

VILLAGE OF EAST AURORA
VILLAGE BOARD MEETING
May 18, 2026 – 7:00 PM

Present:

Trustee Lazickas
Trustee Cameron
Trustee Bojanowski
Trustee Kamp
Trustee Root
Mayor Wochensky

Absent:

Trustee Rabey

Also Present:

Maureen Jerackas, Clerk-Treasurer
Liz Cassidy, Code Enforcement Officer
12 Members of the public

PUBLIC HEARINGS

- Mayor Wochensky opened the Public Hearing at 7:02 pm to consider the Site Plan application for the Aurora Village Shopping Center at 123 Grey Street to replace the existing parking lot lighting with new quad, dark sky-compliant LED fixtures.
 - Dave Zapelli- Benderson- He gave a project overview.Mayor Wochensky closed the Public Hearing at 7:04 pm.
- Mayor Wochensky opened the Public Hearing at 7:04 pm to consider the Local law amending the Village Code Chapter §112 Demolitions.
 - No comments were made.Mayor Wochensky closed the Public Hearing at 7:04 pm.

SPEAKERS & COMMUNICATIONS (I) – Agenda Items Only- None

CONSENT CONSIDERATIONS

- A Motion by Trustee Lazickas to approve all consent agenda items
 - Minutes of Village Board Meeting for May 4, 2026
 - Payment for May 18 Abstract 2025/2026 fiscal year for a total of \$53,016.74.
 - **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 123 Grey Street, replace the existing parking lot lighting with new quad, dark sky-compliant LED fixtures.**
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 123 Grey Street, East Aurora, New York, wherein the applicant, James A. Boglioli, as agent for Benderson Development 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 replace the existing parking lot lighting with new quad, dark sky-compliant LED fixtures at 123 Grey Street, as detailed in the Site Plan Application dated February 24, 2026, is classified as an Type II 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.

- Resolution of the Village Board of East Aurora Approving the Site Plan for 123 Grey Street, applicant Benderson Development, to replace the existing parking lot lighting with new quad, dark sky-compliant LED fixtures.

WHEREAS, an application has been submitted for Site Plan Approval at the above-referenced property by applicant Benderson Development, represented by: James Boglioli,

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 a Type II 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 Type II Action.

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 of the Planning Commission, and the site plan application, all information included in the minutes taken in relation to the above-mentioned Village Board and Planning Commission meetings, are herein incorporated by reference, including the following findings of the Planning Commission:

a. The proposed lighting upgrade will result in lower power consumption and get closer to the specified lumens in our Village code without sacrificing illumination.

b. 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.

2. The Site Plan relating to the proposed project at 123 Grey Street, East Aurora, New York, wherein the applicant proposes to replace the existing parking lot lighting with new quad, dark sky-compliant LED fixtures as detailed on documents submitted with the application, is hereby approved and is subject to the following additional conditions:

a. _____

3. 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.

- Peddler Solicitor Permit for Michael Yohe to operate a horse-drawn carriage
- Temporary Use Permit for Baker Memorial UMC- Wendy Mix - Strawberry Festival June 27th, from 10 am to 3 pm.
- Permission for the mayor or his designee to sign the engagement letter with Heather Giambra for continued Labor Attorney services
- Set Public Hearing June 15th for a Rezone and Minor Subdivision application at 270 Quaker Road
- New members of the East Aurora Fire Department: Roy Draves & John Phillips (out of district), Joplin Hess
- Refer to Planning Commission June 2nd Special Use Permit for 649 Main Street for a restaurant at The Bank of EA
- Approve the budget adjustments for the 2025/2026 year

Budget Transfers	2025-2026				
FROM			TO		
A.5.1325.0200	Village Admin- Equipment	\$ 500.00	A.5.1325.0400	Village Admin- Operating Expenses	\$ 500.00
A.5.1325.0200	Village Admin- Equipment	\$ 1,000.00	A.5.1480.0410	Pubinfo Svcs- Sup, Maint, Internet, Server	\$ 1,000.00
A.5.1490.0403	Public Works Admin-Office Sup	\$ 100.00	A.5.1490.0420	Public Works Admin- Maint & Repairs	\$ 100.00
A.5.1490.0403	Public Works Admin-Office Sup	\$ 300.00	A.5.1620.0432	Buildings- Gas	\$ 300.00
A.5.1990.0400	Contingency Acct- Conting	\$ 2,700.00	A.5.1910.0410	Unallocated Ins- Gen Liability Services	\$ 2,700.00
A.5.3120.0440	Police Dept- Training, Travel	\$ 200.00	A.5.3120.0420	Police Dept- Maint Service Contracts	\$ 200.00
A.5.3410.0460	Fire Dept- Vehicle Maint	\$ 1,000.00	A.5.3410.0434	Fire Dept- Telephone	\$ 1,000.00
A.5.3410.0460	Fire Dept- Vehicle Maint	\$ 1,000.00	A.5.3410.0432	Fire Dept- Gas	\$ 1,000.00
A.5.3420.0140	Police & Fire Dispatch- Over	\$ 6,000.00	A.5.3420.0130	Police & Fire Dispatch- Part Time & Temp	\$ 6,000.00
A.5.3420.0440	Police & Fire Dispatch- Train	\$ 861.20	A.5.3420.0420	Police & Fire Dispatch- Maint/Serv Contracts	\$ 861.20
A.5.5110.0420	Street Maint- Road Materials	\$ 3,200.00	A.5.5110.0140	Street Maint- Overtime	\$ 3,200.00
A.5.7140.0420	Playgrounds- Maint	\$ 700.00	A.5.7550.0470	Celebrations- Operating Exp	\$ 700.00
A.5.9010.0800	ST Retirement- Retirement	\$ 30,000.00	A.5.8160.0410	Refuse & Garbage	\$ 30,000.00
A.5.9040.0802	Workers Comp- Workers Comp	\$ 1,200.00	A.5.9045.0803	Life Ins- Life Ins	\$ 1,200.00
A.5.9040.0802	Workers Comp- Workers Comp	\$ 300.00	A.5.9045.0804	Life Ins- Retirees	\$ 300.00
F.5.9010.0800	ST- Retirement	\$ 2,000.00	F.5.8340.0140	Transfs & Dist- Overtime	\$ 2,000.00
F.5.9010.0800	ST- Retirement	\$ 100.00	F.5.8340.0490	Transfs & Dist- Water Testing/ Chemicals	\$ 100.00

The foregoing motions and resolutions were seconded by Trustee Kamp and unanimously

approved.

- A motion by Trustee Bojanowski to add set a Public Hearing to extend the moratorium on tree trimming of street trees on June 1, 2026 to the agenda, seconded by Trustee Root, and unanimously approved.

OFFICIAL CONSIDERATIONS

- A motion by Trustee Cameron, to approve a Local law ** amending the Village Code Chapter §112 Demolitions, seconded by Trustee Bojanowski, and duly put to a roll call vote which resulted in the following:
Trustee Lazickas - Aye
Trustee Cameron - Aye
Trustee Bojanowski – Aye
Trustee Kamp- Aye
Trustee Root- Aye
Mayor Wochensky – Aye
 - Mayor Wochensky reviewed the law, and Trustee Kamp spoke about the benefits
- A motion by Trustee Kamp, to lift the moratorium on Demolitions, seconded by Trustee Lazickas, and duly put to a roll call vote, which resulted in the following:
Trustee Lazickas - Aye
Trustee Cameron - Aye
Trustee Bojanowski – Aye
Trustee Kamp- Aye
Trustee Root- Aye
Mayor Wochensky – Aye
- Mayor Luke E. Wochensky moves to appoint Paul Porter to the position of ADA Coordinator for a one-year term ending April 5, 2027
Vote on Motion:
Trustee Lazickas - Aye
Trustee Cameron - Aye
Trustee Bojanowski – Aye
Trustee Kamp- Aye
Trustee Root- Aye
Mayor Wochensky – Aye
- A motion by Trustee Kamp to set a Public Hearing to extend the moratorium on tree trimming of street trees on June 1, 2026, seconded by Trustee Cameron, and unanimously approved.

OLD BUSINESS

- A motion by Trustee Bojanowski to request a Traffic Study at Girard and Pine from Erie County, seconded by Trustee Lazickas, and unanimously approved.
 - Mayor Wochensky said that the Center Street traffic study is in the queue. He spoke about Pine Street and the volume required to get a stop sign. Girard is the only street with the possible volume needed. Trustee Kamp noted that the police are monitoring speed and all the hard work the police department is doing. Trustee Lazickas asked if the speed monitoring report could be posted. Mayor Wochensky noted the work and time that the police chief has put in.

NEW BUSINESS

- Proclamation for National Public Works Week- Mayor Wochensky said that the Village really appreciates all the members of the DPW and thanked them for all they do. Trustee Lazickas said that they are always doing wonderful things behind the scenes to take care of the residents.

SPEAKERS & COMMUNICATIONS

- Clinton Brown- Clinton Brown Architects- He is the architect who works with Carner Development on getting a National Historic Registry. A document was submitted, and he reviewed the process. There will be a scheduled presentation to the state board for historic preservation, which meets on September 9th in public session, and you can attend or watch on Zoom. Trustee Bojanowski asked about what the red marks were on the drawing. Mr. Brown said that they are buildings that did not meet the criteria for the historic character. It's not local, its state and national regulations, and is separate from Village regulations. He gave permission for the Village to copy the document for their needed use, but it was noted that there is a copyright on it. Mayor Wochensky asked for notice to put it out to the public.
- Kirk Colopy- 365 South Grove- He said that he doesn't like the new way that the meeting is set up with the speakers and communications at the end of the meeting. He spoke about the deteriorating historic houses and businesses in the Village. Mayor Wochensky explained why the speakers and communications section has been set up this way during the meeting. He said that they are working on plans for helping the deteriorating buildings in the Village and will report back when he has more information.
- Mary Ann Colopy- Chairwoman HPC- She thanked the Village Board for the revised demo code and for working to preserve the Village. Mayor Wochensky thanked her for her service.

Department Head and Trustee Reports

General Foreman- At work training

Police Chief- At work training

Planning Board- He said the 270 Quaker application is with the Village Board now. Mayor Wochensky thanked him for the work the Planning Board has done.

Village Engineer- He said that the Hamlin Park bathrooms have a few items left.

Code Enforcement Officer- She thanked the Village Board members and the HPC for working on the demolition code with her. She said that revisions can still be made in the future if problems occur.

Trustee Bojanowski- none

Trustee Kamp- none

Trustee Root- She said that she attended Safe Streets Training, along with Jeff and residents of the Village. It was great.

Trustee Cameron- She asked about the Village Board members and the public getting a calendar of when flags and flowers are going up. Mayor Wochensky spoke about why we change the banners and flowers. The Clerk-Treasurer said she will have the DPW Foremen put one together.

Trustee Lazickas- He said that tree planting in the park and the NYSEG agreement were talked about at the Tree Board meeting. The lumber from the trees that were taken down in the park was salvaged. The grant for the playground is due June 15th, and said that we may have matching funds. The community would like to help support the cause as well. This is the first year of this grant, and it may set us up for a re-up next time if we don't get it this round. The grant writer said that it will be about 30-35 hours. Trustee Kamp said that he agrees with the goal but wants to understand the financial impact and doesn't feel like there is enough time to get the right amount of community support. The Village Board had a discussion about feedback from the residents, both the need for more and all the feedback that has already been received. Trustee Lazickas spoke about how the design could be done after the grant is awarded, and he agrees that more discussion should be had. Trustee Bojanowski wants to ask if other

manufacturers can be used besides just the ones in the book. Mayor Wochensky said that there is not a lot of time before the grant is due, and he doesn't want to rush it. He wants to talk to multiple vendors and said that updating the park plan in the comprehensive plan will help. Trustee Lazickas said that we need to do a clear parking lot designation between the baseball fields and the pathways. He reviewed the Hamlin Park Committee members and who needs to be appointed.

Mayor Wochensky- He said that he met with the supervisors and fire chiefs of our neighboring towns about our dispatcher services, with a proposal to hire a fifth full-time dispatcher. It was a great meeting. It was really nice to talk and discuss other issues related to the dispatchers, especially the part-time dispatchers and the pressure they are under. He and Trustee Bojanowski met with Waste Management on a couple of potential solutions to some issues that we're facing, such as an estimate for a dumpster or drop off of corrugated cardboard, composting, and maybe getting recycling bins on Main Street. He and Deputy Mayor Root met with Victoria from the Chamber about a number of different issues. He met with the Erie County Sewer and with the American Legion. He talked to Dan Burton about the potential to see how much it'll cost, and what contract that would be for him to come out and to continue the work that he did when he started on Main Street. He is having a meeting with the Rock about potential housing options in the community. He said he has a deer management meeting with the DEC tomorrow at 10:00, if anyone can attend.

EXECUTIVE SESSION-

A motion by Trustee Kamp to open an executive session at 8:09pm for administrator interviews, and a contractual agreement with the Village Attorney, seconded by Trustee Root, and unanimously approved. A motion by Trustee Lazickas to close the executive session at 10:36pm, seconded by Trustee Kamp, and unanimously approved

A motion to appoint Kevin Rautenstrauch as Village Attorney for a one-year term ending April 5, 2027 and permission for the mayor to sign the agreement.

Vote on Motion:

Trustee Lazickas - Aye

Trustee Cameron - Aye

Trustee Bojanowski – Aye

Trustee Kamp- Aye

Trustee Root- Aye

Mayor Wochensky – Aye

ADJOURNMENT

A motion was made by Trustee Kamp to adjourn the meeting at 10:38pm, seconded by Trustee Lazickas and unanimously carried.

Respectfully submitted,

Maureen Jerackas
Village Clerk-Treasurer

Chapter 112

BUILDINGS, DEMOLITION OF

AND/OR SUBSTANTIAL MODIFICATION TO

§ 112-1. Purpose; intent.

- A. It is the purpose of this chapter to protect the public health, safety, and welfare with respect to the demolition of and/or substantial modification to structures within the Village of East Aurora; to protect structures of special value to the community; and to enhance the visual environment of the Village by regulating total and partial demolition and substantial modifications to structures in the Village of East Aurora.
- B. This chapter is intended to:
 - 1. Protect people and properties from unsafe demolition practices and exposure to hazardous substances or unsafe situations occurring before, during, or after demolition.
 - 2. Protect and preserve those structures of special historic, aesthetic, cultural, or economic value.
 - 3. Ensure that after demolition, sites are developed and maintained.
 - 4. Ensure that development proposals that include demolition of and/or substantial modification, or a combination of the two, are consistent with Village policies regarding land use, visual character, health, and safety.
 - 5. Allow for careful consideration of development proposals which include demolition of and/or substantial modification, or a combination of the two, with respect to the architectural design, style, appearance, scale, and character of the existing structure and the surrounding neighborhood.

§ 112-2. Title.

This chapter shall be known and may be cited as the “Demolition of and/or Substantial Modification to Buildings.”

§ 112-3. Applicability.

- A. No demolition activities and/or proposed substantial modification to an existing building or structure shall be performed before first obtaining a demolition/substantial modification permit, approved by the Village Board of Trustees and signed by the Code Enforcement Officer, allowing such demolition of and/or substantial modification based on the following conditions:
 - (1) Demolition of and/or substantial modification of buildings/structures with an aggregate area up to and including 1,200 square feet, where 50 % or more of the roof area and/or any exterior walls or an addition that increases the total floor area of the building by 50% or more, or a combination of the two; or
 - (2) Demolition of and/or substantial modification of buildings/structures 1,201 square feet to 2,500 square feet in aggregate area where 40% or more of the roof area and/or any exterior walls or an addition that increases the total floor area of the building by 40% or more, or a combination of the two; or
 - (3) Demolition of and/or substantial modification of buildings/structures 2,501 square feet or greater in aggregate area, where 30% or more of the roof area and/or any exterior walls or an addition that increases the total floor area of the building by 30% or more, or a combination of the two.
- B. Any demolition activities and/or substantial modification to a structure that requires a permit pursuant to **§285-53.5**, or any other provision of the Village Code, shall be in conformance with the provisions set forth herein. However, any building or structure that is damaged or destroyed by fire, flood, wind, other

calamity, act of God, or act of the public enemy, or any building or structure subject to Chapter 113, Buildings, Unsafe, is not subject to this chapter.

§ 112-4. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

APPLICATION FOR DEMOLITION/SUBSTANTIAL MODIFICATION — The application for a permit to demolish a building or structure or for the substantial modification of a building or structure.

BASEMENT — That portion of a building that is partly below grade and which has more than half of its height, measured from floor level to ceiling, above the average established curb level or finished grade of the ground adjoining the building.

BUILDING — A combination of any materials, whether portable or fixed, as a structure wholly or partially enclosed within exterior walls or within exterior or party walls and having a roof, affording shelter to persons, animals, or property. The word "building" shall be construed, when used herein, as though followed by the words "or part or parts thereof."

CELLAR — That portion of a building that is partly or entirely below grade, which has more than half its height, measured from floor to ceiling, below the average established curb level or finished grade of the ground adjoining the building.

CODE ENFORCEMENT OFFICER — The Code Enforcement Officer for the Village of East Aurora or its agent under contract with the Village to assist in the enforcement of this chapter.

CONTRACTOR — That person, firm, or corporation employed by the owner of the property, empowered by written consent of the owner to perform the specific duty of demolition or substantial modification as may be specified in authorizing permits.

DEMOLITION or DEMOLISH — The dismantling, razing, or removal of a building or structure, or any wall, roof, beam, or other *exterior* constructed or essential element of any structure, where such element cannot be easily reused in its same configuration without reconstruction

DEMOLITION/SUBSTANTIAL MODIFICATION PERMIT — The permit for demolition of an existing building or structure or for the substantial modification of a building or structure.

LOCATION — The actual confines of the demolition or substantial modification. The location as described in the application for permit and as approved by the Code Enforcement Officer therein shall be the only area approved for the demolition or substantial modification.

OWNER and PROPERTY OWNER — The person who has the legal title to land together with ownership of the building or structure located thereon, whose name appears on the most recent tax assessment rolls of the Village of East Aurora.

PUBLIC WAY — A street, alley, sidewalk, or other thoroughfare or easement permanently established for the passage of persons or vehicles. The term "public way" shall be construed, when used herein, as though followed by the words "or part thereof."

SALVAGE — Component parts of a building or structure being demolished, removed or to be removed from said building or structure for reuse or resale.

SALVAGE CONTRACTOR — A person, firm, or corporation identified in the application for demolition, authorized by the owner, in writing, to remove items of salvage from premises, which may or may not be the same person, firm or corporation designated by the owner as the demolition contractor.

STRUCTURE — A combination of materials, other than a building, to form a construction that is safe and stable, and includes, among other things, stadiums, platforms, radio towers, sheds, and storage bins.

SUBSTANTIAL MODIFICATION – an alteration to a building or structure involving demolition and/or an addition.

§ 112-5. Permit procedures.

- A. Before any demolition of and/or substantial modification activity commences, a demolition/substantial modification permit application shall be applied for by the property owner(s) or the property owner(s) agent with the Code Enforcement Officer.
- B. An application and permit fee as set forth in Chapter 137, Article II, of this Code shall accompany all demolition/substantial modification permit applications. Permits and fees are further established by § 285-62D of the Code of the Village of East Aurora.
- C. Prior to Village Board review, the permit application shall be referred to the Village of East Aurora Historic Preservation Commission at the next available meeting.
 - (1) The Commission shall promptly review the proposed demolition of and/or substantial modification for the exterior architectural design and scale, and the impact on the character of the existing structure and the surrounding neighborhood.
 - (2) The Commission shall promptly review the possible historic significance of such buildings or structures that are 50 or more years in age.
 - (3) The Commission shall make a written recommendation to the Village Board of Trustees with respect to the proposed demolition of and/or substantial modification for the Village Board of Trustees to review at the next available Village Board meeting.
- D. Upon review, the Village Board shall provide a written statement to the applicant stating whether or not the application is approved, conditionally approved, or disapproved. A copy of the appropriate Village Board minutes shall be a sufficient report.
- E. Upon approval, the Code Enforcement Official shall issue a demolition/substantial modification permit pursuant to §108-4 and §285-53.5 of the Code of the Village of East Aurora.
- F. Any decision rendered shall be subject to §285-55.8 of the Code of the Village of East Aurora.

§ 112-6. Permit requirements.

- A. Form; contents.
 - (1) Written application for a demolition permit shall be on the forms provided by the Code Enforcement Officer.
 - (2) Said application for demolition of and/or substantial modification shall require the name, address, telephone number, and email address of the owner; the names, addresses and telephone numbers of all contractors (general, special or salvage) authorized by the owner to perform work; and the contractor's insurance certificates
 - (3) A written description of the building or structure to be removed and/or a demolition plan prepared

by a registered design professional.

- (4) Architectural plans for substantial modification, including a demolition plan prepared by a registered design professional.
- (5) An asbestos survey pursuant to New York State Industrial Code Rule 56 (12 NYCRR 56)
- (6) Starting and completion dates;
- (7) Written list of materials to be salvaged;
- (8) Provision for disposal of refuse;
- (9) A statement as to security and/or barricades to safeguard premises from unauthorized entry during the demolition work, as well as the protection of the general public;
- (10) A site plan application and documentation as required by Village Code Chapter 285-51.

§ 112-7. Certificate of insurance.

- A. Certificates of insurance for liability, Worker's Compensation, or the applicable waiver, and Disability shall be delivered to the Code Enforcement Officer, as agent for the Village of East Aurora. The minimum limits of said liability for the demolition of buildings and structures, whether in a homeowner's insurance policy or separate liability policy, shall be in an amount as required by the Village.
- B. All insurance certificates shall include the Village of East Aurora as an additional named insured.
- C. Insurance certificates or agreements in a form approved by the Village Attorney, holding the Village of East Aurora, its officers, and employees from liability resulting from work allowed by a demolition permit, shall be delivered to the Code Enforcement Officer as agent for the Village of East Aurora.

§ 112-8. Procedures.

- A. Upon the request of the Code Enforcement Officer, the person making the application for a permit to demolish a building or structure or for a substantial modification to a building or structure shall submit to the Code Enforcement Officer a written report from a licensed exterminator regarding extermination of the building or structure prior to the issuance of a demolition permit.
- B. Prior to demolition, the contractor will erect a system of barricades around the construction site and have the electric, gas, and telephone services removed by the respective utility companies. The head of the Department of Public Works of the Village of East Aurora or his designated representative shall disconnect and cap the water service to the building or structure being demolished and plug the sewer laterals to such building or structure. The owner shall pay to the Village Clerk a water disconnection fee and a sewer disconnection fee as set forth in Chapter 137, Article II, of this Code for said disconnecting, capping, and plugging.
- C. The contractor shall obtain appropriate approval for the water use on the site from the head of the Department of Public Works for dust control and have sufficient lengths of one-and-one-half-inch and/or two-and-one-half-inch hose for this purpose. The contractor shall provide a flagman for traffic control when necessary, and should a street have to be closed, he shall obtain permission from the head of the Department of Public Works, the Chief of Police, and the Fire Chief.
- D. The contractor shall obtain all appropriate Erie County Highway or New York State Department of Transportation permits when necessary.
- E. In the case of the demolition of an existing building which has a common or party wall with one or more adjoining buildings, the owner of the building to be demolished shall be responsible for and bear

all costs in relation to the safeguarding of said adjacent wall.

- F. Where beams, girders, and joists are removed from party walls, the resulting pockets in said walls shall be cleaned out and filled with solid masonry. Necessary repairs shall be made to put the party wall in a safe condition. This work shall be done by the contractor at the expense of the property owner having said demolition performed.
- G. Where such demolition work is to be made and no immediate new construction is intended at the site, the adjacent wall, whether of the party type or otherwise, shall be left in an acceptable condition so far as appearance is concerned. In addition to the repair of all joists, pockets, and similar openings, the owner of the demolished building will be required to remove all old plaster, wallpaper, and other decorative material in addition to any loose wood, trim, or other unrequired material, subject to the approval of the Code Enforcement Officer. During the demolition work, debris must be systematically removed from the site and not allowed to pile up or cause any obstruction.
- H. When a building to be demolished contains a cellar or basement, the contractor shall remove all debris and organic material from the cellar or basement and then break up and/or perforate the cellar floor. The bearing or foundation wall shall be removed to a depth of at least 24 inches below the present grade or at least 24 inches below any future grade to be established. The material resulting from the cellar or foundation wall demolition may remain in the excavation, provided that the material is crushed and compacted.
- I. Where there is no cellar or basement, the bearing or foundation wall shall be removed to a depth of at least 24 inches below any future grade to be established.
- J. The Code Enforcement Officer of the Village of East Aurora shall inspect the demolition of any building or structure in the Village regularly and shall be empowered to halt any such demolition that, in the judgment of the Code Enforcement Officer, is not being performed in a safe and sanitary manner.
- K. Demolition of any building or structure shall be carried on during daylight hours only on normal Village workdays.
- L. Salvage materials that are a structural part of the building or structure shall not be removed except as part of the actual demolition of said building or structure. Removal of salvage shall be by the owner or salvage contractor only.
- M. In-ground storage tanks on the demolition site shall be removed from the demolition site in accordance with all applicable regulations.
- N. No explosives may be used in connection with the demolition of buildings or structures in the Village of East Aurora unless a special permit is first obtained from the Village Board of Trustees of the Village of East Aurora, issued after a public hearing has been held by such Village Board of Trustees on the application for such permit.

§ 112-9. Time limit on permit validity.

- A. A permit for demolition only shall be valid for a period of 30 days from the date of its issuance. One additional extension of 10 working days may be granted by the Code Enforcement Officer in the event that unusual circumstances prevent completion of the work. No work shall continue after the time limits stated above, except upon application and issuance of a new permit pursuant to §285-53.5 of the Code of the Village of East Aurora.
- B. A demolition/substantial modification permit shall be pursuant to §108-4 and §285-53.5 of the Code of the Village of East Aurora.

§ 112-10. Restoration of the site; procedure upon the owner neglecting to restore.

- A. All cellars and basements of demolished buildings or structures shall be filled in and made safe by filling such basement or cellar with noncombustible materials and causing the surface of the location to be on a level with the surrounding premises. No materials will be permitted as fill that may corrode, rot, decay, or collapse. All barricades, guardrails, and temporary structures erected during demolition shall be removed prior to completion approval by the Code Enforcement Officer.

- B. In the event that the owner refuses or neglects to fill in and make safe such cellar or basement or refuses or neglects to dismantle and remove any barricades, guardrails or temporary structures erected during demolition, the Village of East Aurora may do the necessary work involved, either with Village employees or outside contractors, and the cost of making the location safe shall be assessed against such property and shall be a lien thereon.

§ 112-11. Notification of completion.

Immediately after said demolition, the Code Enforcement Officer shall notify the property owner, in writing, that said demolition for which a permit was issued has been completed.

§ 112-12. Penalties for offenses.

Any person committing an offense against any provisions of this chapter shall be guilty of a violation, punishable as follows: by imprisonment for a term not exceeding 15 days or by a fine not exceeding \$250, or by both such fine and imprisonment. The continuation of an offense against the provisions of this chapter shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

Added:

§ 285-53.5 Demolition/substantial modification and building permits.

- A. No person or persons shall commence to erect, construct, alter, or change the nature or the type of occupancy of any land, building or structure within the Village of East Aurora until the owner of the land upon which it is proposed to so erect, construct, alter, demolish or change the nature or the type of occupancy of any such land, building or structure has applied for and obtained a building permit for the same from the CEO.
- B. (Reserved)
- C. Demolition of and/or substantial modification of an existing building or structure must obtain a demolition permit in accordance with Chapter 112 of the East Aurora Village Code.
- D. No building permit may be issued without first obtaining site plan approval for a new development plan as provided for in Article 51 of this chapter.
- E. A building permit issued by the CEO pursuant to this section shall be valid for a period of one year from the date of issue. Building permits for pools issued by the CEO shall be valid for a period of three months from the date of issue.