

Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Monday, January 22, 1979 at 7:35 PM

Roll Call

Present

Warren D. Miller, Acting Mayor

Gordon J. Kuzon
Rosemarie Sugg Trustees
Neil M. Frank

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

Acting Mayor Miller called the meeting to order at 7:35 PM.

ON MOTION by Trustee Kuzon, seconded by Trustee Sugg, the minutes of the regular meeting held January 8, 1979 were approved.

Unanimously carried.

ON MOTION by Trustee Kuzon, seconded by Trustee Frank, the minutes of the public hearing held January 8, 1979 regarding a local law to amend the Traffic Code by restricting traffic on the Village Alley to one-way were approved.

Unanimously carried.

ON MOTION by Trustee Sugg, seconded by Trustee Kuzon, the minutes of the special meeting held January 10, 1979 were approved.

Unanimously carried.

ON MOTION by Trustee Kuzon, seconded by Trustee Sugg, it was moved to suspend the rules at 7:40 PM in order to hold an informational hearing regarding the lighting on the Cayuga Road curve. (The hearing was closed at 7:50 PM.)

Unanimously carried.

ON MOTION by Trustee Kuzon, seconded by Trustee Frank, it was moved to suspend the rules at 7:50 PM in order to hold a public hearing regarding a proposed rezoning of the John Berryman property on the North side of Wellington Court from R2 to R3M. (The hearing was closed at 8:54 PM.)

Unanimously carried.

Trustee Kuzon stated the next item on the agenda is a public hearing for an exceptional development permit for the John Berryman property. He stated this will be tabled this evening. This aspect has to be sent to several Village committees for their recommendations under our ordinance. It has to go to the Planning Board, Traffic and Safety, Parks and Recreation and the Environmental Committee. However, the committees have stated they are unable to make a comprehensive evaluation on what they know and they need more information in order to make their recommendations. We will,

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therefore, table this tonight and decide first the question of the rezoning. If this is approved, Mr. Berryman would still have to secure an exceptional development permit. This is required for any project of five or more units and a gross floor area in excess of 10,000 square feet.

ON MOTION by Trustee Kuzon, seconded by Trustee Sugg, it was moved to table the public hearing regarding the exceptional development permit for the John Berryman property.

Unanimously carried.

Trustee Kuzon stated the decision on the rezoning would be made within sixty days and then a public hearing would be scheduled if the rezoning were approved. If the rezoning is not approved and exceptional development permit becomes moot.

Arthur Ticknor, 170 S. Cayuga Road, asked if the zoning were not approved would they need an exceptional development permit to build the 10 to 14 single family homes. Trustee Kuzon stated it would not be required as there would not be more than five units on one parcel as the land would be subdivided. They would not need architectural review as this would be an R2 district. Would still need a building permit and meet all the construction codes.

A three minutes recess was taken at 9:03 PM and the meeting was resumed at 9:10 PM.

Acting Mayor Miller reported that our next regularly scheduled meeting will be February 12th. It is a holiday but we will still have the meeting that night. We do not want to postpone it. On the 13th it would conflict with the Our Town dinner which many members want to attend and, therefore, we would have had to postpone it until the 14th. Rather than do this we have decided to hold it on the 12th.

ON MOTION by Acting Mayor Miller, seconded by Trustee Kuzon, vouchers in the sum of \$46,883.35 were approved as follows:

Payroll Fund	W/E 1/11/79	\$ 3,361.06
	W/E 1/19/79	<u>3,098.24</u>
Total Payroll		\$ 6,459.30
General Fund	Abstract #433	14,311.68
Sewer and Water Fund	Abstract #14	19,309.70
Federal Revenue Sharing	Abstract #65	82.80
Trust & Agency	Abstract #60	6,461.10
EDA Glen Park	Abstract #29	147.57
Special Assessment	Abstract #7	<u>111.20</u>
Total Vouchers		\$46,883.35

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There were large vouchers for - Amherst Disposal - \$7,028.57; Niagara Mohawk Power - \$3,046.35; and Erie County Water - \$18,775.61.

Unanimously carried.

Acting Mayor Miller stated his next resolution deals with a situation where the Village had cooperation from a citizen, Joseph Cravotta of 50 Creek Road. When the main needed to be replaced on Danbern Lane, so the residents would have service we tapped temporarily into the supply line of the mentioned citizen:

ON MOTION by Acting Mayor Miller, seconded by Trustee Sugg, the following resolution was adopted:

RESOLVED that the January 1st water bill of Joseph Cravotta, 50 Creek Road (Acct. #127-727) in the amount of \$51.60 be adjusted to -0- due to the fact that Mr. Cravotta supplied water to the residents of Danbern Lane during the time their water line was being replaced.

ADJUSTMENT
Water bill
J. Cravotta

Acting Mayor Miller stated the amount of \$51.60 is considerably less than what it would have cost if we had to have a more elaborate system to supply water service. We are indebted to Mr. Cravotta.

Unanimously carried.

ON MOTION by Acting Mayor Miller, seconded by Trustee Sugg, the following resolution was adopted:

RESOLVED that Elizabeth Springer is hereby appointed as Village Historian till the end of the official 1978-1979 Village year.

APPOINTMENT
Historian - E.
Springer

Trustee Sugg stated Mary Dryden was the former Village Historian. She had to resign when she moved out of state. Mrs. Dryden and Mrs. Springer worked together on many volunteer projects and Mrs. Springer will be a fine replacement for Mrs. Dryden.

Unanimously carried.

ON MOTION by Trustee Miller, seconded by Trustee Kuzon, it was moved to suspend the rules in order to consider a resolution not on the agenda.

Unanimously carried.

Acting Mayor Miller stated that after considerable meetings and consideration by the Board members and the Water Department we have adjusted the water bill of a resident.

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ON MOTION by Acting Mayor Miller, seconded by Trustee Kuzon, the following resolution was adopted:

RESOLVED that the water bill covering water service to Mr. Carl Mackin, 14 Arend Avenue, for the period June 1, 1977 to December 1, 1978 be adjusted to the amount of \$1,177.69, said amount being the adjusted figure, as computed by applying water rates as in effect during said period to a pro rated consumption figure. Further that the amount be paid in full on or before February 1, 1979, with no extension.

ADJUSTMENT - Water bill

C. Mackin

Unanimously carried.

ON MOTION by Acting Mayor Miller, seconded by Trustee Sugg, it was moved to return to the regular agenda.

Unanimously carried.

Trustee Kuzon reported on the January 8th Planning Board meeting. They discussed the rezoning of the Berryman property and their recommendation was put into the minutes of the public hearing held tonight on this. They made no judgement on the exceptional development proposal. They felt the plans were insufficient to make a judgement and they need more information before they can make a recommendation on this. They also discussed temporary sign permits. There was a question as to whether they should be referred to the Planning Board. The Board feels that since the signs can only be up for 60 days it would be unnecessary for them to go through the Planning Board.

Trustee Kuzon stated the Planning Board also had a discussion of the progress of the comprehensive planning study with our proposed consultant. We are now in contact with the county and will report more on this as it progresses.

Trustee Kuzon stated that at the January 18th meeting of the Traffic and Safety Committee they discussed the Cayuga Road street lights. They were also waiting for our decision on the Village Alley. At the request of a citizen, the feasibility of installing street lights on Brookside is being considered. They are waiting for the costs from Niagara Mohawk on this.

Trustee Kuzon stated the Traffic and Safety Committee are concerned about the Cayuga Road railroad crossing. They are working with Hank Smith from the Town's Traffic and Safety Department and with Hal Collier. They also discussed the Wellington Court rezoning and reached the same decision as the Planning Board that they did not have enough information.

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Trustee Kuzon stated they also discussed the signal at Los Robles and Main Street. A citizen has contacted the DOT stating the Board thinks the light is not needed. They have contacted the DOT about this and are in the process of arranging a meeting with them to let them know our exact feelings about the light. Traffic and Safety discussed the light and suggested a change in the timing or removal but they did not recommend removal of the signal at this time.

One of the on-going things is the parking situation in the Village. Trustee Kuzon stated Traffic and Safety discussed two proposals regarding additional parking in the Village.

Trustee Kuzon stated that the special meeting on January 10th we passed a resolution regarding the Town Task Force relating to the development of the Chalmers property at Youngs Road and Wehrle Drive. The creation of the Task Force was a result of the public hearings held by the Town regarding this property. The Village will have representation on this committee. A member from each committee involved in our exceptional development process will represent us on this Task Force, as well as a member of the Village Board as a member-at-large. The following have been appointed as members of the Task Force: Mr. Akers from the Environmental Commission, Mr. Brunskill from Parks and Recreation, Mr. Hill from Traffic and Safety, and a member still to be named from the Planning Board. These names will be forwarded to the Town so they can schedule the first Task Force meeting.

Trustee Kuzon stated his first resolution relates to the Village Alley adjacent to the Senior Citizens building. It was the subject of a public hearing at our last meeting. It will be one-way from Main Street to South Long. One of the reasons for doing this is the width of the alley. It is not wide enough for two-way traffic. Left hand turns from the alley onto Main Street are hazardous. The department of public works' vehicles are considered emergency vehicles and in certain instances can go the opposite way on a one-way street. The Traffic and Safety Committee was very thorough in its investigation of this matter. One spoke against it at the hearing but all-in-all most people believe it will improve the safety, not only for the residents of the senior citizens building but also for motorists on Main Street. Any hardship can be worked out. At the senior citizens building they will install entrance and exit signs. The entrance sign will be at the first drive and the exit sign at the second driveway.

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

RESOLVED that Local Law #1 - 1979 - Amend Traffic Code - Village Alley which was the subject of a public hearing on January 8, 1979 is hereby adopted.

ADOPTION OF LOCAL
LAW #1 - 1979

Village Alley to be
One Way

Unanimously carried.

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Trustee Kuzon asked Mr. Way to notify the Traffic and Safety Committee when the signs are installed.

Trustee Kuzon stated his next resolution related to self-service fuel dispensing. At a public hearing we held a few months ago regarding this a few concerns were raised by the proprietor of a self-service station. We have been in contact with the proprietor and have worked out some of the problems. We hope to have a document which will satisfy them and us and still have safety features.

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

RESOLVED that the Village Clerk publish a notice of public hearing to be held on February 12, 1979 at 7:35 PM for the purpose of hearing all persons interested in a local law amending Section 19.60 of the Village Code regarding self-service fuel dispensing.

PUBLISH NOTICE
OF PUBLIC HEARING

Self-Service
Gas Stations

Unanimously carried.

Trustee Sugg stated we have received two gifts for the memorial grove for Glen Park. One was from Barbara Hughes of the Williamsville Garden Club in the amount of \$10.00 in memory of Mrs. Elmer (Hildegard) Baumer. The second was for \$25.00 from Mr. and Mrs. G. J. Highfield in memory of George R. Clapper. There will be individual plaques on each tree.

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

WHEREAS the next general Village election for officers will be held on March 20, 1979, and

ELECTION
RESOLUTION

WHEREAS no person shall be entitled to vote at any Village election whose name does not appear on the register of the Election district in which he claims to be entitled to vote, and

Designate
Registration Day

WHEREAS it is the duty of inspectors of election to prepare such register of qualified voters for the district for which they are appointed, and

WHEREAS Section 516 of the Election Law of the State of New York requires that every Village hold a registration day for each general Village election.

NOW, THEREFORE, BE IT RESOLVED that:

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First: The inspectors of election shall meet on the 3rd day of March, 1979 at the Village Clerk's Office beginning at 12:00 noon and ending at 9:00 p.m. to commence the preparation of the register for the forthcoming Village election.

Second: Registration day for the Village shall be held on Saturday the 3rd of March, 1979.

Third: Such registration shall be held at the Village Clerk's Office in the Municipal Building, 5583 Main Street, Williamsville, New York 14221 from 12:00 noon to 9:00 p.m.

Fourth: At least ten days prior to the registration day set in this resolution a copy of such resolution shall be published in the official newspaper and a copy shall be posted in at least one conspicuous public place in each election district.

Fifth: This resolution shall take effect immediately.

Unanimously carried.

ON MOTION by Trustee Sugg, seconded by Trustee Frank, the following resolution was adopted:

RESOLVED that the Board of Trustees of the Village of Williamsville determines that more than one-half of the voters qualified to vote at the forthcoming election for the Village officers were registered at the last preceding general election; that taking registration for the forthcoming election will be accomplished more efficiently and economically at a single place and by a single board of inspectors of registration; and it hereby appoints: Joyce Troy, Marian Garono and Esther Wirth as a single Board of Inspectors to conduct registration for such forthcoming election for each of the three Village election districts. The compensation of inspectors shall be \$2.25 per hour and Esther Wirth shall be Chairman of Registration. Registration for the forthcoming election shall be conducted on March 3, 1979 from noon until nine o'clock in the evening at the office of the Village Clerk, 5583 Main Street, Williamsville, New York.

ELECTION
RESOLUTION

Single Board for
Registration Day

Unanimously carried.

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ON MOTION by Trustee Sugg, seconded by Trustee Frank, the following resolution was adopted:

WHEREAS the Annual Village Election of the Village of Williamsville is to be held Tuesday, March 20, 1979, and

WHEREAS at the last general Village election more than eight hundred votes were cast,

ELECTION
RESOLUTION

NOW, THEREFORE, BE IT RESOLVED that said Village shall be divided into three election districts and the places of holding such election shall be as follows:

Designating the
Polling Places

District #1 - At the Williamsville Methodist Church, 5681 Main Street. District #1 includes the entire area east of Ellicott Creek, South of Main Street.

District #2 - At the Williamsville Fire Hall, 5570 Main Street. District #2 includes the entire area west of Ellicott Creek, both sides of Main Street.

District #3 - At the Academy Elementary School, Academy Street. District #3 includes the entire area east of Ellicott Creek, North of Main Street.

None of such districts contain more than eight hundred qualified voters.

BE IT FURTHER RESOLVED that the offices to be filled shall be: one (1) Mayor for a term of two (2) years, two (2) Trustees for a term of two (2) years each and one (1) Village Justice for a term of four (4) years.

Unanimously carried.

Mrs. Carolyn Schlifke, 192 Evans Street, asked about the procedure for obtaining an absentee ballot. The Clerk stated you come into the office to pick up the application. We do not have these yet. They will be available about February 15th. The completed application is returned to the office and we mail out the absentee ballot about a week before the election. It has to be returned before election day.

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

RESOLVED that the following be and they hereby are appointed inspectors of election for the Annual Election of the Village of Williamsville, to be held March 20, 1979 to be paid a fee of \$22.00 each.

ELECTION
RESOLUTION

District #1 - Esther Wirth, Chairman
Marie Eyre
Betty Klute
Mary Nietopski

Inspectors
Appointed

District #2 - Joyce Troy, Chairman
Marian Garono
Agnes Irr
Betty Schueckler

District #3 - Ethel Henning, Chairman
Frederick Haller
Cecil Ryan ✓
Carol Ferguson ✓

BE IT FURTHER RESOLVED that Esther Wirth is Chairman of the Election Inspectors, and

BE IT FURTHER RESOLVED that in the event of absence or inability of any of the above to serve, the Mayor is hereby authorized and empowered to appoint a substitute.

Unanimously carried.

Trustee Frank stated we have a deadline coming up for reporting to the community development office our projects for funding under the community development program. He again requested that anyone having any suggestions get in contact with either him or the Citizens Advisory Committee. They should keep in mind that the money is to be used for low to moderate income families and also for taking away barriers for the handicapped.

ON MOTION by Trustee Frank, seconded by Trustee Sugg, the following resolution was adopted:

RESOLVED that Louis Woolcock be appointed to the Community Development Citizens Advisory Committee until the end of the official 1978-1979 Village year.

APPOINTMENT TO
COMMUNITY DEVELOPMENT
CITIZENS ADVISORY
COMMITTEE

Unanimously carried.

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Trustee Frank advised there is a vacancy to be filled on the Parks and Recreation Committee, and we want to fill it.

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

RESOLVED that Richard Baer be appointed to the Parks and Recreation Committee until the end of the official 1978-1979 Village year.

APPOINTMENT
TO PARKS AND
RECREATION
COMMITTEE

Unanimously carried.

Mr. Way stated they are in the process of loading snow off Main Street and the Christmas decorations are down.

Acting Mayor Miller stated that if anyone has seen a new large garbage truck packer around the Village, we did not purchase it. We are trying it out as our present one is getting old.

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

Unanimously carried.

James Saia, 20 Belmont, asked if any action had been taken on his suggestion that some of the community development money be used to cut back the curbing for the handicapped. Acting Mayor Miller stated this matter is being checked into by the Village Engineer. He is to enumerate the number of intersections affected and when we get this it will be passed on to the Traffic and Safety Committee for their comments.

Donald Schueckler, 124 S. Union, asked why the \$1100 water bill was so high. Acting Mayor Miller stated the period covered was from June 1, 1977 to December 1, 1978. During the period in question estimated bills had been issued as we could not get in to read the meter and the cards were not returned. These bills were paid promptly. We did finally get in to read the meter and found that the bills had been grossly underestimated in that he had a tremendous leak in one of his plumbing fixtures. When we figured the bill on a pro rated basis we came up with the consumption in each billing period. We took the water rate in effect at that time and computed the bill. The meter was checked and found to be 99.5% accurate which is within the standard. We met with the individual on two occasions, once earlier this evening with his legal counsel and we understand that he intends to make payment. He understands that we don't accept partial payments and will pay by February 1st.

Richard Hill, 18 Brookside, asked if we had finished the survey of water leaks yet and if not how far along we were. Acting Mayor Miller advised him we are not quite one-half finished. The entire program was interrupted by the discovery of the 14 to 15 defective valves on Main Street and now that these have been replaced we are starting the program again to isolate the leaks. Our unaccounted

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for water loss is now about 21% to 22%. This is down from 44%.

Mr. Hill asked if this was going to save us money on our overall water bill for the Village. Acting Mayor Miller advised it would not because it cost us money to fix the leaks and we still have costs associated with the system. The positive effect on the cost will be that we won't have to pay for the water lost in the leaks. However, we have to consider the water department costs. The savings will be reflected in that any rate increase will be postponed that much longer.

Mr. Saia stated we have to pay a 70% charge for sewers. Now you are saying we are repairing the water leaks and money saved is not going to reduce our cost. He stated the Danbern Lane residents don't pay a sewer fee but will get the benefit of it.

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

Unanimously carried.

ON MOTION by Trustee Kuzon, seconded by Trustee Frank, the meeting was adjourned at 9:42 PM.

Unanimously carried.



Theresa L. Cummins,
Village Clerk-Treasurer

Minutes of the Informational Hearing of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Monday, January 22, 1979 at 7:40 PM

Roll Call

Present

Warren D. Miller, Acting Mayor

Gordon J. Kuzon

Rosemarie Sugg Trustees

Neil M. Frank

Theresa L. Cummins, Village Clerk

Thomas V. Troy, Village Attorney

Edward Way, Dept. of Public Works

Acting Mayor Miller called the hearing to order at 7:40 PM and turned the hearing over to Trustee Kuzon.

Trustee Kuzon stated the Village is interested in improving the lighting on the Cayuga Road curve. This hearing has been placed on the agenda prior to the other two hearings scheduled for tonight because we feel those interested in the rezoning are interested in the lighting also. The improvement of the lighting would be accomplished by revising the existing 6,000 lumen incandescent lamp which is within the Village and installing two new fixtures south of the Village on the radius of the curve on the east side of South Cayuga Road.

PUBLIC HEARING

Trustee Kuzon advised that at present there is one 6,000 lumen incandescent at the curve with two 175 watt mercuries downstream from the curve approximately 250' in each direction. The cost for the present incandescent is \$76.50 annually. In July, 1978 the Traffic and Safety Committee recommended that due to numerous accidents in the vicinity of the curve the Board should check the feasibility of increasing the illumination with Niagara Mohawk. In a letter of August, 1978 Niagara Mohawk agrees with Traffic and Safety. They also advised that no new incandescents are being installed and they recommended removal of the present incandescent and replacement with 250 watt high pressure sodium with cut-off luminaire so that any objectionable source of light would not interfere with residents. They also said two new high pressure sodium lamps be installed on adjoining poles to the south, placing in proper perspective the entire curve for a distance of approximately 300'. The cost of the three high pressure sodium lamps would be \$348.00 less \$76.50 for a net cost of \$272.50 annually, plus fuel adjustment of \$6.30 per light/year. Savings would be reflected over a period of years and of benefit to the general lighting bill.

Cayuga
Road
Lighting

Trustee Kuzon stated Traffic and Safety supported the lighting change as recommended by Niagara Mohawk. The Committee surveyed six residents in the immediate area of the curve and found none to be opposed to the lighting change. This is the second hearing on this matter. The first hearing was held in October, 1978 and one resident spoke in favor of the proposed change. Members of the Board raised concerns regarding the proposal and the precedent established by installing high pressure sodium lights in a residential area. A letter was sent to Niagara Mohawk requesting further information regarding options other than high

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pressure sodium, the affects of high pressure sodium lights upon residential areas and why these are of greater wattage than the same lights on Main Street. Niagara Mohawk stated the options other than high pressure sodium included mercury vapor lights. Three wattages were mentioned - 175 watt which is never recommended as night light as it does not provide enough lumens; 400 watt which is the only watt mercury suitable for this type of situation; and 1,000 watt which is too powerful. They said there was no noticeable effect on neighborhoods. The high pressure sodium recommended for the curve would be 250 watt whereas those on Main Street are 150 watt. They recommended the 250 watt for the curve because of the rather dense foliage and the lack of supplemental streetlighting. On Main Street there is supplemental lighting from stores, etc.

PUBLIC
HEARING

Trustee Kuzon stated this hearing was scheduled tonight in the hopes of soliciting more comment regarding the proposal. We are proposing three lights. One would be in the Village on the curve. The other two would be in the Town and the Town will cooperate with the Village in this matter.

Cayuga Road
Lighting

Trustee Kuzon stated we can leave the existing lighting as it is. We can go with Niagara Mohawk's recommendation of installing 250 watt high pressure sodium lights. Or we can install three 400 mercury vapor lights in lieu of the high pressure sodium lights.

Mrs. Eleanor Murray, 238 S. Cayuga, asked where the lights would be. Trustee Kuzon advised one would be on the Village line on the east side. The proposal is to change the existing light to high pressure sodium and also install high pressure sodium lights on the two poles to the south.

Trustee Kuzon stated the lights we are speaking of give off the pinkish-type illumination such as on Main Street, not the white type we have in our neighborhoods at present. One of the reasons for holding the hearing is because of the possibility of setting a precedent on this.

ON MOTION by Trustee Kuzon, seconded by Trustee Sugg, the hearing was closed at 7:50 PM.

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 Monday, January 22, 1979 at 7:50 PM

Roll Call

Present

Warren D. Miller, Acting Mayor

Gordon J. Kuzon

Rosemarie Sugg Trustees

Neil M. Frank

Theresa L. Cummins, Village Clerk

Thomas V. Troy, Village Attorney

Edward Way, Dept. of Public Works

Acting Mayor Miller called the hearing to order at 7:50 PM.

The Clerk read the notice of public hearing regarding a proposed rezoning of the John Berryman property on the North side of Wellington Court from R2 to R3M.

PUBLIC
HEARING

Acting Mayor Miller then turned the hearing over to Trustee Kuzon who stated that tonight we are considering the disposition of three acres of vacant land in the area of S. Cayuga Road and Wellington Court. The question of rezoning is a broad one. We want to narrow the scope to the specific questions of the character of the district, the suitability for particular use, the conservation of building values and the most appropriate land use.

REZONING

Trustee Kuzon stated when proposed rezoning involves reclassification of any area to a less restrictive district the Board may require the petitioner to submit a development plan showing the extent of the development, the location and the character of the structures and uses. The Board can require modifications in the plan to meet objections raised at the public hearing. The Board may qualify its approval of such rezoning by special endorsement to such amendment. Unless application for a building permit is made within six months from the date of the rezoning, and unless construction is commenced in one year of the effective date, the rezoning would be void, and the property would revert to its previous zoning class. A recommendation is required from the Planning Board as to the adequacy of the proposed development.

Berryman
Property

Trustee Kuzon advised that Section 70.603 provides that disposition of the petition for amendment by the Board shall be final. Disapproval shall void the petition. No new petition for an amendment which has previously been denied shall be considered except for a vote to table or receive and file and no public hearing shall be held on such amendment within one year.

Trustee Kuzon stated Section 70.604 concerns petitions protesting zoning amendments. Village Law 7-708 provides for zoning amendments by the Board. In certain cases such amendment shall not become effective except by favorable vote of 3/4 of the members of the Board. This would be when there is a protest signed by:
(1) owners of 20% or more of area included in the proposed change,
(2) owners of 20% or more of land immediately adjacent extending 100' therefrom, and (3) owners of 20% or more of land directly

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opposite thereto extending 100' from street frontage of such opposite land.

Trustee Kuzon stated the proposed change is from R2 to R3M which is from a more restrictive to a less restrictive classification. An R2 district permits single family homes, churches, schools and fire stations. An R3M district permits two-family homes, multi-family dwellings and dwelling groups subject to site approval by the Planning Board. An R2 lot area minimum is 6,250 sq. ft. and an R3M lot area is the same for a single family, 7,500 sq. ft. for a two family dwelling and 2,500 sq. ft. additional for each unit over two. The lot widths are 60' in a R2 district and in a R3M district is 50' for one or two family dwellings and 25' additional for each unit over two, with the width not to exceed 200'. Both districts have the same requirements for front yard, side yard, rear yard and height. With respect to off-street parking, one and two family dwellings require one space per unit and a multi-family dwelling requires two spaces per unit.

PUBLIC
HEARING

REZONING

Berryman
Property

Trustee Kuzon stated the Planning Board was asked to make a recommendation. He read their resolution into the minutes. They stated: "ON MOTION by Mr. Selden, seconded by Mr. Brenton, the Planning Board advises the Village Board that the Planning Board has no objection to the rezoning proposal to R3M, but the Board makes no judgement on the exceptional development proposal until the site plans are presented and examined." The Erie County Planning Board was contacted and they have replied that they have no recommendation concerning this proposal.

Trustee Kuzon stated another consideration is that since the proposed zoning change is within 500' of another municipality we have asked for their comments. The Amherst Town Board has responded and Trustee Kuzon read their comments and stated they should be included in the minutes. The Town Planning Board stated they are opposed to the rezoning as they feel the proposed townhouses would be out of character with the neighborhood's one-family homes.

Trustee Kuzon stated Board members have copies of his memo to the Village Engineer containing 16 questions concerning the ability of our systems to handle more waste in our sewers, the ability of Cayuga Road to handle the traffic, the size of the lines and the flood potential in neighboring areas. He stated the Village Engineer has responded to the questions and a copy of his reply is attached to the minutes.

Trustee Kuzon then opened the hearing for public comment, first giving Mr. Berryman the opportunity to present his plan.

John Berryman, 173 Cadman Drive, stated he was President of Maryvale Lawnscapes Service Corp. which owns the land and the nearby apartments. He did not have his plot plan to present as it was not finished. He did have a smaller drawing of the area and proposal which he presented. There would be 34 townhouses built.

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The land and unit will be deeded and the owners will establish an association to take care of the lawn cutting, plowing, etc. They will be two floors and sell for about \$60,000 each. The exterior will be similiar to the apartments they have across the street. There will be green area.

PUBLIC
HEARING

Mr. Berryman stated it has come to his attention that many think we are breaking an agreement we had about this zoning. When we asked for the rezoning for the apartments the neighbors asked us what was to prevent us from asking for further rezoning later and the Trustees at that meeting told everyone present that we could come back within six months if we wanted to. It was understood clearly at that meeting.

REZONING

Mr. Berryman stated he thought the most important question was whether or not we want the R2 zoning. The present zoning allows single family homes which would means homes selling for \$35,000 to \$50,000. This would admit young families with perhaps two and three children. The apartments across the street last year paid \$17,000 in school taxes without one child in school. If we had 30 or 40 children on the north side of the street we might lose a lot of our senior citizens and retired people in our present apartments. If this happens it could change the tax basis and add to the cost of our school taxes and change the whole character of the street. Mr. Berryman stated he was as much concerned about the neighborhood as the residents. He has a large investment there. The townhouses would be designed for the same type of people as the apartments across the street. It would not add any more traffic to have the townhouses than that which would be generated by the single family homes. With single family homes the children may have cars, and mothers would be going on errands, etc. The townhouses will add \$2 Million in new investments in the area. He stated he would also pay twice as many taxes as a single family residence.

Berryman
Property

Arthur Ticknor, 170 S. Cayuga, spoke on behalf of the members of the S. Cayuga Rd. Association. They are opposed to the rezoning and the construction of additional apartments in the area. 164 residents signed petitions which were presented to the Board. Among the signers were 19 who received notice of the hearing. Over 50% of the people directly affected are opposed to this. In addition, they understand the Town Planning Board voted against this and recommended that this be denied. He stated the residents feel there was an agreement in 1972 when the first apartments were built that Mr. Berryman would build 10 to 14 single family homes on this property. While times change, they believe there is a market for single family homes. They, as residents, are deeply concerned about maintaining the colonial atmosphere and getting good value for our own homes. Many new residents moved to S. Cayuga because of what it is. We want to preserve our environment. They feel the townhouses will make their homes depreciate in value and destroy the character of the neighborhood. They feel there will be increased traffic.

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They asked that the Board preserve the colonial atmosphere and dignity of the area by denying the rezoning. Because of the objections, the property cannot now be rezoned unless two-thirds of the full Village Board agree to it.

Dr. H. William Sippel, 208 S. Cayuga, asked Trustee Kuzon to read the opinion of the Village Engineer regarding the sanitary and water sewer lines. Trustee Kuzon stated the engineer wrote that with the use of modern tight joint sewer pipe, the additional flow of sewage generated by this project would have little significant effect on the Village system.

PUBLIC
HEARING

REZONING

Richard Hill, 18 Brookside, asked if this referred to both storm and sanitary sewers. Trustee Kuzon stated that was just sanitary sewers. Basically, when the system was installed in 1972 it was designed to accommodate the apartments and any development of the remainder of the land.

Berryman
Property

Mr. Hill asked Mr. Berryman about the children going to school. You cannot put restrictions on the townhouses so children could move into there too. Mr. Berryman stated he did not think you would have many children in a townhouse.

Charles Akers, 73 Oakgrove Drive, spoke on behalf of the Environmental Commission. They were required to make a statement about the possible exceptional development permit but not on the rezoning, The Commission felt they should speak to the rezoning also. Their basic concern within the Village is rezoning which would change the overall environment of the Village which consists of the quality of life we have in the Village. To change this land from single housing to multiple type housing is not desirable. At the request of the previous Mayor, Mr. Akers stated his committee is working on a landscape ordinance which will be reviewed by the other committees and eventually be put before the Trustees to go into the zoning ordinances. At present the zoning and building codes do not stipulate any detailed type of plans or detailed landscaping plans of any developing area. If the Trustees feel the zoning should be changed to R3M, the Environmental Commission feels that tied into the rezoning should be the landscaping ideas the commission has voted on at their last meeting. A copy of these ideas was presented to the Board. Mr. Berryman should not object strongly to any of these ideas. The ideas would relate to what is to be removed, what is to be left and what would be planted.

Trustee Kuzon stated it would have to be reviewed by the Village Attorney and in order to be enacted would have to have a public hearing and be voted on by the Board. This procedure might take a long time. It could be included as part of the contingencies for rezoning the property. In this way it could be included in the rezoning before it is formally incorporated into the village ordinances.

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Mrs. Lois Idzak, 78 Pasadena, is a former Trustee and she spoke in favor of Mr. Berryman's proposal. She is a friend of Mr. Berryman's and a resident of the area in question. She stated that the number of signatures on the petitions are impressive. However, the man who came to her house with the petition did not even know where the property was. When Wellington Court was built she stated she watched it carefully. There is no traffic problem and no noise problem. It is clean and good looking. It is well maintained. It replaced a dump. As citizens we want our road plowed, our garbage picked up, fire protection and other services but we don't want to pay the taxes for this. The money has to come from someplace. Last year Wellington Court paid over \$3,000 in Village tax on the empty property. Glen Park maintenance was \$2,311.83 of which is half is paid by the Town. This means that Mr. Berryman has paid the maintenance on Glen Park for the next two years. We have to expand sometime or pay higher taxes. There is no more vacant land. She stated she hopes the Board will look favorably upon the rezoning.

PUBLIC
HEARING

REZONING

Larry Felzer, 236 S. Cayuga, stated there is a lot of traffic and noise from the Wellington Court. His child waits for the school bus at the end of a private drive across from the apartments and has worried about the safety in the area due to the traffic. The noise is deafening at peak traffic times.

Berryman
Property

John Tammaro, 125 Los Robles, stated he has been a resident about 20 years. A concern on Los Robles has been the drainage and the sewers. Water has come down backyards in the past and the Board has been able to improve the situation. He stated he understood the area was to have single family homes. He knows the Los Robles residents are concerned about the traffic problems, drainage, etc. He stated that when the Board votes on this, the Acting Mayor should abstain from voting as he is not a disinterested party. He probably will someday want to put up apartments across the street from this property.

Trustee Kuzon stated his knowledge of the events in 1971 are only from available minutes and documents the Village has. The Village Engineer has stated that the entire project area has been designed to channel all storm water run off to on-site receivers and thence directly away from the site thru an outfall storm sewer. Flooding of adjacent neighborhoods is not anticipated.

Thomas Murray, 240 S. Cayuga Road, stated he is a new resident. He asked Mr. Berryman to elaborate on the building size and what trees would be maintained on the land. Also, he asked about the garages and where they would be located. Mr. Berryman stated the townhouses have the option of having an attached garage or a green area behind the house and then an unattached garage. The poplar trees have to come down. He stated there were no plantings on the other side of the street in front of the other apartments. There will be no driveway exits onto S. Cayuga. Everything will go out Wellington Court.

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A gentleman in the audience asked how many separate buildings there would be. Mr. Berryman stated there would be six separate buildings.

Trustee Kuzon stated the question of whether the road was adequate was asked of the Village Engineer, including whether the width and structural integrity was sufficient for increased traffic flow. The Engineer advised that the existing 26' macadam road with concrete gutters was designed and built to modern day standards. It includes a subsurface drainage system and surface storm drainage system that will carry off accumulated storm water. He stated the road will accommodate the additional traffic.

PUBLIC
HEARING

Mr. Hill asked who the Village Engineer is and Trustee Kuzon advised it was Bissell-Merrill.

REZONING

Berryman
Property

James Saia, 20 Belmont, stated that there seems to be some disagreement about an agreement made back in 1971. The property under discussion is now R2 so evidently there was some concern at that time about building multiple dwellings on this property. He asked if this had been a gentlemen's agreement. Nothing seems to be documented. He asked if anyone could verify this. If this was a gentlemen's agreement it should be honored. The same man owns the property now as did then.

Mr. Saia stated he did not believe the village sewer system was adequate to take on the additional flow that would be created. Trustee Kuzon stated the Village Engineer was asked about this and about back flow. The Village Engineer estimates that this project would have little significant effect on the Village system as a whole. As far as additional back flow which might be created the Engineer states that the three acres were included in the original study and it was determined at that time that the design capacity was adequate.

Mr. Saia asked who the designer of the system for the developer was and was advised that Bissell-Merrill was to be retained by Mr. Berryman to design the sewer and water system for the project. Mr. Saia suggested that the Village hire another engineer to make a study of this line. Trustee Kuzon stated we have the benefit of another study done by MSR. Acting Mayor Miller stated the I and I study done by MSR did not show this to be a problem. We can definitely accept the flow.

Mr. Ticknor stated he wasn't a member of the S. Cayuga Rd. Association when the original apartments were built. The minutes are limited but we do have a clipping from the Bee relative to the agreement at that time. It stated there was an informal agreement that there would be 52 garden-type apartments and 10 to 14 single family homes. Perhaps the Mayor or Trustees in office at that time would have some information regarding this.

Mr. Berryman repeated that at the time of building the other apartments it was stated that can come in again for a further rezoning. He stated it was his impression that if he did a good job on the apartments he could come in for a further rezoning and his chances would be better for it if he did a good job.

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Mr. Felzer asked about the prices for the single family homes. He stated that with inflation he believed the price would be higher. Mr. Berryman stated people will not pay a higher price for homes in this area due to the presence of the Thruway nearby and the railroad line. He said if he has to put up single family homes the nearby residents will have to suffer the consequences of their own judgement.

PUBLIC
HEARING

Mr. Saia stated he did not believe the additional tax income from the property would be of benefit to the Village taxpayers as we would have to give them services. Trustee Kuzon stated the service lines are in and we already plow the road.

REZONING

Mr. Murray stated he did not like to see the developer threaten the Village with putting up homes we won't like if he can't build the townhouses.

Berryman
Property

Trustee Kuzon stated we don't feel threatened by either side. We will try to evaluate this on its merits and look at it as objectively as we can.

Trustee Sugg asked Mr. Berryman about density. She asked how the 32 townhouses compare population wise with a maximum of 17 single family houses. Mr. Berryman stated national figures state a single family house is 2 adults and 2½ children. A townhouse or apartment is 2 people, or less.

Mrs. Sylvia Kimball, 215 S. Cayuga, stated she feels she is most affected by this as one of her property lines runs along with part of the project line. She is deeply concerned about what will be built there. The light from the present apartments bothers her and if there is more and brighter illumination from the townhouses she will have further problems. She stated that Mr. Berryman wants to buy her two fields but she will not sell them to him. Her house is one of the oldest in the Village and do not want to see it and the area surrounding it changed for the worse. She feels the project will reduce the value of her property. She is opposed to the R3M rezoning and did not even want to see the R2 zoning when it was done.

Mr. Akers stated that with respect to density that using the national figures of Mr. Berryman 14 single family homes would have 63 people and 34 townhouses would have 68 people. The basic question is the character of housing in Williamsville. He believes many people would be interested in purchasing homes in this area.

Trustee Kuzon stated the Board will be considering this question at a future meeting. He did not know when but probably not within the one or two meetings following this one. We have to act within 60 days however. If we do not act a second public hearing would have to be held.

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ON MOTION by Trustee Kuzon, seconded by Trustee Sugg, the hearing was closed at 8:54 PM.

Unanimously carried.



Theresa L. Cummins,
Village Clerk-Treasurer