

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, March 10, 1980 at 7:33 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

Edward Way, Dept. of Public Works

Mayor Kuzon called the meeting to order at 7:33 PM.

ON MOTION by Trustee Murray, seconded by Trustee Brenton, the minutes of the regular meeting held February 25, 1980 were approved.

Unanimously carried.

ON MOTION by Trustee Brenton, seconded by Trustee Murray, the minutes of the special meeting held February 29, 1980 regarding the Village election were approved.

Unanimously carried.

Mayor Kuzon stated there are two public hearings tonight and both will be handled by Trustee Murray.

ON MOTION by Trustee Murray, seconded by Trustee Sugg, it was moved to suspend the rules at 7:35 PM in order to hold a public hearing regarding a local law which would add a new Section 24.00, the Landscape Ordinance to the Village Code. (The hearing was closed at 7:41 PM.)

Unanimously carried.

ON MOTION by Trustee Murray, seconded by Trustee Sugg, it was moved to suspend the rules at 7:42 PM in order to hold a public hearing regarding amending the Village Code, Sections 70.83 and 70.160, to coincide with the new landscape code. (The hearing was closed at 7:46 PM.)

Unanimously carried.

Mayor Kuzon stated the Village elections will be held on March 18th between 12:00 PM and 9:00 PM at the usual polling places - the Methodist Church, the Fire Hall and Academy School. He encouraged all residents to vote.

Mayor Kuzon stated there is a schedule of various Village committee meetings listed on tonight's agenda. They are open to the public and if anyone has any specific concerns they should attend the committee meeting which could address their concern.

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

RESOLVED that the Village Clerk publish a notice of public hearing to be held by the Board of Trustees of the Village of Williamsville in the Municipal Building, 5583 Main Street, Williamsville, New York on March 24, 1980 at 7:35 p.m. to hear all persons interested in expressing an opinion on the proposed use of Federal Revenue Sharing Funds for the 1980-1981 fiscal year.

PUBLISH NOTICE OF PUBLIC HEARING

Proposed use of Federal Revenue Sharing

Unanimously carried.

Trustee Sugg reported on the activities of the Glen Park Joint Board. They are discussing maintenance in the park. We don't want the plantings to go to pot. The Department of Public Works and the Town Parks Department cannot handle the entire scope of the maintenance with the young plantings that need care. We will have three sources providing workers for the park. Some will come from the Department of Public Works. Some will come from the Town Parks Department. Again this year we will have youth project members working in the park. They worked very successfully there last year. The Town has promised 10 youths to work in Glen Park this year with one supervisor. For the spring and fall seasons we are going to call on volunteers. The Joint Board has invited garden and service clubs to participate. The Amherst Symphony Orchestra's Women's Club has volunteered to maintain plantings and do weeding. We have divided the park into five major areas and if we have more groups volunteering we will divide the park into more areas. We want to assure that the park will be as high quality as it was last year.

Trustee Sugg advised that the Lions Club as part of its community service would like to erect a flag pole in the park. It will probably be placed in front of the Nature Building. A flag with special meaning has been donated by Mr. and Mrs. Elroy Avery.

Trustee Sugg reported that the Village Meeting House Committee has been meeting regularly. They have reviewed some of the preliminary plans. The working drawings are in the process of being completed and when we have them we can submit the plans for bid. We will be meeting with Mrs. Albert soon regarding this.

Trustee Sugg advised that a list of the Youth Center programs is posted on the Village bulletin board. Two of the members of the Village Youth Committee were among the three youths honored at the Youth Program Dinner. They are Heather Affleck and Donna Schick.

Trustee Sugg reported on the Renter Assistance Program. Brochures are now available regarding this. These are subsidized rents for people who are renting housing in the Village or wish to rent housing.

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The program comes under Section 8 Existing Housing rental assistance program. There is assistance available for 795 families in the county. We belong to the consortium so can participate in the program. Because of the limited number of families that can be assisted, they want to limit it to emergency situations. The guidelines are listed in the brochure which are available in the Village office if anyone is interested. There is a long waiting list. The program is for families, senior citizens, handicapped and displaced persons with incomes in certain ranges. You can live wherever you wish so long as the housing complies with the conditions established by the consortium. Any application is confidential and you apply through the Belmont Shelter Corporation so it doesn't come directly from the Village.

Trustee Sugg reported that as of January 1, 1980 the Village had 13 certificate holders. That means 13 persons or families in the Village who sought assistance and were deemed eligible. There is more eligibility this year and you should be aware of this.

Trustee Sugg stated her resolution related to the Youth Program. We get a certain amount of money from the State that is then matched in our General Fund budget. Our funds are turned over to the Town for the Cayuga Road Youth Center.

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

RESOLVED that Mayor Kuzon be authorized to sign a contract with the Town of Amherst on behalf of the Village of Williamsville authorizing a Youth Development Program for the period January 1, 1980 to December 31, 1980 at a cost to the Village not to exceed \$8,086.00. This cost will be therefore as follows:

Youth Service Share	\$6,086.00
Utilities at 72 S. Cayuga Rd.	2,000.00
(1/3 of water, 1/3 of electric and 60% of telephone)	

AUTHORIZATION

Mayor to sign contract  
with Town of  
Amherst - Youth  
Development  
Program

Unanimously carried.

Trustee Sugg reported that we have received word that the Governor's budget for 1981 will slash the youth funding. As kids do not vote they do not have a high priority. We want to make you aware of this and we hope the program is not shortchanged.

Trustee Atkinson stated his first resolution deals with vouchers.

ON MOTION by Trustee Atkinson, seconded by Trustee Brenton, vouchers in the sum of \$23,965.09 were approved as follows:

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Payroll Fund	W/E 2/29/80	\$ 6,500.89
	3/07/80	<u>3,873.84</u>
Total Payroll		\$10,374.73
General Fund	Abstract #460	10,448.93
Sewer & Water Fund	Abstract #41	503.85
Trust & Agency Fund	Abstract #80	2,419.32
Federal Revenue Sharing	Abstract #87	<u>218.26</u>
Total Vouchers		\$23,965.09

Unanimously carried.

Trustee Atkinson stated his second resolution relates to a previously approved project on Danbern Lane.

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

RESOLVED that Bond Resolution in the amount of \$16,000 for Danbern Lane is hereby adopted. (Copy of resolution attached.)

BOND RESOLUTIONS

Danbern Lane Water Line

Unanimously carried.

Trustee Atkinson stated his next resolution pertains to publishing the bond resolution.

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

RESOLVED by the Board of Trustees of the Village of Williamsville, in the County of Erie, New York, as follows:

PUBLISH ABOVE BOND RESOLUTION

Section 1. The Village Clerk of said Village of Williamsville, shall, within ten (10) days after the adoption of this resolution cause to be published at least once in the "Amherst Bee" a newspaper published in Amherst, New York, and having a general circulation therein, and hereby designated the official newspaper of the Village, and to be posted in at least six (6) places in the Village.

EXTRACT OF MINUTES

Meeting of the Board of Trustees of the Village  
of Williamsville, in the County of Erie, New York.

March 10, 1980

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A regular meeting of the Board of Trustees of the Village  
of Williamsville, in the County of Erie, New York, was held at  
the Village Hall, 5583 Main Street, Williamsville, New York, on  
March 10, 1980, at 7:30 o'clock P.M. (E.S.T.).

There were present: Honorable Gordon J. Kuzon, Mayor,  
and

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

There were absent:

Also present: Theresa L. Cummins, Village Clerk  
Thomas V. Troy, Village Attorney

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Trustee Atkinson

\_\_\_\_\_ offered the following resolution  
and moved its adoption:

BOND RESOLUTION OF THE VILLAGE OF WILLIAMSVILLE,  
NEW YORK, ADOPTED MARCH 10, 1980, AUTHORIZING  
THE CONSTRUCTION OF A FOUR INCH (4") WATER MAIN  
ALONG DANBERN LANE, IN SAID VILLAGE, STATING THE  
ESTIMATED MAXIMUM COST THEREOF IS \$16,000,  
APPROPRIATING SAID AMOUNT THEREFOR AND AUTHO-  
RIZING THE ISSUANCE OF \$16,000 SERIAL BONDS OF  
THE VILLAGE TO FINANCE SAID APPROPRIATION.

THE BOARD OF TRUSTEES OF THE VILLAGE OF WILLIAMSVILLE, IN  
THE COUNTY OF ERIE, NEW YORK (by the favorable vote of not less  
than two-thirds of all the members of said Board) AS FOLLOWS:

Section 1. The Village of Williamsville (herein called  
"Village"), in the County of Erie, New York, is hereby authorized  
to construct a four inch (4") water main along Danbern Lane, from  
Ellicott<sup>CREEK</sup>ville Road to its end, being approximately 488 feet, in the  
Village, including land or rights in land and original equipment,  
machinery and apparatus. The estimated maximum cost of said specific  
object or purpose, including preliminary costs and costs incidental  
thereto and the financing thereof, is \$16,000 and said amount is  
hereby appropriated therefor. The plan of financing includes the  
issuance of serial bonds of the Village to finance said appro-  
priation and the levy of a tax upon all the taxable real property  
within the Village to pay the principal of said bonds and the  
interest thereon.

Section 2. Serial bonds of the Village in the principal  
amount of \$16,000 are hereby authorized to be issued pursuant to  
the provisions of the Local Finance Law, constituting Chapter 33-a  
of the Consolidated Laws of the State of New York (herein called  
"Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and stated:

(a) The period of probable usefulness of the specific object or purpose for which the bonds authorized by this resolution are to be issued, within the limitations of Section 11.00 a. 1. of the Law, is forty (40) years.

(b) Current funds are not required to be provided as a down payment prior to the issuance of the bonds herein authorized or any notes issued in anticipation of the sale of such bonds pursuant to the provisions of Section 107.00 d. 3 (a) of the Law.

(c) The maturity of the bonds authorized pursuant to this resolution will exceed five (5) years.

Section 4. Each of the serial bonds authorized by this resolution and any notes issued in anticipation of the sale of such bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said serial bonds and any notes issued in anticipation of said bonds shall be general obligations of the Village, payable as to both principal and interest by general tax upon all the taxable real property within the Village without limitation of rate or amount. The faith and credit of the Village are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and provision shall be made annually in the budget of the Village by appropriation for (a) the amortization and redemption of the bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes, or, the renewals of said Notes and of Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Board

of Trustees relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village.

Section 6. The validity of the bonds authorized by this resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money, or,
- (b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This resolution is subject to a permissive referendum.

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The adoption of the foregoing resolution was seconded by  
Trustee Murray and duly put to a vote on roll call,  
which resulted as follows:

AYES: 5

NOES: 0

The resolution was declared adopted.

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Trustee Atkinson offered the following resolution  
and moved its adoption:

RESOLVED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF  
WILLIAMSVILLE, IN THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. The Village Clerk of said Village of  
Williamsville, shall, within ten (10) days after the adoption of  
this resolution cause to be published at least once in the "AMHERST  
BEE," a newspaper published in Amherst, New York, and having a  
general circulation therein, and hereby designated the official  
newspaper of the Village, and to be posted in at least six (6)  
places in the Village a Notice in substantially the following  
form:

VILLAGE OF WILLIAMSVILLE, NEW YORK

PLEASE TAKE NOTICE that on March 10, 1980, the Board of Trustees of the Village of Williamsville, in the County of Erie, New York, adopted the bond resolution entitled:

"Bond Resolution of the Village of Williamsville, New York, adopted March 10, 1980, authorizing the construction of a four inch (4") water main along Danbern Lane, in said Village, stating the estimated maximum cost thereof is \$16,000, appropriating said amount therefor and authorizing the issuance of \$16,000 serial bonds of the Village to finance said appropriation," an abstract of which resolution concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING the Village of Williamsville ("Village"), New York, to construct a four inch (4") water main along Danbern Lane, from Ellicottville Road to its end, being approximately 488 feet, in the Village, including land or rights in land and original equipment, machinery and apparatus; STATING the estimated maximum cost thereof, is \$16,000 and APPROPRIATING said amount therefor; STATING the plan of financing includes the issuance of serial bonds of the Village to finance said appropriation and the levy of a tax upon all the taxable real property within the Village to pay the principal of said bonds and the interest thereon;

SECOND: AUTHORIZING \$16,000 serial bonds of the Village to be issued pursuant to the provisions of the Local Finance Law ("Law"), to finance said appropriation;

THIRD: DETERMINING AND STATING that the period of probable usefulness of the specific object or purpose is forty (40) years; that current funds are not required to be provided as a down payment prior to the issuance of the bonds authorized or any notes issued in anticipation of the sale of such bonds; that the maturity of the bonds authorized will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Village and PLEDGING to their payment the faith and credit of the Village;

FIFTH: DELEGATING to the Village Treasurer the powers and duties as to the issuance of said bonds and any notes in anticipation of said bonds and renewals thereof;

SIXTH: PROVIDING that the resolution is subject to a permissive referendum.

DATED: MARCH 10, 1980

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THERESA L. CUMMINS,

Village Clerk

Section 2. After said bond resolution shall take effect, the Village Clerk is hereby directed to cause said bond resolution to be published, in full, in the newspaper hereinabove referred to in Section 1 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

Section 3. This resolution shall take effect immediately.

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The adoption of the foregoing resolution was seconded by Trustee Brenton and duly put to a vote on roll call, which resulted as follows:

AYES: 5

NOES: 0

The resolution was declared adopted.

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Section 2. After said bond resolution shall take effect, the Village Clerk is hereby directed to cause said bond resolution to be published, in full, in the newspaper hereinabove referred to in Section 1 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York

Section 3. This resolution shall take effect immediately.

Unanimously carried.

Trustee Brenton stated the water meter sealing program is continuing and you may see some of our employees on Saturdays working on this so we can have it out of the way before summer gets here as we will be doing other things then.

Trustee Brenton states his resolution has to do with the Main Street preservation work being done by the State of New York. The resolution authorizes the Mayor to sign a preliminary utility work agreement with the State Department of Transportation which will cover any work done on our water system and the sanitary sewer system. We have done a survey of the areas which will be affected. There will be one fire hydrant to be replaced and relocated as a result of the Main Street project. We will raise the necessary manhole covers and do any other work necessary.

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

RESOLVED that the Mayor be authorized to sign Preliminary Utility Work Agreements with the New York State Department of Transportation for Main Street Preservation, Capital Project No. 5034.40, Water Distribution System, and Sanitary Sewer System.

AUTHORIZATION -  
Mayor to sign Preliminary  
Utility Work Agreements  
w/NYS re: Main St.

Unanimously carried.

Trustee Murray stated she has copies of the senior citizens activities for March if anyone is interested. They can be picked up after the meeting. She stated residents should be aware of what a fine job Bea Slick is doing. She has craft projects at the Main Street Library, a service project for Meals on Wheels, a drama workshop at the Landmart Community Room and also French lessons at the Landmart Community Room. She is doing a fine job with the Village and State matching funds available to her.

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Trustee Murray stated that the Environmental Council has been working on a public awareness project. Last year they had a poster contest. They have been advised that poster contests have been overdone and they are looking for new ideas. If anyone has an idea for a project they should contact one of the Council members. She asked the four Council members present tonight to stay after the meeting to talk with the Board of Trustees.

Mr. Way advised that if everything goes all right we should have the meter sealing in the Village 85% or 90% done by June 1st.

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

Unanimously carried.

Dr. Charles Akers, 73 Oakgrove, stated he was representing the Village on the Erie County Environmental Management Council and was a member of the committee on solid waste management. There is a \$150,000 program being put together on this study on solid waste. They have received \$50,000 from the State and \$50,000 in like services from various communities within Erie County. They are requesting other communities in the county to come up with the other \$50,000 to do a complete study. The Village has received a request from them, based on population estimate of the Village, to contribute \$300 to \$400. The purpose of the study is the same as one done by the State. The State put together a plan on what to do with solid waste and the county took exception to that plan so they are going to do their own plan on what should be done with the waste. It has the approval of the Environmental Protection Agency. Dr. Akers asked the Trustees to include money for this in the upcoming budget.

Mayor Kuzon asked if there is a time frame for filing their report. Dr. Akers stated the steering committee is working on the draft report. The report should be ready by mid to late summer. They are working with a consultant.

Mayor Kuzon asked what direction the committee seemed to be going in and Dr. Akers stated it was too early to tell. They are trying to determine the amount that has to be handled and the different methods available to the county for disposal. Hooker Chemical has a program of using waste for energy conversion. There could be a separate facility in the southern part of the county. When the study is complete they will bring together all the information and put it into a priority list based on what the steering committee feels are the best alternatives. When the alternatives are picked out they will decide on how to implement them.

Trustee Murray stated this is included in our working budget.

Mayor Kuzon stated that at a recent Village officials meeting this topic was discussed and it is of great concern in many areas of

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the county. We have a contract for the garbage in the Village so we don't feel the increase in dumping fees that other communities feel. We feel it only if the contractor increases his fees. Clearly there is great concern over this problem. We would feel it at budget time if the increase in fees caused us to increase the taxes.

Trustee Brenton stated that pertaining to an issue you are all aware of due to the press coverage in both major papers, I would like to make a statement regarding my alleged suit against the Village. I would like to set the record straight as to what transpired. My attorney, who I retained as a result of an injury I sustained in the vicinity of Main and Rock Streets, has filed a simple Notice of Claim against the Village. This is not, in and by itself, a suit. As I understand it this would protect my rights that I now have and protect my attorney's professional interest and responsibility in this case. My attorney is required to do everything in his power to protect my interests. I would simply say that I have tried to serve the Village to the best of my ability and will continue to do so. When the facts are fully presented and a settlement reached I will present it to the news media and hope that the press will present those facts to the public as effectively as the alleged suit was presented to the public. I feel I have the confidence of the Board and will continue to serve the community.

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

Unanimously carried.

ON MOTION by Trustee Brenton, seconded by Trustee Murray, the meeting was adjourned at 8:10 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, March 10, 1980 at 7:35 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

Edward Way, Dept. of Public Works

Mayor Kuzon called the hearing to order at 7:35 PM.

The Clerk read the Notice of Public Hearing regarding a local law which would add a new Section 24.00, the Landscape Ordinance, to the Village Code.

Mayor Kuzon then turned the hearing over to Trustee Murray who explained the proposed ordinance.

Trustee Murray stated the Environmental Advisory Council initiated work on this proposal in 1978. We wish to follow other progressive communities and improve the quality of life in the Village through the landscape proposal. The Council sought input from the Trustees, the Planning Board, the Traffic and Safety Committee and other interested committees, as well as other communities with similar ordinances to come up with a satisfactory law for our community. We feel the addition of this law to our code will improve future development in the Village so that it will be a better place to live and do business.

PUBLIC HEARING

LANDSCAPE CODE

Trustee Murray advised that at present there is no law to require landscaping in a commercial development. Without this law we could become a blacktop jungle with no trees.

Section 24.00

Trustee Murray stated the law requires landscaping of developments in all manufacturing and commercial districts and in R-3M and R-4 Districts which allow multiple family dwellings. The Council geared the law to the Village in that the Village is 100% developed and that new development would be renovation of existing structures. The law must be complied with where the renovation, repair, alteration or redevelopment of existing structures has a value of \$50,000 or more and where the existing structures in the affected premises covers less than 50% of the total lot area. This will not inhibit small developers or where the structures cover more than 50% of the lot area.

Trustee Murray reported that at the time a building permit is filed they have to include a proposed landscape plan. The law states what should be shown on the plan. There is a set of minimum standards for the landscape plan, such as the percentage of green space required, screening when it abuts a residential lot and trees required.

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Trustee Murray stated provision has been made for enforcement of this ordinance. An approved labor and material bond or other acceptable security must be provided. Inspection is required when the work is completed. The ordinance requires a maintenance bond to insure that the landscape work is maintained in a healthy and growing condition with replacements made one year from the date of planting. Inspection is required before cancelling the bond.

PUBLIC  
HEARING  
(Con't)

Dr. Charles Akers, 73 Oakgrove, stated he is Chairman of the Environmental Advisory Council. He stated they have worked long and hard on this ordinance and it was not put together lightly. Eighteen months of work has been put into this proposal. The nine Council members had different ideas and opinions but they were able to work together and come up with a unified idea of what is required for the ordinance to protect the people in the Village. There are many examples the past few years where there has been new development and the landscaping has not come in. With minimum guidelines for green areas we can guarantee that our environment can be maintained and improved so we can have a good place for the residents to live.

Landscape  
Code

Trustee Sugg congratulated Trustee Murray and the members of the Environmental Advisory Council on their long hard work. An ordinance like this has been long overdue in the Village. There are some glaring examples on Main Street of why we need the ordinance and the ordinance should rectify any further abominations. This ordinance is needed in the Village and should enhance the good life of the Village.

ON MOTION by Trustee Murray, seconded by Trustee Sugg, the hearing was closed at 7:41 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, March 10, 1980 at 7:42 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

Edward Way, Dept. of Public Works

Mayor Kuzon called the hearing to order at 7:42 PM.

The Clerk read the Notice of Public Hearing regarding amending Zoning Sections 70.83 and 70.160 to coincide with the new landscape code.

PUBLIC HEARING

Mayor Kuzon then turned the hearing over to Trustee Murray who explained that these zoning changes are necessary to conform with the new landscape ordinance. Section 70.83 deals with the building permit required and the change in the code would be to require a landscape plan when required to accompany the application for a permit. Section 70.160 deals with the Architectural Review Board. At present that board reviews landscaping visible to passersby on the public street. Under the new ordinance they would review the landscaping visible to passersby except in cases regulated by the landscape law.

Amend  
Zoning  
Code

Sections  
70.83  
and  
70.160

James Saia, 20 Belmont, stated we have an Exceptional Development Law in the Village. He asked if the Exceptional Development Law would take precedence over the zoning law changes. Trustee Murray advised that under exceptional development you can waive the zoning requirements. He asked if only the Exceptional Development Law can waive the landscaping that is required and Trustee Murray advised that the landscaping ordinance does not apply to a development under \$50,000 or one which covers more than 50% of the total lot area.

Mr. Saia asked if landscaping would be required for exceptional development projects and Trustee Murray advised the drawings may show that landscaping would be done but they don't have to. Mayor Kuzon stated that the exceptional development ordinance provides that the Board may waive zoning where it is advantageous but it is not mandatory. Some may meet all the codes but this provision was put in so we could allow something even if it did not meet all the codes.

Mayor Kuzon stated the Building Department is presently updating or revising the checklist for filing a building permit and if this proposal for adopting a landscape plan is passed it should be included on the new checklist which is being made up.

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Trustee Murray advised that if this is passed she will meet with the Building Inspector and Building Department Administrator and explain how it will affect their work.

ON MOTION by Trustee Murray, seconded by Trustee Sugg, the hearing was closed at 7:46 PM.

Unanimously carried.

Theresa L. Cummins,  
Village Clerk-Treasurer