

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, August 13, 1979 at 7:30 PM

Roll Call

Present

Gordon J. Kuzon, Mayor

Paul Atkinson  
Lawrence R. Brenton Trustees  
Connie C. Murray  
Rosemarie Sugg

Theresa L. Cummins, Village Clerk  
Thomas V. Troy, Village Attorney  
Dave Laubisch, Dept. of Public Works

Absent

Edward Way, Dept. of Public Works

Mayor Kuzon called the meeting to order at 7:30 PM.

ON MOTION by Trustee Sugg, seconded by Trustee Murray, the minutes of the regular meeting held July 23, 1979 were approved.

Unanimously carried.

ON MOTION by Trustee Brenton, seconded by Trustee Sugg, the minutes of the public hearing held July 23, 1979 regarding the proposed rezoning of 5892 Main Street from C-1 to C-2 were approved.

Unanimously carried.

ON MOTION by Trustee Atkinson, seconded by Trustee Murray, the minutes of the public hearing held July 23, 1979 regarding a local law increasing senior citizen earning limits were approved.

Unanimously carried.

Mayor Kuzon reported that the New York Public Information Group recently completed its canvass of the Village and were happy to find so many people willing to contribute to their group for consumer awareness and responsibility.

Mayor Kuzon stated we had a very serious fire within the Hutchinson Hose Fire Company district on Sunday and volunteer John MacVittie acted very courageously and professionally in going to the rescue of a person in the fire. He expressed the gratitude of the Village to Mr. MacVittie.

Mayor Kuzon advised that he found out today that the County Executive will hold a Town Meeting in the Village on August 20th from 7 PM to 10 PM in the V.F.W. a week from tonight. At these meetings, department heads are available to answer questions.

Mayor Kuzon stated he was pleased to announce that a member of our senior citizens committee was appointed to the Town senior citizens committee. She will be able to serve as a liason between the two committees. The appointee is Adeline Jerrett.

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Mayor Kuzon advised that the Building Department has been active since our last meeting. Ten permits have been processed during this period.

Mayor Kuzon advised that he had been named to the Amherst Elderly Transportation Corporation, a non-profit organization within the Town which deals with transportation for the elderly living in the various housing units in the Town. The Advisory Board to which he has been elected is very active in working for this low cost transportation for the elderly.

Mayor Kuzon stated his first resolution is to call for a public hearing on a rate increase for International Cable. They are the cable television service which is here in the Village, in the Town and in 11 other municipalities throughout the county. They are governed by the Public Service Commission guidelines and before they can request a hearing from the PSC for a rate increase they have to have prior approval of the 13 municipalities in which they provide service. The public hearing will consider this increase and a vote will be taken at the meeting held two weeks after the hearing. International Cable services 972 subscribers within the Village itself. This is a rather substantial number. There are about 2,200 residences in the Village.

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

RESOLVED that the Village Clerk is authorized to publish notice of public hearing to be held on August 27, 1979 at 7:35 PM in the Municipal Building, 5583 Main Street, Williamsville, New York for the purpose of considering the application of Amherst Cablevision, d/b/a International Cable for an amendment to its cable television franchise for the Village of Williamsville to provide for an increase in its monthly rate for basic cable service to \$8.00 effective December 1, 1979, and to \$8.50 effective December 1, 1980.

PUBLISH NOTICE  
OF PUBLIC HEARING

INCREASE RATES OF  
INTERNATIONAL CABLE

The franchise amendment, if approved by the municipality, shall not be effective without the prior approval of the New York State Commission on Cable Television and interested parties may file comments or objections with the Commission.

Unanimously carried.

Mayor Kuzon stated his second resolution concerns the rezoning of property at 5892 Main Street from C-1 to C-2. This was discussed at a public hearing on July 23, 1979. A C-1 district allows business offices and a C-2 district allows retail stores.

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This rezoning is specifically for a women's boutique. A small addition would be added onto the front of the building and there would be about 8 spaces provided for off street parking. The Planning Board recommended approval. Any rezoning is subject to a recommendation from the Erie County Planning Department and they did not make any recommendations. One person, a neighbor, appeared at the hearing and raised some concerns about the rezoning but had no specific objection. Since the public hearing a letter was received from a neighbor who was definitely opposed based on the parking situation in that area of the Village, on the safety of the high school students traveling back and forth and also some general concerns about the landscaping and general appearance of the property and what would be there if the zoning were changed.

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

ZONING CHANGE PROPOSED

RESOLVED that Local Law #9 - 1979 Amend the Zoning Map of the Village of Williamsville is hereby adopted. (Copy of Local Law attached.)

5892 Main Street

Motion fails

Trustee Atkinson stated that one of the things we did on considering the rezoning was to exactly determine the number of C-1 districts within the Village and also determine the number of C-2 and C-3 districts which are considered to be less restrictive type zoning. Approximately 72% of the Village carries a C-2 or C-3 zoning and 28% represents C-1 or a more restrictive zoning. This particular piece of property is a rather small piece of property but in terms of reducing that which is a restrictive portion under our Code he stated he finds it difficult to give a little when you could then give a lot more as time goes by. One can see spot zoning take place here and then may not be able to stop it elsewhere in the future. The individual who petitioned for rezoning has shown his intentions of making a success of his enterprise, but if it should fail this property would be subject to a myriad of uses encompassed by the C-2 zoning. Some of these are objectionable. Trustee Atkinson stated he would not like to see that district become a C-2 district.

Trustee Sugg stated she shared Trustee Atkinson's concern about zoning on Main Street. Also, the proposal as it was presented by Mr. Zacher regarding the parking spaces in front of the building could have been changed. She stated she found that parking objectionable. She also objects to the spot zoning. There is retail business next to the proposed rezoning. However, this is non-conforming. Even though the Hobby Shop is going out of business, if the building is not vacant for more than one year it would still be non-conforming use. We don't know what another store in that section would entail as far as traffic, etc. is concerned.

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Trustee Brenton stated he agreed with what Trustees Atkinson and Sugg had said. As far as spot zoning is concerned this has to be considered on an individual basis. We may not want it one place but we may find no objection to it in another area at another time. There is vacant property to the east of this property and we could be confronted with rezoning that to a C-2 district.

Mayor Kuzon stated this question has been most difficult for him to resolve. When the petition was first presented he thought it to be a cut and dried question. As you weigh the pros and cons it becomes more complex. He stated he has a firm belief that zoning should be considered in the restrictive since of the law. In this case he feels there is already quite a hodgepodge at that end of the Village which is not in keeping with what the planning board had in mind when it recommended that the Village east of the creek be intended for business use. If that intent had been carried out, he stated he would have no problem with this question. However, this is not the case. The petition presented a reasonable proposal suitable to the area and not detrimental to the character of the area, and he supports it.

Vote on Roll Call: Trustee Sugg - no; Trustee Atkinson - no; Trustee Brenton - no; Trustee Murray - no; Mayor Kuzon - aye. Ayes - 1; Noes - 4.

Motion fails.

ON MOTION by Trustee Atkinson, seconded by Trustee Sugg, vouchers in the sum of \$61,864.78 were approved as follows:

Payroll Fund	W/E 7/27/79	\$ 6,303.83
	W/E 8/3/79	3,902.86
	W/E 8/10/79	<u>3,916.67</u>
Total Payroll		\$14,123.36
General Fund	Abstract #446	41,913.92
Water & Sewer Fund	Abstract #27	2,189.10
Federal Revenue Sharing	Abstract #74	900.00
Community Development	Abstract #38	<u>2,738.40</u>
Total Vouchers		\$61,864.78

The large vouchers were for: Liberty National Bank \$17,803.86 in principal and interest on Glen Park BAN's; and to Amherst Disposal for \$7,169.09 for garbage collection.

Unanimously carried.

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ON MOTION by Trustee Atkinson, seconded by Trustee Murray, the following resolution was adopted:

RESOLVED that the Mayor is authorized to sign on behalf of the Village of Williamsville the 1979 Community Development Agreements for the 5th Year Program.

AUTHORIZATION  
Mayor to sign CD Agreements

Unanimously carried.

Trustee Atkinson stated his third resolution pertains to a public hearing which was held on July 23rd regarding raising the income level for senior citizens so they can take advantage of the exemption entitled to them under the New York law. There were no comments at the hearing. There was a letter from Jerry Nirschel of the senior citizens committee favoring this legislation. What we are talking about is raising the senior citizen income exemption level from its current level of \$7,200 to \$8,000. We anticipate that if we do not do this we might jeopardize the exemption for approximately 10% of our citizens within the Village.

ON MOTION by Trustee Atkinson, seconded by Trustee Murray, the following resolution was adopted:

RESOLVED that Local Law #9 - 1979 Tax Exemption for Senior Citizens, which was the subject of a public hearing on July 23, 1979, is hereby approved. (Copy of Local Law attached.)

SENIOR CITIZEN  
EXEMPTION ADOPTED

Local Law #9 - 1979  
\$8,000

Unanimously carried.

Trustee Brenton stated he had been invited to attend the recent Traffic and Safety Committee picnic and enjoyed it very much.

With respect to our Fire Department, Trustee Brenton stated it is seldom brought out that these people are volunteers and many of the newer members of our community do not realize this. They do an excellent and outstanding job. They are always on the job and are 100% volunteer. He thanked them on behalf of the entire community for their fine service.

Trustee Brenton advised that we have been requested by the County to advise them as to whether or not we wish to participate in a mutual aid snow removal program. We have to consider as a community our needs and we think, and it is the opinion of the Department of Public Works, that we should elect not to participate in this program. We have to cover 28 miles of our own streets. If another were to request us to aid them, we would without a doubt answer that request if our roads were in shape at the time. If we were to participate in this program we feel we might lose control of our equipment. We are electing not to participate in this program but will be available to aid another community if they request it and if our roads are taken care of.

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Trustee Murray reported that at the senior citizens committee meeting it was recommended that Bea Slick be reappointed to run the senior citizens program. They are hoping to start the new program on September 2nd. We will have a resolution on the agenda in September regarding her reappointment.

Trustee Sugg reported that the Town Board did some business which affects our youth. They have permanently appointed three CETA workers to work in the youth office. Two of the positions are administrative and one is a counsellor.

Trustee Sugg advised that the youth are sponsoring their annual raffle to raise part of the money they need for their programs.

Trustee Sugg stated her resolution deals with Glen Avenue, and is a direct result of our request to the Traffic and Safety Committee regarding this. It has taken a couple of months to act on this and we wanted them to review reducing the speed limit to 15 m.p.h. They have reviewed this and have found that the State has new regulations on this and a municipality cannot reduce the speed limit below 25 m.p.h. even in a school zone. As a result of this the speed limit will stay the same.

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

RESOLVED that the following work be performed on Glen Avenue by the Village Department of Public Works:

GLEN AVENUE

Work to be performed by DPW

1. The road to be double striped, full barrier, full length of the street.
2. Pavement to be marked to designate pedestrian crossing at the two parking lots.
3. Edges of the roadway to be marked with a white line.

Unanimously carried.

Mr. Laubisch had no report from the Department of Public Works.

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

Unanimously carried.

Mr. George Glatt, 174 Evans Street, asked about the status of the road that is proposed for the development on the Farber land which would open onto Evans Street. He understands that the Town believes the road cannot go out on the east through the country club and that it cannot go out to the north or the south. This leaves Evans Street as the one way out.

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Mayor Kuzon advised that the county has approved a curb cut. They look strictly at the traffic aspects and not at any zoning questions. The County representative has stated there are few instances when curb cuts are denied. It is almost the developers right to have a curb cut. The Village's position is that we have a zoning code and in that code there is a section that states that in an R-3 District, which this is, no driveway or walk or access way to a commercial property can exist. The developer's attorney has been notified of this section of our code but we have not as yet received a reply from Mr. Renaldo. Basically, our code would require a rezoning of this property in order to allow for access to the commercially zoned piece of property that is being developed.

FARBER  
JACOBS  
CUT  
INTO  
EVANS ST.  
DISCUSSED

Mr. Glatt asked if the development could get by with only one entrance on Sheridan Drive. Mayor Kuzon stated that in the concept plan they show two entrances on Sheridan and one on Evans. The question of development is for the Town to consider. The only time the Village can comment as a Board would be if there was rezoning within 500 feet of our boundary.

Richard Hill, 18 Brookside, stated he thought that the original plans submitted to the county contained plans for a lane for right-hand turns but this does not seem to be included in the later plans. Mayor Kuzon advised that the county did not support turning lanes either north or south. Mr. Hill stated he understood that the county was the one who first wanted this to be included.

Mr. Hill asked if the 10 building permits that were issued included any entirely new construction and Mayor Kuzon advised there was no totally new construction included in the permits.

Mrs. Carolyn Schlifke, 192 Evans Street, asked who the county representative was that they had talked to and Mayor Kuzon advised that it was Mr. Osborne. Mrs. Schlifke stated the Traffic and Safety Committee had asked for a member of the county group to attend their meeting but he could not attend. The committee wanted them to give them a copy of the drawings submitted by the developer for the curb cut that was approved. The committee has not been given this.

Mr. Hill stated they have been given conflicting information by the developer, county and Town and they want to see the drawings showing what the county approved. He stated they also want to clarify the county's position on turn lanes.

Trustee Atkinson stated the developer seems to forget we exist. He stated they can develop all they want but they cannot go out Evans because of the zoning ordinance. When they decide they need the entrance and exit on Evans they will have to come to us. Until they come to us nothing can be done.

Mrs. Schlifke stated the Board should do something now. If the Board changes in the future the attitude could change on rezoning. She stated she would go downtown if necessary to

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get the records of the curb cut approval.

Mrs. Schlifke stated that back in Spring there was quite a bit of discussion regarding people who were users of wells and how they would be billed for their sewer usage. The well water was not being metered but was going into the sewers. Everyone else pays sewer tax on water useage. She asked if any conclusion had been reached on this matter. Mayor Kuzon stated no conclusion was reached as to billing these people. Mrs. Schlifke said if they are using well water and it is going into the sewer they should be paying for this. She suggested the Board look into this again. Many people are really suffering with the amount of the sewer tax and there should be an equitable system on this.

Mrs. Schlifke stated that in front of her house she has two covers in the ground. One is a cover for a valve box and the other is for access to her line. Her access cover has been flush to the ground for the past 28 years and the other day the lawnmower did not go over it and was broken. She says it looks as though it was removed and then not screwed tightly back on and is up about 1½". She asked if there was any reason why the water department might have done anything to that valve. Trustee Brenton stated the department will look into the matter. There was a water break in that area recently. If it is the responsibility of the water department we will discuss it further.

Mrs. Nancy Ward, 71 Rinewalt Street, stated she had submitted to the Board a petition signed by her neighbors against Sharon Reiber of 72 Rinewalt due to her barking dog. We have continually had to call the police about this and the neighbors have had arguments with her about this. Mayor Kuzon asked if they had spoken with the dog warden about this. Mrs. Ward stated they have tried to contact the warden but have not been able to. Mayor Kuzon stated that upon receipt of the petition he contacted the dog warden and explained the situation. He said he would go over there and see what could be done about it. He stated he had talked with the Village Attorney and in your petition you make reference to a particular section of our Code. We can only prosecute if we have an information.

Attorney Troy stated what is needed is a sworn statement. People have a right to know who is charging them. The Village cannot prosecute until we have this. People have to be willing to come forward. Mrs. Ward stated we have discussed with those signing the petition that they may have to come into court and almost everyone would be willing to do this. Mayor Kuzon stated the neighbors have the option now of waiting to see if the dog warden can be of any help or they can fill out the information. These forms are available at the Village Office or police station. Mr. Troy stated only one has to fill out the complaint but anyone can come in to court as witnesses.

Mr. Hill asked if the developers can put a street through the property as long as they have the curb cut without our permission. Trustee Atkinson stated this was not a likely possibility.

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Trustee Atkinson stated we hold the cards and they will have to start communicating with us.

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

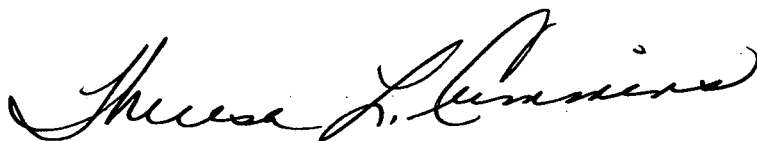
Unanimously carried.

Mayor Kuzon stated the agenda of scheduled meetings for the month are on the second page of the agenda. The next Board meeting is on the 27th. We meet on the second and fourth Mondays.

Trustee Sugg advised that the Village Meeting House Committee will be meeting in the Village Meeting House, the former Christian Church.

ON MOTION by Trustee Brenton, seconded by Trustee Murray, the meeting was adjourned at 8:22 PM.

Unanimously carried.



Theresa L. Cummins,  
Village Clerk-Treasurer