# VILLAGE OF EAST AURORA VILLAGE BOARD MEETING

November 17, 2025 - 7:00 PM

#### **Present:**

Trustee Lazickas- late 7:10pm Trustee Cameron Trustee Viger Trustee Scheer Trustee Flynn Trustee Rabey Mayor Mercurio

#### **Also Present:**

Maureen Jerackas, Clerk-Treasurer Shane Krieger, Village Administrator Patrick Welch, Police Chief Chris Trapp, Village Attorney Jeff Stoll, General Foreman Rich Miga, Assistant Code Enforcement Officer 24 Members of the public

A Motion by Trustee Rabey to approve the Village Board minutes for November 3, 2025, seconded by Trustee Scheer and carried with unanimous approval, with Trustee Viger and Trustee Cameron abstaining.

A Motion by Trustee Flynn moved to approve the payment of Abstract for November 17, 2025, with a total of \$987,736.60, seconded by Trustee Rabey and carried by unanimous approval.

## **SPEAKERS AND COMMUNICATIONS (I)**

Historic District feasibility study- Carner Development- Clinton Brown, architect, said that Carner Development is funding a feasibility study for the EA downtown commercial district. He said that if it proves sufficient, Carner will fund the application for the National Historic District. Mr. Brown said that COA's or other requirements wouldn't be needed if no tax credits were applied for and accepted. He believes this will cause others to develop for this funding. Mr. Brown said the SHPO representative came through a walk of the Village and was impressed. He said that they researched the buildings, filled out the application, and everything was done from the public right-of-way. Mr. Brown said that we have national significance because of the Hallmark movies and because this is an amazing place to live. He said that historic properties can get zoning accommodations and historic tax credits. Mr. Brown said that because we are a well-managed village, developers from outside the Village could find it interesting to come here. Mayor Mercurio asked if the state plans on changing the historic tax credit on April 1st. Mayor Mercurio asked if a certain percentage of the project had to be exterior. Mr. Brown said that the credit that applies to is the homeowner credit, and that these are great questions. Mayor Mercurio asked if they are certain that there is no oversight. Mr. Brown said that there was no oversight, and even if they do take the tax credits, there is an appeals process. He said that Carner Development will have an open process meeting and said this will likely go to the state preservation board in June of 2026. He said that 60 businesses would be a part of the district and that if more than 50% of the businesses object, the application sits there until over 50% agree. Mr. Brown says that the state board of historic preservation sends the owners a letter notifying them of the application.

- Mary Ann Colopy- Chairwoman, Historic Preservation Commission- She said that the Village HPC supports this application and cited comments made by a previous mayor.
- Rachel Francis- 225 Sycamore- She wanted to thank the Village Board for memorializing Cicero Hamlin, especially Trustee Lazickas, who spoke at the ceremony. She also thanked General Foreman Stoll for all his work on this as well. She spoke about traffic calming in front of the Bar Bill, between Bar Bill and Main & Hamlin. She would like a 3D traffic crosswalk put in that area. Supplying a pink 3D example. She also would like to create a green team for the 3<sup>rd</sup> of July celebration. Village Administrator Krieger said that there are no bulb-outs in that area, like there is on the rest of the+ street. They are there to help people see, narrow the road, and make crossings more obvious. Many parking Spots will need to be removed if the board decides to do that. The road is also wider in this area than the rest of the road. Shane continued Most people do not walk to the crosswalk anyway, they cross where they are straight across. Chief Welch said the State follows Federal standards; they lose money if they don't.
- Jesse Griffis- Village Tree Board- He said that no matter what the state says, cars are not as important as people. Mayor Mercurio said that he doesn't know if people are going to actually use the crosswalks, and will the state even allow it. Trustee Cameron said that crosswalks don't save people.
- Joann Ryan- 211 Porterville Road- She said that she has concerns about kids crossing Pine Street to get to their bus and said that she spoke to Lindsey Lorigo about traffic on Pine. She said shame on us for letting kids cross Pine St, and maybe we should call the schools to fix this. Mayor Mercurio noted that they are looking to get a four-way stop at Fillmore and Pine. He said that the engineer thinks Girard is the only street that would have enough traffic to dictate a stop sign. Mrs. Ryan said that the Village should ask for a traffic study to be done at Girard from April-June. Mrs. Ryan said that General Forman Stoll was already able to get the speed limit coming into the Village down. The Village Board discussed that the time frame of the last traffic study.
- Holly Maciejewski- 218 Center- She asked if there was a written report on the traffic study. Village Administrator Krieger said that there was not. She asked what the Village can do to keep the kids safe. Mayor Mercurio asked Police Chief Welch if he could reach out to Brian Ross. He said that he can ask about the bus routes and the kids in that area, and if the kids can wait on one side of the road and wait for the bus to activate the red lights to cross over.
- Lynn Chimera- 170 Pine- She said that she was almost killed going down the street because they didn't extend the sidewalks after they paved Pine Street. She said that she watches the kids cross the street and is also concerned about their safety. Mayor Mercurio asked if the sidewalks were shorter. Village Administrator Krieger said that he believes that this was because that area was not in the right-of-way.
- Shelby Deck- 299 Pine- She said that the following comments are from a larger group. She said that dozens of residents were at Planning Board meetings asking the Board to pause on 0 Pine. They kept asking because something wasn't right. She said that in the East Aurora Village Code, section 227-8, a minor subdivision is defined as quote any subdivision containing two or three lots as defined in section 285-8 and not requiring the extension of public streets and or infrastructure and that the 194 feet of sewer main extension that Alliance needs under Girard, much requires an extension of infrastructure. She said that if the Village Board does not rescind tonight that they will commence a lawsuit. She wants to know why this wasn't seen as a major subdivision. Mayor Mercurio asked if Assistant Code Enforcement Miga or Village Attorney Trapp had a comment. Village Attorney Trapp said not if there is litigation.
- Holly Maciejewski- 218 Center- She said that she doesn't know what happened here, but thinks they need answers.
- Jesse Griffis- Village Tree Board- He said that in part F of Official Considerations, we are talking about designating some trees as dangerous for removal before the moratorium is lifted, and he disagrees with that. He asked if park trees are part of the moratorium. Village Attorney Trapp said that he doesn't have the moratorium in front of him, but believes it refers to street trees. Mr. Griffis said he agrees with the trees needing to be removed but it will be quite a shock. He said that many trees were planted at the same time and that we need to keep taking care of them with extended mulch rings and staggering the

planting so there is a mix of ages. He said that he would like a realistic maintenance strategy in place. He said that he would also like a line item in the budget for tree maintenance at Hamlin Park, and when updates are made to the master plan, we need to keep trees in mind. Mayor Mercurio asked if there should be a variety of trees, a mix of different species? Should we mulch around each tree? This would be a more manicured look instead of something natural. Jesse thinks we should manicure the trees, but use more natural mulch, not the red stuff.

- Joann Ryan- 211 Porterville- She said that she wanted to follow up on what Shelby was saying and asked if the Village was paying for sewer work to be done. She sighted the Village code and asked if the sewers need to be extended, and if the Village residents are paying for that. Village Attorney Trapp said that the problem is that there's a disagreement over what is considered a change in infrastructure. He also said that the other problem was the request for the board to basically rescind a prior motion without allowing the other side to be heard. He said basic fundamental due process in this country is that you give both sides an opportunity to be heard, which was not going to be provided, nor was it requested to be provided by the speaker. He said that they wanted it done now without giving the other side an opportunity to be heard. He said that it went in front of the planning board, and it came in front of the Village Board, and those specific issues have never been raised before. He said it wasn't raised in front of the planning board because I was present at that planning board. There were not dozens of people there at the planning board meetings when this was discussed, and things were discussed at quite great length, and there have been concerns. He said most people were concerned about the trees, and they did not want three homes there; they only wanted two. He said that the code allows them to have three homes there and that the code doesn't provide for those types of restrictions as is currently written.
- Shelby Deck- 299 Pine- She said that she appreciates the legal due process schooling and notes that the applicants and their attorney are not present. She noted that the meeting minutes lack detail and that the Village Code said infrastructure, but neither board flagged it. She said that she is not an enemy to Alliance Homes, and she commented that she believes that the boards overlooked this code. She said that this is all about the sewer extension and not about trees or traffic. She was demanding answers. Mayor Mercurio advised her that the Village Board was advised by Village Attorney Trapp not to answer any more questions because she said that she was taking legal action.
- Joe Chimera- 170 Pine- He said that he has sat on boards and is looking for the Village Board to make an executive decision to postpone or review the issue of sewers. Trustee Flynn asked for more clarification on the issue. Assistant Code Enforcement Miga said that he will get more information.

#### **PUBLIC HEARINGS**

- Public Hearing to Consider a Local Law regulating the use of Electric/motorized scooters and bikes.
  - o Mayor Mercurio asked if anyone had any additional comments and no comments were made. A Motion by Trustee Cameron to close the public hearing at 8:07pm, seconded by Trustee Rabey and carried with unanimous approval.
- Public Hearing to Consider a Local Law to amend §285-44 of the Village Code Sign Regulations.
  - o Mayor Mercurio asked if anyone had any additional comments and no comments were made. A Motion by Trustee Viger to close the public hearing at 8:08pm, seconded by Trustee Flynn and carried with unanimous approval.
- A Motion by Trustee Viger to Open a Public Hearing at 8:08pm to Consider an Amended Site Plan application from Michael Anderson of Abstract Architecture of 203 Main Street, for a natural gas stand-by generator to be located in the rear of the property to serve the first-floor tenant, seconded by Trustee Scheer and carried with unanimous approval.
  - Applicant said that this is an amended site plan because the generator could only be placed in one area due to a space issue.

A Motion by Trustee Rabey to close the public hearing at 8:09pm, seconded by Trustee Flynn and carried with unanimous approval.

- A Motion by Trustee Cameron to Open a Public Hearing at 8:09pm Public Hearing to Consider a local law to extend the moratorium on unnecessary tree trimming in the Village, seconded by Trustee Scheer and carried with unanimous approval.
  - o Mayor Mercurio said that it is going to be for 180 days but that he doesn't expect it to last that long. He said that they just received the information from NYSEG.
  - Holly Maciejewski- 218 Center- She said that she would like a copy of the most recent draft of the tree law. Clerk Treasurer Jerackas said that she could email or come to the clerk's office to see or get the draft.
  - o Jesse Griffis- Village Tree Board- He said that he sent an email in late October and reviewed the points that were made. He said the points were the tree preservation guidelines for new developments, canopy retention, he wants formal tree and habitat protection, he would like a tree preservation plan, he would like storm management plans, he wants further support for tree inventory, and he would like an arborist to sign off on the inventory for grant purposes. Mayor Mercurio asked about the code clarification that he was looking for. Mr. Griffis said that he believes it would give the ordinance some teeth. He said that he says that it would not be fair to retroactively change something already going on, but do it proactively for the future. Village Attorney Trapp asked Mr. Griffis to send him that email.

A Motion by Trustee Cameron to close the public hearing at 8:18pm, seconded by Trustee Rabey and carried with unanimous approval.

## **OFFICIAL CONSIDERATIONS**

• A motion by Trustee Scheer to approve a Local Law regulating the use of electric/motorized scooters and bikes, seconded by Trustee Viger and duly put to a roll call vote which resulted in the following:

Trustee Lazickas - Aye

Trustee Flynn - Aye

Trustee Cameron - Aye

Trustee Scheer – Aye

Trustee Viger- Ave

Trustee Rabey- Aye

Mayor Mercurio – Aye

• A motion by Trustee Rabey, to approve a Local Law to amend §285-44 of the Village Code - Sign Regulations, seconded by Trustee Flynn, and duly put to a roll call vote which resulted in the following:

Trustee Lazickas - Aye

Trustee Flynn - Aye

Trustee Cameron - Aye

Trustee Scheer – Aye

Trustee Viger- Aye

Trustee Rabey- Aye

Mayor Mercurio – Aye

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 at 203 Main Street, for a natural gas stand-by generator to be located in the rear of
the property to serve the first-floor tenant for security requirements.

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 203 Main Street, East Aurora, New York, wherein the applicant, Michael Anderson of Abstract Architecture, PC, architect; 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;, 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 natural gas stand-by generator to be located in the rear of the property to serve the first-floor tenant for the security requirements.at 203 Main Street, as detailed in the Site Plan Application dated October 14, 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 Lazickas and seconded by Trustee Cameron and carried on November 17, 2025.

Resolution of the Village Board of East Aurora Approving the Site Plan for
 203 Main Street, applicant Abstract Architecture, to install a natural gas standby generator to be located in the rear of the property to serve the first-floor tenant for security requirements.

WHEREAS, an application has been submitted for Site Plan Approval at the above referenced property by applicant Abstract Architecture, represented by: Michael Anderson,

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 a 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 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:

- 1. The Findings of Fact of the SEQRA Intake Committee, the resolution, and the site plan application, all information included in the minutes taken in relation to the above-mentioned Village Board 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 incorporated herein by reference.
- 3. The Site Plan relating to the proposed project at 203 Main Street, East Aurora, New York, wherein the applicant proposes to install a natural gas stand-by generator to be located in the rear of the property to serve the first-floor tenant for the security requirements, as detailed on documents submitted with the application, is hereby approved and is subject to the following additional conditions:

4. 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 Flynn and carried on November 17, 2025.

• Trustee Cameron offered the following resolution and moved for its adoption:

WHEREAS, the Village of East Aurora has been designated as a Tree City based the expansive tree canopy throughout the Village and its overall beauty throughout the community, and WHEREAS, urban forests have long been recognized as important aspects of any densely populated municipality, and

WHEREAS, trees enhance the property values on the properties upon which they are located and provide habitats for birds and animals in a community, and

WHEREAS, excessive trimming has occurred not for regular maintenance by an existing utility, but rather for capital investments by a third party that wishes to enter the Village for profit purposes, and WHEREAS, questions exist with respect to the rights of the respective parties to engage in such work in the Village, and

WHEREAS, the preservation of historic districts within the Village such as Roycroft, Fillmore Avenue, and East Main Street, as examples, is critical to the life and fabric of the Village, and

WEHREAS, there is an economic value to the Village which has been used on multiple occasions for purposes of movie and other theatrical productions which may be harmed by virtue of the unwarranted destruction of the tree canopy in the Village, and

WHEREAS, the safety of the residents and property within the Village of East Aurora is of paramount importance, and

WHEREAS, there exists provisions in the Village Code addressing Historic Preservation which must be aligned with this most recent action,

NOW, BE IT THEREFORE RESOLVED, that the Village of East Aurora, acting in the best health and safety interests of the residents and property owners of the Village hereby suspends the further trimming of trees by any entity within the Village limits, except for emergency purposes and then only upon prior notice to the Village, and declares extending the moratorium for an additional one hundred eighty (180) days on the trimming of any trees within the right of way owned by the Village in the Village of East Aurora pending further recommendations from the Code Enforcement Office, the Village Administrator, the Village Attorney, after continued meetings with the relevant utility corporation, and the development of a local law pertaining to same, and

BE IT FURTHER RESOLVED, that the Village shall re-examine the continuation of the moratorium at the completion of this extension period in order to fully and adequately protect the residents of the Village. The foregoing resolution was seconded by Trustee Scheer and unanimously carried

• A motion by Trustee Rabey, to give permission for NYSEG to remove dangerous trees and those trimmed over 50% as listed and approved by the DPW General Foreman, seconded by Trustee Lazickas, and unanimously approved.

King St. Larwoods

126 King St

146 King St

146 King St

569 Linden

577 Linden

581 Linden

278 South Grove

Olean and Oakwood

836 East Main St

- A motion by Trustee Lazickas, to refer to the Planning Commission, December 2, 2025, a Minor Subdivision and a Rezoning application from 260 Quaker Road LLC for 270 Quaker Road, seconded by Trustee Scheer, and unanimously approved.
- A motion by Trustee Lazickas, to approve a peddler solicitor permit for Michael Yohe to operate a horse-drawn carriage, seconded by Trustee Cameron, and unanimously approved.
- A motion by Trustee Rabey, to give permission for the police department to apply for the NY Cares Up grant for employee wellness, seconded by Trustee Viger, and unanimously approved.
  - Police Chief Welch reviewed the grant which is for two years and focuses on police and dispatch employee wellness, especially suicide prevention. He said that 15 are awarded state wide and that because we are small, its harder to get.
- A motion by Trustee Lazickas, to set a public hearing on December 15, 2025, for a special use permit from Carner Development Group at 670 Main Street to convert part of the 1675 square feet of the first-floor commercial space for an indoor golf recreation facility, along with an accessory use as a bar, seconded by Trustee Cameron, and unanimously approved.
  - O Clerk Treasurer Jerackas said this application already went to the Planning Board and reviewed that these documents had been changed and submitted since that meeting. Mayor Mercurio asked Assistant Code Enforcement Officer Miga if he was OK with the changes not going back to the Planning Board, and he said that his office was good with it going to a public hearing.
- A motion by Trustee Rabey, to give permission to advertise a bid for a sidewalk plow, seconded by Trustee Lazickas, and unanimously approved.
- A motion by Trustee Lazickas, to approve Nicole Goldfus and Gaberial Goldfus as members of the East Aurora Fire Department, seconded by Trustee Cameron, and unanimously approved.
- A motion by Trustee Scheer, to set a public hearing to consider a local law to amend the garbage code once the updates are ready, seconded by Trustee Viger, and unanimously approved.

• A motion by Trustee Viger, to consider setting a public hearing on December 15, 2025, to amend Chapter 165 Lighting outdoor of the village code, seconded by Trustee Cameron, and unanimously approved.

## **SPEAKERS AND COMMUNICATIONS (II)**

- Joann Ryan-211 Porterville- She asked if someone is going to call the school district, Police Chief Welch said that he would. She noted a letter to the editor about people not following the bus light rules. She also said that the building codes are 65 years old and hopes that the Village looks at those. Deputy Village Attorney Trapp said that he believes that all municipalities should look at and review their codes. He said that the NYS fire and building codes have a new one coming out on December 31<sup>st</sup>. He said these will supersede the Village Code, and if we want a stricter code, we will need to get it approved by the state. He said that the zoning code is different. Mrs. Ryan noted multiple houses on Maple and North, Elmwood and Oakwood, and on Girard that were redone in the last year and are enormous. The Village Board agreed and discussed this.
- Jesse Griffis- Village Tree Board- He said that we need to do something about the density of the Village and housing. He asked if they could give tickets for a car going by a bus with the lights on. Village Administrator Krieger, they do have cameras on school buses in other areas, but not here. Mr. Griffis asked who could paint the fire hydrants. General Foreman Stoll said the DPW can if he sends them a list of which ones. Mr. Griffis doesn't think that any trees should be removed until the moratorium is lifted.

# **Department Head and Trustee Reports**

**Police Lieutenant**— He said that they had the Bills/ Hallmark event last week. He said that the patrol truck is in service and the winter parking ban is in effect. Mayor Mercurio said that we should postpone the parking ban until the snow comes and the Village Board agrees.

General Foreman- He said that the DPW is continuing with leaf pick up, and they will be doing Christmas decorations next week. He said that he and Village Administrator Krieger met with Erie County on Friday about removing trees and the sidewalk construction on Maple. General Foreman Stoll said that he would review it with Trustee Cameron, Jarrod and Jesse next week. Mayor Mercurio reviewed the need for a sidewalk in that area. Village Administrator Krieger said that they are looking for our opinion on trees and a retaining wall, but if things move quickly, the county might get bids out for next year.

**Assistant Code Enforcement Officer-** He said that the code is changing at the end of this year, but one of the things that was put on hold is the electrification. He said they are waiting for the Department of State on how we're going to broach that, considering the existing code that they're going to be adopting does still have that included, but as of right now, that is on hold, and natural gas is still allowed.

**Village Administrator**- He said that they had a meeting with NYSEG and is currently waiting on an electronic version of the contract to review and send to Village Attorney Trapp.

Village Clerk-Treasurer- She said that the new tax software is being installed next month. She said that the clerk's office is already preparing for the upcoming Village Budget. She said that she went to a negotiator training last week and that she will be presenting at the Government Finance Officers Association on Thursday. Trustee Viger- She said that she followed up on the deer situation and said that the Village is not the right place for a bait and shoot program. She said that we should see the outcome of what the town does first.

Trustee Flvnn- none

Trustee Rabey- He said that he agrees with Trustee Viger's comment.

Trustee Scheer- none

Trustee Cameron- none

**Trustee Lazickas-** He said that he wanted to thank Jeff and the DPW for helping with the plaque down at Hamlin Park and said that it turned out great. Mayor Mercurio and the Village Board thanked Trustee Lazickas for working on this project and the great speech he gave at the ceremony.

Mayor Mercurio- He congratulated all the election winners and said that he looks forward to working with them in the future. He thanked the decoration committee and said that they have been meeting to freshen up the holiday decorations. He said that he thinks that they will look great this year. He thanked the Girl Scouts who came out on Saturday to help re-wire the wreaths, test the lights, and fluff the bows and garland. He said the parade was dark and crowded, but it went well. He said he thinks it will be a fun thing to see the Hallmark movie when it comes out on Saturday at 8 pm. He congratulated the Varsity Boys Soccer and Cross Country teams on both winning NYS championships over the weekend.

### **EXECUTIVE SESSION-**

A motion by Trustee Lazickas to open an executive session at 8:56pm regarding litigation, seconded by Trustee Rabey, and unanimously approved.

A motion by Trustee Cameron to close the executive session at 9:30pm, seconded by Trustee Viger and unanimously approved.

## **ADJOURNMENT**

A motion was made by Trustee Rabey to adjourn the meeting at 9:31pm. Seconded by Trustee Scheer and unanimously carried.

Respectfully submitted,

Maureen Jerackas Village Clerk-Treasurer