

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, February 28, 1978 at 7:35 P.M.

Roll Call: Present John B. Sheffer, II, Mayor

Lois S. Idzak
Gordon J. Kuzon Trustees
Warren D. Miller
Roger C. Walker

Theresa L. Cummins, Village Clerk
Thomas V. Troy, Village Attorney
Edward Way, Dept. of Public Works

Mayor Sheffer called the public hearing to order at 7:35 P.M. The Clerk read the notice of hearing regarding an application for an exceptional development permit by S & W Associates, 5326 Main Street, for the construction of office and retail stores on Main Street between N. Long and Union Road.

PUBLIC HEARING

Mayor Sheffer stated the proposed project comes under our exceptional development law which is applicable to large projects in the Village. The Village Board rather than the Planning Commission makes the final decision as to whether or not a permit is granted under this law. The proposed project has been referred to five Village committees, and they have reported back to us prior to this hearing. The project is clearly of major impact upon that block of Main Street and upon the Village. He stated the Board was interested in hearing residents' opinions concerning the project. Mayor Sheffer then turned the hearing over to Trustee Kuzon who is the Board liaison to the Building Department.

Exceptional Development Permit

Trustee Kuzon stated the permit was for 5326 Main Street, otherwise known as the "Culligan Property". It involves a retail and commercial complex on the entire piece of property between N. Long and Union Road. They would utilize the existing old Culligan building, and demolish 2 buildings on the property, one being the Amoco Gas Station on the corner. There will be a new two-story building adjacent to the old building. The floor space involved is 19,000 sq. ft. for retail and 10,500 sq. ft. for office space - totalling 29,500 sq. ft. There will be 50 people in the retail part and 150 in the office part. There will be parking for approximately 137 cars. Trustee Kuzon then reviewed the recommendations from the 5 advisory committees.

The Planning Board and Architectural Review Board considered the project and approved the site plan and parking contingent upon five items: 1) The side yard buffer should be five feet in accordance with Village ordinances. 2) There shall be only one curb cut for Union Road and it is to align with the Senior Citizens Center parking lot exit. 3) The lamp posts shall be colonial. 4) There shall be a six foot high stockade fence screen on the north and east sides of the parking lot between the commercial and residential areas. 5) The rear yard buffer should be 10 feet. This was after review of the preliminary plans. Plans submitted after this have complied with four of the five items. They tentatively approved the design

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but recommended that the peaked entranceways be made into elliptical heads.

PUBLIC HEARING (Con't)

The Traffic and Safety Committee recommends one driveway on Union Road and this should align with the Senior Citizens driveway. They also recommend that the driveways be 24' wide and that there be stop signs at all exits. Also, no shrubbery at the exits to exceed 2 feet in height. They also recommend striping in the parking areas.

The Environmental Advisory Committee recommended that the landscape scheme be further clarified to include the names, size and number of each planting, so far as possible, as well as the location thereof.

The Recreation Committee reported the project would have no impact on the parks and recreations areas.

Exceptional Development
Permit

Trustee Kuzon thanked the committees for their recommendations and stated the Board appreciates the time and effort they spent in reviewing this project.

S & W Associates

Architect A. M. Mussachio appeared and presented a rendering of the proposed project. He stated the materials being considered are colonial type brick and a metal type roofing either in bronze or coppertone color. He stated they have incorporated the rounded heads on the plans, but they are not as yet shown on the rendering.

A lady asked what was being done for drainage in the parking area and Mr. Mussachio stated there would be catch basins and the water would be piped into the Town sewer system.

Trustee Kuzon stated there are a number of trees and plants already on the property and would these be retained or would all new plantings be made. Mr. Mussachio stated the majority would be new planting but they would save any it was possible to save.

Dr. Charles Akers, Chairman of the Environmental Committee, stated they were concerned about the vegetation there and that in their recommendation had asked to see the plans for the planting and they would like to know the reason for the removal of any of the present vegetation. They would also like to see a timetable for the planting so they can tell what is going to be done and when.

Mr. Mussachio stated they are in the preliminary stages at present and will be going into the construction drawings shortly. They will present a full landscape plan at that time.

Mayor Sheffer asked if there are any recommendations from the various committees which cannot be met and Mr. Mussachio stated they could all be complied with.

Trustee Kuzon stated a portion of the property is located in the Town and this will require rezoning. Mr. Mussachio stated this has been submitted to the Town and will be heard at the March 16th. meeting.

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, February 28, 1978 at 7:35 P.M.

Trustee Miller asked what the value of the property would be. Mr. Mussachio stated the cost of the building has been estimated at \$500,000 and does not include the land. Trustee Miller stated the lot would be added for assessment purposes. The majority of it will be in the Village and there will be an increase in land valuation. This is considerably better than what the Village is receiving at present on this property. This project would help to clear up a somewhat unsightly approach to the Village.

Mayor Sheffer advised that drawings of the project are available in the Village office for anyone wishing to look at them. PUBLIC HEARING
(Con"t)

Mr. Mussachio stated copies of the rendering will be sent to the Village office also. Exceptional Development
Permit

ON MOTION by Trustee Kuzon, seconded by Trustee Walker, the hearing was closed at 7:45 P.M.

Unanimously carried.

S & W Associates



Theresa L. Cummins,
Village Clerk-Treasurer

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, February 28, 1978 at 7:32 P.M.

Roll Call: Present John B. Sheffer, II, Mayor
Lois S. Idzak
Gordon J. Kuzon Trustees
Warren D. Miller
Roger C. Walker
Theresa L. Cummins, Village Clerk
Thomas V. Troy, Village Attorney
Edward Way, Dept. of Public Works

Mayor Sheffer called the meeting to order at 7:32 P.M.

ON MOTION by Trustee Idzak, seconded by Trustee Kuzon, the minutes of the regular meeting held February 14, 1978 were approved.

Unanimously carried.

ON MOTION by Trustee Idzak, seconded by Trustee Walker, the minutes of the public hearing held February 14, 1978 regarding Local Law #3 for 1978 concerning back taxes against fire insurance proceeds were approved.

Unanimously carried.

ON MOTION by Trustee Kuzon, seconded by Trustee Walker, the minutes of the public hearing held February 14, 1978 regarding the Comprehensive Planning Study were approved.

Unanimously carried.

ON MOTION by Trustee Kuzon, seconded by Trustee Walker, it was moved to suspend the rules at 7:35 P.M. in order to hold a public hearing regarding an application for an exceptional development permit by S & W Associates, 5326 Main Street, for the construction of office and retail stores on Main Street between N. Long and Union Roads. The hearing was closed at 7:45 P.M.

Unanimously carried.

Mayor Sheffer advised there are several important dates coming up. He reminded all residents that Saturday, March 4th is registration day in the Village. This is for the potential voter who is not registered with the Board of Elections but who wants to vote in the Village election. This is held at the Village Clerk's Office from Noon to 9:00 P.M.

On Tuesday, March 7th there will be groundbreaking ceremonies for the Senior Citizens housing on Main Street near South Long Street at 11:00 A.M.

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, February 28, 1978 at 7:32 P.M.

Mayor Sheffer advised the next regular meeting is on Monday, March 13th and will probably include a decision on the Townsend Square project. It will include the Mayor's budget report and recommendations to the Board of Trustees for the 1978-79 budget.

He stated the Village elections will be held from Noon to 9:00 P.M. on Tuesday, March 21st.

The next Board meeting after that on March 27th will be the last regular Board meeting of the official Village year. At the beginning of April we will be again making appointments to various Village committees and we would like to hear from anyone interested in serving on any committees. It will be helpful to us if they will contact us during March.

Mayor Sheffer stated that two meetings ago we appointed four of five members to the committee that will establish the guidelines for use of the Village Meeting House. The fifth member is to be from the business community. The other four include one from the Village Board and three from the Historical Society.

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

RESOLVED that Peter Tuyn be appointed to the Policy Committee for the Village Meeting House and Museum, as the representative from the business community.

APPOINTMENT -
Policy Committee
for Village
Meeting House

Peter Tuyn

Unanimously carried.

(Trustee Miller advised the Board before the vote that Mr. Tuyn is his brother-in-law and wanted to know if he should abstain from voting. Attorney Troy advised Trustee Miller he could vote.)

ON MOTION by Trustee Kuzon, seconded by Trustee Walker, vouchers in the sum of \$34,080.17 were approved as follows:

| | | |
|-------------------------|---------------|-----------------|
| Payroll Fund | W/E 2/17/78 | \$ 3,226.31 |
| | W/E 2/24/78 | <u>5,727.83</u> |
| Total Payroll | | \$ 8,954.14 |
| General Fund | Abstract #411 | 9,008.85 |
| Water Fund | Abstract #401 | 481.92 |
| EDA Fund | Abstract # 13 | 9,464.00 |
| Federal Revenue Sharing | Abstract # 47 | 357.75 |
| Trust & Agency Fund | Abstract # 47 | <u>5,813.51</u> |
| Total Vouchers | | \$34,080.17 |

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Trustee Kuzon stated there were two large vouchers - one to Niagara Mohawk Power Corporation in the amount of \$3,196.81 and one to George Herman in the amount of \$9,464.00 for the nature building in Glen Park.

Unanimously carried.

Trustee Miller stated the new sidewalk plow is in service and we have had several compliments on its use. It seems to be working quite well.

Trustee Walker stated he was postponing the one resolution he had on the agenda.

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

Unanimously carried.

ON MOTION by Trustee Walker, seconded by Trustee Miller, the following resolution was adopted:

RESOLVED that the Village Board sets the tax assessment of the property at 154 Cadman Drive, Tax No. 203-151-50 at \$8,150 for the fiscal year 1978-79.

ASSESSMENT
LOWERED
154 Cadman Dr.

Trustee Walker stated this was a result of a particular grievance made on Grievance Day last Tuesday.

Unanimously carried.

ON MOTION by Trustee Walker, seconded by Trustee Idzak, it was moved to return to regular agenda.

Unanimously carried.

Trustee Idzak stated the groundbreaking for the senior citizens housing is one of the most exciting things to happen in the Village in a long time. With Townsend Square, it will improve the Village at that end. She stated Mayor Sheffer should be particularly complimented as it was a long hard fight to get this senior citizen housing in Williamsville and he has worked against a great deal of opposition in the community.

Sr. Citizen Housing Report

She stated a contest had been planned for naming of the building. The developer had been calling it Union Towers but we did not wish that to be its name. The developer called and said they needed a name immediately so no contest can be held. After considering many ideas it was decided to name the building Village Square Apartments. We did not wish to use the name Williamsville as it is already on so many buildings in the Village.

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Trustee Idzak stated that on Thursday night the newly formed Amherst Vandalism Committee will meet. She stated she and Rita Andrews are members of that committee and they will report back periodically on their work. We are hopeful this will be a fruitful effort.

She stated that last week a meeting was held by the members of the committee formed two years ago to celebrate the Bicentennial. They met concerning Old Home Day. They met as citizens rather than an official committee. This year, in addition to Old Home Day, we will have Home Town Festival. This will enable us to include other areas of the Town, not just the Village.

Trustee Idzak stated she and Beautification Chairman Connie Murray met last Thursday and made plans for the spring tree planting. We hope to plant up to Cayuga Road this year.

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

RESOLVED that Old Home Days for 1978 be set
at July 26, July 27 and July 28 and that Jean
Gaulin be made Chairman of the Home Town
Festival for the 1978 celebration and that
William Wutz and George Measer be named honorary
chairmen.

OLD HOME DAYS SET
July 26, 27 &
28, 1978

Trustee Idzak stated Mr. Wutz had been Chairman last year during the Firemen's Convention and that Mr. Measer had been Chairman during the Bicentennial and Septucentennial celebrations.

Dr. Akers, 73 Oakgrove, asked why the name was being changed from Old Home Day and Trustee Idzak advised that Wednesday will still be Old Home Day as in the past but that by naming it Home Town Festival we will be able to include the Town to a much greater degree.

Mrs. Rosemarie Sugg, asked if the Historical Society had been included in any plans that were made and Trustee Idzak advised that no plans have as yet been made.

Unanimously carried.

Trustee Idzak stated this year we will try something different with respect to the tree planting program. For the last couple of years the Department of Public Works has done the job of planting the trees and they have done a good job. Several trees have died through no fault of the department. Mrs. Murray has suggested that we try this time to advertise for bids and have the trees planted by a nursery. They would be able to get to the trees when they have to be planted and if any tree that the nursery plants should die, we have a guarantee by the nursery that they would be replaced.

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

RESOLVED that the Village Clerk be authorized to advertise for bids for the Main Street Tree Planting Program to be opened at the Village Clerk's Office, 5583 Main Street, Williamsville, New York on March 20, 1978 at 4:00 P.M. 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 trade in 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
Tree Planting Program on Main Street

Trustee Miller stated he had discussed this with Mrs. Murray and with Trustee Idzak and we think this is a reasonable alternative. The highway department has enough things to do without diluting its efforts in other areas. There are a couple of benefits to the nurserymen taking the responsibility for the planting. This could be a joint venture with the Department of Public Works by having the excavation work done by the department and the trees planted by the nursery. However, if a tree were to die the nursery could say it was the fault of the excavation. Therefore, we will try to have the nursery do the whole thing if the cost is not too far out of line. If there would be a considerable savings by having the department do the excavating we could help out there. This is a trend in other municipalities, including the city of Buffalo.

Unanimously carried.

Trustee Idzak stated her third resolution deals with fire insurance liens on burned out buildings. A public hearing was held at our last meeting concerning this.

ON MOTION by Trustee Idzak, seconded by Trustee Miller, the following resolution was adopted:

RESOLVED that Local Law #3 - 1978 - Claim for fire insurance proceeds, which was the subject of a public hearing on February 14, 1978 is hereby adopted. (Copy attached.)

LOCAL LAW ADOPTED?
#3 - 1978 - Claim for fire insurance proceeds

Unanimously carried.

Trustee Idzak stated her fourth resolution dealt with the procedure involved in putting the preceding local law into effect.

(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
City of Williamsville
Town
Village

Local Law No. 3 of the year 19 78

A local law Claim for Fire Insurance Proceeds
(Insert title)

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

County
City of Williamsville as follows:
Town
Village

SECTION 1. The Village of Williamsville elects to adopt the procedures established by Chapter 738 of the Laws of 1977, General Municipal Law Section 22, and Insurance Law Section 33-A and Section 168-C which authorize and empower a claim by the Village against the proceeds of a policy of fire insurance insuring the interest of an owner and issued on real property located in the Village of Williamsville to the extent of any lien by the Village thereon.

SECTION 2. Upon the written agreement of an insured to restore the affected premises to the same or improved condition that it was in prior to the time that the lien of the Village of Williamsville arose against the proceeds of insurance, the Village Board may by resolution release or return to the insured any amounts which the Village would be entitled to claim under the provisions of Section 22 of the General Municipal Law, subject to such conditions as the resolution may provide to guarantee the obligation of the insured to restore the affected premises.

SECTION 3. This Local Law will take effect immediately upon filing with the Secretary of State.

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ON MOTION by Trustee Idzak, seconded by Trustee Miller, the following resolution was adopted:

RESOLVED that the Village Treasurer is hereby authorized to cause to be served upon the New York State Superintendent of Insurance a notice of intention to claim against proceeds of any policy of fire insurance insuring the interest of an owner and issued on real property located within the Village of Williamsville to the extent of any lien claimed by the Village on said real property.

AUTHORIZE
VILLAGE TREASURER TO
SERVE NOTICE ON
Supt. of Insurance
re: above local
law.

Mayor Sheffer advised that New York State has recently allowed the municipalities to enact this type of law. Back taxes can be collected from owners through their fire insurance if the building is burned down. This is a hedge against deteriorated burnt out property.

Neil M. Frank, 84 N. Cayuga Road, asked if any cases have been tried by municipalities doing this. Mayor Sheffer stated the insurance companies have to do this under the new New York State law. It is a recent law and he doubted if any cases had yet been dealt with.

Unanimously carried.

Edward Way of the Department of Public Works stated they hope to finish the snow removal on Main Street by Friday and hope to get to removing the few dead elm trees still around.

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

Unanimously carried.

Fire Chief Lavery thanked Mr. Way and his crew for the snow removal from the parking lot behind the fire hall.

ON MOTION by Trustee Kuzon, seconded by Trustee Idzak, it was moved to return to the regular agenda.

Unanimously carried.

ON MOTION by Trustee Kuzon, seconded by Trustee Walker, the meeting was adjourned at 8:05 P.M.

Unanimously carried.



Theresa L. Cummins,
Village Clerk-Treasurer