

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, May 13, 1985 at 7:43 PM

Roll Call

Present

Gordon J. Kuzon, Mayor

Lawrence R. Brenton
Michael Kibby Trustees
Carolyn Schlifke

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

Absent

Richard Gallagher, Trustee

ON MOTION by Mayor Kuzon, seconded by Trustee Kibby, it was moved at 7:43 PM to reconvene the public hearing on the proposed rezoning in the Wellington Court area, which hearing was adjourned at the Board of Trustees meeting on March 25, 1985.

Unanimously carried.

PUBLIC
HEARING

Trustee Kibby took accouple of minutes to review some of the background on the proposed rezoning. The reason the hearing is before the Board of Trustees and not the Planning Board is that the proposed project comes under Exceptional Development and that decision is made by this Board with the advice and input of the Traffic & Safety Committee, the Planning/Architectural Review Board, the Fire Chief and the Building Department.

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(Con't)

The Planning Board did review the site plan submitted on February 4, 1985 when the Board of Trustees asked their advice on the proposed rezoning. Their opinion at the time was that they were very much, unanimously in favor of this property use as multiple dwelling. They did recommend at that time the widening of the driveway and provisions should be made if possible for more green space. The Traffic and Safety Committee reviewed this on February 5, 1985 and they could see no problems in terms of traffic and safety. The Fire Chief had some recommendations about the road size and where fire hydrants should be installed, and he wanted to make sure the owners provided access for the rear entrances. He also wanted to be sure the water pressure was adequate. At the Mayor's request, it went back to the Planning Board on May 6th for further discussion. They did not change their overall vote. They still recommended this be rezoned for multiple dwelling but did recommend a reduction in the number of units. No specific number was identified in the minutes or by resolution, but Trustee Kibby said he did not think he was speaking out of turn that the number discussed was two, because that was what the Building Department had recommended. They also recommended a greater reduction if that could be done.

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They asked again for more green space. They recommended that the building on Cayuga be set back further and wanted the Board to be sure that they took into account in their review questions of the length and height of the buildings.

Trustee Kibby said the Village does not have regulations as to particular bulk on multiple dwellings. The Building Department reviewed the site plan and did make a number of recommendations to the Board after taking into account four things regarding rear lot size, maximum length of buildings, and some other things. They wanted more trees and wanted the developers to define the percentage of landscaped area and to provide as much landscaping and green area as possible. They also had a question regarding the easement. Their final recommendations were to withdraw one unit from each of the 8-unit buildings because of the overall length of those buildings, and to revise and redraw the arrangements of the buildings to maximize the green space.

PUBLIC
HEARING
(Con't)

Wellington
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The Board has to take into account the committee reports and also the sewer study of the California, Los Robles, Milton and Pasadena areas, which is pending. Also, one has to take into account the fact that there has been a petition of protest, which requires the Board under our regulations to have a 4 to 1 vote in order for the rezoning to be approved, rather than the majority 3 to 2 vote required under ordinary circumstances.

Trustee Kibby said there has been a fair amount of rumor and speculation and questions about the easement, or lack of it, on certain properties. He asked Mr. Troy's opinion on this.

Attorney Troy said apparently several of the citizens in the Village believe there may have been an easement owned by the State of New York on privately owned property, of which Maryvale Landscape was the owner at that time, and that somehow or another the easement was abandoned to the County, and that subsequently the County abandoned the easement to the Town and Village. The date was said to be December 18, 1973 of this abandonment to the Village. Mr. Troy said he went to the County Legislature Office and examined the minutes of their December 18, 1973 meeting and did find an abandonment, but it was the abandonment of Cayuga Road, of the County's control and regulation over Cayuga Road in favor of the Town and Village, of .90 miles from Wehrle to Main Street. Effectively what these people thought was an abandonment of the County's easement on private property was really an abandonment of the County's control over Cayuga Road. Beyond that, he was able to ascertain that there was a deed from the Department of Transportation of the State of New York to Maryvale Landscape of an easement which had been reserved by the State of New York a number of years earlier

for an overpass there and this did in fact come back by a proper document to Maryvale Landscape. So effectively, that puts to rest any question as to whether there might be any intervening public rights to this land which the petitioner is attempting to have rezoned. There are none. They appear to have complete, adequate title to the property.

Trustee Kibby said one of the things that caused confusion was that the property did move around a fair bit from one person to the next, but the State still owned the easement, but the property was sold and then at a later time the easement was sold.

PUBLIC
HEARING
(Con't)

Mr. Troy said the important thing is that what some citizens thought was an abandonment to the Village and town of some easement rights was really an abandonment of control over Cayuga Road in 1973 as a result of resistance to widening the street.

Trustee Kibby said he thinks the assumption we should work on is that the people that are petitioning for rezoning this property not only own the property, there are no easements on the property, and that's what the title search showed, and that property is entirely within the confines of the Village. The real question is - is this property that is now zoned R-2 and agreed upon to be R-2 thirteen to fourteen years ago by the builders of the Wellington apartments, should it now in 1985 be rezoned to R-3M. Trustee Kibby said that's his perspective and to him the basic question. This isn't meant to put tight parameters on the public input, but that should be the general thrust.

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Arthur Ticknor, 170 S. Cayuga, said he wanted to ask some questions of the Board, specifically relative to the request first of all made of the Planning Board by Mayor Kuzon and discussed by them a week ago at the Planning Board meeting. The charge he thought was given to the Planning Board was to establish an area plan for the use and zoning of the vacant property, the Conrail property, this land and he thinks by implication the offer made to the Town and Village by Mr. Miller for use of the land across the street. He hopes that perhaps as we move toward the meeting in June it will be possible to see a cohesive plan for the area, taking into account the possible use of park land, the possible use of the Conrail property and the land specifically in question. That's his first hope. He thinks the charge to the Planning Board as he read Mayor Kuzon's letter was quite clear and he doesn't think that has been answered yet. He assumes that is still in the works.

Mr. Ticknor says he has some other questions he thinks need to be put on the table, more as questions of fact that he would like to hear addressed if not tonight, later on. We

clearly all have opinions regarding the value of the land, the impact of condominiums and single family homes, and so forth, but there are some other facts that he thinks that either by ourselves or perhaps with the town or other experts could bring to bear. First of all, and he thinks this will be discussed in the later Conrail hearing, is in fact that property at the southern end at S. Cayuga suitable for building at all. Can the property be used for green space. Does the Wellington owners group wish to buy it and if so, is it possible to sell it with perhaps a deed restriction that would enable us to assure the fact that the land would be used as green space, or recreation space. The question of the sewers, of course, is on the table so he doesn't need to dwell on that. However, in the areas of sewers and the environment, particularly if you start to look at the overall area there is a significant question in terms of the environmental impact, the area-wide development program such as he has been talking about here. For the Wellington property itself we have the opinion he thinks of some of us that single family homes would be better. The developers are proposing that condominiums would be more suitable. He wonders if it wouldn't be appropriate for the Board to ask for some independent expert opinion looking at long range trends so that we can take this out of the opinion, subjective idea stage and put it in the hands of what the real trends in sales in condominium homes and single family homes in the area, the desirability of maintaining the Village, etc. Perhaps an expert opinion such as we're enlisting in the case of the sewer, could help us there.

PUBLIC
HEARING
(Con't)

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Mr. Ticknor says he has a question of fact relative to the status of Warren Miller giving land to the Town and Village. His understanding was that both the Village and Town were recipients of his offer. It's been tabled, or not commented on. The question is what is the position of the Village and Town on that and what are Mr. Miller's alternatives if he doesn't proceed with that.

Mr. Ticknor said his last question relates to the proposed development itself. He understood Mr. Kibby's comments relative to the architectural review that would take place and although the Village may not have a specific code for this type of development the Town does. It would seem to him that it would appropriate before we really proceed to say yes or no since this is exceptional development, that we see what the real final plan would be, taking into account the additional green space, reduction of units, etc. so that in fact we can see the reality of what the proposal is. The elevations, to see something that people can look at and see the full visual impact of the buildings. He hopes that as we go through the process these questions can be specifically answered.

Trustee Kibby said he could address one of Mr. Ticknor's questions now. He said he wishes this Board and the Planning/Architectural Board could have a set of plans with renderings and everything. We find ourselves in a difficult situation in asking - and we've had this before, sometimes for a rezoning and sometimes for an alternate use within a zoning category, we'd like to see what it looks like - the problem is on the one hand we're saying we really shouldn't be thinking about what it's going to look like when you're talking about rezoning because rezoning should take into account what's best for the Village as whole, but on the other hand he's enough of a real person to realize that we'd like to look into the future and see what is planned, at least on paper. The other thing is that the Building Department's recommendations did come to this Board about a month or two ago and were based on the Town of Amherst's regulations for this particular type of development.

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HEARING

(Con't)

Mr. Ticknor said he understood that but he had an impression from Trustee Kibby's comments that perhaps those recommendations would be modified somewhat when they're submitted as a final proposal. Although he understands that it's very expensive for someone to make a rendering in a case such as this where there are so many people involved with such a deep interest, it would seem to him that that minor expense would be worth it. He said that because he is making that request don't assume that he is changing his mind in favor of the condominium approach. He still thinks that single family homes in that area would be most appropriate. On the other hand, he thinks that to look at facts we have to see it.

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Mrs. Margareta Gustafson, President of Benmar Development, said she had a couple of points she would like to add to her previous statement. She would like the opposition to know that she has great respect for their concerns as to what they intend to build within the Village. Therefore, she would like to emphasize that they are not asking for rezoning to build high density, high rise condominiums. They are asking for rezoning to build townhouses. There is a great difference when it comes to high density, high rise condominiums as compared to townhouses. The property in question is located on a deadend street with only four adjoining neighbors. It is sandwiched between an area to the north zoned R-3 and to the south the Wellington condominiums zoned R-3M. Townhouses would very much blend in with the Wellington Village complex and give this very secluded section of the Village a uniformity that would be lacking with single home construction, considering that this is a very small section of the Village that is secluded on a deadend street. Concerns have been voiced regarding saleability of condominiums and townhouses in some parts of the country. To that she can only answer that those articles do not apply to our area. If the

buyer is offered a good product, good location, good management, the demand is there. They proved that with the sell off of Wellington Village in record time. The few resales they have had have sold quickly with good profits for the owner. She can only say she hopes we can all work together for the best possible solution to benefit the Village of Williamsville as a whole.

PUBLIC
HEARING
(Con't)

Mr. Dwight Hamilton, 166 Los Robles, said he is sure that many of us concerned about the rezoning are glad to hear Mrs. Gustafson's comments, especially along the lines that he would think the developer would be the one most anxious of any group to see environmental problems in that area solved and he thinks we should look to the developer for support in getting these problems solved. He has a summary of a lot of information which his neighbors brought together much of which has been covered in previous presentations to the Board. Respecting the fact that everyone's time is valuable he will try to boil it down to as brief a presentation as possible. There are two things reflected. One, they will rely on 4 references in this memorandum which he will give to the Board to be cited as sources which can give a lot of the background. He wanted to summarize the highlights. Secondly, the comments about the Conrail property later on will be much more meaningful if related to the rezoning presentation because they are interrelated at least the concerns about the environmental aspects especially the problems with the sanitary and storm sewers. Since last February much information has been furnished to the Board showing (1) why the subject rezoning should not be approved, and (2) why the use of the related Conrail property must not add to and/or worsen Los Robles southblock sanitary and storm sewer problems. The information has been verbal and written, including memos, letters and media reports. The four references he referred to provide a portion of this information. It can be reviewed in the Village Clerk's Office by anyone desiring more detail and background on the indicated problems. Considering the sanitary and storm sewer problems alone - and there are many other considerations - we are not aware that the Village Board has an acceptable basis for approving the rezoning. The Village-Town cooperation in the April 11, 1985 TVing of the Los Robles southblock sanitary sewer is to be commended and there was confirmation of serious problems. There is much more data gathering to be done followed by analysis and action determinations need to be done on both the sanitary and storm sewers. Participation of the Los Robles Southblock Committee working with all interested parties of south central Williamsville is essential. Their Analysis Committee has not yet seen the URS report, due to be issued soon. There was a memo to the Village Environmental Advisory Council that pointed out that the Los Robles southblock residents wish to aid the Board in whatever way possible

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in expediting the development on the basis of prompt funding for the problem sewers. If there is anything they can do to help to make the case for the funding they'd like to be helpful. They find the south central residents are as adamant about environmental problems as are the North Amherst residents who are affected by the Ellicott Creek flooding. They are opposed to the subject rezoning and they are against Conrail property uses that would generate the same and similar reasons for opposition that are generated by this proposed rezoning.

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HEARING
(Con't)

Mr. James Rusin, 100 Wellington Court, said he also has a copy of approximately 50 names that were submitted previously, eight of whom are located on S. Cayuga immediately near the area in question, and 42 names are on Wellington Court, which is directly across from the property in question. All of them are in favor of rezoning the triangular area across from Wellington Court to specifically allow Benmar Development to proceed with townhouse development. The primary reason for objecting to this rezoning by others - and they don't like to be considered in opposition to them or they to us - they are primarily concerned and interested as good neighbors and citizens of this Village with their own individual condominium community, which is well organized for maintaining a favorable atmosphere within the Village. They are all aware of the primary problem, which he thinks is basically the opposition to the rezoning, the sewer and drainage system. It seems evident that the Village has outgrown its sewer and drainage system and regardless of what further growth will happen - single, multiple, or whatever - and it will happen because you can't stop progress, will further input on the system and will require more immediate attention and resolution of this problem for the benefit of all including most of the people who, rightfully perhaps, are concerned about the situation at this point in time and to envision any additional input on the system is a reasonable concern.

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Mr. Rusin said but this becomes an economic issue for the Village Board to face sooner or later. They feel that Benmar Development's development of townhouses in this area as proposed will contribute to the economics. The increase in tax base may contribute to reduced taxes on what otherwise may be much higher for all of us to pay when the system is improved as it must eventually be. The present overall lot frontage of 40' to 60' will not provide adequate property for substantial homes unless lots are doubled, reducing the tax base income compared with the tax base of townhouse development. The traffic flow which also has been presented, and he assumes resolved in the minds of the Trustees, certainly doesn't seem to be much of a problem. He has lived on Wellington, almost at the end of the dead end street and he has driven that street maybe thirty times a week back and forth and rarely passed a car and rarely is there a car behind him waiting to egress onto Cayuga, so he can't envision

any traffic pressure that would be presented, or any safety problems increased by a townhouse development in his own personal judgment. If there is opposition to townhouse development it may be mostly for imaginary reasons. He thinks that Mrs. Gustafson has indicated that this is not a real high rise situation or complex. At most he would presume it would be two stories and that would be no different than an ordinary home that might be planned for that area anyway.

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(Con't)

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Mr. Rusin said condominium and townhouse living is a new way of life for many Americans, goldenagers, professionals, business people and young couples. Many different people own units in Wellington Village today. This community with a Board of Managers and committee including architecture, landscaping, grounds, budget and finance, communications and so on all meet very regularly to see that the outside premises are maintained and repaired, grasscutting, snow plowing, etc. which homeowners don't always have time to do. They love their village and their community and think that their people and people in the community - some live here six months in the summer and leave in the winter, some come and go - and we pretty much look out for the interests of others' homes, and most importantly the grass and the outside facilities are maintained. He said if you haven't tried living in one, don't knock it. It's pretty interesting and a way of life today for people, couples who are both working, the business people, etc. It shouldn't add anything but an aesthetic expansion of the present Wellington Village. It is well lighted for the people who live there and they can live there in safety.

Mr. Rusin read a letter from Samuel and Grace Burruano who own units addressed at 303 S. Cayuga and 52 Wellington Court. The letter said the undersigned are in full support and wish the project to materialize for the following reasons:

- 1) Presently the land is an eyesore and not maintained. There is an accumulation of debris and litter from the lack of proper care. It is not safe, it is desolate and inviting to intruders. With the proposed development the site will attract pedestrians due to the additional lighting and landscaping.
- 2) The municipality should encourage developments such as this proposed project. It will add the revenue for an increased tax base to help with the sewer cost expense. The present sewer problem will only be corrected through additional money through new real estate taxes. The reason our country is so great, powerful and successful is that city officials recognize and cooperate with competent developers and corporations such as Benmar Development. The proposed development which he understands will be composed of \$90,000 to \$125,000 townhouses certainly will benefit the immediate community and the Village as a whole and enhance the present Wellington Court complex as it is today.

Aesthetically the project will blend with the existing development on the south side and definitely will compliment the surrounding area. Due to the above reasons they feel the rezoning should be granted and approved.

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(Con't)

Mrs. B. Perez, 307 Wellington Court, said she is secretary of the Wellington Village Condominium Association. She asked where anyone was going to live in Amherst to get away from sewer problems. She has been in the area a good many years and she has lived in Eggertsville and Snyder and Williamsville and she has always had water in her basement. She is in complete sympathy with the people that have had their property ruined and she is in sympathy with their concerns, but she agrees with Mr. Rusin that it is beyond the scope of the Village Board and is probably an economic problem. She thinks it is up to our elected officials to do whatever they can and get whatever revenues they can. She is also in favor of this project for the many reasons that were stated but to further reiterate what she said about the economic situation in regards to the sewer problem she read a letter from their Treasurer, who is an accountant, and who was unable to be here tonight. The letter said that he was in favor of the project for all the reasons already mentioned by his fellow owners at Wellington Village. He wanted to add to their comments a previously undeveloped aspect of the project, specifically the direct tax benefits to the Village that would result from the new project. The developer has estimated that the new construction would produce revenue of approximately \$60,000. That is over that currently generated by the vacant land. The Village could expect to receive roughly 15% or \$9,000 of that as tax revenue. At current municipal bond rates of approximately 6% this additional tax revenue would support or cover the interest payments on a \$150,000 bond issue. The money provided by the bond issue would make a significant contribution to pay for any capital improvement in the neighborhood sewer system that may be necessitated by the construction of this project. As the complex nears the end of its third year of operation he believes the condominium residents have proven themselves responsible Village citizens with the same concerns as their surrounding neighbors. They are all well aware of the concerns of those neighbors who oppose the project. He encouraged those residents and the members of the Board to look at the positive effects and benefits that would result from approval of the development. New tax revenue is only one example of how the project itself could help solve any problems that some feel it would create. Instead of finding reasons to halt progress let's focus on using this opportunity to find solutions to whatever roadblocks may exist. He urged the Board to take advantage of the significant commitment of the developer in order to further improve what he believes is already a very desirable neighborhood. The letter was signed Bryan Bingel.

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(Con't)

Charles Rizzone, 135 Los Robles, said the residents of the south-central Williamsville, south block of Los Robles, are not against high rise, townhouses, whatever the terminology is in this case. Tonight he has heard about the generation of tax from these townhouses. He would like to remind the Board that if single family homes were to be built in this area that's not a zero tax increase. There is some ability to increase the tax base with single families as well. It may not be as much but there is a factor involved that he wanted to point out. The second point is that when he uses the word we or neighbors, he is speaking of over 160 people, all of whom signed a very important petition that the Board is very well aware of and he and his neighbors went door to door and to speak of who signed the petition he thinks is most important because he has heard that condominiums are valuable for people who are looking for retirement and can't take care of their property. The people who signed the petition were from all age groups, new people who had just moved into the area, people whose children have grown up, middle aged, older people who still enjoyed their homes. It was those people who asked the Board to look very closely at this rezoning. They are right up against Wellington Court. They are the adjacent people. They told them overwhelmingly that they were in favor of single family development. The Board knows their addresses so he believes they speak with some authority when they say that they too are interested in a tax base but according to the plans that were drawn up they would like to see single family homes. He said he lived in Eggertsville at one time and never had any problems with water in their basement.

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Mr. Rizzone said he was here tonight to repeat what he has said on two occasions before. He is opposed to high density development at Wellington Court area because of the negative impact he believes it will have upon the sanitary and storm sewers in this area. He is equally opposed to high density development of the Conrail property for similar reasons. It is his opinion that both Wellington Court and the Conrail areas are tied and inseparable and without proper safeguards they both have the potential to damage our neighborhoods. He hopes that the URS report will take into account and address the existing as well as the potential problems associated with these two properties in question. He believes it would be shortsighted not to consider one without the other. Since March his neighbors have worked hard to cooperate and participate in Village government, to help solve the potential problems we can see associated with Wellington Court. We have joined committees, attended committee meetings such as Planning, Environmental and traffic committees. He added at this point that he was at the Monday meeting of the Planning Board and it was rather a spirited discussion on what to do about the rezoning tonight. Of the nine people that could have been there

one individual in particular discussed leaving the zoning exactly like it is and that was Mr. Wolf. He noticed when he received the minutes today that two members of the nine on the Board were not present that night - Patrick Finn and Bradlee Townsend. He thinks it's imperative and rather important that these members should have had an opportunity to express their opinions concerning this most vital issue. There was only Mr. Measer, Mr. Baer, Mr. Sweeney and Mr. Wolf who voted on it. His question is he would have liked to have heard from those who were not there. He believes the neighborhood is willing to put forth a similar effort to discuss and settle any problems associated with the development of the Conrail property as well. What they want is what you want. They want to positively participate in what concerns them most, that is the neighborhood and the Village of Williamsville. Working together we can accomplish all this and more.

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(Con't)

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John Tamaro, 125 Los Robles, said he didn't really intend to speak tonight because he has been doing this from the 1960's on. He wanted to commend and thank the Board for having URS make the survey of the sanitary and storm sewers on Los Robles. His neighbors thanked the Board also. Some of them were involved with the gentlemen from URS and he thinks once the report is in and looked at carefully he believes it will show there are serious problems with the sanitary and storm sewers in that area. On behalf of his neighbors he thanked the Board and commended them for waiting until they have all the facts before they try to make such a decision. He also wanted to comment on two or three assumptions that were brought up such as you can't stop progress, that building is progress! He is not sure that is a correct assumption or that that logic is true that building is always progress. He also would hate to end up equating economical thinking versus the welfare of the people. That you've either got to have a tax base and more money or provide for the welfare of the people. He would like to think we could do both. He really doesn't like the logic of pitting economics on one side and the welfare of the people who have lived here for so many years on the other. As Mr. Rizzone mentioned he really can't accept the logic that since we always have had water in the basement therefore build more homes and put more water in the basement. He is not sure that is good thinking.

Kenneth Luczkiewicz, 156 Los Robles, said the investigation into the Los Robles sanitary sewers and storm sewers has verified that there are many unanswered questions about them. It is a little early to speak but what we've seen so far is that the Village maps of sewers have been shown to be inaccurate, in at least three distinct areas. All of these sewers, storm sewers in particular, would have an effect on the amount of water dumped on the Los Robles south block. Further, any assumptions made up until now based on these Village maps can no longer be considered valid. They hope that the report

from URS includes some up-dated mapping or at least sketches so that we can work from that information. Secondly, the TV camera sent down the sanitary sewer on Los Robles showed that there was a root growth problem, or verified that there was a root growth problem at the south end of the block and also that there was a serious broken pipe, and at one point the pipe actually travelled up hill at the very end of the block. These are serious problems that have to be dealt with. They are eagerly awaiting the report from URS and the opportunity to comment on it at a public hearing such as this. Further, they remain opposed to any rezoning or development of the property south of Los Robles whether its the Conrail property or the Wellington property.

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(Con't)

Trustee Kibby said the broken pipe that goes upward is in front of his house.

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Thomas Murray, 240 S. Cayuga, said he is opposed to the proposed rezoning. His concerns are the same as Mr. Ticknor's and he strongly urged that the Board defeat this proposal.

Mrs. Irene Scheele, 92 Wellington, asked how apartments were built the first place. Trustee Kibby said he had read the minutes but they are not very descriptive. Mrs. Scheele said if everyone is against everything how did they ever get built.

Mr. Ticknor said there is a long history that goes back to the original zoning proposition. At that time there was a great deal of opposition by many people to the construction of the present buildings and there was an agreement that some units would be built and the remainder of the land would be used for single family homes. There were a number of arguments for it back in those days. One of the arguments was that the land would be suitable for condominiums and not for single family homes at that time because of the railroad tracks and with the trains going through who would want to build single family homes on that property. Well of course the railroad tracks are gone so that argument would have been negated and perhaps we would have single family homes. He thinks if you go back to the Amherst Bee it would be in their files and you could read the history and the many arguments that were raised and the final compromise that was reached. It was a very vigorous and participative discussion that finally led to the compromise there.

Trustee Kibby said the original request was 13 to 14 years ago and was for 140 to 160 units up and down both sides of the street and there was horse trading that went on saying that okay we will go with one side being R-3M for apartment construction provided that we do the other side R-2 for single family homes.

Mr. Hamilton said it comes to his mind, and is in the record as reference one in his document that it was thought that the sanitary sewer on Los Robles had the capacity to handle all the extra affluent for the townhouses that are now there. They built them and it turned out they were wrong. He is sure that the engineering firm that said the capacity was fine was completely accurate if you design a sewer according to specs. We have a sewer that is all goofed up and plugged and completely deficient. He is sure that is not the kind of sewer the firm was talking about. So there's another illustration as to how they got built. There were some errors made in the information framework that seemed to provide a sound basis for proceeding.

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HEARING
(Con't)

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Mrs. Scheele said if these problems exist in the sewer and then the sewer gets plugged up with tree roots and this type of thing she doesn't think these problems - pipes going the wrong way, etc. - are the fault of Wellington Village and they can't be held responsible if the sewer will need these kinds of repair.

ON MOTION by Trustee Kibby, seconded by Trustee Brenton, the hearing was adjourned at 8:45 PM.

Unanimously carried.

Trustee Kibby said we are obviously not going to vote on this tonight. When we get the sewer report we will need time to think about it. There are a couple of things that bother him about this whole issue, one of which is the neighbor versus neighbor situation. There are some other issues that for him are important and are not important. The sewer problem is not important to him. It is important that it be fixed as far as he is concerned and has nothing to do in his own mind with this development. If there is a problem we fix it. Period. If the problem is going to be exacerbated, in his opinion, by the Wellington Court situation whether it is 17 houses, 10 houses, 32 condos or 28 condos then they will be part of the solution, just like we do with other developers and builders. Some other things entering his thinking are are we obligated, the Board of Trustees, to grant the developer the maximum return on his investment. Thirty-two units provides a greater return than 28, which in turn is greater than 16, etc. No, he doesn't think we are obligated to do that. Are single family homes better than multiple family homes and condos? He doesn't know. He will have to think about that. The other things that come in here, traffic, and are they better in that situation versus are they better for the whole village. There are two separate questions. The other thing is that it is very easy to say no and it's going to be more difficult to say yes on this particular vote. If you say no you only offend 3, 4, 5 people and people we'll probably never see again. But if you say yes

May 12, 1985

Village Board
Village of Williamsville,
Williamsville, N.Y.

Dear Board Members:

Before you vote on the proposal to re-zone South Cayuga Rd., in order to permit the construction of multiple-dwelling buildings, please take time to reflect upon the far-reaching implications of your eventual action.

A vote to alter the character of a neighborhood is not something which can be revised or rescinded.

When the original alteration in the zoning on South Cayuga Rd. was made more than ten years ago, one of the principal arguments in opposition was that the door was being left open for more spot zoning. That door is now fully ajar.

Once a drastic change is allowed to take place in a neighborhood, there is no going back to re-think the consequences.

Which brings us to the question of why the board would consider allowing a major change in such a desirable and historical neighborhood as the South Cayuga area. The immediate answer is revenue. The erection of condominiums would expand the tax roles of the village and help relieve the pressure on Williamsville's budget.

But budgetary pressures are not a constant. For a village such as Williamsville, there are good economic times and there are bad economic times. Ask yourself if the present economic squeeze is worth something as final as a significant change in the character of one of Williamsville's most notable neighborhoods. In cases such as this, short-term solutions often have long-range negative effects.

I think trustees of a village board should have a list of priorities and high on that list should be the reasonable wishes of neighborhood residents. Granted, there are times when the wishes of the residents must be subordinate to the long-range common good.

-more-

On the proposal in question, please ask yourselves if this project is in the long-range common good.

The South Cayuga neighborhood is one of the prime residential areas of the village because it is a combination of history, beauty and stability; it is a mixture of older and younger people, conservative and liberal attitudes and a standing invitation to raise a family in the best possible environment.

The people in this neighborhood made their commitment of a lifetime, in many cases the largest financial investment they might ever make. because they wished to take part in what South Cayuga has to offer.

I believe that any change of zoning, without a long-range reason for the common good, would be an exercise in bad faith toward the residents of the neighborhood.

Respectfully,

Lawrence J. Felser
Lawrence J. Felser
236 South Cayuga Rd.
Williamsville, N.Y.

CC to: Williamsville Planning Board
Supervisor Jack Sharpe, Tn. of Amherst

May 13, 1985

The Village Board of Williamsville
5583 Main Street
Williamsville, New York 14221

Gentlemen:

I would like to thank you for giving me the opportunity to present my views on the proposed rezoning of the Wellington Court property. I am in favor of the proposal for all of the reasons already mentioned by my fellow owners at Wellington Village. I would like to add to their comments a previously undeveloped aspect of the project - specifically the direct tax benefits to the village that would result from the construction of the new complex.

The developer of the proposal has estimated that the new construction would produce additional tax revenues of approximately \$60,000 - this is revenue over that which is currently generated by the vacant land. The village could expect to receive roughly 15%, or \$9,000 of that new tax revenue. At current municipal bond rates of approximately 6%, this additional tax revenue would support (or cover the interest payments on) a \$150,000 bond issue. The money provided by the bond issue would make a significant contribution to paying for any capital improvements to the neighborhood sewer system that may be necessitated by the construction project.

As we near the end of our third year of operation I believe the residents of the Wellington Village Condominium have proven that we are responsible village citizens with the same concerns as our surrounding neighbors. We are all well aware of the concerns of those neighbors who oppose the project. I urge these individuals and particularly the members of the village board to look at the positive effects and benefits that would result from approval of the development. The new tax revenues I mentioned earlier is only one example of how the project itself could help solve any problems that some feel it could create. Instead of finding reasons to halt progress, let's focus on using this opportunity to find solutions to whatever roadblocks that may exist. I urge the board to take advantage of the significant commitment already made by the Benmar Development Corporation in order to further improve what I believe is already a very desirable neighborhood.

Sincerely,



Bryan R. Bingel

BRB:mer

May 13, 1985

LEGEND: LRSB = Los Robles South Block, the block between Milton and California
LRSBR = LRSB residents affected by sanitary and storm sewer problems
SCW = South Central Williamsville

To: Village Board, Williamsville, New York
From: Dwight T. Hamilton, on behalf of LRSBR
Subject: 1. Proposed Rezoning West of Cayuga and North of Wellington
2. "Conrail" Property Uses

This memorandum provides inputs to today's public hearings on subject items 1. and 2.

Since last February, much information has been furnished to you showing (1) why subject rezoning should not be approved, and (2) why use of related "Conrail" property must not add to and/or worsen LRSB sanitary and storm sewer problems. The information has been verbal and written, including memos, letters, and media reports. References 1 thru 4 comprise a portion of this information which can be reviewed in the Village Clerk's Office by anyone desiring more details and background on the indicated LRSB problems. Considering sanitary and storm sewer problems alone (and there are other considerations), we are not aware that you have an acceptable basis for approving subject rezoning.

Village-Town cooperation on the 4-11-85 TVing of the LRSB sanitary sewer is to be commended. The confirmation of serious problems was most convincing. Much more data gathering, followed by analyses and action determinations, needs to be done on both sanitary and storm sewers. Participation of the LRSB Analysis Committee, working with all interested parties of SCW, is essential. Our Analysis Committee has not yet seen the URS report, due to be issued soon. We hope it will define prompt solutions to the indicated LRSB problems. As amplified in the Ref. 4 memo to your Environmental Advisory Council, LRSBR wish to aid you in every way possible in expediting your development of a basis for prompt funding of problem solutions.

We find SCW residents are as adamant about environmental problems as are the North Amherst residents affected by Ellicott Creek flooding, namely, the only acceptable results are problem solutions.

We are opposed to subject proposed rezoning, and we are against "Conrail" property uses that would generate the same and similar reasons for opposition that are generated by subject proposed rezoning.

Dwight T. Hamilton

Dwight T. Hamilton, on behalf of LRSBR

CC: Environmental Advisory Council

References

1. Memo dated 3/11/85 to Village Board from Dwight T. Hamilton on behalf of LRSBR, subject: Worsening of Village Sanitary and Storm Drainage Problems on Los Robles
2. Memo dated 3/25/85 to Village Board, from Dwight T. Hamilton on behalf of LRSBR, subject: Solution of current and anticipated sanitary and storm sewer problems in South Central Williamsville must precede any consideration of rezoning and/or building in the triangle formed by east-west California, Cayuga, and the rail line of former Lehigh Valley ("Conrail")
3. Memo to Mayor Kuzon, URS Engineers from Ken Luczkiewicz/Kevin Johnston, Los Robles residents, subject: Deteriorated Storm and Sanitary Sewers in South Central Williamsville. Dated 3/27/85
4. Memo dated 5/2/85 to Environmental Advisory Council from Dwight T. Hamilton, on behalf of LRSBR, subject: My notes discussed at 5-1-85 Meeting of Environmental Advisory Council

To: Village Board of Williamsville

From: Charles Rizzone

Re: Wellington Court and Conrail Concerns

Date: May 13, 1985

I am here tonight to repeat what I have said on two similar occasions. I am opposed to high density development in the Wellington Court area because of the negative impact I believe, it will have on the sanitary and storm sewers in the south block of Los Robles. I am equally opposed to high density development of the Conrail property for similar reasons. It is my opinion that both Wellington Court and the Conrail areas are tied in and inseparable and without proper safeguards, both have the potential to damage our neighborhoods. I hope that the URS report will have taken into account and addressed the existing and potential problems associated with the properties in question. I believe it would be shortsighted not to consider one without the other.

Since March my neighbors have worked hard to cooperate and participate in Village government to help solve the potential problems we see associated with Wellington Court. We have joined committees and attended committee meetings such as the Planning, Environmental and Traffic committees in order to demonstrate our concern for and commitment to solving these problems. We are willing, I believe, to put forth a similar effort to discuss and solve any problems associated with the development of the Conrail property as well.

What we want is what you want. We want to positively participate in what concerns us most; that is the neighborhoods and Village of Williamsville. Working together, we can accomplish all this and more. Thank you.

he'll offend his neighbors up and down the street. And that certainly will be a part of his thinking. He hopes it doesn't control it. The other thing that needs to be considered is the population of this community. We have had a decrease in population and whether that has an effect on the tax base or not is really in a sense somewhat irrelevant, but this is a community that is based on the fact that there is a balance between the residential communities and commercial establishments and that's the type of community this is and we need to work to maintain that balance. No decision has been made but that is where his thinking is on this right now.

PUBLIC
HEARING
(Con't)

Mayor Kuzon said we will be discussing the results of the sewer study at our next meeting and a decision would not be made at that first meeting in June, but would be announced in advance when the decision will be made. That is a tentative schedule at this time. There would be sewer study discussion at our first meeting in June and then after that an announcement of the decision date.

Wellington
Rezoning

Trustee Brenton said he was not exactly sure on the tentative schedule that the Mayor just indicated we intended to pursue for this rezoning request. As he understood the Mayor we would not be making our decision at the June 10th meeting and Trustee Brenton said he is not sure we discussed that as such in our work session and he is somewhat uncomfortable about that because he is afraid that we're going to get into the summer vacation situation where maybe some of us will be absent, on vacation, and if his understanding is correct we will need a 4 to 1 decision. He is wondering why we couldn't, if we as a Board of Trustees felt comfortable in making a decision, why we couldn't make our decision at our next meeting and perhaps we should discuss that now before proceed further with the meeting.

Mayor Kuzon said he wouldn't mind discussing it but his recommendation to the Board would be that we discuss the sewer study on the day of our next meeting and at that meeting on June 10th set the date for a decision on the rezoning. If the majority of the Board prefers to discuss the sewer study and make the decision on the 10th then that's the decision of the majority.

Trustee Brenton said Trustee Kibby indicated there is a sewer problem and probably won't have an affect on his decision, because if there is a problem the problem should be fixed. The word exacerbated was used and if exacerbated figures in your thinking that if you vote for the project it might exacerbate the situation then it would. So that as far as he is concerned, speaking for himself, he would just as soon unless he has grave problems that he cannot foresee at this time with the sewer study he would just as soon pursue making the decision on this matter at our first meeting in June.

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Trustee Kibby said he feels the same. We talked about this in the sense that what we would do after getting this report from URS, supposedly on Friday, copies of that would be made available to those who are interested and that before the decision was made on the 10th that this issue would be given not only public airing but also a chance for public expression and input. He thinks we should put it on the agenda but that doesn't preclude tabling it. If it turns out there are significant problems that are intertwined. If it is plainly a Village problem that the Village should fix, they should fix it. But if it is a problem that this particular development has created, or if this particular development is going to greatly exacerbate it, then he thinks we have to table the whole thing and go back and talk to the developer if we're inclined to do such, and say how are you going to help us correct this situation. He thinks we ought to start this on the 10th and he thinks putting it off would be a problem.

PUBLIC
HEARING
(Con't)

Trustee Schlifke said she thinks enough time has elapsed already that we should come to some kind of decision and if we receive the sewer report by Friday or Monday it gives the Trustees sufficient time to study it so that by June 10th we should be able to discuss it and come to some final decision.

Wellington
Rezoning

Mayor Kuzon said that the majority of the Board wants the decision date set for June 10th so we will do so.

Mr. Luczkiewicz said he feels we have operated on the assumption tonight that that wouldn't happen and all of a sudden we get to the end of the public discussion and this is changed.

Mayor Kuzon said his impression was the same and what he thought had been decided in the work session was the tentative timetable. This is the first time we have discussed revision of that timetable.

Mr. Luczkiewicz said when we first started this meeting the Mayor said that and none of the other Board members spoke up. And it is only when the discussion is done and we have said what we were going to say, assuming that we would again have public comment, and now you've changed your minds. He doesn't think that is very fair.

Mayor Kuzon said the Trustees have indicated that when they do proceed on the 10th there will be time to discuss the report before the decision is made.

Mr. Luczkiewicz said the Board has always said it would never vote the same day as a public hearing.

Mayor Kuzon that's right, but that would not be a public hearing. In other words, we would allow for public expression on the contents of the report which will be available to the public as soon as we receive it this week.

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Mr. Luczkiewicz said that would be once you had made up your mind already, presumably, as to how you would vote. He doesn't feel that is the impression he had when he walked in.

Mayor Kuzon said as you can see he operated under a different timetable and it's clear there has been a revision.

PUBLIC
HEARING
(Con't)

Mr. Rizzone said a revision based on what? A revision solely on the fact that some of us won't be here in the summertime. Is that standard operating procedure?

Mayor Kuzon said no. They meant that some of the Board members may not be here.

Wellington
Rezoning

Trustee Kibby said that was not a revision. The Mayor made a mistake. This was discussed in the Board's work session, the exact plan we were going to take, and the plan laid out was the plan that the three Trustees indicated was most appropriate to them right now. That was the plan that we said would be most reasonable. The report would be made available. We said it would be announced tonight because the people who were here were the people who were most interested and they would know about it.

Mr. Rizzone asked if he heard summer vacation or not. He doesn't think that summer vacation is a matter that is so important, after working so hard since March. Is this normal in the summertime that important issues are rushed or put off? Let's put it off until September then if people aren't going to be here in July or August.

Trustee Brenton said he doesn't think the statement he made was understood so he will clarify it. He said summer vacation and if the people will recall he said due to the fact that the Board has to have a 4 to 1 decision and with the unanimous type situation that we have to have all of the Board should be present for this since we consider it so important, so that when we do vote we want everyone here. We only meet once in the month of July and once in the month of August. The first meeting in June he will in no doubt be in attendance but with his schedule right now he will not be here for the last meeting in June. We don't know the other Trustees' schedules. His frame of thought was not infringe on the public participation of the audience in any way, shape or form. He was just concerning himself with having a full Board present. That's all he cares about. As far as, in effect, prolonging the situation until after the summer into the fall he doesn't think that would be an appropriate response on his part as a Trustee. He thinks the basic input has been given here. The audience has expressed itself here and at previous meetings - they have had two opportunities to express themselves and both sides have done so and effectively and forcefully and he thinks that

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as an effective and forceful Board we will be prepared to make a decision at the first meeting on June 10th. He feels that is the businesslike way we should go.

Mr. Ticknor said when he made his statement there were a number of questions that were asked. In fact the Mayor asked of his Planning Board an area-wide plan and it seems to him to the Board would feel an obligation to the community to present this to the public so we can talk about it and discuss it and see how this fits into it. There is a great deal of undeveloped land in that area, not necessarily in the Village, but contiguous to it and he feels quite strongly that this has to be considered as part of the whole. Otherwise the Village is going to be a victim of spot rezoning, small changes that over time will change the character of that whole area. He would hope that the Village Board would cooperate with the Town and look at this area and the other parcels and look at the way this would fit together to maintain something that is in the best interests of the area and he doesn't think that could be done, presented and discussed so that a decision can be made on June 10th. If a decision is made on June 10th, or shortly thereafter, the decision is made. Additional time to look at the area and answer the questions that were asked tonight he would think would be in the best interests of all of us. He would urge the Board to be very judicious in the time it takes to consider these other areas as well.

PUBLIC
HEARING
(Con't)

Wellington
Rezoning

Trustee Brenton suggested with all due respect to Mr. Ticknor that to do an overall study of that area would take a great deal of time and he doesn't really feel it is necessary. He doesn't think this is what takes place in other areas, in other communities, where they weigh the impact of a certain development in terms of some hypothetical hopeful development of surrounding areas. He doesn't feel he would be comfortable in that and if the Mayor indicated that was something he wanted to do that is one of his prerogatives but he speaks as one and he happens to disagree with him.

Mayor Kuzon said we would now continue with the rest of tonight's agenda.

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, May 13, 1985 at 9:00 PM

Roll Call

Present

Gordon J. Kuzon, Mayor

Lawrence R. Brenton
Michael Kibby Trustees
Carolyn Schlifke

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

Absent

Richard Gallagher, Trustee

The Clerk read the notice of public hearing regarding the proposed rezoning of the Conrail property from M-1 to one or more zoning districts of a more restrictive character.

PUBLIC HEARING

ON MOTION by Mayor Kuzon, seconded by Trustee Kibby, it was moved at 9:00 PM to open the public hearing.

Unanimously carried.

Trustee Kibby gave a brief history of this property. It was made available to the Village and a portion to the Town. The Town decided they did not want their portion and gave us the right to negotiate for it. The initial price requested by the Conrail people when they abandoned their rail service on that property was in excess of \$250,000. As a result of Trustee Brenton's negotiations the purchase price was roughly \$85,000. There was a public referendum a year ago March asking the public to allow us to bond the money to acquire this property for general purposes. It was bought around the first of the year. The property itself, in relation to the Town, is a strip in here (pointing to a map) and in relation to just the Village it runs from Union Road down to S. Cayuga.

Conrail Rezoning

Trustee Kibby said a Conrail committee was formed by resolution of the Board, appointed by Mayor Kuzon, and there were 13 members from all areas of the community. They met a number of times and requested the advice of two people - one a park developer, a landscape architect whose profession was basically to develop parks, and the second was a real estate broker from the local area. They wanted to get some idea on the potential of this land for park, recreation space and some idea of the potential for sale. After meeting and walking the area a couple of times (some doing it a dozen times) and getting the reports both written and oral from the two consultants the committee made a set of recommendations which he will report on. The report has been available in the Clerk's Office.

Trustee Kibby said the first recommendation made, and all the recommendations were unanimous, was that the strip of

land behind Wellington Court running down basically to where the first curve is on California just a little past Los Robles. The recommendation was to zone this to R-3M. There were some provisos on that. R-3M is multiple family just as Wellington Court is on the south side and as they would like it to be on the north side. The proviso to this was that any developer must (1) agree to block any access from Cayuga that would allow people to traverse all the way to Union. That was something the residents in the area wanted us to stop. (2) This property was to be annexed by the Village and sold. The written report indicates that the property was not to be sold just to get the gain that would come from the sale of that property but it was also to go on the tax rolls. That's why it was to be annexed to the Village.

PUBLIC
HEARING
(Con't)

Trustee Kibby said the second recommendation was that the area next to International Chimney and behind Bells near Main and Union was that that property should be zoned C-2 or C-3. That's commercial. And that all the property between Union and S. Long should be sold. Any developer of that property must agree to put shrubbery, somehow or another to provide a buffer between the residences and this strip.

Conrail
Rezoning

Trustee Kibby said the area that is green on the map the committee recommended that this area from the houses that run at about a 45° angle behind the houses on California be set aside for recreational and that the 25' strip from essentially where Herbert Darling ends International Chimney begins also be zoned recreational, or set aside for recreational use. It was recommended that this be done on a permanent basis. That it would forever be recreational. Their other recommendation on this area is that the area that is colored brown on the map be, on a temporary basis, set aside for recreational purposes. In a sense it is a holding because as of this moment and for four years until March 1, 1989 International Chimney, where they have that tin storage shed and where the old railroad station is, they have a lease, an unbreakable four year lease. This lease must be maintained until 1989. In the same area, Conrail had a lease with Darling for the eastern edge of this particular property. The committee's recommendation was that we renegotiate that particular lease with Darling because we are already locked into the lease with International Chimney which runs to March 1, 1989. In 1989 the Village then should reconsider this particular piece of property as to whether they want to zone it to something else but as of this moment it would be set aside for recreational purposes.

Trustee Kibby said the committee recommended that the Village follow the following guidelines. To create buffers between Garden Parkway and S. Union residential areas and the southern border of the Conrail property. The development of all the

property was to be in keeping with the immediate adjacent areas. Any property sold was to be sold for the purpose of increasing the Village tax base and for the betterment of adjoining neighborhoods and the Village as a whole. Every stop should be taken to prevent traversing between S. Long and Cayuga by any motorized vehicles. And anyone who lives in this area knows what we're talking about in terms of that.

**PUBLIC
HEARING
(Con't)**

The triangular green area is a piece of property that the Village has owned for quite some time and although the committee wasn't asked to they went on in their recommendations to say that the Village ought to in a sense juxtapose its thinking and consider this all one piece of property.

**Conrail
Rezoning**

Trustee Kibby said the area colored red on the map is simply a residential lot that the Village owns. There was considerable discussion and debate as a matter of fact as to whether or not the Village ought to retain that piece of property because it would make a nice driveway into this property if it were to be set aside for recreational use. There was some forceful argument that said this was a residential street and we do not want people driving up and down Garden Parkway to get to a park. They could go down S. Long to get into the area. We are in the process now of selling that piece of property. We have received an appraisal and the Board has discussed a couple of times whether we should sell that property for residential use.

Robert Bindert, 39 Garden Parkway, said his concern, as he has stated many times at previous meetings, is the problem with their neighbor, International Chimney. He would like to note that he has never said anything bad about Darling. Their area is fenced and their area does not in any way have any of the problems that they on Garden Parkway are facing. The map does not really show what International Chimney is leasing. He said he had passed several maps into the audience before tonight's meeting. He is sure the Board has seen the map. The land they lease is approximately the land in front of the old railroad station and in front of the frame shed that they are using as a storage shed. Down to Darling's fence. They do not lease any of the land over on the side. As he went by there tonight on his way here there was assorted machinery, assorted industrial metal, all kinds of debris, all kinds of assorted stuff that you wouldn't want your children playing in. On March 25th, after asking three times, Trustee Kibby said that it was going to be under advisement. This is now May 13th. He asked what the legal advisor had come up with as of this point. He said he has some photos and asked the Board to take a look at the debris that was there a week ago. He also included some photos

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along the culvert in the red section of assorted tires and debris that is behind there. It's very graphic. He just wonders what Mr. Troy has advised in regard to this situation.

Mr. Troy said he has a memorandum from Mr. Kibby from some weeks back and he has been working on it. He is not prepared to give an opinion at this point primarily because there is authority in New York law which he has discovered for methods of compelling property owners to maintain their property at a certain level. The problem is whether we want to enact this into law and he is attempting to find out from those communities through the Conference of Mayors which have in fact enacted such local laws what the net effect has been. Whether they haven't had some backlash, whether they haven't created more problems in these communities because to compel International Chimney to maintain their property to a level or standard that we might desire is going to compel everybody else in the community to maintain that standard too. Laws of this sort have a tendency to be abused and he is waiting for a report from the Conference of Mayors.

**PUBLIC
HEARING
(Con't)**

Mr. Binder says Mr. Troy has been diligent since March 25th. However, he is not asking them to clean up their land. He is asking the Village to have someone clean up Village land. As you can see by the map he is not talking about what International Chimney is leasing, he is talking about land up here which is Village land.

**Conrail
Rezoning**

Mr. Troy said he can't speak about that.

Trustee Kibby said he can't speak about that right now either.

Mr. Bindert said there shouldn't be any question about that. It's so obvious it's ridiculous. All he wants is to have a safe area. He said he should point out to the people that this area where all this debris is is right next to Allentown Industries where the mentally retarded refinish furniture and right adjoining that is where the ball field is and that's where his kids come to play and your kids come to play.

Trustee Brenton said he thinks that we've got to correct our procedures here because the question here is the proposed rezoning of the Conrail property and he thinks this was in the nature of a complaint as to what should or should not be done to clean up and he does not see any connection between a proposal to rezone and a standard complaint which he does accept, and he thinks we should govern our procedures a little more strictly so that we get our facts in order.

Trustee Kibby said he agrees with that but that doesn't negate Mr. Bindert's comments. Trustee Brenton said definitely not.

John Zeder, 28 Garden Parkway, said that it has been said before that International Chimney has a lease we cannot break. He has a letter that was sent to Mr. Brenton from the Conrail Corporation in December referring to his letter of November, 1983 regarding the property. They attached copies of the three leases involved. The lease to International Chimney is for 10,437 square feet, more or less with rental of \$2,000 per annum, a ten-year term, terminable on 30 days notice. Now in the lease itself it says termination - either party shall have the right to terminate this lease at any time, during any continuous term hereof by giving to the other party 30 days written notice of their intention to terminate the lease. Now they are told we have no legal right to do this.

PUBLIC
HEARING
(Con't)

Conrail
Rezoning

Mr. Troy said he thinks they will find that the lease has a date prior to which that action cannot be taken. He said he would be happy to show you on copies that he has in the office after the meeting. Mr. Zeder said he would like to see that. Trustee Kibby said the Village is not in the business of being a landlord. That's not something we relish. We didn't purchase that property in order to lease it. He assured him that if we could have escaped that lease, we've talked about that a long, hard time, and we probably would have broken that lease.

Mr. Zeder said he would like to see the lease. He said about the lot that is going to be for sale that it borders on his property. Trustee Brenton asked if this was talking about rezoning the Conrail property or is this another matter. He thinks anything other than the Conrail rezoning should be brought up at a later time. Trustee Kibby asked if Mr. Zeder's question had to do with the rezoning and Mr. Zeder said no. Trustee Brenton said when it is sold there will be a house on it, and it will really add to the area.

Charles Rizzone, 136 Los Robles, said he has the minutes of the Conrail Committee and the recommendations to the Board. He said the blue zone would be zoned R-3M and it says that this zoning will make the property zoning in keeping with the zoning to the immediate north and give the property potential for development of "apartments or townhouses". That's what we're here tonight to talk about and he talked about Wellington before and also brought up Conrail. He hopes that the URS report will take into account and address the potential and existing problems associated with both Wellington Court and Conrail property. He believes it would be shortsighted not to consider one without the other. He was told with his neighbors at a meeting with the Trustees that anything that would be built in that area those sewers would be hooked up with the sanitary sewer in our system on Los Robles. We still have a question. Until we see the

URS report we haven't adequately answered this question. They feel the sewers from that area could potentially drain into our area. So his question is simply this - how do you answer to him the question of what is the impact of R-3M zoning on the Los Robles sanitary and storm sewers. Will the URS report address that?

PUBLIC
HEARING
(Con't)

Trustee Kibby asked if he was referring to the blue strip and Mr. Rizzone said yes. Trustee Kibby said the committee didn't really take into account the sewer problems because basically he thinks they were unaware of them at the time. It's a peculiar piece of property that is 100' wide and several hundred feet long. The idea that was discussed was that that particular piece of property would only be useful to Berryman or Maryvale Landscape, or the Wellington Court group. That the Village had no particular use for it. That a running path, a jogging path, a bicycling path through that area would create more problems than we needed in terms of it would be a way to traverse from end of it at Cayuga all the way down to Union. They didn't want that. The parkland sounds good and he's all for it but sometimes it brings inconvenience and problems and we didn't necessarily want to run that all the way down behind there. The thinking was - what was the best alternative use for that property because they don't see a half mile bicycle, jogging path to be very viable. The thought was that that property would probably be best used by the Wellington Court people. Now that is not a proposition or an offer to sell it to them, but it certainly entered into their thoughts. You can't sell that property to some other developer whether it's residential or whether it's R-3M and expect them to be able to build anything except on the section that is immediately adjacent to Cayuga because it is such a long strip. You can't build houses there. There wouldn't be enough room for roads. You can't build more condos there, there simply isn't enough room. You can only build on the very end. One of the things the committee gave a lot of thought to was zoning it C-2 or C-3 so that you could put up a medical building, a real estate office, or something like that on Cayuga. That seemed very much out of keeping. That was what went through the minds of most of the people who spoke to this particular issue.

Conrail
Rezoning

Mr. Rizzone said this was talked about at the Planning Board. Are we absolutely sure that the 100' strip we're talking about could not be expanded on the other side to include an area large enough to build townhouses or apartments. Why would they recommend this if there is not this potential. Trustee Kibby said that's because that's what that area is. It was ridiculous to consider making it R-1 because that's forever a dead zone. You can't build houses on that size property. The same goes for R-2.

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Mr. Rizzone said that entire strip is only 100' and Trustee Kibby said yes. Mr. Rizzone said there is nothing else there that can be acquired or annexed in that blue area. Trustee Kibby said not that we know of. Mr. Rizzone asked if any of the residents on the other side have an opportunity to use that as part of their backyards. Trustee Kibby said that was one of the things that was discussed. But what do we do if six people want to buy it and four people don't. All it takes is one person out of that whole row of houses on Garden Parkway to not want to buy the property and then you've got sort of a picket fence affair. Mr. Rizzone said he wanted to make sure that there has been a recommendation that on this 100' strip of land you cannot build townhouses. Trustee Kibby said the Planning Board recommendation in response to the Mayor's request was that if the Village was to rezone this area R-3M that it be done with the proviso that no future housing be built on there but that there could be a tennis court, swimming pools, facilities that would be associated with Wellington Court or an association like that. There are a couple of other ways of doing that. We might be able to rezone it R-2. We're looking into that.

**PUBLIC
HEARING
(Con't)**

Mr. Rizzone asked if a developer could buy that land. Trustee Kibby said a developer could buy it right now but it's in the Town and he would have to buy it from us.

Mr. Rizzone asked if any of that recreational area will impact on their sewers. Has there been any thought about that. Trustee Kibby said as he indicated at the time they were discussing this the problem with the sewers was either not known or was just beginning to be known and the committee did not take the sewer problems there into consideration in their deliberations. Mr. Rizzone asked if they should have been discussed and thought about when you're talking about that 100' strip of land. Trustee Kibby said a given sewer problem should not dictate the zoning that goes on for years and years. A given sewer problem should be fixed.

**Conrail
Rezoning**

Trustee Kibby said the other uses in an R-1 or R-2 District are garages, swimming pools, storage of trailers and other customary accessory uses but not including any use conducted for gain or as an access drive or walk to commercial or industrial premises. So there is a possibility of that if the Board thinks that we want that space to be available to purchase because we don't want to take care of it. That may be an option. Without putting a covenant on a deed as was talked about Monday night.

Richard Hill, 18 Brookside Drive, asked if we were planning on rezoning the red section to C-2 or C-3 in the future and also to rezone that one area R-3M. Trustee Kibby said we are considering it. Mr. Hill said on the brown section it is set aside for parks and recreation what would that zoning be now. Are you going to change that zoning at all?

Trustee Kibby said he didn't know. There are recreational areas in the other parts of the community that have various zonings. For example the recreational area at the Long Street ball diamond is in the manufacturing district. Garrison Park is in an R-2 and Glen park is in an R-3. They are in a variety of districts. We set this land aside for a given purpose, in this case recreation, and you don't have to change the zoning. We don't have a park zone. We don't have a zoning category for parks or recreation. The committee didn't recommend that we do that. It was discussed. We just set it aside for recreation.

PUBLIC
HEARING
(Con't)

Conrail
Rezoning

Mr. Hill said in other words, by setting it aside it cannot be used for anything else without another hearing. Is that right? Trustee Kibby said it was correct. Mr. Hill said in other words someone can't build a factory down there. Trustee Kibby said nobody can build anything there because we own the land. Now if we were to sell some of that land that would create a whole new can of worms. But he doesn't think that is the intention. Mr. Hill said that is what worries him. If you decide to sell it and it is still zoned manufacturing then everything you bought the property for would go out the window. Trustee Kibby said that is correct. One of the things that may come up in our discussions is creating a recreational zoning.

Mrs. B.L. Perez, 307 Wellington Court, asked if they had received her letter and Trustee Kibby said they had received it today. Mrs. Perez said she is in favor of R-3M zoning to comply with the zoning of Wellington Village. They do not want a recreational area in back of the condos. It is presently being used as a recreational area unfortunately by some of these kids on motorbikes and it's not very pleasant. She said she would like to allay the fears of their neighbors. If you look at that strip of land someone has said Wellington Village will build more townhouses or apartments there. The land is completely inappropriate for that. It's just a little pathway really. She doesn't know what you could build there. It would be impossible. As she believes she stated in her letter right now they would only think of keeping it landscaped and use it for a walking path. You can't build there. So she doesn't think her neighbors should be concerned.

Mrs. Pat Skok, 290 Garden Parkway, Town of Amherst, said she has a copy of the committee recommendations regarding Conrail and she wants to go on record as opposing item number 1A the rezoning of the blue property to R-3M. If we're going to make a garden out of it, or a place where we're going to walk, or a tennis court, or whatever she doesn't think it needs to be changed to R-3M to do that. She also wants to also go on record in supporting those people she has heard this evening - Mr. Rizzone, Mr. Ticknor and Mr. Hamilton, and others, who are suggesting that the

Village Board work together with the Town Board on some kind of a total plan for this entire area of S. Cayuga. Also in regard to item number 2 on this report that says the Village should notify Benmar Development that it intends to cease its month to month rental of the property near Cayuga as this property will be sold - is that the blue strip? Trustee Kibby said it is the part of the blue that is closest to Cayuga and he is not sure that we even still have that contract with Benmar. Mrs. Skok asked if we really need to change that area to R-3M if there is to be no building of townhouses or apartments. Trustee Kibby said if there were going to be no townhouses, apartments, etc. it probably would not have to be zoned R-3M. It does have to be rezoned to something because as it now stands it's in the town zoning for M-1. Mrs. Skok said if it is only 100' but were added to the existing property that the owners have on the north side would there then be enough property to build a townhouse or a condominium or some kind of a two or three story building. Trustee Kibby said he thinks there would be. Trustee Brenton said he does not think so.

PUBLIC HEARING
(Con't)

Conrail
Rezoning

Dwight Hamilton, 166 Los Robles, said there has been a lot of comment about how you can't build anything on a 100' strip but he has heard his neighbors many times express concern over that 100' strip. It's covered on page 4 of the minutes of the meeting of the Planning Board on May 6th - if the 100' wide strip is put with the vacant land that the condos own they could perhaps build some other units. He has walked that strip many times and it is not as puny as some people make out especially when you look at all the adjacent land that is available to be combined in the fashion described here.

Mrs. Margareta Gustafson of Benmar Development said they had been previously mentioned in the report as having a month to month lease. At one point they did have a lease with Conrail. However, it needs to be clarified that Benmar has not had any kind of a lease arrangement with Conrail or the Village since October, 1982. That was the date when Wellington Village was officially declared a condominium complex. On October 26, 1982 they closed 50% of the units at Wellington Village. At that time the association of Wellington Village took over the ownership of the entire complex. Benmar became strictly owners of the unsold units. All the land, and common area, and all the buildings at that complex, as of that date came under the ownership of the condominium association. Therefore, Benmar cannot in any way be mentioned in connection with the Conrail property. As to her point of view as a developer as to whether that land can ever be built on, the homeowners at Wellington Village are the only ones that could say by all means connect that little piece of land and the vacant land that belongs to them which is behind the last garage in the Wellington complex.

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With that piece of land there in connection with the Conrail land they could conceivably utilize it in some form. However, she can assure the neighborhood that the association is not going to let any developer come in and put up any kind of building that would hurt the Wellington Village complex, and if that piece of land is ever going to be used in connection with the Conrail property should the Wellington Village homeowners decide to negotiate with the Village to buy it, the only thing she can foresee happening there is like we have talked about - a tennis court, a club house, perhaps some type of recreational facility. She hopes it comes to that. She thinks it would be a great addition. However, it would only be something that would be an addition to the neighborhood, not a drawback.

**PUBLIC
HEARING
(Con't)**

Trustee Kibby said the first time he talked to Mrs. Gustafson was on the telephone two or three days after this report was made public and she could not understand how the committee could do such a silly thing as to recommend an R-3M zoning. She said who could ever use that property and he knows fully well that the people on the committee thought the only ones who could use the property would be the Wellington Village homeowners for their own recreational purposes.

**Conrail
Rezoning**

Arthur Ticknor, 170 S. Cayuga, said he would like to go on record as to his opinion on how the land should be used. He would have to go back to his comments earlier that we should look at the area as a whole. Recreational would be good if the town took over the land on the other side of Cayuga and it could be used on a combination basis as a walking path, etc. That would be his first choice. His second choice would be for use of the Wellington Court people recognizing as we do with land and real estate that what can never happen very often does happen. He would feel very strongly that the Village should put a deed restriction saying that it cannot be used for construction in the future. It could be restricted to recreational use for Wellington Court. That is the way he would like to see it done, if it is sold to them. The discussion we have had so far illustrates, he thinks, the need for a coordinated view of the area. This is not the typical way of doing things. On the other hand we as a Village with all this discussion have the opportunity to do something frightening - look ahead and grasp the responsibility in front of us and do a really good job for all of us and he really hopes that we don't let it go because we don't have enough time or we fear people will be away. Zoning and development plans, particularly the zoning plans that are made are not made to be changed unless the overall area is to be changed. Spot rezoning is something we should avoid. He reiterated his statement of before that he hopes the Board would get together with the town and consider this overall area.

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Thomas Murray, 240 S. Cayuga, said that Trustee Kibby said that perhaps one part of the parcel in blue could be zoned C-2 or C-3 for a professional building. He asked where that thought came from. He would like to know what the reaction to that was. That's an alarming thought. Trustee Kibby said it doesn't alarm him that this came up in the discussions, especially since it was kiboshed rather quickly. To him it demonstrates that the committee was giving kind of an open view to a variety of uses, taking in that potential use and deciding if it fit in or didn't fit. In that case it didn't. He doesn't remember exactly where that view came from, but he thinks it was from the real estate broker who also said that was probably a bad idea. Mr. Murray said there was no merit given to that? Trustee Kibby said no. Hindsight tells him that the real estate broker would have been remiss if he hadn't mentioned that that was a way that that land could be used if you were looking to maximize your dollar. With a C-2 or C-3 zoning the Village could get a lot more money for that property but it's certainly obvious from his point of view and every citizen on the committee's view a bad idea.

PUBLIC
HEARING
(Con't)

Conrail
Rezoning

Trustee Brenton said that as we have many times in the past in discussing the purchase of this property and the possible uses for it we've gone and deviated from the straight line that it does geographically form and we have wandered in our interpretations and questions concerning the property. The reason the Village purchased the property, as he understood the Board and as his thrust was, was to improve a bad situation. We've heard comments here tonight that allude to that bad situation and there's only one way we can change it and that is to sit here through this process of rezoning and then when we have done that the arguments that Mr. Zeder and Mr. Bindert have brought up will be answered. Once we rezone we can get our house in order. In the meantime, for the attorney to waste his valuable time trying to determine whether or not we can force International Chimney to do x, y or z on the property we recently acquired he thinks is kind of a moot issue because once we rezone it then we can tell International Chimney exactly what we want done on all but that portion of the property that they currently lease from us which is the equivalent of a postage stamp when you look at the property as a whole compared to International Chimney's lease. Basically that's where we are and he made the comment so the Board and the audience is aware of what we're doing when we talk rezoning. We're here for the purpose of rezoning the Conrail property. It is an historic item. The reason we have the Conrail property was to rezone it so we can clean up an act. We've only owned it for a short period of time and it will take a little longer and he hopes that everyone will bear with us and he hopes that we will as a Board go ahead and pursue what is best for that property and he is sure that we will.

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ON MOTION by Trustee Kibby, seconded by Trustee Schlifke, the hearing was closed at 9:50 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 Monday, May 13, 1985 at 7:40 PM

Roll Call

Present

Gordon J. Kuzon, Mayor

Lawrence R. Brenton

Michael Kibby Trustees

Carolyn Schlifke

Theresa L. Cummins, Village Clerk

Thomas V. Troy, Village Attorney

Phil Boudreau, Dept. of Public Works

Absent

Richard Gallagher, Trustee

Mayor Kuzon called the meeting to order at 7:40 PM.

ON MOTION by Mayor Kuzon, seconded by Trustee Brenton, the minutes of the regular meeting held April 22, 1985 were approved.

Unanimously carried.

Mayor Kuzon said we would be holding two public hearings this evening. The first one was to reconvene a hearing on a rezoning petition for condominiums on Wellington Court, which was recessed at our meeting of March 25th. Before calling for a motion to reconvene the hearing, Mayor Kuzon brought the public up to date on the sewer study. It had been the Board's intention at our last meeting to reconvene this hearing but it was postponed until this evening in anticipation of receiving a report on the sewer study. Unfortunately, we did not receive the sewer study. Our sewer consultant has been tied up with other projects and they told us this afternoon that it will be available by Friday of this week. So to a certain extent the circumstances are beyond our control as far as having the report for the public this evening. We discussed this in our work session and decided to continue the public hearing. There are a lot of people here who came under the impression we would continue the hearing and the Board did not feel it would be fair or justified to tell the public once again that it would be postponed and have everyone come back in a month. What the Board will do is receive the public input they planned on receiving this evening on the topic, but they will not decide the petition until first of all they receive the report, and secondly it is made available for public study and review, and thirdly until the Village Board has had adequate time to consider the report. Also, no decision will be made until the report is reported at a public Village Board meeting and our next meeting will be June 10th. So any decision on the rezoning will not be made until there has been time and a public discussion of the report, and of course, the Board's decision would be predicated on the findings of the report.

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, May 13, 1985 at 7:40 PM

ON MOTION by Mayor Kuzon, seconded by Trustee Kibby, it was moved at 7:43 PM to reconvene the hearing on the proposed rezoning in the Wellington Court area. (The hearing was closed at 8:45 PM. Comments made after the close of the hearing but relative to it can be found at the end of the minutes on the hearing. The end of the discussion was at 9:00 PM.)

Unanimously carried.

ON MOTION by Mayor Kuzon, seconded by Trustee Kibby, it was moved at 9:00 PM to open the public hearing regarding the proposed rezoning of the Conrail property. (The hearing was closed at 9:50 PM.)

Unanimously carried.

ON MOTION by Mayor Kuzon, seconded by Trustee Kibby, vouchers in the amount of \$149,928.75 were approved as follows for the period April 23, 1985 thru May 13, 1985:

Payroll Fund	W/E 4/26/85	\$ 8,726.99
	W/E 5/3/85	5,689.55
	W/E 5/10/85	<u>5,558.38</u>
Total Payroll Fund		\$ 19,974.92
General Fund	Abstract #584	85,563.64
Sewer & Water Fund	Abstract #165	33,975.68
Trust & Agency Fund	Abstract #204	6,967.40
Glen Park Jt. Activities	Abstract #104	2,361.47
Federal Revenue Sharing	Abstract #169	<u>1,085.64</u>
Total Vouchers		\$149,928.75

The larger vouchers were to Erie County Water Authority, Niagara Sanitation, Niagara Mohawk Power, and Arrow Tank.

Unanimously carried.

Mayor Kuzon said his next series of resolutions were year-end budget transfers. Essentially what these transfers accomplish are to adjust our line item accounts and allocate money from surplus accounts to deficit accounts. In the General Fund we have transfers totalling \$80,013. We budget annually and at the end of the fiscal year we find that in some accounts we have over-budgeted or for various reasons have not spent the total line item. However, in other accounts the opposite is true and therefore we are subject to these year-end transfers to have a balance at the end of our fiscal year.

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

<u>From</u>		<u>To</u>		BUDGET TRANSFERS
1.1991.4	\$ 500.00	1.1010.401	\$ 8.00	
1.9730.7	23,000.00	1.1110.401	470.00	
1.9750.6	2,125.00	1.1110.404	110.00	
1.1420.410	970.00	1.1410.2	810.00	General
1.1420.1	250.00	1.1410.404	80.00	Fund
1.1910.4	3,675.00	1.1410.411	485.00	
1.1990.4	48,218.00	1.1410.412	445.00	
1.5110.427.1	1,275.00	1.1410.416	80.00	
		1.1410.1	1,500.00	
		1.1420.445	45.00	
		1.1640.445	455.00	
		1.1640.1	1,860.00	
		1.3310.404	15.00	
		1.3310.4231	1,105.00	
		1.3310.1	810.00	
		1.3410.422	5,340.00	
		1.3410.448	150.00	
		1.3620.401	315.00	
		1.3620.445	95.00	
		1.3620.1	6,500.00	
		1.5110.2	835.00	
		1.5110.411	150.00	
		1.5110.418	135.00	
		1.5110.4272	910.00	
		1.5110.4161	5,240.00	
		1.5110.4273	6,275.00	
		1.5110.445	230.00	
		1.5110.461	160.00	
		1.5142.2	3,665.00	
		1.5142.4161	13,510.00	
		1.5142.429	6,735.00	
		1.5142.1	8,465.00	
		1.7140.445	915.00	
		1.7310.437	55.00	
		1.7550.1	940.00	
		1.7630.445	165.00	
		1.8010.403	55.00	
		1.8140.445	940.00	
		1.8140.448	1,580.00	
		1.8140.1	4,510.00	
		1.8560.416	1,130.00	
		1.8560.445	140.00	
		1.8745.1	2,595.00	
	\$80,013.00		\$80,013.00	

Unanimously carried.

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

RESOLVED that the following transfers are hereby made in the Water Fund:

BUDGET
TRANSFERS
Water Fund

	<u>From</u>		<u>To</u>
6.1990.4	\$2,255.00	6.8340.407	\$ 610.00
		6.8340.445	1,100.00
		6.8340.460	295.00
		6.9040.8	100.00
		6.9730.7	150.00
	<u>\$2,255.00</u>		<u>\$2,255.00</u>

Unanimously carried.

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

RESOLVED that the following transfers are hereby made in the Sewer Fund:

BUDGET
TRANSFERS
Sewer Fund

	<u>From</u>		<u>To</u>
7.1990.4	\$4,500.00	7.8120.4161	\$7,000.00
7.8120.1	<u>2,575.00</u>	7.8120.445	<u>75.00</u>
	\$7,075.00		\$7,075.00

Unanimously carried.

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

RESOLVED that the following transfers are hereby made in the Federal Revenue Sharing Fund:

BUDGET
TRANSFERS
Federal Revenue Fund

	<u>From</u>		<u>To</u>
3.1410.2	\$ 323.00	3.1410.401	\$ 323.00
3.3410.202	<u>1,607.00</u>	3.3410.201	<u>1,607.00</u>
	\$1,930.00		\$1,930.00

Unanimously carried.

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

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BUDGET TRANSFERS

RESOLVED that the following transfers are hereby made in the Glen Park Joint Fund:

Glen Park Joint Fund

	<u>From</u>		<u>To</u>
9.9060.8	\$210.00	9.7141.407	\$ 70.00
		9.7141.443	5.00
		9.7141.445	<u>135.00</u>
	<u>\$210.00</u>		<u>\$210.00</u>

Unanimously carried.

Mayor Kuzon said his next resolution is being made now as our year ends on May 31st and we will not have another meeting before then.

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

AUTHORIZATION

RESOLVED that the Clerk-Treasurer be authorized to make any other budget transfers necessary at year end, after all accounts payable and adjustments have been placed on the books.

Clerk to make additional year end transfers

Unanimously carried.

Mayor Kuzon advised that his last resolution would increase the 84-85 General Fund budget allocation by \$62,939.00. The reason for this is that we adopt our budget in April. This amount of \$62,939 was special municipal aid allocated by the State Legislature to municipalities in New York State after the adoption of our budget, so therefore it could not be counted as anticipated revenue in the annual Village budget process but when it was approved by the State Legislature it could obviously be counted as revenue.

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

RESOLVED that the 1984-1985 General Fund Budget be increased as follows:

BUDGET INCREASE

Revenue Account	- 1.3001.0	- \$62,939.00
		(Special New York State Municipal Aid)
Expenditure Account	- 1.1990.0	- \$62,939.00

Due to Special Municipal Aid

Unanimously carried.

Trustee Schlifke said she would like to add 2 dates to the roster at the bottom of the agenda that were left off. On May 16th there will be a Traffic & Safety meeting and on June 5th there will be an Environmental meeting.

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Trustee Schlifke thanked the Williamsville Business Association for their kind invitation to lunch at the Little White House on May 2nd. She believes many good points were brought out between the Trustees and the association and she's looking toward a closer working relationship with our commercial district in the future.

Trustee Schlifke also thanked the Hutchinson Hose Company for their invitation to their installation of officers dinner on May 4th. She enjoyed herself very much.

Trustee Schlifke said that since our last meeting she has met with the Environmental Advisory Council and she has presented the members of the Board with a new tree ordinance that they have been working on for a considerable length of time. She hopes they will be discussing this in the future and be incorporating it into our new codes.

Trustee Schlifke said she has also met with the Traffic & Safety Committee. They have been working on the changes to the code and she believes they are almost finished and their finished product will be passed on to the codification company for finalizing in the near future.

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

RESOLVED that the following residents are appointed to the Meeting House Committee until the end of the 1985-1986 official Village year:

APPOINTMENTS

Meeting House Committee

<u>Name</u>	<u>Address</u>
William Bancroft	88 Oakgrove Drive
Jerome Nirschel	205A Evans Street
Paul Riedel	5801 Main Street
Gartley Weller	129 Mill Street

Unanimously carried.

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

RESOLVED that the following residents are hereby appointed to the Historic Preservation Committee until the end of the 1986-1987 official Village year:

APPOINTMENTS
Historic Preservation Committee

<u>Name</u>	<u>Address</u>
Richard Baer	50 Willowbrook Drive
Rosemarie Sugg	91 Highland Drive
Loretta Babin	56 Spring Street

Unanimously carried.

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

RESOLVED that the Village Clerk is hereby authorized to publish notice of public hearing to be held on June 10, 1985 at 7:35 p.m. 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 Section 60.32(6A) to the Traffic code, which would limit parking on the east side of East Spring Street.

PUBLISH NOTICE OF
PUBLIC HEARING

Limit parking on
East side of
East Spring St.

Unanimously carried.

Trustee Brenton said for his report tonight he would advise that we have received informal bids in sealed envelopes that we requested of three contracting firms to install drainage on Howard Avenue which we anticipated to be not an expensive procedure. The apparent low bid is from Warren Miller of Miller Enterprises but the only thing is that just having received these this afternoon, he has not had an opportunity to discuss them with the Superintendent of the Department of Public Works. In their previous discussions Phil had indicated that perhaps the number of lineal feet should be shortened and this is indicating 475 lineal feet. He asked Mr. Boudreau if there was any possibility of it being shortened, in other words the south end of it reduced somewhat. Mr. Boudreau said if it is possible they will shorten it. Trustee Brenton said if it could be shortened, the price could be reduced, fine. It would save us a little bit of money. At any rate Mr. Miller has submitted his bid for \$5,848 and the Village will be paying for the pipe that will go into the job so he will simply be installing the pipe for catch basins and other peripheral aspects of the job for that amount of money. This is preparatory to paving that street. We put a water line there so this will take care of that street, by the end of the summer at any rate.

Trustee Brenton said his first resolution deals with the firemen and our fire prevention committee and we will be sending these people on a seminar. They are three exempt firemen, one of whom received his 50 year badge as a volunteer fireman at the installation dinner. He is Joseph Greer and Trustee Brenton thinks the community can be very proud not only of Joe's 50 years but also the efforts of the other two people who serve on the fire prevention committee, and the effort of the entire fire department including its exempts and the ladies auxillary. They all work very hard and successfully for the benefit of the entire community.

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

RESOLVED that Herbert Stoeckl, Joseph Greer and Evor Williams are hereby authorized to attend a Fire Prevention Seminar in Montour Falls, New York, on June 1 and 2, 1985 and the costs, not to exceed \$125.00 to be paid by the Village of Williamsville.

AUTHORIZATION

**Firemen to attend
Fire Prevention
Seminar**

Unanimously carried.

Trustee Brenton said his second resolution deals with accumulated funds resultant from the overcharges by the Town to the Village for occupancy of this office space and this will allow the Clerk to transfer these funds so that we may pay for the courthouse which we are purchasing.

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

RESOLVED that the clerk is hereby authorized to transfer \$107,925.00 from the General Fund to the Capital Fund for the purchase of 5565 Main Street.

AUTHORIZATION

**Transfer of funds
from General
to Capital Fund**

Unanimously carried.

Trustee Brenton said he has another resolution which does not appear on the agenda.

ON MOTION by Trustee Brenton, seconded by Trustee Kibby, it was moved to suspend the rules for consideration of a resolution not on the agenda.

Unanimously carried.

Trustee Brenton said the reason the resolution is not on the agenda is that he wanted to discuss the situation with the Board before he put it on. The Board agrees that it should be on the agenda and it deals with reconstruction of a Village street which is in dire need of reconstruction. This resolution will appoint the firm of Tallamy, VanKuren, Gertis & Associates as the engineers for the work on Creek Drive. Tallamy, VanKuren will not be given authority to proceed in this matter until they receive notification from the Village. The reason for that is that in the event there is some alternative method of doing this particular job and it's found within the next week we may re-address the situation. He doesn't think it will occur but we don't want to wait another month in order to appoint the firm.

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

RESOLVED that Tallamy, VanKuren, Gertis & Associates, Engineers, are hereby appointed to perform engineering work and prepare specifications and bid documents for the complete reconstruction of Creek Road at a fee not to exceed \$7,000.

APPOINTMENT

**Engineers to
draw specs for
Creek Rd.
reconstruction**

Unanimously carried.

ON MOTION by Mayor Kuzon, seconded by Trustee Schlifke, it was moved to return to the regular agenda.

Unanimously carried.

Trustee Kibby said with respect to the code review that the draft is back from the code company and it will be sent to the Planning/Architectural Review Board so they can go over certain sections. Traffic and Safety is already going over theirs.

Trustee Kibby said he has met with the Historical Society and the engineer from Joseph Siracuse & Company. That engineering firm is doing the restructuring and design of the Meeting House and the Board will be discussing some aspects of that in our work session tonight.

Trustee Kibby said the firemen's dinner was very nice. Sometimes not pleasant comments are made about firemen facilities being blue collar country clubs. Those comments are obviously made by someone who has never attended a firemen's benefit dinner, meeting or when they are putting out fires, or saving someone's life. You only have to attend one of these dinners or meet with a couple of these groups to realize that these comments are not true. They are a marvelous organization.

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

WHEREAS the Village Building Inspector, pursuant to Section 63.20 of the Village Code, has made inspection of the garage located on premises at 37 Oakgrove Drive, and has determined that said garage is unsafe; and

**BUILDING
DEMOLITION**

37 Oakgrove Dr.

WHEREAS the Building Inspector has heretofore on April 24, 1985, filed with the Village Board a written report of his findings which report describes the subject premises and sets out therein a statement of the conditions which, in the opinion of the Building Inspector, make the structure unsafe; and

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WHEREAS this Board has carefully considered the findings contained in the report of the Building Inspector, it is

RESOLVED that this Board hereby determines that the garage located on premises at 37 Oakgrove Drive, Williamsville, New York is unsafe and the same is hereby ordered to be demolished within 120 days of a receipt of a copy of this resolution by the owner of said premises or the representative of the owner of said premises.

Trustee Kibby said there is a long history on this. There was a complaint filed about this garage in November, 1984. The Building Inspector inspected the building and a letter was sent on November 16, 1984 to the owner advising her to correct the problems such as foundation crumbling, the structural condition of the studding, the rear roof had collapsed and rafters were in poor condition, etc. Another letter was sent on December 20, 1984 and on January 29, 1985 the owner sent a letter stating she had intended to repair it in November but was unable to and she wanted some information about dump fees, etc. On January 31, 1985 we sent another letter with a copy of the Town dumping ordinance. On April 22, 1985 we sent another letter to the owner. This is all part of his motion. The Village has bent over backwards in this and the garage is about ready to fall down.

Unanimously carried.

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

RESOLVED that the Village Clerk is hereby authorized to publish notice of public hearing to be held by the Board of Trustees on June 10, 1985 at 7:40 p.m. in the Municipal Building, 5583 Main Street, Williamsville, New York for the purpose of hearing all persons interested in a local law which would add Section 16.40(E) to the Fire Prevention Code.

**PUBLISH NOTICE
OF PUBLIC HEARING**

**Add Section
to Fire
Prevention Code**

Trustee Kibby said this means that we will not have to send out all these letters. We'll simply write a summons or appearance ticket and let the judge decide this.

Unanimously carried.

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

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RESOLVED that the following appointments are hereby made to the Board of Appeals:

APPOINTMENT

<u>Name</u>	<u>Address</u>	<u>End of Term</u>	Board of Appeals
Richard Andrews	40 Stanton St.	End of the 1987-1988	official Village year
Gerard Fornes	211 Mill St.	End of the 1989-1990	
			official Village year

Unanimously carried.

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

RESOLVED that the following appointments are hereby made to the Planning and Architectural Review Board:

APPOINTMENTS
Planning Board

<u>Name</u>	<u>Address</u>	<u>End of Term</u>
Trey Measer	90 S. Ellicott St.	End of the 1987-1988
		official Village year
Richard Baer	50 Willowbrook	End of the 1987-1988
		official Village year

Unanimously carried.

Superintendent of Public Works Boudreau reported that our annual trash week of May 6th thru May 10th was just concluded this past Friday. The crews were kept busy on Village streets picking up a wide variety of solid waste. The summer schedule for trash pick-up is now in effect with the days as follows: the second and fourth Tuesday of each month - metal and brush. The third Thursday of each month - heavy trash (by appointment only). For the convenience of Village residents trash calendars showing the dates of pickups with rules and regulations pertaining to same, are available in the Village Clerk's Office.

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

Unanimously carried.

Richard Hill, 18 Brookside Drive, asked if any date has been set for the repaving and putting in a storm sewer on Brookside. Trustee Brenton said as far as the storm sewer is concerned we haven't even gotten to that and the storm sewer would have to be put in first. As far as he knows they haven't been approached regarding that subject. Mr. Hill said someone took a survey of it. Trustee Brenton said there is no funding for a storm sewer there this year to the best of his knowledge.

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Mr. Boudreau said they did a survey a couple of weeks ago and has prepared a design plan and it should be on file in the Clerk's Office. The next step is to look at the funding if they choose to address it.

Mayor Kuzon said the problem we're talking about, is that at the corner of Monroe and Brookside? Trustee Brenton said there is an on-going problem there, is that what you mean? Mayor Kuzon said he thought we had three projects going this year and one of them he thought was Monroe-Brookside, or is he confusing that with Monroe-Scott. Trustee Brenton said it was Monroe-Scott. He really can't recall any funding for Brookside.

Mr. Hill said he was told there was funding for the paving and the storm sewer to relieve that problem at the corner of Wehrle and Brookside. There is no use paving the street if you don't fix that. Trustee Brenton said he agrees with that. When they tried to put the storm sewer in on Brookside he wanted it to run down there and there was a concern expressed by one of the residents that they didn't want it on their property and that's why it never got down there. That project cost around \$160,000 so we did limit the scope of it. Mr. Hill said in other words there is no funding. The clerk was asked if she recalled this being in the budget and she did not. Trustee Brenton said he knew he hadn't said they were going to put storm sewers in there.

Mr. Hill asked if funds were there to pave the street and Mayor Kuzon said he thinks he remembers Brookside being one of the streets we will pave this year. Mr. Hill said you will be paving over the lake and the pavement is not going to last six weeks. Trustee Brenton said the pavement there now has been there a long time. Mr. Hill said the pavement isn't there, it is holes. Trustee Brenton said there is no question that we'd like to help but we have other similar demands that are of a great deal more serious nature, i.e., Cadman and a few other areas in the Village. We've heard from the Los Robles residents for several weeks now. Frankly, sooner or later our budget overages and everything else are going to come home to roost on this Board and this community and we're all of a sudden going to be waking up and we'll be having a \$3.00 to \$5.00 increase in our taxes per thousand. He can guarantee that and he hopes the Board hears him. Mr. Hill said he would like to know at the next meeting what money is in there because he was told it was in there for both the sewer and the paving.

Mr. Hill said he also wanted to talk about the mess on the Conrail property and he knows Trustee Brenton doesn't want to hear about it. Trustee Brenton said he has spent too much time going down the Conrail property trying to clean up the mess and he is the only Trustee that has done that. He has been down there with Mr. Moran and Mr. Roth, or whatever his name is, the owner, and many other people and have taken them on walking tours and everything else, so he does want to hear it. He wants to hear any complaint that

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any citizen has and he is always active. He doesn't want the facts misconstrued. He does his job.

Mr. Hill said when the citizens were asked to pass the \$85,000 bond issue the Mayor, backed by the Board, didn't deny that what you wanted to do was clean up that area when you owned that property and rezone it. Now you don't have to wait for rezoning to clean up the property that they don't have the lease to. All that property could be cleaned up and something could be done to it. It's a shame that you leave those homeowners sitting up there with that mess. The Village owns the property and there was a promise, a commitment, and we're not living up to it.

Trustee Brenton said as he explained earlier and as he thinks the Board and audience understood because no one took issue with it that for the attorney to waste his time in attempting a legal solution to that problem when in effect we are rezoning it. When it is rezoned we will be able in effect to say to them that it is rezoned and on everything that is not your property please get your stuff off of our property. Mr. Hill said you mean to say that if his neighbor piled his junk on his property he couldn't tell him to take it off? You can tell them to take it off the Village's property too. And that was a commitment that was made. That you would clean it up. Trustee Brenton said we would rezone it first. Mr. Hill said nothing is being done about it. Trustee Brenton said we just had a rezoning hearing on it tonight.

Trustee Kibby asked Mr. Boudreau if he had had work crews in on the Conrail property in the last month and Mr. Boudreau said yes. Trustee Kibby also said that Mr. Troy has not been asked to determine how to clean up our own property. He has been asked to give the Board some legal parameters on how we can deal with the people who have leased our property and how we can get them to clean it up. He has never been a landlord before so he doesn't know how to do it. Mr. Boudreau has sent in some crews on our land that is not leased to clean up portions of the property, probably not all of it. He said Mr. Hill is probably right that we should talk to Darling and International Chimney and have them all off of our property, the stuff that is theirs off of our property.

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

Unanimously carried.

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ON MOTION by Mayor Kuzon, seconded by Trustee Brenton, the meeting was adjourned at 10:24 PM.

Unanimously carried.

Theresa L. Cummins,
Village Clerk-Treasurer