

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, July 25, 1983 at 7:40 PM

Roll Call

Present

Gordon J. Kuzon, Mayor

Michael Kibby
Connie C. Murray Trustees
V. James Saia

Theresa L. Cummins, Village Clerk
Thomas V. Troy, Village Attorney
Phil Boudreau, Dept. of Public Works

Absent

Lawrence R. Brenton, Trustee

Clerk: PLEASE TAKE NOTICE THAT a public hearing will be held by the Board of
Trustees of the Village of Williamsville on July 25, 1983 at 7:35 PM in the
Municipal Building, 5583 Main Street, Williamsville, New York for the purpose
of hearing all persons interested in discussing a proposed local law which would
add a new section to the Village Code - Abandoned Vehicles.

PUBLIC
HEARING

ON MOTION by Mayor Kuzon, seconded by Trustee Saia, it was moved to open the
hearing at 7:40 PM. PROPOSED LOCAL LAW

Unanimously carried.

ABANDONED
VEHICLES

Mayor Kuzon: As the Clerk has stated the purpose of this law is to regulate
and control abandoned vehicles within the Village both on private and public
property, and I guess it can basically be summarized most simply in one state-
ment. The intent is to take care of those abandoned vehicles on private property
that have become an eyesore and a nuisance in residential neighborhoods. It's
modeled after the Town of Amherst code. It says basically the same thing as
the Town code does rather effectively and which will close the gap in our own
codes that I see where we have nothing to effectively remove these abandoned
vehicles from private property. That's the long and short of it. At this
point I would open the public hearing to your comments and ask that for our
records you state your name and address before speaking. Is there anyone
in the audience? Yes, sir.

Mr. William Oswald, 20 Arend Avenue: You were good enough to send me a copy
of the ordinance, which I did read. There's two points. One - it's not clear
to me just what the effective date is for abandoned vehicles in the Village
on the private property. It seems clear if it's on a highway or whatever
that it's a matter of half a day or so when it becomes abandoned under the
law and you have to remove it. It's not clear on the time element on the
private property. And secondly, I just might suggest that as far as the private
property goes, although I'm one of the driving forces behind having this incorporated,
I still feel there are times when individuals might have an abandoned automobile
that they might be working on for say a period of three, four weeks. I believe
some consideration should be given to this and that they should be allowed to
keep it that long if they can indicate they're working on it, etc. So the
two points. I'd like the first one clarified and the second one I'd like to
see some time element.

Minutes of the Public Hearing of the Board of Trustees of the Village of
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Mayor Kuzon: The first one, as far as I can understand, would be when the property owner receives notice from the Building Inspector, that would be the time limit and in that letter they'd be given a reasonable amount of time to remove it and if not complied with then the code would be put in force. Your other question is a, rather it presents a dilemma I guess you could say, in that on one hand we're trying to regulate and control abandoned vehicles but on the other hand we do want to be reasonable in our approach to allow people who don't have licensed or registered vehicles to have time to work on them to get them into condition to put on the road. So I guess what we would have to say to that is that there would be some discretion by our Building Inspector in dealing with that situation. But, yes, I'm glad that you did mention that you, you know, were instrumental in getting this off the ground and I appreciate that. And there are situations around the Village, and there's one in your neighborhood, but there are a couple of others too that something like this will help us to deal with it and get an eyesore out of there.

Is there anyone else? Any Board member have any comment on this? Our procedure normally in dealing with proposed local laws is to hold the public hearing and not act on it the same night as the public hearing so we will then be scheduling this for action at our next meeting. Now we are in our summer schedule and our next meeting will not be until the end of August and that will be when this will appear on our agenda. So if there's no further comment...

ON MOTION by Mayor Kuzon, seconded by Trustee Kibby, the public hearing was closed at 7:44 PM.

Unanimously carried.

Theresa L. Cummins,
Village Clerk-Treasurer

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Roll Call

Present.

Gordon J. Kuzon, Mayor

Michael Kibby

Connie C. Murray Trustees

V. James Saia

Theresa L. Cummins, Village Clerk

Thomas V. Troy, Village Attorney

Phil Boudreau, Dept. of Public Works

Clerk: PLEASE TAKE NOTICE THAT a public hearing will be held by the Board of Trustees of the Village of Williamsville on July 25, 1983 at 7:40 PM in the Municipal Building, 5583 Main Street, Williamsville, New York pursuant to Section 70.112(e) of the Zoning Code of the Village of Williamsville, to hear all persons interested in expressing an opinion on an exceptional development permit by Gerard F. O'Dwyer, owner of Drexel Hill Apartments, 205 Evans Street, for the construction of additional rental units at 255 Evans Street.

PUBLIC
HEARING

ON MOTION by Mayor Kuzon, seconded by Trustee Murray, it was moved to open the public hearing at 7:44 PM.

EXCEPTIONAL
DEVELOPMENT
PERMIT

Unanimously carried.

Mayor Kuzon: At this time I will turn this over to Trustee Kibby who will conduct the hearing.

DREXEL HILL
APARTMENTS

Trustee Kibby: Thank you, Mr. Mayor. This particular development is for 12 units, possibly 10, and because - the Exceptional Development Code requires any building with more than five units must come to the Board of Trustees instead of the usual route of the Planning Board. This qualifies because those 12 units qualify as exceptional development with the Board of Trustees. However, the Board of Trustees in reaching their decision as to whether or not to grant a permit for exceptional development does request that the owner who is making the application, that the owner does meet with the Planning Board, with the Environmental Committee and with the Traffic and Safety Committee, and then we receive in writing their recommendations. Mr. O'Dwyer has in very timely fashion, has met with the Traffic and Safety and they have absolutely no objections to the development of this project. Furthermore, he has also met with the Environmental Committee. They have no comments at all other than that they expect he will abide by the landscape law and we were told that that would be no problem. Also with the Planning Board. There's no problem whatsoever as long as this building is built in the same style, has the same brick, roofing material, window and door style as the existing complex. This existing complex is known as Drexel Hill Apartments down on Garrison, excuse me at that point it is Evans Road. What is going to happen is the swimming pool that is on the Drexel Hill Apartments property will be filled in or removed and over that space will be placed the 10 or 12 unit apartment complex.

The couple of suggestions that have been made, Mr. O'Dwyer the owner and applicant has complied with most readily. One of the suggestions was for smoke domes. This came from the Fire Chief. That presented no problem. Another was for a lane, a

Minutes of the Public Hearing of the Board of Trustees of the Village of
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road that would provide access by the Fire Department to this particular building
as it is located in the center, more or less in the center of a series of apart-
ments. Again Mr. O'Dwyer had no difficulty in complying with that. Parking which
is a frequent problem in the Village is not a problem here. I believe there are,
if I'm not mistaken, 57 or 67 extra spaces yet after the construction of this
building and provision for additional parking places that are required by code.

If there is anything else you wish to say, Mr. O'Dwyer, you certainly may say
something first and then we'll open it up to the public if they have any questions
or comments. Is there anything you'd like to add?

PUBLIC
HEARING

Mr. O'Dwyer: No, sir.

DREXEL HILL
APARTMENTS

Trustee Kibby: Anyone else in the audience. Yes, Rick Andrews our Fire Chief.

Rick Andrews, Fire Chief: Mr. O'Dwyer, as Trustee Kibby has stated we did
know you are going to put the same smoke detection system that you put in the
other buildings and you gave us the access, which is great. We're glad for that.
The only thing I'd like to ask is something that you seriously consider in the
future for your entire complex there, including this building, and that is
each individual apartment have individual smoke detectors because over the
past few years those whole apartments have gone to a senior citizen type complex
and those are high risk people in a fire. It will obviously take them longer
to get out. Some are handicapped with walkers, etc. So I would like you to have it
put on record that you will seriously consider looking into that type of situation
whether they buy it or you purchase it. So that's really all I want to say. You
knew - you've seen the fire we had down at Georgetown and that was a particular
unit with four units and it was a devastating fire and luckily no one was injured,
and I hope it will never happen again, but if you would take that into consideration
also.

EXCEPTIONAL
DEVELOPMENTS
PERMIT

Mr. O'Dwyer: We already have fire alarm systems in most of the apartments. This
is over the past year.

Mr. Andrews: Very good. Thank you.

Trustee Kibby: Anyone else like to address the Board? Any Trustee? I would
just like to say that the Planning Board frequently, or occasionally when exceptional
development things come to the Board of Trustees, but in particularly with the
Planning Board, many times we get applications for permits and the person that's
making the application has the contractor with him on the spot and wants the
Village to bend every rule there is in order for this person to get their
contractor to start working if not this evening at least tomorrow morning. I'd
like to say that Mr. O'Dwyer has approached this in a very timely manner. We do have
a number of committees. We do have a lot of codes that are there for prevention
of problems in the future, and they're there for the protection of the citizens
of the community. I think Mr. O'Dwyer approached this in, as I said, a timely
manner. He has met with the committees, he has met several committees two or
three times, and he has readily complied. I'd like to say I wish every person that
we worked with was as cooperative and was as well planned when he came to a meeting
to answer questions and present plans and be able to discuss freely what he's
doing, and say what he can't do or what is too expensive of what might be requested

Minutes of the Public Hearing of the Board of Trustees of the Village of
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of him in a very aboveboard manner and it's a pleasure to do business in this way.
If there are no further comments...

ON MOTION by Trustee Kibby, seconded by Trustee Murray, the hearing was closed
at 7:52 PM.

Unanimously carried.

Theresa L. Cummins,
Village Clerk-Treasurer

Minutes of the Regular Meeting of the Board of Trustees of the Village of
Williamsville held in the Municipal Building, Williamsville, New York on
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Roll Call

Present

Gordon J. Kuzon, Mayor

Michael Kibby
Connie C. Murray Trustees
V. James Saia

Theresa L. Cummins, Village Clerk
Thomas V. Troy, Village Attorney
Phil Boudreau, Dept. of Public Works

Absent

Lawrence R. Brenton, Trustee

Mayor Kuzon called the meeting to order at 7:37 PM.

Mayor Kuzon: Next on our agenda this evening is the approval of minutes.

ON MOTION by Trustee Kibby, seconded by Trustee Saia, the minutes of the
regular meeting held June 27, 1983 were approved.

Unanimously carried.

ON MOTION by Trustee Saia, seconded by Trustee Kibby, the minutes of the
public hearing held June 27, 1983 regarding the Mill Street sewer line
assessment were approved.

Unanimously carried.

ON MOTION by Trustee Kibby, seconded by Trustee Murray, the minutes of the
public hearing held June 27, 1983 regarding repeal of Section 50.00 of the
Village Code were approved.

Unanimously carried.

Mayor Kuzon: Next on our agenda this evening are two public hearings. The
first one is a proposed local law to add a new section to the Village Code
regarding abandoned vehicles.

ON MOTION by Mayor Kuzon, seconded by Trustee Saia, it was moved to open
the public hearing regarding abandoned vehicles at 7:40 PM. (The hearing
was closed at 7:44 PM.)

Unanimously carried.

Mayor Kuzon: That concludes our first public hearing. Our second one this
evening is regarding an exceptional development permit for the Drexel Hill
Apartments.

ON MOTION by Mayor Kuzon, seconded by Trustee Murray, it was moved to open the
public hearing at 7:44 PM. (The hearing was closed at 7:52 PM.)

Unanimously carried.

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, July 25, 1983 at 7:37 PM

Trustee Kibby: I would presume then that we will be acting on this again at
 our August 22nd meeting.

Mayor Kuzon: That concludes our public hearings this evening. Next on the agenda
 are my resolutions. To begin with I have two sets of vouchers to approve. The first
 is vouchers covering the period from our last Board meeting of June to the middle
 of July - July 11th to be exact.

ON MOTION by Mayor Kuzon, seconded by Trustee Saia, vouchers in the sum of
 \$83,647.11 were approved as follows:

Payroll Fund	W/E 7/1/83	\$ 5,463.41
	W/E 7/8/83	<u>5,071.80</u>
Total Payroll Fund		\$10,535.21
General Fund	Abstract #540	61,205.20
Sewer & Water Fund	Abstract #121	9,264.18
Trust & Agency Fund	Abstract #160	2,252.81
Glen Park Jt Activities Fund	Abstract #60	45.71
Federal Revenue Sharing Fund	Abstract #142	<u>344.00</u>
Total Vouchers		\$83,647.11

Unanimously carried.

My next set of vouchers are for the period from the middle of July until this
 evening - from July 12th to July 25th.

ON MOTION by Mayor Kuzon, seconded by Trustee Kibby, vouchers in the sum of
 \$88,637.89 were approved as follows:

Payroll Fund	W/E 7/15/83	\$ 5,172.95
	W/E 7/22/83	<u>5,389.63</u>
Total Payroll Fund		\$10,562.58
General Fund	Abstract #541	31,017.57
Sewer & Water Fund	Abstract #122	29,462.84
Trust & Agency Fund	Abstract #161	3,163.89
Glen Park Jt Activities Fund	Abstract #61	1,408.46
Federal Revenue Sharing Fund	Abstract #143	66.00
Capital Fund	Abstract #128	12,206.55
Community Development Fund	Abstract #75	<u>750.00</u>
Total Vouchers		\$88,637.89

Minutes of the Regular Meeting of the Board of Trustees of the Village of
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Monday, July 25, 1983 at 7:37 PM

Unanimously carried.

If you do have a copy of our agenda this evening you'll notice that the third resolution that I have is the award of a contract for a copy machine. However, in reviewing specifications we're going to hold that resolution this evening and not offer it at this time until we have time to further review the specs and make sure that all the bidders are responsible and meet the required specs. But in its place, I would like to substitute one which would authorize two firemen to attend a school sponsored by Niagara Mohawk in Oswego. In fact, they have already attended it and we will basically authorize payment of their expenses. Do I have to suspend the rules, Tom, to do this?

Mr. Troy: No.

Mayor Kuzon: So I'll substitute this for my third.

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

RESOLVED that Michael Moritz and Richard Meldrum,
Firemen, be authorized to attend the Niagara
Mohawk School in Oswego, New York from July 23 - July 24,
1983 and the cost, not to exceed \$225.00, to be paid by
the Village of Williamsville.

AUTHORIZATION

Attend Niagara
Mohawk
School in
Oswego

Unanimously carried.

My fourth resolution this evening is concerning the Mill Street sanitary sewer assessment and it was the topic of a public hearing at a meeting in June. Basically what this resolution will do is spread the cost of this sewer in the way we discussed at that hearing. One-third of it will be assumed by the Village as a whole and two-thirds will be assessed to the benefited property owners and it will be spread over a 30 year period. The resolution reads:

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

WHEREAS the Village Board of Trustees held a
public hearing on the proposed Mill Street
Sanitary Sewer Assessment on June 27, 1983, and

MILL STREET
SANITARY SEWER
ASSESSMENT
SPREAD

WHEREAS all affected residents had been notified
of said public hearing and allowed to voice their
opinions at this meeting.

NOW, THEREFORE, it is the determination of this Board,
that the Mill Street Sanitary Sewer Assessment will be
spread as follows:

1/3 to the Village taxpayers as a whole and
2/3 to the benefited property owners who will be
given the option of paying their entire assessment
prior to December 31, 1983 or in equal installments
for the next 30 years, plus interest, on their Village
tax bill, and

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, July 25, 1983 at 7:37 PM

FURTHER BE IT RESOLVED THAT the Village Clerk notify
the affected property owners of this determination.

Unanimously carried.

My next resolution appoints a seasonal laborer in our Department of Public
Works. At our last meeting we authorized the appointment of two. However,
at that time we only had one person and this basically fulfills the intent
of our action at our last meeting and it reads:

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

RESOLVED that Louis Friedly, 54 S. Cayuga Rd.,
be appointed as a seasonal laborer in the
Department of Public Works from July 8, 1983
to September 16, 1983 at the rate of \$3.45 per hour.

APPOINTMENT
Seasonal laborer
Louis Friedly

Unanimously carried.

My next resolution appoints a temporary laborer to take the position of
a person in our Department who is on a six-month leave of absence and this
resolution reads:

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

RESOLVED that Christopher Eyre, 67 Oakgrove Drive,
be appointed as temporary laborer in the D.P.W.
from July 18, 1983 until November 2, 1983 to replace
Michael Olszanski who has been granted a six-month
leave of absence without pay, at the rate of \$5.28
per hour.

APPOINTMENT
Temporary
laborer
C. Eyre

Unanimously carried.

Since Chris Eyre was our former pool cleaner we now have to hire a pool
cleaner and the next resolution appoints our new pool cleaner.

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

RESOLVED that Martin Christ, 82 Milton St.,
be appointed as a pool cleaner in Island
and Garrison Parks from July 16, 1983 through
September 5, 1983 at the rate of \$3.45 per hour.

APPOINTMENT
Pool cleaner
Martin Christ

Unanimously carried.

My next two resolutions deal with two additional exceptional development permits
and calls for public hearings for both of these to be on August 22nd, our next
meeting. The first one is a request of the St. Francis Nursing Home for an

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, July 25, 1983 at 7:37 PM

addition to their facility and the second one is from Mr. William Whitehead of
233 Garrison Road for a proposed subdivision in the vicinity of Willowbrook and
Garrison Road. Tonight we're simply calling for the public hearings for the
exceptional development. The first of the two reads:

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

RESOLVED that the Village Clerk publish notice of
public hearing to be held on August 22, 1983 at
7:40 PM in the Municipal Building, 5583 Main Street,
Williamsville, New York for the purpose of hearing
all persons interested in expressing an opinion on
the exceptional development permit for St. Francis
Nursing Home on Reist Street.

CALL FOR PUBLIC
HEARING

Exceptional
Development Permit

St. Francis Home

Unanimously carried.

And the next notice of public hearing reads:

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

RESOLVED that the Village Clerk publish notice of
public hearing to be held on August 22, 1983 at
7:45 PM in the Municipal Building, 5583 Main Street,
Williamsville, New York for the purpose of hearing
all persons interested in expressing an opinion
on the exceptional development permit for a
proposed subdivision on a parcel of land owned
by Mr. William Whitehead at 233 Garrison Road.

CALL FOR PUBLIC
HEARING

Exceptional
Development Permit

Garrison Rd.
Property

Unanimously carried.

At this time I would advise our committees and the public that part of the
exceptional development procedure is that once we have received a request it is
referred to the committees that Trustee Kibby talked about - the Planning
Board, the Environmental Committee and the Traffic and Safety Committee. So
this evening I would refer both of these permit requests to those committees
for their advisory recommendations to the Village Board prior to our August 22nd
hearing.

My next to last resolution reads - that the Village will participate in repair
and rehabilitation of the retaining wall in Ellicott Creek in Glen Park. We
are participating with the Town of Amherst and the County of Erie in this
project and the financial responsibility will be 50% to the County, 25% to
the Town and 25% to the Village. This is a project that Trustee Murray
initiated some two years ago when she was the liaison to Glen Park and it
has come to culmination this summer. It reads:

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

Minutes of the Regular Meeting of the Board of Trustees of the Village of
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RESOLVED that the Village of Williamsville will
contribute \$6,500 for the repair of the retaining
wall lining Ellicott Creek at the Glen Park bridge
site and

FURTHER RESOLVED that \$2,500 of this amount is hereby
encumbered in the 1982-1983 budget under General Fund
line item 1.8745.468 and the balance of \$4,000 be
appropriated from General Fund surplus and transferred
to 1983-1984 Appropriation 1.8745.468 Repair Creek
Retaining Wall.

AUTHORIZATION

Village to pay
\$6,500 towards
repair of
Ellicott Creek
retaining wall

Unanimously carried.

My last resolution appoints, or hires an engineering firm to design a water
line for Spring and Grove Streets. This will be covered under our community
development funds and the design work as well as the construction will be taken
care of with CD money. We did get three proposals on this and this is the
proposal we feel is best and are going with the low responsible bidder.

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

RESOLVED that Tallamy, Van Kuren, Gertis Associates
of Orchard Park, New York be appointed the engineers
to design the Spring and Grove Street Waterline at
a maximum cost of \$6,000 per their proposal dated
June 9, 1983.

APPOINTMENT

Engineer to
design Spring
& Grove Street
waterline

Unanimously carried.

That concludes my portion of the agenda. Next is Trustee Saia.

Trustee Saia: My call for the public hearing on the fire limits for the Village
Code will be postponed to August 22nd, or our next Village Board meeting.

For my report tonight I would like to report that on July 14th, the Williamsville
Youth and Recreation Board had a zoological get-together down at the Nature
Building. We had a good showing with the youngsters. At Old Home Days the
Williamsville Youth and Recreation Board was involved in the bike rodeo and
I had to spend about three days with the kids right back here on the parking
lot behind Town Hall, and I don't know what the outcome was because I wasn't
there Friday, but I guess you'll read about it in the papers. Also, the
Williamsville Youth and Recreation Board had a piece of equipment, which was
the flower wagon, in the parade and I guess we got honorable mention, and the
planters held up well on Main Street. We did have some vandalism but it wasn't
really that bad. Mr. Frank Mischler helped us along with that by donating some
of the flowers in the planters.

The pools are coming along fine. We haven't had any closing. We have been
operating except for Island Park during Old Home Days. They're in good shape.
We have new help there and he's taken over and doing a fine job. Other than
that I have no other reports.

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Mayor Kuzon: Thank you. Next is Trustee Kibby.

Trustee Kibby: Thank you, Mr. Mayor. For my report this evening I'd just like to indicate that the Planning Board will be meeting August 1st - Monday - and at present there are three things on the agenda. One is a request for a sign permit for Suburban Health Care Center at 5609 Main Street. Second is a request for a sign permit for Frank's Restaurant at 5851 Main Street. This is a repeat performance on this sign permit request. And thirdly is the review for exceptional development site plans for the St. Francis Home and for the subdivision at Garrison and Willowbrook as Mayor Kuzon indicated earlier.

For my resolutions, I have two this evening. One is for the expenditure of CD funds, the additional CD funds that were received and discussed at a public hearing at our last Board meeting and the resolution reads:

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

RESOLVED that the additional \$11,060 of C.D. funds to be received by the Village of Williamsville in 1983-1984 be expended in the following manner:

C.D. Funds

Additional 1983-84 funds appropriated

\$5,000- Water Lines

\$6,060- Housing rehabilitation, which is to include regular rehabilitation, installation of smoke detectors and installation of sewer laterals for low income persons in the target area.

Unanimously carried.

The second resolution is the Village Code indicates certain kinds of fences need to be approved by the Board of Trustees. It reads:

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

RESOLVED that the ten foot stockade fence be approved for Mr. McManus of 29 Los Robles.

FENCE APPROVED

29 Los Robles

Trustee Murray: Could you explain it to us.

Trustee Kibby: It's a 10 foot stockade fence that goes in the rear side lot.

Mr. Troy: This is not in a residential district.

Mr. McManus, 29 Los Robles: May I say something please. This is my property. The property is surrounded - my property is zoned C-2. I have to build a patio up to the level of the floor so that my wife, who is a dialysis patient and stairs are a very major obstacle. If I don't raise the fence I cannot put the patio there because I have an animal that may - we fence it off but the siberian husky will get on the deck and go right over the fence. It doesn't block anything. The Inn is

Minutes of the Regular Meeting of the Board of Trustees of the Village of
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right behind me and the Inn is on the other side. So I really can't see any objections
to the fence itself. I'm completely surrounded on all four sides by commercial
property.

Trustee Kibby: And trees.

Mr. McManus: Yes.

Vote on Roll Call: Trustee Murray - aye
Trustee Saia - no
Trustee Kibby - aye
Mayor Kuzon - aye

Ayes - 3; Noes - 1.

Carried.

Trustee Kibby: That concludes my report.

Mayor Kuzon: Thank you. Next is Trustee Murray.

Trustee Murray: Thank you. I'd like to report under my liaison responsibilities
to the Beautification Committee I do have a landscape architect working on a
landscape plan for the front of the Meeting House. I know that there are some in
the community who are disturbed by the growing weeds there and I am also. So we
do have a landscape plan in progress and I have requested the landscaping be to period.
In other words, the same time as the building was built, I believe it was 1871, so
it will be interesting to see what he comes up with. It will be planted in the
fall.

At our last Board meeting - about two, four meetings ago - we have been having a
continuous discussion about an overhead sign at Main and Garrison. Two meetings
ago in work session the Board of Trustees agreed to use CHIPS funds to erect the
sign. But at the next meeting there were a couple on the Board that didn't remember
they agreed so I decided this evening that should be put in a formal resolution and
it reads:

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

RESOLVED that \$6,000 of CHIPS funds be appropriated
for the erection of the overhead sign on the corner
of Main and Garrison.

CHIPS FUNDS
APPROPRIATED
Overhead sign at
Main & Garrison

Unanimously carried.

That concludes my report.

Minutes of the Regular Meeting of the Board of Trustees of the Village of
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Mayor Kuzon: Thank you. Next is our Superintendent of Public Works, Mr. Boudreau.

Mr. Boudreau: Under the heading of streets - Farber Lane - repaving of all driveway
apron connections in conjunction with the recent roadway repaving, is now complete.
The repaving of driveway connections was done entirely with recycled asphalt and our
new Bomar Asphalt Recycler. Lakeledge Terrace - this street is now being surveyed for
modification and repaving.

Under the heading of parks - Island Park Pavillion - all structural, major remodeling
components are now in place, including the 8' front door. The building is now
locked up each night at 10:00 PM. A new lighting system has been installed
with switches and convenience wall plugs. Installation of trim and final
details will continue.

Under the heading of Refuse Collection - Throughout the summer months the Department
of Public Works crews will pick up metal, heavy solid waste and brush on the 2nd
and 4th Mondays of each month. Each Village street will be traversed once by the
crews. The past six weeks have been very busy for refuse pickup with the
four operational districts taking an average of 3.5 days to complete on both
scheduled pickups.

Under the heading of Traffic Safety - Main-Garrison left turn overhead sign plans -
The design plan and all research work are now complete. The proposed project is
now ready for a contractor to build.

Under the heading of Water Department - The current heat wave has placed a
heavy demand on domestic water consumption. Our Village water system is handling
the high demand adequately. The storage tank and pumping station on Rinewalt
St. has been responding to the incoming low pressure condition encountered each
evening. Through daily adjustments to the solenoid and hydraulic pilots, the
storage tank is filled each day and our reserve storage is maintained. It is
anticipated that hour meters will be installed on the pumps to insure
alternating capability. And that's the end of my report.

Mayor Kuzon: Thank you. Next on our agenda is a section reserved for public
participation and we'll need a resolution to suspend the rules to do that.

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

Unanimously carried.

Mayor Kuzon: We would ask that you state your name and address for the record,
please. Anyone in the audience? Mr. Fisher.

Mr. Edgar Fisher, 5403 Main Street: I represent the tenants in that building,
the Village Square Apartments. I understand that even some of the Trustees
don't know that Lehn Alley ran from Main Street to the railroad and probably
I've got maps here showing that and when our street Lehn Alley was changed to
Village Square Lane should have ran from Main Street to the railroad. Now we
have a very hazardous condition at that particular corner and I notice that the
Village was smart enough that they didn't put Village Square Lane at Long Street,

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, July 25, 1983 at 7:37 PM

because that is part, that paved driveway is part of Long Street. diamonds and I would like very much if anybody knows of a description of the road behind our building. That is only a driveway for access to the ball field from Long Street. Now in addition to that, we've had some very close calls at our very corner where we turn onto that driveway to go out. I spoke to Richard Hill. He came back to me and he doesn't even know that that's only a driveway and there's no description to that particular roadbed or driveway that's access to the ball park and to the Village garage. I myself would like to in the mail if I possibly can get a description of that road which I don't think you can furnish.

VILLAGE
SQUARE
LANE
AND

Now my request due to the hazardous condition that exists at that particular corner during the summer months when there are ball players that come tearing around that corner going the wrong way on Village Square Lane, my request is to consider extending Village Square Lane to Milton Street which is a part of the original plan which I have here and you probably have a copy of it. It's a 19 - I'll give you the year - a 1926 map of Lehn Alley. Now when they put up the sign, Mr. Boudreau probably knows that that is only access to the ball park since for the past I'd say 12 years or so they paved it, and they paved it wider and wider, but there's no description to that road and there's no name on that road. You can find that out yourself. And I do - I would like consideration made due to the people that are living in our building - I represent them all because I'm the President of the Village Square Club - there's 114 people in the building and I represent them all and I'm here for their safety.

EXTENSION
TO SOUTH
LONG ST.
DISCUSSE

Mayor Kuzon: Thank you. What we'll do - on a matter that pertains to that street or traffic we often refer them to our Traffic and Safety Committee and since this is...

Mr. Fisher: I spoke to Mr. Hill. He came to me after his last Traffic and Safety meeting and told me there's nothing can be done because the street has a 90° angle. He doesn't even know that's not part of Village Square Lane. In fact, I spoke to Jim Saia and he thought that 90° angle was part of Village Square Lane. Didn't you, Jim?

Trustee Saia: I sat here the other week and we named that street so I figured we made a street out of it.

Mr. Fisher: It's not a street down there. That's just a driveway. That was an easement to get in onto the ball park.

Trustee Saia: How would a young guy like me know that?

Mr. Fisher: I've got a map here which I know you probably haven't got a copy of and it shows that Lehn - Henry Lehn owned some of that property there and he donated that property from, practically from Main Street all the way to the railroad. Now I know that there was a letter sent after the lumber yard bought that property up there and they started storing lumber on Lehn Alley and they got a notice from the Village Board that they had to take their stored lumber off the Village property and if you look back in the records you'll find it. So what I'm requesting is that we extend Village Square Lane to Milton Street and I'd like to hear from you as soon as possible on whether we can do anything about it.

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, July 25, 1983 at 7:37 PM

Mayor Kuzon: Let me ask Trustee Murray - Has that request been reviewed by Traffic and Safety?

Trustee Murray: Not that specifically.

Mayor Kuzon: That request will be referred to Traffic and Safety and I know on numerous other occasions they have considered the situation of the curve and length of Village Square Lane and have tried in their best efforts to resolve that. But this is a new request and we'll refer it to them for their recommendation.

Mr. Fisher: I also want to thank you for the name that was put up on the corner, now Village Square Lane. I believe the attorney was riding his bicycle and came around that corner. Isn't this true? Isn't this a dangerous corner there.

Mr. Troy: You may be right.

Mr. Fisher: You can imagine some of these fellows that are playing ball there, having a couple of beers, they don't care which way they go. That's a one-way street coming up toward the ball park and they just go tearing out. They almost hit one of the old folks. Most of the people in this building - the ages range from 66 to 91. So a lot of them are still driving cars.

Mayor Kuzon: Before you leave this evening though, could we make a copy of your map which you have there and we'll give that to the Traffic and Safety Committee. Now two of their members are here and would like to comment.

Mrs. Carolyn Schlifke, 192 Evans Street: Yes, I would like to comment on the situation. We've had a lot of discussion, our committee, the Traffic and Safety Committee, about this building and the roadway since the building was put up. Many of the problems that we are incurring there have happened due to things that are beyond our control. When the plans were submitted for that building one of the recommendations of the Traffic and Safety Committee was for a wide enough driveway coming in at that time called the Alley, so that we could have in and out traffic so that the cars would not have to go back around this 90° turn in the road and for some reason the contractor of the building and the Village found it necessary to leave the width of the curb cut what it was, which is not sufficient for in and out traffic. So immediately after the building was put up we saw that there was definitely going to be a problem because exiting cars were blocking the driveway. Cars that wished to enter were blocking traffic on Main Street because they could not get in. This problem was brought to the Traffic and Safety Committee. After much discussion we decided that we thought it best to make the street one-way in, have the traffic go around the back over to Long Street and back to Main. Shortly after that I personally visited the dental offices in the large brick building. I think it's the Clare building, next to the Village Square. I personally visited all the people in there plus the people in the cement block building and asked them to please cooperate, have their people, their delivery people and everything observe the one-way street. They said they would cooperate. Many times I've been over there and I have seen people exiting out onto Main Street, disregarding the one-way signs and many times they have been occupants of the Village Square Apartments. This is a true fact, Mr. Fisher.

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, July 25, 1983 at 7:37 PM

Mr. Fisher: Every month we have a meeting and I tell them.

Mrs. Schlifke: I know you do but you are not getting through to your own residents because, as I say, many times I see them not paying attention to the one-way sign. Shortly thereafter, all of a sudden, a fence appeared along the back lot line right up to the roadway. This was not in accordance with Village ordinances. I believe the Building Inspector, Mr. Meidel, went down there and spoke to the Building Manager, who is no longer there, and after months and months - I'm sure Mr. Troy remembers this - after months and months finally it was agreed that they cut the last portion of the fence down halfway so that we'd have better sight at that corner. I personally feel that the last two sections of the fence should have been removed completely because you still could not see a three foot high child coming around that corner. So this was another thing that was beyond our control, that the building itself went ahead and did without the Village's permission causing an even more dangerous situation.

We put up all the signs that were legally possible, marking the street at Long Street "One-Way - Do Not Enter". I have already been exiting out of that street and seen cars coming right at me, coming in there. But that's an enforcement problem. Those things should be reported to the Amherst Police. Once we sign a street there's not much else we can do except ask for the cooperation of the Amherst Police to enforce it. So all these things have culminated to become a very dangerous situation. I know nothing about Village Square Lane being a complete street through to Milton. Perhaps it's a paper street from the end to Milton. There are a few paper streets on the map of the Village of Williamsville. I mean I am aware of some other ones. They've never been completed. Whether the Village wants to go through the expense of building a whole section of roadway and cutting into the baseball diamonds that's a decision for the Village. We were asked in the last request from the apartment building, we were asked to place a stop sign at the 90° corner just before it would come around the fence. In other words, we're placing a stop sign for people that are already disregarding two one-way signs at Long Street and we turned the request down because it was a ridiculous request.

Trustee Kibby: It does seem to me at first thought the extension of Lehn Lane, of Village Square, it would seem to exacerbate the problem, not correct it. But the real problem seems for over two years now time and again the problem seems to be that cotton picken fence.

Mrs. Schlifke: I agree.

Trustee Kibby: Without that fence there at least you'd be able to see danger coming at you and could get out of the way. What has been your experience in trying to get that fence - could you give me a little more information on what happened when you tried to get the two sections of the fence removed?

Mrs. Schlifke: I believe - didn't it go to the Enforcement Committee?

Mr. Troy: I believe the Enforcement Committee. It was about a year and a half ago, Carolyn?

Mrs. Schlifke: It's even longer than that I believe and finally through the Enforcement Committee they agreed to lower the fence to half height in the last panel there, which as I say, I don't think is sufficient.

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, July 25, 1983 at 7:37 PM

Trustee Kibby: Well it just seems to me that would alleviate a great number of
problems with the ball players or the people driving the wrong way.

Mrs. Schlifke: When I go through there I see many cars back at the ball diamond that
are facing the direction that they must have come in from Main Street, but I see
many more that are facing in the direction that they must have come in from
S. Long Street and they are, or course, breaking the law because they have gone
the wrong way on a one-way street.

Mr. Fisher: I agree with that.

Mrs. Schlifke: One more thing. We also have many of the residents of that
building going the wrong way themselves on the stretch next to the building and
exiting out next to the concrete block building which is private property.
We have been approached by the owner of that building to please not have the people
do that and yet they continually do. So I don't believe we are getting the full
cooperation of the Village Square Apartments.

Mr. Fisher: We're not getting cooperation from the ball field either. Now I can
answer you on that driveway in back of the building. That isn't a street. They
can park anyway they want. That is a driveway access to the ball ground. They can
park anyway they want back there. Nobody can ticket their vehicle.

Mrs. Schlifke: But now we have named that street.

Mr. Fisher: You haven't named that street. You've named our street.

Mrs. Schlifke: Your street is not a dead end. It connects to this driveway. I
don't know the legal aspects but to me that would be naming that street.

Mayor Kuzon: If I could suggest something. It seems there are a number of
problems. Mr. Fisher has made an initial request to extend the, well we'll call
it the alley to Milton Street and there still are a number of related concerns
regarding traffic and safety and some appropriate questions as to whether it's a
street or not and what I would suggest is that if Mr. Fisher and possibly the
present Building Manager would come to the next Traffic and Safety meeting on
the 11th, and in the meantime we'll do some legal research and find out the status
of the driveway at the Department of Public Works so that at that meeting we will
know whether it's a street, or it's not a street, and at the same time both sides
can sit down and consider the request to extend the lane and then also possibly
work out some satisfactory resolutions to the other safety and potential safety
hazards that exist down there.

Mrs. Schlifke: Well don't you think that is sort of putting the horse before the
cart if we are going to meet with these people and discuss the extension of
Village Square Lane if we don't know whether it is on the plans.

Mayor Kuzon: No, I said that we would do our legal research. We will know by
the 11th whether that is a street or not a street, or a paper street.

Mrs. Schlifke: Well I also think we should have some kind of financial impact
study of - I mean to offer a suggestion to a problem that's going to have exorbitant
cost I think is rather wasting everyone's time.

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, July 25, 1983 at 7:37 PM

Mayor Kuzon: But possibly another outcome of this meeting could be that both sides could sit down and talk about the problems that you have seen personally down there and some of the things that Mr. Fisher can relate from the residents and maybe in that way you all can come together on some type of, you know, resolution.

Mrs. Schlifke: Well we'll be willing to listen to them. As I say, many of the problems that we're encountering down there are of their own making, over which we have no control. Now you're asking us to come up with solutions to make this a safer situation when everyone keeps putting obstacles in our way.

Trustee Kibby: I don't think there's any criticism of you, or Mr. Hill or the Traffic and Safety Committee. It seems to me the two obvious things that need to be done here have been recommended over the past years by the Traffic and Safety Committee and I don't understand why the fence is still there. I can understand why the road cut was maybe done the way it was done. I'm not saying I agree or disagree but the expense of taking out a section and half of fence has got to be less than \$100.

Mr. Fisher: Mr. Kibby I believe there was a request to put a fence up from the Village. I'm not too sure of that now. But according to what I know the fence was supposed to be put up because of the vehicles and the carrying ons that go on at the ball field so they requested well why don't you put up a fence. So that's why they put the fence up. Now as far as the hazard, the hazard isn't at Main Street. The hazard is at the corner where that driveway comes in and we come around the driveway. There's a woman down there, Mrs. Palazano, with one leg and when she was looking over her shoulder looking back to see if something was coming there's two cars came tearing out of that ballpark and one of them almost went into the garage at that corner.

Mrs. Schlifke: Have you called the Amherst Police when you see - I don't live in the building. If I was living in the building looking out a window and I lived on a one-way street and I saw cars going the wrong way on that one-way street I would call the Amherst Police.

Mr. Fisher: Well it's assinine to call them truthfully. They don't do anything about it.

Mrs. Schlifke: Well then your complaint's with the Amherst Police. I mean I can't ticket cars and I have no control over people who do not observe street signs. The Village is limited as to what they can do. I mean we can put up signs and we can try to make the situation safer but the enforcement of it has to be the responsibility of the Amherst Police.

Mr. Fisher: Well you know darn well the people in the building are all over 65 years of age. They're not going to come tearing down the wrong way on a one-way street.

Mrs. Schlifke: But many of them exit onto Main Street.

Mr. Fisher: I keep after them everytime I speak to them at the meeting. Now sometimes there are people that drop them off and they go up to the end and turn around and go out but not the people in the building. If you catch anybody in the building that's doing that I'll make sure they're reprimanded for it.

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, July 25, 1983 at 7:37 PM

Mayor Kuzon: I'll say I'm confident that if you both come together at the next
Traffic and Safety Committee meeting that you can air the problems that exist
from both of your points of view, but also at the same time come up with something
that everybody will be able to live with but at the same time would be an improvement
in safety down there. Mr. Hill.

Mr. Richard Hill, 18 Brookside Drive: You're going to have the information to us
by the 11th, whether it is a roadway or not?

Mayor Kuzon: Yes. We'll do the legal research to find out whether that's a
road or whatever it might be.

Mr. Hill: Regarding the fence, I told Mr. Fisher this when I saw him, that that
was a very crazy type fence to put up there. It's a wooden fence. At night they
could be mugged back there and no one can see. A chain link would keep the balls
off the cars and is something you can see through. It's a very dangerous situation
for the senior citizens there.

Mayor Kuzon: Okay. Once again the meeting on the 11th would be a good place for
you to bring this up, not only with Mr. Fisher but if Mr. Fisher could bring
along the present Building Manager and in that way we could get the discussion
going. Mr. Schueckler.

Mr. Donald Schueckler, 124 S. Union: I've got one. Just block it off. Period.
And let them go back out Main Street and put a right turn only. Period. Because
it would be just like a driveway. Block it off at the end of the alley and let
them come in and go out just like a normal apartment house, or turn around. They have
just as many cars over at the Carriage House and up here at the Towers and make them
go out and say at Main Street right turn only and then the older people won't get
in the center and try to turn left. You've got it solved. Because you can't use
that road. I've got a legal document at home that I'll show you that Mr. Long
donated that as a playground, not a driveway.

Mayor Kuzon: Don't if we don't have a copy of that we'll probably give you a call
to get a copy. Okay? Anyone else? Mr. Finn.

Mr. Patrick Finn, 26 Pfohl Place: I sent a letter on July 12th to the Board and
I'd like to read it and then make some comments about it. (Mr. Finn then read his
letter, a copy of which is attached to these minutes.) I think that letter is
self-explanatory. There's one further thing that's come to light and that is
I've been directed to Village ordinance number 7.19 which says that any building
permit may be revoked by the Building and Plumbing Inspector if he finds any
false statement - which doesn't apply - that two, that the permit was issued in error
under the applicable law and we're here to find - to ask you if we have any redress
from this body or get your opinion as to where we go from here.

Trustee Kibby: Pat, I thank you for your letter. First off, in regards to the -
what may be appearing to be the easier matter - the appearance of the building.
You're right. I was at the Planning Board when he said that the building would
have a similar appearance and I spoke with Mr. Meidel about that this morning
and he'll see what he can do about it. The other problem is more complicated but
there may be a more direct resolution and that is doing business outside, if that's

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, July 25, 1983 at 7:37 PM

what they're doing. I think that the best avenue for this is to take this particular question to the Enforcement Board. The Enforcement Board consists of the people in the Planning Department, the Clerk and the Building Inspector, and includes also the two lawyers for the Village, Mr. Troy and Mr. Stoeckl, as well as the liaison from the Board of Trustees. I think the question, and I'm not a lawyer as you well know, I think the question's going to be here are they doing business inside or outside of the building. I think that's a question that's going to have to be resolved and it can be resolved by the Enforcement Board. So that the next meeting of the Enforcement Board is four or five weeks off. We meet on a somewhat irregular basis and I'll put this on the agenda and bring it up to the Enforcement Board.

Mr. Finn: You're asking me to do it?

Trustee Kibby: I will do that. Is that satisfactory to you? I can't tell you what the decision of the Enforcement Board will be, but I think the question here is going to be is the fact that he is fixing food inside, preparing it for the customer and putting it at the window, is that inside or is that outside? I don't know. The question is is the customer who stands outside the building is he part of the business, or is he not part of the business. This is a tricky question. There's no doubt about it. But if it turns out that a covering is needed such as is at Friendly's, that will be demanded. If it turns out that he won't do that there the permit should be revoked and by a decision of the Enforcement Board will be revoked. If it turns out that it's okay by a decision of the Enforcement Board then I'll also notify you of that.

Mrs. Finn: Can we come to that meeting? Is it open to the public?

Trustee Kibby: I presume that meeting's open to the public. We've never had anyone come. I don't think you need to come to it. Your letter is perfectly clear and it outlines your complaints and comments fine. I don't think you need to be there. Do you, Tom?

Mr. Troy: I don't think so, Pat. It's unnecessary. The question's going to be decided as a legal question and Mike will be there and I'm familiar because I have a copy of your letter too and I read it. I know what the particular issue is.

Trustee Kibby: It's not a petty issue and I appreciate your bringing it up. I really do.

Mayor Kuzon: Anyone else in the audience? Any Board member have any additional comment? If not...

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

Unanimously carried.



26 Pfohl Place
Williamsville, NY 14221
July 12, 1983

Board of Trustees, Mayor and Attorney
Village of Williamsville
5583 Main Street
Williamsville, NY 14221

Dear Board, Mayor and Attorney,

We are concerned about the recent permit which the Village Planning Board approved for alterations to the property at 5851 Main Street, which now houses Frank's Restaurant. This property is zoned C-2. The C-2 ordinance states that any retail business or service must be "conducted within a completely enclosed building." (70.250 B) Exceptions to this requirement can be granted by the Zoning Board of Appeals but the circumstances under which they may do so concern "outdoor displays" which are accessed "thru a building and not directly from a public street." (20.250 D. 1.)

On June 6, 1983 Frank's Restaurant was given permission "to extend the existing side entrance in order to put in a take-out window." According to the minutes of the Planning Board meeting "the exterior will match the rest of the building. The window will be flush with the building and there will be no drive-in service."

We think there is a violation here of the C-2 zoning ordinance. Whereas Friendly's Restaurant, next door to Frank's, meets the C-2 requirement of conducting business within a completely enclosed building by virtue of the addition to the main building which must be entered to purchase a carry-out item, Frank's Restaurant has no enclosure over the carry-out window. In addition, Frank's Restaurant serves their customers at this window. Customers are not only allowed to stand at one of the two window shelves to consume their clams and other purchases, but they are actually encouraged to do so; there are supplies such as ketchup, mustard, napkins, etc. for their convenience on the small counter that comprises the "take-out" window. There is no requirement that customers take the food away to eat it; they can stand at the window or sit on one of two small benches next to the window which we believe also constitute a violation of the zoning code.

A somewhat more minor matter is that the addition does not in fact "match" the rest of the exterior in materials used or design of roof, lighting, etc.

The question we now have is how can this situation be rectified if indeed the Planning Board was in error in permitting this alteration to occur? We would like the Board of Trustees to do whatever is in their power to see that this property conforms to the requirement of the C-2 zone that "any retail business or service be conducted within a completely enclosed building." We expect to appear at the next Trustees' meeting to put this request for information to you in person. Thank you for your consideration.

Sincerely yours,

Mary E. Finn
Patrick J. Finn

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, July 25, 1983 at 7:37 PM

Mayor Kuzon: If there's no further business...

ON MOTION by Trustee Murray, seconded by Trustee Saia, the meeting was adjourned
at 8:42 PM.

Unanimously carried.

Theresa L. Cummins,
Village Clerk-Treasurer