90° zone. Full-cutoff fixtures are considered fully shielded. See Figure 1.

Fully Shielded

A fixture constructed and installed in a fixed position and in such a manner that all light emitted is projected below the horizontal plane through the fixture's lowest light-emitting part. Unlike a full-cutoff fixture, a fully shielded fixture is not engineered to limit lumen distribution in the 80° to 90° zone. See Figure 1.

Figure 1



High-Intensity Discharge (HID) Lighting

An energy-efficient family of lighting that includes high-pressure sodium, mercury vapor, and metal-halide-type bulbs. These types require a warmup time, usually require a ballast exclusive to the light source, and have a higher lumen output per watt than incandescent or halogen lamps.

Holiday Lighting

Temporary lighting of various types and colors installed in connection with holiday or religious observances and removed thereafter. Certain holiday lighting displays may require a Special Event Permit through the Town Board as per Town Code § 95-C.

Illuminance

The amount of light falling on a surface, measure in footcandles (lumens per square foot).

Lamp

A light bulb or other component of a fixture that changes electricity into visible light.

Lamp Type

The category to which a lamp belongs by virtue of the process by which it produces light. The principal categories are incandescent, fluorescent, low-pressure sodium, high-intensity discharge (HID) (which includes high-pressure sodium, metal halide, and mercury vapor), and LED (light-emitting diode). The categories vary in terms of:

- A. The amount of light output (lumens) per watt consumed;
- B. Lamp life;

- C. The color of the light emitted (Correlated Color Temperature); and
- D. The accuracy with which colors of an illuminated object are reproduced (Color Rendering Index).

LED (Light-Emitting Diode)

A semiconductor device that emits visible light when electrical current passes through it.

Lighting

Man-made illumination or equipment used to produce it.

Light Level

The illuminance as measured by a light meter or reported in photometric calculations. Light levels are indicated in footcandle measurements and may also be expressed as uniformity ratios, maximum or average to minimum.

Light Pollution

Any adverse effect of artificial light including, but not limited, glare, light trespass, skyglow, visual clutter, excessive or unnecessary lighting, or any artificial light that unnecessarily diminishes the ability to view the night sky or is disruptive to the natural environment.

Light Source

The light-emitting part or parts of a light fixture, consisting of the lamp or lamps and any transparent or translucent covering over the lamp, as well as any refractors, reflectors prismatic lenses, mirrors, or diffusers which emit or transmit light.

Light Trespass

Light projected onto a property or into the public right-of-way from a light source on a different property.

Low-Pressure Sodium

A type of discharge lamp that primarily employs sodium. These lamps have a higher lumen output per watt than HID lamps but low Color Rendering Index.

Lumen

The unit of measurement used to quantify the amount of light produced by a lamp or emitted from a fixture (as distinct from "watt," which is a unit of measurement of electrical power). For the purposes of this article, measurements in lumens shall refer to "initial lamp lumens" (as opposed to "maintained lamp lumens") as rated by the manufacturer when the lamp is new as listed on the packaging.

Luminaire

See "fixture."

Mercury Vapor

A type of high-intensity discharge lamp that uses mercury as the primary light-producing element. Mercury vapor lamps produce light with a cool Correlated Color Temperature (CCT) from 3000 to 7000 K.

Metal Halide

A type of high-intensity discharge lamp that uses mercury and several halide additives as light-producing elements. Metal halide lamps are typically available with cool Correlated Color Temperatures (CCT) from 2300 to 5400 K and with CRT values from 60 to 93.

Mounting Height

The vertical distance measured from the average elevation of the existing natural grade or average elevation of the approved grade (if cut/fill activities are proposed) to the lowest light-emitting part of an installed fixture.

Non-conforming

Lighting which does not meet the requirements and specifications contained in this article.

Nonessential Lighting

Lighting which is unnecessary for pedestrian passage or other tasks and therefore not generally useful (i.e. decorative and landscape lighting). This includes lighting intended for a specific task or purpose when said task or purpose is not being actively performed (i.e. parking lot illumination and wall mounted perimeter lights after business hours).

Nuisance Lighting

Any outdoor lighting that creates a potential hazard to the public, illuminates the interior of a neighboring residential structure from an external point, or creates a light trespass or glare to neighboring properties, thereby causing loss of enjoyment, comfort, or repose.

Outdoor Lighting

Lighting that provides illumination to a surface, building, structure, device, or other outdoor feature. Any fixture located indoors that is intended to illuminate something outdoors is considered outdoor lighting for the purposes of this article.

Photometric(s) or Photometry

A test to determine light distribution and performance of a fixture. A photometric report, which may include candlepower distribution data, cutoff or other light distribution classification, foot candle chart, etc., is generally available from the manufacturer.

Repair

Any service normally provided by an electrician to a light fixture or lighting installation, including replacement, modification, or relocation of any of the following: Poles, mounting arms, wiring, housings, or any component within or attached to a light fixture. Replacement of a user-serviceable lamp (i.e. light bulb) shall not by itself be considered a repair.

Residential Lighting

Any outdoor lighting on a lot having a structure or structures whose primary use is residential (or if undeveloped, is zoned for such use). Although reviewed as a commercial site plan, lighting plans for multifamily or condominium developments shall follow residential standards.

Searchlight

Lighting designed to project a high-intensity beam of light that is typically used to sweep the sky for promotional purposes.

Sensor (Motion)

A device that causes a light fixture to turn on or off in response to motion or light or infrared radiation or a combination thereof.

Shield or Shielded

An opaque device that is attached to a light fixture to prevent light from being emitted in certain directions. Auxiliary "back" or "house-side" shielding added to an already fully shielded fixture can help limit trespass where a fixture is located near the property line.

Streetlighting

Permanent outdoor lighting that is owned and maintained by a municipality or other public agency and that is specifically intended to illuminate streets for automotive vehicles and may also incidentally light sidewalks and private property.

Temporary lighting

Lighting which is intended to be used for a specified purpose and for a limited time and is removed thereafter.

Town

The Town of Aurora and its employees, officers, or agents, including any board committee, council, or department of the Town created by law or by the Town Board or by the Town Supervisor, the expenses of which are paid in whole or in part from Town Funds.

UL Rating

A reference to "Underwriters Laboratory," a commercial agency that certifies the maximum safe wattage for fixtures and other electrical devices. A UL label indicating the maximum safe wattage is affixed or imprinted on all light fixtures which are offered for sale.

Uniformity Ratio

A ratio that describes uniformity of illuminance across an area. The uniformity ratio may be a ratio of the maximum to minimum illuminance or the average to minimum illuminance.

Unshielded

A fixture designed or installed so that it is not fully shielded, i.e. emits light above the lowest light-emitting part of the fixture.

Watt

The standard unit of measurement of electrical power. One watt is one ampere of current flowing at one volt.

116-98 Applicability

- A. New lighting. All outdoor lighting newly installed after the effective date of this article shall comply with its provisions.
- B. Preexisting lighting. All properties with legally existing and operative outdoor lighting, at the effective date of this article shall be exempt from compliance, subject to the provisions below.

1. Any outdoor lighting fixture that is replaced, changed, repaired, or relocated, in whole or in part, after the effective date of this article shall comply with its provisions.
 - a. Commercial and Residential lighting. Subsequent to the effective date of this article, any addition or expansion that is made to a property, shall subject said addition or expansion to the provisions of this article. Existing lighting may remain in place unless specified by New York State Uniform Code requirements.
 2. Nuisance lighting. The exemption shall not apply if the Town determines that certain outdoor lighting creates nuisance lighting as defined in §116-97. If the Town determines that nuisance lighting exists on a property, that lighting shall comply with Subsection b(5) below, in accordance with the procedures outlined in §116-104B.
 - a. Light trespass shall be considered nuisance lighting when:
 - i. Illuminance at or beyond a property line abutting a residential or open space parcel exceeds 2 ~~0.05~~ footcandles as measurable from any orientation of the measuring device; or
 - ii. Illuminance at or beyond a property line abutting a ~~nonresidential~~ commercial property or public right-of-way exceeds 5 ~~0.1~~ footcandles as measurable from any orientation of the measuring device; or
 - b. Light shall be considered a nuisance when such light illuminates the interior of a neighboring residential structure from an external point.
 3. Abatement of nuisance lighting. If the Town determines nuisance lighting ~~to existing~~ exists on a property, that lighting shall comply with either section below in accordance with the procedures outlined in §116-104B.
 - a. To the extent that the abatement of nuisance lighting will require re-aiming a fixture or re-lamping to reduce lumen output, such lighting shall be re-aimed and/or re-lamped so that the light source is not visible across property lines.
 - b. To the extent that the abatement of nuisance lighting will require removing, replacing, shielding, retrofitting, or relocating a fixture, such lighting shall be removed, replaced, shielded, retrofitting, or relocated so that the light source is not visible across property lines.
 4. Hours of operation. Preexisting lighting on both residential and commercial properties shall comply with the limits on hours of operation set forth in §§116-101E and 116-102E of this article.
 5. Streetlighting. No new light fixture (other than municipal streetlighting) shall be installed on a public utility pole after the effective date of this article.
- C. Use. Lighting plans and installations shall continue to be reviewed by the Town based on the use of a property and with due regard to the underlying zoning district as well as potential impacts to existing adjacent uses.
- D. Other laws.
1. In the case where this article is found to be in conflict with another provision of local law, the provision that is the more restrictive, or that which establishes the higher standard, shall prevail.
 2. Sign lighting. Illumination of signs shall be governed by §116-34 of this Chapter and any amendments thereto.

3. Special events. Outdoor lighting for special events shall be governed by Chapter 95-C (Special Events) of this Code and any amendments thereto.
- E. Other jurisdictions. Federal, state, county agencies, and school districts with facilities located within the Town are urged to comply with the provisions of this article except where doing so would conflict with established regulations.

116-99 Exempt and prohibited outdoor lighting.

- A. Exempt outdoor lighting. The following are exempt from the provisions of this article:
 1. All temporary emergency lighting determined to be necessary by the Chief of Police, Chief of Fire Department, Superintendent of Highways, or other firefighting or emergency service providers.
 2. Lighting used in municipal road construction or emergency repair or maintenance of utility lines, sewer, water mains or similar public infrastructure.
 3. Holiday lighting, as defined in §116-97.
 4. Flag uplighting, provided any such flag is not used for advertising purposes and the light source is not visible across property lines or from roadways.
 5. Lighting for radio and communication towers, provided that the owner or occupant demonstrates to the satisfaction of the Town Board that the Federal Aviation Administration (FAA) regulations can only be met through the use of lighting that does not comply with this article, and that the provisions of this article are otherwise met to the fullest extent possible. Lighting for any wireless communications facility shall not be permitted unless required by the FAA: in which case, required lighting shall be of the lowest allowed intensity, unless specifically forbidden by the FAA.
- B. Prohibited outdoor lighting. The following outdoor lighting shall not be permitted within the Town as of the effective date of this article, except as exempt above:
 1. Lighting used to illuminate a property other than that on which the fixture is located.
 2. Searchlights, except those used for governmental or emergency purposes.
 3. Strobe lights and laser lights, including laser light shows and aerial laser lights.
 4. Neon lights
 5. Fixtures that revolve or create blinking, flickering, scrolling, rotating, pulsating or tracing light, including on signs, exclusive of exempt holiday lighting.
 6. Flashing lights.
 7. Any type of lighting used to outline all or part of a building (i.e., a window, roof, or gable), except for fully recessed soffit lighting that otherwise complies with this article.
 8. Any light fixture that may be construed as or confused with a traffic signal or traffic control device.
 9. Lighting that is determined by municipal law enforcement to contribute to a condition of disabling or distracting glare into a public roadway.
 10. Mercury vapor (MV) lamps.

116-100 General standards for all outdoor lighting installations.

- A. All new or replacement outdoor lighting shall be designed, located, amped, directed, and maintained in order to prevent the following:
 1. Nuisance lighting.
 2. Excessive lighting and energy consumption.

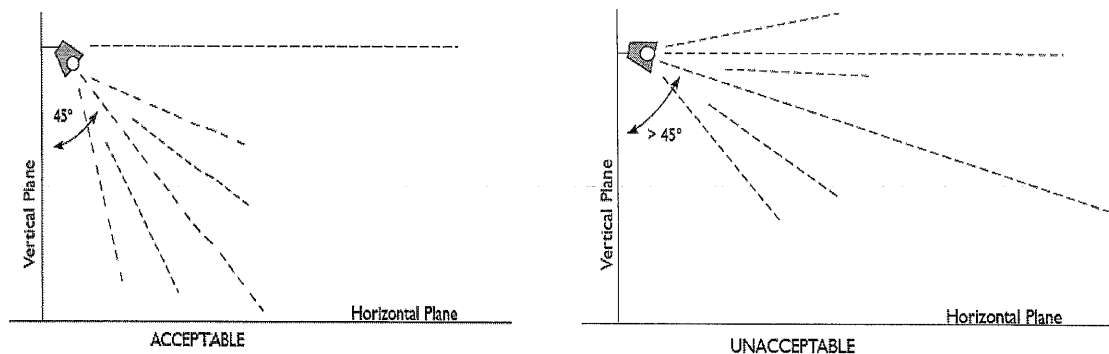
3. Light trespass.
4. Interference with pedestrian or vehicular travel on streets, roadways, and highways.

116-101 Residential lighting standards.

All residential and multi-family residential properties shall comply with the requirements of the New York Uniform Code and the following standards:

- A. Nuisance prevention. Outdoor lighting on residential properties shall be designed and installed so that all light which is emitted by any outdoor light fixture shall not shine on or illuminate any neighboring property. No outdoor lighting shall be maintained or operated in such a manner so as to be nuisance lighting, as defined in §116-97.
- B. Shielding. All outdoor lighting fixtures shall be fully shielded and aimed straight downward, with the following exceptions:
 1. Outdoor lighting fixtures with total light output of 600 lumens (40 watts incandescent equivalent or less) are exempt from the shielding and aiming requirement above.
 2. Unshielded outdoor lighting fixtures operated by motion sensors are permitted, provided that:
 - i. The fixture is set to go on only when activated and to go off within five minutes after activation has ceased; and
 - ii. The sensor shall not be triggered by activity off the property; and
 - iii. The output per fixture does not exceed 1,800 lumens (100 watts incandescent).
 3. Unshielded floodlights not exceeding 1,800 lumens (100 watts incandescent) are permitted, provided they are aimed no higher than 45°, as shown in Figure 2, and do not cause nuisance lighting, as defined in §116-97.

Figure 2



4. Driveway lighting. Unshielded lighting fixtures installed in or on a pillar or post at the foot of a driveway may not exceed 250 lumens (25 watts incandescent) per pillar/post.
- C. Mounting height.
 1. The mounting height of a light fixture attached to any structure shall not exceed 12 feet from the lowest light-emitting point on the fixture to the area to be lit directly below the fixture, except for fully recessed soffit lighting that otherwise complies with this article.

2. The mounting height of any freestanding light fixture shall not exceed 10 feet and, when located in the side and/or rear yards, shall have a minimum 10' setback from lot lines.
- D. Hours of operation. Automated shutoff controls for outdoor lighting are encouraged to conserve energy, to extinguish lighting that is not needed for safety, and to alleviate nuisance lighting.
1. Nonessential outdoor lighting shall not remain on continuously from 10:00pm until dawn.
 2. Essential outdoor lighting sufficient for security purposes may be in operation continuously from 10:00pm until dawn, provided that illumination on the ground or on any vertical surface is not greater than 1 footcandle.
- E. No light fixture on a residential property shall have a total light output exceeding 2,600 lumens (150 watts incandescent).

116-102 Commercial lighting standards.

Properties with commercial lighting, as defined in §116-97, shall comply with the New York State Uniform Code and the following standards.

- A. Nuisance prevention. Outdoor lighting on commercial properties shall be designed and installed so that all light that is emitted by any outdoor light fixture shall not shine on or illuminate any neighboring property. No outdoor lighting shall be maintained or operated in such a manner so as to be nuisance lighting as defined in §116-97.
- B. Shielding. Unless otherwise specified, all outdoor lighting fixtures shall be fully shielded and aimed straight downward.
- C. Mounting height.
1. Building or structure. Outdoor lighting fixtures shall not be installed at a height greater than 12 feet from grade to the lowest light-emitting part of the fixture, except for fully recessed soffit lighting that otherwise complies with this article.
 2. Free-standing pole. Outdoor lighting fixtures shall not be installed at a height greater than 10 feet from the natural grade to the lowest light-emitting part and shall be setback a minimum of 10 feet from lot lines
 3. Parking lot lighting.
 - i. Lighting fixtures shall not be installed at a height greater than 20'.
 - ii. Shall have full cutoff fixtures.
 - iii. Shall be setback a minimum of 20' from lot lines.
- D. Hours of operation.
1. Nonessential outdoor lighting shall not remain on continuously from 10:00pm until dawn.
 2. Essential outdoor lighting in operation after the close of business shall be controlled by timers or motion sensors.
 3. The Town Board, upon the recommendation of the Planning Board, may establish hours of operation in connection with a lighting plan and may authorize specific lighting to remain on after the close of business.

116-103 Procedures.

- A. Adding new or relocating outdoor lighting on commercial properties requires a site plan approval through the Town Board.

- B. New construction or additions on commercial properties. A comprehensive lighting plan for the site shall be reviewed and approved by the Town Board for outdoor lighting which is associated with new nonresidential construction, building expansion, and/or additions as specified in §116-98B(2). In any case where total light output will not exceed 4,000 lumens and where all outdoor lighting will be fully shielded, the Town Board may review the general specifications in an expedited fashion; in such case, full site plan renderings with footcandle measurements may not be required.
- C. All applications for proposed or required outdoor lighting submitted to the Town, including but not limited to site plan review, subdivision approvals, or building permits, shall include outdoor lighting plans, fixture and lighting control specifications and any additional documentation required in order for the reviewing entity to verify that the preexisting or proposed outdoor lighting conforms to the provisions of this article.
- D. The following items shall accompany a lighting plan submission for review and approval by the Town Board:
 - 1. A site plan complete with all existing and proposed structures, parking spaces building entrances, traffic areas (both vehicular and pedestrian), vegetation that might interfere with lighting, indicating with shading or highlighting all areas where pedestrians shall be walking or where pedestrians may come into conflict with vehicles.
 - 2. A detailed lighting plan shall be submitted for review and approval for sites that will have a total lumen output of 4,000 or greater.
 - i. Footcandle measurements on a grid of the site showing readings in every five-foot square. The grid shall include the location and installed height of each existing and proposed fixture (i.e. pole -mounted lights, wall-mounted lights, and streetlights), and the overall light levels, in footcandles, on the entire site.
 - ii. The grid shall extend at least 20 feet beyond the site property lines, indicating the zoning of all adjacent properties to assure compliance with light trespass requirements.
 - iii. Photometric plans shall be prepared by the fixture manufacturer or a licensed professional architect, landscape architect, or engineer and shall provide calculation of average maintained footcandles, maximum and minimum footcandle readings, and the average-to-minimum and the maximum-to-minimum uniformity ratios.
 - 3. A description of each light fixture as depicted and identified on the site plan, including the manufacturer, model number, a photograph of the fixture, a manufacturer's catalog cut-sheet, a description of the cutoff characteristics of each fixture, light output in initial lumens, and lamp type verifying any compliance requirements specified within this article.
 - 4. Mounting height indicated with the distance to the nearest property line for each proposed and existing fixture, including pole foundation description.
 - 5. Shielding or glare reduction devices and all mounting details.
 - 6. Types of timing devices or motion sensor devices used to control the fixtures and a schedule of the proposed hours when each fixture will be operated.
 - 7. Total outdoor lamp lumens for all fixtures on the property, calculated at initial lumen output.
 - 8. A summary key table identifying the maximum, minimum, and average light levels in footcandles as well as uniformity ratios for all parking areas and walkways.

- E. When considering a site plan application, the Town Board may require the use of motion sensor devices to control lighting for illumination of a building entrance, recreation areas, parking areas, accessways or other such areas.
- F. A post-installation inspection conducted by a qualified lighting designer to verify compliance with the approved plan. The applicant shall submit a certification to the Building Department verifying that such inspection was performed and that the installed system operates and is in conformance with the approved plan along with a manufacturer's cut-sheet/certification for the installed fixtures prior to the issuance of a certificate of occupancy. *[I kept the wording as was originally proposed. If you read section 103 B, applications that have less than 4000 lumens submitted aren't required to submit a full lighting plan. This section is for lighting plans greater than 4000 lumens and as such, the Town should have a certification provided. Additionally, the installer is not likely to have the ability to verify compliance, as they are just installing. However, the design professional that provided the lighting plan can verify compliance. We can discuss it at the next meeting.]*
- G. The Town shall have the right to conduct a post-installation inspection on any property with an approved lighting plan to verify compliance with the requirements of this article and, if appropriate, to require remedial action at the expense of the applicant.

116-104 Prohibited acts; penalties for offenses.

- A. It shall be unlawful for any person, firm, owner, tenant, person in possession, partnership, corporation, or other business entity (hereinafter referred to as "person and/or business entity") to install, alter, repair, move, equip, use or maintain or allow such installation of any outdoor lighting in violation of any of the provisions of this article or fail in any manner to comply with a notice, directive or order of the Code Enforcement Officer.
- B. If, after investigation, the Code Enforcement Officer finds that any provision of this article is being violated or nuisance lighting exists, notice shall be given by hand delivery, or by certified mail, return receipt requested and 1st class mail, of such violation to the owner and/or occupant of such premises, instructing that the violation or nuisance lighting must be abated with the time specified in the notice, or in absence thereof, within 30 days of the date of hand delivery or of the date of mailing of the notice. If the violation is not abated within said period, the Code Enforcement Officer may request the Town Board initiate actions and proceedings, either legal or equitable, to enjoin, restrain, or abate any violations of this article. Any costs incurred through abatement by the Town will be paid for by the owner or levied on the tax bill.
- C. Residential. Any person and/or business entity who violates this article, or any provision thereof, shall be guilty of a violation punishable by a civil penalty not to exceed \$250 per day of violation, or imprisonment not exceeding 15 days, or both for residential violations after the expiration of the abatement period provided in Subsection B, and each day shall constitute a separate offense for the purpose of calculating the civil penalty.
- D. Commercial. Any person and/or business entity who violates this article, or any provision thereof, shall be guilty of a violation punishable by a civil penalty not to exceed \$500 per day of violation, or imprisonment not exceeding 15 days, or both for commercial violations after the expiration of the abatement period provided in Subsection B, and each day shall constitute a separate offense for the purpose of calculating the civil penalty.

WS-4B

Revised Definitions:

APARTMENT – See “dwelling unit”.

DWELLING GROUP - Two or more Single-Family dwellings on the same lot.

IN-LAW APARTMENT - a separate dwelling unit within an owner-occupied Single-Family dwelling without a separate entrance that includes one kitchen or kitchenette, one bathroom, and one bedroom, and not to be advertised as Bed and Breakfast, Short-term rental, or Long-term rental property, and not sold or marketed as a double or duplex.

DWELLING UNIT - A building or portion thereof containing kitchen, bathroom, dining, sleeping and related facilities necessary and/or incidental to human habitation, designed and intended as a self-contained household unit for a single individual or family.

Revised code sections:

116-8.1 R1 Single-Family Residential District

116-8.1B Permitted uses when approved by the Town Board through special use permit:

Add – (3) In-Law apartment

(a) Requirements

- (1) A survey showing parking and detailed floor plan(s) is required.
- (2) All parking must be accommodated on site by one common driveway. At least two parking spaces shall be provided for the Single-Family dwelling, and at least one space for the In-Law apartment.
- (3) Exterior of building must have or maintain the appearance of a Single-Family dwelling.
- (4) All utilities hookups will be single service and be metered for gas, water, and electric.
- (5) Must meet current State Building and County Health codes.
- (6) Only one In-Law apartment is allowed per lot or Dwelling Group.
- (7) The Special Use permit is not transferable.
- (8) Property Owner shall make their property available to the Code Enforcement Officer for a Fire Safety Inspection in accordance with Section 116-46 for an existing In-Law apartment prior to the review by the Town Board of a Special Use permit application.

116-8.1D Building size

Revise - (1) Single-Family dwelling: not less than 1,200 square feet.

Add – (2) In-Law apartment: not less than 500 square feet and shall not exceed 50% of the size of the dwelling within or attached to in size.

Revise – (3) Accessory building/structure: footprint not to exceed 25% of the required rear yard.

116-8.2 R2 Residential District

116-8.2D Building Size

Add – (3) In-Law apartment: not less than 500 square feet **and shall not exceed 50% of the size of the dwelling within or attached to in size.**

Revise – (4) Accessory building/structure: footprint not to exceed 25% of the required rear yard.

116-8.3 R3 Residential District

116-8.3B Permitted uses when approved by the Town Board through a special use permit:

Revise - (2) Dwelling group consisting of two or more Single-Family dwellings ~~units~~ on the same lot.

116-8.3D Building size

Revise – (1) Single-Family dwelling: not less than 1,200 square feet.

Revise - (2) Two-family dwelling: not less than 1,800 square feet, with a minimum dwelling unit size of 500 square feet.

Add - (4) In-Law apartment: not less than 500 square feet **and shall not exceed 50% of the size of the dwelling within or attached to in size.**

Revise – (5) Accessory building/structure: footprint not to exceed 25% of the required rear yard.

116-8.4 RR Residential District

116-8.4B Permitted uses when approved by the Town Board through special use permit:

Revise – (2) Dwelling group consisting of two or more Single-Family dwellings units on the same lot.

116-8.4D

Revise – (1) Single-Family dwelling: not less than 1,200 square feet.

Add – (2) Two-Family dwelling: not less than 1,800 square feet, with a minimum dwelling unit size of 500 square feet.

Add – (3) In-Law Apartment: not less than 500 square feet **and shall not exceed 50% of the size of the dwelling within or attached to in size.**

116-8.5 A Agriculture

116-8.5B Permitted uses when approved by the Town Board through a special use permit:

Add – (14 or 16) In-Law Apartment. See 116-8.4B(2) for requirements.

116-8.6 Commercial districts generally

116-8.6E

Revise – (1) Single-Family dwelling: not less than 1,200 square feet

Revise – (2) Two-Family dwelling: not less than 1,800 square feet with a minimum dwelling unit size of 500 square feet.

Add – (4) In-Law Apartment: not less than 500 square feet **and shall not exceed 50% of the size of the dwelling within or attached to in size.**

Revise - (5) Accessory building/structure, residential and commercial: The combined footprint of all accessory buildings/structures is not to exceed 50% of the footprint of the principal building.

116-8.7 C1 Commercial

116-8.7D

Add – (14) In-Law Apartment. See 116-8.1B(2) for requirements.

WS-4C

Proposed additional Code updates draft 2

Alarm Systems Chapter 35

35-1 Title. This chapter of the Aurora Town Code shall be known as the "town of Aurora Alarm Code."

35-2 Purpose. The purpose of this chapter is to protect and promote the health, safety and general welfare of the residents of the Town of Aurora by reducing the number of false alarms, via proprietary alarm systems of fire, intrusion, holdup, emergency medical systems or other emergencies which contribute to ineffective utilization of police and fire and emergency response agencies. Such emergency responses are susceptible to high accident rates, interfere with genuine emergencies (responses) and produce unnecessary alarm noise to the surrounding community.

35-3 Definitions. For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Alarm System: a device or an assembly of equipment which is designed to detect smoke, abnormal rise in temperature, fire, water flow, medical emergency or an entry into or exit from a building, structure or facility or a holdup alarm and, by reason thereof, emits an audible response intended to alert persons outside of the premises and/or transmit a signal or message to an emergency agency, either directly or through a private or commercial relay facility.

Automatic dialer: a device that automatically dials and relays a prerecorded message to an emergency agency or to a commercial relay facility.

Emergency Agency: The Police Department or Fire Department, Central Fire Alarm Office, Emergency Medical Services (EMS), or other emergency dispatch center.

False Alarm: An activation of an alarm system where either an emergency situation does not exist or the activator does not have a reasonable basis to believe that an emergency situation does exist.

35-4 Existing alarm systems. The owners and lessees of premises having existing alarm system shall comply with §35-5 and §35-6 of this chapter within 90 days of the effective date described in §35-14.

35-5 Automatic cutoff system.

- A. No person shall install or maintain an external alarm system which does not contain an operational automatic cutoff system which turns off the external audible alarm once activated after a period not to exceed 10 minutes.
- B. An automatic dialer connected directly to an emergency agency shall automatically disconnect and/or terminate its message after the message has been transmitted a maximum of two times. Notwithstanding the foregoing, however, the total transmission time of all messages shall not exceed five minutes.

35-6 Direct communication to emergency agency. There shall be no automatic alarm system with direct communication to any type of an emergency agency without prior written authorization from the emergency agency where the alarm terminates.

35-7 Charges for false alarms. An owner or lessee of real property to which an emergency agency responds as a result of a false alarm shall pay a fee for each such response in each calendar year as follows:

- A. Police Department response.
 - 1. First false alarm response: no charge.
 - 2. Second false alarm response: \$50.
 - 3. Third or more false alarm responses: \$100 each.
- B. Fire Department response.
 - 1. First false alarm response: no charge.
 - 2. Second false alarm response: \$50.
 - 3. Third or more false alarm responses: \$100 each.
- C. EMS response.
 - 1. First false alarm response: no charge.
 - 2. Second false alarm response: \$50.
 - 3. Third or more false alarm responses: \$100 each.

35-8 Notice of excessive use: The owner or lessee of real property which received an emergency response by reason of a false alarm shall be notified, in writing, by means of first-class mail, of all false alarms, including police alarms, fire alarms, and/or EMS alarms, in a calendar year. The letter shall inform the owner or lessee of the times and types of emergency responses provided to the address location and, where applicable, contain a copy of the Alarm Code and notify the owner or lessee of any charges due pursuant to §35-7 of this chapter.

35-9 Administrative review: The Chief of Police ~~whose jurisdiction is the Town of Aurora, of the Town of Aurora, or his designee, and/or the Building Superintendent~~ **Code Enforcement Officer** of the Town of Aurora, or his designee, shall establish a policy and procedure, ~~which need not be written,~~ whereby an owner of real property or lessee thereof on which an alarm system has been installed and who has been notified of a false alarm may present evidence as to why any such alarm should not be classified as a false alarm. The Chief of Police, or his designee, and/or the ~~Building Superintendent~~ **Code Enforcement Officer**, or his designee, shall designate one or more members of their departments, which may include themselves, not to exceed three in total, to receive such evidence and make recommendations and findings of fact concerning such classification. The Chief of Police, or his designee, and/or the ~~Building Superintendent~~ **Code Enforcement Officer**, or his designee, shall make the final determination concerning a classification, which determination shall be reviewable only pursuant to procedures under Article 78 of the New York Civil Practice Law and Rules. To challenge the classification of an alarm as a false alarm, the real property owner or lessee thereof shall, in writing, notify the Chief of Police and/or the ~~Building Superintendent~~ **Code Enforcement Officer** within 10 days after receipt of notice of the alarm, which will be presumed to have been received three days after mailing pursuant to §35-8 of this

chapter. The failure to give such timely notice shall be deemed a waiver of the right to review any such determination.

35-10 Payment of charges. Charges for false alarms shall be paid to the Town Clerk of the Town of Aurora at the **Aurora Municipal Center** ~~5 South Grove Street, East Aurora, New York 14052,~~ within 30 days of the mailing date of any notice provided pursuant to §35-8 of this chapter.

35-11 Failure to remit charges. Failure of a real property owner or lessee of property on which an alarm system is installed to pay any false alarm charges, as defined in §35-7 of this chapter, within 30 days of the mailing date of a notice of the amount due provided pursuant to §35-8 of this chapter shall be deemed a violation of this chapter and may result in said real property owner or lessee, as the case may be, being served with a summons.

35-12 Enforcement. The Chief of Police shall enforce this chapter for alarm systems which detect intrusions or holdup alarms at a building, structure or facility. The ~~Building Superintendent~~ **Code Enforcement Officer** shall enforce this chapter for alarm systems which detect smoke, fire, water flow or abnormal rate of rise in temperature or emergency medical systems. If both Police Department and Fire Department alarms are activated, the ~~Building Superintendent~~ **Code Enforcement Officer** will enforce this chapter.

35-13 Penalties for offenses. Any person or persons, association or corporation committing an offense against this chapter or any section or provision thereof is guilty of a violation punishable by a fine not exceeding \$250 or imprisonment for a period not exceeding 15 days for each such offense, or by both such fine and imprisonment.

35-14 Effective date. This chapter shall become effective on the latter of the first day of March 1994 or its proper filing with the Secretary of State of New York in a manner consistent with §27 of the New York Municipal Home Rule Law.

95-1 Intent: The intent of a site plan review is as follows:

- A. To evaluate the intended building design in its arrangement to and its suitability to natural site conditions and the compatibility with surrounding land uses.
- B. To permit the Town of Aurora to analyze development proposals in terms of their impacts on local growth and the need for facilities and services.
- C. To protect and provide for the public health, safety and general welfare of the Town.
- D. To conform with current **zoning**, ~~restrictions, the Table of District Regulations, and the Official Map, and Master~~ **Comprehensive Plan**, if any, now or in the future.
- E. To protect the value of land throughout the Municipality, to encourage orderly and beneficial development upon the land, and to minimize misunderstanding in the interpretation of intended land uses set forth in current zoning restrictions.
- F. To prevent the pollution of air and water, to assure the adequacy of proper drainage methods, and to safeguard the natural water table through responsible sewage removal/treatment.
- G. To provide for the preservation of open spaces through the most efficient design and layout of buildings, including but not limited to the use of cluster development of buildings on a parcel of land.

95-2 Applicability; exceptions.

- A. All applications for building permits shall be accompanied by a site plan as approved by the Town Board, based on the review and recommendations of the Town Planning Board and, if appropriate, the Town's Engineer, Highway Superintendent and/or ~~Superintendent of Buildings~~ **Code Enforcement Officer** and upon the opinions and concerns brought up at a required public hearing(s), if any.
- B. An approved site plan need not accompany an application for a building permit to construct any of the following:
 - 1. A one-family or two-family dwelling and its permitted accessory uses or structures.
 - 2. A ~~nonresidential~~ commercial improvement, either in the form of an addition to an existing structure or the construction of a new structure, which upon completion, will be less than 2,500 square feet. Notwithstanding this exception, if an applicant, during any three-year period, has engaged in a series of small improvements on his, her, or its property ~~over a period of time~~ which, in the opinion of the ~~Superintendent of Buildings~~ **Code Enforcement Officer**, are intended to circumvent the requirements for a site plan review, ~~the Superintendent of Buildings~~ **Code Enforcement Officer** may, in his or her reasonable judgement view all of those improvements in the aggregate in determining whether or not any such improvement or improvements would be excluded from the requirement of a site plan because of the amount of improved square footage involved.
 - 3. Improvements on agricultural properties or farms within the Town of Aurora which would either not otherwise be subject to the issuance of a building permit or which are located in the rear of existing improvements, provided that such improvements are located on a parcel of land of 10 acres or more.
 - 4. **Construction for the purposes of accessibility.**
- C. Notwithstanding any other provision contained in this §95-2, a site plan review will be required for any ~~nonresidential~~ commercial improvement constructed on a property which immediately adjoins or is directly across the street from ~~and~~ **or** is within 500' of a property which is zoned residential by the Town

- A. Upon applying for a building permit which requires a site plan review, the ~~Superintendent of Buildings~~ **Code Enforcement Officer** will advise the applicant of the specific materials which need to be submitted to the Planning Board and/or Town Board for review. This step is designed to save the applicant from possible future delays. The ~~Superintendent of Buildings~~ **Code Enforcement Officer** will review the basic site design concept and advise the applicant as to potential problems and concerns and will assist the applicant in determining the information needed to begin a preliminary site plan review. In order to accomplish these objectives, the applicant shall provide sketches of the proposed development, together with an area map showing the location of the site in relation to neighboring points of interest.
- B. At this time, the Town's designated state environmental quality review (SEQR) officer will decide if an environmental review is necessary.
- C. All materials needed for a site plan review will be filed with the ~~Superintendent of Buildings~~ **Code Enforcement Officer**, together with a completed site plan review application to be developed by and obtained from the ~~Superintendent of Buildings~~ **Code Enforcement Officer**. A nonrefundable fee, the exact amount of which will be established from time to time by resolution by the Town Board, shall be paid at that time to the Town Clerk. Thereafter, the ~~Superintendent of Buildings~~ **Code Enforcement Officer** will distribute the ~~proper documents~~ **application** to the ~~Planning Board~~ **Town Board for referral to the Planning Board**, as well as to any other individuals, agencies or bodies that may be appropriate for their review, report and recommendation.
- D. Upon receiving the information required on the site plan submittal checklist (which is to be attached to the site plan review application) and a complete set of plans, drawings, maps, surveys and other materials deemed reasonably necessary and appropriate, the Planning Board will review and make an initial assessment of materials and notify the applicant of any additional materials needed to complete the site plan review. If variations from the submission requirements are to be granted, they will be mutually agreed upon by the applicant and the Planning Board at this initial consultation. This will be the preliminary stage of the site plan review.
- E. To further aid in determining public opinion and concerns, an optional public hearing may, but need not be, scheduled by the Planning Board within 45 days of receipt of a completed application for site plan review.
- F. The Planning Board shall act on such an application and notify the Town Board an applicant, in writing, of its action, which shall be to recommend either the acceptance or rejection of an application or the conditional acceptance of any application or the acceptance of an application conditioned upon certain changes in the proposed project or development.
- G. Final site plan approval or disapproval will be given by the Town Board following its receipt of a written recommendation by the Planning Board to approve, disapprove, or approve with modification an applicant's site plan review application. Such a written recommendation shall be made by the Planning Board within 60 days of any ~~required~~ public hearing **held by the Planning Board** or the submission of a completed site plan review application to the Planning Board.
- H. Any time limits set forth herein may be extended by mutual consent of the Planning Board and/or Town Board and the applicant to allow all interested parties to comment upon or modify any pending proposal. Notwithstanding the above, if the Town Board determines that it is in the best interest of the Town to expedite the review and approval or disapproval of a pending application, subject to the provisions of this chapter, the Town Board may notify the Planning Board of this determination, in which event the Planning Board will make a

written recommendation to the Town Board to either accept a pending application without change, to accept a pending application subject to certain changes, conditions or modifications or to reject a pending application within 60 days of the date of the Town Board's written request.

- I. Within 45 days of receiving a recommendation from the Planning Board, and to further aid in determining public opinion and concerns, the Town Board shall schedule a public hearing.
- J. Within 45 days of receiving a recommendation from the Planning Board, the public hearing, the Town Board shall approve, disapprove or approve with modifications an applicant's final site plan. In the event that the Town Board rules that the site plan does not comply with Town standards or regulations or is unacceptable to the Town Board for any other reason, then the record of such determination shall be delivered to the applicant, including a separate statement setting forth, in as much detail as needed for the applicant to understand the basis for such determination, the criteria used by the Town Board and others in the determination of disapproval.
- K. Upon approval by the Town Board, a complete final site plan review package will be sent to the ~~Superintendent of Buildings~~ Code Enforcement Officer after which a building permit will be issued to the applicant if he, she, or it complies with all other applicable rules and regulations.
- L. All costs incurred by the Planning Board and/or Town Board or other individuals involved in the site plan review for consultation fees or other expenses in connection with the review procedure shall be charged to and paid by the applicant, in the Town's discretion either before or after they are incurred.

95-4 Submission requirements.

- A. The site plan submittal checklist will assist in providing the Town's Planning Board with a basis for reaching a final decision regarding the recommendation of a final site plan to the Town Board for approval, disapproval or approval with modifications. An applicant's proposed site plan and all supporting data will be submitted by and bear the official and signature of a licensed architect, landscape architect, professional engineer or land surveyor.
- B. Site plan components, as allowed or required by state law, which will, to the extent deemed appropriate, be considered by the Town Board, Planning Board and others as part of an analysis of an applicant's site plan will include the following: legal data, impact on the environs, natural features, existing man-made features, proposed development, impact on stormwater pollution and other information or materials. If a stormwater pollution prevention plan (SWPPP) is submitted pursuant to §95-4B(6) of this chapter, such SWPPP shall be considered by the Town Board, Planning Board and others as part of an analysis of an applicant's site plan, and the site plan and SWPPP shall not be approved unless they comply with the performance and design criteria and standards in Chapter 96, Stormwater Management, of the Code.
 - 1. Legal data

- a. The name, ~~and~~ address, email and phone number of the applicant and authorization of the owner if different from the applicant; the name and address of the owner(s) of record, if different from the applicant; and the name, ~~and~~ address, email and phone number of the person or firm preparing the site plan and any related maps or sketches.
 - b. Ownership intentions of the applicant others, such as future options, rights-of-way etc.
 - c. Current zoning classification of the property, including exact zoning boundary if in more than one district.
 - d. Property boundary lines plotted to scale by a licensed surveyor, including distances, angles, North arrow, scale and date.
 - e. The locations, widths, elevations, and names of existing and proposed adjacent streets.
 - f. A description of all existing deed restrictions or covenants applying to the property.
 - g. The identification and record of the application and approval status of all necessary state and county permits as part of the final stage of any applicant's site plan review.
2. Impact of proposal on environs:
 - a. Relationship to:
 - i. Adjacent and nearby land uses, both public and private.
 - ii. Existing and proposed traffic patterns.
 - iii. Existing and projected water supply, sewage disposal and similar service capabilities
 - iv. The community's ability to provide adequate recreation, education and fire protection.
 - b. Visual compatibility with surroundings.
 - c. Effect on air and water quality standards applicable to commercial site plans.
 - d. Effect on energy consumption and conservation.
 - e. Whether the designated lead agency deems the proposal to be significant pursuant to the State Environmental Quality Review Act, in which event a draft environmental impact statement, followed by an environmental impact statement, will be required and reviewed.
3. Natural features:
 - a. Geological features, such as depth to bedrock and the locations of rock outcrops.
 - b. Topographical features, including a map showing existing contour intervals of no more than five feet. Two-foot contour intervals will be required if the topography is relatively flat. Areas of steep slopes should be delineated as necessary.
 - c. Soil characteristics, such as load-bearing capacity and drainage capacity.

- d. Hydrologic features, which should include drainage and natural runoff patterns, flood zones, noted wetlands, vegetative cover and average depth to groundwater.
- 4. Existing development and infrastructure:
 - a. The location and dimensions of major buildings and structures.
 - b. The location and width of roads, private drive and paths, including site access.
 - c. The location, size and flow direction of sewers, water supply lines, and culverts; all utilities to be identified.
 - d. Other existing developments adjacent to the site, including setback and lot line dimensions.
- 5. Proposed development:
 - a. The intended use of the completed project.
 - b. A grading and drainage plan.
 - c. Site placement of buildings, accessory structures, fences, parking lots, sidewalks, storage tanks, waste-disposal units, etc.
 - d. The location and size of water and sewer lines and appurtenances.
 - e. The location, size and design of all outdoor lighting facilities, public-address systems and outdoor signs, including those posted on buildings.
 - f. A general landscaping plan and planting schedule, including buffer zones and green space.
 - g. An estimated project schedule and phasing plan (final site plan).
 - h. A performance bond, if determined to be appropriate, with the amount, completion schedule, public improvements covered and inspection and bond approval.
- 6. Impact on stormwater pollution:
 - a. A stormwater pollution prevention plan (SWPPP), if required for the proposed development under Chapter 96, Stormwater Management, of the Code.
 - b. The recommendation of the Stormwater Management Officer to approve, approve with modifications, or disapprove the SWPPP pursuant to Chapter 96 of the Code.
- 7. Other: any other information or materials with the Town Board, Planning Board, Town's Engineer, Highway Superintendent and/or ~~Superintendent of Buildings~~ **Code Enforcement Officer** deems reasonably necessary and/or appropriate to complete a meaningful site plan review in connection with the applicant's proposed improvements or development project.

95-5 Waiver of review process. The Town Board may waive the applicability of all or any portion of the site plan review process to a particular applicant or project if it determines that such review is not in the interest of public health, safety or general welfare or is inappropriate to a particular site plan or project, except that the requirements of §95-4B(6) of this chapter shall not be waived.

95-6 Decision; notice and filing

- A. Prior to reaching a final decision on a site plan review application, the ~~Planning Board or Superintendent of Buildings~~ **Code Enforcement Officer** shall, if required, mail notice of such proposed action to the Erie County **Department of Environment and Planning Board**.
- B. The decision of the Town Board on any site plan application shall be filed in the office of the Town Clerk within five business days after such decision is rendered and a copy mailed to the applicant.

95-7 Effective date. This chapter shall take effect the 11th day of January 1999.

Add the following:

99-31A(5): Front yard setback

- A. 200 feet from the boundary line parallel to the street right-of-way
- B. **No accessory building/structure shall be erected in the front yard.**

WS-4E

Ponds Chapter 87

Amend 87-2A as follows: A building permit pursuant to this chapter must be issued prior to construction, at a **fee set by the Town Board by resolution**.

Amend 87-2A(3) as follows: Pond site plan approval shall be by the Town **Code Enforcement Officer**.

Sewers Chapter 93

Amend 93-1 Definition of Superintendent as follows: The Superintendent of **Highways of** the Town of Aurora.

Solar Energy Systems Chapter 95A

Amend 95A-4 C as follows: Utility-scale solar energy systems are only permitted in **C-1, C-2, and C-3** zoning districts.

Amend 95A-5E as follows: Utility-scale solar energy systems and all solar energy systems over 25 kw shall be subject to all provisions of this chapter and permitted only in the approved districts (**C-1, C-2, and C-3**) zoning districts.

Amend 95A-6C(5) as follow: The total surface area of a non-utility-scale said solar energy system on a lot situated in an Agriculture (A), **and Commercial C1, C2 and C3** Use District shall not exceed 5% of the total square footage of the entire lot.

Amend 95A-6C(6) as follows: The total surface area of a utility-scale solar energy system on a lot which is greater than two acres situated in a **Commercial C1, C2 and C3** Use District shall not exceed 10% of the total square footage of the entire lot.

Amend 95A-8(2) as follows: As regulated for accessory structures in the **Commercial C1, C2 and C3** uses in Chapter **116** of the Town Code.

Subdivision of Land and ODA Chapter 99

Add 99-6B: **Prior to submittal of an application, a preliminary meeting with the developer, property owner, Town Supervisor, Superintendent of Highways, and Code Enforcement Officer is required to discuss the proposed subdivision. This meeting will review the basic site design concept and advise the developer as to potential problems or concerns and will assist the developer in determining the information needed to begin the process.** [move all subsequent sections down one]

Zoning Chapter 116

Amend the definition of Building, Height of: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs and to the mean height between eaves and ridge for gable, **shed or single slope**, hip and gambrel roofs.

Delete 116-8.5D(3), as there is no multiple-family development allowed in an A district

Delete 116-8.5E(3), as there is no multiple-family development allowed in an A district.

Delete 116-8.6E(3), as there is no multiple-family development allowed in an C district.

**PROCEDURES GOVERNING MEMBER AND PUBLIC ATTENDANCE
AT MEETINGS CONDUCTED BY USE OF VIDEOCONFERENCING**

Adopted by the

_____ TOWN BOARD

Pursuant to Public Officers Law § 103-a (2)(b), the Board adopts these Procedures Governing Member and Public Attendance at Meetings Conducted by use of Videoconferencing (the Procedures). These Procedures shall apply to all public meetings of the Board conducted by use of videoconferencing and to all public meetings of any committee or subcommittee of the Board now existing or hereafter established conducted by use of videoconferencing. When applying these Procedures to meetings of a committee or subcommittee of the Board, references to the Board shall be deemed to be references to such committee or subcommittee.

1. Except as provided in paragraph 2, each member of the Board who wishes to attend and participate in a public meeting of the Board shall be physically present at a meeting location that is open to the public and identified in the public notice for such meeting.

2. If, due to extraordinary circumstances, a member of the Board who wishes to attend and participate in a meeting is unable to be physically present at a meeting location that is open to the public and identified in the public notice for such meeting, such member may submit a written request to the Supervisor and Secretary to the Board (Town Clerk) to attend the meeting via videoconference from a location that is not open to the public. The written request must be submitted a reasonable time in advance of the meeting (and in no event later than the time required to allow the public notice for the meeting to be revised to indicate that the meeting will be conducted by use of videoconferencing) and must identify the general nature of the extraordinary circumstance that causes such member to be unable to be physically present at a meeting location that is open to the public and identified in the public notice.

3. Extraordinary circumstances:

- a. Disability;
- b. Illness;
- c. Caregiving responsibilities; and
- d. Any other significant or unexpected factor or event which precludes such member's physical attendance at such meeting at a meeting location that is open to the public.
- e. Merely being out of town, out of state, or on vacation are not quality events, as such absences are not unanticipated and are usually not emergencies or extraordinary events.

4. Notwithstanding the provisions in these Procedures that permit members to attend a meeting via videoconference from a location that is not open to the public, the Board shall not be permitted to conduct a meeting unless the number of members physically present at location(s) where the public can attend is at least equal to the minimum number of members necessary to fulfill the Board's quorum requirement. If such quorum requirement is satisfied, the members physically present at location(s) where the public can attend and the member(s) attending the meeting via videoconference from location(s) not open to the public may participate in the meeting and vote at the meeting.

5. If videoconferencing is used to conduct a meeting, then except in the case of executive sessions, the Board shall ensure that each member participating in the meeting, whether at a location where the public can attend or from a remote location that is not open to the public, can be heard, seen, and identified, while the meeting is being conducted, including but not limited to any motions, proposals, resolutions, and any other matter formally discussed or voted upon. Members participating from a remote location shall ensure that their visual and audio connections are operational and shall (1) identify their full name on the videoconferencing software so that it appears on the screen or (2) have a name plate with their full name that appears on the screen. Notwithstanding any other provision of these Procedures to the contrary, a member who is otherwise qualified to participate in a meeting from a remote location that is not open to the public shall not be permitted to participate in the meeting from such remote location if such member's visual and audio connections are not operational and/or do not permit such member to be heard, seen, and identified, while the meeting is being conducted.

6. If videoconferencing is used to conduct a meeting, the minutes of the meeting shall identify which, if any, member(s) participated remotely and shall be available to the public pursuant to Section 106 of the Public Officers Law.

7. If videoconferencing is used to conduct a meeting, the public notice for the meeting shall inform the public that videoconferencing will be used; shall specify where the public can view the meeting (and, when public participation in the meeting is authorized, shall specify where the public can view and/or participate in the meeting); shall specify where required documents and records will be posted or available; shall identify the physical location(s) for the meeting where the public can attend; and shall otherwise comply with all applicable requirements of the Open Meetings Law.

8. If videoconferencing is used to conduct a meeting, the meeting shall be recorded, the recording of the meeting shall be posted or linked on the public website of the Department of State within five business days following the meeting, and such recording shall remain so available for a minimum of five years thereafter. Such recordings shall be transcribed upon request.

9. If videoconferencing is used to conduct a meeting, the public may attend the meeting at any location that is open to the public and, in addition, the Board shall (1) provide the opportunity for members of the public to view such meeting via video, and (2) when public comment or participation is authorized, shall provide the opportunity for members of the public to participate in proceedings via videoconference in real time and shall ensure that videoconferencing authorizes the same public participation or testimony as in-person participation or testimony.

10. If videoconferencing is used to conduct a meeting, the Board may require any member of the public who wishes to attend the meeting remotely by videoconference to register for the meeting, provided that such registration shall be open to all and that the manner in which registration can be made is specified in the public notice for the meeting. Participants must use the "Raise Hand" function to verbally ask a question. Remote participants must wait until authorized to speak by the Supervisor. Only remote participants with a digital hand raised shall be called upon to speak.

11. If videoconferencing is used to conduct a meeting during which public comment is authorized or otherwise accepted, the Board may require any member of the public who provides comments during such meeting to identify themselves by name. Nothing in this paragraph or elsewhere in these Procedures shall be construed as requiring the Board to accept public comments at any meeting or otherwise to permit participation by members of the public in any meeting. If the Board does accept public comments at any meeting or does otherwise permit participation by members of the public in any meeting, nothing in this paragraph or elsewhere in these Procedures shall be construed as limiting the right of the Board to impose such limits and restrictions on such public comments and/or public participation as may be permitted by applicable law.

12. The in-person participation requirements set forth in this Policy and Public Officers Law §103-a(2)(c) shall not apply during a state disaster emergency declared by the Governor pursuant to Executive law §28, or a local state of emergency proclaimed by the County Executive or Town Supervisor pursuant to Executive law §24, if the Governor, County Executive or Town Supervisor determines that the circumstances necessitating the emergency declaration would affect or impair the ability of the public body to hold an in-person meeting.

Chapter 17. Meetings

Article I. Videoconferencing

[Adopted 12-12-2022 by L.L. No. 6-2022]

§ 17-1. Legislative intent.

- A. It is the intent of this article to give members of the Town's local public bodies, as such term is defined in Public Officers Law § 103-a(1), the authority to participate in meetings via videoconferencing in a manner consistent with the town's videoconferencing policy and the authority granted in Public Officers Law § 103-a.
- B. Although Public Officers Law § 102¹⁰³ expressly allows members of a public body to attend and participate in meetings using videoconferencing, Town Law § 62 states that Town Board meetings must take place within the Town, thereby making it unclear if a Town Board member may participate via videoconference from a location outside the Town's boundaries. this article is meant to expressly provide that authority to members of the Town Board.

§ 17-2. Authority.

- * This article is adopted pursuant to Public Officers Law § 103-a, which expressly authorizes the Town Board to adopt a local law giving the Town's public bodies the authority to participate in meetings via videoconference from locations not accessible to the public so long as a quorum of the body participates from locations where the public may be physically present and other conditions are met.

§ 17-3. Videoconferencing from outside town boundaries.

The Town Board of the Town of Aurora hereby supersedes Town Law § 62 to expressly allow members of the Town's public bodies, in each public body's discretion, to participate in meetings using videoconferencing technology from locations within the Town or outside the Town's boundaries from a location that is not accessible by the public, in a manner consistent with Public Officers Law § 103-a and the town's videoconferencing policy adopted by the town board. Attendance via videoconferencing is only permitted if:

- A. A minimum number of members are present to fulfill the public body's quorum requirement in the same physical location or locations within the Town of Aurora's boundaries where the public can attend; and
- B. The member of the public body is unable to be physically present at any such meeting location due to extraordinary circumstances including, without limitation: disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the member's physical attendance at such meeting.

§ 17-4. Severability.

If any clause, sentence, paragraph, subdivision, or part of this article or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this article or in its application to the person, individual, firm or corporation or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

§ 17-5. When effective.

This article shall take effect immediately upon filing with the Secretary of State.

[FINDLAW](#) / [CODES](#) / [NEW YORK](#) / [PUBLIC OFFICERS LAW](#) / § 103-A

New York Consolidated Laws, Public Officers Law - PBO § 103-a. Videoconferencing by public bodies

Current as of January 01, 2024 | Updated by [FindLaw Staff](#)

<[Expires and deemed repealed July 1, 2024, pursuant to [L.2022, c. 56, pt. WW, § 4.](#)]>

1. For the purposes of this section, "local public body" shall mean a public corporation as defined in [section sixty-six of the general construction law](#), a political subdivision as defined in [section one hundred of the general municipal law](#) or a committee or subcommittee or other similar body of such entity, or any entity for which a quorum is required in order to conduct public business and which consists of two or more members, performing a governmental function for an entity limited in the execution of its official functions to a portion only of the state, or a political subdivision of the state, or for an agency or department thereof. For the purposes of this section, a public body shall be as defined in [subdivision two of section one hundred two](#) of this article.

2. A public body may, in its discretion, use videoconferencing to conduct its meetings pursuant to the requirements of this article provided that a minimum number of members are present to fulfill the public body's quorum requirement in the same physical location or locations where the public can attend and the following criteria are met:

(a) the governing board of a county, city, town or village has adopted a local law, or a public body has adopted a resolution, or the senate and assembly have adopted a joint resolution, following a public hearing, authorizing the use of videoconferencing:

(i) for itself and its committees or subcommittees; or,

(ii) specifying that each committee or subcommittee may make its own determination;

(iii) provided however, each community board in a city with a population of one million or more shall make its own determination;

(b) the public body has established written procedures governing member and public attendance consistent with this section, and such written procedures shall be conspicuously posted on the public

website of the public body;

(c) members of the public body shall be physically present at any such meeting unless such member is unable to be physically present at any such meeting location due to extraordinary circumstances, as set forth in the resolution and written procedures adopted pursuant to paragraphs (a) and (b) of this subdivision, including disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the member's physical attendance at such meeting. Notwithstanding the in person quorum requirements set forth in this subdivision, the public body may determine, through its written procedures governing member and public attendance established pursuant to and consistent with this section, to allow for any member who has a disability as defined in section two hundred ninety-two of the executive law, where such disability renders such member unable to participate in-person at any such meeting location where the public can attend, to be considered present for purposes of fulfilling the quorum requirements for such public body at any meetings conducted through videoconferencing pursuant to this section, provided, however, that the remaining criteria set forth in this subdivision are otherwise met; and provided, further, that the public body maintains at least one physical location where the public can attend such meeting;

(d) except in the case of executive sessions conducted pursuant to section one hundred five of this article, the public body shall ensure that members of the public body can be heard, seen and identified, while the meeting is being conducted, including but not limited to any motions, proposals, resolutions, and any other matter formally discussed or voted upon;

(e) the minutes of the meetings involving videoconferencing shall include which, if any, members participated remotely and shall be available to the public pursuant to section one hundred six of this article;

(f) if videoconferencing is used to conduct a meeting, the public notice for the meeting shall inform the public that videoconferencing will be used, where the public can view and/or participate in such meeting, where required documents and records will be posted or available, and identify the physical location for the meeting where the public can attend;

(g) the public body shall provide that each meeting conducted using videoconferencing shall be recorded and such recordings posted or linked on the public website of the public body within five business days following the meeting, and shall remain so available for a minimum of five years thereafter. Such recordings shall be transcribed upon request;

(h) if videoconferencing is used to conduct a meeting, the public body shall provide the opportunity for members of the public to view such meeting via video, and to participate in proceedings via videoconference in real time where public comment or participation is authorized and shall ensure that videoconferencing authorizes the same public participation or testimony as in person participation or testimony; and

(i) a local public body electing to utilize videoconferencing to conduct its meetings must maintain an official website.

3. The in person participation requirements of paragraph (c) of subdivision two of this section shall not apply during a state disaster emergency declared by the governor pursuant to section twenty-eight of the executive law, or a local state of emergency proclaimed by the chief executive of a county, city, village or town pursuant to section twenty-four of the executive law, if the public body determines that the circumstances necessitating the emergency declaration would affect or impair the ability of the public body to hold an in person meeting.

4. No later than January first, two thousand twenty-four, the committee on open government, created by paragraph (a) of subdivision one of section eighty-nine of this chapter, shall issue a report to the governor, the temporary president of the senate, the speaker of the assembly, the chair of the senate standing committee on local government, the chair of the senate standing committee on investigations and government operations, the chair of the assembly standing committee on local governments, and the chair of the assembly standing committee on governmental operations concerning the application and implementation of such law and any further recommendations governing the use of videoconferencing by public bodies to conduct meetings pursuant to this section.

5. Open meetings of any public body that are broadcast or that use videoconferencing shall utilize technology to permit access by members of the public with disabilities consistent with the 1990 Americans with Disabilities Act (ADA), as amended, and corresponding guidelines. For the purposes of this section, "disability" shall have the meaning defined in section two hundred ninety-two of the executive law.

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