

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, September 13, 1982 at 7:37 PM

Roll Call

Present

Gordon J. Kuzon, Mayor

Lawrence R. Brenton  
Michael Kibby Trustees  
Connie C. Murray  
V. James Saia

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

Clerk: PLEASE TAKE NOTICE THAT the Board of Trustees of the Village of Williamsville will hold a public hearing in the Municipal Building, 5583 Main Street, Williamsville, New York on September 13, 1982 at 7:35 p.m. for the purpose of hearing all persons interested in discussing a proposed local law which would amend Section 59.50(1) of the Swimming Pool Code of the Village of Williamsville.

PUBLIC HEARING

Mayor Kuzon: I would turn this portion of the agenda over to Trustee Kibby.

AMEND SECTION 59.50(1)

ON MOTION by Trustee Kibby, seconded by Trustee Murray, it was moved to open the hearing at 7:37 PM.

of the Swimming Pool Code

Unanimously carried.

Trustee Kibby: Let me just explain what this law is doing first in ordinary terms. What it's doing is requiring the erection of what would be called a stable fence around the pools. What we're asking for are cyclone type fences with specifications as to the pipe size, the grade of the wire, etc. or a comparable, comparably rigid sort of fence. What we're trying to get away from are designer fences, or post fences, or something that won't keep the kids out. We're looking for a rigid fence. If anyone would like to address this issue please come to the microphone as we are tape recording. Please state your name and address. Seeing no speakers...

ON MOTION by Trustee Kibby, seconded by Trustee Murray, the hearing was closed at 7:40 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, September 13, 1982 at 7:40 PM.

Roll Call

Present

Gordon J. Kuzon, Mayor

Lawrence R. Brenton  
Michael Kibby Trustees  
Connie C. Murray  
V. James Saia

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

Clerk: PLEASE TAKE NOTICE that the Board of Trustees of the Village of Williamsville will hold a public hearing in the Municipal Building, 5583 Main Street, Williamsville, New York on September 13, 1982 at 7:40 p.m. for the purpose of hearing all persons interested in a local law which would increase the earning limits of Senior Citizens from \$9,200 to \$10,500 and still enable them to qualify for the 50% Senior Citizen Exemption.

PUBLIC  
HEARING

Mayor Kuzon: This local law will be handled by Trustee Murray.

SENIOR  
CITIZENS

ON MOTION by Trustee Murray, seconded by Trustee Brenton, it was moved to open the hearing at 7:40 PM.

EXEMPTION

Unanimously carried.

Trustee Murray: As our Mayor said, and in the notice, the increase in exemption is from \$9,200 to \$10,500. We have not changed this in two years time and neither has the County or the Town. Last year because of higher interest rates and higher social security we lost approximately 8 to 10 people that received a 50% reduction in their Village taxes under this law. Anyone wishing to speak would you please come to the microphone and state your name and address. If no one wishes to speak...

ON MOTION by Trustee Murray, seconded by Trustee Kibby, the hearing was closed at 7:43 PM.

Unanimously carried.

Theresa L. Cummins,  
Village Clerk-Treasurer

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Gordon J. Kuzon, Mayor

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Dave Laubisch, Dept. of Public Works

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

Mayor Kuzon: Next on the agenda would be approval of the minutes of our last meeting.

ON MOTION by Trustee Kibby, seconded by Trustee Murray, the minutes of the regular meeting held August 23, 1982 were approved.

Unanimously carried.

Mayor Kuzon: Our fourth item of business this evening is, are public hearings. We have two scheduled. The first is a proposed local law to amend Section 59.50 of the Swimming Pool part of our code.

ON MOTION by Trustee Kibby, seconded by Trustee Murray, it was moved to open the public hearing at 7:37 PM. (The hearing was closed at 7:40 PM.)

Unanimously carried.

Mayor Kuzon: Our second public hearing this evening is regarding a proposed local law which would increase the, well it does increase the earning limits of senior citizens but actually what it is going to do is to allow for a larger income for senior citizens to qualify them for the 50% tax exemption.

ON MOTION by Trustee Murray, seconded by Trustee Brenton, it was moved to open the public hearing at 7:40 PM. (The hearing was closed at 7:43 PM.)

Unanimously carried.

Mayor Kuzon: For my portion of the agenda this evening, I really don't have anything to report, but I do have something I'd like to make in the way of a comment. As we look out into the audience every Board meeting the Board has come to recognize many familiar faces and among such faces there are a few of you diehard Village Board supporters that come basically at every meeting and amongst those are reporters Connie Stofko from the Amherst Bee and Bob Kostoff from the Courier Express, and I guess my comment concerns

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Bob and the Courier Express and I would just say that in the time that the Courier has covered the Board since I've been on the Board they've done a tremendous job. They've been consistent in their coverage and certainly competent and probably given us as good coverage as we could expect from any newspaper. The first - in my experience Dave Condren was a good reporter, and now Bob Kostoff, and I certainly was shocked to say the least to learn of the Courier's situation. And I'll certainly miss, if things do not work out, the coverage and reporting that Bob has given us in his brief experience in the Village. And Bob, I wish you good luck. Hopefully you'll be back for our next meeting. We certainly hope you will. But we appreciate the coverage and reporting you've given us.

I have one resolution this evening and that's for vouchers.

ON MOTION by Mayor Kuzon, seconded by Trustee Brenton, vouchers in the sum of \$134,155.20 were approved as follows:

Payroll Fund	W/E 8/25/82	\$ 8,010.03
	W/E 9/01/82	4,495.68
	W/E 9/08/82	4,437.79
General Fund	Abstract #520	63,252.10
Sewer & Water Fund	Abstract #101	38,581.12
Trust & Agency Fund	Abstract #140	5,969.81
Glen Park Joint Activities	Abstract #40	157.51
SSES Fund	Abstract #16	8,333.66
Federal Revenue Sharing Fund	Abstract #133	<u>917.50</u>
Total Vouchers		\$134,155.20

Unanimously carried.

That concludes my portion of the agenda and next is Trustee Brenton.

Trustee Brenton: Thank you. For my report this evening I'd like to say that the Columbia Drive sewer work has started and probably will be finished within a week or shortly thereafter. This is the work that we previously discussed at a Board session and requires 100% payment of Village funds. Also, - I'll talk about that when I get to my resolutions. I will move directly to my resolutions and resolution number one is what I was going to talk about. It deals with an emergency situation that has already occurred and been repaired. However, for the record keeping and various other requirements, etc. we have to have a resolution and this deals with Hillside sanitary sewer work which, as I said, has been completed.

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

RESOLVED that the Mayor be authorized to sign Sanitary Sewer Rehabilitation Program Field Bulletin #5 with Nickel City Contracting Corporation for Rehabilitation of portions of the sanitary sewer on Hillside Drive, between manhole #241-242 at a cost of \$8,950.00.

SSSES AUTHORIZATION  
Hillside Drive  
work

Unanimously carried.

Resolution number two deals with a survey, if you will, of various equipment that is in the Department of Public Works garage and through Mr. Laubisch's efforts we have determined that equipment that is listed here, these six items, are surplus to the Village. We do not, quite frankly, feel that they are worth a great deal of money but there is absolutely no reason for us to continue to maintain them in our inventory. Tractor, sidewalk snowplow, we already have those. The vehicles that are for sale are, quite frankly they have seen their better years and so we just want to get rid of this stuff and this is the way to go about it. However, we will, I believe in the advertisement will be that we will reserve the right to reject any and all bids that we will be calling for tonight in an attempt to find more space for the equipment that we need in the Department of Public Works building. The resolution reads as follows:

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

RESOLVED that the Village Clerk advertise for Sealed Bids for the sale of various pieces of surplus Village equipment as follows:

ADVERTISE FOR  
BIDS  
Sale of equipment

- 1) one 1966 Snowline Tractor with V-plow
- 2) one 1974 Chevrolet P20 Step Van, as is (needs transmission)
- 3) one 1974 Chevrolet Belair Station Wagon, as is
- 4) one Flat Bed Truck Body
- 5) one Frink one way Highway plow
- 6) one 1952 Ford model 8N farm tractor, 3 PT Hitch and Hydraulics for front plow.

(Comment)  
(which is the sidewalk plow)  
(it does need a transmission)  
(as is speaks for itself)  
(just the body)  
(an old style snowplow we no longer use)

Bids to be opened at the Village Clerk's Office on October 5, 1982 at 10:00 a.m.

Unanimously carried.

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And that's all I have, Mr. Mayor.

Mayor Kuzon: Thank you. Trustee Kibby.

Trustee Kibby: I was going to start this at the next meeting, but maybe I'll mention it tonight. The Planning Board is meeting at the moment and, as I said at the last meeting, we will start announcing at these meetings what the Planning Board is doing at their next meeting. We've also changed the Planning Department's guidelines in which plans are due in order to be approved by the Planning Board. The time limit is moved up from about a week or ten days to somewhere around six weeks. At our next meeting I'll give you the exact date. There are nine things on the agenda for the Planning Board tonight. The first eight deal with sign permits for Capello, Canopy, Salon de Michii, Young's Hardware, Computer Resource, The Shirt and Tie, Fogel Enterprises, Golf (the new golf store over here in the plaza) and the Repair Shop on Nick Laratonda's place. The ninth one on the agenda, which would be very interesting if you want to be attending, is for the new restaurant for site plan approval and for architectural review approval for a new restaurant that will go up maybe, where the New England Seafood is at the moment. Okay. And those plans are there tonight.

For my - I have one resolution tonight, Mr. Mayor, and it is, it reads:

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

RESOLVED that the Mayor is authorized to sign contract with Stievater & Czaja for architectural services for the Meeting House at a cost not to exceed \$1,000.00.

AUTHORIZATION

Mayor to sign contract with Stievater & Czaja for work at Meeting House

And this is about the - what this is about it is the payment of architectural fees for plans to remodel the second floor of the Historical - excuse me, the Village Meeting House in order to house the Historical Society. These plans have already been received by the Village.

Unanimously carried.

Thank you, Mr. Mayor. I have nothing else.

Mayor Kuzon: Thank you. Trustee Murray.

Trustee Murray: Thank you. I have a list of the Senior Citizen program that starts next Monday. If any of you are interested would you please pick up one of the program sheets before you leave and take it to your friends, neighbors and relatives.

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Next Tuesday they start out as they do every year with coffee and crafts and conversation, to have a display of crafts and decide what they want to do during the year. Besides crafts, there will be exercise and swimming in October and on Fridays starting in September Conversational French and Beginner Bridge. If you're interested please pick up one of these after the meeting.

I have one resolution tonight. It is the result of a request from a Village resident for a stop sign at the corner of Pfohl and Scott.

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

RESOLVED that the Village Clerk publish notice of public hearing to be held by the Board of Trustees of the Village of Williamsville on September 27, 1982 at 7:35 p.m. for the purpose of hearing all persons interested in a Local Law which would amend Section 60.40(31) of the Traffic Code - re: a stop sign at Pfohl and Scott.

PUBLISH NOTICE OF  
PUBLIC HEARING

Stop sign at  
Pfohl & Scott

Unanimously carried.

That concludes my report.

Mayor Kuzon: Thank you. Trustee Saia.

Trustee Saia: Thank you. This evening I'd like to give some thanks to the Village Highway Department for doing a nice job on Belmont. That's my street. They paved it and did a nice job. The citizens on that street appreciate it.

Now the other thing is I'd also like to thank the Village Highway Department and the Town Highway Department for the assistance given to the Glen Park Committee in solving the problem of the disappearing water at the three pools at Glen Park. Now this is a joint effort between the Village and the Town and all I've got to say is through the efforts, the assistance of Donny Schueckler and through the blessings of Mr. Lucey, the job got done and we got the water flowing again so that we stopped the stagnation or the awful smell that was happening out there and the ducks are even starting to go in the ponds now. The water is moving.

Now I have a resolution tonight also, Mr. Mayor. That is...

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

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APPOINTMENT

RESOLVED that Timothy Grady be hired as part-time laborer in the Department of Public Works at the rate of \$3.45 per hour to be assigned to Glen Park. His salary for any work in Glen Park to be paid from the Glen Park Joint Activities Fund.

Timothy Grady as part-time laborer

Trustee Saia: So that we will be able to have someone there when we need him for the remainder of the good weather.

Trustee Brenton: I have a question. This resolution was written in our work session and - how does it read again? (Read it.)

Mayor Kuzon: Would you like a roll call?

Trustee Brenton: No. I don't have a problem with the purpose of that resolution but, quite frankly, it doesn't cover my problem which we discussed and I thought it was intended to as far as I'm concerned.

Trustee Kibby: Will you read it again, Mr. Saia?

Trustee Saia: I think we could change it now if we had to. Can't we?

Mayor Kuzon: It could be amended. We couldn't change it because it was seconded. We could make an addition to it.

Mr. Troy: That's right.

Trustee Saia: My resolution at this time reads:

RESOLVED that Timothy Grady be hired as part-time laborer in the Department of Public Works at the rate of \$3.45 per hour to be assigned to Glen Park. His salary for any work in Glen Park to be paid from the Glen Park Joint Activities Fund.

Trustee Brenton: He is assigned, or hired as a part-time laborer in the Department of Public Works, and Attorney Troy then that was - you feel that that does

Mr. Troy: That covers him as a Village employee. His assignment though, the reason we're having indication of the assignment is that he expects, at least for the time being, to be assigned to Glen Park and we want to make sure that any work he does there comes out of the Joint Activities Fund.

Trustee Brenton: Right.

Mr. Troy: In other words, if he's somewhere else in the Village, say as anyone of the other Village employees, then his pay would

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come from the Village.

Trustee Brenton: And this resolution does, in your opinion, allow, provide in fact for him to work for the Department of Public Works?

Mr. Troy: It does. He's...

Trustee Brenton: Outside of Glen Park?

Mr. Troy: Right.

Trustee Brenton: Okay.

Mr. Troy: His assignment is to be Glen Park, but if he's anywhere else - it certainly doesn't - don't they all have different assignments every day?

Trustee Brenton: Yes, but you know this is an employee that we're hiring on a part-time basis and only for a very short period of time and in fact, the use of the Department of Public Works for the purpose of this employee will only extend for perhaps another week but at the present time we don't have a resolution for him and so that's my concern. Is it?

Mr. Troy: I think that satisfies it.

Trustee Brenton: Okay.

Unanimously carried.

Trustee Saia: I've got to say also Timothy Grady is one of these fellows taking this type of work. The school he's going to - he's taking...

Trustee Murray: Landscape Architecture.

Trustee Saia: Landscape Architecture. He's a good kid and he's doing a terrific job down there. It's too bad we couldn't have hired him at the beginning of the season when we hired our other people, which also did a fine job, but he has got an awful lot of knowledge and we'd like to get him back next year. That's the first person that came to my mind because the Town - the Village had hired him in the Highway Department after I had hired my people for the summer, and when I discovered that Timothy Grady had this educational field, he was in this special field of the architectural designing of parks why I thought he should stay on. It's only about six more weeks. It's only part-time. It'll probably just be for the weekends. He does a nice job down there. I looked the other day, he cut the grass, he mowed it, and it looked decent. And our Town has dumped some dirt down there. We're going to get him out there to rake it and seed it where they dumped it. So he's going to be doing some work down there. Thank you. That's all I have.

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Mayor Kuzon: Thank you. Mr. Laubisch of the Department of Public Works.

Mr. Laubisch: Yes, Mr. Mayor. We have some fire hydrants that are being painted in the Village. There were about five hydrants that were not painted yellow. That was because they were scheduled for routine maintenance, and as of the end of this season all of the hydrants in the Village should be painted yellow. We are also in the process of painting the Department of Public Works building. The first coat is about 95% complete.

Mayor Kuzon: Okay. Thank you.

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

Unanimously carried.

Mayor Kuzon: This portion of the agenda is reserved for comment from the audience, so anyone wishing to comment on any item, not necessarily on the agenda, may do so. We ask that you state your name and address. Mrs. Schlifke.

Mrs. Carolyn Schlifke, 192 Evans Street: After the paving of Belmont I believe the Village came back and placed a curb in front of one of the residences, former attorney Dickey's, and I'm wondering what was the purpose of that and why was it done.

Trustee Saia: May I just make a comment on that? That's not my realm. I happened to be involved because - you people know Mr. Dickey. When he gets on the phone he can chew your ear off. He's an attorney and he gets on that phone and you can't get off the phone. He calls me because I live on that street. I had discussed the situation with him but evidently when it rains the water comes off that hill and it goes right into his garage and we had two big rains after the street was paved. That water ran right into his garage. He called me again. I tried to get him to call the Mayor but he won't talk to the Mayor. He's talked to him before, I'm sure.

Mayor Kuzon: He has.

Trustee Saia: So Mr. Dickey I'm sure called Larry.

Trustee Brenton: He didn't.

Trustee Saia: He didn't? Well he talked to somebody else and that's how that happened. But he did have a big problem there.

Mrs. Schlifke: It looks like you also put a new receiver in the street right in that area.

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Trustee Saia: Just beyond his driveway.

Mrs. Schlifke: Well just beyond his edge of property I believe that is.

Trustee Saia: Just beyond his driveway.

Mrs. Schlifke: But as I recall - coming off of Evans, is that what you're considering coming down the hill? The curbing, I don't see it before the garage. I see it after the driveway to the next lot line and if the water's running down the hill and into his garage this curbing isn't going to do a bit of good.

Trustee Saia: It ran right into his driveway, into his garage. There's also some...

Mrs. Schlifke: Is there a small section before the driveway?

Mr. Laubisch: There was a section that was deteriorated by the driveway, Carolyn, coming up the driveway. It was an indentation in the driveway that kept the water from going down the shoulder.

Mrs. Schlifke: Well there's a receiver, I believe just before his driveway, and when the area at the corner house was paved, that area along there where they park the cars, there's a receiver there and the blacktop was down - I mean the receiver was quite a bit lower than the blacktop. So it seems feasible that the water would run into that. Now whether it was running into his garage or not I am not aware of that, but it did seem strange that one house would receive this treatment. I know Mr. Dickey is very, very conscious of his lawn and so is Mrs. Dickey and it did seem like a perfect solution to keep cars off of his front lawn and I just wondered what the story was behind it. They did have Village employees doing it.

Mr. Laubisch: That was not the intent and purpose of that, Carolyn. I mean it may have appeared that way but the intent and purpose was that water was running down into his garage. There is...

Trustee Saia: I must say it's not the Village's fault.

Mrs. Schlifke: I understand that, Mr. Saia, but...

Trustee Saia: The house is in a hole.

Mrs. Schlifke: when you set a precedent of putting a curb in in front of one person's house you may hear from some other people in the area.

Trustee Saia: But now that you mention about - saying something about the curb by Village employees, he did mention to me that

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the plows come down in winter and they took that old curbing off and now I've got water in my basement and in my garage.

Mrs. Schlifke: Well I think the plows fixed this perfectly.

Trustee Saia: I agree.

Trustee Brenton: We use rubber bladed plows now. We usually don't have that problem. But at any rate, I might point out that we do, when we are requested by people, when they ask or request similar relief from water going into a low driveway approach, we've gone down and tried to help. Now quite frankly, I don't know Mr. Dickey. I wouldn't know him if he walked into this room and I've never talked to him. Trustee Saia did threaten me with the fact that he was going to have Mr. Dickey call me about potholes that were on the street and I said look it, he can call Santa Claus but those potholes are not going to get filled until we pave the street. We don't have time to be filling potholes when we're going to pave the street. So that basically is the only thing that I've ever had to do with Mr. Dickey, and if he requested some type of alleviation for water going into his garage it is the first that I know of it, and the first that I know that that's the way they did it, but I'm sure that's the purpose of the request. But in regards to other residents, if they have a problem that the Village in anyway can alleviate, that's what we're here for. You know, we want to help.

Mrs. Schlifke: If it was a water problem fine. If it's a problem with cars parking on the grass then I feel it was not the Village's problem. The only reason I was bringing it up was because I wanted to know - I couldn't visualize a problem there and when water runs down the hill even if there's a curbing on one side of the driveway, the curbing on the other side of the driveway, when it hits the opening of the driveway it's going to flow into the empty spot, but I'm really wondering whether the Village has solved this problem.

Trustee Saia: It just so happens that after they paved that road we had a real dandy of a storm and he was very aggravated by that and it went right down into his basement. He was telling me it went into his basement. He was more concerned about his garage. I think it would get in his basement no matter what you put on his lawn, but he did have a problem. I happened to go up there and he got water in there, so much water that it went in there and I guess with that curbing it diverts a lot of it out of the way and sends it down the street to the neighbors or someplace. It's not what you would call...

Trustee Brenton: In that regard, a DI was put in to the left of Mr. Dickey's driveway approach, and we questioned Mr. Taylor

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because the water runs directly through his backyard and we installed drainage to try to alleviate the problem itself. So that was why the DI was involved there, and quite frankly, Mr. Taylor probably requested the DI for two years so we finally had the budgeted amount and that's what triggered it for installation this year.

Mrs. Schlifke: Okay.

Mayor Kuzon: Anyone else?

Mr. Ted Siekmann, 169 Richfield: I own property in the Village and am a resident on Richfield Road and I guess that the Planning Board tonight is having a hearing or a discussion on the rezoning of a restaurant and is going to forward to the Town for rezoning from R-3 to Commercial.

Mayor Kuzon: Well, I think, yeah, but some clarification here. What the Village Planning Board is considering tonight is a site plan and architectural review of the property at the old sub shop at Main and Hirschfield. Okay? I think what you're referring to...

Mr. Siekmann: The restaurant, right?

Mayor Kuzon: Right. I think what you're referring to is something that the Town Planning Board, as I understand, is going to consider Thursday night.

Mr. Siekmann: Right, and it's going to be set up Thursday night, but the Village has to wait on approval, I understand, of the restaurant until the Town makes a decision. Right?

Mayor Kuzon: Well I'm not sure. You see I've only informally been told that there are plans to rezone that property on...

Mr. Siekmann: Mr. Kindel has them available and I looked at them and the plans themselves suggested an old problem, I guess, in the Village for the restaurant that was on Hirschfield and a buffer zone in between the neighbors and so on and so forth of 50 feet. The only thing I want to bring up to the Village Board's attention is that commitment of that buffer zone in between the properties and the commercial property, I guess, was a 50 foot buffer zone and on the proposed plans that I've observed there is none of that 50 foot green barrier in between a residential area and the said planned restaurant. And I don't know whether it would be in violation of the building permits or the building codes within the Village as they stand today.

Mayor Kuzon: Well I'm not sure where we provide that 50 foot figure. I know within the codes that exist today it's a

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50 foot buffer.

Mr. Siekmann: They had a special variance to allow that restaurant to be put in. None of those one story buildings ever did have a building permit in the Village. They were licensed as a private building and even the buildings that are in this Village and extend on into the Town. The ones in the Town I don't know whether they have any permit to be tapped into the Village sewer system but my understanding is all the way across there, including Placey's Bar, is all tapped into the Village sewer system, okay, which is another consideration and also the traffic restrictions and the opening of the driveways on Main Street, I believe, were originally restricted to 25 foot and they're in violation currently. So there are a number of different existing building violations that are existing there and I think that the Southeast Homeowners Association and several other groups are concerned about that and I just - I'd like to see any improvement there can be to that corner and my presence at this meeting was just to acknowledge those concerns of myself and say if we're going to allow existing violations of different restrictions within the Village and within the Town that we should consider that before we go ahead and rezone it or re - or take on a commitment of future planning when they're not living within the plans we presently have.

Mayor Kuzon: I'd like to make two points. First of all, the structure that's within the Village is the seafood place, the taco-sub shop. That's the only building in that area that's within the Village. In fact, that's the easterly boundary of the Village and the only question that the Village Planning Board is concerned with this evening - you know, this is not the Planning Board, they are meeting in the conference room - the question that they're concerned with is site plan approval and architectural review of a proposal for a restaurant at the corner of Main and Hirschfield. The points that you have brought up regarding potential rezoning and the sewer tap-ins and the other points certainly might merit investigation, but I would make just one suggestion. That maybe it would be advisable for you to go to the Village Planning Board meeting right now...

Mr. Siekmann: I believe other members are there.

Mayor Kuzon: I would make the same point to them because they are the ones that are going to act on - and as a matter of fact they are tonight - act on the restaurant proposal. And again, as I said earlier...

Mr. Siekmann: I was under the understanding that the Village had the control on Hirschfield Avenue in between that commercial property and the residential property that is directly adjacent to that in the Village.

Mayor Kuzon: In terms of the 50 foot buffer referred to earlier?

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Mr. Siekmann: Yes.

Mayor Kuzon: If we do, that's news to me. I honestly didn't know about that and I don't know if the Village Board ever did.

Mr. Siekmann: Wouldn't the Village also have controls on that sewer tap-in too, because all that area further on into the Town does not have sewers at this moment. They are currently on septic, even though the plans have been approved for the construction of sewers next year.

Mayor Kuzon: If they are tapped into the Village it would be in our best interests to be aware of that and then to claim credit on our sewer bill from the Town of Amherst or charge them, whichever is in our best interests. I think Mike has a comment.

Trustee Kibby: Just a couple of comments on that. The - in terms of the buffer zone, that law right now is kind of in limbo as to - as a matter of fact, the codes don't call for a buffer zone on parking areas between the commercial district and the residential area.

Mr. Siekmann: I thought there was a special variance by this Village Board that allowed for that in construction of that restaurant.

Trustee Kibby: No. Maybe for the old restaurant that may be true. If that's the case I don't know that. The other thing is that the Traffic and Safety Committee Chairman is at the Planning Board session right now with his suggestions, if there are any suggestions that he has. In the last couple of structures that have been major site structures that have been brought to the Planning Board, he has had - or that committee has had suggestions that have been taken into account. As far as rezoning, that's through the Town. Okay? That's not the Village. And thank you for your comments on the sewer. We'll keep that in mind.

Mr. Siekmann: The reason I came to the meeting was to bring up the different conditions to your attention prior to that. Any improvement in that corner I would be definitely in favor of, but...

Trustee Kibby: Well given the considerations you have voiced - sewer, buffer zone, parking, exits - you are - and you've seen the plans - I take it that you, given that the other considerations are taken care of reasonably, that you're in favor of this particular construction. It certainly is an improvement.

Mr. Siekmann: That's true. The only problem I have as a Town resident, this does not improve or kind of restrict the business of Placey's Bar and the traffic from exiting from

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Richfield Road to Main Street, but I envision the Traffic and Safety Committee would probably put in something to help that too and I understand there is some proposal of widening Main Street out that way anyway.

Trustee Kibby: There are at least two parking plans also for there - with different kinds of exits out of each parking plan. Thank you for your concern.

Trustee Brenton: I do have a comment particularly regarding the 50 foot buffer zone which was, or is alleged to have been given for the construction of the original restaurant. That restaurant was built probably in the late 1940's and it would seem to me that if indeed there was a 50 foot buffer requirement for the construction of that restaurant that was the stipulation of the then seated Village Board and it would appear that this type of requirement was still carried through to any new construction and I would be remiss if I didn't therefore ask the Village Attorney, or whoever would be empowered, to research this subject to determine whether or not a) there is a 50 foot buffer requirement and therefore, b) if that requirement would still be enforceable today and should be enforceable. I guess we would have to make the latter decision as to whether or not it should be enforced, but I think that we'd better make sure that we have clear conscience as to that type of construction or not.

Trustee Kibby: I'd just like to point out again that as the Village Code stands right now, and this has just come to our attention in the last six or eight weeks, there is no required buffer zone between a residential area and the parking lot of a commercial area. There are requirements for certain kinds of shrubbery and fences in between them and as a matter of fact, on the next agenda we will be calling for a public hearing on reinstating, or re - or putting back into the code the 10 foot buffer zone that was left out when the code was changed, oh five years ago, '74 I guess it was, some 8 years ago. How that vote will go I can't predict. We'll have a public hearing on that. We'll call for a public hearing at the next meeting, have the public hearing the following meeting, and then have the vote the following meeting after that. So I would have to - I don't know if I would agree with Mr. Brenton at this moment as to whether or not an old agreement about a buffer zone carries over to the owner of the property 40 years later, but I do think he is right that Attorney Troy had better look into that.

Mr. Siekmann: I was also informed that that was also part of the deed of that property so it's recorded in County Hall on my understanding and I don't have any personal involvement but that is what I was told.

Trustee Kibby: It doesn't sound like something you do in a deed, but we'll look at it.

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Mayor Kuzon: Okay. Thank you. Anyone else? If not...

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

Unanimously carried.

Mayor Kuzon: And if there is no further business...

ON MOTION by Trustee Murray, seconded by Trustee Brenton, the meeting was adjourned at 8:20 PM.

Unanimously carried.

Theresa L. Cummins,  
Village Clerk-Treasurer