

**EAST AURORA VILLAGE BOARD MEETING**

Monday, March 18, 2013 – 7:00 pm

**Present:** Mayor Allan Kasprzak

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

**Absent:** Village Administrator Bryan Gazda

**Also Present:**

Joyce M. Jezewski, Village Clerk Treasurer

Ronald Krowka, Police Chief

William Kramer, Building Inspector

Matthew Hoeh, Public Works Superintendent

Catherine Colmerauer, East Aurora Bee

Karen Robinson, Buffalo News (7:19 pm)

Kristy Kubler - East Aurora Advertiser

Joseph Lorigo, Erie County Legislator

Sue Johnson, Senator Gallivan's Office

Dan Castle, Planning Commission/Fire Hall Committee

Rob Goller, East Aurora Historian

Craig Thrasher, EAFD Information Officer

Dale Parrish, EAFD

Tom Bender, EAFD

6 members of the public

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

Motion by Trustee Weberg to approve the minutes of March 4, 2013 as presented. Seconded by Trustee Shea with Trustee West abstaining. Motion carried.

Trustee West moved to approve the payment of vouchers:

#49355 - #49410 in the amount of \$138,783.59

Seconded by Trustee Mercurio and unanimously carried.

**PUBLIC HEARING(S)**

- Motion by Trustee Weberg to open the public hearing at 7:05 pm for the Development Plan of Council Opticians at 323 Main Street. Seconded by Trustee Shea and unanimously carried. Greg Schneider of Aurora Architectural Design addressed the Village Board on the proposed plan. The development plan was recommended for approval by the Planning Commission conditioned on the inclusion of the existing storm drain off of the Main Street and a cut sheet on the lights. Council Optician's owner Dr. Francis Trzepakowski noted that the community has been very good to his

March 18, 2013

business and need to expand to accommodate the business needs. Trustee Shea asked that the plan include more visual greenery as well as mask the black top in some way. It was also suggested that the Tree Board review. Building Inspector Bill Kramer indicated that a demo permit was not needed for the garage due to its small size square footage.

Motion by Trustee Shea to close the public hearing at 7:13 pm. 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 REGARDING THE ADDITION/MODIFICATIONS OF COUNCIL OPTICIANS AT 323 MAIN STREET, EAST AURORA, NEW YORK

WHEREAS, the applicant has filed Part I 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 323 Main Street, East Aurora, New York, herein to be identified as Council Opticians adding an addition to the southwest corner of the existing building; demolishing an existing garage on south side of property; adding a garden shed; and modification of the edge of parking lot at the above referenced location; and

WHEREAS, the Village SEQRA Intake Committee carefully and fully reviewed Part I 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 of the Village Board meetings; the minutes of the public hearing; the minutes of the Village Planning Commission with recommendations; and

WHEREAS, the SEQRA Intake Committee after a careful and full review of the above referenced minutes, 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, a public hearing properly noticed was held by the Village Board whereat comments and discussions were heard and considered for and against the project; 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 Full Environmental Assessment Form; comments and recommendations of the Planning Commission; 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 approved the completed Part II of the Full Environmental Assessment Form concerning any potential environmental impact of the project; all of which are incorporated by reference herein; and

March 18, 2013

WHEREAS, the Village Board, after carefully and fully reviewing all the information, comments and written documentation in regard to the project, 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 additions, demolition and modifications at 323 Main Street, East Aurora, New York, as set forth in the site/development plan as 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 Weberg and unanimously carried.

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

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

WHEREAS, an application has been submitted for a development/modification plan approval for property at 323 Main Street in the Village of East Aurora; and

WHEREAS, the Planning Board 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 made to minimize any impact from the development; 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 Part 2 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 on March 18, 2013 at 7:00 pm 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; and

WHEREAS, the Village Board received and considered a site/development plan and amendments thereto, which included recommendations and findings made by the Planning Commission; 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, including but not limited to, the Planning Commission; 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 the site/development plan rendering filed with the Village; and supporting information included in the minutes taken in relation to the above mentioned Village Board 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 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.
4. The resolution is effective immediately with the approval and issuance of a development plan permit as hereinbefore set forth.

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

- Motion by Trustee Shea to open the public hearing at 7:14 pm for the Development Plan of the East Aurora Wesleyan Church at 364 Main Street. Seconded by Trustee Sheer and unanimously carried. Greg Schneider of Aurora Architectural Design addressed the Village Board on the proposed plan. The development plan was recommended for approval by the Planning Commission conditioned on the inclusion of storm drainage tile into existing catch basin at street; exposed split face masonry block at the foundation level and exterior lighting fixtures specified and cut sheets provided. East Aurora Wesleyan Church Trustee Jim Hill indicated that the addition will provide needed space for stage productions during the holidays. No trees will be removed from the property. Trustee Weberg indicated that the intent of mid-main is to preserve green space and asked that the applicant soften the look of the asphalt parking and concrete by adding more greenery.

Motion by Trustee Mercurio to close the public hearing at 7:32 pm. Seconded by Trustee Shea and unanimously carried.

Trustee Biggs 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 ADDITION/MODIFICATIONS OF THE EAST AURORA WESLEYAN  
CHURCH AT 364 MAIN STREET, EAST AURORA, NEW YORK

WHEREAS, the applicant has filed Part I 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 364 Main Street, East Aurora, New York, herein to be identified as East Aurora Wesleyan Church a 32'

March 18, 2013

wide and 32' deep extension on the south side of the existing building and adding a 2'3" expansion to the existing entrance foyer on the existing building at the above referenced location; and

WHEREAS, the Village SEQRA Intake Committee carefully and fully reviewed Part I 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 of the various Village Board meetings; the minutes of the public hearing; the minutes of the Village Planning Commission with comments and recommendations; and

WHEREAS, the SEQRA Intake Committee after a careful and full review of the above referenced minutes, 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, a public hearing properly noticed was held by the Village Board whereat comments and discussions were heard and considered for and against the project; 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 Full Environmental Assessment Form; comments and recommendations of the Planning Commission; 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 approved the completed Part II of the Full Environmental Assessment Form concerning any 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 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 additions at 364 Main Street, East Aurora, New York, as set forth in the site/development plan as 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 and unanimously carried.

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

March 18, 2013

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

WHEREAS, an application has been submitted for a development/modification plan approval for property at 364 Main Street in the Village of East Aurora; and

WHEREAS, the Planning Board 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 made to minimize any impact from the development; 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 Part 2 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 on March 18, 2013 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; and

WHEREAS, the Village Board received and considered a site/development plan and amendments thereto, which included recommendations and findings made by the Planning Commission; 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, including but not limited to, the Planning Commission; 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 the site/development plan rendering filed with the Village; and supporting information included in the minutes taken in relation to the above mentioned Village Board 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 environmental significance is 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.

March 18, 2013

4. The resolution is effective immediately with the approval and issuance of a development plan permit as hereinbefore set forth.

The foregoing resolution was duly seconded by Trustee Biggs with Trustee Weberg voting Nay. Motion carried.

Motion by Trustee Shea to open the public hearing at 7:32 pm on the proposed local law Authorizing A Property Tax Levy in Excess of the Limit Established in General Municipal Law §3-c.. Seconded by Trustee West and unanimously carried.

Mayor Kasprzak reviewed the purpose of the 2% tax cap law indicating it is a protective measure and covers the village in lieu of our budget formula not agreeing with the New York State Comptroller's calculations. He further indicated that the 2% tax cap applies to municipal budgets although the state itself is not bound by the 2% tax cap. There was no comment from the public.

Motion by Trustee Shea to close the public hearing at 7:35 pm. Seconded by Trustee Randy and unanimously carried.

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

**Be it enacted by the Village Board of Trustees of the Village of East Aurora  
Local Law # 1 of 2013 Authorizing a Property Tax Levy in Excess of the Limit Established in  
General Municipal Law §3-c**

**Section 1. Legislative Intent**

It is the intent of this local law to allow the Village of East Aurora to adopt a budget for the fiscal year commencing June 1, 2013, that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

**Section 2. Authority**

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government's governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

**Section 3. Tax Levy Limit Override**

The Board of Trustees of the Village of East Aurora, County of Erie, is hereby authorized to adopt a budget for the fiscal year commencing June 1, 2013, that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

**Section 4. Severability**

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the

court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

## **Section 5. Effective date**

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

The foregoing resolution was seconded by Trustee Weberg and carried with Trustee Biggs voting NAY.

## **SPEAKERS & COMMUNICATIONS (I)**

Dan Castle, Chairman of the East Aurora Planning Commission and Committee Chair for the New Central Fire Hall - updated the Village Board and audience on the progress of the Fire Hall Committee. He thanked the numerous folks for volunteering their time to undertake this community project. (Todd Pieczynski, Liz Cassidy, Craig Thrasher, Rob Goller, Steve Randall, Mark Warren, Trustees Weberg and Mercurio, Jeff Harris and Bryan Gazda). The committee began meeting just before Christmas and has held several meetings since then. A hard look was taken at all aspects of the costs and what generated them. In 2006, the cost of building the new fire hall was estimated at 5.5 million. It is now 2013 and with the rising costs of inflation, it is not unheard of to see a number a 7.5 million. However, the committee requested Bergmann Associates to provide a list of items to determine where the costs were being generated from. From the list of 35 items, some small, some large, it was calculated that if all ancillary items were eliminated, the cost savings could be as much as \$650,000 or as little as \$375,000. Thus the project is on target and is where it should be upon reviewing the needs for the new fire hall. The ultimate goal is that the fire hall be acceptable to the community, acceptable to the fire department in terms of form and functionality and that it is affordable. Mr. Castle will come back before the village board in April with a power point presentation. The LEEDS program is being reviewed and yes, it can cost more. One must balance the capital costs against the long term savings. The committee is looking at consolidating square footage and office space while also trying to anticipate future changes. Todd Pieczynski stated that aesthetics is important to the neighborhood and community but also challenges the fire department to see what can be eliminated to reduce costs. Tom Bender indicated the fire department's reasoning for planning for the future stating it is cheaper to build for the future now than in the future, citing examples of what incurred after the building of the 1957 fire hall; within 10 years the fire department was putting on an addition at significant costs.

On behalf of the Village Board, Mayor Kasprzak thanked Mr. Castle and the fire hall committee for their dedication and work on this project.

## **OFFICIAL CONSIDERATIONS**

Mayor Kasprzak announced that the 2013-2014 Village Budget has been filed. The tentative tax rate increase is .78%. The first budget workshop will be held Saturday, March 23, 2013 at 1:00 pm in the council chambers.

Trustee Weberg reported that she attended [The Western New York Green Infrastructure Forum](#) on March 14, 2013 at the University of Buffalo as sponsored by the United States Environmental Protection Agency (EPA) and University of Buffalo.



Trustee Scheer noted that he agrees with fireman Tom Bender on planning for the fire department's future needs. Don't be pennywise and pound foolish and shortchange ourselves for the future.

Trustee West received a letter from the Tree Board with regard to vehicles parking on the lawn in Hamlin Park. He would like all Hamlin Park Temporary Use applicants advised not to park on the lawn (per Hamlin Park Guidelines) and to make this a condition on the Permit. Trustee West also noted that the Cazenovia Creek Sanctuary Committee will be meeting tomorrow, Tuesday, March 19, 2013.

Mayor Kasprzak

- reminded everyone that tomorrow is election day.
- noted that he will no longer be appointing a NEST liaison as this county group hasn't met in a number of years
- is looking for a Trustee(s) to volunteer to serve as Planning Commission Liaison and Zoning Board of Appeals Liaison. Trustee West is no longer able to attend Tree Board meetings since they are being held during the day at 1 pm. Trustee West agreed to be the liaison for the Planning Commission. Trustee Mercurio volunteered as the Zoning Board of Appeals liaison and Trustee Biggs volunteered as the Tree Board liaison.
- Reported on a meeting that he, Administrator Gazda and DPW Superintendent Hoeh had with Erie County Legislator Joe Lorigo and several other county officials regarding the paving of Maple Street. The street was originally scheduled to be paved in 2004 when the Village anticipated replacing sewer lines on Maple. When the sewer lines were not replaced, the County did not pave Maple Street. Given that the County cut their capital budget by 10 million dollars, it was suggested that the county use blacktop slurry to fill the potholes which will last about 4 years. Trustee Shea indicated that if the village plans on replacing water lines on Maple Street in the future, that the County should consider re-paving the road at that time.
- Is displeased with the recent articles published by the Buffalo News regarding the new central fire hall. The information is incorrect, for which he admonished the reporter.

## STAFF REPORTS

Motion by Trustee Biggs to approve the below listed budget amendments:

Amount	To Account	Department	Department Line Item	From Account	Department	Department Line Item
131.00	1010.440	Village Trustee	Training & Travel	A1990.400	Contingency	Contingency
1278.00	A1325.805	Village Administrator	In Lieu of Health Ins	A9060.805	Health Insurance	Health Insurance
200.00	A1490.403	DPW Administration	Office Supplies	A1490.200	DPW Administration	Equipment
2000.00	A1620.140	DPW Buildings	Overtime	A5110.140	Streets	Overtime
2000.00	A1620.200	Buildings	Equipment	A1490.200	DPW Administration	Equipment
1000.00	A1640.200	Central Garage	Equipment	A1490.200	DPW Administration	Equipment
1500.00	A1640.433	Central Garage	Water	A1640.432	Central Garage	Gas
6500.00	A1640.460	Central Garage	Vehicle Maintenance & Parts	A5110.420	Streets	Road Materials

March 18, 2013

1328.00	A1670.200	Central Printing & Mailing	New Copier	A1990.400	Contingency	Contingency
153.00	A1670.403	Central Printing & Mailing	Copier Supplies	A1670.420	Central Printing & Mailing	Maintenance & Repairs
2698.00	A1910.410	Unallocated Insurance	Unallocated Insurance	A1990.400	Contingency	Contingency
10870.00	A1950.410	Special Assessments	District 8 Sewer	A1990.400	Contingency	Contingency
5139.00	5110.431	Street Maintenance	Operations	A2680	Revenues	Insurance Recoveries
1000.00	A7550.200	Celebrations	Equipment	A1490.200	DPW Administration	Equipment
5000.00	A7550.470	Celebrations	Operating Expenses	A7550.410	Celebrations	Trees & Flowers
3500.00	8560.470	Community Beautification	Departmental Supplies	A5110.420	Streets	Road Materials

Budget Amendment to move insurance recoveries from A2680 to DPW line item A1640.460 in the amount of \$4700 for repairs to the DPW #512 Street Sweeper and to A5110.431 in the amount of \$5139 for repairs to the light pole at 357 Main Street.

Budget amendment to transfer \$79,938.60 from the A234 Retirement Liability Reserve to General Fund A3120.120 for Tom Hassett retirement per agreement on November 5, 2012.

Transfer **\$422,582.66** from New Central Fire Station Reserve to Capital Funds New Central Fire Station.

Seconded by Trustee Shea and unanimously carried.

Police Chief Ron Krowka noted that he and several other local police chiefs met with Erie County Legislator Joseph Lorigo regarding the Next Generation 9-1-1 System. Erie County is still waiting for New York State to provide the funding for this program to assist police dispatch centers to implement the system.

Legislator Lorigo indicated that he is pursuing the funding actively and that East Aurora is next on the list to receive the funding. The Next Generation 9-1-1 Initiative is a research and development project to help define the system architecture and develop a transition plan to establish a digital, Internet Protocol (IP)-based foundation for the delivery of multimedia (wireless mobile) 9-1-1 calls.

Police Chief Krowka addressed the board with regard to the Village filing a joint Local Government Efficiency Grant with the Town of Orchard Park to establish a SWAT Team. Orchard Park Police Chief Mark Pacolet reviewed the program and its merits. Numerous questions were raised by Village Board Trustees Shea and West regarding the grant and balancing the long term costs to its benefits. Board members also felt that the Town of Aurora should be consulted before making any decisions, giving that the Town of Aurora would be party to the costs involved. Chief Krowka indicated that he spoke with Aurora Town Supervisor Jeffe and he will be providing her with additional information.

The grant resolution is tabled until the Tuesday, April 2, 2013 meeting for further discussion.

## NEW BUSINESS

Motion by Trustee Shea to approve the Application for Temporary Use for the East Aurora Farmers Market to be held at the Grey Street Plaza from May 4, 2013 – November 27, 2013 every Wednesday and Saturday from 7 am – 1 pm. Seconded by Trustee Mercurio and unanimously carried.

March 18, 2013

Trustee West commented that the traffic in the plaza during the Farmer's Market is still a little dicey and was hopeful that an alternative market pattern could be arranged with Benderson (owner of the property). Administrator Gazda spoke with Benderson representatives last year but they were not willing to move the market elsewhere on their property.

## **SPEAKERS & COMMUNICATIONS (II)**

Sue Johnson, Community Representative from Senator Gallivan's office reminded the board and constituents that if they have any problems with state agencies, to please give Senator Gallivan's office a call. She left business cards with the Clerk Treasurer Joyce Jezewski.

East Aurora Fire Department Information Officer Craig Thrasher noted that there are nine (9) schools in the East Aurora community and they are consistent with Fire Department goals and vulnerabilities.

## **ADJOURNMENT**

Motion by Trustee Mercurio to adjourn the meeting at 9:25 pm. Seconded by Trustee West and unanimously carried.

**Respectfully submitted,**  
Joyce M. Jezewski, CMC  
Village Clerk Treasurer