

Minutes of the regular meeting of the Village of Williamsville Board of Trustees held in Village Hall, 5565 Main Street, Williamsville, New York, on Monday, July 28, 2014 at 7:30 p.m.

The meeting was opened at 7:30 p.m. with the Pledge of Allegiance led by Trustee DeLano.

Present: Brian J. Kulpa, Mayor
Basil J. Piazza, Trustee
Christopher J. Duquin, Trustee
Daniel O. DeLano, Trustee
John "Al" Yates, Trustee

Also present: Charles D. Grieco, Village Attorney
Lynda L. Juul, Administrator/Clerk-Treasurer
Judy A. Kindron, Deputy Treasurer
Charles Specht, Director of Community Development
Amy Grimes, Intern

Excused: Kenneth Kostowniak, DPW Crew Chief

ON MOTION by Mayor Kulpa, seconded by Trustee DeLano, it was moved to approve the minutes of the regular meeting held on June 23, 2014, as submitted.

Unanimously carried.

ON MOTION by Mayor Kulpa, seconded by Trustee Duquin, it was moved to approve the minutes of the Annual Re-organization Meeting held on July 7, 2014, as submitted.

Unanimously carried.

Public Hearing
Modify Trigger of MU Design Standards

ON MOTION by Mayor Kulpa, seconded by Trustee Yates, it was moved to open the public hearing at 7:35 p.m.

Unanimously carried.

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The Administrator read aloud the legal notice as published in the Amherst Bee on July 16, 2014.

Mayor Kulpa discussed the existing mixed-use design standards and the modifications being proposed.

The following members of the audience addressed the Board [*Village Board members' comments in italics*]:

1. *Don Smith, North Long St.* – Total aggregate of 200 sf.? [*Yes.*]
2. *Jim Tricoli, 4 Columbia Dr.* – Is this a law? [*We are amending our Zoning Code*]; Setback is 0' – 10'? [*Yes. Could sit tight to Main St. like Muleskinner or be set back 10' like the Hunt Building.*]; Community Plan limits to 2 stories? [*Zoning Code has a 2-story minimum and there are also limits of 4 stories in the core and 6 stories east of Park and Academy. Covers Main Street corridor.*]; Corner of Main and Garrison has been empty for at least 3 years. What is going in there? [*No proposals at this time.*]; Can Village do anything to get developer to give us plans? [*No.*]
3. *Larry Brenton, 31 Monroe Dr.* – If allow for greater density in core, will have greater movement for a parking ramp. There are places with virtually no parking that draw large crowds. Business community will be looking for a parking garage.

ON MOTION by Mayor Kulpa, seconded by Trustee Duquin, it was moved to close the public hearing at 7:51 p.m.

Unanimously carried.

Public Hearing Modify Zoning of Various Properties

ON MOTION by Mayor Kulpa, seconded by Trustee DeLano, it was moved to open the public hearing at 7:51 p.m.

Unanimously carried.

The Administrator read aloud the legal notice as published in the Amherst Bee on July 16, 2014.

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Mayor Kulpa discussed the desire of the Board to implement changes in zoning from the Community Plan. Will not pass before second meeting in August. Want to find out what property owners think. Single use commercial does not provide for housing.

The following members of the audience addressed the Board. *[Village Board comments are in italics.]*:

1. *Patricia Estel, 150 S. Union Rd.* – Moved here from Clarence 4 years ago. Re-zoning sounds really good. Walked to the meeting but doesn't want to walk down S. Long St. in the dark. Has a concern about traffic. Hoping whatever happens on S. Union won't make it more difficult to get in and out of her complex. Thinks Board is heading in the right direction.

2. *Jen Likoski, 150 S. Union* – Will this affect how they are being taxed? *[No, unless AV changes]*; Will this affect resale value? *[For individual housing stock could increase property value. May not affect the condo complex as much. Could increase when walkability increases.]*

3. *Jim Tricoli, 4 Columbia Dr.* – If developer owns 2 houses on S. Long and commercial building on corner, can 2 houses be developed as commercial? *[This commercial building was developed under Exceptional Development with Village Board approval.]*; Could the Village have a law that developers can't buy homes next to buildings to develop into commercial? *[No, can't stop but next step is to look at residential design standards.]*

4. *Sally Shippling* – owns 3 properties on S. Long – Sons live in area; Will they be surrounded by 3-story commercial buildings? *[In a commercial zone – can't build residential under the current code. Could end up with mixed use developed on each side of the single-family home. Some setback and character would be required. Won't end up with a big commercial building next to them. Would consider use restrictions?]* Have issues with existing businesses using their driveway and parking now. *[Looking to re-do this street similar to Main Street with a streetscape project. Want to modify zoning prior to this to ensure development is done properly.]*

5. *Agnes Vetter, 137 N. Long St.* – When did commercial zoning come into effect? *[1990 at least]*; How does that happen with commercial zoning? *[Can always build a lesser zoning, but can't guarantee commercial won't be built adjacent to residential.]*

6. *Robert Kraus, 77 S. Union* – Looks like the Village wants to turn S. Union into the same category as S. Long. Why does he want to be in the same category? *[R3M has no standards – could build a large building 30' tall. Would open up to commercial on first floor. Would not like this. Would prefer a residential only zone, which is how it is*

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now.] Is the plan written in stone? [Trying to fix zoning.] Does the Board see Union as a neighborhood street? [Yes!]

7. *Darlene Maple, 79 S. Union Rd.* – What is the plan to make S. Union more pedestrian friendly? It's 4 lanes wide without sidewalks on both sides – Needs narrower lanes, curb extensions, bike/buffer lanes; If Board moves forward with zoning without making changes to Union, it brings in commercial which brings in more traffic and lowers property values. *[Village Board didn't realize there was such a sense of community. Need to meet to discuss what they want to see; Get a committee going.]*

8. *Bob Strell, Real Estate Consultant on behalf of Darling Construction* – Introduced Herbert F. “Buck” Darling, III – Mr. Darling stated that he is the third generation president of Herbert F. Darling Inc., 131 California Rd. – His grandfather started the company in the 1940's for the railroad access. Built an office on the property. In 1967, they reorganized to Herbert F. Darling Inc. as a NY company. In 1991 they had a fire, then they rebuilt on the site and were encouraged by Village Board to do so. Opposed to rezoning and would like to see current zoning stay in place.

9. *Tom Weaver* – They own 4 acres on west side of California Dr. and employ 50 people. They have a \$3.8 million in payroll and pay \$84,000 sales tax and \$44,000 in property taxes. Objecting to change and hope to discuss. No plans to ask for tax abatements.

10. *Bob Strell* – Darlings owns 100 California Dr., 121 California Dr., 150 Milton St., 101 California Dr. – They are here in the spirit of cooperation. Would become non-conforming use. Business people in business for 75 years, sometimes need to borrow money. When property goes to non-conforming use it is difficult to use it as collateral. Realize they are misplaced in a residential area. Have an exit plan. If use changes, value of property changes, affects exit plan; Major stakeholder in land size. *[Village Attorney Grieco stated they have been a non-conforming use since 1990.]*

11. *Corey Auerbach – Damon & Morey, representing Darling Inc.* – Proposing eliminating commercial uses *[Single use commercial districts]*; Could do mixed use currently *[without design standards]*; Don't think there has to be exclusivity. May be unintended consequences by the change in zoning that could prevent them from leaving; *[No interest in chasing them out. Don't want to hurt them. They have been wonderful neighbors.]*

12. *Carolyn Schlifke, 192 Evans St.* – Lives on west side of Evans – all on east side, Georgetown, Drexel, Blocher Home. Commends Village Board for following through on the Community Plan. Would height be affected by Neighborhood Mixed Use Zoning? *[No. No change in height.]* has mixed emotion about putting commercial into apartments because of traffic. Blocher has a large piece of property in front of their building. What could be built in front?

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ON MOTION by Trustee Piazza, seconded by Trustee Yates, at 9:00 p.m. it was moved to hold the public hearing open until the next meeting.

Unanimously carried.

ON MOTION by Mayor Kulpa, seconded by Trustee DeLano, it was moved to open the public participation portion of the meeting.

Unanimously carried.

The following members of the audience addressed the Board:

1. *Larry Brenton, 31 Monroe Dr.* – Mayor did a wonderful job explaining (the zoning); Commended Darling Corp. – It's a great asset to the Village; International Chimney has been a big help to the Railroad Station; The Darlings and the Lohrs were instrumental in the development of Glen Park; This needs to figure in. What does the Village Board want to do with Hopkins stepping stone? [*Larry should suggest placement and work with DPW on it.*] Hopkins Boys should participate.

2. *Jim Tricoli, 4 Columbia Dr.* – Used to come to all the Village Board meetings 20 years ago. This Board is much more open. History of Darling doesn't make a difference to him. Cares about what is going on today.

3. *Thomas Frank, 5403 Main St.* – Thanked Larry Brenton for comments. Would like to be considered for opening on Glen Park Joint Board; Niagara River Greenway. Plan for Mill site. [*Sluiceway and access into park would make for an application.*]

4. *Larry Brenton, 31 Monroe Dr.* – Trustee DeLano's article in Amherst Bee; Complimented DPW; Williamsville has one of the best DPWs ; Praised Ken Kostowniak and Ryan Maj. Need to think of them in budget discussions. Only 8 people in the DPW outside of Ken; Good to see a Trustee compliment the department.

ON MOTION by Mayor Kulpa, seconded by Trustee Yates, it was moved to close the public participation portion of the meeting.

Unanimously carried.

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Report – Mayor Kulpa

Mayor Kulpa reported on the following topic(s): Glen Park Arts Festival; Thanked the Riches who chaired the event and the trustees who participated.

ON MOTION by Mayor Kulpa, seconded by Trustee Yates, the following resolution was adopted:

RESOLVED, that payroll and vouchers in the amount of **\$489,932.45** covering the period from **6/20/14 to 7/23/14** are hereby approved as follows:

Payroll covering: 6/16/14 – 6/29/14: \$35,684.20

Payroll covering: 6/30/14 – 7/13/14: \$35,308.19

Vouchers covering 6/20/14 – 7/9/14:

General Fund	\$93,870.44
Water Fund	\$23,939.19
Sewer Fund	\$1,696.13
Glen Park Fund	\$2,405.33
Trust & Agency Fund	\$13,691.18
Debt Service	\$7,762.50
Community Development	\$0.0
Capital Fund	<u>\$36,200.00</u>
	\$179,564.77

Vouchers covering 7/10/14 – 7/23/14:

General Fund	\$130,257.35
Water Fund	\$183.59
Sewer Fund	\$1,072.23
Glen Park Fund	\$2,730.98
Trust & Agency Fund	\$13,210.96
Debt Service	\$0.00
Community Development	\$0.00
Capital Fund	<u>\$91,920.18</u>
	\$239,375.29

GRAND TOTAL **\$489,932.45**

Unanimously carried.

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ON MOTION by Mayor Kulpa, seconded by Trustee Piazza, the following resolution was adopted:

RESOLVED, that the following *budget transfer is* hereby made in the *General Fund* for the *2014-2015* fiscal year:

To:	001-3410-4160-3492 (Fire Protection-Chief's Car)	\$41.00
From:	001-3410-4160 (Fire Protection-Truck Maint.)	\$41.00

Unanimously carried.

ON MOTION by Mayor Kulpa, seconded by Trustee Piazza, the following resolution was adopted:

RESOLVED, that **Trustee Basil Piazza** is hereby appointed as *Liaison to the Village Justice Court*.

Unanimously carried.

Report – Trustee Duquin

Trustee Duquin reported on the following topic(s): Movies in the Park – over 500 people; Thanked Jolly Boys for the new blowup screen.

ON MOTION by Trustee Duquin, seconded by Trustee Piazza, the following resolution was adopted:

RESOLVED, that **Susan Palmer of 81 S. Ellicott Street, Williamsville**, is hereby appointed to the *Open Government Committee*.

Unanimously carried.

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Report – Trustee Yates

Trustee Yates reported on the following topic(s): Art Festival was a great event; Thanked volunteers; Taste of Williamsville is this coming weekend.

ON MOTION by Trustee Yates, seconded by Trustee Piazza, the following resolution was adopted:

WHEREAS, the Village of Williamsville wishes to replace its existing phone system with a voice over internet phone (VOIP) system; and

WHEREAS, various proposals were received for the replacement of the phone system;

NOW, THEREFORE, BE IT RESOLVED, that the proposal from Hover Networks, is hereby accepted; and

BE IT FURTHER RESOLVED, that the Administrator is hereby authorized to coordinate the purchase and installation.

Unanimously carried.

Report – Trustee DeLano

Trustee DeLano reported on the following topic(s): Glen Park Art Festival; Tree Board plan for Wehrle Drive; Tree hit in accident on Mill.

ON MOTION by Trustee DeLano, seconded by Trustee Piazza, the following resolution was adopted:

RESOLVED, that the proposal to modify Chapter 103-16 (Vehicles & Traffic, No Standing) of the Village Code, which would introduce “No Standing” on the south side of Main Street between the Town of Amherst driveway and a point 12’ east of the driveway, and on the south side of Main Street between the Town

of Amherst driveway and a point 25’ west of the driveway, which was the subject of a public hearing held by the Village Board of Trustees on June 23, 2014, is hereby adopted as **Local Law No. 4 of 2014**.

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Unanimously carried.

Trustee DeLano's resolution relating to proposed "No Standing" on the east side of Highland Drive was tabled.

ON MOTION by Trustee DeLano, seconded by Trustee Duquin, the following resolution was adopted:

WHEREAS, the Village has been awarded a CLG grant through New York State to prepare design guidelines for historic properties; and

WHEREAS, the Historic Preservation Commission has reviewed proposals and recommended that this work be awarded to Flynn Battaglia Architects;

NOW, THEREFORE, BE IT RESOLVED, that the proposal from Flynn Battaglia in the amount of \$9,080.00 is hereby accepted; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized and directed to sign the agreement with Flynn Battaglia Architects, pending review by the Village Attorney and Village Administrator.

Unanimously carried.

ON MOTION by Trustee DeLano, seconded by Trustee Piazza, the following resolution was adopted:

WHEREAS, the Village has been awarded a grant through Empire State Development to conduct a Sanitary Sewer Inflow & Infiltration Study;

NOW, THEREFORE, BE IT RESOLVED, that the proposal from the Village Engineer of Record, Wm. Schutt & Associates, PC, is hereby accepted in the amount of \$30,000.00, and the Mayor is hereby authorized and directed to execute said agreement.

Unanimously carried.

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Report – Trustee Piazza

Trustee Piazza reported on the following topic(s): AUC – Natural gas prices are lower than last year at this time.

ON MOTION by Trustee Piazza, seconded by Trustee DeLano, the following resolution was adopted:

RESOLVED, that the Administrator is hereby authorized to publish legal notice of a public hearing to be held by the Village Board of Trustees on Monday, August 25, 2014, at 7:30 p.m., at Village Hall, 5565 Main Street, Williamsville, New York, for the purpose of hearing all those interested in expressing an opinion on the proposed modification of **Chapter 11 of the Village Code (Brush, Grass and Weeds)** to remove the requirement of a Village Board resolution to bring the property into compliance, and to allow the Code Enforcement Officer to oversee this function.

Unanimously carried.

ON MOTION by Trustee Piazza, seconded by Trustee Duquin, the following resolution was adopted:

RESOLVED, that the Administrator is hereby authorized to publish legal notice of a public hearing to be held by the Village Board of Trustees on Monday, August 25, 2014, at 7:30 p.m., at Village Hall, 5565 Main Street, Williamsville, New York, for the purpose of hearing all those interested in expressing an opinion on the proposed modification of **Chapter 72 of the Village Code (Property Maintenance)** to remove the requirement of a Village Board resolution to bring the property into compliance, and allow the Code Enforcement Officer to oversee this function.

Unanimously carried.

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ON MOTION by Trustee Piazza, seconded by Trustee Yates, the following resolution was adopted:

RESOLVED, that *Patricia Fulwiler of 208 Hirschfield Drive, Williamsville*, is hereby appointed as an Alternate Member of the Zoning Board of Appeals, until the end of the **2014-2015** official Village year.

Unanimously carried.

ON MOTION by Trustee Piazza, seconded by Trustee Duquin, the following resolution was adopted:

WHEREAS, the owners of the following properties have been cited by the Code Enforcement Officer for non-compliance with Chapter 11-2A of the Village Code (Brush, Grass, and Weeds)

1. 1519 Wehrle Drive (high grass)
2. 1525 Wehrle Drive (high grass)

WHEREAS, as of July 28, 2014, the violations have not been corrected;

NOW, THEREFORE, BE IT RESOLVED, that the General Crew Chief of the Department of Public Works is hereby authorized to oversee entry upon the offending premises for the purpose of bringing the same into compliance; and

BE IT FURTHER RESOLVED, that the cost of bringing the premises into compliance shall be billed directly to the owner of these premises; and

BE IT FURTHER RESOLVED, that if such charge remains unpaid, it shall be added to the 2015-2016 Village tax assessed against these premises as per the Village Code.

Unanimously carried.

ON MOTION by Trustee Piazza, seconded by Trustee DeLano, the following resolution was adopted:

WHEREAS, the owner of the following property has been cited by the Code Enforcement Officer for non-compliance with Chapter 101-9A of the Village Code (Trees):

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151 North Long (hazardous condition); and

WHEREAS, as of July 28, 2014, the violation has not been corrected;

NOW, THEREFORE, BE IT RESOLVED, that the General Crew Chief of the Department of Public Works is hereby authorized to oversee entry upon the offending premises for the purpose of bringing the same into compliance; and

BE IT FURTHER RESOLVED, that the cost of bringing the premises into compliance shall be billed directly to the owner of these premises; and

BE IT FURTHER RESOLVED, that if such charge remains unpaid , it shall be added to the 2015-2016 Village tax assessed against these premises as per the Village Code.

Unanimously carried.

ON MOTION by Trustee Piazza, seconded by Trustee Duquin, the following resolution was adopted:

WHEREAS, various changes were made to the Wellington Ct./S. Cayuga Waterline Extension Project, including a third interconnection to the ECWA system, and a decrease in final quantities of required materials;

NOW, THEREFORE, BE IT RESOLVED, that Change Order No. 2, which decreases the overall final contract amount with E&R Construction, Inc., by \$1,822.24, is hereby approved.

Unanimously carried.

ON MOTION by Trustee Piazza, seconded by Trustee DeLano, the following resolution was adopted:

RESOLVED, that the following equipment is hereby declared surplus:

Fixed Asset #	Description	Dept./Location	Disposal Method
122	1970 Piano (upright)	Meeting House	Damaged-Trash
575	2007 Ford Expedition (9)	Fire Dept.	Trade-in
576	2007 Ford Expedition (9-1)	Fire Dept.	Trade-in

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<u>Fixed Asset #</u>	<u>Description</u>	<u>Dept./Location</u>	<u>Disposal Method</u>
577	2004 Ford Expedition (9-2)	Fire Dept.	Trade-in
558	2006 HP DX2200 PC w/17"	Building Dept.	Recycling
774	2008 Security cameras	Lehigh Memory Tr.	Damaged-Trash
170	1997 Computer w/color mon.	Fire Dept.	Recycling

Unanimously carried.

Staff Reports

Administrator Juul – No report.

Deputy Treasurer Kindron – Reported on GPAF

Community Development Director Specht – Announced a new page for Historic Preservation on the home page of the Village website.

ON MOTION by Mayor Kulpa, seconded by Trustee Duquin, it was moved to leave the regular agenda and open the Executive Session to discuss a personnel matter at 9:42 p.m.

Unanimously carried.

ON MOTION by Mayor Kulpa, seconded by Trustee DeLano, it was moved to close the Executive Session and return to the regular agenda at 10:43 p.m.

Unanimously carried.

ON MOTION by Mayor Kulpa, seconded by Trustee Yates, it was moved to adjourn the regular meeting at 10:43 p.m.

Unanimously carried.

Lynda L. Juul
Administrator-Clerk/Treasurer