

Solar Energy Systems Chapter 95A

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

95A-5E: 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. These systems shall require a special use permit, site plan approval from the Town Board and a building permit from the Town of Aurora Building Department.

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

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

95A-8B(2): 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 required to begin the process.** [move all subsequent sections down one]

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.**

Zoning Chapter 116

116-4 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**, hip and gambrel roofs.

Delete 116-8.5D(3)

Delete 116-8.5E(3)

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**, or his designee, and/or the **Code Enforcement Officer** of the Town of Aurora, or his designee, shall establish a policy and procedure 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 **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 **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 **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**, 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 **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 **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.

Site Plan Chapter 95

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**, the Official Map, and **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 **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 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 which, in the opinion of the **Code Enforcement Officer**, are intended to circumvent the requirements for a site plan review, **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 commercial improvement constructed on a property which immediately adjoins or is directly across the street from **or** is within 500' of a property which is zoned residential by the Town

95-3 Review Procedures

- A. Upon applying for a building permit which requires a site plan review, the **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 **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 **Code Enforcement Officer**, together with a completed site plan review application to be developed by and obtained from the **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 **Code Enforcement Officer** will distribute the **application** to the **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 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, **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 **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, 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, 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 **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 **Code Enforcement Officer** shall, if required, mail notice of such proposed action to the Erie County **Department of Environment and Planning**.
- 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.