

July 5, 2016

**VILLAGE OF EAST AURORA
VILLAGE BOARD MEETING
TUESDAY, July 5, 2016 at 7:00 PM**

Present: Mayor Allan Kasprzak

Trustees: Ernie Scheer, Peter Mercurio, Raymond Byrnes, Patrick Shea, Alfred McCabe
Deborah Carr-Hoagland

Also Present:

Bryan Gazda, Village Administrator
Joyce M. Jezewski, Village Clerk Treasurer
Matthew Hoeh, Superintendent of Public Works
Shane Krieger, Chief of Police
Bill Kramer, Code Enforcement Officer
East Aurora Advertiser, East Aurora Bee
22 Members of the public

Mayor Kasprzak opened the meeting at 7:00 pm followed by the Pledge of Allegiance.

Motion by Trustee Mercurio to approve the minutes of June 20, 2016 as submitted. Seconded by Trustee Shea and unanimously carried.

Trustee Byrnes moved to approve the payment of vouchers:

2016: #54355 - 54381 in the amount of \$9,567.69
2017: #54346 - 54383 in the amount of \$79,178.36

Seconded by Trustee Mercurio and unanimously carried.

PUBLIC HEARING(S)

- Motion by Trustee Carr-Hoagland to open the public hearing at 7:02 pm regarding the Mighty Taco, 123 Grey Street Development Plan Application and Special Permit Application. Seconded by Trustee Shea and unanimously carried.

Peter Sorge, Attorney for Mighty Taco and James Boglioli, Attorney for Benderson presented an overview of the plan, noting a traffic study was done during peak times in the months of November and December.

- Judy Weidemann, 21 Nye Hill – spoke against the drive through plan. She also spoke out against it at the ZBA hearing on March 21st and read aloud a letter to the village board.
- Ellen Moomaw, 423 Oakwood – spoke against the drive through plan indicating it is not safe for bikers and walkers. She further noted that she hopes this does not set a precedent for other drive through plans in the village, indicating that East Aurora prides itself on walk ability and bike ability.
- Mary Flickinger, Porterville Road – spoke against the drive through plan stating she felt it would be dangerous.

July 5, 2016

- Myla LeBlanc, Parkdale Avenue – spoke in favor of the drive through plan.
- Ellen Neumaier, Oakwood Avenue – spoke against the drive through plan stating it was dangerous and would create too much congestion.
- Motion by Trustee Mercurio to close the public hearing at 7:19 pm. Seconded by Trustee Byrnes and unanimously carried.
- Motion by Trustee Byrnes to open the public hearing at 7:19 pm regarding the 576 Fillmore LLC Development Plan. Seconded by Trustee Shea and unanimously carried.

Connor Asposto, Bammel Architects and representative for 576 Fillmore LLC was present to address questions regarding the development plan.

- Karen Lee, 574 Fillmore Avenue – confirmed that the developer would not be taking down any trees.
- Michael Croft, Fillmore Avenue – expressed concerns about the receivers and drainage. Trustee Byrnes indicated it is generally just a hard surface requirement, wherein this project will remain gravel (porous). Trustee Shea suggested that a condition be added to the approval of the development plan stating that drainage must be installed in the area will be paved and further than any change in the lot surface be reviewed by the village board.

Motion by Trustee Scheer to closed the public hearing at 7:30 pm. Seconded by Trustee Byrnes and unanimously carried.

- Motion by Trustee Mercurio to open the public hearing at 7:30 pm regarding the 645 Persons Street Development Plan. Seconded by Trustee Carr-Hoagland and unanimously carried.

There was no public comment.

Motion by Trustee Shea to close the hearing at 7:31 pm. Seconded by Trustee Byrnes and unanimously carried.

SPEAKERS & COMUNICATIONS (I)

- Elizabeth Ashman, Whaley Avenue – expressed her appreciation to the developer for 576 Fillmore LLC for doing the right thing for the neighbors and also thanked the village board for their due diligence.

OFFICIAL CONSIDERATIONS

- Planning Commission Chair, Dan Castle spoke about the proactive planning approach to the Elm Riley Corridor that started six (6) months ago. There was a good mix of property owners and business owners at the two public community meetings that were held.
- Matt Ingalls of Ingalls Planning & Design reviewed the draft plan.
 - **Workshop Summary** – In March 2016, community members were invited to the Lodge at the Healthy Zone Ice Rink for a collaborative community planning and design workshop. Approximately 40 community members came together to learn about the Elm Riley

Corridor Plan and share their ideas for the community. Several participation tools were used at the workshop to help attendees focus on community issues, opportunities and assets and to develop a long term vision to help guide development and redevelopment in the community. Attendees wrote postcards to a fictional Aunt Sally, describing their vision for the future and participated in an image preference survey (IPS)

The IPS consisted of a 40 image slideshow where attendees viewed pictures of buildings, streets, public spaces and more. The slides included scenes of diverse aesthetic quality, building form, and streetscape elements. Attendees were asked to rate the images on a scale of 1 (undesirable) to 10 (highly desirable). These images include the highest and lowest rated images in the IPS.

- **The Vision** – East Aurora’s historic corridor will be an eclectic complement to Main Street with restaurants and art studios mixed with a variety of shops and residences. Vibrant buildings will be framed by inviting streetscapes and public spaces that are clean, green and filled with both residents and visitors. The streets and parking areas will be well defined, well kept, and safe for bicyclists, pedestrians, and motorists. Small businesses and community facilities will be bustling with people of all ages and walks of life.
- **Goals** – The Elm Riley Corridor vision will be achieved by focusing on goals in the following areas:
 - Transportation and Parking
 - Explore possibilities for new off-street parking
 - Improve aesthetics of existing and future parking lots
 - Improve bicycle and pedestrian infrastructure
 - Evaluate the need for traffic control devices and safety measures
 - Evaluate ways to reduce the impact of vehicular traffic
 - Streetscape and Public Space
 - Enhance streetscape character by developing detailed streetscape plans for the corridor
 - Make the intersection of Elm and Riley Street more distinctive
 - Develop attractive public places for people to congregate and rest
 - Support efforts to incorporate public art into the corridor
 - Land Use and Economic Development
 - Promote new residential development that varies in size, scale and type
 - Update zoning code to maximize land use and development opportunities and improve design
 - Encourage property owners to repair and improve their existing buildings
 - Maximized the redevelopment potential of underutilized buildings and properties.
 - Support small business development
 - Sustainability
 - Ensure that adequate infrastructure is available to meet future needs
 - Foster the use of alternative transportation
 - Support development that attracts people at all stages of life

He noted that the draft plan is circulating among committee members. At the conclusion of his presentation, Matt Ingalls commented on how much he enjoyed working with the village.

July 5, 2016

- Motion by Trustee Shea to hold a public hearing on Monday, July 18th regarding Proposed Local Law #1 of 2016 to amend the zoning for 45 Church Street. Seconded by Trustee Mercurio and unanimously carried.
- Motion by Trustee Byrnes to appoint Scott Jakubczak, 151 Jeffrey Drive, Amherst, NY 14228 as Mechanic for the Department of Public Works, effective July 20, 2016. The rate of pay will be \$22.34 per hour; 80% of full rate, said rate and probationary period in accordance with the current CSEA bargaining agreement.

Seconded by Trustee Carr Hoagland and unanimously carried.

- Motion by Trustee Byrnes to accept the Treasurer's Report as presented and approve the Budget Transfers as follows:

Budget Amendments: July 5, 2016
General Fund - B2 Budget Adjustments

Amount	To Account	Department	Line Item	From Account	Department	Line Item
\$0.35	1010.110	Trustee	Wages	1010.440	Trustee	Travel
\$90.00	1210.440	Mayor	Travel	1210.434	Mayor	Telephone
\$2,313.00	1325.110	Clerk Treas	Wages	1325.420	Clerk Treas	Maint/Repairs
\$1,591.00	1325.110	Clerk Treas	Wages	1325.403	Clerk Treas	Supplies
\$0.12	1480.110	Public Info Services	Wages	1480.410	Public Info	Web Maint
\$23,000.00	1420.411	Attorney	Other Legal Counsel	1990.400	Contingency	
\$10,000.00	1420.411	Attorney	Other Legal Counsel	1620.110	Buildings	Wages
\$11,694.00	1420.411	Attorney	Other Legal Counsel	5110.420	Streets	Road Materials
\$1,132.00	1420.411	Attorney	Other Legal Counsel	5110.126	Streets	Deferred Comp
\$874.00	1490.110	Public Works Adm	Wages	1490.126	Public Works	Deferred Comp
\$105.00	1490.434	Public Works Adm	Phone	1490.126	Public Works	Deferred Comp
\$16.00	1620.433	Buildings	Water	1620.432	Buildings	Gas Heat
\$51.00	1640.480	Garage	Uniforms	1640.470	Garage	Supplies
\$9.00	1670.470	Central Mailing	Postage	1670.420	Central Mailing	Maint/Repairs
\$506.00	1910.410	Insurance	Liability	1910.413	Insurance	Judgements/Claims
\$36.00	1910.410	Insurance	Liability	1670.403	Central Mailing	Copier Supplies
\$111.00	1940.410	Legals	Advertising	1640.470	Garage	Supplies
\$21,467.00	3120.110	Police	Chief Wages	3120.450	Police	Gas/Oil/Grease
\$15,841.00	3120.110	Police	Chief Wages	5110.420	Streets	Road Materials
\$4,827.00	3120.120	Patrolmen	Wages	3120.460	Police	Maint/Repairs
\$690.00	3120.120	Patrolmen	Wages	3120.124	Police Mechanic	Wages
\$13,000.00	3120.126	Police	Deferred Comp	3120.125	Police	Longevity
\$14,364.00	3120.126	Police	Deferred Comp	5110.420	Streets	Road Materials
\$1,925.00	3120.140	Police	Overtime	3120.127	Police	Uniform Allowance
\$1,377.00	3120.140	Police	Overtime	3310.110	Crossing Guard	Wages
\$486.00	3120.440	Police	Overtime	3120.434	Police	Telephone
\$0.12	3410.130	Fire Dept	Custodian	3410.200	Fire Dept	Equipment
\$27.00	3410.420	Fire Dept	Supplies	3410.200	Fire Dept	Equipment
\$354.00	3410.433	Fire Dept	Water	3410.200	Fire Dept	Equipment
\$1,867.00	3410.431	Fire Dept	Electric	3410.432	Fire Dept	Gas Heat
\$372.00	3410.460	Fire Dept	Vehicle Main	3410.434	Fire Dept	Phone
\$1,479.00	3410.460	Fire Dept	Vehicle Main	3410.440	Fire Dept	Training/Travel
\$2,665.00	3410.460	Fire Dept	Vehicle Main	3410.450	Fire Dept	Gas/Oil/Grease
\$2,200.00	3410.460	Fire Dept	Vehicle Main	3410.495	Fire Dept	Prevent/Invest
\$1,945.00	3410.460	Fire Dept	Vehicle Main	1990.400	Contingency	
\$4,100.00	3420.110	Dispatch	Wages	3420.125	Dispatch	Longevity
\$2,957.00	3420.110	Dispatch	Wages	3420.126	Dispatch	Deferred Comp
\$7,017.00	3420.130	Dispatch	Part Time Wages	5110.140	Streets	Overtime
\$1,337.00	3420.140	Dispatch	Overtime	3420.200	Dispatch	Equipment
\$1,437.00	3420.140	Dispatch	Overtime	3420.420	Dispatch	Maint/Repairs
\$1,221.00	3420.140	Dispatch	Overtime	3420.440	Dispatch	Training/Travel
\$10,386.00	5110.110	Streets	Wages	5110.140	Streets	Overtime

\$341.00		7520.440	Historic Preservation	Training/Travel		7550.470	Celebrations	Operating Exp
\$127.00		8160.140	Refuse & Garbage	Overtime		8160.480	Refuse & Garbage	Miscellaneous
Water Fund Budget Adjustments								
\$939.00		8310.110	Water Adm	Wages		8310.440	Water Adm	Training/Travel
\$404.00		8310.126	Water Adm	Deferred Comp		8310.440	Water Adm	Training/Travel
\$23,748.00		8320.470	Bulk Purchase of Water			8340.110	Transmission & Dist	Wages
\$900.00		8320.470	Bulk Purchase of Water			8340.125	Transmission & Dist	Longevity
\$2,163.00		8320.470	Bulk Purchase of Water			8340.126	Transmission & Dist	Deferred Comp
\$5,842.00		8320.470	Bulk Purchase of Water			8340.140	Transmission & Dist	Overtime
\$11,562.00		8320.470	Bulk Purchase of Water			8340.200	Transmission & Dist	Equipment
\$1,235.00		8320.470	Bulk Purchase of Water			8340.440	Transmission & Dist	Training/Travel
\$2,370.00		8320.470	Bulk Purchase of Water			8340.470	Transmission & Dist	Supplies
\$15.00		8320.470	Bulk Purchase of Water			8340.480	Transmission & Dist	Uniforms
\$28,596.00		8320.470	Bulk Purchase of Water			9060.805	Health Insurance	

OFFICIAL CONSIDERATIONS (CON'T)

- Trustee Shea and Trustee Mercurio reported on the Hamlin Park Master Plan committee meeting wherein the results from the Hamlin Park Survey were reviewed and discussed. The next meeting of the committee will be Tuesday, July 12th in the Red Room at Village Hall.
- Mayor Kasprzak:
 - Reported that Assemblyman Michael (Mickey) Kearns has taken on the task of collecting a list of NYS vacant and abandoned properties.
 - Received a report that the Village of East Aurora is the 2nd cheapest place to live tax wise for village/town/school taxes, placing us behind the Village of Akron. Last year we were number 1.

UNFINISHED BUSINESS

- Trustee Carr-Hoagland offered the following resolution and moved for its adoption:

RESOLUTION OF THE VILLAGE OF EAST AURORA OF A DETERMINATION OF NON-SIGNIFICANCE PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT IN THE MATTER OF THE APPLICATION FOR DEVELOPMENT PLAN AND A SPECIAL USE PERMIT FOR A RESTAURANT (MIGHTY TACO) IN AN EXISTING BUILDING LOCATED AT 123 GREY STREET IN THE VILLAGE OF EAST AURORA

WHEREAS, the applicant has filed Part I of the Short Environmental Assessment Form with this Board, a copy of which is included by reference and made a part hereof, relating to the proposed project at 123 Grey Street, East Aurora, New York wherein a restaurant (Mighty Taco) proposes to relocate its present restaurant in the Village Shopping Center into an approximately 2,703 sq ft portion of a vacant existing building in that Village Shopping Center at 123 Grey Street, East Aurora, New York. Such project shall include the construction of a new outdoor patio, the addition of a drive-thru window specifically for the use of Mighty Taco only, renovation of the facade of the existing building, and the addition of a pedestrian connection to Grey Street and the main portion of shopping center, all of which are shown on development plan submitted by applicant and incorporated herein; and

WHEREAS, the Erie County Division of Planning after carefully and fully reviewing a description of the proposed project, along with application, including the Development Plan attached thereto, with any and all amendments and modifications, as submitted by the Village Clerk Treasurer, replied in writing it had "No recommendation; proposed action has been reviewed and determined to be of local concern"; and

July 5, 2016

WHEREAS, the Village Board held a public hearing which was properly noticed to the public wherein the project was discussed,

WHEREAS, the Village Planning Commission after carefully and fully reviewing the application, including the Site/Development plan attached thereto, with any and all amendments and modifications, and considering comments and documentation presented for and against the project; and

WHEREAS, the Village SEQRA Intake Committee carefully and fully reviewed Part I of the Short Environmental Assessment form submitted by applicant including the Development Plan attached thereto, and the above-referenced amendments and modifications; and

WHEREAS, the SEQRA Intake Committee carefully and fully considered the discussions, comments and documentation presented for and against the project reflected in the minutes and attachments thereto of the Village Board meetings; and the minutes of the Village Planning Commission meetings with comments and recommendation, with conditions thereto, and the reply of Erie County Division of Planning; and

WHEREAS, the Village SEQRA Intake Committee after their review of the above prepared a draft Part II of the Short Environmental Assessment Form with a recommendation of the issuance of the Negative Declaration of environmental significance for submission to, and consideration by, the Village board; and

WHEREAS, the Village Board of Trustees upon taking an independent hard look and reasoned evaluation of the above-referenced information, comments and written documentation, including, but not limited to, Part I of the Short Environmental Assessment Form; comments and recommendations of the Planning Commission, the site/development plan; reply of Erie County Division of Planning; minutes of the Village Board meeting and public hearing wherein the project was discussed; and the recommendation of the SEQRA Intake Committee and that Committee's completed Part II and Part II a of the Short Environmental Assessment Form concerning the potential environmental impact of the project; all of which are incorporated by reference herein; and

WHEREAS, the Village Board, upon carefully and fully reviewing all the information, comments and written documentation in regard to the project, made a finding that there are no significant environmental impacts,

NOW, THEREFORE, be it

RESOLVED, that the Village Board of East Aurora as lead agency has determined that the proposed action described in the Short Environmental Assessment Form, submitted by the applicant, for the renovation, additions and improvements, and the relocation of a restaurant (Mighty Taco), including the addition of a drive-thru window, specifically for the use of Mighty Taco, into an existing buildings located at 123 Grey Street, East Aurora, New York, filed with the Village, included and incorporated by reference herein, will not have a significant environmental impact and a Draft Environmental Impact Statement will not be required nor prepared.

The foregoing resolution was duly seconded by Trustee Scheer with Trustee Mercurio voting Nay. Motion carried on July 5, 2016.

- Trustee Scheer offered the following resolution and moved for its adoption:

July 5, 2016

RESOLUTION OF THE VILLAGE OF EAST AURORA APPROVING THE DEVELOPMENT PLAN AND SPECIAL USE PERMIT REGARDING THE RENOVATION, ADDITIONS, IMPROVEMENTS AND RELOCATION OF A RESTAURANT, KNOWN AS "MIGHTY TACO", WITH A DRIVE-THRU WINDOW IN A PORTION OF AN EXISTING BUILDING AT 123 GREY STREET IN THE VILLAGE OF EAST AURORA

WHEREAS, an application has been submitted for Development Plan approval and the granting of a special use permit at the above referenced property, and

WHEREAS, the Planning Commission of the Village of East Aurora having considered the application and submitted a recommendation for approval to the Village Board, with stated conditions to that recommendation; and

WHEREAS, the Village's SEQRA Intake Committee considered the application and reviewed Part 1 of the Short Environmental Assessment Form submitted by the applicant and completed Part 2 and Part 3 thereof on behalf of the Village, and it was the determination of the SEQRA Committee that the proposed development plan would have no significant environmental impact; and

WHEREAS, the Village Board held a public hearing and meetings all of which were properly noticed to the public and reviewed and considered further the comments and all written materials submitted by the applicant and all other information and recommendations before the Board; including minutes of prior Village Board meetings, and minutes of the Village Planning Commission whereat the development plan was discussed, along with recommendations of approval by Planning Commission; reply of Erie County Division of Planning and recommendation of the SEQRA Intake Committee; and

WHEREAS, the Village Board received and considered the site/development plan, the above referenced renovation and construction, and any and all amendments thereof; and

WHEREAS, The Village Board has separately considered the environmental impacts of the project and issued a Negative Declaration of environmental significance.

NOW, THEREFORE, be it

RESOLVED, by the Village Board as follows:

1. The recommendations of the Planning Commission; and the Findings of Fact of the SEQRA Intake Committee; and the site/development plan including the above referenced improvement rendering filed with the Village; special use application; all information included in the minutes taken in relation to the above mentioned Village Board meetings, and the reply from the Erie County Division of Planning are attached and incorporated herein by reference.
2. The resolution of the Village Board considering the environmental impacts of the project and the issuance of a Negative Declaration of environmental significance is attached and incorporated herein by reference.
3. The site/development plan is hereby approved, applying the standards under the Village Zoning Code; the project sits in with the Master Plan and is in harmony with the Zoning Code.

July 5, 2016

4. The special use permit is approved and authorized for the business known as "Mighty Taco" in accordance with the application as submitted applying the standards of the Village Zoning Code.
5. The resolution is effective immediately approving the issuance of a development, renovation and construction permit as hereinbefore set forth, subject to all applicable federal, state and local laws, and codes being complied with.

The foregoing resolution was duly seconded by Trustee Carr-Hoagland, with Trustee Mercurio voting Nay. Motion carried on July 5, 2016.

- Motion by Trustee Carr-Hoagland to approve the Special Permit for Mighty Taco, 123 Grey Street.

**VILLAGE OF EAST AURORA
SPECIAL PERMIT**

Special Permit issued pursuant to §285-51 of the Village Code of the Village of East Aurora

Issued To: Benderson Development dba Mighty Taco

Valid only for days & hours of:

Indoor Dining: Sunday – Saturday from 10:00 am – 12 midnight

Outdoor Patio: Sunday – Saturday from 10:00 am – 12 midnight

Drive-thru: Sunday – Thursday from 10:00 am – 1:00 am

Drive-thru: Friday – Saturday from 10:00 am – 2:00 am

For the purpose of: Mighty Taco Fast Food

Indoor Seating: 66 Outdoor Patio: 20

As per Village Board Approval: July 25, 2016

Special Conditions:

- No Outdoor Music

The maximum capacity for the indoor and outdoor dining shall be in accordance with Village Code and NYS Fire Prevention Code.

The permit herein is issued to the applicants on behalf of Mighty Taco and cannot be transferred by such permittee without the written consent of the Village Board of Trustees. Exception is pursuant to §285-51 G (1).

No activities other than the activities specifically set forth in this special Permit shall be carried on. No activities shall be deemed incidental to the activities permitted by this Special Permit unless and until such activities shall be approved as incidental activities by resolution of the Village Board of Trustees.

The Village Board of Trustees hereby reserves the right to revoke approval of this Special Permit in the event the owner of the premises in which the use is permitted is found to be in violation of any of the above stated conditions.

THIS PERMIT MUST BE DISPLAYED AT 123 GREY STREET

Seconded by Trustee Shea with Trustee Mercurio voting Nay. Motion carried.

- Trustee Mercurio offered the following resolution and moved for its adoption:

RESOLUTION OF THE VILLAGE OF EAST AURORA OF A DETERMINATION OF NON-SIGNIFICANCE PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT IN THE MATTER OF THE APPLICATION REGARDING THE IMPROVEMENT OF GRAVELED AREA, WITH FENCING, FOR THE OPEN STORAGE AND PARKING OF MOTOR VEHICLES AT AREA LOCATED AT 577 FILLMORE, SBL#165.17-1-1.12, AND 28 WHALEY IN THE VILLAGE OF EAST AURORA

WHEREAS, the applicant has filed Part I of the Short Environmental Assessment Form with this Board, a copy of which is included by reference and made a part hereof, relating to the proposed project at the above referenced properties for the improvement of a graveled area, with 6' fencing and sufficient trees and ground cover to offer a buffer and screen to surrounding residential area to accommodate the temporary parking and storage of motor vehicles.. The applicant is David Kern, the member director of 576 Fillmore, LLC, the owner of the property; and

WHEREAS, the Erie County Division of Planning after carefully and fully reviewing a description of the proposed project, along with application, including the Development Plan attached thereto, with any and all amendments and modifications, as submitted by the Village Clerk Treasurer, replied in writing it had "No recommendation; proposed action has been reviewed and determined to be of local concern"; and

WHEREAS, the Village Board held a public hearing which was properly noticed to the public wherein the project was discussed,

WHEREAS, the Village Planning Commission after carefully and fully reviewing the application, including the Site/Development plan attached thereto, with any and all amendments and modifications, and considering comments and documentation presented for and against the project, recommended approval upon the conditions set forth in its recommended approval, and

WHEREAS, the Village SEQRA Intake Committee carefully and fully reviewed Part I of the Short Environmental Assessment form submitted by applicant including the Development Plan attached thereto, and the above-referenced amendments and modifications; and

WHEREAS, the SEQRA Intake Committee carefully and fully considered the discussions, comments and documentation presented for and against the project reflected in the minutes and attachments thereto of the Village Board meetings; and the minutes of the Village Planning Commission meetings with comments and recommendation, with conditions thereto, and the reply of Erie County Division of Planning; and

WHEREAS, the Village SEQRA Intake Committee after their review of the above prepared a draft Part II of the Short Environmental Assessment Form with a recommendation of the issuance of the Negative Declaration of environmental significance for submission to, and consideration by, the Village board; and

WHEREAS, the Village Board of Trustees upon taking an independent hard look and reasoned evaluation of the above-referenced information, comments and written documentation, including, but not limited to, Part I of the Short Environmental Assessment Form; comments and recommendations of the Planning Commission, the site/development plan; reply of Erie County Division of Planning; minutes of the Village Board meeting and public hearing wherein the project was discussed; and the recommendation of the SEQRA Intake Committee and that Committee's completed Part II and Part II a of the Short

July 5, 2016

Environmental Assessment Form concerning the potential environmental impact of the project; all of which are incorporated by reference herein; and

WHEREAS, the Village Board, upon carefully and fully reviewing all the information, comments and written documentation in regard to the project, made a finding that there are no significant environmental impacts,

NOW, THEREFORE, be it

RESOLVED, that the Village Board of East Aurora as lead agency has determined that the proposed action described in the Short Environmental Assessment Form, submitted by the applicant, for the improvement of graveled area, with 6' fencing and sufficient trees and ground cover to buffer and screen surrounding residential area, for the open parking and storage of motor vehicles at the above referenced properties with the Village, included and incorporated by reference herein, will not have a significant environmental impact and a Draft Environmental Impact Statement will not be required nor prepared.

The foregoing resolution was duly seconded by Trustee Byrnes and unanimously carried on July 5, 2016.

- Trustee Byrnes offered the following resolution and moved for its adoption:

RESOLUTION OF THE VILLAGE OF EAST AURORA APPROVING THE DEVELOPMENT PLAN REGARDING THE IMPROVEMENT OF GRAVELED AREA, WITH FENCING FOR THE OPEN STORAGE AND PARKING OF MOTOR VEHICLES AT AREA LOCATED AT 577 FILLMORE, SBL: 165.17-1-1.12 AND 28 WHALEY N THE VILLAGE OF EAST AURORA

WHEREAS, David Kern, the member director of 576 Fillmore, LLC, owner of the above referenced properties, has submitted an application for the improvement of ground area, with 6' fencing, and sufficient trees and ground cover to buffer and screen surrounding residential area, for the open parking and storage of motor vehicles; and

WHEREAS, the Planning Commission of the Village of East Aurora having considered the application and submitted a recommendation for approval to the Village Board, with stated conditions to that recommendation; and

WHEREAS, the Village's SEQRA Intake Committee considered the application and reviewed Part 1 of the Short Environmental Assessment Form submitted by the applicant and completed Part 2 and Part 3 thereof on behalf of the Village, and it was the determination of the SEQRA Committee that the proposed development plan would have no significant environmental impact; and

WHEREAS, the Village Board held a public hearing and meetings all of which were properly noticed to the public and reviewed and considered further the comments and all written materials submitted by the applicant and all other information and recommendations before the Board; including minutes of prior Village Board meetings, and minutes of the Village Planning Commission whereat the development plan was discussed, along with recommendations of approval by Planning Commission; reply of Erie County Division of Planning and recommendation of the SEQRA Intake Committee; and

WHEREAS, the Village Board received and considered the site/development plan, the above referenced renovation and construction, and any and all amendments thereof; and

July 5, 2016

WHEREAS, The Village Board has separately considered the environmental impacts of the project and issued a Negative Declaration of environmental significance.

NOW, THEREFORE, be it

RESOLVED, by the Village Board as follows:

1. The recommendations of the Planning Commission; and the Findings of Fact of the SEQRA Intake Committee; and the site/development including the above referenced improvement rendering filed with the Village; and all supporting information included in the minutes taken in relation to the above mentioned Village Board meetings, the reply from the Erie County Division of Planning are attached and incorporated herein by reference.
2. The resolution of the Village Board considering the environmental impacts of the project and the issuance of a Negative Declaration of environmental significance is attached and incorporated herein by reference.
3. The site/development plan is hereby approved, applying the standards under the Village Zoning Code; the project sits in with the Master Plan and is in harmony with the Zoning Code. This approval is conditioned upon applicant meeting the additional conditions set by the Village Planning Commission.
4. If and when the applicant should decide to change the lot surface (i.e. paved or other non-porous surface) to other than what is in the current plan, the applicant/developer must ensure proper drainage and receivers; said modification/application to be reviewed by the village board
5. The resolution is effective immediately approving the issuance of a development/removal , renovation and construction permit as hereinbefore set forth, subject to all applicable federal, state and local laws, and codes being complied with.

The foregoing resolution was duly seconded by Trustee Carr-Hoagland and unanimously carried on July 5, 2016.

- Trustee Mercurio offered the following resolution and moved for its adoption:

RESOLUTION OF THE VILLAGE OF EAST AURORA OF A DETERMINATION OF NON-SIGNIFICANCE PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT IN THE MATTER OF THE APPLICATION REGARDING THE IMPROVEMENT OF GRAVELED AREA, WITH FENCING, FOR THE OPEN STORAGE AND PARKING OF MOTOR VEHICLES AT AREA LOCATED AT 577 FILLMORE, SBL#165.17-1-1.12, AND 28 WHALEY IN THE VILLAGE OF EAST AURORA

WHEREAS, the applicant has filed Part I of the Short Environmental Assessment Form with this Board, a copy of which is included by reference and made a part hereof, relating to the proposed project at the above referenced properties for the improvement of a graveled area, with 6' fencing and sufficient trees and ground cover to offer a buffer and screen to surrounding residential area to accommodate the temporary parking and storage of motor vehicles.. The applicant is David Kern, the member director of 576 Fillmore, LLC, the owner of the property; and

July 5, 2016

WHEREAS, the Erie County Division of Planning after carefully and fully reviewing a description of the proposed project, along with application, including the Development Plan attached thereto, with any and all amendments and modifications, as submitted by the Village Clerk Treasurer, replied in writing it had "No recommendation; proposed action has been reviewed and determined to be of local concern"; and

WHEREAS, the Village Board held a public hearing which was properly noticed to the public wherein the project was discussed,

WHEREAS, the Village Planning Commission after carefully and fully reviewing the application, including the Site/Development plan attached thereto, with any and all amendments and modifications, and considering comments and documentation presented for and against the project, recommended approval upon the conditions set forth in its recommended approval, and

WHEREAS, the Village SEQRA Intake Committee carefully and fully reviewed Part I of the Short Environmental Assessment form submitted by applicant including the Development Plan attached thereto, and the above-referenced amendments and modifications; and

WHEREAS, the SEQRA Intake Committee carefully and fully considered the discussions, comments and documentation presented for and against the project reflected in the minutes and attachments thereto of the Village Board meetings; and the minutes of the Village Planning Commission meetings with comments and recommendation, with conditions thereto, and the reply of Erie County Division of Planning; and

WHEREAS, the Village SEQRA Intake Committee after their review of the above prepared a draft Part II of the Short Environmental Assessment Form with a recommendation of the issuance of the Negative Declaration of environmental significance for submission to, and consideration by, the Village board; and

WHEREAS, the Village Board of Trustees upon taking an independent hard look and reasoned evaluation of the above-referenced information, comments and written documentation, including, but not limited to, Part I of the Short Environmental Assessment Form; comments and recommendations of the Planning Commission, the site/development plan; reply of Erie County Division of Planning; minutes of the Village Board meeting and public hearing wherein the project was discussed; and the recommendation of the SEQRA Intake Committee and that Committee's completed Part II and Part II a of the Short Environmental Assessment Form concerning the potential environmental impact of the project; all of which are incorporated by reference herein; and

WHEREAS, the Village Board, upon carefully and fully reviewing all the information, comments and written documentation in regard to the project, made a finding that there are no significant environmental impacts,

NOW, THEREFORE, be it

RESOLVED, that the Village Board of East Aurora as lead agency has determined that the proposed action described in the Short Environmental Assessment Form, submitted by the applicant, for the improvement of graveled area, with 6' fencing and sufficient trees and ground cover to buffer and screen surrounding residential area, for the open parking and storage of motor vehicles at the above referenced properties with the Village, included and incorporated by reference herein, will not have a significant environmental impact and a Draft Environmental Impact Statement will not be required nor prepared.

July 5, 2016

The foregoing resolution was duly seconded by Trustee Byrnes and unanimously carried on July 5, 2016.

- Trustee Byrnes offered the following resolution and moved for its adoption:

RESOLUTION OF THE VILLAGE OF EAST AURORA APPROVING THE DEVELOPMENT PLAN REGARDING THE IMPROVEMENT OF GRAVELED AREA, WITH FENCING FOR THE OPEN STORAGE AND PARKING OF MOTOR VEHICLES AT AREA LOCATED AT 577 FILLMORE, SBL: 165.17-1-1.12 AND 28 WHALEY N THE VILLAGE OF EAST AURORA

WHEREAS, David Kern, the member director of 576 Fillmore, LLC, owner of the above referenced properties, has submitted an application for the improvement of ground area, with 6' fencing, and sufficient trees and ground cover to buffer and screen surrounding residential area, for the open parking and storage of motor vehicles; and

WHEREAS, the Planning Commission of the Village of East Aurora having considered the application and submitted a recommendation for approval to the Village Board, with stated conditions to that recommendation; and

WHEREAS, the Village's SEQRA Intake Committee considered the application and reviewed Part 1 of the Short Environmental Assessment Form submitted by the applicant and completed Part 2 and Part 3 thereof on behalf of the Village, and it was the determination of the SEQRA Committee that the proposed development plan would have no significant environmental impact; and

WHEREAS, the Village Board held a public hearing and meetings all of which were properly noticed to the public and reviewed and considered further the comments and all written materials submitted by the applicant and all other information and recommendations before the Board; including minutes of prior Village Board meetings, and minutes of the Village Planning Commission whereat the development plan was discussed, along with recommendations of approval by Planning Commission; reply of Erie County Division of Planning and recommendation of the SEQRA Intake Committee; and

WHEREAS, the Village Board received and considered the site/development plan, the above referenced renovation and construction, and any and all amendments thereof; and

WHEREAS, The Village Board has separately considered the environmental impacts of the project and issued a Negative Declaration of environmental significance.

NOW, THEREFORE, be it

RESOLVED, by the Village Board as follows:

1. The recommendations of the Planning Commission; and the Findings of Fact of the SEQRA Intake Committee; and the site/development including the above referenced improvement rendering filed with the Village; and all supporting information included in the minutes taken in relation to the above mentioned Village Board meetings, the reply from the Erie County Division of Planning are attached and incorporated herein by reference.

July 5, 2016

2. The resolution of the Village Board considering the environmental impacts of the project and the issuance of a Negative Declaration of environmental significance is attached and incorporated herein by reference.
3. The site/development plan is hereby approved, applying the standards under the Village Zoning Code; the project sits in with the Master Plan and is in harmony with the Zoning Code. This approval is conditioned upon applicant meeting the additional conditions set by the Village Planning Commission.
4. If and when the applicant should decide to change the lot surface (i.e. paved or other non-porous surface) to other than what is in the current plan, the applicant/developer must ensure proper drainage and receivers; said modification/application to be reviewed by the village board
5. The resolution is effective immediately approving the issuance of a development/removal , renovation and construction permit as hereinbefore set forth, subject to all applicable federal, state and local laws, and codes being complied with.

The foregoing resolution was duly seconded by Trustee Carr-Hoagland and unanimously carried on July 5, 2016.

- Trustee Mercurio offered the following resolution and moved for its adoption:

RESOLUTION OF THE VILLAGE OF EAST AURORA OF A DETERMINATION OF NON-SIGNIFICANCE PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT IN THE MATTER OF THE APPLICATION REGARDING THE CONSTRUCTION OF TWO (2) STORY OFFICE COMPLEX ADJOINING EXISTING BUILDING, WITH DETACHED SIGN DESIGNATING BUSINESSES IN ADJOINING BUILDINGS, AT 645 PERSON STREET IN THE VILLAGE OF EAST AURORA

WHEREAS, the applicant has filed Part I of the Short Environmental Assessment Form with this Board, a copy of which is included by reference and made a part hereof, relating to the proposed project at 645 Person Street, East Aurora, New York, constructing two story office complex, with detached sign, adjoining existing building located at 645 Person Street, East Aurora, New York. The applicant is Joseph Purcell, the owner of Diversified Control & Systems, Inc., and the proposed occupant of the building to be constructed.

WHEREAS, the Erie County Division of Planning after carefully and fully reviewing a description of the proposed project, along with application, including the Development Plan attached thereto, with any and all amendments and modifications, as submitted by the Village Clerk Treasurer, replied in writing it had "No recommendation; proposed action has been reviewed and determined to be of local concern"; and

WHEREAS, the Village Board held a public hearing which was properly noticed to the public wherein the project was discussed,

WHEREAS, the Village Planning Commission after carefully and fully reviewing the application, including the Site/Development plan attached thereto, with any and all amendments and modifications, and considering comments and documentation presented for and against the project, recommended approval to the project; and

July 5, 2016

WHEREAS, the Village SEQRA Intake Committee carefully and fully reviewed Part I of the Short Environmental Assessment form submitted by applicant including the Development Plan attached thereto, and the above-referenced amendments and modifications; and

WHEREAS, the SEQRA Intake Committee carefully and fully considered the discussions, comments and documentation presented for and against the project reflected in the minutes and attachments thereto of the Village Board meetings; and the minutes of the Village Planning Commission meetings with comments and recommendation of approval; and the reply from Erie County Division of Planning; and

WHEREAS, the Village SEQRA Intake Committee after their review of the above prepared a draft Part II of the Short Environmental Assessment Form with a recommendation of the issuance of the Negative Declaration of environmental significance for submission to, and consideration by, the Village board; and

WHEREAS, the Village Board of Trustees upon taking an independent hard look and reasoned evaluation of the above-referenced information, comments and written documentation, including, but not limited to, Part I of the Short Environmental Assessment Form; comments and recommendations of the Planning Commission; the site/development plan; a rendering of the proposed sign, reply of Erie County Division of Planning; minutes of the Village Board meeting and public hearing wherein the project was discussed; and the recommendation of the SEQRA Intake Committee and that Committee's completed Part II and Part II of the Short Environmental Assessment Form concerning the potential environmental impact of the project; all of which are incorporated by reference herein; and

WHEREAS, the Village Board, upon carefully and fully reviewing all the information, comments and written documentation in regard to the project, made a finding that there are no significant environmental impacts,

NOW, THEREFORE, be it

RESOLVED, that the Village Board of East Aurora as lead agency has determined that the proposed action described in the Short Environmental Assessment Form, submitted by the applicant, for the construction of two (2) story office building adjoining an existing building and a detached sign designating businesses in buildings located at 645 Person Street, East Aurora, New York filed with the Village, included and incorporated by reference herein, will not have a significant environmental impact and a Draft Environmental Impact Statement will not be required nor prepared.

The foregoing resolution was duly seconded Trustee Shea and unanimously carried on July 5, 2016.

- Trustee Mercurio offered the following resolution and moved for its adoption:

RESOLUTION OF THE VILLAGE OF EAST AURORA APPROVING THE DEVELOPMENT PLAN REGARDING THE CONSTRUCTION OF A TWO (2) STORY OFFICE COMPLEX ADJOINING EXISTING OFFICE BUILDING, WITH DETACHED SIGN DESIGNATING BUSINESSES IN ADJOINING BUILDINGS AT 645 PERSON STREET IN THE VILLAGE OF EAST AURORA

WHEREAS, Joseph Purcell, the owner of Diversified Controls & System, Inc., has submitted an application for the construction of a two story office complex with detached sign, adjoining existing building at the above referenced address; and

WHEREAS, the Planning Commission of the Village of East Aurora having considered the application and submitted a recommendation for approval to the Village Board, and

WHEREAS, the Village's SEQRA Intake Committee considered the application and reviewed Part 1 of the Short Environmental Assessment Form submitted by the applicant and completed Part 2 and Part 3 thereof on behalf of the Village, and it was the determination of the SEQRA Committee that the proposed development plan would have no significant environmental impact; and

WHEREAS, the Village Board held a public hearing and meetings all of which were properly noticed to the public and reviewed and considered further the comments and all written materials submitted by the applicant and all other information and recommendations before the Board; including minutes of prior Village Board meetings, and minutes of the Village Planning Commission whereat the development plan was discussed, along with recommendations of approval by Planning Commission; reply of Erie County Division of Planning and recommendation of the SEQRA Intake Committee and the Certificate of Appropriateness issued by the Village Historic Preservation Commission; and

WHEREAS, the Village Board received and considered the site/development plan, the above referenced renovation and construction, and any and all amendments thereof; and

WHEREAS, The Village Board has separately considered the environmental impacts of the project and issued a Negative Declaration of environmental significance.

NOW, THEREFORE, be it

RESOLVED, by the Village Board as follows:

1. The recommendations of the Planning Commission; and the Findings of Fact of the SEQRA Intake Committee; and the site/development including the above referenced construction, and sign rendering filed with the Village; and all supporting information included in the minutes taken in relation to the above mentioned Village Board meetings, the reply from the Erie County Division of Planning are attached and incorporated herein by reference.
2. The resolution of the Village Board considering the environmental impacts of the project and the issuance of a Negative Declaration of environmental significance is attached and incorporated herein by reference.
3. The site/development plan and sign are hereby approved, applying the standards under the Village Zoning Code; the project sits in with the Master Plan and is in harmony with the Zoning Code.
4. The resolution is effective immediately approving the issuance of a development/construction and sign permits as hereinbefore set forth, subject to all applicable federal, state and local laws, and codes being complied with.

The foregoing resolution was duly seconded by Trustee Shea and unanimously carried on July 5, 2016.

NEW BUSINESS

- Motion by Trustee Shea to authorize Mayor to sign the Cooperating MS4 Letter of Intent to Cooperate on the Application for the NYS DEC Round 13 Water Quality Improvement Project – MS4 Phase II Stormwater Implementation. Seconded by Trustee Carr-Hoagland and unanimously carried.
- Motion by Trustee Mercurio to approve the Temporary Use Permit – East Aurora Little Loop use of Hamlin Park for football practice Monday through Friday from August 1 – November 1, 2016 from 5: 30 – 8 pm and for home football games to be held on Saturday, September 17, October 8, October 15 and October 22, 2016 from 8:30 am to 8 pm. Seconded by Trustee Shea and unanimously carried.
- Temporary Use Permit Application from the East Aurora Rotary to use the ice rink facilities. On the discussion:
 - Trustee Carr-Hoagland indicated that 1,000 people seems an excessive amount for the ice rink.
 - Police Chief Shane Krieger stands behind his written recommendation to the village board;
 - Rotary spokesman Allan Ott stated this is a fundraiser for the Rotary. Everything is contained inside the rink; no alcohol allowed coming in or going out.
 - Trustee Scheer felt there will be many parking concerns.
 - Trustee Shea stated this a smaller and more local group
 - Mayor Kasprzak stated that the rink becoming an event and rental facility for various parties was not part of the development plan.
- Trustee Byrnes offered the following resolution for approval of the Temporary Use Application from the East Aurora Rotary to use the Healthy Zone Ice Rink Facilities for the Aurora High School Annual Reunion.

WHEREAS, the Village Board of Trustees has taken an independent hard look and reasoned evaluation of the application for a Temporary Use Permit; the comments and written documentation for and against the granting of the permit, including, but not limited to, a letter dated June 24, 2016 to the Village Board of Trustees from Shane Krieger, Chief of Police for the East Aurora/Town of Aurora setting forth police safety, traffic, parking and the various other issues that would have a potential negative impact; all of which are incorporated by reference herein; and

WHEREAS, the Village Board, upon carefully and fully reviewing the above referenced application, comments and written documentation for and against the application and after lengthy discussion between Village Board members, made the following findings:

1. The safety, traffic, and parking concerns listed in the letter of the Chief of Police, dated June 24, 2016, are also concerns of the Village Board, along with the issue for potential excessive loud music, have not been adequately addressed by the applicant and as a consequence are deemed to constitute a potentially significant negative impact to not only residents in the immediate vicinity of the proposed location of the event, the Healthy Zone Rink, but also public safety, health and welfare to those individuals who come into, or attempt to come into that area; and
2. The lateness of the application precluded the Village Board, the Police Department, and other governmental agencies an adequate time frame to have meaningful dialogue with the application

July 5, 2016

and its representatives to attempt to work out meaningful change to address and eliminate and/or minimize the above potential negative impacts.

NOW, THEREFORE BE IT RESOLVED, that the Village Board has determined that the application for a Temporary Use Permit submitted by the Rotary Club of East Aurora to holds its annual reunion party event at the Healthy Zone Rink on July 29, 2016, based upon the findings herein, should be denied.

The foregoing resolution was duly seconded by Trustee Shea with voting as follows:

Those voting to approve the application: Trustee Shea, Trustee Scheer, Trustee Alfred McCabe

Those voting to deny the application: Trustee Carr-Hoagland, Trustee Raymond Byrnes, Trustee Mercurio, Mayor Kasprzak

Motion for approval of the application as presented failed; the application is denied

SPEAKERS & COMUNICATIONS (II)

- Karen Lee, 574 Fillmore Avenue – wanted to remind the village board that she and her three neighbors had previously submitted a request for re-zoning two years ago and they do want that back on the table.

Motion by Trustee Shea to adjourn to executive session at 8:35 pm to discuss real property negotiations for 575 Oakwood Avenue. Seconded by Trustee Carr-Hoagland and unanimously carried.

Motion by Trustee Shea to exit executive session at 8:56 pm. Seconded by Trustee Byrnes and unanimously carried.

Motion by Trustee Mercurio to adjourn the meeting at 8:57 pm. Seconded by Trustee Byrnes and unanimously carried.

Respectfully submitted,

Joyce M. Jezewski, CMC
Village Clerk Treasurer