

**VILLAGE OF EAST AURORA
VILLAGE BOARD MEETING
March 7, 2022 –7:00 PM**

Present:

Trustee Cameron
Trustee Rosati
Trustee Lazickas
Trustee Scheer
Trustee Porter
Mayor Mercurio

Absent:

Trustee Kimmel-Hurt

Also Present:

Shane Krieger, Chief of Police
Matthew Hoeh, DPW Superintendent
Maureen Jerackas, Clerk Treasurer
Cathie Thomas, Village Administrator
Chris Trapp, Village Attorney
Robert Pierce, Deputy Village Attorney
Jessica Taneff, Village Deputy Clerk
30 Members of the public
East Aurora Advertiser

A Motion by Trustee Rosati to approve the Village Board minutes February 22, 2022, with one correction, seconded by Trustee Scheer and carried by unanimous approval.

Trustee Cameron moved to approve the Payment of Abstract for 3/7/22 for Voucher Nos. 61976 to 62035 for a total of \$104,749.85, seconded by Trustee Porter and carried by unanimous approval.

SPEAKERS & COMMUNICATIONS (I)

PUBLIC HEARING

- A Motion by Trustee Rosati to open a public hearing at 7:02pm, for a Site Plan Application for 42 Riley Street for SNAP Fitness for a covered entrance, seconded by Trustee Porter and carried with unanimous approval.
A Motion by Trustee Porter to close the public hearing at 7:02pm, was seconded by Trustee Cameron and unanimously approved.

- A Motion by Trustee Lazickas to open a public hearing at 7:03pm, for a Special Use Permit Application for 42 Riley Street for Ace Hardware for a propane tank exchange, seconded by Trustee Porter and carried with unanimous approval.
A Motion by Trustee Porter to close the public hearing at 7:03 pm, was seconded by Trustee Lazickas and unanimously approved.
- A Motion by Trustee Cameron to open a public hearing at 7:04pm, for a Major Subdivision Application for 363 Prospect Street/0 Walnut Street for Terrence Kopp for residential housing, seconded by Trustee Porter and carried with unanimous approval.
 - Chris Wood-Engineer, Andrew-Alliance Homes and Peter Sorgi-Attorney- Looking to create a 9-lot subdivision with one house already built on Prospect and building 8 more single family homes. There will not be any flag lots and the houses will mirror characteristics of the Village. The Engineer and Attorney went through the processes of boards and that Planning Commission recommended referral to Village Board. The lots will be back 350' deep. All the water run-offs will run east to Walnut and there will be a swale with an easement to the Village which will give the ability for the Village to go in and clean it if need be. The swale will be about 25' drain with a 4' bottom and it will be top soiled and seeded. The sump pumps and down spouts water would go out to Walnut. Dave Britton-GHD- clarified that for the easement, the Village will have the ability to get to the swale, but it is the property owner's responsibility to maintain it.
 - Holly Maciejewski-218 Center-feels the NYS open meetings law does not pertain to this regarding all information needing to be provided 24 hours to the public in advance. She was not given updated information until late this afternoon.
 - Sally Mitchell-206 Center- her property abuts to this development. Her request was for the Village to consider an easement which has been brought up today and she is in favor of the easements and swale. Her other concern was for the developers to plant trees for green infrastructure which could add to the water mitigation strategy. Another concern was the old 24' pipe and she would like a written report on the camera that was sent down to look at this pipe and the condition.
 - Bruce Mitchell-206 Center- no objection to the development but has concerns dealing with the storm drainage on the site. If they are using a swale, his yard will create a pond. ***
 - Jennifer Suto-249 Walnut- Concern if the Engineer has thought about the deer that live here and where will they go and feels this should be considered. Would like the construction to be aware of the children that play in the streets when construction takes part.
 - Dr. John Sterba-226 Center- concern with ground water problems. Submitted a letter to the Board and Engineer on his concerns. Concern for flooding with houses on lower grounds.

- Steve Harts-248 Walnut-Concern with the sump pumps and diversion towards Walnut St. There is usual flooding on Walnut St. after heavy rain. Concern with the older infrastructures and if they will cause issues.
- Elizabeth Marano-270 Buffalo Rd- supports the neighbors concern who live on Walnut and Center St.

A Motion by Trustee Steve to keep the public hearing open, was seconded by Trustee Cameron and unanimously approved.

- A Motion by Trustee Lazickas to open a public hearing at 7:40 pm, for Proposal to Rescind the Site Plan Approval for townhouses to be located at 636 E. Fillmore Avenue, seconded by Trustee Rosati and carried with unanimous approval.
 - This is eliminating two proposals on one property.

A Motion by Trustee Cameron to close the public hearing at 7:43pm, was seconded by Trustee Rosati and unanimously approved.

- A Motion by Trustee Scheer to open a public hearing at 7:44pm, for a Local Law to Amend Village Code Section 227 – Subdivision of Land, only to change the numbering where the code references the Stormwater code section, seconded by Trustee Rosati and carried with unanimous approval.

A Motion by Trustee Cameron to close the public hearing at 7:44 pm, was seconded by Trustee Rosati and unanimously approved.

OFFICIAL CONSIDERATIONS

- **Resolution of the Village of East Aurora of a Determination of Non-Significance pursuant to the State Environmental Quality Review Act (SEQRA) in the matter of the Site Plan Application for SNAP Fitness at 42 Riley Street to Construct a Permanent Awning creating a Covered Entryway**

WHEREAS, the applicant has filed Part 1 of the Short Environmental Assessment Form (SEAF) with this Board, a copy of which is included by reference and made a part hereof, relating to the proposed project at 42 Riley Street, East Aurora, New York, wherein the applicant, Jim Bammel proposes to install a permanent awning, creating a covered entryway to the SNAP Fitness business, as detailed in the Site Plan Application dated January 12, 2022, and in a Letter of Intent (one page) dated January 10, 2022, and as shown on a rendering depiction (one page), an aerial depiction (one page) and on a plan detail dated July 21, 2021; and

WHEREAS, the Village Planning Commission, after carefully and fully reviewing the application, including the Site Plan attached thereto, with any and all amendments and modifications, and considering comments and documentation presented for and against the project, voted in the majority recommending approval; and

WHEREAS, the Village SEQRA Intake Committee carefully and fully reviewed Part 1 of the SEAF submitted by applicants including the Site Plan attached thereto, and the above-referenced amendments and modifications; and

WHEREAS, the Village SEQRA Intake Committee, after their review of the above, prepared Parts 2 and 3 of the SEAF 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 1 of the SEAF; comments, recommendations, findings and conditions of the Planning Commission, the Site Plan and the recommendation of the SEQRA Intake Committee and that Committee's completed Parts 2 and 3 of the SEAF concerning the potential environmental impacts 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 SEAF, submitted by the applicant, for the site plan proposed to install a permanent awning creating a covered entryway for the SNAP Fitness business at 42 Riley Street, East Aurora, New York, filed with the Village, included and incorporated by reference herein, is classified as an Unlisted Action and therefore issues a Negative Declaration, that this development will not have a significant environmental impact and a Draft Environmental Impact Statement will not be required nor prepared.

The foregoing resolution was duly made by Trustee Porter and seconded by Trustee Lazickas and carried on March 7, 2022.

- **Resolution of the Village of East Aurora Approving the Site Plan for 42 Riley Street, SNAP Fitness, to install a Permanent Awning creating a Covered Entryway**

WHEREAS, an application has been submitted for Site Plan Approval at the above referenced property by applicant Jim Bammel; and

WHEREAS, the Village Board referred the site plan to the Planning Commission for review, comment and recommendation, and the Planning Commission resolution, recommending site plan approval, with findings and conditions, is incorporated herein and is detailed as follows:
Findings

1. The covered canopy will provide a safer means of access to the building.
2. The project is compatible with surrounding land uses.
3. The applicant has agreed to provide a bicycle rack near the entrance to the facility.

Conditions

1. The applicant has agreed to install lighting and will work with the property owner to make sure there is no blockage to the entrance.
2. The Zoning Board of Appeals has issued a variance for signage.

WHEREAS, the Village's SEQRA Intake Committee considered the application and reviewed Part 1 of the Short Environmental Assessment Form submitted by the applicants 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 is an Unlisted Action and would have no significant environmental impact; and

WHEREAS, the Village Board at a public meeting reviewed and considered further the comments and all written materials submitted by the applicants and all other information and recommendations before the Board, including minutes of prior Village Board meetings and the recommendation of the SEQRA Intake Committee and Planning Commission; and

WHEREAS, the Village Board received and considered the Site Plan, the above referenced upgrades, and any and all amendments thereof; and

WHEREAS, the Village Board has separately considered the environmental impacts of the project, declared itself Lead Agency and issued a Negative Declaration of environmental significance, with the proposal classified as an Unlisted Action.

NOW, THEREFORE, BE IT RESOLVED, by the Village Board as follows:

The Findings of Fact of the SEQRA Intake Committee, the resolution with findings and conditions of the Planning Commission, and the site plan application, including the above-referenced improvement rendering filed with the Village, all information included in the minutes taken in relation to the abovementioned Village Board and Planning Commission meetings are herein incorporated by reference.

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.

The Site Plan relating to the proposed project at 42 Riley Street, East Aurora, New York, wherein the applicant proposes to install a permanent awning to create a covered entryway to the SNAP Fitness business and is detailed in the following documentation: the Site Plan Application dated January 12, 2022, and in a Letter of Intent (one page) dated January 10, 2022, and as shown on a rendering depiction (one page), an aerial depiction (one page) and on a plan detail dated July 21, 2021, and 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, and is subject to the following additional conditions:

The resolution is effective immediately approving the issuance of a development, construction permit as hereinbefore set forth, subject to compliance with all applicable federal, state and local laws and codes.

The foregoing resolution was duly made by Trustee Cameron, and seconded by Trustee Lazickas and carried on March 7, 2022.

- **An Application of a Request for a Special Use Permit, received by the Office of the Village Clerk on December 28, 2021, is hereby:**

A motion by Trustee Porter,

Was APPROVED, as submitted, for applicant Manny's ACE Hardware for installation of two storage cages for propane tank exchange to be located at 42 Riley Street.

The Village Board shall serve as the Lead Agency for purposes of the State Environmental Quality Review Act (SEQRA). A Negative Declaration is made under SEQRA and said application is determined to be an Unlisted Action. This application was reviewed by the Village Planning Commission and received a positive recommendation to be approved by the Village Board, along with findings and conditions which are incorporated herein by reference. ***If approved, the following additional language should be part of the approval:***

Approval is Granted for the above-referenced Special Use Permit Application, as written and submitted, including and as detailed in a cover letter from Benderson Development dated November 23, 2021, a letter from Blue Rhino, the company supplying the cage enclosures and propane tanks, as shown on a drawing depicting where the cages will be located, and on three pages of photos with dimensions; and with the following additional modifications and/or conditions*: 1. The applicant will maintain handicapped accessible sidewalk widths between the propane cages and parking lot.

2. No parking spaces will be lost due to the placement of the protective barriers in front of the propane cages.

Should any part of the application and Special Use Permit approval be in conflict with any segment of the underlying Village Code (i.e., Zoning, etc.), adherence shall be with the Village Code provisions. The Village shall have the right to periodically inspect the property for compliance with the Village Code, the Special Use Permit and its conditions. The nature, duration and intensity of the operations which are involved in, or conducted in connection with, this Special Use Permit shall not be increased or expanded without the approval of the Village Board. Any increase or expansion shall be considered at a public hearing held in accordance with the application requirements and administrative procedures which have been adopted by the Village Board. This Special Use Permit shall expire if significant construction has not been commenced within one year, and has not been completed within two years, of final Special Use Permit approval or, if no construction is involved, if the use has not been commenced within one year of final Special Use Permit approval. This Special Use Permit shall expire if the use, once begun, ceases operation, for any reason, for more than six consecutive months. For seasonal uses, the use will be considered ceased if there is no operation for at least 12 consecutive months. This Special Use Permit may be revoked by the Village Board if it is found and determined that there has been a material failure of compliance with any one of the terms, conditions, limitations or requirements imposed by the Special Use Permit. Revocation may also occur in the event of Village Code violations occurring at the property. The Village Board shall hold a public hearing to consider whether or not the Special Use Permit grantee has violated the terms and conditions of the Special Use Permit or if any Village Code violations have occurred. The public hearing shall be held only after the permit grantee has been notified. Notice of the violations and of the date, place and time of the public hearing shall be mailed to the Special Use Permit grantee by certified mail, return receipt requested, directed to the last known address of the permit grantee. Seconded by Trustee Rosati and unanimously approved.

- Motion by Trustee Lazickas, to rescind the resolution approving the site plan for 636 E. Fillmore Avenue, dated June 7, 2021, on the grounds that the plans have been abandoned by the developer, seconded by Trustee Scheer, and unanimously approved.

- **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 a Local Law Amending Village Code Section 227 pertaining to the Subdivision of Land**

WHEREAS, Parts 1, 2 and 3 of the Short Environmental Assessment Form has been filed with this Board, a copy of which is included by reference and made a part hereof, relating to a Local Law Amending Village Code Section 227 pertaining to Subdivision of Land; and

WHEREAS, the Village SEQRA Intake Committee carefully and fully reviewed Parts 1, 2 and 3 of the Short Environmental Assessment form referenced above; and

WHEREAS, the Village SEQRA Intake Committee, after review of the above, recommends the Village Board issue a Negative Declaration of Environmental Significance; and

WHEREAS, the Village Board, upon carefully and fully reviewing all the information in regard to the proposed Local Law 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 filed with the Village, included and incorporated by reference herein, is classified as an Unlisted Action and therefore issues a Negative Declaration, that adoption of this Local Law will not have a significant environmental impact and a Draft Environmental Impact Statement will not be required nor prepared.

The foregoing resolution was duly made by Trustee Cameron, and seconded by Trustee Lazickas and carried on March 7, 2022.

- A Motion by Trustee Rosati, to Approve a Local Law Amending Code Section 227 – Subdivision of Land, seconded by Trustee Cameron, and roll call:

Trustee Cameron-aye

Trustee Porter-aye

Trustee Scheer-aye

Trustee Rosati-aye

Trustee Lazickas-aye

Mayor Mercurio-aye

unanimously approved.

Chapter 227. Subdivision of Land

§ 227-6. Preliminary plat requirements.

Preliminary plats and data.

D. Separate documents.

[Amended 11-26-2007 by L.L. No. 11-2007]

(1) Draft of any protective covenants whereby the subdivider proposes to regulate land use in the subdivision and to otherwise protect the proposed development.

(2) A stormwater pollution prevention plan (SWPPP), if required for the proposed subdivision under Article XV, Stormwater Management, of Chapter ~~220~~85, Zoning, of this Code, together with the recommendation of the Stormwater Management Officer to approve, approve with modifications, or disapprove the SWPPP pursuant to § ~~220-5B~~85-79B of this Code. If a SWPPP is submitted together with a preliminary plat pursuant to this section, such plat shall not be approved unless the SWPPP and plat meet the performance and design criteria and standards in Article XV, Stormwater Management, of Chapter ~~220~~85, Zoning, of this Code.

§ 227-14. Final plats and data.

B. Separate documents.

(1) Agreements covering the improvement and maintenance of unceded public spaces and the conditions and time limits, if any, applying to site reservations.

(2) A statement by the Village Attorney approving as to legal sufficiency all offers of cession, all covenants governing the maintenance of unceded public open space and any action taken to establish or extend water and/or sewer districts, and also approving the legal sufficiency of any bond or agreement offered in lieu of the completion of required subdivision improvements.

(3) Protecting covenants in form for recording.

(4) A stormwater pollution prevention plan (SWPPP), if required for the proposed subdivision under Article XV, Stormwater Management, of Chapter ~~22085~~, Zoning, of this Code, together with the recommendation of the Stormwater Management Officer to approve, approve with modifications, or disapprove the SWPPP pursuant to § ~~220-5B85-79B~~ of this Code. If a SWPPP is submitted together with a final plat pursuant to this section, such plat shall not be approved unless the SWPPP and plat meet the performance and design criteria and standards in Article XV, Stormwater Management, of Chapter ~~22085~~, Zoning, of this Code.

§ 227-21. Minor subdivision application.

C. A stormwater pollution prevention plan (SWPPP), if required for the proposed subdivision under Article XV, Stormwater Management, of Chapter ~~22085~~, Zoning, of this Code, shall be submitted, together with the recommendation of the Stormwater Management Officer to approve, approve with modifications, or disapprove the SWPPP pursuant to § ~~220-5B85-79B~~ of this Code. If a SWPPP is submitted together with a minor subdivision plat pursuant to this section, such plat shall not be approved unless the SWPPP and plat meet the performance and design criteria and standards in Article XV, Stormwater Management, of Chapter ~~22085~~, Zoning, of this Code.

- A Motion by Trustee Rosati, to table an Application for a Demolition Permit for a building located at 203 Main Street, seconded by Trustee Scheer, and unanimously approved.
 - Mike Anderson, Abstract Architect, Kate Brook, Owner- The issue with the existing building is that they have outgrown this small building and the second floor will become their offices and the back space will become residential or commercial renting. The building is basic and there is no way to incorporate the current building into their new building. They would like to make an attempt to relocate this building, instead of demoing this building and have had multiple offers from people. The Board would like to see if the applicants can relocate this building before discussing an approval to demo.
 - Mary Ann Colopy, HPC Chair- HPC voted to deny a recommendation for demolition because this building is a significant part of the street-scape on Main St and has been there since the early 1900s with a number of successful businesses.
- Resolution moved by Trustee Cameron, and seconded by Trustee Rosati, as follows:

Whereas, the East Aurora Village Board acknowledges the importance of parents and donor-conceived persons knowing the medical, educational and criminal felony conviction history of individuals who have donated reproductive tissue to a reproductive tissue bank for the purposes of an artificial insemination or assisted reproductive technology procedure and disseminating this history information to a recipient and donor-conceived person upon request upon request, if any; and

Whereas, the East Aurora Village Board further acknowledges knowing the medical, educational and criminal felony conviction history of a donor will provide recipients with the necessary information to make informed decisions regarding the process of artificial insemination or assisted reproductive technology procedure and for donor conceived persons to obtain essential medical information, which may reveal any genetic or mental health disorders; and

Whereas, the East Aurora Village Board finds that reproductive tissue banks, including semen banks, oocyte donation programs and embryo banks have a duty to collect and verify medical, educational and criminal felony conviction history information provided by donors on donors self-reported medical, educational and criminal felony conviction histories and during the donor screening processes and to keep detailed records of such for use by recipients and donor-conceived persons, if any, prior to a procedure and in the future,

Therefore, be it resolved, the East Aurora Village Board fully supports the passage of NYS Senate Bill S7602, sponsored by Senator Patrick M. Gallivan, and supports further efforts to insure both parents and donor conceived persons have access to verified medical, educational and criminal felony conviction histories for all donors.
Adopted March 7, 2022

- A Motion by Trustee Porter, to Approve Budget Adjustments,

Budget Transfers		2021-2022			
TO				FROM	
a.5.3120.0140	Police Dept-OT	\$ 20,000.00		a.5.1990.0440	Contingency Acct
a.5.3120.0480	Police Dept-Uniforms	\$ 4,000.00		a.5.1990.0440	Contingency Acct
a.5.3120.0434	Police Dept-Telephone	\$ 3,300.00		a.5.1990.0440	Contingency Acct
a.5.3120.0230	Police Dept-Equipment	\$ 1,250.00		a.5.1990.0440	Contingency Acct
a.5.3120.0140	Police Dept-OT	\$ 10,000.00		a.5.3420.0130	Police and Fire Dispatch-PT and Temp
a.5.1640.0440	Central Garage-Training	\$ 70.00		a.5.1640.0480	Central Garage-Uniforms
a.5.1640.0470	Central Garage-Dept Supplies	\$ 60.00		a.5.1640.0480	Central Garage-Uniforms
a.5.1620.0470	Building-Dept Supplies	\$ 40.00		a.5.1490.0403	Public Works Admin-Office Supplies
a.5.1640.0200	Central Garage-Equip	\$ 30,000.00		a.55.5142.0470	Highway Snow Removal-Dept Supplies
f.5.9010.0800	State Retirement-Retirement	\$ 2,600.00		f.5.9045.0803	Life Ins-Life Ins
f.5.9045.0804	Life Ins-Life Ins-Retirees	\$ 300.00		f.5.9045.0803	Life Ins-Life Ins
f.5.9060.0806	Hospital and Medic Ins-Health Ins-Retirees	\$ 5,000.00		f.5.9045.0803	Life Ins-Life Ins
f.5.9060.0806	Hospital and Medic Ins-Health Ins-Retirees	\$ 7,000.00		f.5.9060.0805	Hospital and Medic Ins-Health Ins
f.5.9061.0807	Dental Ins-Dental Ins	\$ 1,000.00		f.5.9045.0803	Life Ins-Life Ins

seconded by Trustee Cameron, and unanimously approved.

- A Motion by Trustee Lazickas, to Schedule a Public Hearing on April 4th for a Permit to Keep Four Dogs at 39 Maple Street, seconded by Trustee Scheer, and unanimously approved.
- A Motion by Trustee Cameron, to Schedule a Public Hearing on April 4th for a Special use Permit for 695 Main Street Dopest Dough, seconded by Trustee Lazickas, and unanimously approved.

- A Motion by Trustee Rosati, to Refer to the Planning Commission on April 5th a Site Plan Application for Mud, Sweat n' Gears at 669 Main Street, seconded by Trustee Lazickas, and unanimously approved.
- A Motion by Trustee Scheer, to Approve a Temporary Use Permit for the Town of Aurora - Independence Day Celebration on July 3rd in Hamlin Park, seconded by Trustee Lazickas, and unanimously approved.
- A Motion by Trustee Lazickas, to Approve a Permit to Use Hamlin Park for East Aurora High School Varsity Baseball Team, seconded by Trustee Cameron, and unanimously approved.
- A Motion by Trustee Rosati, to Approve a Temporary Use Permit for The Globe at 709-711 Main Street to erect and operate an outdoor Tiki Bar, request for application fees to be waived due to application change, was seconded by Trustee Scheer, and unanimously opposed.
 - Concern as a precedent with a lot of other businesses applying for the same kind of permit. Molly Flynn, owner- The State will only let her use her liquor license from April until October, her hours will be limited from Wednesday to Sunday afternoons, and it will be in the already existing patio. She will not only be serving liquor and she is looking for a social gathering space. She cannot preserve her business if she cannot create something more to help her business otherwise, she will go vacant. The Boards feels that this could set a precedent for the Village.

DEPARTMENT HEAD AND TRUSTEE REPORTS

- Police Chief – Working with company on radio systems and to come up with a plan to present to the Board and that could benefit the Department at a low cost. Sent out current monthly report.
- DPW Superintendent – None
- CEO Cassidy – None
- Clerk-Treasurer – been working on the Budget
- Village Administrator – Has been working on the Budget and there is a Workshop review starting at 9am on 3/12 which the Clerk Treasurer has been working on.
 - A Motion by Trustee Cameron, to Set a Public Hearing on March 21, 2022 for the Budget, seconded by Trustee Porter, with unanimous approval.
- Trustee Cameron – None
- Trustee Rosati – None
- Trustee Lazickas – Safety Committee email will be reviewed by the Committee. Concern with potholes that are not in the Village, DPW Superintendent makes the call to get them filled.
- Trustee Scheer – Been handing out pencils all over the Village for Election.
- Trustee Porter – Concern for the ADA parking in the lot behind Mambrino King where people park without a permit. The Clerk Treasurer said there is a section in the code regarding handicap parking and if it is not being followed it first goes to CEO Cassidy

March 7, 2022

and then to the Police to handle. This will be investigated by the Police Chief and Clerk Treasurer.

- Mayor Mercurio- Keep being careful with Covid.

ADJOURNMENT

A Motion was made by Trustee Lazickas to adjourn the meeting at 8:38pm. Seconded by Trustee Porter and unanimously carried.

Respectfully submitted,

Jessica Taneff
Village Deputy Clerk

March 2, 2022

East Aurora Village Board
585 Oakwood Avenue
East Aurora, NY 14052

Gentlemen,

March 7, 2022

With Woodley Butlin's untimely passing three years ago, the proposed sub-division now under consideration at 0 Walnut Street has stirred passions in the Village. As a property owner whose entire rear lot line abuts said development, I knew that upon his death the property would be developed. As much as I have enjoyed the natural beauty of the field since moving to East Aurora in 2009, I welcome the proposed sub-division.

However, I have concerns, shared by other neighbours of the property, regarding the effect that development will have on the existing water table as well as the provisions for storm water abatement. My concerns are based on my experience as a Foreman in the Amherst Highway Department's Engineering Office. Plat reviews and sub-division proposals were both under my purview. (Storm water drainage was always a top priority in Amherst.)

As you should know, the stream that once coursed through the southern boundary of the property was tiled in the mid-1950s. It now runs through several properties along the east side of Center Street, flowing from a headwall under Center Street, where it eventually spills into Cazenovia Creek. The properties at #210 and #218 have ten-foot easements running through their rear yards for the aged storm sewer.

I recently had the good fortune to meet and discuss my concerns with David Britton, P.E. as he inspected the site at the behest of the Village. Although snow still covered much of the property, I was able to show him where water was ponding at various locations. After our inspection, Mr. Britton agreed with my concerns about storm water drainage along the western and southern boundaries of the property. While we did not traverse the property's northern boundary, the slope from both Walnut and Center Streets indicates potential flooding along the northernmost property line. Furthermore, the two existing catch basins were inadequate to rectify flooding in the "notch" area.

With six large homes planned for the development, the amount of excavated earth and lot-based grading will certainly alter the topography and the present flow of storm water on the property. Based on my experience and on my observations over the past 13 years, I would strongly recommend the following actions be taken by the developer and/or Village prior to construction:

- The existing storm sewer running from Walnut Street to Center Street shall be inspected and/or cleaned.
- A ten-foot drainage easement shall be designated along all three sides of the property.
- Either a swale or drain tile shall be constructed within the easement.
- Tree fall shall be removed from the notch area, new catch basins be installed.

Given its age, the existing storm sewer will inevitably fail, leading to unseen construction costs, as well as significant disruptions and inconveniences to homeowners. In an initiative-taking manner, the Village may wish to consider the replacement and relocation of the storm sewer to the original stream bed, thereby allowing property owners on Center Street to construct garages and driveways on their properties.

I have photos that illustrate my concerns. I will share them with the Board at its meeting on March 7, 2022.

I thank the Village Board members for their considerations.

Sincerely,



Bruce D. Mitchell