

Roll Call

Present

Gordon J. Kuzon, Mayor

Lawrence R. Brenton

Richard Gallagher Trustees

Michael Kibby

Carolyn Schlifke

Theresa L. Cummins, Village Clerk

Thomas V. Troy, Village Attorney

ON MOTION by Mayor Kuzon, seconded by Trustee Schlifke, it was moved to open the public hearing at 7:45 PM regarding amending Section 60.32(26)B of the Traffic Code to prohibit parking on the south side of Park Drive between Garrison Road and South Ellicott Street.

PUBLIC HEARING

Unanimously carried.

AMEND TRAFFIC CODE

Trustee Schlifke said the purpose behind the public hearing is to hear all persons interested in an amendment to the local traffic ordinance that would remove parking from the south side of Park Drive, which runs along Garrison Park, between Garrison and S. Ellicott Street. This was a request that was made by the Parks Committee to the Traffic & Safety Committee. We have had considerable trouble this past summer with people infringing on the grass area of the park and digging up the sod. They are double parking. The street is a very short block and actually only one residence is on the street. The Traffic & Safety Committee sent one of its members to speak to the resident on the street and the resident had no objection to removal of the parking from south side of the street. Parking would still remain on the north side. It is normal procedure when these surveys are taken, if we are going to limit parking to one side of the street, to always remove it from the side of the street with the fire hydrants. The fire hydrant in that particular block is on the park side so there was no problem there. The hearing was then opened to the public.

Prohibit parking on south side of Park Drive

Mr. Warren Miller, 169 S. Cayuga, said the house that Trustee Schlifke spoke of on Park Drive is his former residence, which is now leased to a tenant. He still maintains ownership of the property, as well as all the other frontage on Park Drive on the north side. He takes serious objection to this proposal. With respect to the mention of infringing on the grass area and tearing up of the sod in the park you will now displace the problem and they're going to tear up his sod? He doesn't think that's a good idea. The other problem is that the parking is for the park, not for only just the one house on the block. Now he would have to accommodate the parking on his side of the street for the park. It would seem to him that parking

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of Williamsville held in the Municipal Building, Williamsville, New
York on Monday, August 26, 1985 at 7:45 PM

for the park should be accommodated by the park, perhaps in the
park where you could pave an area in and put some parking spaces
in there. He would think that the Traffic & Safety Committee
would benefit from this in that the park patrons parking on the
north side of the street and going to the park on the south
side would have to walk across the street. For children using
the park it might be better for them if they could get out of
a car on the same side as the park instead of crossing the
street. He highly objects to taking the parking and putting
it all on his side of the street.

Trustee Brenton said Mr. Miller has some very valid arguments
not only as a property owner but in regards to traffic and
safety and to be very frank, this situation has occurred to him
but he has been remiss in not giving it more attention. He
wonders whether or not Mr. Miller's suggestion to pave in a
portion of the park wouldn't be the way to go. If we could
just accommodate a little more parking there perhaps we could
solve the problem. Maybe that should be considered and
explored a little further. Or perhaps there could be a
compromise where we would eliminate some of the parking
and maybe pave a small portion. He thinks they should
explore whether there are any alternatives to this situation.

ON MOTION by Trustee Schlifke, seconded by Trustee Kibby,
the hearing was closed at 7:50 PM.

Unanimously carried.

Theresa L. Cummins,
Village Clerk-Treasurer

Minutes of the Public Hearing of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Monday, August 26, 1985 at 7:50 PM

Roll Call

Present

Gordon J. Kuzon, Mayor

Lawrence R. Brenton

Richard Gallagher Trustees

Michael Kibby

Carolyn Schlifke

Theresa L. Cummins, Village Clerk

Thomas V. Troy, Village Attorney

The Clerk read the notice of hearing regarding the proposed removal of property at 23 Swan Place from the Fire Limits.

ON MOTION by Mayor Kuzon, seconded by Trustee Gallagher, the hearing was opened at 7:50 PM.

PUBLIC HEARING.

Unanimously carried.

Trustee Kibby said this particular piece of property is immediately next to the parking lot that is behind the Village Meeting House. The petitioner has asked that her property, which is zoned commercial even though it is used for a residence, be exempted from the Fire Limits law requirements. She wishes to construct a garage to house her car that does not comply with the Fire Limits law requirements. The Planning Board has reviewed this, as has the Building Department. Both of these agencies are opposed to waiving the Fire Limits for this property. Trustee Kibby said he has asked the attorney to check to see if the owner at 23 Swan Place does indeed have an easement with the previous owner of the Meeting House which was the church.

Removal of 23 Swan Place from fire limits

The hearing was opened for public comment and no one appeared to speak.

ON MOTION by Trustee Kibby, seconded by Trustee Gallagher, the hearing was closed at 7:53 PM.

Unanimously carried.

Theresa L. Cummins,
Village Clerk-Treasurer

Minutes of the Regular Meeting of the Board of Trusees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Monday, August 26, 1985 at 7:43 PM

Roll Call

Present

Gordon J. Kuzon, Mayor

Lawrence R. Brenton

Richard Gallagher Trustees

Michael Kibby

Carolyn Schlifke

Theresa L. Cummins, Village Clerk

Thomas V. Troy, Village Attorney

Mayor Kuzon called the meeting to order at 7:43 PM.

The meeting was started with a moment of silence in memory of the Mayor's neighbor, Whitney Harris, who passed away this past month. He was a resident of the Village for over 50 years.

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

Unanimously carried.

ON MOTION by Mayor Kuzon, seconded by Trustee Schlifke, the minutes of the public hearing held July 22, 1985 regarding designating the Castle as a local historic landmark were approved.

Unanimously carried.

ON MOTION by Mayor Kuzon, seconded by Trustee Brenton, the minutes of the special meeting held August 7, 1985 regarding awarding the bids for the Meeting House renovation and some sanitary sewer work, were approved.

Unanimously carried.

ON MOTION by Mayor Kuzon, seconded by Trustee Schlifke, it was moved at 7:45 PM to open the public hearing regarding amending Section 60.32(26)B of the Traffic Code to prohibit parking on the south side of Park Drive between Garrison Road and South Ellicott Street. (The hearing was closed at 7:50 PM.)

Unanimously carried.

ON MOTION by Mayor Kuzon, seconded by Trustee Gallagher, it was moved at 7:50 PM to open the public hearing regarding the proposed removal of property at 23 Swan Place from the Fire Limits. (The hearing was closed at 7:53 PM.)

Unanimously carried.

Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Monday, August 26, 1985 at 7:43 PM

Mayor Kuzon advised that this past month he has been appointed to the Executive Committee of the New York State Conference of Mayors. That appointment was made by the President of the Conference, Steve Carlson, who is the Mayor of Jamestown.

Mayor Kuzon said that the Board and he have received a letter requesting a rezoning on property at 415 Cadman Drive. This petition will be referred to the Planning Board and they will review it and make an advisory recommendation to this Board. The rezoning hearing will not be held until October because of the time limit of 20 days publication requirement after we call for the public hearing.

Mayor Kuzon also reported that with the cooperation of the Town of Amherst the inverted siphon beneath Ellicott Creek has been cleaned. The Town has also done the necessary repair work and valve maintenance on the siphon and they report to us that it is now functioning properly which should lead to a decrease in the number of overflows at the Mill St. location. We will continue to monitor that situation.

In the area of personnel, Mayor Kuzon announced that we have received a letter of retirement from our Village Court Clerk, Frank Grillo. We have also received a letter of resignation from our Superintendent of Public Works, Phil Boudreau.

ON MOTION by Mayor Kuzon, seconded by Trustee Schlifke, vouchers in the sum of \$71,766.19, covering the period July 23rd to August 12th, were approved as follows:

Payroll Fund	W/E 7/26/85	\$10,482.94
	W/E 8/2/85	6,953.93
	W/E 8/9/85	<u>7,030.41</u>
Total Payroll fund		\$24,467.28
General Fund	Abstract #590	33,823.63
Sewer & Water Fund	Abstract #171	4,769.51
Trust & Agency Fund	Abstract #209	4,786.21
Federal Revenue Sharing	Abstract #175	2,296.95
Glenn Park Jt. Activities	Abstract #110	<u>1,622.61</u>
Total Vouchers		\$71,766.19

The larger vouchers were payments to Frontier Special Services, which is our park guards; Zambito Construction, for concrete repair work; Niagara Mohawk; and State Fire Control.

Unanimously carried.

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ON MOTION by Mayor Kuzon, seconded by Trustee Kibby, vouchers in the sum of \$65,694.15, covering the period from August 13th thru August 26th, were approved as follows:

Payroll Fund	W/E 8/16/85	\$ 7,394.95
	W/E 8/23/85	<u>7,165.06</u>
Total Payroll Fund		\$14,560.01
General Fund	Abstract #591	10,501.38
Sewer & Water Fund	Abstract #172	29,974.09
Trust & Agency Fund	Abstract #210	3,574.49
Glen Park Jt. Activities	Abstract #111	84.18
Capital Fund	Abstract #144	<u>7,000.00</u>
Total Vouchers		\$65,694.15

The larger vouchers were payments to Erie County Water Authority; Tallamy, VanKuren, for engineering work related to Creek Road reconstruction; and Samcost Construction, for a storm drain.

Unanimously carried.

Mayor Kuzon said his next two resolutions deal with rezoning issues. His third resolution is to call for a public hearing to rezone that area of the Village in the S. Long Street neighborhood which is now zoned for manufacturing to be reclassified to a more restrictive commercial use, C-3. This classification would be consistent with the commercial zoning on Main Street. This zone would continue on S. Long Street approximately to the south boundary of the Conrail property. In his personal opinion he feels the manufacturing zone has outlived its usefulness in that neighborhood. It may have been appropriate when the railroad tracks were there and when there were warehousing and storage establishments there. He thinks this would be a betterment of the area and the Village in general and should be considered. He said that by rezoning that area, if it is successful, we would not shut down any existing concerns in that neighborhood. It would mean that when future businesses locate in that area they would have to comply with the commercial zoning and would not be able to have manufacturing enterprises.

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

RESOLVED that the Village Clerk publish notice of public hearing to be held by the Board of Trustees of the Village of Williamsville on

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, August 26, 1985 at 7:43 PM

PUBLISH NOTICE

September 23, 1985 at 7:35 PM for the purpose of hearing all persons interested in discussing the proposed rezoning of all that area bounded by the northerly line of the south Long Street Ball Park extending to the Conrail property on the west, the Conrail property on the south and along the west side of California Drive and to include the triangular Village park, all of which are presently zoned M-1 to C-3.

**Proposed rezoning
of M-1 property
to C-3**

This means that the area zoned manufacturing now, would be considered for rezoning to C-3.

Unanimously carried.

Mayor Kuzon said his next resolution deals with a separate but related issue and that is consideration of rezoning the existing commercial zone, which is in the S. Long Street-Garden Parkway area, to a residential zoning. The same criteria, or restrictions would apply. Certainly we would not close down any commercial operation in that area but future movement into the area would be for residential purposes.

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

RESOLVED that the Village Clerk publish notice of public hearing to be held by the Board of Trustees of the Village of Williamsville on September 23, 1985 at 7:40 PM for the purpose of hearing all persons interested in discussing the proposed rezoning of all that area bounded by the Conrail property on the north, the Village park on the east, the rear of the South Long Street lots on the west and the Village Line on the south from C-2 to R-3.

PUBLISH NOTICE

**Proposed
rezoning
of C-2
property
to R-3**

This means the area that is now zoned C-2 would be considered for rezoning to R-3.

Unanimously carried.

Mayor Kuzon said R-3 zoning allows two-family homes.

Mayor Kuzon said the Clerk has recently been appointed to the Board of Governors of the Government Finance Officers Association. She is one of only two village representatives in New York State on the Board of Governors. His next resolution authorizes her to attend their meeting in Albany.

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, August 26, 1985 at 7:43 PM

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

RESOLVED that Theresa L. Cummins, Village Clerk-Treasurer is hereby authorized to attend the Board of Governors Meeting in Albany, New York on September 17, 1985 and the expenses, not to exceed \$100.00, to be paid by the Village of Williamsville.

AUTHORIZATION

Clerk to attend meeting in Albany

Unanimously carried.

Mayor Kuzon said as mentioned before the Superintendent of Public Works has resigned. That was a Civil Service position and his next resolution would abolish the title as a Civil Service title. The Board will be discussing the classification of that position as well as other matters regarding that Village responsibility. This is required by the Civil Service Department.

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

RESOLVED that the position of Superintendent of Public Works in the Village of Department of Public Works is hereby abolished.

POSITION ABOLISHED

Supt. of Public Works

Unanimously carried.

Trustee Kibby gave the tentative agenda for the Planning Board meeting on September 3rd. There would be a sign for Point of View, a discussion of the the recommendation for the Exceptional Development permit for the Little White House, sign permit for a chocolate store at 5330 Main Street, and for American Douglas Metals, next to the Meeting House, for site plan approval. There is also a site plan approval for the Shrimp Shoppe.

Trustee Kibby reported that the garage at 37 Oakgrove has been demolished and the Building Inspector has returned the \$250.00 bond that was posted.

Trustee Kibby reported that the Village has been reasonably successful in the courts lately in trying to establish its rights and obligations over the development of site plans and safety inspections and we will continue in that vein.

Trustee Kibby advised that the Planning Board will be working with representatives of the Williamsville Businessmen's Association with respect to the new sign code.

Trustee Kibby reported that his first resolution has to do with the rezoning of Wellington Court property.

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

WHEREAS Benmar Development Corporation has duly petitioned the Williamsville Village Board to rezone 3.3 acres of property on Wellington Court and S. Cayuga from R-2 to R-3M for the purpose of constructing townhouses, and

REZONING
PETITION

Wellington Court
Resolution
proposed

WHEREAS as per Section 70.60 of the Village Code and Section 7-706 of the New York State Village Law public hearings have been conducted and the proposal has been publicly discussed,

NOW, THEREFORE, BE IT RESOLVED that the Benmar Development Corporation petition to rezone to R-3M 3.3 acres on Wellington Court is approved with the following conditions:

1. Prior to and concomitant with any townhouse development, three (3) single family homes with a 50' setback and having a minimum square footage of 1700, will be constructed on the property's S. Cayuga Road frontage.

2. Twenty-four (24) townhouses with principal and accessory structure density not exceeding 35% of the property will be constructed on the property's Wellington Court frontage.

3. At the developer's expense, a storm sewer will be constructed, as per URS Engineers 5/85 report, recommendation #4.2c.

4. At the developer's expense, a sidewalk will be constructed on the property's S. Cayuga Road frontage, and

BE IT FURTHER RESOLVED that if the development plan is altered from three (3) single family homes and twenty-four (24) townhouses, the Village Board will initiate zoning proceedings to reclassify the property R-2, and

BE IT FURTHER RESOLVED that if Exceptional Development and Building Permits are not applied for and approved by April 1, 1986, the Village Board again will initiate proceedings to reclassify the property R-2.

Mayor Kuzon asked if any of the public wanted to comment.

Mr. Warren Miller, 169 S. Cayuga, spoke regarding the storm water retention and recommended adding it to section 3 of the resolution. We're not just concerned with the storm sewer to transmit the water into the Town system, we're interested

in developing adequate storm retention.

Mr. Charles Rizzone, 136 Los Robles, said that though the resolution does address the number of units and type of units it does not give enough specific information on alleviating the storm sewer situation. He asked if the storm sewer construction will alleviate the problem or merely delay the water that will reach us sooner or later. In addition to the mention of 4.2c he feels the Board should incorporate #4.2a and b to adequately insure that those problems are once and for all finally solved.

WELLINGTON
COURT

Mayor Kuzon said 4.2a and b regards the storm network in the backyards. Mr. Rizzone said he is afraid what is in the resolution is not a solution to the problem. That water may still come into their backyards. Unless that is solved they may still get the water. This should be a priority item.

Rezoning
Discussion

Trustee Gallagher asked if this is adopted would there have to be two separate and distinct plans in pursuing (1) the development of single family homes and (2) the development of the townhouse piece of property. Mayor Kuzon indicated that would not necessarily be so for the Village but the townhouse proposal would have to be submitted separately to the Attorney General who approves townhouses that are for sale. Trustee Kibby said the sale of townhouses has to be offered by prospectus and the prospectus has to be approved by the State Attorney General. It calls for a townhouse to have at least two units. She would have to submit the townhouses as a unit and the three single family homes as a unit.

Trustee Brenton suggested with respect to section 3 of the resolution we should include any further recommendations which may be required by URS or something to that effect. At a later date we can have URS work in the holding area for storm water runoff and whatever drainage lines may be needed which he hopes would not go into the Los Robles area. We should state what we intend and then when we discuss the situation with URS this is the direction we will be going in.

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

RESOLVED that the resolution to rezone the Wellington Court area is hereby amended as follows:

AMENDMENT TO
RESOLUTION

3. At the developer's expense, a storm sewer will be constructed as per URS Engineers 5/85 report, recommendation #4.2c, and any other further recommendations by URS pertinent to this storm situation.

Vote on Roll Call: Trustee Gallagher - No
Trustee Schlifke - Yes
Trustee Brenton - Yes
Trustee Kibby - Yes
Mayor Kuzon - Yes

Yes - 4; No - 1.

Carried.

Trustee Brenton said with respect to section 4 that it would lead him if he were a developer the resolution states the Board wants sidewalks on S. Cayuga. There should be sidewalks within the development that should be spelled out. It is a general conception now that areas should have sidewalks. He would not insist on sidewalks being constructed in areas where presently there are no sidewalks in a developed area, unless it were requested by 51% of the property owners on that street. He thinks it should be made clear here that there should be sidewalks within the development and that they would be paid for by the developer.

WELLINGTON
REZONING

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

Discussion
(Con't)

RESOLVED that the resolution to rezone the Wellington Court area is hereby amended as follows:

- 4. At the developer's expense, sidewalks will be constructed on the property's S. Cayuga Road frontage and within the townhouse complex, and

AMENDMENT
#2

Vote on Roll Call:

Trustee Brenton	- Yes
Trustee Gallagher	- No
Trustee Schlifke	- Yes
Trustee Kibby	- Yes
Mayor Kuzon	- Yes

Yes - 4; Noes - 1.

Carried.

Trustee Kibby said he has received a number of letters from a variety of people, written with a great deal of sincerity and in earnest. He quoted from a letter from Mr. Ticknor stating he feels he could live with this situation as set forth in the resolution. He mentioned the number of units that would be 24 townhouses and three homes for a total of 27 units, the vacant field would be gone and there would be some advantages for the Village. Trustee Kibby said he grew up in the era of Dick and Jane when a family consisted of the father, mother, children, pets, car, front lawn and back lawn. That is not the way our society operates today. We have single people, couples with no children or children who are grown and gone. They all need a place to live. This is one of the last places for potential single family homes. That property has been sitting there for many years and while vacant land may be nice it just doesn't seem reasonable to let that land continue to sit there. It is adjacent to both R-3M and R-3 zoning. There is another problem which he thinks is adequately addressed by this compromise. That is that this preserves the residential character

of Cayuga, which he thinks is important. He applauds whoever came up with this compromise. He thinks the compromise plan is good. It does have a few problems but not as many as 17 lots would have. Wellington Court has been there a long time and they have proven themselves to be not only good neighbors but also an attractive community. This particular association and its tenants and managers have proven themselves able to develop a good community, a wholesome community, that serves the needs of the Village. So he is going to vote for this plan even though he has some misgivings about some aspects of it. By and large he likes the compromise that has been worked out.

WELLINGTON
REZONING

Vote on Roll Call: Trustee Brenton - prefaced his vote with a statement that had this compromise not been proposed he would have been against this particular development. There has been a great deal of communication regarding this subject and it appears that particularly the impacted residents are happy with the compromise. People extremely close to him border on this property and have shown great concern over this and he does feel comfortable with this compromise and that this is a workable and palatable situation. Therefore, his vote is - yes.

Trustee Gallagher - No. He does not believe this gives the balance that there should be. Time and people do change. But there were agreements way back in 1972 in the context of how this was going to be viewed and he thinks the people then had pretty good foresight on this. He also has received a number of letters, many of them approving this compromise. He appreciates the opinions of the Board members and recognizes that some of the people within the Cayuga Association have recommended passage of this. His votes against the amendments were not against storm sewers or sidewalks, but against the entire resolution. No.

Trustee Schlifke - said if the resolution had stayed as originally written she probably would not have voted for it. With the changes, she believes we are meeting the needs of the people in the area and on Los Robles and the developer. Probably the most hardship will be placed on the developer in order to do what we have requested of her. But that is her problem and believes that the board feels we must have these conditions in order to have this development go through. - Yes.

Trustee Kibby - Yes.

Mayor Kuzon - said he has carefully reviewed this issue, maybe more carefully than any other issue which has been before the Board in the recent past. He has taken a close look at the developer's proposal and the residents' correspondence as well as the minutes of our meetings and from this review it was easy to identify the recurring themes established as the major concerns or issues for this petition. He became concerned with the ability of those issues to sustain an argument for the rezoning petition. After evaluating each of those issues

individually it was possible to sustain an argument for the petition on most of the issues, except one. He found it very difficult until last week to sustain an argument for the petition. That one issue as it stood last week was significant enough to him that if it had not changed then he probably would have voted no. That issue was the reasonable wishes of the neighborhood. It was substantial not only because of its obvious political implications but more importantly because of the rights of the residents to have an influence over their neighborhood. The neighbors input should be a heavy factor in weighing any rezoning petition. The right to use land is not an unrestricted license to use it without regard to the impact of such use upon the land of others. The rights of the owner and the public must be balanced. The owner should not be deprived of all benefit and use or have special hardships unreasonably imposed but zoning should serve the public by protecting districts already established and it should control the growth and development within a community in a manner that is reasonable and in the interests of the municipality. Zoning is a rational balancing between individual and communal interests. He now thinks we have the vehicle to satisfactorily balance the rights of the public and the owner. That is contained in the resolution presented this evening. It approves the concept of three single family homes along with townhouse development. He thinks the proposal is reasonable in that it meets the reasonable wishes of the neighborhood. Not all the neighbors are happy with it, they still prefer single family homes in the area but he is sure they realize that this is a satisfactory compromise. He thinks it's a rational proposal in that it balances the individual and communal interests. He thinks it is a realistic compromise. He thinks it has the failsafe provision in that if the plans for the approved concept are not applied for and approved by April 1st the Board could then initiate action to reclassify the property back to its present zoning. He will support the resolution as written and amended. He views the storm sewer problem on Los Robles as being a Village responsibility and he thinks it would be the Village's responsibility to initiate repair of that. The Board is pursuing that and will continue to do so. Even though it is not included in the resolution it will be his intention to act upon that separately. He thinks the sewer repair, rehabilitation is necessary as the residents have stated and that those repairs should be in place before construction is begun. So he would vote yes.

WELLINGTON
REZONING

(Continued)

Yes - 4; Noes - 1.

Carried.

Mayor Kuzon said it would carry. It was necessary to have more than a simple majority because of the petition process which was implemented at the time of the public hearing.

Following is the complete resolution as amended and adopted:

WHEREAS Benmar Development Corporation has duly petitioned the Williamsville Village Board to rezone 3.3 acres of property on Wellington Court and S. Cayuga from R-2 to R-3M for the purpose of constructing townhouses, and

WELLINGTON
REZONING
ADOPTED

WHEREAS as per Section 70.60 of the Village Code and Section 7-706 of the New York State Village Law public hearings have been conducted and the proposal has been publicly discussed,

NOW, THEREFORE, BE IT RESOLVED that the Benmar Development Corporation petition to rezone to R-3M 3.3 acres on Wellington Court is approved with the following conditions:

1. Prior to or concomitant with any townhouse development, three (3) single family homes with a 50' setback and having a minimum square footage of 1700, will be constructed on the property's S. Cayuga Road frontage.

2. Twenty-four (24) townhouses with principal and accessory structure density not exceeding 35% of the property will be constructed on the property's Wellington Court frontage.

3. At the developer's expense, a storm sewer will be constructed as per URS Engineers 5/85 report, recommendation #4.2c, and any other further recommendations by URS pertinent to this storm situation.

4. At the developer's expense, sidewalks will be constructed on the property's S. Cayuga Road frontage and within the townhouse complex, and

BE IT FURTHER RESOLVED that if the development plan is altered from three (3) single family homes and twenty-four (24) townhouses, the Village Board will initiate zoning proceedings to reclassify the property R-2, and

BE IT FURTHER RESOLVED that if Exceptional Development and Building Permits are not applied for and approved by April 1, 1986, the Village Board again will initiate proceedings to reclassify the property R-2.

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, August 26, 1985 at 7:43 PM

Trustee Kibby said his next resolution deals with the property at 5933 Main Street better known as Little Bit of Sicily. The owners are asking to remove one of the freezers from the back and place a dumpster in there and then to screen that area with a fence.

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

AUTHORIZATION

RESOLVED that the owner of property at 5933 Main Street is hereby authorized to erect a 6' high fence around a freezer box and dumpster as architecturally approved by the Planning Board on August 5, 1985, said fence to be painted white.

**Fence at 5933
Main Street**

Unanimously carried.

Trustee Schlifke said she had no report but three resolutions. The first one establishes the position of Parking Enforcement Officer. The background on this goes back many years since she served on the Traffic & Safety Committee. They were contacted by a number of businesses along Main Street as to people who were not adhering to the ordinances signs that are located on Main Street. There are signs from Union Road to the Village Line at Hirschfield and they allow one hour parking, 9:00 AM to 5:00 PM except Sundays and holidays, from Union to Oakgrove. From Oakgrove to the Village Line we have 2 hour parking. These ordinances have been in effect since 1971 at least. Appointment of an officer would have no change in these ordinances. We're not planning any changes. These are existing ordinances and signs and all we're planning on doing is enforcing them. The Williamsville Businessmen's Association approached her in April when she came on the Board and they asked her to look into something of this sort because they found in many areas there were people parking all day on Main Street causing them to lose patronage because their customers couldn't find any place to park.

Trustee Schlifke said in the last two weeks, the Traffic & Safety Committee conducted a survey on parking which was passed out to the majority of the businesses on Main Street. Some people did not return their surveys. Of those she has received back 34 favor enforcing the ordinances and 12 are against it. With that in mind we registered with the County of Erie the requirements for this position and she went over the requirements. She has spoken with Chief Zimmerman of the Amherst Police Department and he has offered all the help he can and when we find what we feel is the proper individual he has asked that we contact him because he feels that perhaps he is more equipped to decide whether a person is qualified for this type of work and he has also offered help in training the individual.

Trustee Schlifke said another reason for establishing this position was an article she read in the Buffalo News awhile back where the Metrorail officials are looking into the possibility of establishing some Park and Ride areas so that they can run some express buses to the Metrorail depots to funnel the people to the downtown area. She has written to Mr. Joseph Latonna, Executive Director of the NFTA and she expressed to him the feeling that the Village does not have any area that we could offer to them for a park and ride area. If they were figuring on starting something like this they would really have to go further out in Amherst where there is vacant land. Anyone who is familiar with the Village knows that parking is probably one of our biggest problems and we have no excess parking that we could offer to Metrorail.

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

RESOLVED that the position of "Parking Enforcement Officer" - P.T.L. (PJC) is hereby established in the Village of Williamsville.

POSITION CREATED

Parking Enforcement
Officer

Trustee Gallagher thinks it is interesting that the Businessmen's Association supported this concept, yet 25% of their membership said they don't want it. Is there any reason why. Trustee Schlifke said this survey was not necessarily taken of just the membership of the association. Their membership does not include all businesses on Main Street. There is a percentage of a third from the reports that she has received - 34 were in favor and 12 were against. So you are talking about one-third of the businesses on Main Street that for one reason or another said they did not want enforcement of existing ordinances. Now an ordinance and a sign that is existing is something that can be enforced even if the Village does not set up this position. All we have to do is call the Amherst Police. We are not presenting a bigger problem to the businesses than they already have. The signs are there.

Trustee Kibby asked if the ticket should be written as the Village or the Town. Trustee Schlifke said that is something that she will have to probably discuss with Chief Zimmerman. It will be a summons she believes and that it might be a Village of Williamsville ticket and go through our court. Mayor Kuzon said tickets handed out in the Village do specify Village of Williamsville on them already - it says Town of Amherst, Village of Williamsville. Trustee Schlifke said we are not changing ordinances, we are not changing signs. We are trying to find a method to enforce what we already have. As Trustee Brenton brought out in the work session, this would not only be the Main Street area. Naturally we could not survey the whole Village. But there are many areas where over the years the Village has set up signs for no parking, or restricted parking signs on some of the residential streets and yet they are not being observed.

The officer will also get into those areas.

Trustee Kibby applauded Trustee Schlifke for doing this. This has been referred to for the last five years and he is glad that its time has now come. Trustee Schlifke said one business said if you're not going to enforce them get rid of them. If we have ordinances and signs she feels we are obligated to enforce them. Otherwise it's just so much paperwork and expense for the Village to replace signs that are damaged in the winter months and vandalized.

Trustee Gallagher said it seems we have these ordinances but they are not enforced by the Amherst Police. We do pay taxes for that protection. We're spending more Village money to get what we're paying for through our taxes. However, he is still voting for it. Trustee Schlifke said we have gone through this same thing with respect to protection in the parks and we finally ended up paying for our own guards. A police force can be stretched just so far and sometimes you reach a point where you have to start going in a different direction. It would be nice if we didn't have to expend these dollars. Trustee Kibby said he thinks the police are probably due some criticism. In any major city today they have moved away from their police force enforcing its parking regulations and have hired parking enforcement officers. Most parking enforcement officers are not policemen and he guesses he hopes that a \$25,000 a year police officer is not just handing out parking tickets.

Unanimously carried.

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

RESOLVED that 1986 is hereby designated as Architectural Heritage Year in the Village of Williamsville.

DESIGNATION

1986 as Architectural Heritage Year

Unanimously carried.

Trustee Schlifke said her third resolution deals with a public hearing that was held at the last meeting and designates the Castle on Dream Island as a historic landmark.

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

RESOLVED that the "Cambria Castle - Dream Island" is hereby designated a historic landmark, effective immediately.

DESIGNATION

Historic Landmark
"Cambria Castle-Dream Island"

Unanimously carried.

Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Monday, August 26, 1985 at 7:43 PM

Trustee Brenton reported with respect to the paving program we are being very ably assisted by the Town and in particular by Assistant Highway Superintendent Schueckler. He and his men are doing a fine job. He thanked Highway Superintendent Lucey for providing this assistance to the Village. Today the binder, undercoating was laid on Cayuga and tomorrow, weather permitting, the finish wearing coat will be installed on that street. Also N. Cayuga will be paved tomorrow and Howard will be finished.

For the benefit of the record, Trustee Brenton reported that Brookside Drive will be paved, as will Lakeledge Circle, Highland Drive, and Creek Road will be reconstructed shortly. A few other smaller areas within the Village will be addressed as far as paving is concerned.

At a recent special Board meeting we approved bids for the reconstruction of Creek Road. The low bidder was Amherst Paving at their bid of \$64,206.00 and work will begin shortly. Cimatox Brothers was the low bidder for the sanitary sewer rehabilitation work for three areas - Milton, Los Robles and Mill Street. Their low bid was \$43,750.00.

Trustee Brenton said he had requested of the NFTA to investigate the possibility of their buses not using Highland Drive due to the fact that Highland Drive has been reconstructed twice within about the last 30 years whereas our other streets generally have not been reconstructed. He felt that the continuous bus traffic on that road would possibly be the cause of the deterioration. In that we are going to repave it he thought that this would be a good time to eliminate it. He suggested this to the NFTA with the suggestion that perhaps it be extended out to North Campus of E.C.C. That suggestion has been taken and he thinks better service provided through that move. So buses no longer go down Highland Drive.

Trustee Brenton said his first resolution deals with the Mayor traveling to New York City barring an amendment to it. He thought perhaps there should be a limit on the expenses. Mayor Kuzon said he thought \$150.00 would be sufficient. Mayor Kuzon also said that in the past when a Mayor has been appointed to the Executive Committee the local association here in Erie County has financially participated in their attending meetings. He hasn't as yet had the opportunity to present this to them but he would like to go back to them and advise them of his appointment and establish the policy regarding whether they would subsidize part of the cost of attending these meetings. Trustee Brenton said he should note that the Mayor has been appointed to the Executive Committee of the New York State Conference of Mayors and this is a prestigious appointment for the Mayor and only reflects the capabilities he has shown as Mayor of the Village. He congratulated him on his appointment.

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

AUTHORIZATION

RESOLVED that Mayor Gordon Kuzon is hereby authorized to attend the Executive Committee Meeting of the New York Conference of Mayors to be held in New York City on September 20, 1985 and the expenses not to exceed \$150.00 to be paid by the Village of Williamsville.

Mayor to attend Executive Committee Meeting

Unanimously carried.

Trustee Brenton said his next resolution deals with a similar situation whereby we send people in various forms of government to various learning experiences.

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

AUTHORIZATION

RESOLVED that David Laubisch and Timothy Garrison are hereby authorized to attend the Niagara Mohawk Fire Training Conference in Oswego, New York on September 7, and 8, 1985, and the cost not to exceed \$150.00 each, to be paid by the Village of Williamsville.

Firemen to attend training school

Unanimously carried.

Trustee Brenton said his next resolution deals with the New York State Department of Transportation's efforts at Union and Main Street. They have been discussed here previously. It involves the fact that we have utilities there, i.e., a water line, which obviously will have to be relocated. In the process of relocating them it was determined by the Village that they should be enlarged in capacity so if in the future we decided to put a new water line down Union Road at least that area would be of sufficient capacity and obviously would last for many, many years. It had been conceptually agreed and verbally agreed that the DOT would pay for the entire cost of this water line relocation and they would if the line were to remain at 6". In this instance, at our own initiative are requesting that the line be increased to 8" in capacity. This is a betterment and something we feel we need. The DOT has given us a projection of \$7,267.00 for this betterment and he thinks this is very high. This isn't the cost of the entire line relocation. It is the difference in cost between the 6" and the 8". He knows there is some concern on the part of the Board that we are being forced to pay for this. This increase in pipe size should not come anywhere near the \$7,000 figure. The main thing is we have to have this resolution now in order for this work to be done timely. This project is imminent. We have to indicate to the State now that we will pay for it. However, he is certain that it will not cost this much and there is the possibility that even though Albany has rejected it on the DOT level that through the efforts of Assemblyman Sheffer we may not have to pay for any of it.

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

RESOLVED that the Village of Williamsville agrees to reimburse New York State for the betterment cost of approximately \$7,267 for replacing an existing six inch waterline with an eight inch waterline as part of State Project D251620, Union Road, S.H. 9215, P.I.N. 5131.14	UNION RD. SIDEWALK & STREET RECONSTRUCTION
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Vote on Roll Call: Trustee Kibby - Yes
Trustee Schlifke - Yes
Trustee Gallagher - Yes
Trustee Brenton - Yes
Mayor Kuzon - No. He said he appreciates Trustee Brenton's explanation. It is not so much that he is opposed to increasing the facilities on this project but he is starting to have reservations about the project in general. This is just one more flag regarding this project and he thinks upon further examination he is going to have to review his position on the whole reconstruction of Union Road. This is just one more difficulty put upon the Village by the State. We went through it with the sidewalks and now it's the water line. So his "no" vote is more of a protest than a special objection to increasing the water line size.

Yes - 4; Noes - 1.

Carried.

Trustee Brenton said his last resolution deals with the continuation of employment of two part-time D.P.W. employees. The continuation would be until December 31, 1985. As is indicated in the resolution this is the ending date, however, it should be pointed out that should either one or both services be deemed not necessary at an earlier date then they will be terminated at an earlier date. The reason for continuing these two people is that obviously with Mr. Boudreau resigning we are moving up one of our people, which will be the subject of our work session tonight, to handle the activities of the D.P.W. We also have an employee who has a foot injury and it is not certain when he will be returning to work.

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

RESOLVED that John Garono and Louis Friedly be continued as Seasonal Laborers in the Department of Public Works until December 31, 1985 at the rate of \$3.75 per hour.	SEASONAL LABORERS Term Continued
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Unanimously carried.

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

RESOLVED that the Mayor is hereby authorized to sign waiver of State Aid for Youth Services and Youth Recreation in the amount of \$5,803.81 to be claimed by the Town of Amherst.	AUTHORIZATION Mayor to sign youth waiver
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Unanimously carried.

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

RESOLVED that William G. Elliott,
102 Mill Street, is hereby appointed
Seasonal Laborer in Glen Park, effective
August 26, 1985 to October 31, 1985
at the rate of \$3.50 per hour and his
salary to be paid from the Glen Park
Joint Activity Fund.

APPOINTMENT

Seasonal Laborer in
Glen Park

Mayor Kuzon asked if he were taking the place of someone and Trustee Gallagher said yes.

Unanimously carried.

Trustee Gallagher said on September 10th there will be a luncheon to kick-off the Evergreen Program at St. Pauls Lutheran Church.

Trustee Gallagher advised that Garrison Park pool will close on September 2nd. Island Park pool is already closed. The parks will remain open with all the equipment until the weather changes.

Trustee Gallagher advised that at our next meeting, which is September 9th, the community should be made aware that there will be a forum to allow Village residents to come and provide their opinion on what transpired during the summer with respect to the parks and surrounding area in respect to the enforcement problems, kids, etc. That has been requested by the Parks Committee. The Board felt that a regular Board meeting would provide the appropriate forum for that. We will notify as many people as possible and we will take suggestions, recommendations, etc. We want to avoid in 1986 what occurred this year. Mrs. Brenton, who is chairperson of the Parks Committee, is in the audience and Trustee Gallagher commended her for the time and effort she has expended in donating a heck of a lot of hours without pay in respect to assuring that the parks ran well and the pools were open and that things were taken care of, particularly on weekends.

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

Unanimously carried.

Robert Smith, 388 Cadman Drive, said Cadman was flooded again this evening. He said he thought the URS report was to have been in prior to this meeting. Mayor Kuzon said the report will be here on Wednesday. A gentlemen stopped in at our work session and the Mayor mentioned to him that he would call Mr. Smith and as soon as it comes in we will set up a date for he and the other neighbors to come in and sit down with the consultant and the Mayor and go over the findings.

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Mr. Smith said he took a tour of the village before he came here tonight. The sanitary and storm sewer were surcharged tonight. He doesn't think there were any other areas that were flooded other than Cadman. If nothing further is done, he feels the neighbors will have to take serious action. It has definitely been shown by Mr. Boudreau that the Village has been negligent in keeping that sewer clean. Mayor Kuzon said as soon as the report comes in we will get together. Mr. Smith said it had been recommended that they get in touch with the neighbors. No one has. Mayor Kuzon said that could be brought up at the meeting.

Mr. Cliff Horey, 106 Highland Drive, spoke regarding the parking enforcement officer. He thinks the ordinance has been in effect for over 20 years. He used to walk the Village with a piece of chalk. You would put a mark on a tire and come back in an hour or so and if there were a mark on the tire you'd give him a ticket. Most of the violators were businessmen in the village. He understands that now with the new forms they have with so many copies - one goes to the DMV and if you don't pay your parking tag you don't register your car. He understands that the reason the men are reluctant is that the officer has to go to court and testify that the auto didn't move for one hour and a judge will not find a man guilty if he can't say he stood there for an hour and watched the car and it didn't move. So he doesn't know how you can enforce it. He also thinks you have to do something about the signs that are posted. On N. Ellicott you have only one sign for four blocks. On Scott near Garrison it is not posted at all and there is continuous parking of cars on both sides. There are no signs where there should be signs. Trustee Schlifke said she was going to see that the missing signs are put up.

Trustee Brenton said at the September 9th meeting there will be a public hearing regarding the Exceptional Development Permit for the Little White House, i.e., utilization of a lot in an R District for a parking lot. He thinks it is very important and particularly the people on Highland Drive should be aware of this.

Trustee Brenton said he feels he should comment publicly here that we have received a letter questioning what took place on Old Home Days. He believes we're just going to have to sit down as a Board and make Old Home Days smaller and wants to go on record as saying that. We don't intend to forget Old Home Days. The letter dated August 13th was from Mike Flynn a Williamsville businessman. It is very descriptive and a very sincere effort on his part to forewarn us about the size and occurrences during Old Home Days.

ON MOTION by Mayor Kuzon, seconded by Trustee Kibby, 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 9:15 PM.

Unanimously carried.

Theresa L. Cummins,
Village Clerk-Treasurer