

**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, August 25, 2014 at 7:30 p.m.**

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

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  
Kenneth Kostowniak, DPW Crew Chief  
Charles Specht, Director of Community Development

**ON MOTION** by Mayor Kulpa, seconded by Trustee Yates, it was moved to approve the minutes of the regular meeting held on August 11, 2014, as submitted.

Unanimously carried.

**ON MOTION** by Mayor Kulpa, seconded by Trustee Piazza, it was moved to open the public hearings at 7:40 p.m. regarding proposed designations as local landmarks for the following properties.: 5688 Main St.; 5792 Main St.; 5893 Main St.; 20 Milton St.; Main Street Bridge; 5329 Main St.; 5409 Main St.; 5511 Main St.; 5529 Main St.; 5541 Main St.; 5707 Main St.; 5725 Main St.; 5727 Main St.

Unanimously carried.

The Administrator read aloud the legal notice as published in the Amherst Bee on July 2, 2014. Notices were also mailed to all property owners. Mayor Kulpa discussed the local landmark process, function of the HPC, and the Intensive Level Survey recently completed under a Certified Local Government Grant (CLG).

<p><b>Public Hearing</b> <b>5688 Main St.</b></p>
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No one was present to represent the property. No one from the audience addressed the Board.

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**Public Hearing**  
5792 Main St.

No one was present to represent the property. No one from the audience addressed the Board.

**Public Hearing**  
5893 Main St.

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

**1. Sheila Paolini, 5893 Main St.** – Asked if restrictions apply only to exterior. [*Yes.*] What are the benefits to her as a property owner. [*Currently review would be by ZBA and/or Planning Board; Local landmarks are reviewed by HPC only*] Is mindset of commission to keep as is? [*No, looking to keep in same architectural style.*]

**2. James Tricoli, 4 Columbia Dr.** – Can something be built next to this on either side? Can new development be made to be in keeping with the style? [*Can create an historic district, but on Main Street there are many different styles of architecture; Planning Board would have input on adjacent buildings.*]

**Public Hearing**  
20 Milton St.

No one was present to represent the property. No one from the audience addressed the Board.

**Public Hearing**  
Main Street Bridge over Ellicott Creek

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

**1. Thomas Frank, 5403 Main St.** – This could be a demonstration project for all of WNY.

**2. Nick Roth, 135 Oakgrove Dr.** – Asked if the bridge was the property of the NYS. [*NYS DOT went out of its way to bring in masons to rebuild the bridge in the late '90s, so they are aware of its historical value.*]

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**Public Hearing**  
5329 Main St.

No one was present to represent the property. No one from the audience addressed the Board.

**Public Hearing**  
5409 Main St.

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

**Dave Sutton, 5409 Main St.** – Not concerned with designation. Wants more info on the process. [*Local landmarks are only reviewed by HPC.*] Good overlap between HPC and Planning Board. Fear is to incur mandated costs. All for preserving architectural integrity. Need to clarify which rules to follow. [*Village is trying to streamline the process.*]

**Public Hearing**  
5511 Main St.

No one was present to represent the property. No one from the audience addressed the Board.

**Public Hearing**  
5529 Main St.

No one was present to represent the property. No one from the audience addressed the Board.

**Public Hearing**  
5541 Main St.

No one was present to represent the property. No one from the audience addressed the Board.

**Public Hearing**  
5707 Main St.

No one was present to represent the property. No one from the audience addressed the Board.

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**Public Hearing  
5725 Main St.**

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

**Paul Grenauer, 5725 Main St.** – Likes what he's hearing. Would materials be controlled? [*Already controlled by Planning and Architectural Review Board and design standards; HPC would have to answer this question. Will refer to the chair of HPC. This is currently not referenced in the code. Not sure if design standards for local landmarks will address this issue.*]

**Public Hearing  
5727 Main St.**

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

**1. Matt Rowland, Iskalo Development** – Would rather not have the property designated. Already renovated so of no benefit to them. Very rigorous review by Planning and Architectural Review Board. Questioned if designation was for the building or the site. [*Site.*] Would parking lot have to go to the Zoning Board if modified? [*Yes.*]

**2. Paul Grenauer, 5725 Main St.** – What are the 2 sites being nominated? [*Calvary Church and Robshaw & Voelkl.*]

**3. Mary Lowther, 120 N. Ellicott St.** – President of Historical Society. Thinks it's terrific we are trying to preserve these buildings. But we need to be mindful of keeping an eye on parcels for work being done without proper approvals. The HPC code is way too loose and should be tightened up. Criteria are ambiguous. No guidelines for the public. A couple of properties are not appropriate for designation, such as the Williamsville Towers and Sutton/D'Avolio. Different does not equal historic. The Sutton/D'Avolio building has been altered by a porch addition.

**ON MOTION** by Mayor Kulpa, seconded by Trustee Duquin, it was moved to close the public hearings regarding local landmark designations, at 8:22 p.m.

Unanimously carried.

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**ON MOTION** by Mayor Kulpa, seconded by Trustee DeLano, it was moved to continue the public hearing of August 11, 2014 regarding zoning modifications to various properties, at 8:23 p.m.

Unanimously carried.

<p><b>Public Hearing – Continued from August 11, 2014</b> <b>Modifications to zoning of various properties</b></p>
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No one addressed the Board.

**ON MOTION** by Mayor Kulpa, seconded by Trustee DeLano, it was moved to hold this public hearing open until the next Village Board meeting on September 8, 2014.

**ON MOTION** by Trustee Duquin, seconded by Trustee Piazza, it was moved to open the public hearing regarding a modification to Chapter 11 (Brush, Grass and Weeds) at 8:24 p.m.

Unanimously carried.

<p><b>Public Hearing</b> <b>Modification to Chapter 11 (Brush, Grass and Weeds)</b></p>
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The Administrator read aloud the legal notice as published in the Amherst Bee on August 6, 2014.

Trustee Duquin discussed the proposed local law which would allow for quicker action by the Building Dept. in cases of violations of this Chapter.

No one addressed the Board.

**ON MOTION** by Trustee Duquin, seconded by Trustee Yates, it was moved to close the public hearing regarding a modification to Chapter 11 (Brush, Grass and Weeds) at 8:26 p.m.

Unanimously carried.

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**ON MOTION** by Trustee Duquin, seconded by Trustee Yates, it was moved to open the public hearing regarding a modification to Chapter 72 (Property Maintenance) at 8:26 p.m.

Unanimously carried.

<p style="text-align: center;"><b>Public Hearing</b> <b>Modification to Chapter 72 (Property Maintenance)</b></p>
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The Administrator read aloud the legal notice as published in the Amherst Bee on August 6, 2014.

No one addressed the Board.

**ON MOTION** by Trustee Duquin, seconded by Trustee Yates, it was moved to close the public hearing regarding a modification to Chapter 72 (Property Maintenance) at 8:27 p.m.

Unanimously carried.

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

Unanimously carried.

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

**1. Ben Galletti, 5913 Main St.** – Proposal for 3-story mixed use building to be built right up to the corner – Will devastate business; Parking will spill out; Students will have problems; Would like Village to work with himself and Mr. Sutton to resolve this issue. [*This is what the mixed use design standards call for. Allow continuous pedestrian movement.*] Page 20 of mixed use rules – for corner lots side yard parking shall be allowed. [*It's allowable but not necessarily wanted.*] Want something to be built on lot but everyone should be on the same page. Has a petition with 1,000 names. [*Village Attorney Grieco explained that this proposal is what code requires. Encourages parking in back and clarifies that side yard is not on Main Street. Side yard parking can turn the side yard into one continuous curb cut. They are meeting*

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*the code.*] Mr. Galletti stated his business has 3 spaces on the side of their building that may be used for those who don't want to negotiate the parking lot. [*15 minute parking may help.*] Could try to get 3 – 4 spots along the east side of Hirschfield Drive.

**2. Dave Sutton, 5409 Main St.** – Trying to assure his client there is not a negative impact. Will work with Ben and the Village as long as safety is the first concern.

**3. James Tricoli, 4 Columbia Dr.** - Objects to parking going into the neighborhoods. [*Plan has more parking than the Village Code requires.*]

**4. Nick Roth, 135 Oakgrove Dr.** – Issue with constant music on Main St. It is relentless. Seems to be too much. [*Setting up a meeting with the WBA and will look at solutions for the Island and the stage. Problem seems to be in the Oakgrove Drive/Garrison Park area. Looking for balance. There is also a vibrancy that has been created.*]. Far from being balance right now. What is policy for Music on Main? [*Used to be until 10pm, now it is until 9pm, generally.*] Seems that the noise is constant.

**5. Maryann Avery, 64 Garrison Rd.** – Went to Town of Amherst Planning and Architectural Review board meeting for Main and Hirschfield project. Member of Planning Board asked Sean Hopkins about turning movements for large trucks. Has been approved by the Town of Amherst. Will this go before Village Traffic & Safety Committee? [*Only by referral by Planning Board.*] Does the multi-use designation allow office use on the second floor? [*Yes.*]

**6. James Tricoli, 4 Columbia Dr.** – Is it a 2-story building? [*3-story. Project meets Village Zoning. We need more residential units of various types – identified in the Community Plan.*]

**7. Maryann Avery, 64 Garrison Rd.** – Does the Village have parking requirements for apartments? [*1.5 spaces per 1,000 sf of built space. Town requires more than the Village.*]

**8. James Tricoli, 4 Columbia Dr.** – How many parking spots? [*98*]

**9. Thomas Frank, 5403 Main St.** – Impervious surface is an issue. [*Spring St. will be a model street*]; Interconnection of parks to Ellicott Creek Trailway.

**10. Ben Galletti, 5913 Main St.** – Need notices sent to nearby property owners for projects of this size (Main at Hirschfield). [*Village only issues notices if zoning variance or variances are required. There are no zoning issues in this case.*]

**11. Tom Pilat, 5544 Main St.** – Sign in second floor window over his first floor tenant space was put up without a permit. Told it would come down. When?

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

Unanimously carried.

**Report – Mayor Kulpa**

*Mayor Kulpa reported on the following topic(s):* Picture Main Street Plan has won an American Planning Association Award at local and state levels - Moving to national level; Thanked Amherst Planning Director Rick Gillert for nominating the plan; Village Block Party; Arts and Culture events; Evening in the Village and Fire Dept. open house.

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

**RESOLVED**, that payroll and vouchers in the amount of **\$484,622.92** covering the period from **8/7/14 to 8/20/14** are hereby approved as follows:

<b>Payroll covering: 7/28/14 – 8/10/14:</b>	\$35,174.63
<b>Vouchers covering 8/7/14 – 8/20/14:</b>	
General Fund	\$102,005.09
Water Fund	\$184.67
Sewer Fund	\$146.25
Glen Park Fund	\$2,287.55
Trust & Agency Fund	\$12,528.37
Debt Service	\$40,775.00
Community Development	\$0.00
Capital Fund	\$291,521.36
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	<b>\$449,448.29</b>
 <b>GRAND TOTAL</b>	 <b><u>\$484,622.92</u></b>

Unanimously carried.

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

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

To:	001-3410-4160-3405 (Fire Protection-Truck Exp./Rescue 5)	\$1153.00
	001-3410-4160-3401 (Fire Protection-Truck Exp./Engine 1)	\$490.00
	001-3410-4160-3402 (Fire Protection-Truck Exp./Engine 2)	\$1336.00
	001-3410-4160-3406 (Fire Protection-Truck Exp./Truck 6)	\$1790.00
From:	001-3410-4160 (Fire Protection-Truck Exp.)	\$4769.00
To:	001-5110-4000 (Street Maint.-Seasonal Help)	\$3013.00
From:	001-5110-1000 (Street Maint.-Personal Services)	\$3013.00

Unanimously carried.

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

**RESOLVED**, that the following *budget amendment* is hereby made in the *General Fund* for the **2014-2015** fiscal year, to account for payment from InTune for event dated 6/28/14 – Garbage Service:

Increase:	001-0001-2590 (Permits-Parks & Other)	\$250.00
Increase:	001-8160-4330 (Refuse & Garbage Collection-Dump Fees)	\$250.00

Unanimously carried.

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

**RESOLVED**, that the following *budget amendment* is hereby made in the *General Fund* for the **2014-2015** fiscal year, to account for donations from sponsors for Main Street Live Block Party t-shirts:

Increase:	001-0001-2705 (Gifts & Donations)	\$750.00
Increase:	001-7550-4975 (Celebrations-Main Street Block Party)	\$750.00

Unanimously carried.

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

**WHEREAS**, the Village Board of the Village of Williamsville, as the lead and only involved agency acting pursuant to the State Environmental Quality Review Act, Article 8 of the New York State Environmental Conservation Law, has completed a Short Environmental Assessment Form (“EAF”) identifying and analyzing the potential environmental impacts associated with the proposed amendment of the Village of Williamsville Zoning Code to remove certain limitations on the applicability of the Design Standards triggered by certain thresholds related to façade and/or design changes occurring within the Mixed Use Zoning District, considered any and all public comments received at the public hearings conducted on July 28, 2014, and has otherwise taken a hard look at such potential impacts utilizing the criteria specified in 6 NYCRR 617.7(c); and

**WHEREAS**, for the reasons set forth in Part 3 of the completed EAF expressly incorporated by reference herein, the Village Board has not identified any potentially significant adverse environmental impacts associated with the proposed amendment, has determined that no Environmental Impact Statement is necessary and that a Negative Declaration is appropriate;

**NOW, THEREFORE, BE IT RESOLVED**, that the Village Board does hereby adopt the Negative Declaration set forth in Part 3 of the completed EAF.

Unanimously carried.

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

**RESOLVED**, that the proposed modification to Chapter 112 (Zoning), Section 112-16A(4)(a), of the Village Code to remove certain limitations on the applicability of the Design Standards triggered by certain thresholds related to façade and/or design changes occurring within the Mixed Use Zoning District, such that any addition or change of façade material or design change over 200 square feet will trigger all Design Standards, and which was the subject of a public hearings held on July 28, 2014 in Williamsville Village Hall, 5565 Main Street, Williamsville, New York, is hereby adopted as **Local Law No. 6 of 2014.**

Unanimously carried.

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**Report – Trustee DeLano**

*Trustee DeLano reported on the following topic(s):* Picture Main Street had good attendance despite the rain - Great to work with everyone that is so involved; Youth & Rec movie on Friday night – Thanked Pam Urbanek ; Arts & Culture event at Mill; Tree planting is November 1<sup>st</sup>; Continuing with right-of-way restorations; Main Street planting is continuing by DPW; Traffic & Safety Committee will meet Sept. 4<sup>th</sup> to discuss traffic in the Eagle/Evans/Belmont area and parking on various residential streets.

Trustee DeLano had no resolutions on the agenda.

**Report – Trustee Piazza**

*Trustee Piazza reported on the following topic(s):* Block Party; Music in Glen Park tomorrow night; HPC meeting on Thursday.

Trustee Piazza announced he was holding his resolution regarding purchase of DPW plow truck.

**Report – Trustee Duquin**

*Trustee Duquin reported on the following topic(s):* Glen Park Bridge – Thanked DPW for rebuilding it.

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

**RESOLVED**, that the proposed modification to Chapter 11 (Brush, Grass and Weeds) of the Village Code to remove the requirement of a Village Board resolution to bring a property into compliance, and to allow the Code Enforcement Officer to oversee this function, which was the subject of a public hearing held on August 25, 2014 in Williamsville Village Hall, 5565 Main Street, Williamsville, New York, is hereby adopted as **Local Law No. 7 of 2014.**

Unanimously carried.

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

**RESOLVED**, that the proposed modification to Chapter 72 (Property Maintenance) of the Village Code to remove the requirement of a Village Board resolution to bring a property into compliance, and to allow the Code Enforcement Officer to oversee this function, which was the subject of a public hearing held on August 25, 2014 in Williamsville Village Hall, 5565 Main Street, Williamsville, New York, is hereby adopted as **Local Law No. 8 of 2014**.

Unanimously carried.

**Report – Trustee Yates**

*Trustee Yates reported on the following topic(s):* Thanked Mayor Kulpa and Trustee DeLano for their assistance with Youth & Rec movie; Main Street Block Party.

Trustee Yates had no resolutions on the agenda.

**Staff Reports**

**Report – Administrator Juul**

*Administrator Juul reported on the following topic(s):* Recycling totes have been ordered and we expect delivery in October; Landlord registration letters will be going out to property owners within the next week.

**Report – DPW Crew Chief Kostowniak**

*Chief Kostowniak reported on the following topic(s):* Milling on Chalmers Street will begin on Wednesday with paving on Friday.

**Report – Community Development Director Specht**

*Mr. Specht reported on the following topic(s):* Glen Park and Amherst State Park; Greenway Project; Village information booth will be continuing next year.

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**ON MOTION** by Mayor Kulpa, seconded by Trustee Yates, it was moved to leave the regular agenda and open the Executive Session to discuss a legal matter and a personnel matter at 9:35 p.m.

Unanimously carried.

**ON MOTION** by Mayor Kulpa, seconded by Trustee Piazza, it was moved to close the Executive Session and return to the regular agenda at 10:32 p.m.

Unanimously carried.

**ON MOTION** by Mayor Kulpa, seconded by Trustee Yates, it was moved to adjourn the regular meeting at 10:33 p.m.

Unanimously carried.

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Lynda L. Juul  
Administrator/Clerk-Treasurer