

Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Tuesday, December 14, 1976 at 8:03 P.M.

Roll Call: Present

Marvin H. Mason, Mayor

Richard C. Baer
Walter A. Hansen Trustees
Gordon J. Kuzon
John B. Sheffer, II

Theresa L. Cummins, Village Clerk
Joseph C. Tisdall, Village Attorney
Edward Way, Dept. of Public Works 7

Mayor Mason called the meeting to order at 8:03 P.M.

Girl Scouts Catherine Drury and Cheryl Bettigale from Troop 1097 led the group in the Pledge of Allegiance.

ON MOTION by Trustee Hansen, seconded by Trustee Baer, the minutes of the regular meeting of November 23, 1976 were approved.

Vote on Roll Call: Trustee Hansen - aye; Trustee Kuzon - aye; Trustee Baer - aye; Trustee Sheffer - aye; Mayor Mason - aye. Ayes - 5; Noes - 0

Unanimously carried.

At 8:05 P.M. the regular meeting was recessed in order to hold a public hearing on proposed Local Law #10 for 1976 with regard to Exceptional Development Permits.

The regular meeting was resumed at 8:35 P.M. following the public hearing.

Trustee Baer reported that the application for Glen Park funding under the Public Works Act has been received in Philadelphia and is being reviewed. We are optimistic that we will know whether we will receive the funding by the 24th of December. PUBLIC WORKS FUNDING GLEN PARK - Report

Trustee Baer stated there has been a lot of media coverage regarding the Town of Amherst sewer problems. The Village has been mentioned as having a severe inflow problem. The problem is not as severe as they say it is. We do not feel we are being treated fairly as a separate and identifiable sewer district within Amherst. We are no worse than other older areas of the Town such as Snyder and Eggertsville. Trustee Baer stated we are searching for a professional expert to put the facts together and substantiate our case so we can sit down with the Town and come to a reasonable conclusion regarding costs. SEWER PROBLEM REPORT

ON MOTION by Trustee Baer, seconded by Trustee Sheffer, the following resolution was adopted:

Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Tuesday, December 14, 1976 at 8:03 P.M.

APPOINTMENT AMENDED

RESOLVED that the resolution of November 9, 1976 appointing Norman Peacock as Water and Sewer Maintenance man at \$5.04 per hour effective December 1, 1976 be amended to read effective January 1, 1977.

Norman Peacock
Water & Sewer
Maintenance Man

Vote on Roll Call: Trustee Sheffer - aye; Trustee Baer - aye; Trustee Hansen - aye; Trustee Kuzon - aye; Mayor Mason - aye. Ayes - 5; Noes - 0

Unanimously carried.

ON MOTION by Trustee Baer, seconded by Trustee Hansen, the following resolution was adopted:

RESOLVED that the Village Clerk be authorized to receive bids for the disposal by sale of surplus D.P.W. equipment: namely, one John Bean Tree Sprayer with Wisconsin engine and open such bids at 3:00 P.M. on January 10, 1977 in the Village Clerk's Office, 5583 Main Street, Williamsville, New York.

RECEIVE BIDS
Disposal of Surplus
D.P.W. Equipment
Tree Sprayer

Vote on Roll Call: Trustee Kuzon - aye; Trustee Sheffer - aye; Trustee Baer - aye; Trustee Hansen - aye; Mayor Mason - aye. Ayes - 5; Noes - 0.

Unanimously carried.

Trustee Baer stated the bids received the second time around on the replacement of the water line over Ellicott Creek exceeded by a great deal the estimates received by our engineer and we will proceed with an alternate plan.

ON MOTION by Trustee Baer, seconded by Trustee Hansen, the following resolution was adopted:

RESOLVED that all sealed bids received November 23, 1976 at 2:00 P.M. for 10" Water Main Relocation over Ellicott Creek be rejected.

BIDS REJECTED
Water Main
Relocation over
Ellicott Creek

Vote on Roll Call: Trustee Sheffer - aye; Trustee Kuzon - aye; Trustee Hansen - aye; Trustee Baer - aye; Mayor Mason - aye. Ayes - 5; Noes - 0.

Unanimously carried.

ON MOTION by Trustee Baer, seconded by Trustee Sheffer, the following resolution was adopted:

Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Tuesday, December 14, 1976 at 8:03 P.M.

RESOLVED that the Mayor execute on behalf of the Village of Williamsville a contract with the County of Erie to plow and sand the County highways at a rate of \$550 per lane mile for the winter 1976-1977.

CONTRACT WITH COUNTY
OF ERIE TO SAND
AND PLOW COUNTY
ROADS

Vote on Roll Call: Trustee Sheffer - aye; Trustee Baer - aye; Trustee Hansen - aye; Trustee Kuzon - aye; Mayor Mason - aye. Ayes - 5; Noes - 0

Unanimously carried.

ON MOTION by Trustee Hansen, seconded by Trustee Baer, the following resolution was adopted:

RESOLVED that Kathy Kenner, 198 Monroe Drive be appointed to the Youth Committee until the end of the official Village 1977-1978 year.

APPOINTMENT
Youth Committee
Kathy Kenner

Vote on Roll Call: Trustee Kuzon - aye; Trustee Hansen - aye; Trustee Baer - aye; Trustee Sheffer - aye; Mayor Mason - aye. Ayes - 5; Noes - 0

Unanimously carried.

Trustee Hansen stated his next resolution dealt with the funding for the Williamsville Youth Program in conjunction with the Y.M.C.A. Our fiscal year ends at a different time than Amherst's and this will cover the period from January 1, 1977 to May 31, 1977. This has been appropriated in our present budget.

ON MOTION by Trustee Hansen, seconded by Trustee Sheffer, the following resolution was adopted:

RESOLVED that the Mayor be authorized to sign the "Village of Williamsville Youth Program Contract" dated the 15th day of November, 1976 by and between the Village of Williamsville and Y.M.C.A. of Buffalo. The Village's share for the period January 1, 1977 through May 31, 1977 is \$4,167; the portion raised by Village taxes to be spent on Williamsville youth.

YOUTH PROGRAM
CONTRACT
Mayor authorized to
sign with the
YMCA of Buffalo

Trustee Baer asked if there was a 50% reimbursement by the State and Trustee Hansen advised there was.

Vote on Roll Call: Trustee Baer - aye; Trustee Sheffer - aye; Trustee Hansen - aye; Trustee Kuzon - aye; Mayor Mason - aye. Ayes - 5; Noes - 0

Unanimously carried.

Bid opening

Wed 11/23/76

Time 2:00PM

Project 18th Water Main Replacement

Name and Address	Amount of Bid	Nature & Amount of Security
① Macklow Demolition Co. P.O. Box 1922 3030 Clinton Street Buffalo, N.Y. 14221	\$ 52,000.-	Bid Bond
② Allen Contracting Co. Inc. 11 Western Ave. Buffalo, N.Y. 14221	24,500.-	Bid Bond
③ Herbert F. Weirig Inc. 131 Colburn Ave. Williamsburgh, N.Y. 14221	24,650.-	Bid Bond
④ J. S. & P. Crest Co. 61 Central Ave. Buffalo, N.Y.	39,200.-	Bid Bond

To Be Read and included in minutes of hearing 12/14/76

December 12, 1976

Re. the hearing on Local Law #10 concerning "exceptional development" in the Village of Williamsville. We believe setting the date for Dec. 14th was most unfortunate. It is well known that government ~~bodies of country~~ to push through legislation during the busy holiday season between Thanksgiving and New Year's apparently hoping their constituents will be too busy to notice. While our Village Board undoubtedly had no such motives, it did show a certain lack of consideration for the people it represents.

The Law itself reflects this lack of consideration. It just about gives the Board a blank check to do as it pleases regarding "exceptional development"; It can easily profess almost anything is "in the best interest of the Village". The word "reasonable" should be defined. Obviously, what is "reasonable" to one man may not be to another. (As witness the Board split on the recent hi-rise controversy.) Our zoning code should be for the people's, not the Board's, protection. "Exceptional Development" should occur rarely, if at all; otherwise it is not "exceptional". If our zoning laws can be waived at the pleasure of the Board, we might as well do away with them altogether.

We are particularly concerned about the section that states that the Village Board can waive the zoning code to permit construction under any Federal program. If such a Law existed last summer, surely we would have an eight-story hi-rise dominating the corner of Main and Union.

We believe the proposed Law would greatly erode our freedom as a Village. If it is passed, the days of the Village as we know it may well be numbered.

Sincerely,

Peggy Christensen

Dick Bickford

Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Tuesday, December 14, 1976 at 8:03 P.M.

ON MOTION by Trustee Hansen, seconded by Trustee Baer, the following resolution was adopted:

RESOLVED that the Mayor be authorized to sign New York State Division for Youth State Aid application form for the project year 1/77 to 12/77 in the amount of \$4,943.25.

YOUTHSTATE AID APPLICATION

Mayor authorized to sign 1/77 to 12/77

Vote on Roll Call: Trustee Sheffer - aye; Trustee Baer - aye; Trustee Hansen - aye; Trustee Kuzon - aye; Mayor Mason - aye. Ayes - 5; Noes - 0

Unanimously carried.

ON MOTION by Trustee Kuzon, seconded by Trustee Hansen, vouchers in the sum of \$26,520.93 were approved as follows:

Payroll Fund	W/E 11/26/76	\$ 3,874.84
	W/E 12/3/76	2,839.01
	W/E 12/10/76	<u>2,836.86</u>
	Total Payroll	\$ 9,550.71
General Fund	Abstract #382	12,772.98
Water Fund	Abstract #372	308.66
Federal Revenue Sharing	Abstract #25	812.25
Trust & Agency Fund	Abstract #32	<u>3,076.33</u>
	Total	\$26,520.93

Vote on Roll Call: Trustee Sheffer - aye; Trustee Hansen - aye; Trustee Baer - aye; Trustee Kuzon - aye; Mayor Mason - aye. Ayes - 5; Noes - 0.

Unanimously carried.

Trustee Kuzon stated his next resolution dealt with amendments to the Traffic Code by providing for stop signs. It is felt that with School street being a two way street during certain times stop signs are necessary at Rinewalt. Also, to relieve the hazardous conditions at Eagle and Ellicott Streets we would place four way stop signs at Eagle and Ellicott Streets. The Traffic & Safety Committee has made this recommendation.

ON MOTION by Trustee Kuzon, seconded by Trustee Hansen, the following resolution was adopted:

Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Tuesday, December 14, 1976 at 8:03 P.M.

RESOLVED that the Village Clerk publish a notice of public hearing to be held at 8:05 P.M. on December 28, 1976 in the Municipal Building, 5583 Main Street, Williamsville, New York, for the purpose of hearing all persons interested in a local law which would amend the Traffic Code of the Village of Williamsville by providing for stop signs as follows:

PUBLISH NOTICE OF
PUBLIC HEARING

Stop signs

School at Rinewalt
Eagle & Ellicott
(4 way)

- (1) School Street at Rinewalt
- (2) 4 way stop signs at Eagle & Ellicott

Vote on Roll Call: Trustee Baer - aye; Trustee Sheffer - aye; Trustee Hansen - aye; Trustee Kuzon - aye; Mayor Mason - aye. Ayes - 5; Noes - 0

Unanimously carried.

Trustee Kuzon stated his next resolution dealt with the installation of a street light at Monroe and Scott Drives. There is no light there at present and it is very dark and there has been some vandalism.

ON MOTION by Trustee Kuzon, seconded by Trustee Baer, the following resolution was adopted:

STREET LIGHTS

RESOLVED that Niagara Mohawk Power Corp. is hereby directed to install a new street light at Monroe Drive and Scott Drive.

Monroe and Scott
Drive

Vote on Roll Call: Trustee Hansen - aye; Trustee Kuzon - aye; Trustee Baer - aye; Trustee Sheffer - aye; Mayor Mason - aye. Ayes - 5; Noes - 0

Unanimously carried.

ON MOTION by Trustee Sheffer, seconded by Trustee Hansen, it was moved to suspend the rules to consider several resolutions not on the agenda.

Vote on Roll Call: Trustee Sheffer - aye; Trustee Baer - aye; Trustee Hansen - aye; Trustee Kuzon - aye; Mayor Mason - aye. Ayes - 5; Noes - 0

Unanimously carried.

Trustee Sheffer stated that a few meetings ago we took some action with respect to the Williamsville Warehouse on Milton Street. We appointed James Amo, in conjunction with our Building Inspector, to inspect the property and report to the Board as to its current condition. Pursuant to the law we also gave the owner of the property the opportunity to appoint their own representative to join with them in the inspection. They did not do that within the required time period so at the last meeting, pursuant to the ordinance, we appointed someone to act for the owner. We appointed Frank Rowe to act for the owner but did not include in the resolution compensation for his work. We had allowed a fee of \$150 for Mr. Amo.

WILLIAMSVILLE
WAREHOUSE
INSPECTION
Report

Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Tuesday, December 14, 1976 at 8:03 P.M.

ON MOTION by Trustee Sheffer, seconded by Trustee Baer, the following resolution was adopted:

RESOLVED that Frank Rowe be compensated for his work in connection with the inspection of the Williamsville Warehouse in the amount of \$150.00.

WILLIAMSVILLE
WAREHOUSE
INSPECTION

Frank Rowe Compensation

Vote on Roll Call: Trustee Hansen - aye; Trustee Kuzon - aye; Trustee Baer - aye; Trustee Sheffer - aye; Mayor Mason - aye. Ayes - 5; Noes - 0

Unanimously carried.

Trustee Sheffer stated the Board had previously approved an application from the Williamsville Inn for 30 additional rooms comprised of two stories on top of the east wing of the building. The Inn has contacted the Building Inspector stating they would like to reduce the new construction to 15 rooms, or one floor.

ON MOTION by Trustee Sheffer, seconded by Trustee Hansen, the following resolution was adopted:

RESOLVED that a building permit is approved for a 15 room addition to the Williamsville Inn at 5447 Main Street. Such permit may be issued when the Building Inspector finds all requirements of the Village and State laws are met including parking located on lands owned by the applicant.

WILLIAMSVILLE INN

Building Permit
Approved

Vote on Roll Call: Trustee Baer - aye; Trustee Hansen - aye; Trustee Sheffer - aye; Trustee Kuzon - aye; Mayor Mason - aye. Ayes - 5; Noes - 0

Unanimously carried.

Trustee Sheffer stated he had a resolution pertaining to the senior citizens housing project in the Village but asked Mayor Mason for a status report on the situation first.

Mayor Mason stated that in August members of the Board met with HUD and HUD advised they would hold the allocation for 100 senior citizen units for us if the Village was inclined to pursue other sites. Subsequently, other sites were proposed (6 or 7) both inside and without the Village. The Board determined that our first responsibility was to select a site within the confines of the Village limits. There were two or three within Village limits that were considered. However, early in October all of the members of the Board agreed that one particular site was suited for senior citizen development. The Board felt that any building on this site could be made four stories. We had meetings again with HUD and with Forest City Dillon to determine

SENIOR
CITIZEN
HOUSING
REPORT

Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Tuesday, December 14, 1976 at 8:03 P.M.

whether this site could be pursued by the Board and developer. There are two tracts of land involved. One is owned by one of the owners of the property at Main and Union. We have had a number of meetings with him and he along with Forest City have been spending considerable time since early October to see if the site suitable for their purposes. In October Forest City presented the Village Board with a rough sketch of the two parcels involved to see if a four story senior citizens building would be suitable for construction on that site. It appeared that it was. With that, we advised HUD and the County, the owner of the property and the developer (Forest City) that we wanted to pursue the project to see if development could be built on that site. Also in October, the Village asked a local architect to prepare a rough sketch to see if the four story building would be suitable on that site. Our concern is that the site for senior citizen housing should be on Main Street so public transportation available, it should be handy to the senior citizens center and shopping facilities. We also did not want a site that would take away any of our current recreation areas or have an environmental impact against those living in the Village.

SENIOR
CITIZEN
HOUSING REPORT
(Continued)

Mayor Mason stated HUD has reviewed the site along with the County and have advised us that the site meets their approval. The site in question includes 5397 Main Street which is a vacant lot on the south side of Main Street east of Long Street and next to the little plaza and 5304 Main Street which is the site of Ernie's Tavern. Both when combined have substantial frontage and go back 400 feet. Those lots are of sufficient size for a four story development by Forest City Dillon. This is where we stand today. I have requested the Board to take affirmative action with respect to the site.

Trustee Sheffer stated he thinks the Board is more optimistic now than we have been since we first began looking for a site. From planning standpoint this is most readily adaptable to this type of project. There are businesses, and other people who want to build on sites. It is by no means a clear road as far as the developer acquiring the site and building there but we are more optimistic at this point

ON MOTION by Trustee Sheffer, seconded by Trustee Hansen, the following resolution was adopted:

RESOLVED that the Village Board, after review of alternate sites and in conjunction with our Village committees and the Department of Housing & Urban Development, hereby designates 5397 and 5304 Main Street as the location for the development and construction

SENIOR CITIZEN
HOUSING

Site Selection
5397 and 5403 Main St.

Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Tuesday, December 14, 1976 at 8:03 P.M.

of a no more than four story Senior Citizen Housing Project and hereby designates Forest City Dillon of Cleveland, Ohio as the developer.

Trustee Sheffer stated that since the Main & Union construction was turned down we have received 14 or 15 proposals from various developers and architects who want to be considered for any project in the Village. We have decided to take the step to name Forest City Dillon as they are the one developer with the allocation under Section 8 to build such a project. The approval of the project has taken so long they are in danger of losing the allocation.

SENIOR CITIZEN
HOUSING

Mayor Mason stated Forest City has not acquired the property. If the Village did not approve the site they wouldn't want to be tied to the property. Ernie's has a lease that has to be settled yet. We are hopeful that it will be settled. There are reports that current lessee is attempting to sublease. The Board is aware that the people interested in developing the Tavern to a more active one have thoughts that Main Street could be developed as a new Elmwood Avenue strip. In my estimation this would be a totally unsatisfactory development on Main Street.

Site
Selection

(Continued)

Trustee Baer stated this is a viable site and are counting on good faith of developer to acquire site.

Trustee Sheffer stated that although Village has been looking at the site for some time we have not participated in any negotiations for acquiring it. It has not been acquired by the developer at this point. One reason for the resolution tonight is to go on record for the site in order to stimulate the project.

Mayor Mason stated he will be meeting with HUD tomorrow and will advise them of tonight's action and he will be meeting with the developer to formally advise them of the Board's action.

Vote on Roll Call: Trustee Kuzon - aye; Trustee Hansen - aye; Trustee Baer - aye; Trustee Sheffer - aye; Mayor Mason - aye. Ayes - 5; Noes - 0

Unanimously carried.

Trustee Sheffer advised the three reports regarding the Williams-ville Warehouse will be in very shortly. We have one already. This is a bad situation and the Village needs to act as soon as possible. The Police and Fire Department report that youths are in there all the time. Conditions are dangerous and they are building fires. Short term measures such as boarding it up do not help. With the high winds we have been having the residents to the east on Milton and California are worried about fire. We will act as soon as possible on this.

WILLIAMSVILLE
WAREHOUSE
REPORT

Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Tuesday, December 14, 1976 at 8:03 P.M.

Attorney Tisdall advised that there is a proceeding going on in Village Justice Court with respect to this property. There is a violation of the State Penal Code and is being handled by the District Attorney's Office.

Trustee Sheffer advised he will call a special meeting of the Board if it is necessary to proceed as fast as possible on this matter.

Mayor Mason stated he has met with Supervisor Sharpe to see which way the Town and Village should go with the sewer contract. We will meet again as soon as the Board is able to appoint an expert engineer to try to document the Village's position. We feel we can document this without any difficulty. The Village sewer system is not as bad off as some people in the Town think it is. As soon as get documentation the Mayor will meet again with Supervisor Sharpe. Throughout the State many cities, towns and villages have gone ahead with sewer programs on the State's statement that they would finance one-third of the cost. The State is now renegeing on the one-third funding and causing many problems in many communities. We should insist through our representation in Albany that the State fulfill its obligations to us.

SEWER
REPORT

Mr. Way of the Department of Public Works stated the Christmas decorations are all up. The snow is being removed from Main Street and hope to finish this by the end of the week.

ON MOTION by Trustee Baer, seconded by Trustee Hansen, it was moved to suspend the rules for public participation.

Vote on Roll Call: Trustee Kuzon - aye; Trustee Sheffer - aye; Trustee Baer - aye; Trustee Hansen - aye; Mayor Mason - aye. Ayes - 5; Noes - 0.

Unanimously carried.

Mr. Richard J. Metz, 119 Monroe Drive, stated he saw an article in the Amherst Bee about the funding for Glen Park and he wanted to know if the Traffic & Safety Committee had approved the inclusion in the plans of the removal of the Glen Avenue bridge.

GLEN PARK
QUESTIONS

Trustee Baer stated there has been consideration given to removal of the bridge. The plans have not yet been reviewed by any Village committees due to the time limit in getting the plans in. If we get the funding we will go through the regular procedures to see if the preliminary plans should be changed.

Glen
Avenue
Bridge

Mr. Metz asked if the bridge were to remain would it have any effect on the funding and Trustee Baer stated it was not known at this time if there would be any effect. It is our understanding that changes can be made in the plans but they did not say how great the changes can be.

Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Tuesday, December 14, 1976 at 8:03 P.M.

Mr. Metz stated he wanted to go on the record as being for retention of the bridge. We don't want to do anything to hinder the funding but we have to bear in mind the traffic problems we have on Main Street and the pressure the State has brought to bear on us about it. We need the park but should retain Glen Avenue as an arterial route because of the traffic problems. He stated he would like one of the Board members to advise him as to how the funding would be affected.

GLEN PARK
Glen Avenue
Bridge
Retention

Trustee Baer stated there should be an alternative solution we can use that would not affect the funding. Mr. Metz asked if the Traffic & Safety Committee were in agreement on this and Trustee Baer advised that Village committees have not as yet been consulted.

Trustee Sheffer stated that approval of the proposed park plan was not approval of a final plan but simply that in order to submit the application in time we had to have some preliminary plans. If the funding is granted and have to act on a plan, the Village committees will be asked for their recommendations. He stated the Village has already received correspondence about the Glen Avenue bridge.

Mayor Mason stated the Board has not decided what to do about the bridge. If it were to be closed a public hearing would be held.

Trustee Baer stated we plan to have at least one public hearing on the entire park development plan before going ahead with anything.

ON MOTION by Trustee Kuzon, seconded by Trustee Baer, the Board returned to regular session and adjourned the meeting at 9:15 P.M.

Vote on Roll Call: Trustee Hansen - aye; Trustee Kuzon - aye; Trustee Baer - aye; Trustee Sheffer - aye; Mayor Mason - aye. Ayes - 5; Noes - 0

Unanimously carried.



Theresa L. Cummins,
Village Clerk-Treasurer

Minutes of the Public Hearing of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Tuesday, December 14, 1976 at 8:05 P.M.

Roll Call

Present

Marvin H. Mason, Mayor

Richard C. Baer
Walter A. Hansen Trustees
Gordon J. Kuzon
John B. Sheffer, II

Theresa L. Cummins, Village Clerk
Joseph C. Tisdall, Village Attorney
Edward Way, Dept. of Public Works

Mayor Mason called the Public Hearing to order at 8:05 P.M.

The Clerk read the Notice of Public Hearing regarding proposed Local Law No. 10 for 1976 which would amend the Building Code and the Zoning Code of the Village of Williamsville by providing for the granting of special permits to be known as exceptional development permits.

PUBLIC HEARING

Mayor Mason then turned the hearing over to Trustee Sheffer. He had the Clerk read a letter received from Peggy Christensen and Dick Bickford with respect to the proposed local law. They stated they believed the hearing should not be held during the holiday season and that it gives the Board too much power in granting permits. A copy of the letter is attached hereto.

LOCAL LAW
#10-1976

Trustee Sheffer thanked Mrs. Christensen and Mr. Bickford for their letter. He stated that in the last year the Board has enacted a number of changes in the issuance of permits. In most respects the goal was to take the day-to-day planning decisions and minor permits out of the hands of the Board and put them in the hands of the Building Inspector. This law would go a step further. It applies only to exceptional developments which this Board has previously defined. The Board feels the various aspects of such large projects should be in the hands of elected officials rather than appointed ones, when the final decision is made. The Board would have more latitude in which to make decisions. The Board could apply either stricter or less restrictive qualifications on the projects. We could approve a project but put restrictions on it.

Exceptional
Development
Permits

Attorney Tisdall advised that if this local law had been in effect last summer this Board could not have approved the eight story housing project. The special permit does not apply to any use exceptions. The use must be permitted by the zoning in the district. Unless the Village ordinances provide for the use there is nothing the Board can do about it. Under our zoning laws we do have exceptions for governmental buildings. A post office would not be subject to zoning ordinances. This law says that in addition to government owned buildings there are certain kinds of buildings that under certain circumstances the Board will allow an exception for.

Minutes of the Public Hearing of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Tuesday, December 14, 1976 at 8:05 P.M.

Trustee Sheffer stated that upon receipt of an application for an exceptional development it would be referred to the Planning Commission, Traffic and Safety Committee, Environmental Advisory Council, Recreation Committee and the Architectural Review Board for their recommendations.

PUBLIC HEARING

Mr. Richard Hill, 18 Brookside Drive, asked whether under the new law the permit would have to go through the various committees as it does now.

LOCAL
LAW

#10 - 1976

Attorney Tisdall stated that last summer with respect to the high rise building the only way that could be authorized was for the Board to adopt a zoning ordinance of general application for the Village. An SC-1 District could have allowed a building eight stories high. This was a highly involved process. The proposed law would allow the trustees to approve a permit for one piece of property and not have to adopt a general ordinance, so long as the use was allowed. You have to go through all the procedures as if were rezoned. This ordinance requires all of those procedures. All the committees make their recommendations but the final decision is with the Board, which is elected, rather than with the committee who are appointed.

Exceptional

Mr. Hill stated he was in favor of the senior citizens project but on Traffic & Safety Committee had to oppose it because of the fire safety problems. He stated he does not want to see this law slip through and have permits approved without committee input.

Development
Permits

(Continued)

Attorney Tisdall stated State law would not allow this. The Board cannot act without the public knowing about it and a public hearing has to be held. The use must be in accordance with the code. If the area is not suitable for use the Board never gets to the question of approving it. If there is a change in use must be a change in the zoning code.

Trustee Sheffer stated the committee recommendations have to be in before a public hearing is held so there can be a full discussion of the project.

Attorney Tisdall advised that a project such as this would probably be on Main Street and the Board, under the law, has to notify the County of Erie Planning Department. They have a certain time period to get their report in and if they recommend against the project we need four votes to pass it, one more than a majority.

Trustee Sheffer stated we could approve a project but make it contingent upon the developer meeting the recommendations of the Traffic & Safety Committee or other Village committee.

Trustee Kuzon asked that subsection F of Part 4 regarding finding of fact be clarified.

Minutes of the Public Hearing of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Tuesday, December 14, 1976 at 8:05 P.M.

Attorney Tisdall stated that when the senior citizen development was considered there was a change in the parking requirement on the theory that when senior citizens live in such a development there are fewer automobiles than are found in a regular apartment development. The Board would have to make a finding based on some kind of evidence that that is true before they could reduce the parking requirement. When make an exception have to make a finding of fact that the exception is justified and have some evidence supporting that finding of fact.

PUBLIC HEARING

Mr. Hill stated he understood that the original senior citizens building was to be residential but that at some point the first floor was stated to be used as professional or business space. Attorney Tisdall stated there was a discrepancy between the plans and the ordinance as set up would not have allowed first floor for professional or commercial space.

LOCAL LAW
#10-1976

Exceptional
Development
Permits
(Continued)

Trustee Sheffer stated the Board is meeting with the Planning Commission about this law after tonight's meeting. There are some questions in their minds about it. There are two schools of thought on whether elected or appointed officials should be making decisions on projects such as these. The input is not over with this public hearing and I don't think we will be voting tonight because of this. If between now and the next meeting anyone has any further thoughts we would be happy to hear them.

Mayor Mason said the Architectural Review Board as it now is constituted has veto power over a vote by the Village Board. If the Board had approved the senior citizens project at Main and Union the Architectural Review Board could have vetoed it when the plans were submitted if they did not meet the requirements of the Architectural Review Board. It is the consensus of the Village Board that the responsibility should be vested in those elected by the residents. This is the major change that would come under the law. We will want to discuss this further with the Planning Commission as they make up the Architectural Review Board.

Mr. Hill asked if a zoning or use change occurred and then they came back with drawings which did not meet the approval of the Architectural Review Board could the project be stopped.

Mayor Mason advised that the plans would be before the Board when the decision was made on it. Trustee Sheffer said it would be required under the law that the project would be referred to the Architectural Review Board as well as the Planning Commission for their recommendations.

Attorney Tisdall stated if someone wants to do something not authorized by the zoning law he would have to seek change in zoning from the Board. The Board must refer this to the Planning

Minutes of the Public Hearing of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Tuesday, December 14, 1976 at 8:05 P.M.

Commission for recommendations but does not go to Architectural Review Board at that time. The Board would approve it and then would submit plans and application for permit and then it would be submitted to the Architectural Review Board. If the Architectural Review Board found it did not meet their criteria it would be denied. This is how the present procedure goes. Under the new law, the Planning Commission and Architectural Review Board would handle it at the same time. They would then recommend approval or disapproval of the permit. The Board would require enough material for architectural review at that point.

Mr. Robert Buyer, 75 Garrison Road, asked whether the Architectural Review Board had veto power over a building even if the Board approved it.

PUBLIC HEARING

Trustee Sheffer stated at present it has. Under new law committees such as Planning Commission and Traffic & Safety make recommendations on the projects in an advisory capacity. They don't have veto power. The ultimate power is with the Board.

LOCAL LAW

#10--1976

Mr. James Saia, 20 Belmont Place, asked if there was a safety valve on the new law. There seems to be no time limit between when the public hearing is held and the Board passes on it. There is no time when Village residents can petition for a referendum on it.

Exceptional
Development
Permits

Trustee Sheffer stated the present law is the same as the proposed one. The Board votes on it at their own discretion.

(Continued)

Attorney Tisdall stated the residents can vote on the second Tuesday of March each year for Board members. Moreover, there is a developing trend in Court decisions that if you make zoning decisions subject to referendum it is unconstitutional.

Mr. Saia stated New York State case found differently. He stated this seems to put the citizens out of reach of stopping unpopular programs.

Trustee Sheffer stated at present these decisions are not in the hands of elected officials. The decisions can be made totally without regard to public pressure, citizen referendum. Under new law will be in the hands of people more responsive to the public's wishes. Citizens can undertake an Article 78 proceeding under the judicial system. An applicant for a permit or aggrieved citizens group can go to County Supreme Court and state the Board breached their discretion in carrying out their duties. This law is the same under our present ordinances.

Minutes of the Public Hearing of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Tuesday, December 14, 1976 at 8:05 P.M.

ON MOTION by Trustee Sheffer, seconded by Trustee Baer, the public hearing was closed at 8:35 P.M.

Vote on Roll Call: Trustee Hansen - aye; Trustee Kuzon - aye; Trustee Baer - aye; Trustee Sheffer - aye; Mayor Mason - aye. Ayes - 5; Noes - 0.

Unanimously carried.



Theresa L. Cummins,
Village Clerk-Treasurer