

**VILLAGE OF EAST AURORA
VILLAGE BOARD MEETING
December 6, 2021 –7:00 PM**

Present:

Trustee Cameron
Trustee Kimmel-Hurt
Trustee Porter
Trustee Rosati
Deputy Mayor Scheer

Absent:

Trustee Lazickas
Mayor Mercurio

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
Elizabeth Cassidy, Code Enforcement Officer
Jessica Taneff- Village Deputy Clerk
East Aurora Advertiser
13 Members of the public

A Motion by Trustee Porter to approve the Village Board minutes November 15, 2021, seconded by Trustee Kimmel-Hurt and carried with unanimous approval.

Trustee Rosati moved to approve the Payment of Abstract for December 6, 2021, vouchers 61615 to 61696 for a total of \$535,170.19, seconded by Trustee Kimmel-Hurt carried with unanimous approval.

SPEAKERS & COMMUNICATIONS (I)

- Village Arborist Jared Webber discussion on trees, sidewalks, etc.-The Administrator said this is about a resident's request for a removal of a tree. Mr. Webber is recommending this tree not be removed from E. Fillmore since it still has viable life. The tree on E. Fillmore is heaving the sidewalk but the base of the tree is healthy and there are options for a gio-grid to put under the sidewalk but there is not one straight answer. There will be further discussion on this matter.

PUBLIC HEARING

- A Motion by Trustee Porter to open a public hearing at 6:35pm, for a Minor Subdivision proposal for 363 Prospect Avenue, seconded by Trustee Kimmel-Hurt and carried with unanimous approval.
 - John White-144 Center St- What will happen to the line of evergreen trees at the border end of the property if the subdivision put in? Mr. Kopp said the trees are on the middle lot and those trees are staying for now and they are on the lot line where anything can't be built.
 - Dr. Peach-116 N Grove St- wants to know how properties on Prospect will be tying into Walnut St. CEO Cassidy said this the proposal on Walnut is separate from this Prospect subdivision.

A Motion by Trustee Cameron to close the public hearing at 6:43 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 in the matter of the Minor Subdivision Application for the property at 363 Prospect Avenue in the Village of East Aurora**

The foregoing resolution was duly made by Trustee Kimmel-Hurt

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 minor subdivision at 363 Prospect Avenue, East Aurora, New York, wherein the applicant proposes a minor subdivision, and documentation was submitted, as follows:

- An application for a minor subdivision, dated October 26, 2021 (one page);
- SEQRA SEAF Part 1 – Project Information Form (three pages);
- as shown on a drawing (one page, undated and with no indication of the creator), depicting three lots, one with an existing house and two vacant lots

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

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

WHEREAS, the Village SEQRA Intake Committee carefully and fully reviewed Part 1 of the Short Environmental Assessment form submitted by applicant, including the minor subdivision application, 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 Short Environmental Assessment Form with a recommendation of the issuance of the Negative Declaration of Environmental Significance for submission to, and consideration by, the Village Board; and

WHEREAS, the Village Board of Trustees, upon taking an independent hard look and reasoned evaluation of the above-referenced information, comments and written documentation, including, but not limited to, Part 1 of the Short Environmental Assessment Form; comments and recommendations of the Planning Commission, the minor subdivision; the reply of Erie County Division of Planning; and the recommendation of the SEQRA Intake Committee and that Committee's completed Part II and Part III of the Short Environmental Assessment Form concerning the potential environmental impact of the project; all of which are incorporated by reference herein; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Village Board of East Aurora as Lead Agency has determined that the proposed action described in the Short Environmental Assessment Form submitted by the applicant for the minor subdivision proposed for 363 Prospect Avenue, East Aurora, New York, 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.

and seconded by Trustee Kimmel-Hurt and unanimously carried on December 6, 2021.

- **Resolution of the Village of East Aurora Approving a Minor Subdivision for 363 Prospect Avenue in the Village of East Aurora, New York**

The foregoing resolution was duly made by Trustee Kimmel-Hurt

WHEREAS, an application has been submitted for minor subdivision approval at the above referenced property; and

WHEREAS, the Village Board referred the application to the Planning Commission for review, comment and recommendation, and the Planning Commission resolution, recommending the minor subdivision approval, with findings, is incorporated herein as follows:

Findings: (a)The applicant has received necessary approval from the Zoning Board of Appeals for an area variance for the width of one lot to be 65 feet.(b)The proposed subdivision will provide the opportunity for new housing stock in the Village.(c)The proposed subdivision lot sizes are consistent with many existing neighboring lots.

WHEREAS, the Erie County Division of Planning has reviewed same and has no recommendation and deems the matter to be of local concern; and

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

WHEREAS, the Village Board at a public meeting reviewed and considered the comments and all written materials submitted by the applicant and all other information and recommendations before the Board, including minutes of prior Village Board meetings and the recommendation of the SEQRA Intake Committee and Planning Commission, as well as the determination of the Zoning Board of Appeals; 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.

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

1. The Findings of Fact of the SEQRA Intake Committee, the resolution with findings and conditions of the Planning Commission, and the minor subdivision 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.

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 minor subdivision relating to the proposed project at 363 Prospect Avenue, East Aurora, New York, wherein the applicant proposes to subdivide one existing lot into three new lots, and as detailed in the following documentation:

- An application for a minor subdivision, dated October 26, 2021 (one page);
- SEQRA SEAF Part 1 – Project Information Form (three pages);
- as shown on a drawing (one page, undated and with no indication of the creator), depicting three lots, one with an existing house and two vacant lots;

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: none

4. The resolution is effective immediately.

and seconded by Trustee Porter and carried unanimously on December 6, 2021.

- A Motion by Trustee Cameron, to Promote Officer Patrick Bastine to Lieutenant starting December 12, 2021, was seconded by Trustee Porter, with unanimous approval.
 - Chief Krieger said Officer Bastine is an excellent officer and shows all the attributes you want in a supervisor. He stood out among the candidates.
- A Motion by Trustee Kimmel-Hurt, to set a Public Hearing on TUESDAY, January 18th for three chickens to be located at 243 Cazenovia St – Caroline & Zack Taggart, was seconded by Trustee Porter, with unanimous approval.
- A Motion by Trustee Porter, to refer a Site Plan Application for 189 King Street to the Planning Commission, was seconded by Trustee Cameron, with unanimous approval
- A Motion by Trustee Kimmel-Hurt, to Approve a Temporary Use Permit for 42 North Brewing Company for the Barrel Jam event on January 29th, was seconded by Trustee Porter, with unanimous approval.
- A Motion by Trustee Porter, to Approve a Temporary Use Permit for Eclipse Multi-Sport for the Caroler 5K Run on December 18th, was seconded by Trustee Kimmel-Hurt, with 5 nays. Application has been denied

- Trustee Kimmel-Hurt has concerns about having a run this time of year and having to shut down stores for this event along with concern the route for this race. Chief Krieger agreed he has concerns and said there is inclement weather during this time and during this holiday season people are in more of a rush on these busy roads. The organization is told this is a charitable but they do not donate to any organizations in EA. The chosen route ties up traffic for a few hours and if the roads are in poor condition, they cannot have traffic flowing smoothly. The organization has been told to have their route approved by the Police Dept. which was not.

DEPARTMENT HEAD AND TRUSTEE REPORTS

- Police Chief- He will have 2 candidates in two weeks, just waiting for background wrap up. One candidate will be able to start in January and the second candidate will start the police academy in the middle of January.
- DPW Superintendent- Last week for leaf pick-up.
- Code Enforcement Officer-Recently hired a second PT Assistant Officer. The sketch plan for Walnut St is being represent by Peter Sorgi and they have requested a preliminary meeting with PC before they submit to the VB. CEO Cassidy thanked the Superintendent and the DPW for cleaning up leaves this late in the season.
- Clerk-Treasurer-Received a 5k grant for energy efficiency and in order to receive this we must spend it on an energy efficiency project. The decorative lights on Main St. could be changed to LED which would use the 5k and by using the LED lights there will be a coast savings on our electric bill.
- Village Administrator-spoke about the Buffalo Business newspaper that features Vidler's who won the top award for family owned business. The PBA Union is looking to negotiate the contract. The Administrator and the Mayor will get together on what they will present to the Union and have it done before the end of May when it is due. Tomorrow there is a webinar for the first round of NYCOM's Cannabis training.
- Trustee Cameron-none
- Trustee Kimmel-Hurt- none
- Trustee Rosati-none
- Trustee Porter- Spoke with the Administrator on Village liability on the trees on E. Fillmore and sidewalks. The Administrator said in the currently policy all adjacent sidewalks are the property owners responsibility. Plan to have a further meeting at their next meeting for legal advice regarding these matters.
- Deputy Mayor Scheer- none

ADJOURNMENT

A Motion was made by Trustee Kimmel-Hurt to adjourn the meeting at 7:09pm.
Seconded by Trustee Cameron and unanimously carried.

Respectfully submitted,

Jessica Taneff
Village Deputy Clerk