

October 21, 2013

VILLAGE BOARD MEETING
Monday, October 21, 2013

6:30 PM Work Session

Present: Mayor Kasprzak

Trustees: Ernest Scheer, Randolph West, Kevin Biggs (arrived at 6:58 pm), Patrick Shea, Elizabeth Weberg, Peter Mercurio (arrived at 6:45 pm)

Also Present:

Joyce M. Jezewski, Village Clerk Treasurer
Bryan Gazda, Village Administrator
Robert Pierce, Attorney (arrived at 6:40 pm)
John Newton, Historic Preservation Commission
Saxon Deck, Historic Preservation Commission (6:52 pm)
Lowell Dewey, Site Engineer, C & S Companies
Mike Drozdowski, Project Manager, LiRo Group
John Danzer, SBJ Inc.
Joe Istvan, Architect, Bergmann Associates
Roger LeBlanc, East Aurora Fire Department
Craig Thrasher, East Aurora Fire Department
Catherine Colmerauer, East Aurora Bee
Kristy Kibler, East Aurora Advertiser
Michelle Kerns, Buffalo News (6:52 pm)

Mayor Kasprzak opened the work session meeting at 6:30 pm followed by the Pledge of Allegiance.

Mike Drozdowski, Joe Istvan, Lowell Dewey and John Danzer were present to review updated plans and cost estimates for the New Central Fire Hall Construction at 33 Center Street and also addressed questions from village board members. The design plans have not changed significantly nor has the project cost. Total projected cost at this time is estimated at \$6.3 million which does not include the surcharge costs. Surcharging will run approximately \$265,000 due to the discovery of unsuitable soils that need to be excavated and subsequently refilled with the appropriate soil.

Trustee Weberg asked that the below memo previously sent to the village board be part of the work session minutes:

*To: EA Village Board
From: Libby Weberg
Date: 10/07/13
Re: Fire Hall cost estimate and Cistern addition*

Hi All,

At our Fire Hall meeting Friday, the schedule was laid out, and if we are comfortable directing Bergmann to go ahead with the design at our meeting this evening, they will save a couple of weeks, avoid running into

October 21, 2013

the holidays, and potentially allow bidding to begin in January instead of mid-Feb. The earlier we can go to bid, the better.

Lowell Dewey presented a plan for incorporation of a buried 2600-gallon cistern on the south side of the fire hall. The total cost for the unit, piping, and submersible pump would be around \$10,000. The idea for a cistern originated with our Fire Chief, Roger LeBlanc, and he and Craig Thrasher discussed ways they could use the collected water: washing the truck room floor, hand-washing vehicles, and irrigating the surrounding green space. They are not comfortable using the water to fill trucks or power-wash trucks since particles could cause abrasion. In the future, it could be possible to look into a filtration system that would allow these additional uses for the water.

The advantages of a cistern will be that it will relieve pressure on our municipal water system, and in conjunction with the permeable pavers, will greatly reduce run-off and stormwater pollution from this formerly wooded site. A cistern would also provide a great teaching opportunity: if just 15% of residential landscapes in the US were irrigated with rainwater, more than 1 billion gallons could be conserved daily.

The work session was adjourned at 7:05 pm.

VILLAGE BOARD MEETING

Present: Mayor Allan Kasprzak

Trustees: Ernest Scheer, Randolph West, Kevin Biggs, Patrick Shea, Elizabeth Weberg, Peter Mercurio

Also Present:

Joyce M. Jezewski, Village Clerk Treasurer
Bryan Gazda, Village Administrator
Ron Krowka, Police Chief
Matthew Hoeh, Public Works Superintendent
Robert Pierce, Attorney
Michele Kerns, Buffalo News
7 members of the Public

Mayor Kasprzak opened the meeting at 7:13 pm followed by the Pledge of Allegiance.

Motion by Trustee West to approve the minutes of October 7, 2013 as submitted. Seconded by Trustee Weberg and unanimously carried.

Trustee Shea moved to approve the payment of vouchers:

50264 - 50353 in the amount of \$ 769,256.20

Seconded by Trustee Scheer and unanimously carried.

2. PUBLIC HEARING(S)

- Community Development Block Grant Program for 2014-2015 – Motion by Trustee Mercurio to open the public hearing at 7:15 pm. Seconded by Trustee West and unanimously carried.

There was no input from the public. Village Administrator Bryan Gazda indicated that the village considered replacing the windows in the Senior Center, however, the Town of Aurora will be submitting a CDBG grant application for the Senior Center to install a much needed emergency generator and replace run down exercise equipment. Mayor Kasprzak felt if the village stepped back on submitting an application for the Senior Center, the Town of Aurora would have a better chance in obtaining their grant for the Senior Center.

Also discussed was the Village's continued support of the Rural Transit Van Program.

Motion by Trustee Mercurio to close the public hearing at 7:20 pm. Seconded by Trustee Shea and unanimously carried.

Trustee Biggs offered the following resolution and moved its adoption:

WHEREAS, the Village of East Aurora desires to submit a grant application under the Erie County Community Development Block Grant (ECCDBG) program for the 2014 - 2015 program year, and

WHEREAS the Trustees of the Village of East Aurora have held public hearings on October 7th and 21st, 2013 to allow public input for possible projects to submit for 2014 - 2015 funding period, and having reviewed and discussed possible grant applications, and

WHEREAS the Village of East Aurora has previously participated in the Rural Transit Service program, as the van program directly benefits the citizens of East Aurora, and

NOW THEREFORE, BE IT RESOLVED that the Mayor is authorized to sign, submit and execute a contract with the Erie County Community Development Block Grant (ECCDBG) program for the following project (s) upon approval of ECCDBG.

1. Continuation of the Rural Transit Van program to the Village of East Aurora.

Seconded by Trustee Scheer and unanimously carried.

- 189 Main Street Development Plan and Special Permit Application – Motion by Trustee Biggs to open the public hearing at 7:20 pm. Seconded by Trustee Scheer and unanimously carried.

Applicant Clark Crook addressed the board with regard to the development plan and special permit noting that this building is a standalone entity with its own installed kitchen with no connection, physical or otherwise to the Bar Bill next door. "Nano" (low volume brew pub) brewery intent on using local hops and barley will set it aside from the Bar Bill. The menu will be completely different than that of the Bar Bill. Live music will be featured, typically on weekends and special events and will be in-door only. There was a conflict between the submitted application and attached letter of

October 21, 2013

intent with regard to the restaurant hours and outdoor dining. Applicant requested limited temporary outdoor seating in a designated 14' by 16' area.

The renovation and restoration will include removing the rear block structure and rebuilding to current building standards on the existing footprint.

Attorney Robert Pierce clarified and confirmed that it would be a substantial change if the building at 185 Main (Bar Bill) and the proposed restaurant and building at 189 Main joined together and if so would require a new development plan to be presented to the Village Board.

There was no comment from the public.

Motion by Trustee Shea to close the public hearing at 7:41 pm. Seconded by Trustee Scheer and unanimously carried.

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

RESOLUTION OF THE VILLAGE OF EAST AURORA OF DETERMINATION OF NON-SIGNIFICANCE
PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT IN THE MATTER OF THE
APPLICATION REGARDING THE RENOVATION OF AN EXISTING COMMERCIAL BUILDING IN FRONT
OF PROPERTY AT 18 MAIN STREET, EAST AURORA, NEW YORK INTO A RESTAURANT AND
DEMOLITION AND RECONSTRUCTION OF COMMERCIAL BUILDING IN REAR OF SUCH PROPERTY,
ALONG WITH CONSTRUCTION OF HANDICAP ACCESS RAMP ATTACHED TO RESTAURANT

WHEREAS, the applicant has filed Part 1 of the Full 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 189 Main Street, East Aurora, New York, adding to and renovating an existing commercial building in the front of the property for use as a restaurant, including, but not limited to an attached handicapped access ramp; and demolition and reconstruction of commercial building at rear of property; the applicant being Crook Malting and Brewing DBA 189 and owner being 185 Main LLC, Clark Crook and Katie Crook, Member Partners; and

WHEREAS, the Village Planning Commission after carefully and fully reviewing the application, including the Development Plan attached thereto, with amendments and modifications, and considering comments and documentation presented for and against the project, recommended approval to the project subject to conditions; and

WHEREAS, the Village Zoning Board of Appeals carefully and fully reviewed the applicant's request for variance to applicable sections of the Village Zoning Code, such review, including, but not limited to, a weighing of the benefit to the applicant versus any detriment to the community of East Aurora if the variance requested were granted. After a review of the application, including the Development plan attached thereto, with amendments and modifications, and considering comments and documentation presented for and against the project, the Village Zoning Board of Appeals granted the variance requested; and

October 21, 2013

WHEREAS, the Village SEQRA Intake Committee carefully and fully reviewed Part 1 of the Full 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; the minutes of the Village Planning Commission meetings with attached comments, recommendations, and conditions; and the minutes of the Village Zoning Board of Appeals with attached variances granted; and

WHEREAS, the SEQRA Intake Committee after their review, of such comments, discussions and documentation prepared a draft Part II of the Full 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 held a public hearing and meetings, all of which were properly noticed to the public, and independently 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 of Trustees upon taking a separate and independent hard look and reasoned evaluation of the above-referenced information, comments and written documentation, including, but not limited to, Part I of the Full Environmental Assessment Form; comments and recommendations of the Planning Commission; comments and approval granted by the Village zoning Board of Appeals; the site/development plan; 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 independently considered and approved the completed Part II of the Full Environmental Assessment Form concerning the potential environmental impact of the project as recommended; 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 imposing the following conditions:

1. Applicant to screen mechanical equipment to be located in rear of property;
2. Commercial building along with restaurant to be located in front of property to keep some character of the arch windows and big windows presently located in existing building;

And 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 Full Environmental Assessment Form, submitted by the Applicant, for the renovation, demolition, reconstruction and modifications at 189 Main Street, East Aurora, New 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 prepared.

October 21, 2013

The foregoing resolution was duly seconded by Trustee Weberg and carried with Trustee Shea abstaining, on October 21, 2013

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

RESOLUTION OF THE VILLAGE OF EAST AURORA APPROVING THE DEVELOPMENT PLAN FOR
189 MAIN STREET, EAST AURORA, NEW YORK
VILLAGE OF EAST AURORA

WHEREAS, an application has been submitted for a development/modification plan approval for property located at 189 Main Street in the Village of East Aurora, New York; 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 which also set forth recommendations and findings offered for Village Board consideration, which have been satisfactorily addressed by applicant and necessary changes agreed to be made to minimize any impact from the development; and

WHEREAS, the Zoning Board of the Village of East Aurora having considered the application and granted to Applicant variances to the applicable Zoning Code of the Village of East Aurora; and

WHEREAS, the Village's SEQRA Intake Committee considered the application and reviewed Part 1 of the Full Environmental Assessment Form submitted by the Applicant and completed a recommended Part 2 thereof on behalf of the Village, and it was 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 meeting all of which were properly noticed to the public, and independently 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 independently considered a site/development plan and amendments thereto, which included recommendations and findings made by the Planning Commission and the SEQRA Intake Committee; and

WHEREAS, the Village Board has separately and independently 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, including but not limited to the Planning Commission; the variances granted by the Zoning Board of Appeals; the statement of no significant environmental impact of the project, including but not limited to, the Findings of the Fact and recommendation of the SEQRA Intake Committee; and the site/development plan rendering filed with the Village; and supporting information included in the minutes taken in relation to the above mentioned Village

October 21, 2013

Panning Commission, Village Zoning Board of Appeals and Village Board of Trustees meetings are 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 the environmental significance is attached and incorporated herein by reference.
3. The 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, subject to the following conditions:

Applicant to screen mechanical equipment to be located in rear of property;

Commercial building along with restaurant to be located in front of property to keep some character of the arch windows and big windows presently located in existing building;

4. The resolution is effective immediately with the approval and issuance of a Special Permit as submitted herein before set forth.

The foregoing resolution was duly seconded by Trustee Mercurio and unanimously carried on October 21, 2013.

SPEAKERS & COMMUNICATIONS (I) - None

OFFICIAL CONSIDERATIONS

- Mayor Kasprzak appointed Michael Ried to Historic Preservation Commission for a term to expire the first Monday in April 2017. Seconded by Trustee Shea and unanimously carried. Trustee Shea stated that he's known Mike Ried for 18 years and has an intense interest in local history and the Historic Preservation Commission.
- Trustee Weberg asked Historic Preservation Commission member and Climate Smart Community advocate, John Newton, to apprise the village board on recent activity of the Climate Smart Community Committee. Mr. Newton noted that the primary goal is to educate people, save energy and therefore save money while reducing the footprint on the environment.
- Trustee Biggs indicated that the ice rink will be opening next week.
- Trustee Scheer apprised the Village Board of a letter sent to the editors of the East Aurora Bee and East Aurora Advertiser. He stated that are two homes on the west end of Main Street that are going into disrepair. He does not want to see a demolition by neglect situation come before the village board again. The passage of the property maintenance law should curb these types of situations. Mayor Kasprzak indicated he believes the owners of these properties have been put on notice. The Planning Commission and Historic Preservation Commission are also looking at the Village Code to ensure that the proper language is there to discourage and prevent demolition by neglect properties.

- Trustee West is looking to create a looping walk around at the Cazenovia Creek Sanctuary. With that, he raised the issue of sidewalk placement on the south side South Street.
- Mayor Kasprzak:
 - Reminded the village board of the upcoming Association of Erie County Governments meeting being hosted by the Town of Aurora at the Roycroft on Thursday, October 24, 2013. Speakers will be from NYCOM and he would like to see a strong representation of village board members.
 - Reported that Aurora lifelong resident, Don Bach will be honored on Sunday, October 27, 2013 at 1:00 pm at the Town Hall Auditorium. Don is an active member of the East Aurora Aktion Club and has also served the community through his work with other not for profit organizations.
 - Reported that Erie County sales tax revenues are up 2.70% this month.
 - Announced that Department of Public Works MEO John Fiorella is retiring on November 29, 2013 and the village wishes him well.
 - Spoke about the creation a Financial Restructuring Board for Local Governments that was established by Governor Cuomo. He initially contacted NYCOM representatives this past year asking how he can become a member on the committee and had not heard anything until about a week ago. At that time, an email was received from NYCOM that committee appointments were made and a first meeting had been held. He responded to the e-mail asking why local government officials were not involved in the process or placed on the committee, to which the Governor's office replied that the committee is made up of diverse individuals, two of whom are former Mayors from Syracuse and Mineola. Mayor Kasprzak further noted that he feels this is another attempt by the Governor to get rid of village government.

STAFF REPORTS

- Department of Public Works Superintendent Matt Hoeh reported that the Millard Fillmore and Elmwood Avenue projects have been completed.
- Police Chief Ron Krowka reported that Statewide Livescan Connectivity Initiative funded by the NYS Division of Homeland Security, under a grant applied for by the village in November 2012, is scheduled to be installed in January 2014.
- Village Administrator Bryan Gazda reviewed the information he received from NYCOM with regard to questions raised by Trustee Shea relative the proposed local law on property maintenance. He stated that to have the wording in the law to require people to fix their property with materials similar to what the building is currently made of would make the local law more restrictive than state law, which is not allowed and would be unenforceable. Mayor Kasprzak asked that the property maintenance local law be placed on the agenda for the Monday, November 4, 2013 meeting.

Mr. Gazda also reported that the new SEQR forms went into effect on October 1, 2013. He and Building Inspector Bill Kramer attended a seminar recently on the use of the new forms, noting that the short form is two pages longer and the long form asks for more detailed information.

NEW BUSINESS

- Presentation of Historic Preservation Historical Survey by Martin Wachadlo. Mr. Wachadlo reviewed the survey with the village board. The survey identified more than 580 properties with a significant amount of architectural integrity. Also identified in the report were several properties that have the potential to be designated as national historic landmarks, which could be eligible for state or federal grants. Mr. Wachadlo indicated that the survey was more about the architectural aspects of the building than this history, especially if the older building had alterations or modifications that impacted adversely on the architecture. After a few minor updates in the report, he will forward a copy of the survey to the Village. The survey was coordinated through the Historic Preservation Commission. Mayor Kasprzak noted that it was a worthy project in that a similar project was completed almost 40 years ago. Trustee Shea suggested placing the survey on the village website so that it is easily accessible by the public noting that people may take a little more pride in trying to maintain the historic nature of their property.

ADJOURNMENT

Motion by Trustee Shea to adjourn the meeting at 8:47 pm. Seconded by Trustee West and unanimously carried.

Respectfully submitted,

Joyce M. Jezewski, CMC
Village Clerk Treasurer