

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, August 22, 1983 at 7:38 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

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 August 22, 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 application for an exceptional development permit submitted by St. Francis Home on Reist Street which involves an addition in excess of 10,000 square feet.

PUBLIC  
HEARING

ON MOTION by Mayor Kuzon, seconded by Trustee Murray, it was moved to open the hearing at 7:38 PM.

EXCEPTIONAL  
DEVELOPMENT PERMIT

Unanimously carried.

Mayor Kuzon: The public hearing will be conducted by Trustee Kibby.

St. Francis  
Home

Trustee Kibby: Thank you, Mr. Mayor. As the Clerk indicated and as was published, because the addition to St. Francis Home was larger than 10,000 square feet - it's approximately 18,000 square feet - it comes within the purview or section of the law that requires approval by the Board of Trustees, which we call exceptional development. Per usual, the usual process for people making application under exceptional development is to attend, to present their plans to the Planning Board, the Environmental Committee and the Traffic and Safety Committee and they, those committees in turn report their advisory opinions to the Board of Trustees. We have letters regarding this application from two of these three committees. The Trustees then take these advisory statements in addition to what we hear at the public hearing into consideration when we vote to approve or disapprove the project when it is presented at our next meeting - it will be the first meeting in September.

From the Traffic and Safety Committee I have a memo and I'll read the memo for the public. It's dated August 12, 1983. "After viewing the plans, the plans showing an additional building and increased parking area this Committee can see no problem with the development." There is another paragraph which doesn't relate directly to the project, but is one that ought to be iterated a number of times. "In the past we've had problems with employee cars being parked in the no parking section of the street near the driveway. We've requested employees be allowed access to the rear of the building so they will not have to park on the street. It's a good idea. It was the Traffic and Safety Committee's idea to put no parking signs along that section and they are violated daily.

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There is also a letter, or memo from the Planning Board and I'll read that. "The Board" - this is on August 5th - "The Board reviewed the plans for the proposed addition to the St. Francis Home, 147 Reist Street, on August 1, 1983. The plans were drawn by George Lukasiwicz dated June 17, 1983. There would be new C and D wings. They are adding about 18,669 square feet to the existing building. With respect to the easement on the property there will be no building there. Just a walkway. In respect to parking they are adding 44 additional spaces. The building will be all brick construction and match the existing home. The Planning Board recommends acceptance of this development."

PUBLIC  
HEARING

EXCEPTIONAL  
DEVELOPMENT  
PERMIT

St. Francis  
Home

In regards to this particular request for exceptional development, that is the St. Francis Home, if you or anyone in the audience would like to make any comments or ask any questions please feel free to speak now. Please use the microphone as we do tape record these particular meetings for purposes of the minutes.

(Con'd)

And seeing no one who would like to comment on this, or question this, any Trustee? Seeing none...

ON MOTION by Trustee Kibby, seconded by Trustee Saia, the hearing was closed at 7:42 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, August 22, 1983 at 7:43 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

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 August 22, 1983 at 7:45 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 application for an exceptional development permit submitted by Mr. William Whitehead, 233 Garrison Road for a proposed subdivision consisting of seven sublots located at 233 Garrison Road, and to be known as Castle Creek Subdivision.

PUBLIC  
HEARING

EXCEPTIONAL  
DEVELOPMENT

ON MOTION by Mayor Kuzon, seconded by Trustee Murray, the hearing was opened at 7:43 PM.

Castlecreek  
Subdivision

Unanimously carried.

Mayor Kuzon: This public hearing also will be conducted by Trustee Kibby.

Trustee Kibby: Okay. This is for the Willowbrook area. We also have reports, the same things have happened in terms of process and procedure. I have a memo here from the Planning Board and the Traffic and Safety Committee. Let me read these. From the Traffic and Safety Committee of August 12th - Before I do that I ought to explain this project a little bit. The project that is proposed is for the land just north, excuse me, just west of the Whitehead residence. It's at the corner of Willowbrook and Garrison Roads. It runs to - I don't know the address number - it's the big white house with the columns near the end of Willowbrook Road. That's probably the best way to describe it. The essence of the plan is to put a road in to what is now referred to by all the children and adults in the Village as the path, the path that runs from Garrison to the Castle. That would become a roadway about 25' wide. That, of course, is not within the restrictions of the code by any stretch of the imagination. The seven lots they propose to put down Willowbrook with the back of the lots facing Willowbrook. There is a necessity for the back of the lots to face Willowbrook because through a series of circumstances there's a one foot strip of land on the northern edge of Willowbrook that is owned by someone else. Therefore, it is not possible for the people developing this project to come across that one foot of land. So there is the necessity for the 25' road that runs about 99' north of Willowbrook and will run back through the path with lots that are - I forget the size - but they do meet the minimum bulk usage for the seven lots back there. That's essentially what is proposed.

This idea was brought to the Traffic and Safety Committee and to the Planning Board. Their remarks are as follows. From the Traffic and Safety Committee as of August 12, 1983. "It is the opinion of this committee that this is a very poorly

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designed development. 1) The roadway is too close to Willowbrook. 2) The roadway is too narrow, i.e., 24'. (I suppose that means it's 24' too narrow.) 3) The water line is deadended. There seemed to be many other problems which are not under the jurisdiction of this committee. Back yards across the street from houses' front yards. This developer has many obstacles being placed in his path. Driveways cannot be cut into Willowbrook because of the one foot strip of land which is privately owned on the north side of the roadway. Pratt & Huth Associates said he's willing to try to correct the width of the road perhaps to 26', or preferably to 28'. They would be willing to connect the water line to the Willowbrook line if permission can be obtained. They would request restricting parking on one side of the street to keep hydrant areas clear. A roadway this close to another roadway is unacceptable. However, you must consider the limited use. i.e., seven homes with a total of perhaps 14 cars. " That's from the Traffic and Safety Committee.

PUBLIC  
HEARING  
(Con't)

Ex. Development  
Permit

From the Planning Board as of August 10, 1983 and I'll read it. "The Board reviewed the plans for the planned subdivision at Garrison and Willowbrook (Castle Creek). Plans by Pratt & Huth Associates were reviewed dated June 28, 1983. The area is zoned R-2. There would be single family homes on lots sizes 65'X100' approximately. This is in the flood plain. There are two roadways shown on the drawings. The lot would have 40' to 45' back yards and they would face Willowbrook where those residents have their front yards. The Planning Board does not feel this plan functions well and land usage is very poor; two roadways 99' apart; too small a lot; narrow 40' road; location in the flood plain precludes recommendation of this plan by the Planning Board. Further the Board would advise against accepting the plan with the reserve one foot strip of land restricting any further development."

Castlecreek  
Subdivision

Is there anyone who would like to speak to this issue? Yes, sir.

Clifford D. Krumm, Jr., representing Pratt & Huth Associates: I'm here tonight on behalf of the owner, Mr. Whitehead, and Engasser Building Corporation, who is the proposed developer of the project, and what we have is we have a parcel of land as described very well by the Trustee of 1.26 acres in size and we're proposing to have the undeveloped portion be made into seven sublots with a cul-de-sac street, which would come down into a circle. Two lots would back up to Ellicott Creek. Five lots would back up basically to the Willowbrook Dr. area. The existing home where Mr. Whitehead presently resides would stay and that would be sold off to whoever would come along and like to purchase it. The end of the property is directly opposite the castle area. I have to apologize to the Board of Trustees and the Planning Board that I was unable to attend their meeting and would hope I could meet with them in the future and quite possibly answer some of their questions that weren't answered at that meeting.

The proposal is for a 40' wide right-of-way. That would be a portion that we would expect to turn over to the Village. The 24' that was mentioned was the width of pavement on the lane that came back into the circle. Now in that there was a lack of road width specifications in the Village we weren't able to find out what that width was. We proposed 24'. If it is 26' we would certainly be ready to construct a 26' wide road. If it's 28' then again we would construct the wider pavement area. The land is fairly well treed and we propose a 25' setback which is the minimum requirement of the Village and keep the houses as close

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to the north and as close to the roadway as possible and that would keep more  
of a green space in the back yards to soften any of the visual problems that people  
would have with back yards. You have to understand that when people back up with  
a street on both sides it's also difficult from a marketing standpoint and to the  
eventual people that would live there. Right at present it is my understanding  
that the marketing people have four to five, actually five people interested in  
building down here already. Mr. Whitehead himself will move and build a new home  
back on the creek and all of these homes would be colonial in design.

PUBLIC  
HEARING  
(Con't)

As far as the water line that's correct we brought a dead end line down. We did  
have a hydrant which wasn't indicated on the plot plan so we really did propose a  
hydrant. It's an 8" line. It would tie into a 6" one on Garrison Road. The  
storm drainage as we see it, we have somewhat of a - the land is high on Garrison and  
drops off into the center of the parcel and then it's high again adjacent to  
Ellicott Creek. A portion of the site through the center is in the flood plain. The  
bulk of it is in what we call Zone B. That's from a 100 year to a 500 year. That  
does not require flood insurance. It's something that's optional to the people  
that would eventually live there. The other portion, which is a small portion  
of the site, is in an A Classification. That's what indicated under FEMA as  
shallow water flooding and all of our openings, of course, would be up above, our  
architectural openings would be up above that elevation. It's also proposed  
to keep a pathway on the north property line so that the footpath could still  
be used off of the public right-of-way. That would be for the use of the people  
here that would live in the subdivision. Also that would be the route of the  
storm drainage. It would drain directly into the creek. It's been suggested  
that we put a back-water gate on it so that if the water did rise it couldn't  
come back in towards the buildings. We feel strongly that the engineering of  
the site can be performed without any harm to the adjoining property. In  
fact...

Ex. Development  
Permit

Mrs. Joan Baer, 50 Willowbrook: How's that going to cut out the sound? Bushes will  
screen out the sight, but what about the sound?

Trustee Kibby: Let him finish his presentation and then we can take questions.  
Okay?

Castlecreek  
Subdivision

Mr. Kirumm: The cul-de-sac or radials - that came up as a question. The radius  
on the pavement from the center to the extreme edge is 63'. That's more than  
large enough to handle any of the snow equipment and any other equipment that  
may come around here, refuse trucks, etc. It was mentioned earlier that the lots,  
they are above minimum square footage. Our square footage is 6,435 square feet and  
the minimum required under this R-2 zoning is 6,250 square feet. The minimum rear  
yard 25' by Village ordinance in R-2 classification. We're probably going to be  
about 40' from the rear property line to the back of our homes, so I think we exceed  
that by a considerable amount. The more we can stay to the north towards the  
roadway certainly that would allieviate that problem.

I think at this point I just wanted to go over all of these items and this is what  
we consider a concept plan from our firm's standpoint. We didn't come in with  
hardline drawings and put it into final form. It would be presumptuous because a  
development like this hasn't come before the Village in some time. This plan,

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however, was approved about 12 years ago by a previous Village Board and was never  
filed as a subdivision map. So, therefore, it lost its qualification as a subdivision.  
I'd be glad to answer any questions for the residents. Thank you.

PUBLIC  
HEARING  
(Con't)

Trustee Kibby: Ma'am you were first. You had a question?

Mrs. Baer: First of all I'd like to say I think all of Willowbrook is represented  
here. I don't know if they have a spokesman or not. Do they, Dick? They don't have  
a spokesman. The question I had was they're putting a nuisance there. They've  
put them very close. They're packing them in like sardines. Now the noise has  
to be there even though there are bushes there to cut off the view. We're still  
looking at their back yards. What activities go on in a back yard?

Ex. Development  
Permit

Mr. Krumm: These five yards here would have their backs facing Willowbrook.

Mrs. Baer: What activity goes on in the back yard?

Mr. Krumm: All the people - and I may be wrong on this - I'd ask Mr. Snowden-  
but all of the people that I've heard that are going to live here are  
what we call empty nesters, people where their children have either gone off to  
college or...

Castlecreek  
Subdivision

Mrs. Baer: What guarantee do we have they're not going to move out?

Mr. Krumm: There's no guarantee and that could very well happen. I'm just saying  
from the four people that I've been told, and I know a couple of them personally,  
they do not have any children.

Mrs. Baer: Well that doesn't mean much.

Mrs. Kathy Calabrese, 72 Willowbrook: We have a slide presentation that may help  
us demonstrate most adequately that although this project is engineering-wise seems  
to meet all the necessary standards, environmentally it's from our point of view devasta-  
ting to the Village concept that we know and love in our neighborhood and if I would  
be able to show the slides I would be more able to describe our concerns to  
the Trustees and the people present.

Trustee Kibby: A couple of questions. How long does it take?

Mrs. Calabrese: No more than 10 minutes.

Trustee Kibby: I'm not cutting you off. I just want to get an idea of what's  
happening. Is that the bulk of your presentation?

Mrs. Calabrese: Yes. Hopefully a number of things will be brought up during the slide  
presentation, and a number of other concerns can be brought up following the slide  
presentation, the inequity of the size of the yards compared to the ones on  
Willowbrook that they will be directly facing. There's many, many things that can be  
discussed at great length I'm sure and I'm not sure if we need to do that. I don't  
know.

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Trustee Kibby: It is a public hearing and this is not a trivial issue. Neither of  
these is. All I would like to do is to - I'm not trying to stifle you, or cut off  
anything - I would just ask you to streamline it. We'll take other questions while  
you're setting it up. Mr. Schueckler.

PUBLIC  
HEARING

Donald Schueckler, 124 S. Union Road: Mr. Mayor and Trustees, did you get a letter  
from the Williamsville Southeast Amherst Homeowners Association opposing this  
project? We'd like to go on record. (Con't)

Ex. Development  
Permit

Mayor Kuzon: Yes.

Trustee Kibby: My apology for not including it. I do have that here.

Mr. Schueckler: We'd like to go on record.

Castlecreek  
Subdivision

Trustee Kibby: Would you like me to read it?

Mr. Schueckler: You could if you like.

Mayor Kuzon: While Mike's looking for it I would advise the public that we have  
received input from the Town on these proposals, on both St. Francis Home at  
147 Reist St. and the proposal for the Castle Creek subdivision on Garrison Rd.  
and the Planning Department of the Town has reviewed both of these and the Town  
has no objections or concerns on these projects. This is advisory input from the  
Town Board, or the Town Planning Department.

Trustee Kibby: Let me read your letter, Mr. Schueckler. "To the Mayor and Village  
Trustees. The Williamsville Southeast Amherst Homeowners Association would like  
to go on record with the Village of Williamsville in opposition to rezoning of  
the Whitehead property on Garrison Rd. We do not think you or any other resident  
of the Village would like to look out of your front window into your neighbors  
back yard or drive down Willowbrook and see \$50,000 to \$70,000 homes on the left  
and one foot from the pavement on the right side fences and back yards. We are  
urging you to reject this project for the betterment of the environment of the  
Village people and the residents on Willowbrook." Anyone else? Yes, sir.

Mr. Joseph Sahlen, 34 Willowbrook: I had a question regarding the north side of  
the proposed subdivision. How far is the roadway from the existing homes that are on  
the north border of that road?

Mr. Krumm: It has a 24' pavement and a 40' right-of-way, would be, let's see,  
16' proposed, that's 8, 9 plus 5 - I think we're about 15'. I don't have a  
survey on that. I'm approximating it at about 15'.

Trustee Kibby: Okay.

Mr. Krumm: It may be more.

Trustee Kibby: Yes, sir.

Albert H. Meyer, II, 90 Willowbrook: I want to point out they're meeting the  
6250 minimum footage required in the zoning ordinance and doing it by reducing the

right-of-way from 50' to 40'. There is no Village street with that. And not only for this undertaking, but it portends for any further subdivision and if they want more square footage and more lots they could reduce it the 24'. It is in effect changing the minimum required square footage in the building ordinance.

Trustee Kibby: That's correct.

PUBLIC  
HEARING (Con't)

Mr. Krumm: I should answer that question. We understand that the 40' is less than - and we propose that strictly to move the lots, the houses more northerly. If it's desired to have the 50' then we could reduce, change the lots around in such a way but it will push the houses more southerly and you'll lose in the back yards.

Mr. Meyer: You can't get the same number of units in.

Ex. Development Permit

Mr. Krumm: I can't answer that. We'd have to rearrange this around.

Castlecreek  
Subdivision

Mrs. Calabrese: Sorry for the delay. We'll show the slides now.

Mrs. Barbara Smith, 26 Willowbrook: We have prepared a text to go along with the slides and if any of our neighbors at any point have any additional comments or would like to ask a question, or if the Trustees would like to ask questions we'd be happy to stop the slides.

Willowbrook Dr. is a unique cul-de-sac framed by Ellicott Creek and the Williamsville Castle. The adjacent woods form a fine country setting within the Village limits. All of us present tonight chose Willowbrook because it captures the ambiance of Village living. We invite you to visit our street and see personally what we intend to describe to you tonight. This first slide shows the entrance to Willowbrook Dr. as it now appears, although the Village did come in and remove some of the more overgrown areas that you see on the right-hand side of the screen. But this is the entrance from Garrison Rd. and the next few slides will take you on a walk up Willowbrook Dr. and then back down so you'll be able to see what all of us see each day on our street. This area that you see directly on the right is the section that will become the new development. The homes, of course, we're told will back, their back yards will be seen instead of the treed area that you now see.

Mrs. Calabrese: That's the area, the one foot area that is - that would be right to the road, right to our street. So I think you can see our street and then the one foot and then you would have the back yards of the proposed new subdivision. All of the area you see directly in front of you will become the new subdivision. Their back yards, as you see while it's heavily treed once those are removed for the new homes it will be pretty bare. This is a front yard of a home and what you now see will change and become the back yard of five new homes. This is the big white house at the end of the street with the big white pillars and this is now coming back down the street from Mr. Meyer's home and from my home and from Mrs. Smith's home.

Mrs. Smith: The homes on Willowbrook are situated on large wooded lots, some as deep as 200 feet, bounded by Lehn Springs and Ellicott Creek. Realizing the incomparable value of this location, all of the homeowners have made extensive improvements in their property. Obviously we residents want to protect both our financial investment and preserve this unique setting. The development which has

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been presented tonight would negatively affect not only property values on  
Willowbrook, but would change the character of the Village. In addition to  
reducing the wooded area it would build homes which back to the fronts of our  
homes. Four of these lots would back as close as 45' to Willowbrook pavement.  
Perhaps even closer. This is an arrangement which is both undesirable and  
unheard of within the Village of Williamsville. Like Willowbrook lots, the  
lots on surrounding streets, namely Garrison, Oakgrove and Lehn Springs, are  
also deep wooded lots. However, the lots proposed in this plan seem to meet only  
minimal zoning requirements of the Village and are certainly not in keeping with  
the character of this area.

PUBLIC  
HEARING  
(Con't)

Ex. Development  
Permit

Mrs. Calabrese: This is at the end of Willowbrook Dr. This is from a front  
yard. As you can see the front yard of this home is very, very, deep. All of  
our yards are very deep and very wooded and run together like a park. This is  
all of our back yards if you look down Willowbrook Dr. This is a back yard  
on Willowbrook. Again, you can see that the back yards extend all the way  
down the street and it is like a park and the lots are very large. This  
indicates to a slight extent some of the improvements that have been made.  
You can see each one of the homes in this slide, although it's difficult to  
see, have had extensive additions put on the backs of the homes. I, myself,  
have spent over \$70,000 just on improvements in our home. And to think that  
a home of comparatively less value will be built directly across the street  
and will back up to my house is just disgusting. This will give you an  
indication of the homes that are currently on Willowbrook Dr. This is an  
indication of the type of home that may go into the subdivision. These are  
homes that Engasser just recently put up in East Amherst on Klein Rd. This is  
another one that has gone into a subdivision off of Paradise Rd. And that's  
the end of our presentation.

Castlecreek  
Subdivision

Mrs. Smith: And one final word. The consensus of those present tonight who  
chose this particular setting because of the quality of life in the Village  
is that the proposed plan is not only in direct opposition to Williamsville  
tradition but more importantly will destroy one of the more beautiful natural  
settings left in Western New York. Thank you.

Mrs. Calabrese: I'd like to say one more thing about the disturbance of the  
wildlife in Williamsville. I know that maybe not everyone here will discuss  
it with enthusiasm but we have a great deal of very interesting animals and  
wildlife living in our neighborhood. They will be forced out and it's a shame  
to think that that would be destroyed.

Trustee Kibby: Yes, sir.

Dr. Victor Emerson, Jr., 241 Garrison Rd.: I live at the corner of Willowbrook  
and Garrison Rd. I'd just like to put one thing straight about that one foot.  
That footage, that one foot, runs along Bill Whitehead's line. It has nothing  
to do with the sidewalk, or the roadway. As far as what they're talking about  
some of these people that are talking have 30' on the other side of the street  
before they ever get to Bill Whitehead's property line. That's all I'd like to  
say.

Trustee Kibby: What I'm hearing you say is that in some instances on Willowbrook -

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let me see if I understand what you're saying. In some instances on Willowbrook  
on the north side of the roadway, there may be 30' between the northern edge of  
the road and Mr. Whitehead's one foot line?

Dr. Emerson: It could be, yes. That's only an estimate. In my particular place  
it runs from probably 12' from the edge of the road to Bill Whitehead's property  
and the road bends around and it could be as much as 30' by the time you get down  
there. This is a whole different world and that's all trees. In fact it isn't  
trees, it's jungle.

Trustee Kibby: Thank you.

PUBLIC  
HEARING  
(Con't)

Trustee Brenton: Can I elaborate on that, the fact that there is a greater buffer zone  
than visionarily was presented here. The road then curves to a degree.

Trustee Kibby: Can you explain it?

Ex. Development  
Permit

Mr. Krumm: Yes. I could. I want to thank the gentleman because that's one of the  
points I wanted to bring out. What we have is - Willowbrook Dr. is right here.  
The right-of-way is shown. Their street goes down through the center and gets  
back to about a point here and starts to dip southwesterly and then Mr. Meyer's  
home is up at the corner. If you looked at the one slide you saw a white picket  
fence that ran through and you could see a large expanse of green and you could  
see how the road is starting to pull away and his house is clear over in the  
corner. And the edge of the one foot, like the gentleman says, is back about 12'  
right at the corner from the edge of pavement and all of that is overgrown. I  
just spoke with Mr. Whitehead and what he has told me is that he would put up -  
it seems like the visual problem is the problem that we have and he would have a  
fully, professionally landscaped line of evergreens staggered two sets all the way  
through so that we would even enhance more. We cannot touch any of the existing  
trees and so forth that go from the roadway over to his property plus the one  
foot strip. We can't touch that. But what we would do is even further enhance  
the area by adding a whole line of evergreens which at their mature stage it's  
impossible even to see through. We'd stagger one and then stagger the other.  
We have a recommendation from a landscape architect on how to stagger and we would  
actually have the Village put that into the approval that that would be required.

Trustee Kibby: Who owns the one foot strip of land?

Castlecreek  
Subdivision

Mr. Krumm: Mr. Meyer.

Trustee Kibby: Why don't you buy it?

Mr. Krumm: I'm not a real estate person. I have no idea why that can't be purchased  
and then, of course, the houses would face Willowbrook.

Trustee Kibby: It could face Willowbrook now, couldn't it?

Mr. Krumm: No. You can't get across the one foot strip. You'd probably lose less  
of your privacy that way if you're really looking for privacy. That's certainly

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an option.

Trustee Kibby: Do you think it's unusual to ask someone to approve back yards  
facing front yards when they're no where else in the Village?

Mr. Krumm: I - this particular - because of the situation of being landlocked  
from Willowbrook, this is not an unusual request for a development. Many times  
in the Town on streets that are heavily used - Mr. Smith is here - the Town recommends  
that we do this, back up to the lots. In this case, it was strictly a case of this  
was the parcel and what should be done to develop it according to the Village  
regulations.

PUBLIC  
HEARING  
(Con't)

Trustee Kibby: And if that one foot strip were not there and you had access?

Mr. Krumm: If the one foot strip was not there certainly these houses would be  
facing and be developed on Willowbrook.

Ex. Development  
Permit

Trustee Kibby: Are these the same kinds of homes?

Mr. Krumm: They'd be the type of homes that those people who want to live there  
desire in accordance with the Village minimum.

Castlecreek

Trustee Kibby: They'd still be the same lot size if they faced Willowbrook? Subdivision

Mr. Krumm: I can't answer those questions. That would be something  
Mr. Whitehead and Mr. Engasser would have to determine.

Trustee Kibby: Mr. Meyer.

Mr. Meyer: Just for the record on the negotiations I tired on this tract to do  
something. In June I made overtures to negotiate some kind of arrangement but I've  
had no response.

Trustee Kibby: I was just curious as to who owned the land.

Mr. Meyer: I'm not negative on the whole thing. I have made overtures to see  
if something could be worked out.

Mrs. Baer: May I ask a question? They say they had tried to develop these  
homes before and that's approved. And they say it's been approved. Was  
it approved? It never happened. Why didn't it happen?

Mr. Krumm: I think like many developments some - I think it was approved by  
the Village. I'm not 100% sure. But it was never filed as a sub map.

Trustee Kibby: I'm not sure if it was approved. We have checked our minutes  
on Planning Board meetings and on Board of Appeals meetings and on Trustees'  
meetings. It would not necessarily be before the Trustees because at that  
time I don't think exceptional development was in place and we cannot, I cannot  
and the Building Clerk has not yet found where it was approved, but we have nothing

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to indicate it was not approved either. It didn't happen anyway you look at it.

Mrs. Baer: Why if it was approved did they not construct it?

PUBLIC  
HEARING  
(Con't)

Mr. Krumm: I would say it was the economics of the time. That would be my  
educated guess.

Trustee Kibby: We can find no discussion or debate on it as of this search as  
of yet. Anyone else? I would like to bring this to an end shortly. Yes, sir.

Mr. V. Jack Civileto, 20 Willowbrook: I worked my rear end off to get out of the  
ghetto. I worked two jobs for 35 years straight. I was a chiropractor by night and I  
was the Safety Director at Westinghouse Corp. during the day. I wanted a  
place that I could go and live and be comfortable and bring up my children. I  
found such a place. Someone said he's going to put up pine trees. I'm 66 years  
old. I'm not going to see any pine trees grow up. I get up in the morning, I  
hear birds sing. I see my neighbors walking around and jogging and I feel fine.  
I have a flag pole in front of my house and when I look out there it's the same as  
Sir Francis Scott Key when he wrote that song of his. Now I'm going to look at  
garbage cans, dog houses, children running around, running into the street. I  
don't want that, gentlemen. We have a beautiful village here. Let's not make  
a slum out of it. Williamsville needs places like this. This is a beautiful  
community. This is a beautiful village.

Ex. Development  
Permit

Mr. Krumm: Can I make one more comment here and then I won't talk any more.  
The slides that the ladies have made their presentation with really do represent  
what beautiful homes and the area they have. The homes that were shown are built  
by Engasser Development and Building Company in this particular case and those  
were homes that were built on Klein Road and those are not the same homes that would  
be built down here. Also, there was a contemporary home shown. That's not  
the type of home. All of the homes that are going to go here are in the  
colonial and in the same frame that the Village would be in. Maybe a  
tudor might be put in, but at this point it's all colonial. The cost of  
these homes is going to be between \$80,000 and \$100,000. That's the type of  
home that's been talked about and I don't know if that type of home constitutes  
a slum area. I don't really think it does so that it wouldn't be referred to  
that way. I really think that these are going to be a fine addition to the  
Village and something that everyone could be proud of. Thank you.

Mrs. Calabrese: That could happen if they make the lot sizes larger and there were  
not so many homes. I'm not opposed to homes going in there. That is not my  
opposition. My opposition is the shape that the plan has taken, the size  
of the lots. You cannot put a beautiful home on a very small lot. It looks  
ridiculous and anyone who would pay for that is absurd.

Castlecreek  
Subdivi-  
sion

Trustee Kibby: Are you saying that if there were to be two, or three, or four  
homes along the northern edge there between Mr. Whitehead's house and the  
white house - it's always the white house to me - in the \$100,000 range that had  
driveways coming out onto Willowbrook there would be no opposition?

Mrs. Calabrese: I would have to - obviously I'm not going to go on record saying  
that I would not oppose it, but it would certainly seem to be more desirable than  
something of this nature which would look like tract housing.

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Trustee Kibby: Trustees?

Mr. William Whitehead, 233 Garrison Road: I'd like to say one thing. I'm the owner of the property and there's been some concern about the people on Willowbrook looking into the back yards of our subdivision. The trees on that property were planted some 42 years ago by my dad and myself. They're now to a very mature size. They would have to be tree spaded with a hydraulic tree spade. They would be removed and planted along the property line and they would be planted in two rows so the people on Willowbrook would absolutely not be able to see through. Now the concern tonight is that wildlife would be disturbed. The trees would be destroyed. I think these are misrepresentations. I'm a tree lover. I'm a tree saver. I'm a professional landscaper. I've done Mr. Engasser's work for 35 years. The homes in that subdivision would be professionally landscaped by myself. I think if the Board looks favorably upon it the thing would be enhancing to the Village. It would be an addition to the Village. I think after it's completed it would be a tremendous asset to the Village besides bringing more tax revenue into the Village. What would some of these people here tonight think if tomorrow I went in with a chain saw and started thinning my trees, which I could rightly do, which I would not do but I could do. But I want to save the trees. I want to save the trees and they're going to be put along the property line and the people on Willowbrook will not see the back yards of homes. Thank you.

PUBLIC  
HEARING  
(Con't)

Trustee Kibby: Trustees? Comments? Questions?

Ex. Development  
Permit

Trustee Brenton: Yes, I'd like to comment. To begin with I would like to say that I am privileged to know both parties in this dispute and I mean I've known both of them. Mr. Whitehead I've known personally for many, many years and it would appear to me that there are mutual grounds of concerns here on the part of the developer and the affected residents and I would think that it also does appear that there would be room for some type of compromise regarding what has to be done here, perhaps acquisition of the questioned one foot piece of property that does preclude development onto Willowbrook, or the aspect of replanting trees, etc. and I would hope certainly that this could be resolved in an amicable way because I think as Mr. Whitehead has pointed out, that the property is his and thus his to do with as he pleases even in the event that he is not allowed to develop it the way he wants and I don't know what other aspects of development he has at his disposal within our Village codes. So that it would appear that rather than walk away from this meeting that both sides could sit down and think about perhaps discussing the situation and coming to a compromise.

Castlecreek  
Subdivision

That would be my conclusion at this point as an impartial observer with what has taken place here. Now for my responsibility as a Trustee on this Board. I would have to say that the question of the water line where it is now dead-ended I would certainly have to feel that that line would have to be looped, i.e., broke into the Willowbrook water line in order to assure us of proper fire fighting capability and proper water flow, etc. This was not the case in the past in many of our developments and we have had problems in that regard. So that I would certainly feel the line would have to be moved.

There is no request for lighting in this development. I would also have to say that the lighting situation would be in my mind the responsibility of the developer

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and if in the event that there was some type of development put in that particular area that the developer would have to include lighting at his cost, his expense, so that the Village would not be held responsible for installation of any type of lighting and I would also feel that the Fire Department would have to provide us with some input regarding accessibility, i.e., through the new road, if the road is widened, I think that there would be no problem. I am not quite sure at this stage of the game whether there is a problem or not. I would like some input regarding that subject and that's essentially what I can say regarding this development and I again would reiterate that I hope there is some solution to it.

PUBLIC  
HEARING  
(Con't)

Ex. Development  
Permit

Trustee Kibby: Mr. Saia.

Trustee Saia: Mike and residents of Williamsville, I am the liaison to the Environmental Board. I'm sorry you didn't get a letter from the Environmental Board for recommendations but I know there is one forthcoming, but this gentleman came before the Environmental Board. Actually we had no recommendations because we had insufficient information at the time to make a recommendation. There has been a question of some of it being in the flood plain and there wasn't any house sizes and we were reluctant to make any recommendation as far as landscape goes. I'm sure there are plenty of trees. There were a couple of questions I'd like to ask Mr. Meyer and Mr. Whitehead. A question has come up why - sometimes because of the trees you can't see the forest - but why was this road put over here because there are a lot of beautiful streets with a center that's planted. Why couldn't this road have been put on this side of the property and some arrangement made for just a few lousy feet at the front here and loop the other way around and not that we got the same amount of homes, but the people on Willowbrook would have seen the front of homes instead of the back yard. Is there a problem there?

Mr. Whitehead: There was a problem in the past with - we have to negotiate with Mr. Meyer to purchase that strip of land and on several occasions during the past 15 years or longer we just couldn't come to an agreement.

Castlecreek  
Subdivision

Trustee Saia: Mr. Whitehead I'm talking about the whole piece of property. I'm talking about a few feet in the front and you would split this road and have the two roads come out which is really one road. We've got lots of streets like that where there is a center island, you know, a center in. And then everybody's happy.

Mr. Whitehead: Mr. Meyer owns that piece right up from Garrison Rd.

Trustee Kibby: Are you saying turn that Meyer strip into a boulevard?

Trustee Saia: No, no. Just for an entrance, a few feet they can have a - we've got some beautiful streets like that in Snyder and in our area. You know we all live near each other. You're neighbors. I'm sure something can be worked out where these people would be satisfied in seeing nice homes in front of them. That's what they seem to be interested in, having these homes face them instead of the back yards. That's the only problem it looks like to me. And I'm sure you two gentlemen can resolve this and you can come back and have something to - I know a lot of us people are resolved in our thinking of what would look nice also.

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Mr. Whitehead: It's a fine idea. Mr. Meyer mentioned a few moments ago that he spoke  
with someone in June. He did not speak with me.

Trustee Saia: Well maybe there's some lack of communication. Can you two  
gentlemen get together and talk about this and then come back to this Board.  
I'd appreciate it if you could. That's all I've got to say.

Trustee Kibby: Trustee Murray?

Trustee Murray: I think everthing I wanted to say has been said already, thank you.

Trustee Kibby: That's the trouble with going last. Everything's been said. I do  
think this plan - and I'm not casting my vote - it's an unusual predicament of  
having to give consideration to back yards facing front yards and I don't see that  
changing into approving a street which is only 99' from another street. That  
seems to be an overwhelming negative on this project and then when you add to it  
the fact that this problem could be resolved to the benefit of Willowbrook  
residents, Mr. Whitehead, and possibly also Mr. Meyer financially  
anyway, by a simple solution of one foot of property which seems to be the thing  
that's standing in the way of development of this area which in my opinion, my personal  
opinion, it's time to be developed, not necessarily this way. I'm going to have  
trouble right now supporting this unless something happens in the next few weeks.

ON MOTION by Trustee Kibby, seconded by Trustee Brenton, the hearing was closed  
at 8:38 PM.

Unanimously carried.

Theresa L. Cummins,  
Village Clerk-Treasurer

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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

Phil Boudreau, Dept. of Public Works

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

Mayor Kuzon: Next on our agenda this evening are the approval of minutes from our last regular meeting and also two public hearings which were held at that meeting.

ON MOTION by Mayor Kuzon, seconded by Trustee Kibby, the minutes of the regular meeting held July 25, 1983 were approved.

Unanimously carried.

ON MOTION by Mayor Kuzon, seconded by Trustee Kibby, the minutes of the public hearing held July 25, 1983 regarding a proposed local law relating to abandoned vehicles were approved.

Unanimously carried.

ON MOTION by Mayor Kuzon, seconded by Trustee Kibby, the minutes of the public hearing held July 25, 1983 regarding an exceptional development permit for Drexel Hill Apartments were approved.

Unanimously carried.

Mayor Kuzon: Next on our agenda this evening are two public hearings, the first one being an exceptional development permit for the St. Francis Home.

ON MOTION by Mayor Kuzon, seconded by Trustee Murray, it was moved to open the public hearing at 7:38 PM. (The hearing was closed at 7:42 PM.)

Unanimously carried.

Mayor Kuzon: Our second public hearing this evening also is for an exceptional development permit and this is regarding the Whitehead property in the vicinity of Garrison and Willowbrook.

ON MOTION by Mayor Kuzon, seconded by Trustee Murray, it was moved to open the public hearing at 7:43 PM. (The hearing was closed at 8:38 PM.)

Unanimously carried.

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Mayor Kuzon: That concludes our section of the agenda this evening for public hearings. I would advise the audience it is our procedure not to act on the topic of a public hearing on the evening that we hold the hearing. Normally it is our procedure if, let's say there are no problems to act on that at our next Board meeting. However, I think for the Board and the public there will be discussions taking place and it will be acted on in the future, but I would not expect it to be at our September 12th meeting.

Moving into my reports and resolutions, first of all I'd like to report that each year for the last 22 years the New York State Conference of Mayors has honored public officials who have served a single community for 25 years or more by awarding them a quarter century certificate of public service. These names are then announced at the annual meeting of the Conference of Mayors and are also forwarded to their local communities so that they can be recognized there. It is our privilege this evening that we have a gentleman in our employ who's worked for the Village for 25 years as a laborer in the Department of Public Works and we have received from the Conference of Mayors a quarter century certificate for James Berger. He's not here this evening but I would ask Trustee Brenton as liaison to the Department to present this on behalf of the Conference and the Board to Mr. Berger and give him our congratulations and best wishes for continued service.

One other thing I'd like to report is that recently the Town of Amherst has held a public hearing regarding the rezoning of property adjacent to a Village residential area and as part of this public hearing, which I attended, I heard mention of the fact that it was their intention to connect the sewer, specifically the Wilson Rd. sewer to the Village at a point in Cadman Dr. The Village has received this proposal in writing from the Town of Amherst Engineering Department and two, three weeks ago the Village Board met informally to consider this proposal of connecting the planned Wilson Rd. sanitary sewer to the Village. It was our determination after careful consideration of all the factors that we could not approve connection of the Wilson Rd. sanitary sewer to the Village at Cadman Drive. The Board, however, has granted approval to the Town for connection of the proposed sanitary sewer in the area of Wehrle and Hirschfield Drives. We've agreed to this in principle and we will proceed to discuss it further with the Town. I know there's been much discussion not only on the rezoning but also on the question of utilities for that property and it was mentioned at the last Town Board meeting and I think it's best we set the record straight from the Village point of view.

Another matter involving the Town. I've received notice from Councilman Kindel regarding an upcoming meeting regarding the Hopkins-Klein wetlands area. This meeting will be held on Tuesday, August 30, 1983 at 7:30 PM in this room. They will discuss the special study that's been presented by the Amherst Conservation Advisory Council and basically it's a study that includes 50 acres of land owned by the Town and also the Village. We own approximately 12 acres out on the west side of Klein Road, formerly the old dumps, and it's now protected wetlands. The purpose of the Town study is to determine if there is sufficient public benefit that can be obtained in this area and also if it can be adapted for educational, recreational use and for the general public. A representative of the Village will be attending and the public is invited to that meeting.

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One other thing I'd like to report to the public. At our last Board meeting there was discussion over what is now called Village Square Lane and its - I don't know how to describe it - well the question was asked if it was legally a street. At that meeting I did say I would request the attorney to do legal research and report back to us and inform us whether it was a street. He has informed me that maps of the Village as early as 1900 show that north-south section of the street and designates the same as a lane. He has found no evidence on any map of the existence of an east-west section of the street. He has made no search though of Village records to determine if there was ever a formal dedication and acceptance of the east-west section of the street. Most importantly though, he has informed me that in the absence of formal dedication and acceptance of the street, Village Law Section 6-626 provides that all lanes within a village used by the public for 10 years or more continuously shall be a street with the same force and effect as if it had been duly laid out and recorded as a street. Mr. Fisher.

Discussion

Mr. Edgar Fisher, 5403 Main Street: I'd like to mention the people think that this Village Square Lane runs from Long St. over to Village Square Lane, but it doesn't. It's a driveway. It's still a driveway. Now if you look - if he researched this properly he would have found that while Eddie Way was Superintendent of Highways, or Public Works down there he was the one that paved that particular section that I call a driveway. Not Village Square Lane. And that was approximately four years ago. Prior to that particular time that roadway that I call a driveway was never used 24, I mean 12 months out of the year. It was used to get in and out of the ballpark, during the summer months, and we still have that hazardous condition at that particular corner and we have to resolve it one way or the other. I still represent 114 people in that building. I went down and I was very much embarrassed to go to the Traffic and Safety meeting because I brought along the manager and when they read this letter off they couldn't do nothing for me. Now I know darn well that we're going to have an accident there and someone's going to get hurt. There's going to be some property damage. We have to do something in order to alleviate that. I request again that street be extended to Milton St. That Village Square Lane be extended to Milton Street. He says in the letter here that I have made no search of the Village records. He says no description or dedication or acceptance of that street. But he also says that it's been used for 10 years continuously. I know darn well it hasn't and if you look up the records you'll find out that that driveway was only paved four years ago. A little over four years ago. Prior to that it was stone, some blacktop, and during the winter months the trucks used to come in and plow straight in and they'd leave the snow there. So after your first snow storm any year prior to 1978 you couldn't get through there during the winter months. I don't care what the hell you had. If you had a dog sled.

Village  
Square  
Lane

Mayor Kuzon: I'm not disputing your memory or recollection of the maintenance of the road but as best as we can remember it has been used by the Village whether as access to the public works garage or the ball diamond as a street for more than 10 years. So in that instance then, based on this section of the law, it would be considered a street without formal dedication.

Mr. Fisher: Now I'll tell you another thing. There's an easement that goes

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through the property next door to us. You couldn't get - you say that's been  
used for 10 years. When you went up that easement you couldn't get onto the  
driveway at that particular point during the winter months. It's mainly for  
the use of the ballplayers and their spectators. I've been around here quite  
some time and I've brought my grandchildren over there to go sleigh riding many  
a time and if you'll look up the records you'll find that that driveway just a  
little over four years ago was paved.

Mayor Kuzon: It was paved because of the construction of the senior citizens  
housing.

Mr. Fisher: Right.

Village Square  
Lane  
Discussion  
(Con't)

Mayor Kuzon: Prior to that there was no need to pave it because it wasn't a  
heavily traveled street. It was a limited access street for the ball diamond  
and the Department of Public Works garage.

Mr. Fisher: But during the winter months it was only a driveway. That was the  
only way you could get into the public works garage was through that driveway.

Mayor Kuzon: There was access off of S. Long St. also.

Mr. Fisher: No, no. Just from S. Long. You couldn't get in from Village  
Square Lane. It was impossible.

Mayor Kuzon: Well, personally I don't remember the plowing situation in that  
neighborhood. The Board can talk about that later.

Mr. Fisher: Well something has to be done. If somebody gets injured on that  
corner there's going to be a hell of a lot of hell raised.

Mayor Kuzon: What we asked the attorney was not to address the situation at  
the corner but the legal situation of the street.

Mr. Fisher: I was very embarrassed to bring the manager down and be turned down  
like that.

Mayor Kuzon: I'm not aware of that situation. I read the minutes. But I'd be  
happy to talk further with you about that.

Mr. Fisher: When can I see you in order to speak to you?

Mayor Kuzon: I'll be here tomorrow, or if you just give me a call and I'll be sure  
to be here when you come in.

Mr. Fisher: I'll give you a call.

Mayor Kuzon: Okay, fine.

Trustee Brenton: I would just like to elaborate slightly as far as repaving of the  
street is concerned. I participated in the decision to do that and the need was

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resultant from the senior citizens building and we felt it appropriate to provide the type of driving surface to the new residents of our community that they were entitled to and that's why we paved it and I'm sure that Mr. Fisher would agree with that reason for paving. However, the street was accessible prior to that if you wanted to take your chances regarding mudholes or potholes, depending on the nature of the street surface in that particular area. Some of it was blacktop. Some of it was not. But it had been stone for many, many years. I played on that ball diamond and in that general area. I would also like to elaborate slightly on the aspect of utilizing what is considered to be the park land for street surfaces and I think the attorney perhaps has not shed any light on that and I would question him regarding any New York State Law that may exist pertaining to taking what is perceived to be park land and using it for street surfaces. If he has not considered that I would suggest that that be part of his thinking in the future.

Mr. Troy: The only response is that there's no evidence that that playground down there was ever dedicated formally as park land and it doesn't have the normal protection that a dedicated park would have.

Trustee Brenton: Okay.

Village Square  
Lane  
Discussion  
(Con't)

Mr. Troy: I was conscious of that.

Trustee Brenton: That answers that question that formed in my mind from reading the minutes of the last meeting, which I was on vacation for and out of town. One other aspect, as I pointed out originally during the discussion of this, or I think in the form of a memo, or perhaps Village Board comment. There's a situation down there that requires redress regarding safety and I would like to investigate that. I think that we would probably need to have a traffic survey type of firm come in here and develop a proposal. Probably it would end in in effect dead ending and making a two-way street of Village Square Lane and I think that probably in the long run that that would be the best suggestion, because it exists today and it will continue to exist unfortunately with the various residents of the Village Square Lane dwelling are many of the violators of the one-way nature of that street and I have stopped and questioned some of them myself and frankly they laugh about it. So that I think that we do have a problem there and we'll have to recognize it and in effect determine what is Village owned right-of-way and then go from there as to correcting the traffic safety problem.

Mayor Kuzon: Thank you. Mr. Hill.

Mr. Richard Hill, 18 Brookside: To answer Trustee Brenton I did request a survey of that street and I was told 18 feet. If you only have 18 feet you can't make a two-way street. And we have talked to these people many times about lowering their fence. They don't want to do that. You can't make a two-way street out of an 18 foot right-of-way.

Mr. Fisher: I'd like you to know that I don't represent Forest City management. All I represent are the people in the building. So I can't do nothing about moving the building, giving you a piece of the sidewalk. Anything like that. The only thing I'm principally concerned about is the welfare of the Village people in the building.

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Mayor Kuzon: Thank you. I'll move next to my resolutions. I have two sets of  
 vouchers to approve. The first set covers the period from our last meeting in  
 July until the 11th of August.

ON MOTION by Mayor Kuzon, seconded by Trustee Kibby, vouchers in the sum of  
 \$93,064.39 were approved as follows:

|                              |               |                 |
|------------------------------|---------------|-----------------|
| Payroll Fund                 | W/E 7/29/83   | \$ 8,536.91     |
|                              | W/E 8/5/83    | <u>5,368.12</u> |
| Total Payroll Fund           |               | \$13,905.03     |
| General Fund                 | Abstract #542 | 45,067.01       |
| Sewer & Water Fund           | Abstract #123 | 26,198.52       |
| Trust & Agency Fund          | Abstract #162 | 5,703.71        |
| Glen Park Jt Activities Fund | Abstract #62  | 74.42           |
| Federal Revenue Sharing Fund | Abstract #144 | <u>2,115.70</u> |
| Total Vouchers               |               | \$93,064.39     |

The larger vouchers in these to be approved are to Buffalo Crushed Stone for  
 \$14,000; Niagara Mohawk - \$5,000; and Erie County Water Authority for \$24,000.

Unanimously carried.

The second set of vouchers covers the period from the 12th of August until today.

ON MOTION by Mayor Kuzon, seconded by Trustee Kibby, vouchers in the sum of  
 \$27,528.45 were approved as follows:

|                              |               |                 |
|------------------------------|---------------|-----------------|
| Payroll Fund                 | W/E 8/12/83   | \$ 5,445.67     |
|                              | W/E 8/19/83   | <u>5,377.20</u> |
| Total Payroll Fund           |               | \$10,822.87     |
| General Fund                 | Abstract #543 | 10,233.49       |
| Sewer & Water Fund           | Abstract #124 | <u>259.60</u>   |
| Trust & Agency Fund          | Abstract #163 | 1,422.82        |
| Glen Park Jt Activities Fund | Abstract #63  | <u>1,517.20</u> |
| SSES Rehab C-36-1244-01      | Abstract #25  | <u>3,272.47</u> |
| Total Vouchers               |               | \$27,528.45     |

Unanimously carried.

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My third resolution concerns amending a section of the Zoning Code, the portion of the code regarding abandoned vehicles. Basically what we're trying to do, and what the new law would say, is that it will be unlawful for any owner of private property to cause or allow any vehicle to be abandoned or stored, or kept without currently valid registration sticker and license plates affixed thereto on the owner's private property unless the motor vehicle is stored within a completely enclosed building. That's the sum and substance of this addition to the code and it's a direct response to a number of nuisance situations around the Village where apparently abandoned vehicles are left out in the open, not necessarily on driveways but sometimes in a rear yard and it's bothersome to the neighbors, and it reads:

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

RESOLVED that Local Law #8 - 1983, amending Section 70.405 of the Zoning Code to include Abandoned Vehicles, which was the subject of public hearing on July 25, 1983, is hereby adopted.

LOCAL LAW  
#8-1983 Adopted  
Abandoned  
Vehicles

(Copy of local law attached.)

Mr. Gerard O'Dwyer, Drexel Hill Apartments: Could I ask a question, please? Does this make any provision for vehicles being abandoned by tenants on private property or by unknown persons.

Mayor Kuzon: Yes. In fact, there are certain sections - in fact, one of the reasons that this is a paragraph is that I've been advised by our attorney that certain sections of the Vehicle and Traffic Law may cover what you're referring to. But I think your question of whether it will cover abandoned vehicles by tenants on private property I think it will.

Unanimously carried.

Mayor Kuzon: My fourth resolution this evening authorizes the Village Clerk, Theresa Cummins, to attend the annual training school for city and village officials sponsored by the Conference of Mayors and it will be held at Grossingers. It reads:

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

RESOLVED that Theresa L. Cummins, Clerk-Treasurer, is authorized to attend the 28th Annual Training School for City & Village officials to be held at Grossingers, New York from September 27 - September 30, 1983 and the costs not to exceed \$400 to be paid by the Village of Williamsville.

AUTHORIZATION  
Clerk to attend  
training school

Unanimously carried.

My fifth resolution awards the bids for a new copy machine for the Village Clerk's Office. And let me just say this before we approve the resolution. We had

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

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

~~County~~  
~~City~~ of Williamsville  
~~Town~~  
Village

Local Law No. 8 of the year 19 83

A local law Amend Section 70.405 - Add Abandoned Vehicles Section  
(insert title)

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

~~County~~  
~~City~~ of Williamsville as follows:  
~~Town~~  
Village

Section 70.405 (B)

It shall be unlawful for any owner of private property to cause or allow any motor vehicle to be abandoned or stored, or kept without currently valid registration sticker and license plates affixed thereto, on the owner's private property unless the motor vehicle is stored within a completely enclosed building.

This local law shall take effect immediately upon filing with the Secretary of State.

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originally intended to move this resolution at our last meeting but at that  
 time the Clerk and the office staff decided they needed to do a little more  
 investigation and comparison, which they have done. I do understand there  
 are representatives from both Pitney Bowes and Mita, which I guess is KEX/Copysource,  
 and I would ask if you have any questions that you see the Clerk after the meeting.  
 She does have a comparison sheet on both machines prepared for the Village Board  
 and I think she should be better able to answer your questions regarding this.  
 We are going to award the bid to KEX/Copysource of 210 Ellicott St. for the  
 Mita. They submitted a low bid for \$5,985.

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

WHEREAS the Village of Williamsville has advertised  
 for sealed bids for one copy machine for the Village  
 Clerk's Office, and

CONTRACT  
 AWARDED

Copy Machine

WHEREAS KEX/Copysource, 210 Ellicott St., Buffalo,  
 New York submitted their low bid meeting specifications,

NOW, THEREFORE, BE IT RESOLVED that the contract for the  
 copy machine be awarded to KEX/Copysource for its low  
 bid of \$5,985.00 on the MITA 312RE, including Bin Sorter  
 and Document Feeder.

Unanimously carried.

My sixth resolution this evening appoints an Historic Preservation Commission.  
 This past spring we held a series of public hearings on a proposed Historic  
 Preservation Code and then adopted that same code and within the code it  
 specifically outlines the Historic Preservation Committee and its membership  
 and the criteria for membership. It states that the Mayor or his  
 representative be a member, the Village Historian, a representative from the  
 Planning Board, the Historical Society, the business community, and the  
 Environmental Council, as well as a member at large. I have talked to a number  
 of individuals and I would like this evening to appoint them to this new  
 Commission to help us implement this new Historic Preservation Code.

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

RESOLVED that the following persons are hereby  
 appointed to the Historic Preservation Commission  
 as follows:

APPOINTMENTS

|                          | <u>Name</u>     | <u>Term</u> | Historic<br>Preservation<br>Commission |
|--------------------------|-----------------|-------------|--|
| 1) Mayor                 | Gordon J. Kuzon | 4/1/85      |  |
| 2) Historian             | Mary Jane Kibby | 4/1/84      |  |
| 3) Planning Board        | Richard Delo    | 4/1/85      |  |
| 4) Historical Society    | Rosemary Sugg   | 4/1/85      |  |
| 5) Business Community    | Loretta Babin   | 4/1/85      |  |
| 6) Environmental Council | Gladys Weller   | 4/1/84      |  |

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I would add a footnote that Mrs. Babin is well qualified to be on the committee. Not only is she a member of our business community, she is also with her husband the operator of the Williamsville Water Mill, and I received notification in the last month that the Water Mill is now in the process or getting closer to consideration to be included on the State Historic Preservation List and it will then qualify for the National List of Historic Places. I am very pleased that Mrs. Babin has accepted this responsibility and she will do a fine job. One opening will not be filled this evening and that's the at large member. In the local law it does say that the at large person should have some background in architecture, planning or similar types of expertise. In that Mr. Delo from the Planning Board is an architect we have dropped that place and for the time being will not need to make that appointment and if any one is interested we certainly would consider you.

That concludes my portion of the agenda. Next we go to the Trustees and their reports, and first is Trustee Brenton.

Trustee Brenton: Thank you, Mr. Mayor. To begin with the paving program, which I haven't had an opportunity to discuss this evening that is with Mr. Boudreau our Superintendent of Public Works, however, it is now in the final paving of Ledgeview and that will be accomplished before the summer is over and I would point out to the Board members that there is one other small area at the intersection of Academy and School Street and perhaps Eagle that also will be done and in doing these two remaining areas we will no doubt be going over budget as far as asphalt purposes are concerned. So I would publicly state that. However, we do feel the need at this time to accomplish these paving endeavors this year rather than wait and in that regard I have also provided a memo to the Board regarding Howard Avenue and the need for repaving that street which is predicated upon the need I believe, for replacement of the water line that lies under that street. If we repave the street we expect a life expectancy of the new asphalt to be in the neighborhood of 15 years. Mr. Boudreau would probably prefer 10. But I think in the long run if it's done right and too the nature of the street, i.e., a dead end type of situation, it should last 15 years. So I'm reluctant to request to the Board to pave the street and then have some future administration three or four years down the line dig it up for a water line. So that I have asked the Board via memo and I hope that I'll be able to get an opinion on that after the Board meeting as to whether or not we should replace the water line on Howard Ave.

And I'd also say that I'm very privileged to award this certificate of 25 years continuous service to Mr. Berger and his time with us I think is longer than that and I'll take a great deal of pleasure in doing that because I remember Mr. Berger many years ago when he was a young man and I was a little boy and I think that he has served the Village very well and I think that he should be complimented not only by this Board as I believe we have done at this meeting, but by the entire community for his service to our village and I believe that they were dedicated services and they have certainly been to the benefit of all of us.

The Conrail property situation. We have received a letter from the Consolidated Rail Corporation, that is I have, and they have reduced their asking price for that property to the neighborhood of \$130,000 which I believe is still excessive in the view of myself and the other members of the Board. But it was indicated to us that we have 15 days to respond. Otherwise, they would request the Department of

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Transportation to be relieved of their obligation to negotiate with the  
municipality which is allowed them under the Transportation Law of the State  
of New York. I have informed them that I feel certain the Village Board would  
want further negotiations on this property and intend to conduct negotiations  
with them sometime in the month of September. However, I would say at this stage  
of the game there does appear to be a very large disparity between what the Village  
wants to pay and what they want for the property and we will see what happens resulting  
from negotiations.

Regarding our sanitary sewer rehab program, phases 2 and 3 has not yet been approved  
by the New York State Department of Environmental Conservation. However, our  
consultant from URS informs me that they expect that the DEC will pass judgment  
on our application for funding this phase 2 and 3 combination early in the month  
of September so it will give us sufficient time if that is accomplished in a  
positive aspect to begin rehab work before the construction season draws to a  
close this year. That is the extent of my report.

Mayor Kuzon: Thank you. Next is Trustee Kibby.

Trustee Kibby: Thank you, Mr. Mayor. I have no report this evening but I do  
have three resolutions. The first will read:

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

RESOLVED that the application of Gerard F.  
O'Dwyer, owner of Drexel Hill Apartments  
on Evans Street, for an Exceptional Development  
Permit is hereby approved.

EXCEPTIONAL DEVELOPMENT  
PERMIT - APPROVED

Drexel Hill  
Apartments

Mayor Kuzon: Anyone want a roll call? If not, on the question?

Unanimously carried.

Trustee Kibby: My second resolution.

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

RESOLVED that Carolyn Schlifke, 192 Evans Street,  
is hereby appointed to the Board of Appeals  
until the end of the official 1987-1988 Village  
year.

APPOINTMENT

Board of Appeals

Unanimously carried.

I do have one more.

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

RESOLVED that the following appointments are  
hereby made to the Meeting House Committee until  
the end of the 1983-1984 official Village year.

APPOINTMENTS

Meeting House  
Committee

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Gartley Weller  
Mary Jane Kibby  
Paul Reidel  
Joan Scalfani

There are six places. I have only four this evening.

Unanimously carried.

Thank you, Mr. Mayor.

Mayor Kuzon: Thank you. Next is Trustee Murray.

Trustee Murray: Thank you. I just returned from vacation and I usually experience reentry shock. I don't have too much this evening, which is a shame because this is my last Board meeting. I'd like to express my extreme disappointment with the Town of Amherst for their rezoning of the Wilson Rd. property. I feel they've done a disservice to the residents of Cadman Dr. and I'm sorry that they didn't listen more closely to their constituents.

Also, you've probably noticed that we've lost three trees on Main St. Two at the corner of Main St. and Reist and one in front of CVS Pharmacy. Those were all due to automobile accidents, and we do have the accident reports and would hope we will be able to get the insurance money to replace those trees. I continue to care about trees.

Because I was out of Town I did not attend the Traffic & Safety Committee. I wonder if the two members of that committee, three, four members are here for the meeting, would have anything they would wish that I would bring before the public. No. Okay. Thank you.

I have not submitted my letter of resignation. I am reluctant to do so until the last minute and I also would not like to hear the letter read in public while I have to sit here and control myself. So I would ask that the Mayor afford me the courtesy of reading my letter of resignation at the next meeting so that I don't have to hear it, even and despite its length because I hope to make it a positive one and I will appreciate it if you will do that for me. That concludes my report.

Mayor Kuzon: Thank you. Next is Trustee Saia.

Trustee Saia: For my report I've got one thing of interest. For the information of some of the people here that are interested in the fuel farm that's being built on Aero Drive, I tried to contact every conceivable person that I could by phone on Friday and this morning. I have now resorted to writing letters and everyone that's a party in the Village is getting a letter. So will the Southeast Homeowners and Williamsville North Homeowners. I think they're the two largest. This letter I'm addressing to Mr. John Downing of the N.E.T.A. and what in essence it says is that we want some answers on the fuel farm on Aero Dr. and I'm trying to find out if he can give us the answers at a meeting conducted in the Village for the Village residents. Yes, Don?

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Donald Schueckler: 124 S. Union Rd.: I talked to the farm over there and  
there's going to be a meeting approximately the first week of September, or  
Labor Day week. There's definitely going to be a meeting. It will be  
publicized. The only thing now they're waiting for Mr. Brand to get back  
to Town. So there definitely will be a meeting.

Trustee Saia: Is this for Southeast Homeowners?

Mr. Schueckler: Yes, and everybody will be invited, especially the people  
on Cadman and where the creek goes through they're very - you know - want to  
hear about it.

Trustee Saia: I tried to get a hold of Mr. Brand all day.

Mr. Schueckler: He's out of town and he won't be back until September 1st.

Trustee Saia: Well my letter will be sent. The other thing I had to say was  
on my planters on Main St. whoever is taking care of them in the morning is  
doing a wonderful job under the direction of Phil Boudreau. And everything's  
going fine. The florists are running out of flowers. It's getting kind of  
late in the season. We've only got a few more weeks. So if you'd like to take some  
pictures the next couple of weeks we're going to take them in shortly. I  
appreciate everything that the Highway Department has done to help me along in  
establishing them.

For my resolutions, which I have two of, I'd like to call a public hearing on  
a proposed local law on fire limits. I have here a letter from the Fire  
Department wishing for me to proceed with this law and I am so doing. What  
this is is in a commercial or manufacturing district of the Village in  
essence it says that there will be no buildings built unless they are of  
masonry construction. There are some limitations and there are some exemptions  
but it is clearly spelled out here. This is the same ordinance that is in the  
Town of Amherst with minor changes, like Town to Village, etc. If anyone wishes  
a copy of this let me know and I'll make a copy. So with that my resolution  
reads:

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

RESOLVED that the Village Clerk publish notice of  
public hearing to be held by the Board of Trustees  
on September 12, 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 fire  
limits to the Village of Williamsville Building Code.

PUBLISH NOTICE  
OF PUBLIC HEARING

Add Fire Limits  
to Code

Unanimously carried.

The second resolution:

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

RESOLVED that Marilyn Law, 144 S. Ellicott Street  
is hereby appointed to the Environmental Committee  
until the end of the 1983-1984 official Village year.

APPOINTMENT

Environmental  
Committee

Unanimously carried.

That's the end of my report.

Mayor Kuzon: Thank you. Superintendent of Public Works, Mr. Boudreau.

Mr. Boudreau: Under the heading of streets - It is anticipated that the final  
wearing surface will be installed on Lake Ledge Terrace in the next couple of weeks.  
In the past week a considerable amount of labor and material was used by the  
Village D.P.W. in reconditioning this street. The repaving program will now move  
over to Academy St., with some preliminary renovation work being required  
here also. During the month of August a number of potholes have been repaired  
on Village streets with the new cut-prime and hotpatch method now used by the  
D.P.W. All asphalt patches now consist of recycled material heated and  
prepared in our new hotpatch rig.

Under the heading of Parks - It is anticipated the Village pools will close on  
Labor Day.

Street Cleaning - This past month our Elgin Street Sweeper has been cut working  
on Village streets in Operational Districts 3 and 2. That is the southwest  
quadrant of the Village and northeast quadrant of the Village. Approximately  
58 lane miles of road have been cleaned this month.

Under the heading of Refuse Collection and Disposal - Thru September of this year  
the D.P.W. will continue to operate the refuse pickup program on the second and  
fourth Monday of each month. Each Village street will be traversed once on that day by  
each pickup crew. The trash must be deposited at the curb early on Monday morning.  
The regular Friday-Monday garbage pickup will accept brush that is cut to  
4' lengths, bundled and tied.

That's the end of my report.

Mayor Kuzon: Thank you.

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

Unanimously carried.

Mayor Kuzon: Anyone in the audience? Chief Andrews.

Rick Andrews, Fire Chief of the Village: I have two things. Number one I'd  
like to notify the Village Board and the residents of the Village that on

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Wednesday evening at 7:00 PM we'll be having a mutual aid drill at the  
Williamsville Towers. This will entail six different companies coming in  
with aerial equipment. It should be quite a large function but it shouldn't  
be longer than an hour, or an hour and a half. All arrangements have been worked  
out with the Police Department and the Fire Control of Cheektowaga will be bringing  
a company and Cleveland Hill. Basically what it's doing is we got the cooperation  
of the condominium set-up, with the organization and we're going to have a fire  
drill. We'll pull a box and we're going to evacuate the building and it will  
show confidence that we can cover the building and have aerial pieces readily  
available in the event we have to evacuate via that route. So it will be on  
Wednesday at 7:00 PM approximately at the Williamsville Towers on Main Street.  
Being that the Village Board is also acting as Fire Commissioners you're all  
invited to attend and observe that. Any comments would be appreciated.

Secondly, due to the fact that I have another meeting right after this meeting  
I won't be able to attend the festivities afterward for Trustee Murray. I'd  
like to thank her on behalf of the Fire Department for all your cooperation  
over the past years that you've been a Trustee. I think you've backed us 100% in  
anything we've ever presented to the Board or wanted done. It's been a pleasure  
working with you and I wish you good luck.

Trustee Murray: Thank you.

Mayor Kuzon: Thank you. Anyone else in the audience? Mr. Kibby.

Trustee Kibby: Yeah, I forgot to announce that the Planning Board meeting will  
not be the first Monday in September. It will be Monday, August 29th at 7:00 PM  
and two things on the agenda are both signs - one for Computer Head Start and  
Positive Image.

Mayor Kuzon: Thank you. Anyone else?

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

Unanimously carried.

Mayor Kuzon: Before adjourning though this evening, Trustee Murray has indicated  
that this is her last official meeting with us today and I'd just like to say  
a few words on that. First of all, Connie, I think that your contributions over the  
years to the Village have often gone underestimated. However, in my opinion  
there are certain accomplishments that you have made for the Village that will be  
recognized for years to come and I only have to point to the trees as an example  
of that. But I think your accomplishments in general reflect your sincere interest  
in the Village over the years. I've found that you are a highly principled  
individual, extremely energetic and dedicated beyond a doubt to the Village, as  
well as villages in Erie County and I do believe it's going to be difficult to find  
a replacement that will equal you as a person and also you as a professional.  
And I would like to present this plaque to you this evening from the Village  
Board as a small token of our appreciation for your service over the years and  
I hope you'll be able to hang it in your new home in New Jersey. Some place where  
you can proudly display it.

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Trustee Murray: Thank you.

Mayor Kuzon: Let me say, Connie, that you've been a fine Trustee. It's been a pleasure working with you over the last couple of terms and also not only have I enjoyed working with you but I'm proud to say that you've become a good friend and good luck in the future.

Rick did indicate that we are having a reception in the Conference Room for Trustee Murray and everyone here this evening is invited to attend, and on that note...

ON MOTION by Trustee Murray, seconded by Trustee Saia, the meeting was adjourned at 9:19 PM.

Unanimously carried.

Theresa L. Cummins,  
Village Clerk-Treasurer