

**VILLAGE OF EAST AURORA
VILLAGE BOARD MEETING
June 16, 2025 - 7:00 PM**

Present:

Trustee Flynn
Trustee Lazickas
Trustee Cameron
Trustee Viger
Trustee Rabey
Mayor Mercurio

Absent:

Trustee Scheer

Also Present:

Maureen Jerackas, Village Clerk-Treasurer
Shane Krieger, Village Administrator
Patrick Welch, Police Chief
Jeff Stoll, General Foreman
Chris Trapp, Village Attorney
Liz Cassidy, Code Enforcement Officer
18 Members of the public

A Motion by Trustee Lazickas to approve the Village Board minutes for June 2, 2025, seconded by Trustee Cameron and carried with unanimous approval.

Trustee Rabey moved to approve the payment of June 16, 2025, abstract 2024/2025 fiscal year for a total of \$12,717.67, seconded by Trustee Flynn, and carried with unanimous approval.

Trustee Flynn moved to approve the payment of June 16, 2025, abstract 2025/2026 fiscal year for a total of \$411,156.70, seconded by Trustee Rabey, and carried with unanimous approval.

SPEAKERS AND COMMUNICATIONS (I)

- Nancy Smith-195 Sycamore- She asked if the Village Board could review the documentation that was sent over by the Village Tree Board and address it at the next meeting. Mayor Mercurio asked Village Attorney Trapp and the Trustees to review the documentation before the next board meeting. Trustee Cameron thanked the Village Tree Board for all their hard work on this. Trustee Flynn also thanked them.
- Holly Maciewjeski-218 Center- She thanked the Village Board and presented a document about the trees.

PUBLIC HEARINGS

- A Motion by Trustee Viger, to open the Public Hearing at 7:07pm to consider an application for a Special Use Permit, from Christopher Sterlace at 77 Knox Rd to operate a BnB in an existing non-conforming owner-occupied two-family dwelling, seconded by Trustee Lazickas and carried with unanimous approval.
 - The applicant said short-term rental/Airbnb not a bed and breakfast.A Motion by Trustee Lazickas to close the public hearing at 7:09 pm, seconded by Trustee Rabey, and carried with unanimous approval

- A Motion by Trustee Lazickas, to open the Public Hearing at 7:10 pm to Consider an application for a Special Use Permit from Tony Day at 644 Oakwood Ave, General Riley House, to continue operating as a speakeasy with light food, outdoor seating, and occasional outdoor music, seconded by Trustee Flynn and carried with unanimous approval.
 - The applicant spoke about the term 2-3 times a week meant. They stated that they are looking for approval for May- Sept, 60-90 minutes, no earlier than 6 pm and no later than 9 pm. Trustee Cameron has concerns about the residents. The applicant stated that maybe on Sundays, they could have any time before 9 pm

A Motion by Trustee Rabey to close the public hearing at 7:15 pm, second by Trustee Lazickas, and carried with unanimous approval.

- A Motion by Trustee Cameron, to open the Public Hearing at 7:16pm to Consider an application for a Site Plan Application, from Chris Contento owner of 425-433 Prospect Ave, to add a balcony to a third-floor apartment over an existing bump out on the second floor, seconded by Trustee Viger and carried with unanimous approval.
 - The applicant described the project.

A Motion by Trustee Lazickas to close the public hearing at 7:17 pm, second by Trustee Viger, and carried with unanimous approval

- A Motion by Trustee Viger, to open the Public Hearing at 7:17 pm to Consider an application for an Amended Site Plan Application, Nathan & Chelsea Root of Left Coast Taco at 54 Elm St for the reconfiguration of the patio and parking lot then permanently install the patio at the front of the building, seconded by Trustee Lazickas and carried with unanimous approval.
 - The applicant said that they also want to add music to their permit. Clerk Treasurer Jerackas reviewed that a special use permit amendment would be needed for that. The applicant reviewed their patio/parking lot project and noted that it was already done.

A Motion by Trustee Rabey to close the public hearing at 7:20 pm, second by Trustee Viger, and carried with unanimous approval

OFFICIAL CONSIDERATIONS

- **A motion by Trustee Lazickas,**

An Application of a Request for a Special Use Permit, received by the Office of the Village Clerk on March 17, 2025, is hereby:

APPROVED, as submitted, for applicant Christopher Sterlace at 77 Knox Road to operate a BnB in an existing non-conforming owner-occupied two-family dwelling.

The Village Board shall be Lead Agency under the State Environmental Quality Review Act (SEQRA). A Negative Declaration is made under SEQRA and said application is determined to be an Unlisted Action.

The following findings and conditions from the Village Planning Commission are incorporated herein:

- Consistent with the intent of the code for short-term rentals with no additional impacts on the neighbors due to it being a two-family dwelling.
- Consistent with the approval of 30 Walnut Street in December of 2024.

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, and with the following additional modifications and/or conditions*:

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 Viger, and carried with unanimous approval.

- **A motion by Trustee Flynn,
An Application of a Request for an Special Use Permit, received by the Office of the Village Clerk on March 19, 2025, is hereby:**

APPROVED, as submitted, for applicant Tony Day at 644 Oakwood Ave General Riley House to continue to operate as a speakeasy with light food, outdoor seating, and outdoor music from May until September, no later than 9pm.

The Village Board shall be Lead Agency under the State Environmental Quality Review Act (SEQRA). A Negative Declaration is made under SEQRA and said application is determined to be an Unlisted Action.

The following findings and conditions from the Village Planning Commission are incorporated herein:

- New owners with the continuation of existing business
- Coordinate parking with other businesses as previously.

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, and with the following additional modifications and/or conditions*:

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 Rabey, with unanimous approval.

- 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 Amended Site Plan Application at 54 Elm St, applicant Nathan & Chelsea Root of Left Coast Taco for the reconfiguration of the patio and parking lot then permanently install the patio at the front of the building.

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 54 Elm St, East Aurora, New York, wherein the applicant, Nathan & Chelsea Root of Left Coast Taco; 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, with findings; 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 applicants, for the site plan proposed to add a balcony to a third-floor apartment over an existing bump out on the second floor 425-433 Prospect Avenue, as detailed in the Site Plan Application dated March 25, 2025, 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 Cameron and seconded by Trustee Viger and carried on June 16, 2024.

- **Resolution of the Village Board of East Aurora Approving the Site Plan for 425-433 Prospect Ave, applicant Chris Contento, owner of 425 Prospect LLC, to add a balcony to a third-floor apartment over an existing bump out on the second floor.**

WHEREAS, an application has been submitted for Site Plan Approval at the above-referenced property by applicant 425 Prospect LLC, represented by Chris Contento,

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 no conditions; 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 recommendation of the SEQRA Committee and approved by the Village Board as a Negative Declaration, including 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 applicant and all other information and recommendations before the Board, including minutes of prior Village Board meetings and the recommendations from the SEQRA Intake Committee and Planning Commission, and the referral and response from the Erie County Division of Planning declaring: No Recommendation; proposed action has been reviewed and determined to be of local concern; 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 a 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 of the Planning Commission, and the site plan application, all information included in the minutes taken in relation to the abovementioned Village Board and Planning Commission meetings are herein incorporated by reference, including the following findings of the Planning Commission:

- The proposed amendment adds to appeal to the house and makes rental more interesting and desirable

- No significant modification to the façade of the building.

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 425-433 Prospect Avenue, East Aurora, New York, wherein the applicant proposes to add a balcony to a third-floor apartment over an existing bump out on the second floor.

as detailed on documents submitted with the application, is hereby approved 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 Viger and seconded by Trustee Lazickas and carried on June 16, 2025.

- 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 Amended Site Plan Application at 54 Elm St, applicant Nathan & Chelsea Root of Left Coast Taco for the reconfiguration of the patio and parking lot then permanently install the patio at the front of the building.
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 54 Elm St, East Aurora, New York, wherein the applicant, Nathan & Chelsea Root of Left Coast Taco; 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, with findings; 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 applicants, for the site plan proposed to reconfigure the patio and parking lot, then permanently install the patio at the front of the building, 54 Elm St, as detailed in the Site Plan Application dated April 1, 2025, 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 Viger and seconded by Trustee Lazickas and carried on June 16, 2024.

- Resolution of the Village Board of East Aurora Approving the Amended Site Plan for applicants Nathan & Chelsea Root of Left Coast Taco at 54 Elm St for the reconfiguration of the patio and parking lot then permanently install the patio at the front of the building
WHEREAS, an application has been submitted for Site Plan Approval at the above-referenced property by applicant Left Coast Taco, represented by Nathan & Chelsea Root,

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; 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 recommendation of the SEQRA Committee and approved by the Village Board as a Negative Declaration, including 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 applicant and all other information and recommendations before the Board, including minutes of prior Village Board meetings and the recommendations from the SEQRA Intake Committee and Planning Commission, and the referral and response from the Erie County Division of Planning declaring: No Recommendation; proposed action has been reviewed and determined to be of local concern; 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 a 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 of the Planning Commission, and the site plan application, all information included in the minutes taken in relation to the abovementioned Village Board and Planning Commission meetings are herein incorporated by reference, including the following findings and conditions of the Planning Commission:

Findings:

- Improvement to existing business aesthetics and business operation
- Consistent with the neighborhood of the Elm Street Business Corridor

Conditions:

- The installation of curb stops between the parking and walkway patio seating area
- Bike racks to be installed

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 Site Plan relating to the proposed project at 54 Elm St, East Aurora, New York, wherein the applicant proposes to reconfigure the patio and parking lot then permanently install the patio at the front of the building.

as detailed on documents submitted with the application, is hereby approved 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 Rabey and seconded by Trustee Lazickas and carried on June 16, 2025.

- A motion by Trustee Viger, to Refer to the Planning Commission, July 1, 2025, a Special Use Permit application from James Boglioli of Benderson Development for Five Below at 123 Grey St. The proposal is for staging merchandise outside of their storefront for sale, seconded by Trustee Flynn, and unanimously approved.
- A motion by Trustee Cameron, to Refer to the Planning Commission, July 1, 2025, a Site Plan Application from James Boglioli of Benderson Development at 123 Grey St. to relocate an existing exterior door on the west side of Starbucks to the north to accommodate the layout and landscaping on Grey Street, seconded by Trustee Viger, and unanimously approved.
- A motion by Trustee Lazickas, to Refer to the Planning Commission, July 1, 2025 a Minor Subdivision Application from Aaron Romanowski of Alliance Homes at 0 Pine Street for a vacant parcel to request it be subdivided and construct three single-family dwellings, seconded by Trustee Cameron, and unanimously approved.
- A motion by Trustee Lazickas, to Refer to the Planning Commission, July 1, 2025, Amended Special Use Permit Application from Feng Lin of Touka at 16 Buffalo Rd to remove the existing kitchen from the old Wild Ginger location and connect this space with the Touka kitchen, seconded by Trustee Viger, and unanimously approved.
- A motion by Trustee Rabey, to Approve a Temporary Use Permit, road closure with recommendations from Chief Welch, from Ben Holmes of Wallenweins for the Cheryl Kasprzyk 4 Foundation Fundraiser on July 12th, 2025, from 2:00 pm-8:00 pm, seconded by Trustee Lazickas, and unanimously approved.
 - Police Chief Welch said he spoke with the applicant about the road closures; he stated that the applicant is just looking for the safety of pedestrians without the need for crossing guards or police. Trustee Viger asked if it was blocking Elm Street driveway, Police Chief Welch stated that they would go in and out of the same entrance and that this is an afternoon and evening event. Mayor Mercurio asked about the water barriers, Police Chief Welch confirmed locations and he stated that notices will be sent to the residents in the area. Mayor Mercurio asked about fencing, applicant stated that it will be orange snow fencing.

- A motion by Trustee Flynn, to Approve a Hamlin Park Temporary Use Permit for Jim Anderson of Edward Jones to have a picnic for clients and their families on August 13th, 2025 from 5:00 pm – 8:00 pm with live music, seconded by Trustee Rabey, and unanimously approved.
- A motion by Trustee , for Permission for the Mayor to sign a Certificate of Incorporation for the social club of the Village Fire Department, which will be known as the Village of East Aurora Volunteer Fire Department, seconded by Trustee Lazickas, (no vote was taken)
 - Mayor Mercurio understands that there is no urgency on this and wants to hear from Fire Chief Denz. Trustees want to hear from the Chief too.

A motion by Trustee Flynn to table the Permission for the Mayor to sign a Certificate of Incorporation for the social club of the Village Fire Department, which will be known as the Village of East Aurora Volunteer Fire Department, seconded by Trustee Rabey, and unanimously approved.
- A motion by Trustee Rabey, for Permission to Advertise the 2025 Police Car Bid – one SUV and one pickup truck, seconded by Trustee Cameron, and unanimously approved.
 - Police Chief Welch reviewed why a pickup truck is better and that it would be used as needed but not 24/7. He stated that it wouldn't be a regular patrol vehicle, although it would be outfitted and an additional cage would be budgeted for at budget time.
- Trustee Cameron, offered the following resolution and moved for its adoption:
BE IT RESOLVED, the Clerk – Treasurer is hereby authorized to modify the 2025/2026 Budget in the following manner:
 Asset Forfeiture to Unclassified 4.2770 - \$ 908.23
 Expenditures – Police Department Supplies 5-3120.0470 - \$ 908.23
 Taskforce computer
 The following resolution was seconded by Trustee Rabey and unanimously approved.
 - Trustee Lazickas asked about the modification. Clerk-Treasurer Jerackas explained that it was police drug seizure money and are adding it to the budget so the police chief can spend it.

NEW BUSINESS

- 30 Day Liquor License – 634 Main Street #3 Taste Bistro
 - The Village Board has no opposition.
- Discuss an application for a Temporary Use Permit for Left Coast Taco from Chelsea Root – 54 Elm Street to run an indoor-outdoor arcade from June 14th to October 1st, 2025.
 - Code Enforcement Cassidy spoke about her interpretation of the law 285-52.8. She stated that while Left Coast is putting together a site plan and special use permit application to attach the container to the building, she said that they could apply for a temporary use permit for a defined period of time while they finalize information. Mayor Mercurio asked the applicants to come up and talk about it. The applicants said that they are trying to add an 8x20 shipping container on to the back of the existing building. They said that it will be filled with arcade games for families to hang out in the back. Mayor Mercurio said that they are looking for a temporary use permit to get them through the summer and asked what is involved with attaching the container to the building. The applicants stated that the temporary use permit was because they applied and were pulled off the planning board so they were delayed. They stated that now that everything is cleared up, they realize that the new site plan with it being attached to the building will put them in code. The applicant stated that the problem is that there is no indoor amusement allowed in a new build. He stated that the plan was to get it open for the summer and re-submit a site pan and special use permit. The applicant stated that the original plan was just seasonal but finding out that it needs to be attached anyways, they decided to make it permanent. Mayor Mercurio asked if they are going to be back next June again with another temporary use permit, the applicant

stated no that this is just to get them through while they seek their other permits. Trustee Viger asked who determined that it is indoor entertainment, Code Enforcement Officer Cassidy stated that in the code it lists arcades under entertainment. Trustee Lazickas asked if the business itself would be considered entertainment, Code Enforcement Officer Cassidy said no. Trustee Viger asked if they are adding entertainment to their business, are they considered an entertainment business then, and Trustee Cameron asked how it's different than Misters. Code Enforcement Officer Cassidy responded that Misters was already established as a bowling alley and stated that this is a new use for this property. Village Attorney Trapp said that Misters is all contained in one building, and this is outside in a shipping container, and stated that they have a different interpretation on what a temporary use permit is for. He said that temporary use permits have been for events, but this is for running a business every day for four months. He asked the Village Board if this is what they want to consider for a temporary use permit. Village Attorney Trapp said that the code states that the dates and times must be listed in the application so there is a clear beginning and end. He also said that in section 52.8A-1B it says that it's for public or private sales or events. Village Attorney Trapp stated that it is up to the Village Board to interpret the code, make the decisions on permits, and said that how you decide will determine how things are done in the future. Trustee Rabey asked if the arcade will only be open during their normal business hours and if this is just to enhance their business, the applicants stated that it is for family entertainment and a community project. Trustee Viger asked why the application was originally pulled from planning. Code Enforcement Officer Cassidy stated that it was because there was a footnote in the code stating that indoor entertainment had to be within the existing footprint of the building, and that she missed that footnote. Trustee Viger asked if we are charged when we reach out to the Village Attorney for code interpretation. Village Attorney Trapp said no and that is part of the retainer.

- A motion by Trustee Rabey to approve the temporary use permit for Left Coast Taco from June 14, 2025 through October 1, 2025, seconded by Trustee Lazickas. The motion passed with 5 for and one opposed.
 - Trustee Cameron said that she is concerned that this is not what a temporary use permit is for, Trustee Viger believes that the code needs to be updated.

- **Discuss possibly setting a public hearing to review the Special use permit for Arriba Tortilla - 40 Riley Street due to a Violation of said permit.**

- Code Enforcement Officer said that Arriba had a bar, music and a tent set up outside during Music Fest, to which they were not approved. She said that she sent a letter requesting for them to talk to the Village Board and potentially set up a public hearing. Mayor Mercurio asked if revoking their permit was the only option; Clerk-Treasurer Jerackas and Village Attorney Trapp stated that it was the only thing listed in the code. Kelly Tones said that he put up a shade tent over his cooks and didn't realize that wasn't allowed. He said that the business couldn't handle the volume of people in the restaurant during the music fest so he started selling tacos on the street and did the same thing this year. He said he was unaware of whom to even contact about being a part of the Heart of Music. Mayor Mercurio asked if he wanted to be a part of the heart of Music Fest, and the business owner said yes. Clerk-Treasurer Jerackas stated that the information for events is always located online and at the clerk's office. Trustee Flynn said that if you are not part of the event, you can't have a tent, music, or outside food. The Village Board agrees that this is a warning. Police Chief Welch said that the business owner knows better than to have a bar outside, which violates liquor laws. Village Administrator Krieger noted that the SLA requires a permit to sell liquor outside.

- **Discuss possibly setting a public hearing to review the Special use permit for Left Coast Taco- 54 Elm due to a Violation of said permit.**

- The business owners said that their business was blocked in by the Heart of Music Fest. They said that they had a DJ from 2pm-6pm, snow fenced in their business area, and hired security to check IDs. Trustee Viger said that she believes that this is a different situation. Police Chief Welch asked if they had permission to have music at their establishment, and the business

owners said no. Trustee Viger said that she believes that the business owners are trying to do everything right. The business owners asked if they can add music to their site plan permit. Clerk-Treasurer Jerackas stated that it would need to apply for an amended special use permit in order to do that. Village Board agreed not to have a public hearing on this it would also be a warning.

OLD BUSINESS

- **Church Street waterline under the bridge**
 - General Foreman Stoll stated that the bid from people doing the work for the town came in lowest, and we will be buying all the material. He said it will be under \$35,000 and be doing it at the end of July.
- **Discuss Heart of Music Follow-up**
 - Village Administrator Krieger said that there was a desire to review how the Heart of Music Fest went. Mayor Mercurio said that there were a lot of moving parts and that the Village Board would like to review the event with all the department heads. Trustee Viger requested that the meeting be worked around the Fire Chief's schedule, so he doesn't have to take time off. Trustee Lazickas requested that the Village add a requirement to the temporary use permit for large events that they have to review the event within 30 days. Trustee Rabey requested that the cost for the DPW and Police overtime be brought to that meeting. Village Administrator Krieger said that they should also review the overtime cost of the movie. Clerk-Treasurer Jerackas said that those costs were being paid for by the movie.

SPEAKERS AND COMMUNICATIONS (I)

- Holly Maciejewski- 218 Center St- She asked about the 0 Pine Street application and where that is located. It was said it was the corner by Fisher Price.

Department Head and Trustee Reports

Police Chief – He said that the Heart of Music Festival went well and was executed well with help from other police agencies. He said that he asked the DPW to remove some landscaping to help with damage to cars and see better when pulling out of the parking lot. He said that he is working on having a sign made to put up to make it clearer where the police department and courts are located. The Chief asked if the Village Board would like to see a proof of the sign, Mayor Mercurio said yes. He said that the movie went well and two DWI arrests were made while the roads were closed. He said that the police department will be doing taser training.

General Foreman – He stated that milling will be going on and getting ready for paving, hopefully to be done before July 3rd. He said that they are starting to work on the GoNetSpeed stumps and should have the numbers for the Park Place repairs at the next meeting.

Code Enforcement – None

Village Administrator- He stated that the quiet pickleballs have arrived. Trustee Rabey said to have the summer rec kids try them out. Trustee Flynn said to try them out and see what happens. Code Enforcement Cassidy stated that the summer rec program does not use Hamlin Park for pickleball. He said they will review at the next meeting. He said that the movie went well.

Clerk Treasurer- She said that a scene from the movie was filmed in the Village Clerk's office. Taxes are out and due July 1st, and the year-end is being worked on currently.

Trustee Viger- She wanted to give a shout out to Jamison Road and our fire department for the 35 volunteers for the Heart of Music Festival. Mayor Mercurio said there were only a few calls, and mostly dehydration. She stated that she liked it as a daytime event

Trustee Flynn- Mayor Mercurio asked Trustee Flynn about the sign information, she said that she forwarded the information to Maureen and would like the safety committee to review. The safety committee will review at the next meeting.

Trustee Rabey- None

Trustee Cameron- None

Trustee Lazickas- He said that he talked to Jeff about the park and getting a bollard installed.

Mayor Mercurio- He stated that he appreciates our police department and all the other agencies, the state and Orchard Park, that came out to help. He said he also wanted to thank and show appreciation to our fire department, DPW, and Code Enforcement for all their hard work as well.

A motion by Trustee Lazickas to adjourn at 8:28 p.m. was seconded by Trustee Rabey and unanimously approved.

Respectfully submitted,

Maureen Jerackas
Village Clerk-Treasurer