

**VILLAGE OF EAST AURORA
VILLAGE BOARD MEETING
August 4, 2025 - 7:00 PM**

Present:

Trustee Lazickas
Trustee Cameron
Trustee Flynn
Trustee Scheer
Mayor Mercurio

Absent:

Trustee Viger
Trustee Rabey

Also Present:

Maureen Jerackas, Clerk-Treasurer
Shane Krieger, Village Administrator
Patrick Welch, Police Chief
Chris Trapp, Village Attorney
Jeff Stoll, General Foreman
Elizabeth Cassidy, Code Enforcement Officer

22 Members of the public

A Motion by Trustee Cameron to approve the Village Board minutes for July 21, 2025, seconded by Trustee Flynn and carried with unanimous approval.

Trustee Lazickas moved to approve the payment of Abstract for August 04, 2025 with a total of \$247,465.73, seconded by Trustee Scheer and carried by unanimous approval.

SPEAKERS AND COMMUNICATIONS (I)

- David Moore- He came as the triple great-grandson of Cicero Hamlin and wanted to thank the Village Board, especially Trustee Lazickas, for the plaque honoring her. Trustee Lazickas explained about the memorial and about why they are honoring him. He thanked everyone involved. Clerk-Treasurer Jerackas asked if the board to consider the resolution David wanted passed. Trustee Lazickas said that he checked with Village Attorney Trapp, and he stated that the Village Board Members' agreement was good enough. Mayor Mercurio asked who did the fact-checking. Trustee Lazickas said that it was Village Historian Rob Goller and additional people who checked the grammar.
- Holly Maciewski- 218 Center Street- She asked if the application for tree work for residents can have the fee waived for residents. Clerk-Treasurer Jerackas said that the application is not for residents because residents do not work on street trees. Holly asked if Jared, the arborist, was involved in the ordinance. General Foreman Stoll confirmed that he reviewed it with him. Holly asked if there is an updated report on which street trees and which streets have been completed from NYSEG or Go Netspeed. General Foreman Stoll said that he would ask and get it for her if he was able to obtain it.

PUBLIC HEARINGS

- A Motion by Trustee Lazickas, to open the Public Hearing at 7:15 pm to Consider a Site Plan Application for James Boglioli of Benderson Development, 123 Grey St, to relocate an existing exterior door to the north of Starbucks to accommodate the tenant layout and landscaping at the ingress/egresses on Grey St, seconded by Trustee Cameron and carried with unanimous approval.
 - The applicant reviewed the project and is working to clean things up for new tenants.
 - Tony Rosati-461 Griggs Pl- He asked if Benderson could address the stoplight issue; the applicant will look into that.
 - Jesse Griffis-Village Tree Board- He asked if the Village can request that the applicant use native bushes, trees, and shrubs in landscaping. The applicant said that he is willing to look into the native list of plants for this area. Mayor Mercurio asked if General Foreman Stoll and the Village Arborist would approve the plants with a consultation and the Tree Board, and he agreed.
 - Nancy Smith- She is happy with Benderson considering this change.

A Motion by Trustee Lazickas to close the public hearing at 7:26 pm, seconded by Trustee Flynn, and carried with unanimous approval.

- A Motion by Trustee Lazickas, to open the Public Hearing at 7:26 pm to Consider an application for Holly Kahler of 357 Mill Rd, for a permit to keep other than household pets, to have 6 hens, for six hens, seconded by Trustee Scheer and carried with unanimous approval.
 - Mayor Mercurio verified that the applicant was given the option for signatures; it was stated that they were informed.

A Motion by Trustee Lazickas to close the public hearing at 7:27 pm, seconded by Trustee Cameron, and carried with unanimous approval.

- A Motion by Trustee Cameron, to open the Public Hearing at 7:27 pm to consider a Local Law to amend §240 of the Village Code - Trees, seconded by Trustee Lazickas and carried with unanimous approval.
 - Clerk-Treasurer Jerackas reviewed the proposed changes. Mayor Mercurio said that he believes that the Village Board needs more time to review the edits given. He said he would like to have a work session on August 18th at 6 pm. Mayor Mercurio said that there was no size of the tree mentioned in 240-5 C-4 and would like more clarification.
 - Jesse Griffis- Village Tree Board- He asked Village Attorney Trapp about the verbiage, and the Village Board had a discussion. Village Attorney Trapp explained that this is why extra verbiage was added. Jesse asked about the application and residents using it, and Clerk-Treasurer Jerackas reviewed that homeowners should call the DPW, and our DPW would take care of it. Jesse asked why there are three classes of tree sizes. Deputy Village Attorney Trapp explained that this is to eliminate putting trees under the lines that allow for a full tree and stop under the lines that have lower lines. Village Attorney Trapp said that cable companies put them low. Jesse said that he would like to see two sizes instead of three and asked for clarity on section 240 6F.
 - Holly Maciejewski- 218 Center- She said she spoke with Robert Perkins, and he told her that Verizon is the lowest on the pole and stated that the one lowest on the pole has to remove the old pole.
 - Nancy Smith- She thanked the Village Board and had comments on the work permit. She said around electric wires it should be 6x6x6x10, not 12, and will add a diagram in the instruction section. She said that the notes were not just from her but from the Tree Task Force, which includes Jesse. She also spoke of using words may vs will.

- Chris Miller- 2 Woodbrook Dr- He thanked the Village Board for approving his application to become a member of the Village Tree Board. He said that he wanted two better definitions of what a tree is, and read his email as follows:
 - a. A "tree" is a perennial woody plant that typically has a single main stem or trunk, growing to a height of at least 10 to 15 feet (3 to 4.5 meters) at maturity, with a distinct crown of foliage formed by branches that arise from the trunk at some distance above ground level.
 - b. A woody plant with a single axis (trunk) emerging from the ground and acquiring a minimum height of 10 feet at maturity.

The Public Hearing will remain open.

- Reopen the Public Hearing to Consider a Local Law regulating the use of Electric/motorized scooters and bikes
 - Mayor Mercurio asked if the Village Bike Board had a meeting. Clerk-Treasurer Jerackas responded that the Village Bike Board has the draft but has yet to set a meeting.
 - John Hanns- 118 Sycamore St- He said that Class 3 e-bikes were not included in the original drafts but is now included He asked about Class 4 e-bikes and what they are. Village Attorney Trapp said that he found out about them during his research. Mr. Hanns asked about the Class 3 and 4 e-bikes being illegal. Trustee Cameron said that we are trying to align with the NY State law. Mr. Hanns asked about the penalties. Police Chief Welch said that Class 3 e-bikes are illegal whether the Village Board passes this or not and they are just mirroring the current state law. Village Attorney Trapp said that certain provisions in the law only apply to people under the age of 16. Mr. Hamm.

The Public Hearing will remain open.

- Reopen the Public Hearing to Consider a Local Law to amend §285-44 Sign Regulations.
 - Mayor Mercurio gave an update on the work session for this topic.
 - Tony Rosati- 461 Griggs Pl- He wanted to have the law express more clarification on election signs. Village Attorney Trapp said he would review the correct wording for that.

The Public Hearing will remain open.

OFFICIAL CONSIDERATIONS

- Resolution of the Village of East Aurora of a Determination of Non-Significance pursuant to the State Environmental Quality Review Act (SEQRA) in the matter of the Site Plan Application for 123 Grey St, to relocate an existing exterior door to the north of Starbucks to accommodate the tenant layout and landscaping at the ingress/egresses on Grey Street.
 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 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 , to relocate an existing exterior door to the north of Starbucks to accommodate the tenant layout and landscaping at the ingress/egresses on Grey St. at 123 Grey St, as detailed in the Site Plan Application dated June 4, 2025, 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.

The foregoing resolution was duly made by Trustee Scheer and seconded by Trustee Lazickas and carried on August 4, 2025.

- Resolution of the Village Board of East Aurora Approving the Site Plan for 123 Grey Street, applicant Benderson Development to relocate an existing exterior door to the north of Starbucks to accommodate the tenant layout and landscaping at the ingress/egresses on Grey Street
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:

- Minor changes to exterior commercial building, all will be code-compliant
- Landscaping improvement with noninvasive plantings

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 123 Grey Street, East Aurora, New York, wherein the applicant proposes to relocate an existing exterior door to the north of Starbucks to accommodate the tenant layout and landscaping at the ingress/egresses on Grey Street, as detailed on documents submitted with the application, is hereby approved and is subject to the following additional conditions:

a. Request that the applicant reviews with the Village of East Aurora Department of Public Works via the tree board the uses NY State native plants.

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 Lazickas and seconded by Trustee Flynn and carried on August 4, 2025.

- The Village Board discussed making a condition versus a recommendation for using native plants.
- A motion by Trustee Lazickas, to Approve an application for Holly Kahler of 357 Mill Rd for a permit to keep other than household pets, to have 6 hens, seconded by Trustee Scheer, and unanimously approved
 - Mayor Mercurio said that there can be no roosters and that it must be kept clean.
- A motion by Trustee Cameron, to approve a Temporary Use Permit for the East Aurora High School, William Roberts, for the Homecoming Parade on October 3, 2025, at 1:30 pm, seconded by Trustee Lazickas, and unanimously approved.
- A motion by Trustee Flynn, to Approve a Temporary Use Permit for The Roycroft Campus Fall Festival, Kathleen Flynn at 31 South Grove St on October 4th and 5th, 2025 from 10 am to 5 pm, seconded by Trustee Lazickas, and unanimously approved.
- A motion by Trustee Lazickas to Approve a **RESOLUTION TO AUTHORIZE A TRANSFER FROM THE CAPITAL RESERVE FOR HIGHWAY EQUIPMENT**

WHEREAS, the Reserve for Highway Equipment was established to fully or partially fund the purchase of highway vehicles and equipment, and

WHEREAS, the Village desires to purchase a new sidewalk plow at a cost of \$220,000,

THEREFORE, be it RESOLVED, that the Village Board wishes to authorize an amount not to exceed \$200,000.00, to be transferred from the Reserve for Highway Equipment to the General Fund account, A5110.200, to be applied towards the purchase cost of the sidewalk plow, and further

BE IT RESOLVED, that this RESOLUTION is subject to permissive referendum

The following resolution was seconded by Trustee Cameron, 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- Absent

Trustee Rabey- Absent

Mayor Mercurio – Aye

- Trustee Lazickas asked how old the equipment was. General Foreman Stoll replied that it was 20 years old. Clerk-Treasurer Jerackas said that the sidewalk plow was the number one item on the capital plan to be bought.
- A motion by Trustee Lazickas, to set a public hearing on August 18, 2025, to consider extending the moratorium on unnecessary tree trimming in the village, seconded by Trustee Cameron, and unanimously approved.
- A motion by Trustee Lazickas, to give Permission for the DPW to take down the barrel barn and roof trainer as requested by the Fire Chief, seconded by Trustee Flynn, and unanimously approved.

NEW BUSINESS

- **30-day Liquor License Notice for Touka Buffalo, Inc. – 16 Buffalo Rd** – Village Board has no issues

OLD BUSINESS

SPEAKERS AND COMMUNICATIONS (II)

Department Head and Trustee Reports

Police Chief – He said that they have Lieutenant O’Hara as a trainer for the ERT program. He said that special events are going ok and that they are still looking into a vendor for crossing guard services. He said that Lieutenant Waldron and Officer Denz went to Rochester to learn about e-bike laws, ordered literature and are educating people in the community. He said that he reached out to the DOT with no response for the flashing crosswalk signs, but they say that they are working on it.

Streets Foreman – He said that the playground parts have been ordered. He said that the Park Place water main has been installed and residents seem to be impressed. He said that the DPW is out with the chipper and that when rec is done, they will continue with trees in Hamlin Park.

Code Enforcement – none

Village Administrator- none

Clerk Treasurer- She said that General Foreman Stoll and I met with the engineers about the water system plan, which could help us obtain grants to improve our water system.

Trustee Lazickas- Thanked everyone again about the plaque and all the work that went into it.

Trustee Scheer- none

Trustee Cameron – none

Trustee Flynn- She thanked Police Chief Welch for his work on the crosswalk signs.

Mayor Mercurio- He thanked the Village Board for continuing to have work sessions about the Local Laws. He said that he enjoyed a free show from the Aurora Players. He also said that he walked with General Foreman Stoll by the water tank to look at drainage issues. He announced that the Village has received a \$50,000 Erie County Planning Grant for a feasibility study for senior housing for the land on Girard.

EXECUTIVE SESSION-

A motion by Trustee Lazickas to open an executive session at 8:24 pm for a legal update with regard to a potential personnel action of a particular employee, seconded by Trustee Flynn, and unanimously approved.

A motion by Trustee Lazickas to close the executive session at 9:18 pm, seconded by Trustee Cameron and unanimously approved.

ADJOURNMENT

A Motion was made by Trustee Lazickas to adjourn the meeting at 9:18 pm. Seconded by Trustee Scheer and unanimously carried.

Respectfully submitted,

Maureen Jerackas
Village Clerk-Treasurer