

**EAST AURORA VILLAGE BOARD MEETING
December 19, 2011 – 7:00pm**

Present: Mayor Allan Kasprzak
Trustees Elizabeth “Libby” Weberg, Randolph West, Ernest Scheer, Patrick Shea, Kevin Biggs
Peter Mercurio

Absent: None

Also Present:

Bryan Gazda, Village Administrator
Joyce M. Jezewski, Village Clerk Treasurer
Ronald Krowka, Police Chief
Roger LeBlanc, Fire Chief
Matthew Hoeh, Superintendent of Public Works
William Kramer, Building Inspector
Robert Pierce, Village Attorney
Craig Thrasher, Fire Department Information Officer
East Aurora Advertiser, East Aurora Bee, Buffalo News
25 members of the public

Mayor Kasprzak opened the meeting at 7:00 pm followed by the Pledge of Allegiance. He wished everyone a Merry Christmas, Happy Chanukah, Happy Kwanzaa and for all you Romans, Happy Saturnalia!

Trustee Shea moved to approve the Village Board minutes of November 21, 2011. Seconded by Trustee Biggs and unanimously carried.

Trustee West moved to approve the minutes of December 5, 2011. Seconded by Trustee Biggs and unanimously carried.

Trustee Biggs moved to approve the payment of Abstract of Vouchers as follows:

- 2011.11.22 - #47469 in the amount of \$1,000.00
- 2011.12.07 - #47474 - #47492 in the amount of \$540,936.35
- 2011.12.19 - #47493 - #47577 in the amount of \$128,604.49
- 2011.12.14 - #47578 in the amount of \$302,104.00
- 2011.12.19 - #474579 - #47583 in the amount of \$1,192.20

Seconded by Trustee Scheer and unanimously carried.

PUBLIC HEARINGS:

(1) Motion by Trustee Mercurio to open the public hearing at 7:05 pm on the **Special Permit Application for Wendy Egloff dba Firefly Cupcakes** at 700 Main Street, East Aurora. Seconded by Trustee Shea and carried.

There were no questions from the Village Board nor was there any comment from the public.

Motion by Trustee Biggs to close the public hearing at 7:06 pm. Seconded by Trustee West and unanimously carried.

(2) Motion by Trustee West to open the public hearing at 7:06 pm on the **proposed local law to add Chapter 113 Buildings, Unsafe to the Village Code.** Seconded by Trustee Shea and unanimously carried.

Arthur Giacalone, Knox Road – addressed the Village Board with his comments and wasn't clear as to why the Chapter 113 was being added to the code, while referencing Chapter 192 of the Village Code that addresses property maintenance.

Motion by Trustee Mercurio to close the public hearing at 7:26 pm. Seconded by Trustee Biggs and unanimously carried.

(3) Motion by Trustee West to open the public hearing at 7:29 pm on the **proposed local law to Amend Chapter §285-23 Mid Main; § 285-51 Special Permit; §285-52 Temporary Use Permit.** Seconded by Trustee Shea and unanimously carried.

There was no comment from the public.

Motion by Trustee West to close the public hearing at 7:30 pm. Seconded by Trustee Mercurio and carried with Trustee Biggs voting Nay.

SPEAKERS AND COMMUNICATIONS:

John Wabick, Vice President of West Herr and Philip Silvestri of Silvestri Architects took the opportunity to review with the Village Board the proposed façade changes to the exterior of the building at 535 Main Street. Mr. Wabick reviewed the first, second and third drawings, indicating that General Motors was previously in the area for a week long review of the village and its architecture. Some Village Board members were pleased with the third drawing, while two others preferred the first drawing. Mayor Kasprzak suggested that the roof line be modified by perhaps adding gables to be in character with the Mid Main District versus the flat roof currently pictured. Mr. Wabick concluded it is General Motors (through Genssler Architects) that ultimately controls the image and design, not the local franchise owner.

Neighbor, 295 Pine Street – indicated that she was the closest neighbor to Firemen's Field and has never had a problem with the noise; also noting that the RV groups that park there are quiet neighbors.

OFFICIAL CONSIDERATIONS:

Mayor Kasprzak spoke to the quality of employees that work for the village, noting that four (4) individuals will be retiring in the next few weeks. On behalf of the Village Board, Mayor Kasprzak made the following presentations:

Certificate of Appreciation to Lieutenant Steve Bierut; a retirement badge will also awarded by Police Chief Ron Krowka.

Certificate of Appreciation to Senior Public Safety Dispatcher Russell Schroeder who will also receive a retirement badge.

Framed Village Seals were presented to Susanne Wolff and Diane Dodge for their years of service in the Village Clerk's Office.

Trustee West reported on the solicitation of RFP's for street tree pruning.

Trustee Scheer noted he received complaints with regard to the traffic being jammed up due to the 5K Caroler Run.

Trustee Biggs would like to see additional handicap parking places on Main Street.

Trustee Weberg noted that the Historic Preservation Commission is putting together a RFP which involves taking a historic resources survey for the Village of East Aurora.

Trustee Shea commented that he is happy to see the local parking lots full.

STAFF REPORTS:

Village Administrator, Bryan Gazda – The 2012 – 2013 budget process is underway, with department heads expected to submit their budget requests by the Friday, December 23rd. Also noted that RFP's have been solicited for the Scenic Byway Signage and Street Tree Pruning.

Village Clerk Treasurer, Joyce Jezewski – reported that, even with the assistance from Senator Gallivan's office, she was unable to have the interest waived on the NYS Retirement Invoice. NYS Retirement is unwilling to accept responsibility for untimely billing of prior year service credits for certain employees. The bill was paid under protest. There will be budget transfers requested for the next meeting.

Building and Zoning, William Kramer – filed monthly report for November 2011 with the Village Board

Police Chief, Ronald Krowka – filed monthly report for November 2011 with the Village Board.

Department of Public Works – Superintendent Matt Hoeh reported that a significant savings is being seen with road salt given the unseasonal no snow conditions. Village Hall is seeing some interior work with painting and new blinds.

UNFINISHED BUSINESS:

Motion by Trustee Biggs to approve the application of Michael Farrell for **out of district water service at 225 Beech Road** contingent upon payment of Invoice for 221 Beech Road. Seconded by Trustee Mercurio and carried with Trustee Weberg voting Nay.

Trustee West indicated that he still has concerns with providing out of district water service.

Motion by Trustee Mercurio to authorize the Mayor to sign the **Lease Agreement** with the East Aurora Fire Department allowing them to rent out **Firemen's Field**. Seconded by Trustee Biggs and unanimously carried.

Motion by Trustee Scheer to authorize the Mayor to sign and consent to Sub **Lease agreement between the Town of Aurora and Aurora Adult Day Care Services** for premises located at 581 Oakwood Avenue (Aurora Senior Center). Seconded by Trustee Weberg and unanimously 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 SUBMITTED BY WENDY R. EGLOFF ON BEHALF OF FIREFLY CUPCAKES REGARDING THE APPLICATION FOR A SPECIAL PERMIT FOR 700 MAIN STREET, EAST AURORA, NEW YORK

WHEREAS, the applicant has filed Part 1 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 application for a Special Permit authorizing the use of the building located at 700 Main Street, East Aurora, New York as a cupcake bakery; and

WHEREAS, the Village Board of Trustees carefully and fully reviewed Part 1 of the Short Environmental Assessment Form submitted by the applicant including the Special Permit Application attached thereto, and the amendments and modifications made and filed with the Village by the applicant at the request of the Village, and all information, comments and written documentation relating thereto, including, but not limited to, discussions at Village Board work sessions and meetings, copies of the minutes of those meetings being incorporated by referenced herein; and

WHEREAS, a public hearing properly noticed was held by the Village Board on December 19, 2011 when comments and discussions were heard and considered for and against the project; and

WHEREAS, the Village SEQRA Intake Committee carefully and fully reviewed Part 1 of the Short Environmental Assessment Form submitted by applicant including the Special Permit application 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 various Village Board meetings and the minutes of the public hearing; and

WHEREAS, the SEQRA Intake Committee after a hard look at the above referenced minutes, comments, discussions and documentation and 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-referred to information, comments and written documentation, including, but not limited to, Part I of the Short Environmental Assessment Form; the Special Permit Application, minutes of the Village Board meeting and public hearing wherein the project was discussed; and the recommendation of the SEQRA Intake Committee and after having approved the completed 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, after carefully and fully reviewing all the information, comments and written documentation in regard to the project, and finding that the proposed Special Use had 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 700 Main Street, East Aurora, as set forth in the Special Permit Application 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 to be required nor prepared.

The foregoing resolution was duly seconded by Trustee Weberg and unanimously carried.

Trustee Shea noted he would have liked to see the Short Form SEQR in advance.

Trustee Biggs offered the following resolution and moved for its adoption:

RESOLUTION OF THE VILLAGE OF EAST AURORA APPROVING THE SPECIAL PERMIT FOR FIREFLY CUPCAKES, 700 MAIN STREET, EAST AURORA, NEW YORK

WHEREAS, Wendy R. Egloff, on behalf Firefly Cupcakes submitted an application for a Special Permit approval for property located at 700 Main Street in the Village of East Aurora, New York; 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 thereof on behalf of the Village, and it was the determination of the SEQRA Committee that the proposed Special Permit would have no significant environmental impact; and

WHEREAS, the Village Board held a public hearing on Monday, December 19, 2011 and meetings all 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; and

WHEREAS, the Village Board received and considered the Special Permit application thereto, 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 statement of no significant environmental impact of the project, including, but not limited to, the Findings of Fact of the SEQRA Intake Committee; and Special Permit Application rendering filed with the Village; and supporting information included in the minutes taken in relation to the above mentioned Village Board meetings and public hearing 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 Special Permit is hereby approved, with the conditions set forth in the application and 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 with the approval and issuance of a Special Permit as hereinbefore set forth.

**VILLAGE OF EAST AURORA
SPECIAL PERMIT**

To conduct business outside an enclosed building pursuant to Chapter 285-51, of the Code of the Village of East Aurora.

Permit Number 2011.12.19-1

Person in Charge Wendy R. Egloff
Firefly Cupcakes
700 Main Street
East Aurora, NY 14052

Valid only for days & hours of Sunday from 11 am – 5 pm
Wednesday - Thursday from 9 am – 5 pm;

Friday – Saturday from 11 am – 11 pm

For the purpose of: Cupcake sales

As per Village Board Approval on December 19, 2011
Date Issued December 19, 2011

THIS PERMIT MUST BE DISPLAYED AT PLACE OF ACTIVITY

Special Conditions: Inside dining – 9 tables with total seating for 28
Outdoor dining – 4 tables with total seating for 16
No outside Music

The foregoing resolution was duly seconded by Trustee Mercurio and unanimously carried.

Motion by Trustee Shea to **table Proposed Local Law to Add Chapter 113, Buildings, Unsafe to the Village Code**. Seconded by Trustee Mercurio and carried with Trustee Biggs voting NYA.

Motion by Trustee Mercurio to **adopt Local Law # 2 of 2011 to Amend §285-23 Mid Main, §285-51 Special Permit, §285-52 Temporary Use Permit** as follows:

New Text is underlined
Deleted Text is shown with ~~Strikethrough~~

§285 – 23 Mid Main District

Required yards.

(1) Class I and II Buildings: no change in existing front, side or rear yard setback is permitted, unless development plan is approved as per Subsection J of this section.

§285 – 51 Special Use Permit

D. Permit application. Application for a special permit shall be made to the Village Clerk not less than 30 ~~60~~ days before the date of such use or activities. Said application shall be on forms supplied by the Village and shall provide information as may be necessary to establish compliance with this section, including, but not limited to the following:

§285 – 52 Temporary Use Permit

C. Permit application. Application for a temporary use permit shall be made to the Village Clerk not less than ~~30~~ 60 or more than 75 days before the date of such use or activities.

Seconded by Trustee Shea and carried with Trustee Biggs voting NAY.

Motion by Trustee Biggs to amend Chapter 249-24 of the Code of the Village of East Aurora, New York Entitled "Vehicle and Traffic".

New Text is underlined
Deleted Text is shown with ~~Strikethrough~~

§ 249-24 All Night Parking

Except for the period commencing with the ~~15th~~ 1st day of April and ending with the 15th day of November, both inclusive, no person shall park any vehicle under his control nor permit the same to stand after ~~3:00~~ 2:00 a.m. and before 7:00 a.m. in any portion of any public street in the Village of East Aurora, except as follows:

A.

The north side of Main Street between a point 125 feet east of the east line of Church Street and a point 50 feet west of the west line of Pine Street.

B.

~~Subject to the provisions of § 249-20B, parking shall be permitted on the west side of North Grove Street between Fillmore Avenue and a point 414 feet north of the intersection of North Grove Street and Fillmore Avenue and Ridge Avenue on Sundays, Tuesdays, Thursdays and Saturdays, from 3:00 a.m. to 7:00 a.m.~~

[Added 10-2-1989 by L.L. No. 10-1989]

C.

Subject to the provisions of § 249-20B, parking shall be permitted on the east side of North Grove Street between Fillmore Avenue and Ridge Avenue ~~on Mondays, Wednesdays and Fridays~~, from ~~3:00~~ 2:00 a.m. to 7:00 a.m.

Seconded by Trustee Scheer and unanimously carried.

NEW BUSINESS:

Mayor Kasprzak noted that he is still getting complaints regarding the Christmas decorations along Main Street and questions regarding the lack of a Christmas tree in the circle as in past years. He once again informed the public that Main Street is governed by New York State Department of Transportation guidelines. Nothing can be put in the circle due to traffic safety and sight obstruction. The NYS DOT is currently conducting a study that deals with sight

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obstruction and car accidents. As to the Main Street decorations, he is in the process of forming a holiday decorating committee (chaired by Trustee Mercurio) in hopes of drafting up a master plan of how holiday decorations should be handled in the village. Local residents and Trustee Scheer have also volunteered to serve on this committee.

EXECUTIVE SESSION:

Motion by Trustee Biggs to enter into executive session at 8:30 pm to discuss contractual negotiations for new central fire hall; police contractual negotiation; potential litigation for special permit. Seconded by Trustee Shea and unanimously carried.

Motion by Trustee Biggs to adjourn executive session and open regular meeting at 10:00 pm. Seconded by Trustee Shea and unanimously carried.

ADJOURNMENT:

Trustee Shea moved to adjourn the meeting at 10:00 pm. Seconded by Trustee Biggs and unanimously carried.

Respectfully submitted,

Joyce M. Jezewski, CMC
Village Clerk Treasurer