

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, September 8, 1980 at 7:32 PM

Roll Call

Present

Gordon J. Kuzon, Mayor

Paul Atkinson
 William Bancroft Trustees
 Lawrence R. Brenton
 Connie C. Murray

Theresa L. Cummins, Village Clerk
 Thomas V. Troy, Village Attorney
 John Anstett, Dept. of Public Works

Absent

Edward Way, Dept. of Public Works

Mayor Kuzon called the meeting to order at 7:32 PM.

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

Unanimously carried.

ON MOTION by Trustee Brenton, seconded by Trustee Bancroft, the minutes of the public hearing held August 25, 1980 regarding Local Law #7, Senior Citizen Exemption, were approved.

Unanimously carried.

ON MOTION by Trustee Atkinson, seconded by Trustee Bancroft, it was moved to suspend the rules at 7:34 PM in order to hold a public hearing regarding a proposed rezoning of property to R-3M at 44, 50 and 54 S. Cayuga Road. (The hearing was closed at 8:33 PM.)

Unanimously carried.

Mayor Kuzon advised we are in the process of acquiring a grant to rehabilitate our sewer system. We have had word from the Environmental Department that they have found no fault with our application. The application will be on file for interested agencies and ourselves for thirty days and at the end of this time we will be notified whether or not it is approved.

ON MOTION by Mayor Kuzon, seconded by Trustee Atkinson, vouchers in the sum of \$47,153.50 were approved as follows:

Payroll Fund	W/E 8/27/80	\$ 6,969.18
	W/E 9/03/80	<u>4,185.27</u>
Total Payroll Fund		\$11,154.45

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(Vouchers-continued)

Total Payroll Fund		\$11,154.45
General Fund	Abstract #472	20,881.00
Sewer & Water Fund	Abstract #53	4,721.50
Trust & Agency Fund	Abstract #92	4,195.33
Federal Revenue Sharing	Abstract #98	185.15
Capital Fund	Abstract #103	<u>6,016.07</u>
Total Vouchers		\$47,153.50

The largest vouchers were: Amherst Disposal (our garbage contractor) - \$8,426.27; Niagara Mohawk (for street lighting) - \$3,831.05; M. C. Morgan - \$3,540.00; Capital Fund - \$6,016.07.

Unanimously carried.

Mayor Kuzon advised that his next resolution was for approval of a local law which would increase the tax exemption for Senior Citizens. The State Legislature recently authorized local governments to increase the exemption from \$8,000 to \$9,200. We held a public hearing on this at our last meeting. If this is increased the bottom line cost to residents would be approximately \$800.

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

RESOLVED that Local Law #7 - 1980, Tax Exemption - Property owners over 65 years of age, which was the subject of a public hearing on August 25, 1980 is hereby adopted.

LOCAL LAW #7-1980
Adopted

Sr. Citizen Exemption

(Copy of local law attached.)

Unanimously carried.

Trustee Atkinson had no report or resolutions.

Trustee Bancroft reminded the community that beginning on Tuesday, September 20th, the Senior Recreation Program will begin. Anyone having any questions or interested in the program can contact Bea Slick regarding the program. There are also brochures which can be picked up after tonight's meeting.

Trustee Brenton reported on our continuing efforts in locating water leaks. They are working in the area of Mill Street and Main Street in the area of Ed Youngs Plaza. We have found a leak where we were losing 28 gallons per minute. This is not a big leak but at 95¢ per 1,000 gallons this can add up to a lot.

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

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

~~COUNTY~~
~~CITY~~ of Williamsville
~~TOWN~~
Village

Local Law No. 7 of the year 19 80

A local law Tax Exemption - Property Owners over 65 years of age
(Insert title)

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

~~COUNTY~~
~~CITY~~ of Williamsville as follows:
~~TOWN~~
Village

Effective December 1, 1980, a local law to amend and supercede the Village Law in relation to the granting of exemption from taxation of 50 percent of assessed valuation to those property owners 65 years of age or over, who have owned their home more than two years and whose annual income does not exceed \$9,200.00.

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He stated that sometimes we dig and don't find anything but we want to continue to do this. We have spent some effort and funds and so far have been very successful and the results in a year should offset the original cost.

Trustee Brenton stated that several months ago he broke his foot on Rock Street at Marine Midland Bank, and articles in the papers caused him some embarrassment. There were some legal processes that had to be undertaken and he got some publicity that reflected on the Village and my position as Trustee. He stated he was happy to announce that Marine Midland's insurance carrier, Merchants Mutual Insurance Company, has agreed to a settlement and this in no way involved the Village, which I know all the time it would not. The settlement is less than the wages he would have received but he is satisfied with it and is satisfied that this issue is put to rest. He stated he is asking Mr. Troy to notify Marine Midland to have their water box lowered so no one else has a situation like I had.

Trustee Brenton advised that his first resolution deals with our very excellent fire department. To assure their continued excellence they should be exposed to whatever schooling or seminars that are available. We don't send them to everything but evaluate them to see what is best. We are going to send our former Fire Chief to Albany to attend a Legislative Information Conference.

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

RESOLVED that Evor Williams be authorized to attend a Legislative Information Conference in Albany, New York, October 24 and 25, 1980 and the costs not to exceed \$300.00 be paid by the Village of Williamsville.

AUTHORIZATION

Evor Williams to attend Legislative Conference in Albany

Unanimously carried.

Trustee Brenton stated his next resolution deals with hiring a meter-reader. This job previously paid \$2.75 per hour. This is below the minimum wage and we are not required to meet the minimum wage. In discussion with the Board and the Department of Public Works it was felt that this rate was too low and we have increased the rate to \$3.00 per hour, which is also probably too low. We have a continuous turn-over in this job and it is difficult to service customers when we are always breaking in new people. Patrick Sullivan is a Village resident and we hope he will stay with us for a while. He is 15 years old.

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

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RESOLVED that Patrick M. Sullivan be appointed meter-reader (part-time) in the Water Department, effective September 4, 1980 at a rate of \$3.00 per hour.

APPOINTMENT -

Patrick M. Sullivan -
PT Meter reader

Vote on Roll Call: Trustee Murray - aye; Trustee Atkinson - aye; Trustee Brenton - aye; Trustee Bancroft - aye; Mayor Kuzon - aye.

Ayes - 5; Noes - 0.

Unanimously carried.

Trustee Brenton reported that his next resolution deals with the Fire Department and the construction of truck bays adjacent to the present courthouse building and the acquisition of the courthouse building for Fire Department use. At budget time, the Fire Department representatives and he met to determine their needs for the year and at that time they requested funds for the present station No. 1 across the street. (No. 2 is on Sheridan Drive.) They requested \$20,000 to have a disaster kitchen and do some work on the building. There was a suggestion made that perhaps they should relocate as they anticipated having to build out the back of the station in the future for exit purposes. A committee was established to find sites for possible relocation of the station. They recommended that they use the old courthouse as it was suitable for their needs. The Board has interviewed several firms to design this building and are appointing Sargent-Webster-Crenshaw & Folley, Architects to do the schematic design phase as to what could be done in that particular location and give us a general idea regarding the type of building and what would have to be done, and give us an idea as to how much it would cost. With submission of these plans, we would make a determination as to whether we would go ahead with this proposal. We would have to work in conjunction with the Town as this is Town owned property and the Town pays 53% of the Fire Department budget. We have to determine whether it is cost effective to construct a new facility. If we decide to go ahead, we would pay a fee of 15% of the anticipated construction cost of the project to the architect. If we stop at the schematic design phase and do not proceed further, we would owe 11% of the 15% to the architect.

Trustee Atkinson suggested that Trustee Brenton comment on what would be done with the existing fire station. Trustee Brenton advised that the Village owns the station and if the proposed truck bays are constructed the building would be sold. We have an appraisal on it and it is high. We think it would go higher. Essentially the project should net the Village some money. Our commitment to pay 47% towards the new building should be less than what we would receive for the present building. This fact played a large part in his decision to try to develop another fire station.

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

RESOLVED that Sargent-Webster-Crenshaw & Folley, Architects, be appointed to design plans for a Fire Department Addition to the Town of Amherst Court House for Hutchinson Hose Company, and

APPOINTMENT -

Sargent-Webster, etc.
Architects for
design of fire plans

FURTHER RESOLVED that the Mayor be authorized to sign agreement dated August 1, 1980.

Vote on Roll Call: Trustee Bancroft - aye; Trustee Murray - aye; Trustee Atkinson - aye; Trustee Brenton - aye; Mayor Kuzon - aye.

Ayes - 5; Noes - 0.

Unanimously carried.

Trustee Brenton advised he was withdrawing his fourth resolution listed on tonight's agenda for the present time.

Trustee Murray reported that as liason to the Glen Park Joint Board, she met with the committee and Councilman Moses last week to put together the budget for next year in that the Town goes from January to January. We have to do the budget now because one-half of the park budget comes from the Town. We think we have come up with a good budget in that we have only had one season of caring for the park. The Joint Board has approved the budget for submission to the Town.

Trustee Murray advised that the Environmental Council is holding its annual poster contest. Last year it was in the Spring and this year it is in the fall. This is at the request of the schools. The topic is "Kids can save Energy". The deadline for entries is October 17th and the winners will be chosen on October 27th. Entry blanks will be available at Academy School, Forest Elementary School, St. Peter & Paul School and Mill Middle School.

Trustee Murray reported that Nancy DiPasquale has resigned from the Parks and Recreation Commission. We thank her for all her work for the committee. She has to leave for family reasons. Trustee Murray stated her resolution is to appoint someone to fill this vacancy.

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

RESOLVED that Brian M. O'Malley, 172 Highland Drive, is hereby appointed to the Parks & Recreation Commission until the end of the official 1980-1981 Village year.

APPOINTMENT -

Parks & Recreation
Committee

Unanimously carried.

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

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

Unanimously carried.

Mrs. Rita Andrews, 128 S. Union Road, stated she would like to see the Village write a letter giving instructions about what to do with your garbage and what days it will be picked up. When new families move into the Village they do not know this information and we have on occasion had some bad situations regarding this.

Mayor Kuzon stated this is not the first time this has come up. Trustee Murray has been appointed to bring the present code up to date. Trustee Murray stated the Environmental Council is currently investigating ordinances in other communities regarding this and we had a meeting with Mr. Way about this. The present code is ancient and does not apply at present. We would appreciate any suggestions you have on this. The Council meets the first Wednesday of the month, or you can send them a letter regarding this. At present we do not have something we can adequately enforce. We are working on an ordinance that will state what should be done.

Mrs. Eleanor T. Murray, 238 S. Cayuga Road, asked who takes care of Glen Park. She stated she has seen the young people working in the park and asked where they came from and if they are paid the minimum wage. Trustee Murray advised that the young people working there in July and August are from the County Youth Program which is administered through the Town of Amherst and they did an excellent job. During April, May, June, September and October, the work is done by our Department of Public Works along with the Town Highway and Parks Departments. This is the first year we were responsible for care of the park. In the previous years, Four Winds Nursery was taking care of the developing park. We have had good cooperation between the Village and Town this year and a good job by the youths from the Summer Youth Program. The youths came from the county program but are local kids.

Mr. Gartley Weller, 129 Mill Street, stated he was concerned about the trees in front of the cemetery. With the widening of the street a number of the trees have been severely damaged. He asked if these die, will the State replace them. Mayor Kuzon stated he was not sure about this but would check into it tomorrow and advise Mr. Weller. Trustee Murray stated she had expressed concern about the trees being destroyed and was assured they were going to survive.

Mr. Weller stated he heard a new water line was going in on Mill Street. He had a line put into his house last fall and was going to have landscaping done. He doesn't want to do this if another line is going in that will affect him.

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Trustee Brenton advised that the Board has decided to take the bulk of community development money left over and perhaps some current funds and put it into consolidating some lines on Mill Street. This will start at 74 and 95 Mill Street and proceed in a northerly direction down Mill as far as the funds will go. We would like to go as far as Edward Street but don't think we will get that far. We can only use the community development funds in the target area. We have a \$530,000 debt in the Water Department and don't want to increase this.

Mr. Weller asked if this would run between the curb and sidewalk. Trustee Brenton stated this varies in different areas. The Fire Department has expressed concern about the flow in this area. He stated Mr. Weller could call the department and they could send someone out to determine where the work would be done on his property.

ON MOTION by Trustee Brenton, seconded by Trustee Bancroft, it was moved to return to the regular agenda.

Unanimously carried.

Mayor Kuzon thanked everyone for coming and for staying for the remainder of the meeting after the public hearing. After the last public hearing on the rezoning there was an editorial in the paper regarding people leaving the meeting after the topic of interest had been heard. The representative of the paper present tonight might make note of the fact that people stayed for the entire meeting tonight. We meet on the second and fourth Mondays and we are happy to have you come and hear from you between the meetings.

ON MOTION by Trustee Murray, seconded by Trustee Bancroft, the meeting was adjourned at 8:59 PM.

Unanimously carried.

Theresa L. Cummins,
Village Clerk-Treasurer

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Roll Call

Present

Gordon J. Kuzon, Mayor

Paul Atkinson
William Bancroft Trustees
Lawrence R. Brenton
Connie C. Murray

Theresa L. Cummins, Village Clerk
Thomas V. Troy, Village Attorney
John Anstett, Dept. of Public Works

Absent

Edward Way, Dept. of Public Works

Mayor Kuzon called the hearing to order at 7:34 PM.

The Clerk read the Notice of Hearing regarding the proposed rezoning of the Thomas and Mary Lou Hogan property on the east side of South Cayuga Road as follows: 44 S. Cayuga from C-2 and R-3 to R-3M, and 50 and 54 S. Cayuga from R-3 to R-3M.

PUBLIC HEARING

Mayor Kuzon stated the purpose of the hearing is to address a petition to rezone property at 44, 50 and 54 S. Cayuga Road to R-3M classification. The law requires that upon receipt of a petition to rezone we must have a public notice and a public hearing regarding changing the code. The hearing gives us an opportunity to have the petitioner answer any questions and hear any comments the public or the Board may have on the proposal.

REZONING

Cayuga St.

Property

Mayor Kuzon advised that R-3 zoning provides for basically anything permitted in an R-1 and R-2 District and also two-family dwellings. The petitioners are requesting a change to R-3M which basically includes all uses permitted in R-1 and R-2 and R-3 Districts and also multiple family dwellings and dwelling groups subject to site approval by the Planning Commission. The petitioners propose to develop townhouses on the property.

Mayor Kuzon then turned the hearing over to the petitioners and their architect for presentation of their proposal.

Mrs. Hogan asked their architect Ed Cannon of Cannon Associates to present the proposal.

Mr. Cannon presented a Village zoning map with an overlay showing the areas that would be affected by the rezoning. He stated there will still be an R-3 lot acting as a buffer between this development and the beginning of the R-2 zoning on S. Cayuga Road. In developing the proposed design they look to the amenities of the entire site. They try to take advantage of the natural features so that the design has a minimal impact on the residential areas. He stated they believe the R-3M zoning is a good buffer to have between the commercial and residential district. He stated the site has

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a fairly steep slope from the top of the crest of the bank along the creek to S. Cayuga. There is screening of the site by the existing tree plantings. One of the greatest amenities of the site is the buffering of the site from view and the natural windbreak. There is dense screening between the site and the municipal parking lot and fairly dense screening along the bank of the creek to enhance the view from the park and from behind the pavillion in the park. The screening is fairly dense along the R-3 District. Screening would be increased in any areas that required it.

PUBLIC
HEARING

REZONING

Mr. Cannon stated the petitioners would like to develop the townhouses in three nodes. He presented a drawing showing the proposed site layout. He stated they had worked with the Village codes for a R-3M District and had presented the proposal to the Planning Board. We agree that the Village is something that is important and we don't want to destroy it. We want to strengthen it and add something good in the townhouse development. To help preserve S. Cayuga as it presently exists, we would save the exterior facade of the brown house and the red and white house. The only building to be removed is the cottage sized house, the third house away from the north property line. Part of the reason for removing this house is to provide access to the site. This is the most logical location for the entrance and can make use of the present curb cut there. The drive would almost immediately disappear due to the screening in the area. The drive would split at an old oak tree that is presently there for the entry-exit point. When it enters the site it will turn north to take advantage of the fairly level natural grading on the site. There would be green space between the drive and the five unit development in this area for use as a yard. The units will naturally step up the site so we don't have to make major grade changes. The road would then turn to the east and then to the south. There would be five units on the creek, overlooking the creek. These five units would probably have to be one to 1½ stories in elevation because a portion of the unit would step down the embankment on Ellicott Creek. This area is presently well buffered from the creek and this would remain the same as much as possible. The only carved out areas would be areas for residents to have their barbeques and patios, etc.

Cayuga Rd.
Property
(Con't)

With respect to parking for the units, Mr. Cannon stated all parking for the units would be within the units. They anticipate one and two parking facilities with the units depending upon whether they are 1½ or 2 bedroom units. They would accomodate the permanent car in a garage and a visiting car, or second car, on site.

With respect to the two houses that will remain, they will add an additional unit between the two houses. It is set back from the street. There will be a village type porch design to join the houses and a carriage type house for a garage facility. The middle units would be developed as new units. The outside of the two existing houses would remain the same except for reasonable work to bring them up to energy standards.

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Mr. Cannon stated the site utilities essentially will be handled as they are at most developments in the Village. The storm drainage will be to Ellicott Creek. The front yard development will remain essentially as it is with some improvements and we will eliminate some of the curb cuts. They will be putting plantings in the front yards on S. Cayuga. They will take down the dead tree. There will only be one small entry point on S. Cayuga for the development. They may intensify the buffer screening along the south property line if they find they have a problem there.

PUBLIC
HEARING

REZONING

Trustee Atkinson asked if there were going to be five new units in the front in addition to the two existing houses there. Mr. Cannon advised the two houses would be part of the five units in the front.

Mrs. Lawrence Felzer, 236 S. Cayuga, asked what the selling price would be for the units. Mr. Cannon advised it would be in the area of \$135,000 to \$150,000. They will be good quality buildings.

Cayuga St.
Property

Peter Kuhn, 152 S. Cayuga, asked what the frontage would be on S. Cayuga Road. Mr. Cannon advised it would be 156 feet north to south. Mr. Kuhn asked about the parking plan and if there would be an open lot on S. Cayuga. Mr. Cannon advised there would be parking for two cars per unit and that there would be no lot on S. Cayuga. The cars would park at the unit either in the garage or a designated space at the unit. As part of the submission for exceptional development they will be considering the use of the public parking lot adjacent to the property for any overflow parking due to a party, etc. They want to keep as much green space as possible.

Mr. Kuhn stated he is a resident of long standing. They now have apartments at the south end of the street towards Wehrle and we are feeling very boxed in by this. Some of his neighbors feel the same way. Anything of this nature would have to be tastefully done. Mr. Cannon stated they have an honest concern that the design compliments the architecture of the Village. He stated he has a thumbnail sketch of what the five units facing Ellicott Creek may look like from the park. He stated he had talked to the Village Historian about the history of the buildings in the Village.

Mr. Kuhn stated his home was 200 years old and these buildings would be new. He stated he is very skeptical about what is going to be put in there. He stated he would like to see what the buildings would look like upon completion. This would help the residents to better assess the situation.

Mr. Cannon stated he couldn't show finalized drawings. He had only a thumbnail sketch. They want to use some of the more significant details of present Village buildings in the new buildings such as window design, entrances and use of materials.

Mr. Kuhn stated this is the oldest street in the Village and asked what the development would do for the Village and the street historically. Mr. Cannon stated it would allow more people

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to take advantage of the Village life and the amenities and services it has to offer. A great deal of effort goes into the final design plans and we have to meet the requirements of the rezoning process before we go further into this.

Mr. Kuhn stated the plans could be changed then. Mr. Cannon stated they could be changed. Some concern has been expressed about the density of the units in the plan.

Mayor Kuzon stated there are several questions to be answered on a rezoning - the suitability of land use, character or history of area, aesthetics, effect on property values and historical effect. We try to narrow the scope when considering a rezoning. You also question whether this is the most appropriate use of this land.

Mr. Lawrence Felzer, 236 S. Cayuga; asked what experience the architect had in this type of construction where you try to meld the new buildings with the historical nature of the Village. Mr. Cannon stated there are not many opportunities to do this type of design. They try to take care and concern in any building that they design to make it conform to the nature of the area where it is located.

CAYUGA RD.
REZONING

(Con't)

Mr. Kuhn stated he is very concerned about what the final development will look like. He stated the neighborhood had experienced many problems with people coming through from Island Park and destroying their property. He stated they are proud of their neighborhood and the proposed plan is of great concern to them.

Trustee Atkinson stated concern has been expressed with respect to the density of the proposed project itself. It seems you are putting a lot of people into a very small area. He asked if the number of 15 units was a firm one. Mr. Cannon stated the number 15 was not a final number at this point. This number was obtained after analysis of what could fit on the site. This is the number of units that would be allowed if this would be rezoned R-3M. He stated they had no objections to lowering the number of units. Fifteen was the maximum number they could put on the site.

Trustee Bancroft asked if there was a minimum number they would consider. Mr. Cannon stated there would be a number at which it would not be desirable to develop this property.

Mrs. Sylvia Kimball, 215 S. Cayuga, stated that if you have 15 units with two cars each, that would mean 30 cars coming and going out of one driveway each day and this would add to the congestion at the corner of Main Street and on the street as a whole. She stated the entranceway and exit would be very close to the curve and could cause problems.

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Mr. Cannon stated there is no real answer to that. They will work with the Traffic and Safety Committee to develop an entrance on S. Cayuga that will be as safe as possible. They will put the entrance as far from the curve as possible and make the entrance as wide as possible. However, this cannot change the number of cars.

Mrs. Hogan stated that if the rezoning is granted the plans would have to be approved by another Board so the concept could be changed only if the Board approved it.

Mayor Kuzon advised that if the rezoning is approved the project will come under exceptional development and be subject to review by the Traffic and Safety Committee, Parks and Recreation Committee, Planning Board and Environmental Council. They will give advisory recommendations to the Board before final approval of exceptional development permit.

PUBLIC
HEARING

Mr. Gartley Weller, 129 Mill Street, stated he was President of the Historical Society. He stated the petitioners state only one house will be removed. If we go down Main Street we find that at the corner of Academy and Main Street only one house was removed. Where the pizza store is, only one house was removed. At the Prudential Building only one house was removed. It has happened in many cases only one house was removed. Now they are saying that only one house will be removed for the project. This has been going on for years. This could happen again. What about the two that would remain? Will they continue to remain there? You see what happens. This is encroachment into the residential area. We are proud of the Village. There are old homes all over the Village and we are proud of them. Let's keep it that way.

Cayuga Rd.
Property
(Hogan's)

(Con't)

Mrs. Betsy Springer, 60 Monroe, stated she is the Village Historian. She stated she is concerned about the proposed development. Cayuga Road is one of the principal historical areas of the Village. There have been a number of historical walks centering on Cayuga Road. She stated they are researching these homes, and have found many interesting things. She stated she hates to see the Board decide to rezone and change the character of Cayuga Road without really studying the impact on the Village. She stated they found that there was a burying ground to the rear of the premises at 54 S. Cayuga. There were many settlers along the creek. We think the property should be respected and preserved and carefully looked at before changes are made that can't be reversed.

Mr. Felzer presented a petition to the Board signed by residents of S. Cayuga Road. Mayor Kuzon accepted the petition and asked the Clerk to file it with the minutes of the public hearing.

Mr. Weller asked if he understood correctly that we want to decide on the feasibility of building on this property and that it's not really specifically what the building might be. Mayor Kuzon

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stated that in considering reclassification of property you consider the suitability of the land for multiple family dwellings, not really the specific project.

Mr. Weller stated he thinks the architect should submit a good size sketch of the design of the buildings and what the materials would be that they would use.

Mr. Kuhn stated he doesn't want to see the businessmen encroach upon the residential sidestreet. He does not want to see his street become another Evans, Hopkins or Mill Street and be commercially rezoned. He will fight this to the very end. He stated he does not think this should be done. He doesn't want to see his street destroyed.

PUBLIC
HEARING

Hogan's
Cayuga Rd.
Property

(Con't)

Assemblyman John Sheffer, 80 S. Cayuga, stated his concern was a procedural one. He stated the Board has separated the rezoning from the exceptional development process and with justification but it makes it difficult to make a judgement. We don't know if the proposal meets the setback and height requirements, etc. He stated he assumes the proposal would be a good one as Cannon does quality work. He stated he is concerned about two things. 1) If the rezoning is prior to exceptional development, can you make the rezoning contingent upon exceptional development approval so if the specific plans are not approved the property would not be rezoned as the contingency was not met. 2) The more serious question is if you are setting a precedent by rezoning single family lots with homes on them into multiple family dwelling lots. The Village has rezoned commercial or vacant lots but we seldom, if ever, rezoned single family homes into multiple family homes. It seems to set an ominous precedent and is not something the Board should do unless it were within the context of its master plan where certain areas were able to do this. If it is rezoned, anything meeting the requirements of that zoning could go in there. The rezoning itself is a serious precedent.

William McHugh, 86 S. Cayuga, stated he recently purchased his home on S. Cayuga and it needs a lot of work. He did not believe they would have purchased this house if they had known that the area could be rezoned. He knows Cannon does excellent work but have they given serious study as to the saleability of these townhouses. He also asked what the minimum number of townhouses was before the project was no longer desirable. Mr. Cannon stated the saleability had not been studied.

Richard Brown, 64 S. Cayuga, stated he lives adjacent to this property. He stated he believes these properties are now two-family dwellings rather than single family dwellings. He stated he has no interest in the project one way or the other. It would seem that the proposal would be an improvement over the existing structures. The house to be torn down is no asset to the Village in its present condition. If the other two houses go into the project that would be fine. He stated he doesn't see how you can

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object by a petition if you have not seen the project until tonight. If you object to the concept this is one thing but the concept to me is good and he thinks you have to have confidence in the Board that they would not approve something that would not be attractive or acceptable to the Village. He stated he is the closest neighbor to it and has no objections to it.

Trustee Bancroft stated we face the problem of spot rezoning and an endangered street within the Village. We hear an awful lot about historical value of the streets within the Village whether a single building or a row of buildings. One of the things that would make it much more expeditious to consider a concept like this would be a historic preservation code. It would also help when buildings in the Village are being torn down or remodeled. We don't have such a code tonight and this is very important, if we feel as we do about historic preservation. We should promote the development of such an ordinance. Betsy Springer, our Village Historian, and Gartley Weller of the Historical Society would be glad to talk to anyone interested in developing such an ordinance. Such an ordinance would be of help if such a development came before us in the future. Trustee Bancroft advised that we now have a landscape ordinance addressing the green space and open areas of developments and we are now implementing this.

PUBLIC
HEARING

Hogan's
Cayuga Rd.
Property
(Con't)

Mayor Kuzon advised that the Planning Board has considered this proposal and has made a recommendation to the Board. They recommended that the plan be denied on the basis of the information presented to them. The proposal was sent to the Erie County Department of Planning and Environment and they responded that they had no recommendations. We requested a recommendation from the Town of Amherst as they have property within 500 feet of the proposed development but they have not responded. Mayor Kuzon stated a number of Planning Board members are here tonight and that Board had at least two meetings regarding this proposal.

The Clerk read a letter from Arthur W. Ticknor, 170 S. Cayuga Road, and this will be made part of the minutes. He was unable to attend the meeting and expressed his continued opposition to the proposed rezoning, on the basis of increasing congestion in the Main and Cayuga area, the safety of pedestrians and children in the area, and deterioration of the community into a community of apartments and condominiums.

Mr. Kuhn stated he does not wish to see a precedent started on his street. When retired or older people sell their homes he does not wish to see them bought by a developer who can turn them into condominiums. They would impede traffic and pose a danger for children. He stated this is how his neighbors feel.

Mrs. Hogan stated that when they bought the three properties it was with the understanding that they would live the rest of their lives here. They picked Williamsville for the same reasons as everyone else. It is a beautiful place to live and we wanted our children to grow up here and we wanted to improve the property we bought. We have tried hard to improve these properties.

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It is to the point where it is becoming too expensive to improve these properties further. We are not going to tear down all three houses as previously proposed. We have considered all the objections raised and have decided to retain the two best properties. We do not intend to change the environment. This is not one property, but three complete properties. The two retained houses will maintain their historic exteriors. They will only be changed on the inside. The lot has beautiful trees on it and we don't want to take them down. We don't want the park area to be destroyed in any way. We realize its importance.

PUBLIC
HEARING

Hogan's

Mr. Kuhn asked when the property was purchased and when the decision was made to develop the townhouses. Mrs. Hogan stated the first house at 50 S. Cayuga was purchased two years ago and then 54 was purchased. 44 was purchased last and we got the idea for developing the property when it began to cost too much money to improve the properties as they are now.

Cayuga
Rd.

Property
(Concluded)

Mr. Kuhn asked if the decision for the development was made before the property was purchased and Mrs. Hogan advised it was made after the last property was purchased.

Mayor Kuzon stated complete drawings have not been submitted pending action on the rezoning. Mrs. Hogan stated there is a small sketch of how it would look from Island Park.

Mrs. Felzer asked how long the Hogans have lived here and Mrs. Hogan advised they have been here three years.

Mayor Kuzon advised that under the law the Board has 60 days in which to act following the public hearing. If no action is taken another public hearing would be required before any decision is made. He stated the Board felt it would be able to make a decision within the 60 days and do it at a regular meeting.

ON MOTION by Mayor Kuzon, seconded by Trustee Atkinson, the hearing was closed at 8:33 PM.

Unanimously carried.

Theresa L. Cummins,
Village Clerk-Treasurer