

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, March 22, 1977 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  
Edward Way, Dept. of Public Works

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

Mayor Mason stated that as a result of the recent election we will have three new Trustees. We are honored to have them and Mayor-Elect John Sheffer on the Board. Mayor Mason stated he had already made plans for April 12th and unfortunately would not be here for their first meeting. He invited the new Board members to sit with the present Board for tonight's meeting. The new members are Warren D. Miller, Roger C. Walker and Mrs. Lois S. Idzak.

ON MOTION by Trustee Sheffer, seconded by Trustee Baer, the minutes of the regular meeting of March 8, 1977 were approved.

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 minutes of the public hearing held March 8, 1977 regarding the development of Glen Park were approved.

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.

ON MOTION by Trustee Kuzon, seconded by Trustee Sheffer, the minutes of the public hearing held March 8, 1977 regarding local law No. 3 - amending the Traffic Code regarding Hirschfield Drive were approved.

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 Kuzon, seconded by Trustee Baer, the minutes of the public hearing held March 8, 1977 regarding local law No. 4 - amending the Traffic Code regarding Ledgeview Terrace were approved.

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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 minutes of the public hearing held March 8, 1977 regarding local law #2 - repealing of park regulations were approved.

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

Unanimously carried.

ON MOTION by Trustee Hansen, seconded by Trustee Baer, the minutes of the public hearing held March 8, 1977 regarding the adoption of new park regulations 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 Baer, seconded by Trustee Hansen, the minutes of a special meeting held March 15, 1977 to canvas returns of the Village Election were approved.

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

Unanimously carried.

The regular meeting was recessed at 8:10 P.M. in order to hold two public hearings - one on the exceptional development permit for senior citizen housing and the other on the use of Federal Revenue Sharing funds. The regular meeting was resumed at 9:40 P.M.

Trustee Baer stated his first four resolutions dealt with Glen Park. He urged the new Board to move as expeditiously as possible on the plans. There has not been total agreement on the plan that has been approved but there is never total approval on any plan. We have accomplished a lot in the time allotted to us.

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

RESOLVED that the Village Attorney is authorized to spend up to \$500.00 in obtaining the opinion of a lawyer specialist in real property matters on the question of the right of the Village to require removal of certain sewer lines and lift station from Glen Park property. Such expenditure is to be charged to the account of Glen Park Development other than Federal funds.

GLEN PARK DEVELOPMENT

Hiring of lawyer  
re: Glen Park  
sewers and  
lift station

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Trustee Baer stated the sewer line and lift station at the Glenside Apartments interferes with our plans in the park. This is to decide whether the line should be left there or be removed.

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 Kuzon, the following resolution was adopted:

RESOLVED that the Mayor is authorized to execute, on behalf of the Village of Williamsville, a contract with MSR Engineers, subject to the approval as to form by the Village Attorney.	CONTRACT APPROVED MSR Engineers Mayor authorized to execute
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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 Baer, seconded by Trustee Hansen, the following resolution was adopted:

RESOLVED that the Mayor is authorized to execute, on behalf of the Village of Williamsville, a contract with Grever & Ward, Inc., Landscape Architects, subject to the approval as to form by the Village Attorney.	CONTRACT APPROVED Grever & Ward Mayor authorized to sign
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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 effective April 1, 1977 the salaries of the following employees be set as follows:	SALARY INCREASES Various employees
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Village Clerk	\$19,500.00
Deputy Village Clerk	8,100.00
General Foreman	14,360.00
Legal Stenographer	3.75 per hr.
Clerk in the Building Dept.	3.50 per hr.

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

Unanimously carried.

Trustee Baer stated these raises are in line with those received by the unionized employees earlier this year and to increase the General Foreman's salary due to his increase in rank.

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

RESOLVED that Land O'Trees Nursery be hired to landscape the area around the Pavilion in Garrison Park at a fee not to exceed \$750.00. Expenditures to be made from the Community Development Fund - Garrison Park Gazebo.

GARRISON PARK

Authorize Land O'Trees to landscape area around pavilion

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 Baer stated this will come from funds already allocated from our first year funds under the program. There will be no increase in funds.

Trustee Baer stated his next resolution was being made so the Village can convey an interest in Glen Park to the Town of Amherst.

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

RESOLVED that the Board of Trustees hereby requests enactment by the State of New York of Assembly Bill #6419 and Senate Bill #4118 entitled: "An act authorizing the Village of Williamsville in the County of Erie to grant and convey an undivided one-half interest in certain park lands to the Town of Amherst, Erie County."

GLEN PARK  
DEVELOPMENT

Authorizing Village to convey undivided half interest to Town of Amherst

It is hereby declared that a necessity exists for the enactment of such legislation and that the facts establishing such necessity are as follows:

The local government does not have the power to enact such legislation by local law.

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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.

ON MOTION by Trustee Baer, seconded by Trustee Hansen, it was moved to suspend the rules to consider a resolution not on the agenda.

Vote on Roll Call: Trustee Hansen - aye; Trustee Baer - aye; Trustee Sheffer - 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 agreement with the Town of Amherst for the maintenance and operation of Glen Park is approved and shall be executed by the Mayor subject to the Town of Amherst approving the development plans adopted by the Village of Williamsville March 8, 1977.

GLEN PARK DEVELOPEMNT

Agreement with the Town of Amherst

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.

ON MOTION by Trustee Baer, seconded by Trustee Sheffer, 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.

Trustee Hansen thanked the members of the Youth Committee, Senior Citizens Committee and Recreation Committee for their fine cooperation during the time he was the Board's liason to them. They devote a lot of time to making the Village such a fine place to live. He said it was his pleasure to have worked with them. He also thanked the office staff for their cooperation. He wished the new Board members well.

ON MOTION by Trustee Kuzon, seconded by Trustee Baer, vouchers in the sum of \$55,451.89 were approved as follows:

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Payroll Fund	W/E 3/11/77	\$ 2,873.79
	W/E 3/17/77	<u>2,937.54</u>
Total Payroll		\$ 5,811.33
General Fund		12,207.70
Water Fund		24,713.75
Federal Revenue Sharing Fund		132.80
Community Development Fund		93.74
Trust & Agency Fund		<u>12,492.57</u>
Total Vouchers		\$55,451.89

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.

Trustee Kuzon stated the Traffic & Safety Committee is a highly active and effective committee. We can increase its effectiveness if we have a representative from the Fire Department and the Department of Public Works on the committee. We are going to appoint Rick Andrews of the Fire Department and Dave Laubisch of the Department of Public Works to the committee.

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

RESOLVED that Rick Andrews and Dave Laubisch be appointed to the Traffic & Safety Committee until the end of the official 1976-77 Village year.

APPOINTMENTS

Traffic and Safety  
Committee  
Laubisch & Andrews

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

RESOLVED that the Village Clerk publish a notice of public hearing to be held April 12, 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 discussing the 1977-78 General Fund and Water Fund Annual Budget for the Village of Williamsville.

1977 - 78 GENERAL  
AND WATER FUND  
BUDGET

Call for Public  
Hearing

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

Unanimously carried.

Trustee Kuzon stated that under new federal laws a second public hearing has to be held on the use of our Federal Revenue Sharing funds. The first was held tonight and the second one will be scheduled for April 12th.

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

RESOLVED that the Village Clerk publish a notice of public hearing to be held April 12, 1977 at 8:10 P.M. in the Municipal Building, 5583 Main Street, Williamsville; New York for the purpose of hearing all persons interested in discussing the 1977-78 Federal Revenue Sharing Fund Budget for the Village of Williamsville.

FEDERAL REVENUE  
SHARING BUDGET  
Call for Public  
Hearing

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 that two weeks ago parking restrictions were adopted on Hirschfield Drive. Mr. Chappelle has now requested a loading and unloading zone 190' along the west side of Hirschfield Drive. We will refer this to the Traffic & Safety Committee for their recommendations.

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

RESOLVED that the Board refer the application of Maurice Chappelle, Publisher of Shopping News, 5913 Main Street, for a load and unload zone on Hirschfield Drive to the Traffic & Safety Committee for recommendation.

TRAFFIC AND SAFETY  
COMMITTEE REFERAL

Load and Unload zone  
on Hirschfield  
Drive

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 it has been a pleasure to work with Mayor Mason, Trustee Baer and Trustee Hansen during the past year. The Village

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could not have had more hardworking and dedicated representatives. We hope they will continue to be active in Village affairs.

Trustee Sheffer stated it has been a fine opportunity for me to work with Mayor Mason and Trustees Baer and Hansen, and have learned a lot from them. There were a number of significant matters dealt with during their terms including the Park. He stated he was particularly concerned that they stay concerned with Village affairs. We wish them well in anything they should decide to do.

Trustee Sheffer stated the next resolution dealt with the senior citizens project on which a public hearing was held earlier tonight. The goal tonight is to define the conditions, if the proposal is passed, that would protect the Village and senior citizens in the ongoing development of the building. He then turned the resolution over to Attorney Tisdall for presentation.

Attorney Tisdall stated there are four areas that involve waiver from some sections of the present ordinances of the Village. The first area involves the matter of height. At the present time the Village Zoning Code provides a building in a residential area may be 60' high subject to parking and area limitations. The proposed building is 45'2 $\frac{1}{2}$ " high plus the housing for the elevator equipment, stairway housing and air handling equipment. The area is 105,000 sq. ft. but the building is 47,000 sq. ft., slightly under one-half. However, if they comply with Village ordinances they would require 200 parking spaces which would be 54,000 sq. ft. The Building should conform to architecture of Village but it is very difficult to design a five story building in early American design. In order for the Board to adopt those variances needed and grant a special permit, which it can do because this is a federally funded building, they must make certain findings and then impose such conditions on the permit as it chooses.

Attorney Tisdall then read the proposed resolution for consideration of the Board.

RESOLVED that the application of Forest City Dillon, Inc. for an Exceptional Development Permit is hereby approved subject to the conditions listed below and based on the following findings:

SENIOR CITIZEN  
HOUSING -

Exceptional  
Development  
Permit Approved

FINDINGS

1. The proposed height of the building at 45 ft. 2 $\frac{1}{2}$  in. (excepting only the elevator machinery housing, staircase enclosures, and air handling unit, none of which will exceed 9 ft. in height, and

Subject to  
Conditions and  
based on findings

a parapet and necessary mechanical apparatus not to exceed 2 ft. in height) is functionally and architecturally compatible with the surrounding area and structures, is consistent with the need for open area and parking requirements, and provides a configuration of dwelling units compatible with the special needs of elderly and handicapped persons.

SENIOR CITIZEN  
HOUSING

Exceptional  
Development  
Permit Approved

2. The application is for construction of facilities under the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) to provide housing for elderly and handicapped persons.

(Continued)

3. The proposed use is consistent with the uses allowed in a C-2 Zoning District in the Village of Williamsville.

Subject to  
Conditions and

4. Elderly and handicapped persons will comprise virtually the entire occupancy of the building. Such persons own and use fewer automobiles than the general population. Therefore, the plans for 41 spaces for parking on the proposed site is esthetically appropriate and adequate in number and configuration for the use intended. The number of spaces is also found adequate on the basis of experience in other communities with similar facilities as reported in the attached survey marked Schedule "A".

based on  
findings

5. The application requests waiver of provisions of the Zoning Code of the Village of Williamsville relating only to bulk regulations and off-street parking.

6. Granting the permit and the requested waivers on the basis of the plans submitted dated February 28, 1977 and revised March 22, 1977 will, subject to the conditions set forth below, promote the public health, safety and welfare of the residents of the Village of Williamsville.

#### CONDITIONS

1. Every effort must be made by the developer to preserve vegetation existing on the site, especially Norway maple trees along Main Street.

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2. The property shall be screened along the property lines in a manner acceptable to the Planning Commission based upon esthetic and security considerations.

3. The moratorium on building permits under the Order on Consent must be waived by the New York State Department of Environmental Quality.

4. The widest Main Street endwall and the first thirty feet of each side of the building from Main Street shall be faced in brick of a color and texture approved by the Planning Commission.

5. The Village of Williamsville shall be principally and substantively involved with the developer and operator of the property in formulating and carrying out the method and process of screening and accepting applications for renting to insure the residents of the Village of Williamsville and Town of Amherst shall have preferential treatment.

6. There shall be a gravel base drive installed under the sod between the north end of the east wall of the building and either the east or north lines of the property, sufficient to support fire equipment.

7. The developer shall present for approval by the Planning Commission a written plan for snowplowing or snow removal to assure no loss of parking spaces or restriction of access for emergency vehicles during periods of heavy snowfall.

8. The developer shall present for approval by the Village a written plan to insure adequate access for emergency vehicles from Main Street and through the alley along the east side of the property.

9. The developer shall present for approval by the Village a plan in writing which will assure that fire and rescue units shall have appropriate access to the building in emergency situations while preserving the security of the residents at other times.

SENIOR CITIZEN  
HOUSING

Exceptional  
Development  
Permit  
Approved  
(Continued)

Subject to  
Conditions and

Based on  
findings

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10. The developer shall present for approval by the Village a reasonable landscape plan for the entire property.

11. The developer shall agree in writing that the Village of Williamsville will be invited to participate in an advisory committee which will be consulted by the operator of the building with respect to its operating policies.

SENIOR CITIZEN  
HOUSING

12. The building shall be used for residential purposes only.

Exceptional Development  
Permit Approved

13. The Board of Trustees may make such changes in these conditions, or add further conditions, as the Board of Trustees may determine at or before the next regular meeting of the Board of Trustees.

(Concluded)

Subject to  
conditions and  
based on findings

Attorney Tisdall stated the purpose of the last condition is to give the Board time to reflect on the plans as submitted and on these conditions since they were only developed since 4 P.M. this afternoon. We should study the plan more thoroughly than we have been able to in these few brief hours. The Board, however, should state they are in favor of the proposal and just want to be assured that the terms will be adequate and thoroughly thought out.

Trustee Sheffer stated he supported the last condition. Some of the committee reports are fairly recent. We need to soberly reflect on all aspects of the project. We should go on record as predisposed to the housing project and should work with the specifics until the next meeting.

Attorney Tisdall stated the Board is not bound to accept any or all of the findings and conditions set forth by him.

ON MOTION by Trustee Sheffer, seconded by Trustee Baer, it was moved to adopt the above resolution on the basis of the findings of fact and the conditions that Mr. Tisdall set forth.

Trustee Baer stated the project certainly could stand improvement but he thinks we have come to a project that is much more acceptable to the Village than the original one was and he stated he is predisposed to vote in the affirmative on it.

Trustee Hansen stated the Board has put in many hours selecting and obtaining the present site for the project. He stated he believes it would be an asset to the Village and an improvement to the site on which it is to be located. He stated he would vote for the project.

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Trustee Kuzon stated he believed this proposal to be a satisfactory compromise. We have the input of the Village committees and the Board which the previous proposals lacked. He stated he would vote in favor of the proposal.

Trustee Sheffer stated this is a difficult problem for the Board, not just a black and white question. This has been a long process but it has resulted in not a perfect plan by any means, but with the conditions attached and working on the plans we should have a proposal that will provide housing for our senior citizens. He stated he would vote for the project.

Mayor Mason stated he had not been happy with the building first proposed and he is not too happy with this one. He is less than enthusiastic about the size of the lot but realizes land in the Village is very expensive. He stated he would have liked to see a better looking building, more green space and less interference with our own local governmental problems with our zoning matters. One of the reasons the project was delayed a year was because there was an assumption on the part of the federal, state and regional government that local government no longer has a say on how it should address itself on local government issues. If there had been less interference and the developer had come here first and let us know their desire to build here we would have had a project the first go round. He stated there was no question in his mind that when it comes to a final vote he has to go with human needs and is willing to compromise on the other problems. He stated the Board should approve this much needed housing.

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.

Mayor Mason stated the Board has filed the tentative budget for the next fiscal year beginning June 1, 1977. The current tax rate is TENTATIVE \$11.80/\$1,000. With frugal money handling and guidance on the 1977-78 use of Federal Revenue Sharing funds and with the underlying Budget filed philosophy that monetary surpluses in the Village budget should not be held but used to help the citizens, the tentative budget has a tax rate of \$10.34. It is somewhat against the trend in local and other levels of government. The proposed reduction in taxes is \$1.46.

Mayor Mason stated this was his last night on the Board. In the Village there are many local issues to be considered by future boards. There are now two active parties in the Village so there should be much more open discussion of the issues and there should be give and take on local issues. He stated the erosion of local authority by the federal, state and county governments has reached the point where local officials should begin to question whether they retain sufficient local independence and identification to prevent being or becoming but a rubber stamp for the less efficient and less responsive structures of county, state and federal governments.

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He stated that while many areas of government encroachment can be identified what is particularly alarming is the apparent federal design to control local planning and zoning processes by using our federal tax dollars, either directly by the federal government or through the metro-oriented planning processes of the County Planning Department and Planning Board. He stated that so-called planners at the county and regional level seem to be willing to conspire with the federal government to the end that eventually all levels of local government will be but artificial entities powerless to truly represent the wishes of the local community. Should this warning strike a responsive cord with the future Boards and with other local governments, he urged active public resistance to further outside domination of the village and town government.

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

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.

Trey Measer, 55 Pasadena, asked what the salary of the Building Inspector was and if he were a part-time employee. Mayor Mason stated he is paid \$10,500 on an hourly basis, not to exceed 20 hours per week. He is a professional engineer.

Cecil Ryan, 35 Evans Street, on behalf of the New Village Party, wanted to thank Mayor Mason, Trustee Baer and Trustee Hansen for their dedicated, loyal and effective service to the Village during their tenures on the Board and wished them well in the future. He also thanked the Board for appointing Trustee Baer and Trustee Hansen as liasons to the Glen Park Committee. They were loyal and effective workers and we don't know what we would have done without them. He also welcomed the new members of the Board and wished them well.

Dennis Petrie, 20 S. Long Street, stated he had received a letter from the Board about the expenses incurred during the blizzard due to the frozen water pipes, stating that there was a chance there might be federal disaster funds available to cover this. He stated he had received a letter dated February 16th from the Town stating the only reimbursement would be for expenses that were a direct result of the blizzard and exclusive of ice, extreme cold and water damage. He stated the Village's letter seemed to be a political move as it was sent only a week before elections.

Trustee Baer stated we had never been told this item would be excluded under a future phase of the disaster program. There are going to be five phases. He stated the second portion of the Village's letter referred to a public hearing to be held in May about who should be responsible for the water line between the box and the main, which is where most of the problems occurred.

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Trustee Baer stated that depending on the Board's actions at that time there is a chance the Board could act on these expenses even if there is not going to be reimbursement by the federal government.

Mr. Petrie stated he understood that at a meeting in February it had been brought out that these expenses would not be covered. Trustee Baer stated we have not been told by the federal people in this area that this particular item would not be reimbursed under a future phase of this program. Mr. Way stated he had talked to the Federal Disaster Assistance people today and was assured there would be another two phases in the program but don't know if the lines will come under this or not. Trustee Baer stated if there is a glimmer of hope for Village residents to receive some money from Washington we should avail ourselves of this chance.

James Saia, 20 Belmont, wanted to know the chances of the Village losing the \$550,000 in federal money for Glen Park. There is a certain procedure that is to be followed to keep the money. If there is any chance of our losing the funding because of deadlines is there any chance that some of the Board members who were involved in the park project could be asked to help with the project so there are no interruptions.

Mayor Mason stated we are on schedule. One of the problems held in abeyance was an agreement with the Town of Amherst. We now have that agreement and the Board has authorized the Mayor to sign the agreement tonight. We have approval of funds with the Town for their one-half share and the next step that should be taken quickly is to let out bids. This should be done quickly because under the federal program they want the project started immediately. If this isn't done there is a risk the funding will be lost. Should be done in April and assuming the bids are all within the \$550,000 the contracts should be let and the work started in May.

Trustee Baer stated should start no later than May 15th and should hire a project coordinator. We are currently negotiating with a firm about this.

Trustee Sheffer stated Glen Park is just one issue where experience will be needed and we have asked, and they have accepted our request for their input and participation on these decisions. With relation to the water line problems, Trustee Sheffer stated this has been discussed for some time on the Board; this includes the letter that was sent out. He does not believe it was politically motivated.

Attorney Tisdall advised that if the Board adopts new regulations regarding the water lines it would be illegal to apply them to the problems that arose during the blizzard. You cannot enact something in May that would apply to February.

Mr. Petrie stated it is going to cost him a lot of money but he is going to put his water lines below the frost level. He asked if there was an ordinance about how far down the lines should be. Most are 18" down and some only 1'.

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Trustee Baer stated the ordinance states they should be 4' down but this hasn't been enforced. If the Village becomes responsible this will be enforced.

ON MOTION by Trustee Kuzon, seconded by Trustee Baer, 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.

Trustee Baer thanked all the Village employees, full and part time, for all their help and also thanked all the volunteers whom he has worked with the past two years on the Board. He wished the new Board well and has offered his help and continuing cooperation in the transistion.

ON MOTION by Trustee Kuzon, seconded by Trustee Hansen, the meeting was adjourned at 10:40 P.M.

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.



Theresa L. Cummins,  
Village Clerk-Treasurer

STATEMENT TO BE ATTACHED TO AND MADE  
A PART OF THE MINUTES OF THE WILLIAMSVILLE  
BOARD MEETING HELD ON MARCH 22, 1977.

This meeting is my last as an elected member of this Board. My active association with local government for the past two terms has been a privilege that I shall not soon forget. Before I became active in the decision making process as a Board member, I had promoted the value of preserving and strengthening local government at the Village and Town level on the premise that the larger and more centralized government becomes, the less it will respond to public attitudes, and, less will the voice of its citizenry be audible or heard at all. Now, having been an active participant in local government, I am convinced, more than ever, of the truth and wisdom in the words of Thomas Jefferson that "government that is closest to the people governs best".

In Williamsville, there are many local issues yet to be considered by future Village Boards. Because there are now two active political parties, both interested in good local government, there will and should be open public debate and discussion on local issues, all a good and necessary part of the filtering process needed to provide the best government for a deserving community.

However, I wish to publicly strike a note of caution and alarm directed to successor Boards and to all officials in every phase of local government in Erie County and all people who cherish the value of their own local governments. During recent years, I have observed a deliberate trend by Federal, State and Erie County

government to exercise more and more control and domination over all aspects of local government to the point where local officials should now begin to question whether they now retain sufficient local independence and identification to prevent being or becoming but a rubber stamp for the less efficient and less responsive structures of County, State and Federal governments. While many areas of general enroachment can be identified, what is particularly alarming is the apparent Federal design to control local planning and local zoning processes by using our Federal tax dollars, either directly by the Federal government or through the metro-oriented planning processes of the County Planning Department and the Erie-Niagara Regional Planning Board.

Land use control by local government is perhaps one of the most important features that directly relates to local attitudes, local identification and local independence. This area is fast being rustled away from local officials and the local population by County, State and Federal governments. So-called "planners" at the County and Regional level seem to be willing to conspire with the Federal government against local government to the end that eventually all levels of local government will be but artificial entities powerless to truly represent the wishes of the local community.

Should this warning strike a responsive cord with future Village Boards in Williamsville and with other local governments, I would urge active public resistance to further County, Regional, State or Federal domination of Village and Town government. Local government has always been the showplace for our unique American

brand of democratic government because it alone provides the greatest control and loudest voice to the people who pay the bills. To allow the current trend to continue will some day breed a super County metro government that will surely be more remote and less responsive to the needs of all our local communities. In my opinion, allowing this process to continue is intolerable and unacceptable.

MARVIN H. MASON  
MAYOR

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, March 22, 1977 at 8:10 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 8:10 P.M.

The Clerk read the Notice of Public Hearing regarding an application for an Exceptional Development Permit by Forest City Dillon Corporation for the construction of a 100 unit Senior Citizens Apartment Building at 5397 Main Street and 5403 Main Street. The proposed building will be constructed pursuant to the Housing and Community Development Act of 1974 (40 U.S.C. 5301 et seq) and the Board of Trustees may waive, in toto, or in part, any requirements of the Zoning Code under the provisions of Zoning Code Section 70.112(g). The proposed building will be located in a C-2 Zoning District.

Mayor Mason stated this was the third public hearing in the long process of considering a senior citizens apartment building and he turned the hearing over to Trustee Sheffer. Trustee Sheffer stated it was almost a year to the day since the Board was presented with the fact that the Village had been selected to be the site of a senior citizen housing project under Section 8. This has taken much of the Board's time since then, and has been the subject of much debate. Trustee Sheffer stated it was our intent tonight to not dwell on factors which had been discussed at the previous two public hearings when we were discussing the Main and Union site. It is hoped we can have input from the public and the developer on the extent to which this proposal differs from those presented at the two earlier hearings.

PUBLIC HEARING

SENIOR CITIZEN HOUSING

Trustee Sheffer stated this proposal differs in several respects from the previous ones. Primarily this is a different site. The first one was at Main Street and Union Road. This one is on the south side of Main Street between the Village alley and South Long Street. This building is lower than the original which is of significance in the Village where we are concerned with aesthetic considerations. When the Board designated the Ernie's Site, we said at that time the height should be limited to 45'. This has interpolated into a five storey building. This has somewhat more parking than the other proposal. We are not dealing with a question of rezoning as we were with the Main and Union site. This is a C-2 district and would accommodate this type of building under our Exceptional Development ordinance. We are not dealing with zoning but with a building permit.

Application for Exceptional Development Permit

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Trustee Sheffer said it is important to note that under the new Exceptional Development ordinance the Board is charged with the responsibility of giving consideration to the question of whether our ordinances should be made stricter for certain aspects of this building or if some ordinances should be either waived or reduced because of the nature of this building or any other building coming under the Exceptional Development ordinance. PUBLIC HEARING

Trustee Sheffer stated we are still dealing with a Section 8 project for a 100 unit building. The developer is the same as with the Main and Union proposal. He stated there would be two presentations before the hearing was opened to public comment. One by the developer and the other by Amherst Councilman Charles W. Moses. SENIOR CITIZEN HOUSING (Continued)

Councilman Moses first thanked the out-going Board members - Mayor Mason, Trustee Baer and Trustee Hansen - for their cooperation with the Town Board during their time in office. Application for Exceptional

Councilman Moses stated we are all aware of the problems of senior citizens with soaring costs on a fixed income. The need for senior citizen housing in the Village is great and we have the responsibility to their welfare and should act on it. Of all the applications submitted for housing under Section 8 the Village was picked as number one. When the Main and Union site was rejected HUD was convinced by area representatives that the Village was still interested in senior citizens housing. None of the problems involved are beyond solution. The Senior Citizens Center has requests from over 300 senior citizens for this housing. The building will be in the Three Million Dollar range and will be fully taxable. These would be much needed tax dollars. He stated the dignity, respect and care of our senior citizens is important. Development Permit

Henry Meyer, representing Forest City Dillon Corporation, stated the site designated by the Board has a 149.53 frontage on Main Street and Forest City has been designated the developer. The building will have 100 units and be occupied by senior citizens and the handicapped. Being on Main Street it is close to public transportation, stores, churches and doctors and has adequate parking to accommodate the building. If the building were to be spread out to lower the height it would take away from the building and site. Before deciding on this plan, several others were under consideration. There is an area in back of the building for shuffle-board and recreation and there is community space in the building. There are green areas with access off the Village alley. There will be 41 parking spaces. He stated Forest City has over 16,000 units and have assembled a list of the parking at approximately 2,530 projects around the country. All Forest City projects have approximately 40% parking and found this to be adequate. Where there is no public transportation more parking may be required.

Attorney Tisdall stated the Building Inspector had made a survey of the area projects and found that in the Village of Kenmore 25% was not adequate - 10 spaces short; in the Village of Lancaster 33% was

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adequate; in Lockport 1 space per 3 units was not adequate and was adjusted to 1-1/3 space per 3 units; and HUD recommends 25% to 30% adequate. All projects around here are less than 40% and found to be adequate.

PUBLIC HEARING

Mr. Meyer presented a rendering of the proposed building, stating the recommendations of the various committees have been considered in the proposed design. There will be brick on the end walls and all units will have balconies.

SENIOR CITIZEN  
HOUSING

Steven Cohm of Forest City Dillon stated the building will be five storeys and will contain 100 units. All units have balconies and are one bedroom units. There is a laundry area on the second floor which is also a lounge area. There is emergency equipment as required by HUD. There are smoke detectors in every apartment, emergency pull cords in the bedrooms and bathrooms which signal in the lobby and manager's apartment and sprinklers in the hallways and public areas. There are smoke doors to isolate sections of the corridors in case of fire. There will be fire department access in private drive in front, across outdoor area in back and contingent area. Also, there will be a gravel base for access from street to support a truck.

(Continued)

Application for

Trustee Sheffer asked where the sprinklers and smoke detectors would be located and Mr. Cohm advised there are smoke detectors in each apartment and in the hallways and the sprinklers are in the public hallways and community areas.

Exceptional

Development  
Permit

Trustee Sheffer asked about the size of the elevators, if they were large enough to provide for a flat cot and Mr. Comb stated there are two elevators. The smaller cab holds 2,000 lbs, and the larger cab has the capacity to receive a stretcher in a horizontal position with both front and rear doors on first level. He stated both elevators are accessible for wheelchair occupants as is the rest of the building. Trustee Sheffer also asked if the building will be wired into the Alarm Office and Mr. Cohm stated it would be.

Mr. Meyer stated there has been some concern expressed by the various committees about the activities we will offer in relation to those by the Senior Citizens Center. We do not intend to compete with the Center but work in conjunction with them on the matter of activities. They will try to give preference to Village and Town residents within the HUD guidelines. The building will be owned and managed by Forest City Dillon.

Trustee Hansen asked if the apartments will be air conditioned and Mr. Meyer stated each unit has a wall air conditioner. Trustee Hansen also asked how big the laundry facility would be and Mr. Cohm stated there are usually four washers and two dryers, and this has proved adequate in their other buildings. More could be added if it were found necessary.

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Trustee Hansen asked if they had any method of handling a power failure in the all electric building. Mr. Cohn stated there would be an emergency generator.

PUBLIC HEARING

Trustee Kuzon stated Traffic & Safety were concerned about the width of the Village alley. It is main access to building and want to know how it will handle two-way traffic created by the building and the parking there is there now. Mr. Meyer stated the width is 15' to the property line. They feel the alley as it now exists should handle the cars all right. Mr. Meyer said they can extend the green space to the front of the building and it is his understanding that the Village is conducting condemnation proceedings for property for public parking to accommodate the ball diamonds.

SENIOR CITIZEN

HOUSING

Mayor Mason asked if the building will conform to the new State code with respect to the handicapped and Mr. Meyer stated it will conform with the Federal HUD regulations as well as other State and Village codes.

(Continued)

Chief Lavery of the Hutchinson Hose Fire Department stated he would like to see the Village alley at least 25' wide due to the parking and snow removal problems that might develop. He would like a guarantee that the area will be plowed and there will be no parking there to allow accessibility of fire equipment. Mr. Cohn stated the alley is 15' wide and the sidewalk could be widened to 10'. Attorney Tisdall stated we will have to look into the matter of whether the parking in the alley is legal. Mr. Meyer stated their intention is to work closely with the Fire Department and they are not trying to skimp where safety of the elderly is involved.

Application for

A lady employed by the Brothers of Mercy Home asked if there were going to be any Board or group that would decide how long a person could stay as when they get older they might become disabled. Also, whoever is on duty at the building should be available 24 hours a day as most emergency happen at night. Mr. Meyer stated the building is designed for senior citizens who are able to care for themselves. There is life saving equipment in the building, a call box down to the first floor and a pull cord in the bedroom and in the bathroom. If someone had to leave to enter a nursing home there would be no lease problems as there are more potential tenants than actual space. They are not concerned with vacancies. The families of the individuals would have to decide if they had to move out if the person were not capable of making the decision. He stated the building was designed for the handicapped as well as the elderly with wide doors and grip bars. There is a standard one year lease with a renewal option. It is run almost like a conventionally run apartment building except this is for senior citizens.

Exceptional Develop-

ment

Permit

Chief Lavery asked about how they would get into the building in case of emergencies and Mr. Cohn stated the vestibule door would be open but the door to the lobby is locked 24 hours a day for security reasons. The Fire Department would be provided with keys to get into the building. Chief Lavery did not think keys were the answer as they get lost very easily. Mr. Meyer stated this could be worked out with the Fire Department.

Leslie Simmons, 125 Monroe Drive, asked if there was going to be some

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sort of committee or even an outside group to mediate any disputes between the tenants and management as elderly people can sometimes be unreasonable about even small things. Mr. Meyer stated the building will be operated by the Forest City management company. They will work with the Senior Citizens Center and work out a management program with the community. We like to get involved in the community. We know we are dealing with senior citizens and have experience from our other projects with this.

PUBLIC HEARING  
(Continued)

Trustee Sheffer stated the Village Board had established itself as a Housing Agency and we want to insure that Village residents are given priority in occupancy of the building. We would like to see the Housing Agency or its designees, the Senior Citizens Center and the Senior Citizens Committee have some part in the ongoing management of the building.

SENIOR CITIZEN HOUSING

Mr. Simmons asked what provisions are made for changing the rents as costs change. Mr. Meyer stated this is regulated by HUD. Tenants pay one-quarter of their income towards the rent. He stated the costs are re-evaluated every five years by HUD.

Application for  
Exceptional Development  
Permit

Mr. Simmons asked if they had considered using some of the new techniques with solar energy for the new building. Mr. Meyer stated Forest City was one of the pioneers of solar energy. They have one senior citizens building completed in Washington using this. This will be considered for this building also. There would only have to be a modification of collectors on the roof.

Richard Christensen, 9 Brookside Drive, asked what the physical dimensions of the apartments were. Mr. Cohm stated the living room-dining room area was 11'8" X 17'3", the bedroom was 10' X 17'3" and the balcony was 4'3" and goes along the front of the unit. The kitchen is 8' X 7' and the bathroom 7' X 8'.

Trustee Sheffer asked how this compares with other apartments for the elderly in the area. Mr. Cohm stated this is more than the minimum HUD requirements although not excessively more. This is typical of what is being built for the elderly around the country.

Trustee Baer stated the Planning Board should look at the situation in the alley and work out some kind of parking agreement. Mr. Meyer stated that perhaps this could be made a one-way alley.

Robert Cymerman, Acting Director of the Town of Amherst Senior Citizens Center, stated over 300 senior citizens have filled out a survey stating they are interested in living in the apartment complex. The building is close to shopping, doctors and banks and all of the conveniences of living on the main street of the Village. It is close to transportation and to the Center. He asked that they vote in favor of the apartment complex.

Rosemary Sugg, 91 Highland, asked about the outside amenities, the exterior grounds and trees and benches. Mr. Meyer stated there will be an area 90' deep and 37' wide for shuffleboard and benches. The other areas will be landscaped with trees and sitting areas.

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Mrs. Sugg asked if there is any provision for the tenants to have access to a garden area where they can plant things themselves. Mr. Meyer stated the space is pretty well confined here. Within the building there will be activity space.

PUBLIC HEARING

(Continued)

Mrs. Sugg asked if anything else could be done to make the building more pleasing aesthetically. Trustee Sheffer stated the Planning Board and Architectural Review Board have dealt with this question. They feel it could be improved. The balconies are pretty much locked in. However, the blank walls on the Main Street side and 30' to each side should be bricked on their recommendation to the developer.

SENIOR CITIZEN HOUSING

Attorney Tisdall asked how deep the lot is and Mr. Meyer stated it was 149.53' X 383.0' deep.

Trustee Kuzon stated there should be a commitment made on widening the alley. Attorney Tisdall stated there will be two conditions on the permit pertaining to this. The developer shall present a written plan to insure adequate access for emergency vehicles from Main Street and through the alley along the east side of the property and also present a plan to assure that fire and rescue units shall have appropriate access to the building in emergency situations while preserving the security of the residents. Application for Exceptional Development Permit

Trustee Sheffer stated the Village owns the alley and to some extent our options are open there.

Trey Measer, 55 Pasadena, stated the width should be made more specific and Attorney Tisdall stated the plan has to be approved by the Village and be in writing. Mr. Meyer stated they would be willing to give up five feet of their land if the property owner on the other side would do the same. This should not be solely our responsibility.

Mr. Measer asked who you go to with problems arising on the building. Mr. Meyer stated the manager has certain powers but some have to go through home office. We have a representative in the Buffalo area as we own the Blvd. Mall, the Blvd. Towers and other developments in the area.

Mr. Measer asked what the height of the building is and Mr. Meyer stated it is 45'2 $\frac{1}{2}$ " in height plus the parapet or safety rail.

Mayor Mason stated the Village is not the landlord. The tenants will execute a standard lease, and have a landlord relationship with Forest City.

Mr. Meyer stated that when we submit an application for a project with the federal government we are reviewed by them. If there are excessive complaints we wouldn't get the project. There were 80 applications for this housing and we got the approval.

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Trustee Sheffer stated that when we were dealing with the two proposals last summer we were dealing with a rezoning problem rather than an exceptional development permit as we have now. One of the commitments made by the developer at that time was that they would consider a committee consisting of representatives from the Village and Senior Citizens Center who would participate in selection process of tenants and in ongoing management-type decisions as it affects the Village and its residents. Mr. Meyer stated they would not be adverse to doing something like this.

PUBLIC HEARING

(Continued)

Trustee Sheffer asked if there would be any type of tenants committee who would participate in management of the building. Mr. Meyer stated some of their buildings have residents councils and this could be done here if the tenants are interested in having one. SENIOR CITIZEN HOUSING

Mrs. Beatrice Slick, 130 Hirschfield, stated the Senior Citizens Committee is interested in there being an advisory committee. Mr. Meyer stated there will be certain conditions as part of the exceptional development permit about this.

Application for Exceptional  
Development Permit

Trustee Sheffer stated that if the permit is approved there may be conditions attached to it. The question of management is the most difficult to deal with.

Mrs. Slick asked if someone would be on duty 24 hours a day and Mr. Meyer stated there is usually a husband and wife type of management team who have an apartment there. They provide supportive services and would call any emergency service if one were needed.

Trustee Sheffer stated there is office space on the first floor and asked if there is any provision for use other than by the tenants such as for retail outlet or doctor's office. Mr. Meyer stated there is only small office space and this is for office management activities. This is solely a residential building.

James Saia, 20 Belmont, asked what the auxiliary power will be in case of an electrical failure and will it provide heating. Mr. Cohn stated there will be emergency light and ventilation and the power would be probably diesel in nature. This will not provide for heating, however. The building is well insulated and people either could stay or they could leave while the power is out.

John Misener, 164 Redwood Terrace, asked how soon the building would be ready for occupancy if the permit is granted. Mr. Meyer stated it would depend on the government process with HUD but hopefully it could be occupied by November or December of this year.

A lady asked what the rental would be and Mr. Meyer stated that under Section 8 housing there are income limits. The tenant pays one-quarter of his income and the federal government pays the rest. If you had \$4,000 in income you would pay \$1,000 in rent. This includes the utilities.