

VILLAGE OF EAST AURORA  
BOARD OF TRUSTEES

A REGULAR MEETING OF THE VILLAGE OF EAST AURORA BOARD OF TRUSTEES WAS HELD MONDAY, FEBRUARY 7, 2000 AT 8:00 PM IN THE BOARD ROOM AT EAST AURORA VILLAGE HALL.

Present: Mayor John Pagliaccio  
Trustee Lowell Dewey  
Trustee David DiPietro  
Trustee Ellen Moomaw  
Trustee Don Nieman  
Trustee Christine Peters  
Trustee Robert D. Young, Jr.

Also Present: Village Administrator/Clerk-Treasurer Patrick Richey  
Village Attorney Tom Andruschat  
Code Enforcement Officer/Planner W. Ross Harbison  
Police Chief William D. Nye  
Representatives of the media  
Approximately fifteen members of the public

Mayor Pagliaccio called the meeting to order at 8:00 PM and asked everyone to stand and pledge allegiance to the flag.

Trustee Ellen Moomaw moved approval of the minutes of the January 18, 2000 regular Village Board meeting as corrected. Seconded by Trustee Robert D. Young, Jr. and passed unanimously.

Trustee Christine Peters stated she and the other Board members had reviewed vouchers numbered 27210 through 27330 for fiscal year 1999-2000 and offered the following motion:

That the Village Board of the Village of East Aurora accept and order paid Voucher numbers 27210 through 27330 for FY 1999-2000 as printed and presented. Seconded by Trustee Ellen Moomaw. Upon voting, the results were as follows:

Trustee Dewey	AYE
Trustee DiPietro	AYE
Trustee Moomaw	AYE
Trustee Nieman	AYE
Trustee Peters	AYE
Trustee Young	AYE

Motion carried.

## PUBLIC HEARINGS

The Mayor opened a public hearing at 8:05 PM to receive public comment on an application for development plan approval and special restaurant permit application submitted by Montana Mills for premises commonly known as 227 Main Street. The notice and approving recommendation of the Planning Commission were read. It was noted that 88 hearing notices were mailed to surrounding property owners with no response. Richard Gund, representing the owner, explained their plans for this location. He displayed renderings of the exterior and interior areas and described the plans for operation of the facility.

Joanne Skelly-Gearhart of 48 South Willow Street read a prepared statement expressing concerns about parking on South Willow and Main Street in the vicinity of the intersection. She encouraged the Village Board to approve the development plan application but also look into restricting parking along Main Street and to allow one side parking only for a certain distance on North and South Willow streets.

Jean Anderson of 77 Maple also expressed concern that parking in the area might be a little crowded.

Bonnie Chaney of 132 North Willow asked where the proposed fence would be located. The applicant responded that it would be located right at the back of the property line.

Trustee Nieman asked why a parking variance was being requested. The applicant explained that parking to the rear of the sight was difficult because of environmental problems at the sight and that an evaporation system restricts what can be done with the building.

There being no further speakers, the Mayor closed the public hearing at 8:20 PM and referred the matter to the Board.

Trustee Nieman asked what kind of fence would be installed and was told it would be board-on-board with an indeterminate color.

Trustees Young and Moomaw began a discussion about the design of entrances and exits and how parking could perhaps be better configured on the sight to improve traffic circulation. They questioned how someone may get confused entering and exiting the premises and if straight-on parking might not be better than angled parking. There was additional conversation about parking amongst the Board members and Trustee Dewey suggested an additional condition be added to the approval which would require the Zoning Board issuing a variance for parking in front. Otherwise, the applicant would be required to configure parking under the existing code restrictions.

Trustee DiPietro asked how many employees would be located on site and need parking. The applicant responded there would be 3-4 employees with five parking spots designated for them in the rear.

Trustee Peters asked about the outside lighting and was told outside lighting would be located on the building and on an existing outside light pole. The applicant stated the hours of operation would be approximately 7:30 AM to 7:30 PM during the week, but he anticipated closing at 6:00 PM on Saturday and 5:00 PM on Sunday.

Trustee Nieman asked about signage and was told the applicant would have an awning sign and use the existing pylon sign which is perpendicular to the street.

Trustee Don Nieman offered the following resolution and moved its adoption:

RESOLUTION NO.: 00.2.7.1

DATED: February 7, 2000

**FINDINGS OF FACT RE APPROVAL OF DEVELOPMENT PLAN AND  
SPECIAL  
USE PERMIT FOR PREMISES AT 227 MAIN ST., EAST AURORA, N.Y.**

1. That the premises in question are properly zoned for the use shown on the Development Plan.
2. That the premises in question are located in a zone which permits restaurants.
3. That a Public Hearing was held on the approval of a Special Use Permit as required by statute.
4. That notice of such Public Hearing was published and personally served as required by statute.
5. That the matter herein was referred to the Planning Commission of the Village of East Aurora, New York, and the Planning Commission recommended the issuance of such Special Use Permit and the approval of the Development Plan.
6. That fire control will not be adversely affected by the issuance of a Special Use Permit and the approval of the Development Plan for the premises.
7. That the approval of the Development Plan and the issuance of the Special Use Permit will not adversely affect the general welfare, health and safety of the residents of the Village of East Aurora.
8. That the flow of traffic and pedestrian and/or vehicular safety shall not be adversely affected by the issuance of a Special Use Permit and the approval of the Development Plan.
9. That the issuance of a Special Use Permit and the approval of the Development Plan will cause no problems in the area of snow removal.
10. That the issuance of a Special Use Permit and the approval of the Development Plan should not result in any increase in noise levels, visual pollution and/or sanitation problems.
11. That the issuance of a Special Use Permit and the approval of the Development Plan shall not change the general nature of the neighborhood in that the surrounding neighborhood is commercial in nature.
12. That this Board has considered the factors under the State Environmental Quality Review Act and finds that the issuance of the Special Use Permit herein shall have no significant effect on the environment.

Seconded by Trustee Ellen Moomaw. Upon voting the results were as follows:

Trustee Dewey	AYE
Trustee DiPietro	AYE
Trustee Moomaw	AYE
Trustee Nieman	AYE
Trustee Peters	AYE
Trustee Young	AYE

Motion carried.

Trustee Ellen Moomaw offered the following resolution and moved its adoption:

RESOLUTION NO.: 00.2.7.2

DATED: February 7, 2000

**RESOLUTION RE APPROVAL OF DEVELOPMENT  
PLAN**

**FOR PREMISES AT 227 MAIN STREET, EAST AURORA, N.Y.**

RESOLUTION NO. \_\_\_\_\_

DATED: February 2, 2000

**WHEREAS**, premises located at 227 Main Street, East Aurora, New York, are in a zoning district classification which requires approval by the Village Board of development plans relative to certain activities in such zoning district; and

**WHEREAS**, a Development Plan has been submitted for such premises; and

**WHEREAS**, this Board has considered such Development Plan; and

**WHEREAS**, this Board has made certain findings relative thereto.

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

That this Board does hereby approve the Development Plan attached hereto and made a part hereof, pursuant to Section 93-20 of the Code of the Village of East Aurora, New York on the condition that parking be in accordance with the Code of the Village of East Aurora unless a variance from such requirements is granted by the Zoning Board of Appeals.

Seconded by Trustee Robert D. Young, Jr. Upon voting the results were as follows:

Trustee Dewey	AYE
Trustee DiPietro	AYE

Trustee Moomaw	AYE
Trustee Nieman	AYE
Trustee Peters	AYE
Trustee Young	AYE

Motion carried.

Trustee Robert D. Young, Jr. offered the following resolution approving a special use permit and moved its adoption:

RESOLUTION NO.: 00.2.7.3

DATED: February 7, 2000

### **SPECIAL USE PERMIT**

ISSUED TO: **MONTANA MILLS BREAD CO. OF EAST AURORA, INC.**

BY: **VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF  
EAST AURORA, NEW YORK**

Pursuant to Section 93-42 of the Code of the Village of East Aurora, New York, the Village Board of Trustees of the Village of East Aurora, New York, does hereby issue this Special Use Permit to **MONTANA MILLS BREAD CO. OF EAST AURORA, INC.**, permitting the use of premises located at 227 Main Street, East Aurora, New York, for a restaurant. This Special Use Permit shall allow on-premises eating accommodations and take-out service.

This Special Use Permit is based upon certain findings made by this Village Board, which findings are part of the record.

This Special Use Permit is subject to the permittee complying with any and all state, county and local laws, including, but not limited to, laws and regulations of the Erie County Health Department, laws and regulations of the Village of East Aurora, New York, and compliance with any and all provisions of the New York State Building & Fire Prevention Code.

DATED: East Aurora, New York  
February 7, 2000

VILLAGE BOARD OF TRUSTEES OF THE VILLAGE  
OF EAST AURORA, NEW YORK

BY: \_\_\_\_\_  
JOHN V. PAGLIACCIO, MAYOR

Seconded by Trustee Christine Peters. Upon voting the results were as follows:

Trustee Dewey	AYE
Trustee DiPietro	AYE
Trustee Moomaw	AYE
Trustee Nieman	AYE

Trustee Peters                      AYE  
Trustee Young                    AYE

Motion carried.

#### SPEAKERS AND COMMUNICATIONS

There were no speakers.

#### STAFF REPORTS

The Mayor asked staff members present to offer reports on any matters.

Chief Nye reported on training materials and other equipment being made available to members of the department.

Mr. Harbison reported on the monthly building permits issued and on his attendance at an NFBOA certification school which offered 16 of the mandatory 24 hours he needs annually to maintain his certification. He also stated that he had completed the public assembly inspections and was working with the high school photography class to photograph certain signs in the Village in preparation for a sign guideline pamphlet or report.

Trustee DiPietro asked about grease trap inspections and Mr. Harbison explained the procedure. He and Mr. Richey also related ongoing efforts to get rid of grease in the Village's sanitary sewer system.

Mr. Richey also reported on various administrative matters and the ongoing budget process.

#### OFFICIAL CONSIDERATIONS

The Mayor asked if any Board members wished to comment on any particular topic.

Trustee Moomaw reminded those present of a session being sponsored by the League of Women Voters on bringing rapid transit to the Southtowns. She said the meeting would be held at the Town Hall on February 8, 2000.

Mayor Pagliaccio reported that the Village had received notification that its CDBG grant application for resurfacing South Willow Street had been approved by the County in the amount of \$16,304.

There were no further comments from Board members at this time.

#### RESOLUTIONS AND MOTIONS

Trustee Don Nieman offered the following resolution and moved its adoption:

RESOLUTION NO.: 00.2.7.4

DATED: February 7, 2000

**WHEREAS** certain budgetary appropriations for the 1999-2000 fiscal year have been inadequate for necessary expenses of the Village of East Aurora, and

**WHEREAS** the Village Administrator/Clerk-Treasurer has proposed certain intrafund budgetary transfers to authorize adequate appropriations for individual budget account lines,

**NOW THEREFORE BE IT RESOLVED** that the Village Board of the Village of East Aurora amend the fiscal year 1999-2000 annual budget for the Village of East Aurora to incorporate the intrafund transfers listed herewith and made a part hereof.

Seconded by Trustee Ellen Moomaw. Upon voting the results were as follows:

Trustee Dewey	AYE
Trustee DiPietro	AYE
Trustee Moomaw	AYE
Trustee Nieman	AYE
Trustee Peters	AYE
Trustee Young	AYE

Motion carried.

Trustee Don Nieman offered the following resolution and moved its adoption:

RESOLUTION NO.: 00.2.7.5

DATED: February 7, 2000

**RESOLUTION RE APPORTIONMENT OF SPECIAL ASSESSMENT  
FOR SIDEWALK INSTALLATION AND REPAIRS**

WHEREAS, certain sidewalks in the Village of East Aurora, were repaired, replaced, or installed;  
and

WHEREAS, the Village has heretofore passed a Resolution relative to the apportionment of the  
cost of repairing, replacing or installing sidewalks in the Village of East Aurora; and

WHEREAS, pursuant to Section 31-3 of the Code of the Village of East Aurora, New York, the  
owners of properties whose sidewalks were replaced, repaired or installed were notified that the  
expenditure for such repairs, replacement or installation have been made, and were notified of the amount  
of such expenditures to be apportioned to their particular property; and

WHEREAS, said owners were further notified that the Board of Trustees would meet on January  
18, 2000, to make such assessment; and

WHEREAS, this Board did meet on January 18, 2000, for the purpose of making such  
assessment; and

WHEREAS, this Board did, on such date, give the owners of such properties the opportunity to  
speak relative to any objection that were to be made against the proposed assessment.

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**



1. That the parcels of real property listed known as SBL #165.17-1-23 and SBL #165.17-2-21 shall be assessed in the amount shown to each parcel on said chart.
2. That the assessment so levied against the lands that have been benefited as indicated on such chart, which is made a part of this Resolution, shall be paid in ten (10) annual installments.
3. That the Village Treasurer shall add such amounts on said chart to the Village tax levy against each parcel of land so benefited.
4. That a copy of this Resolution and the assessment made thereon shall be immediately filed in the Office of the Village Clerk.
5. That in lieu of paying such special assessment over ten (10) annual installments as stated above, the owners of the properties listed on the aforesaid chart may pay the same immediately in one (1) or more installments on or prior to April 1, 2000.

Seconded by Trustee Dave DiPietro. Upon voting the results were as follows:

Trustee Dewey	AYE
Trustee DiPietro	AYE
Trustee Moomaw	AYE
Trustee Nieman	AYE
Trustee Peters	AYE
Trustee Young	AYE

Motion carried.

#### UNFINISHED BUSINESS

The Mayor stated the Board was awaiting a draft FEIS from the Herman Group.

#### NEW BUSINESS

Trustee Moomaw offered a resolution setting a public hearing for February 22, 2000 at 8:00 PM on a proposed local law amending the Traffic Code for Grey Street, Boies Alley and Knox Road. Seconded by Trustee Peters and passed unanimously.

Trustee Moomaw offered a resolution setting a public hearing for February 22, 2000 at 8:00 PM on a proposed local law authorizing tax credits for reconstruction or renovation of locally designated historic structures. Seconded by Trustee Peters and passed unanimously.

Trustee Moomaw offered a motion referring to the Historic Preservation Commission, the Planning Commission and the Safety Committee a development plan application for 30 South Grove Street. Seconded by Trustee Dave DiPietro and passed unanimously.

There being no further business, Trustee Don Nieman offered the following motion:

That the February 7, 2000 meeting of the Village Board of Trustees be adjourned. Seconded by Trustee David DiPietro. Upon voting the results were as follows:

Trustee Dewey	AYE
Trustee DiPietro	AYE
Trustee Moomaw	AYE
Trustee Nieman	AYE
Trustee Peters	AYE
Trustee Young	AYE

Motion carried.

Meeting adjourned at 9:07 PM.

Respectfully submitted,

Patrick E. Richey  
Village Administrator  
Clerk-Treasurer