

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 28, 1976 at 8:02 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

Absent Edward Way, Dept. of Public Works

Mayor Mason called the meeting to order at 8:02 P.M.

ON MOTION by Trustee Hansen, seconded by Trustee Sheffer, the minutes of the regular meeting of December 14, 1976 were approved.

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.

ON MOTION by Trustee Sheffer, seconded by Trustee Baer, the minutes of the public hearing held December 14, 1976 regarding Local Law No. 10 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 No. 11 with regard to stop signs on School Street at Rinewalt and a four way stop on Eagle at North Ellicott. The regular meeting was resumed at 8:08 P.M. following the hearing.

Trustee Baer stated he was very gratified to report that the Village's application under the federal Public Works Act for Glen Park funding had been tentatively approved in the amount of \$556,396.00. We are hopeful that work on the park can begin this Spring. As we have discussed before, the Board will now submit the park plan as it stands to our various committees and a public hearing will be held, probably in February, to discuss this matter prior to construction work being started.

PUBLIC  
WORKS ACT  
Glen Park  
Funding  
Approved

ON MOTION by Trustee Baer, 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 28, 1976 at 8:02 P.M.

RESOLVED that the Village Clerk publish a notice of public hearing to be held January 25, 1977 at 8:05 P.M. in the Municipal Building, 5583 Main Street, Williamsville, New York for the purpose of hearing all persons interested in expressing an opinion on the Village of Williamsville's proposed use of funds to be received under Title I of the Housing and Community Development Act of 1974. Discussion will deal with community development and housing needs and possible projects or programs to meet those needs, particularly projects which would benefit low and moderate income persons in the Village of Williamsville.

NOTICE OF PUBLIC HEARING

Housing and Community Development Funds of 1974

For 1977

Trustee Baer stated this is a continuation of funding we have had in the past. In 1975 we received approximately \$17,000, in 1976 approximately \$33,000 and in 1977 it will amount to approximately \$46,000.

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

Unanimously carried.

Trustee Baer thanked all those who had a part in the application for Glen Park funding, including the Board members. We had to do this very quickly and are gratified to see the funding come through.

Trustee Hansen had no report or resolutions.

Trustee Kuzon reported the Board had authorized a street light at Monroe and Scott Drives. Niagara Mohawk planners are now looking for the proper location for the light.

ON MOTION by Trustee Kuzon, seconded by Trustee Hansen, vouchers in the sum of \$32,852.23 were approved as follows:

Payroll Fund	W/E 12/17/76	\$ 2,863.88
	W/E 12/24/76	2,839.38
Total Payroll		<u>\$ 5,703.26</u>
General Fund	Abstract #383	4,916.17
Water Fund	Abstract #373	17,124.73
Community Development	Abstract #12	4,263.85
Federal Revenue Sharing	Abstract #26	415.60
Trust and Agency	Abstract #33	<u>428.62</u>
Total Vouchers		\$32,852.23

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 28, 1976 at 8:02 P.M.

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, the following resolution was adopted:

RESOLVED that the following are the offices to be filled in the General Village Election to be held March 15, 1977 and the terms thereof commencing April 4, 1977:

VILLAGE ELECTION

Date to be held and offices to be filled.

Mayor (1) 2 years

Trustees (2) 2 years

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.

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

RESOLVED that the Village Clerk publish in the official Village newspaper the resolution designating offices to be filled at the next Village election and the terms thereof.

NOTICE OF PUBLICATION

Village election above

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 Sheffer, the following resolution was adopted:

RESOLVED that payroll fund check #092373 dated February 28, 1975 to Thomas J. Doran and still outstanding be cancelled and new payroll check in the amount of \$198.01 be issued to Mr. Doran.

CHECK CANCELLED

PAYROLL FOR Thomas J. Doran

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

Unanimously carried.

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 28, 1976 at 8:02 P.M.

Trustee Kuzon stated his next resolution dealt with voting on the proposed Local Law regarding the stop signs. He would like the vote taken tonight because this is holding up placement of the one way signs on School Street.

Trustee Baer asked if it was necessary to have a resolution for removal of the slow sign on Eagle Street and Attorney Tisdall advised no resolution needed as it is not one under our Traffic Ordinance.

Trustee Sheffer stated he did not lightly vote against the recommendation of the Traffic & Safety Committee concerning the stop sign on School Street but this is in the vicinity of an elementary school and pedestrian safety is important.

Mayor Mason asked if they could vote separately on each of the stop signs and Attorney Tisdall advised they would have to vote for both at the same time as this is the way the law was published.

ON MOTION by Trustee Kuzon, seconded by Trustee Sheffer, the following Local Law No. 11 for 1976 amending the Traffic Code of the Village of Williamsville was adopted:

Be it enacted by the Board of Trustees of the Village of Williamsville as follows:

TRAFFIC CODE  
AMENDMENT -  
Local Law #11 - 1976

LOCAL LAW NO. 11 - 1976

Stop Signs.

REVISIONS TO TRAFFIC CODE

North Ellicott  
Street

Section 60.40(12) of the Traffic Code of the Village of Williamsville is amended to read as follows:

Rinewalt Street

12. NORTH ELLICOTT STREET - Stop signs on A) Swan Place from the west; B) Chalmers Street from the east and west; C) Belmont Street from east and west; D) Eagle Street from east and west.

Section 60.40(28.2) is added to the Village of Williamsville Traffic Code as follows:

- 28.2 RINEWALT STREET - Stop sign on School Street from the west.

This local law will take effect immediately upon filing with the Secretary of State.

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.

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 28, 1976 at 8:02 P.M.

Trustee Sheffer advised we have had a number of inquiries concerning what the Village is doing about the Williamsville Warehouse. The Village is taking all the steps it can under our Unsafe Building Ordinance but this takes time. In the meantime, we are without authority to board up or demolish the building. Attorney Tisdall is proceeding with the next step in Special Term of Supreme Court.

WILLIAMS-  
VILLE  
WAREHOUSE  
REPORT

Trustee Sheffer stated he wanted to commend Trustee Baer and the Village Clerk for their work on the Public Works funding. This is a tremendous boon for the Village and the park.

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

Acting upon the recommendation of the Review Board of the Hutchinson Hose Co. and sitting as the Board of Fire Commissioners for the Williamsville Fire Department, we do hereby appoint the following named persons as Firemen:

APPOINTMENTS

FIRE COMPANY

Name	Birthdate	Address
Peter Strobel	5/5/55	138 Linwood Ave. Williamsville, N.Y. 14221
Dan G. Dallmann	1/14/46	30A Wellington Ct. Williamsville, N.Y. 14221

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 stated that at the last meeting a public hearing was held on Local Law No. 10 pertaining to Exceptional Development Permits. In addition, the Board has met with the Planning Commission in the meantime and obtained their thoughts on this law. The question came up as to voting on such an important proposal during the holidays. Since there was no substantial opposition it is being moved for adoption tonight.

ON MOTION by Trustee Sheffer, seconded by Trustee Baer, the following Local Law No. 10 for 1976 regarding Exceptional Development Permits was adopted:

Be it enacted by the Board of Trustees of the Village of Williamsville as follows:

LOCAL LAW NO. 10 - 1976

EXCEPTIONAL DEVELOPMENT PERMITS

A LOCAL LAW PROVIDING FOR THE GRANTING OF SPECIAL PERMITS TO BE KNOWN AS EXCEPTIONAL DEVELOPMENT PERMITS

Local Law #10-1976

Approved

Section 1. Section 7.30 of the Building Code of the Village of Williamsville is hereby amended by striking the current language and adding:

EXCEPTIONAL  
DEVELOPEMNT  
PERMITS

§7.30 EXCEPTIONAL DEVELOPMENT PERMITS

No building permit shall issue, if proposed construction involves

- 1) five or more dwelling units; or
- 2) gross floor area in excess of 10,000 square feet; or
- 3) more than 30 feet between the grade of the street in which the property fronts and the top of the proposed building or structure; or
- 4) the use of a lot in an R district for parking,

until the Board of Trustees grants an exceptional development permit pursuant to the provisions of §70.112.

Local Law #  
10--1976

Approved

(Continued)

Section 2. The Zoning Code of the Village of Williamsville is hereby amended by adding a new section numbered §70.112:

§70.112 EXCEPTIONAL DEVELOPMENT PERMITS

a) POWER OF BOARD OF TRUSTEES TO ISSUE

The Board of Trustees shall hear and decide all applications for special permits to be known as exceptional development permits for those proposed uses listed in subsection (b) of this section and §7.30 of the Building Code.

b) WHEN REQUIRED

Exceptional development permits are required when the proposed use involves:

- 1) five or more dwelling units; or
- 2) gross floor area in excess of 10,000 square feet; or
- 3) more than thirty feet between the grade of the street in which the property to be improved fronts and the top of the proposed building or structure; or
- 4) the use of a lot in an R district for parking.

c) DECLARATION OF UNIQUE CHARACTER

Those uses requiring an exceptional development permit are declared to possess such unique and special characteristics that each proposed use must be considered on an individual basis.

EXCEPTIONAL  
DEVELOPMENT  
PERMITS

d) ISSUED ONLY FOR PERMITTED USES

The Board of Trustees may grant an exceptional development permit for a proposed use only if that use is permitted in the zoning district of the proposed use.

Local Law  
#10 - 1976

e) PROCEDURE: ADVISORY RECOMMENDATIONS,  
PUBLIC HEARING, NOTICE,  
AND FINDINGS OF FACT.

Approved

(Continued)

The Board of Trustees may grant an exceptional development permit only after the following procedure is complied with:

- 1) Upon the filing of an application for such a permit with the Building Inspector the matter shall be referred to the
  - a) Planning Commission,
  - b) Traffic and Safety Committee,
  - c) Environmental Advisory Council,
  - d) Recreation Committee, and
  - e) Architectural Review Boardfor their advisory recommendations.
- 2) The Board of Trustees shall fix a time for a public hearing on such application and shall direct the Village Clerk to give public notice thereof by publication in the official paper of the Village at least fifteen (15) days prior to the date of such hearing.
- 3) All advisory recommendations must be received before the public hearing may be held and shall be attached to the minutes of the public hearing.
- 4) The Board of Trustees shall make findings of fact supported by substantial evidence in the record to disclose the basis of its decision.

f) FINDINGS

The Board of Trustees shall grant an exceptional development permit only upon finding reasonable grounds to believe such action will promote the public health, safety and welfare of the residents of the Village.

EXCEPTIONAL  
DEVELOPMENT  
PERMITS

g) PROPOSED CONSTRUCTION PURSUANT TO CERTAIN FEDERAL PROGRAMS

The Board of Trustees may waive, in toto or in part, any requirements of the Zoning Code when it grants an exceptional development permit for construction undertaken pursuant to any program under the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) or similar subsequent federal legislation.

Local Law  
#10-1976

h) WAIVER OF ZONING REQUIREMENTS

Approved  
(Continued)

In those cases not governed by subsection (g), the Board of Trustees may waive, in toto, or in part, any requirements of the Zoning Code when it grants an exceptional development permit but only upon findings of fact, to be set forth in the minutes of the meeting, that such waiver will promote the public health, safety and welfare of the residents of the Village.

i) REASONABLE CONDITIONS MAY BE IMPOSED

The Board of Trustees may impose reasonable conditions on the proposed use beyond those specified in the Village Codes to protect and promote the public health, safety and welfare of the residents of the Village.

j) JUDICIAL REVIEW

Notwithstanding any provision to the contrary in any Village Code and Local Law or any implication therefrom. The decision of the Board of Trustees shall be reviewable only in a proceeding under Article 78 of the Civil Practice Law & Rules.

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 28, 1976 at 8:02 P.M.

Section 3. To comply with the requirements of the new §70.112 and to further its intent that the Board of Trustees have complete control over the issuance of exceptional development permits, §70.160 is hereby amended by deleting the current language and adding:

EXCEPTIONAL DEVELOPMENT PERMITS  
Local Law #10-1976

§70.160 APPROVAL

Approved  
(Continued)

No building permit shall be issued for those plans subject to architectural review under §70.15,<sup>160</sup> unless

- 1) the Board of Trustees grants an exceptional development permit under §70.112 of this code and §70.30 of the Building Code; or
- 2) in all other cases, the plans have been approved by the Architectural Review Board.

Section 4. This local law shall take effect 10 days after its publication in the official paper and its posting at or near the main entrance to the office of the Village Clerk.

Section 5. If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder thereof.

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 present a resolution not on the agenda.

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

Unanimously carried.

ON MOTION by Trustee Sheffer, 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 28, 1976 at 8:02 P.M.

RESOLVED that the Village Clerk is authorized to advertise on January 12, 1977 for bids to be opened at 4:00 P.M. on January 21, 1977 for the sale of a 1958 Ford fire engine. The Clerk shall advertise for the bids in the official Village newspaper at least five days before the date on which the bids are to be opened and upon opening of the bids shall make a record by listing the name and address of each bidder, the amount of his bid, the nature and amount of security furnished, and all alternate bids and tradein allowance, if any, and present such records to the Board of Trustees at the first regular or special meeting of the Board following the opening of the bids.

ADVERTISE FOR BIDS  
Sale of Surplus  
Fire Equipment  
1958 Ford fire engine

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

Unanimously carried.

Mayor Mason advised hearings will be held on two aspects of the Glen Park development now that we have federal money. One will be on the plan itself and the other will concern the possible closing of Glen Avenue. The plan submitted shows Glen Avenue being closed. We have a letter from the Fire Department stating that for safety reasons Glen Avenue should not be closed. The letter will be made a matter of record at the hearing. With respect to the specific park plan, the Clerk is going to send a copy of the plan to the Village Planning Department, Traffic & Safety Committee, Environmental Council, Recreation Committee and the Glen Park Development Committee. They will be asked to submit their reports in writing to the Board by no later than January 31, 1977.

Trustee Baer advised that Edward Way of the Department of Public Works was absent tonight due to the fact he had to go to Detroit to pick up a part which broke on the snowplow. He should be back tomorrow and snow pickup will continue as soon as plow is fixed.

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

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

Unanimously carried.

William Groth, 15 Garden Parkway, commended Ed Way and his employees of the Highway Department for the way they have kept the streets clear.

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 28, 1976 at 8:02 P.M.

ON MOTION by Trustee Baer, seconded by Trustee Hansen, it was moved to return to regular session.

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 Sheffer, seconded by Trustee Hansen, the meeting was adjourned at 8:20 P.M.

Vote on Roll Call: Trustee Baer - aye; Trustee Sheffer - aye; Trustee Kuzon - aye; Trustee Hansen - 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 28, 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
	Absent	Edward Way, Dept. of Public Works

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

PUBLIC HEARING

The Clerk read the Notice of Public Hearing regarding a Local Law which would amend Section 60.40(12) of the Traffic Code of the Village of Williamsville by providing for stop signs on Eagle Street at North Ellicott and add Section 60.40(35) which would provide for a stop sign on School Street at Rinewalt.

AMEND  
TRAFFIC  
CODE

Stop Signs

Mayor Mason then turned the hearing over to Trustee Kuzon.

Eagle at N. Ellicott  
School St. at Rinewalt

Trustee Kuzon stated the local law dealt with two stop signs. He stated it was felt that the stop sign on School Street at Rinewalt was necessitated by the fact that in October the street had been made a two way street at selected times. The Traffic & Safety Committee has studied the matter and does not recommend the stop sign. However, it is important to insure pedestrian safety particularly near a school.

Trustee Kuzon stated the four way stop at Eagle and North Ellicott Streets was needed due to the shrubbery at the corner and the fact that a lot of traffic goes over that way to get to Evans Street. There have been a lot of accidents and near accidents at the corner. The Traffic & Safety Committee recommends the stop signs. They also remind us that under New York law there is no parking within 30 feet of a traffic control device. Also, there is a slow sign on Eagle Street that should be removed as it does not conform.

Trustee Kuzon thanked Traffic & Safety for their recommendations and opened the hearing for public participation. No one appeared to comment on the proposed law.

ON MOTION by Trustee Kuzon, seconded by Trustee Hansen, it was moved to close the hearing at 8:08 P.M.

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 28, 1976 at 8:05 P.M.

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

Unanimously carried.



Theresa L. Cummins,  
Village Clerk-Treasurer