

Minutes of the Public Hearing of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Monday, September 9, 1985 at 7:37 PM

Roll Call

Present

Gordon J. J. Kuzon, Mayor

Lawrence R. Brenton
Richard Gallagher Trustees
Michael Kibby
Carolyn Schlifke

Theresa L. Cummins, Village Clerk
Joseph Stoeckl, Village Prosecutor
David Laubisch, Dept. of Public Works

Absent

Thomas V. Troy, Village Attorney

The Clerk read the notice of public hearing regarding the request by the Little White House for an Exceptional Development Permit to use a lot in an R District for a parking lot.

ON MOTION by Mayor Kuzon, seconded by Trustee Brenton, the hearing was opened at 7:37 PM.

Unanimously carried.

Trustee Kibby advised that because the applicant wanted to use a lot in an R District for a parking lot for his restaurant in a C District under our codes he was required to obtain an Exceptional Development Permit. The restaurant is located at 5877 Main Street. The lot is at 21 Highland Drive and is owned by Mr. Salvatore. Such a permit is granted by the Board of Trustees. The R District lot would remain an R District lot as this is not a rezoning application. This request has been to the Traffic & Safety Committee and to the Planning & Architectural Review Board, as well as to the Fire Department and the Environmental Council. None of the groups said don't do it but they did have recommendations related to it. The Planning Board felt it could be approved provided four things were attended to. They felt the drainage should be checked, the shrubbery on the proposed plan should be planted, there should be no parking within 10' of the residential lot next door and there should be a 10' buffer there. They also feel there should be additional shrubbery placed in the existing green area and some suggestions about a wood fence.

PUBLIC
HEARING

Trustee Kibby said if this property is allowed to be used for parking, it will still remain a residential lot. The owner will not be able to come back at a later time if he should obtain the next residential lot and ask for the parking to be extended. There was a question as to whether this should not have been considered for rezoning. If the lot were rezoned to commercial the owner would then be able in the future to come back if he obtained the residential lot and ask for a permit to park on that residential lot. Therefore, there is safety in the Exceptional Development Permit as this lot would remain residential and preclude the possibility of the parking being expanded further into the residential area in the future.

EXCEPTIONAL
DEVELOPMENT
PERMIT

21 Highland
Drive

Mrs. Phyllis Galie, 22 Highland Drive, said she is opposed to the parking lot. They have demolished the house that was on the lot and removed two large trees, placed gravel there and the neighbors now are looking at an ugly site.

PUBLIC
HEARING
(Con't)

Mrs. Barbara Schuller, 32 Highland, said she lives directly across from the lot and it is presently being used as a parking lot and has been used since the house was taken down and the gravel placed there. The ropes that are supposed to be there to prevent the parking have been taken down. There were 11 cars there tonight when she went by. They are using it even though they know they need the permit and that it was going to be discussed tonight. This would not seem to be good faith. She feels we are talking about it as a parking lot and it should not yet be considered as one.

EXCEPTIONAL
DEVELOP-
MENT
PERMIT

Trustee Kibby said the Building Inspector will be notified about the parking and will see that it is taken care of.

Mrs. Karen McKelvey, 24 Highland Drive, said the Building Inspector has been told about this before and yet they are still parking there tonight. She strongly objects to this proposal. The lights are shining into their living room and bedroom in the evening. There is the noise factor. They have enough problems with the restaurant parking the way it is now and thinks this will be a worse situation.

21 Highland
Drive

Dr. Gary Schuller, 32 Highland, asked if they had the proper permission to demolish the house and Trustee Kibby advised that Mr. Salvatore had a demolition permit for that. Dr. Schuller said the trees had been removed and Trustee Kibby said there was no Village permission required for that. Dr. Schuller said there was gravel placed and they are making it like a parking lot. Trustee Kibby said he does not know of any requirement for a permit to place the gravel in the front yard area. We can take action if the lot is being used for parking without the proper permit, which he has applied for but has not been granted yet. That would be a violation, and an appearance ticket could be issued for him to appear in court regarding this. Dr. Schuller said the Village has been notified before that the illegal parking was taking place and nothing has seemed to have been done regarding it.

Mr. Galie said he has notified the Village also. He submitted photos showing the parking violations.

Mrs. Schuller asked if this property were used for many years as a parking area, would it then automatically become that type of commercial area. Mr. Stockel said it would not. It would remain residential.

Mr. Peter Galie, 22 Highland, asked what would happen if the owner were to come back in five or six years and asked to have this lot rezoned. Would granting an Exceptional Development Permit lead the Board at that time into granting a rezoning?

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Will this step compromise a future Board? Trustee Kibby said he couldn't predict what a future Board would do. It is a legitimate concern.

PUBLIC
HEARING
(Con't)

Mr. Galie said the Planning Board and Traffic & Safety addressed the issue of people exiting from that lot, and did they consider the people exiting onto Highland Drive, as well as onto Main Street. Trustee Schlifke said it was addressed by Traffic & Safety. The driveway is already existing on Highland and there is parking in an existing lot and they have the option of using the Highland driveway if they wish. Even though you are increasing the number of cars parking there another driveway has not been established. Mr. Galie said very few people come out onto Highland now. It is mainly the employees that work there who use it. If that is opened up to more parking it would be more intolerable.

EXCEPTIONAL
DEVELOPMENT
PERMIT

Trustee Schlifke said when Traffic & Safety looks at plans they check proposed new driveway areas and if one were proposed here they would probably have had some objection to it. However, this is an existing lot with an existing driveway and people have the option of using it now, whether they do or not. Traffic & Safety did not know about how many people used it. They did not have this information before them when they looked at the plans.

21 Highland
Drive

Trustee Kibby said it seems as though the neighbors don't like the idea of the parking lot at all. He asked if they had any alternative suggestions to offer.

Mrs. Wanda Varga, 73 Highland Drive, said she is opposed to this. She doesn't like that they were able to tear the house down, and that they put gravel there. They cut down trees. People are parking there. It is like they are trying to develop the parking area there so we will assume it is a parking area and then be happy when they put a fence or bushes around it. It is like they are giving you no choice. She is very opposed to this.

Mrs. Rosemarie Sugg, 91 Highland Drive, said it seems almost like a no win situation. She thinks we should stand up against it. They tried to turn this lot into a parking lot before. If cars are parking there something should be done. We need to begin to enforce our codes more. She thinks it's unconscionable of the Little White House to force us to be placed in this position. What will this look like for the next 10 years if we say no. Trustee Kibby said he is sure that Mrs. Sugg as a former Trustee is aware that there are a lot of vacant houses and lots in the Village. There are no codes saying how a house or lot must look. We are able to make them mow the grass and close up a vacant house but we have no type of clean-up, paint-up, fix-up regulations. If this is not approved the neighbors are going to have to put up with the lot until someone decides to do something with it.

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Mr. Galie asked exactly what the Planning Board had said and Trustee Kibby read their recommendations taken from their minutes.

PUBLIC HEARING
(Con't)

Dr. Schuller asked where the 10' buffer would be and if there was any provision for green space between the sidewalk and the street. Trustee Kibby said the buffer would be behind the sidewalk area.

Mr. Paul Sugg, 91 Highland, said it is now paved over in the area between the driveway and Main Street. The no parking sign has been torn down that was there. Cars park on the blacktop area and sometimes on the sidewalk area. He asked if the area between the sidewalk and the street on the Highland side couldn't be made green area. Trustee Kibby said the Board will shortly be hiring a Parking Enforcement Officer and that person may be able to address the issue of the parking on the sidewalk area and where there are no parking signs. He doesn't know how to answer the question relating to whether there could be a green area put between the sidewalk and the street. That could perhaps be a bargaining point with the owner if he were granted the parking lot.

EXCEPTIONAL
DEVELOPMENT
PERMIT

Brian O'Malley, 172 Highland Drive, said he really doesn't like this idea! If we go ahead and say they can have the parking lot are the owners going to do what the Board wants them to do with respect to the plantings, etc. He feels they won't do what is asked of them after they have the permit granted.

21 Highland
Drive

Richard Hill, 18 Brookside Drive, asked if the 10' buffer was back from the roadway on Highland and Trustee Kibby said he thinks it would be from the sidewalk. Mr. Galie said if you go in 10' from the sidewalk and then go in 10' from the south property line with buffers what would be left of the parking lot. He would like to look at the plan for the parking lot and see where the buffer areas are and how much more parking there would be. Trustee Kibby said there are 26 parking spaces noted on the plans with two rows of 8 cars each and one row of 10 cars.

Mrs. Karen McKelvey said there are empty spaces in the present lot in the back and she doesn't feel these spaces would be used very much if they are added. Perhaps there should be a study done of what the parking pattern is there to see if the parking could be set up another way so this new lot would not be needed. Trustee Kibby said he has shared this concern and has yet to see the parking lot full.

Mr. Galie said since they have lived there they have been awakened by employees when they get off work and play football in the parking lot. The cars leaving cause them problems they make so much noise. He said that shrubbery 2½' to 3' high would not do much to block the noise and lights.

Trustee Kibby asked if he were saying if there was a 5' high row of shrubs there to block the light and noise that this might be an acceptable, or tolerable project. Mrs. McKelvey said it would be unacceptable to her because she is against the parking lot. If the Board gives permission for the lot the shrubbery should at least be done.

PUBLIC HEARING
(Con't)

Dr. Schuller asked if there was anyone present who was able to speak on whether this residential lot was purchased at the same time the restaurant property was purchased. Trustee Kibby said this is not the first time this issue of using the lot for parking has come up. To the best of his knowledge this residential lot has been sold with the restaurant property in the past.

Dr. Schuller said one alternative would be to put the property on the market for use for residential purposes. He asked what evidence there is that this lot is needed or required for parking. Is the business that good? What benefits does the Village get from this. Trustee Kibby said there is no benefit to the Village. Dr. Schuller asked why this should be talked about then. Trustee Kibby said that the owner has a right to request this use in this way. There is nothing that says we have to give it to him. The benefit to the Village is not a criteria considered by the committees when they review this. There is nothing that says there has to be a need.

EXCEPTIONAL
DEVELOPMENT
PERMIT

Dr. Schuller asked if anyone were going to speak in favor of this project tonight. Trustee Kibby said anyone can speak at the public hearing. Dr. Schuller said if no one speaks in favor of it, isn't that important to take into consideration. Trustee Gallagher said you balance the concerns of the public and the legitimate objections they raise with the rights of the property owner. Mr. Galie said the owner seems to be more interested in how his restaurant looks from Main Street than how it looks to the neighbors behind him. He doesn't feel the owner has treated the neighborhood very well. Trustee Gallagher asked if anyone was here from the Little White House and no one appeared to speak.

21 Highland
Drive

Mrs. Galie asked what the Village could do about the lot if it is left as it is. Trustee Kibby said there was really nothing much that could be done about the lot's appearance. If it were used for parking that would be a zoning violation and he could be taken to court.

Trustee Brenton said the two lots have always gone together when the property has changed hands. This would be commercial useage of a residentially zoned lot. He said perhaps this should have been considered for rezoning instead of for the Exceptional Development Permit process. He feels very uncomfortable with this issue, whether this residential lot should be used for commercial purposes.

Mr. Galie said the neighbors need to get together and decide if they want the lot left as it is. Trustee Kibby said that two weeks from tonight the Board will put this on the floor for a vote and at that time the neighbors can again discuss this issue. Public opinion can turn an issue. If it looks as if this is going to be granted perhaps at that time the neighbors can give us recommendations as to what conditions to attach to the permit with respect to screening, etc. Mr. Galie said he doesn't think the neighbors know exactly what they want right now. Perhaps in two weeks they will be able to say what they want done.

PUBLIC
HEARING
(Con't)

Mr. Paul Sugg asked if the lot were to remain as it is now, would the owner have the right to park cars in the driveway area that was there when the house was there. Trustee Kibby said he doesn't know the answer to that right now. Mr. Sugg said there is probably room for six cars in the driveway if they park one behind the other. The driveway is very large.

EXCEPTIONAL
DEVELOPMENT
PERMIT

21 Highland
Drive

Mrs. Schuller asked if there was any ordinance that could make that lot become a residential lot again. Any help they could get from the Board in that direction would be appreciated. That lot has been defaced with the house gone and now the trees. Trustee Kibby said he doesn't think you can tell someone how to keep his home or lot up. We can have them mow the grass and close up a vacant building. Maybe we should have those kinds of ordinances. We can presently do things that relate to public safety and health. We can do very little with respect to appearance.

Mrs. Schuller asked if they can park cars on that driveway and Trustee Kibby said he would have to check into that. Dr. Schuller said if the driveway exists with the house then it is a driveway but if there is no house he doesn't think it should be considered a driveway. It is just a piece of asphalt. If you park on a vacant lot it becomes a parking lot.

Mr. Galie asked if there would be two driveways and Trustee Kibby advised there would only be the existing one on Highland.

Mrs. Schuller said it would seem that something has been done wrong if they could just go in and demolish the house and cut down the trees. There should be a process that could stop this. She feels the neighbors have been wronged.

Trustee Brenton said with respect to what happens if the lot is left as it is that the Village is presently revising its codes and perhaps something can be added to the code to address what can be required of a property owner to keep up his property. He thinks this should be looked into. He thinks a business would want good public relations. The minutes of this public hearing should be sent to the petitioner and then the neighbors should express themselves again at the time this comes up for a vote in two weeks.

Trustee Kibby said the board has been on record for many, many years as trying to impose controls through fire safety and through the Building Department. The maintenance of the property has to be such so as to not affect the public safety and health. It would be hard to impose a code related to the aesthetics of any property.

PUBLIC
HEARING
(Con't)

Mrs. McKelvey said they feel they have been wronged and would like to know who in the government is responsible for this defacing of the property. Trustee Kibby said he is the liaison to the Building Department. The only law that has been broken so far is the fact that they are parking on the residential lot. Taking down trees on your own property is not illegal to his knowledge. He stated that he and the Building Department had been under the impression that the illegal parking had ceased. Since it evidently has not ceased they can go back to the owner and tell him to put the rope back up and if he doesn't he can be taken to court. They cannot really contact the police regarding this because it is a zoning issue and they cannot go onto private property and put tickets on cars for this violation. With respect to the aesthetics of the property he agrees that taking down the trees did not enhance the lot. However, in the last 10 years the Village has become a much more attractive place and the Planning/Architectural Review Board has had a lot to do with that. In this instance, this lot is a residential piece of property and the Planning Board only deals with it by giving recommendations to this Board. They are primarily involved with commercial pieces of property.

Mr. Stoeckl said it is a violation of the code if they park on this lot before they have a permit to do so. The Village does not, however, have a clean-up, paint-up, fix-up law. There is nothing the municipality can do to rectify what was done to this lot. What they can do is to prosecute any violations that occur. In this instance, the violation would be the illegal parking. Trustee Schlifke said the only trees we would have control over would be any between the sidewalk and the street and these were in the front yard area of the lot. She said she gets the feeling the neighbors would like to see this lot remain residential and that another house should be put on the lot. That would be fine but that would be asking someone to live there, next to what the rest of the neighborhood considers a bad situation. It would be questionable as to whether this would be a saleable piece of property to put a house on.

EXCEPTIONAL
DEVELOPMENT
PERMIT

21 Highland
Drive

Trustee Schlifke asked if there is ever any overflow parking onto the street from this restaurant. Mr. Galie said yes, and this is another problem they have. The signs say one hour parking and they are always parking for more than one hour. He doesn't blame the police for not being there to ticket them as they have other things to do. Trustee Schlifke said this situation should be helped when we hire the parking enforcement officer. She said in the area on Main Street between the sidewalk

and the street used to be constantly filled with cars and there were complaints from the Fire Department and others. When this owner came in he planted grass in that area and has done away with this problem. Mrs. Sugg said they only did that on Main Street and did not carry around onto Highland.

Dr. Schuller said perhaps there should be a larger buffer area.

Trustee Schlifke said the shrubs around the driveway area should only be about 2' high for safety reasons. Dr. Schuller said the bushes along Highland would have to be higher than that to provide a proper buffer. Trustee Kibby asked if he meant something like a 6' privet hedge.

PUBLIC
HEARING
(Con't)

David Fusani, 74 Highland Drive, said he agrees with his neighbors. You have to minimize the noise. He said if this goes through we have to get as much as we can aesthetically. He asked if there would be any fencing facing Highland and Trustee Kibby said no. Mr. Fusani asked if the driveway was going to be any wider than it presently is. Trustee Kibby said no. Mr. Fusani said perhaps the shrubbery could be placed on the outside of a fence along Highland. He thinks that might be better. He said the neighbors should get as much as they can aesthetically because this is going to be a parking area whether they have a permit or not.

EXCEPTIONAL
DEVELOPMENT
PERMIT

Mr. Galie said perhaps the neighbors could get together with representatives of the Board and with the owner of the Little White House and see what conditions could be worked out, that would benefit all the parties.

21 Highland
Drive

Amherst Police Captain Askey said with respect to the parking violations that this is on private property and is a zoning matter to be dealt with by the Village rather than the police. The police cannot ticket the cars on the private property.

Wanda Varga said you cannot shut your mind to use of this lot for a dwelling. It might not be a perfect place to live but someone would consider it all right. Mr. Galie asked who they would contact on the Board to arrange for a meeting of the neighbors, the Board and Mr. Salvatore before the next Board meeting and Trustee Kibby said they should contact him.

Mr. Clifford Horey, 106 Highland, said with respect to the cars parking in front of the restaurant that the way they are parking now they obstruct a lane of traffic and if they park there they are taking a chance on having their car hit.

Mr. Sugg said there may be other places in the Village where the commercial zone business could want to use an R lot for parking. We should not start giving permission for them to do this.

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Trustee Kibby stated his belief that this should be decided on an exceptional development basis rather than on a rezoning basis because it restricts them to only use of that one lot for parking and they cannot extend it further onto the next lot if they should obtain it.

ON MOTION by Trustee Kibby, seconded by Trustee Brenton, the hearing was closed at 9:00 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, September 9, 1985 at 7:35 PM

Roll Call

Present

Gordon J. Kuzon, Mayor

Lawrence R. Brenton
Richard Gallagher Trustees
Michael Kibby
Carolyn Schlifke

Theresa L. Cummins, Village Clerk
Joseph Stoeckl, Village Prosecutor
David Laubisch, Dept. of Public Works

Absent

Thomas V. Troy, Village Attorney

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

ON MOTION by Mayor Kuzon, seconded by Trustee Gallagher, the minutes of the regular meeting held August 26, 1985 were approved.

Unanimously carried.

ON MOTION by Mayor Kuzon, seconded by Trustee Schlifke, the minutes of the public hearing held August 26, 1985 regarding amending Section 60.32(26B) of the Traffic Code were approved.

Unanimously carried.

ON MOTION by Mayor Kuzon, seconded by Trustee Brenton, the minutes of the public hearing held August 26, 1985 regarding removing property at 23 Swan Place from the Fire Limits were approved.

Unanimously carried.

ON MOTION by Mayor Kuzon, seconded by Trustee Brenton, it was moved at 7:37 PM to open the public hearing regarding an Exceptional Development Permit for the Little White House for parking on a lot in an R District. (The hearing was closed at 9:00 PM.)

Unanimously carried.

Mayor Kuzon said it had been the Board's intention to have a public discussion on the problems we have experienced in the parks this summer and we had reserved the first portion of the public participation segment of the agenda for this purpose. Since the public hearing ran so long it was decided to suspend the rules for public participation now for discussion of this subject and then return to the regular agenda.

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

Unanimously carried.

Trustee Gallagher said he thinks everyone is aware of the complaints we have received with respect to the youths in our parks and other areas of the community. There has been a great deal of concern on the part of the residents and the Board. The Parks Committee recommended that the Board hear the concerns and suggestions of the residents and it was felt this could best be done at a regular Board meeting. This issue impacts on the entire Village because the youths have moved out of the parks and into the neighborhoods. It is felt that next year when the drinking age goes up to 21 there will be more problems. We don't like to have a park, such as Garrison, taken over by the rowdy youths. Some of these youth are not teenagers, but are 22 to 24 to 26 years old and are from the Village, Town and elsewhere. They are preventing the residents from enjoying the parks. We would like to hear suggestions and recommendations from the community as to what we can do. An action plan will be developed in the next few months for dealing with this next summer. They are looking at increased activities for the youth. They are looking at how the parks really need to be utilized. He said the Village Prosecutor was present tonight. Mr. Troy is on vacation. He asked the public for their comments and said that if one speaks or ten speak the Board will appreciate their comments and suggestions.

Discussion

Complaints
re: Youths
during
summer
months

A teenage girl in the audience said there are a lot of kids that go to Garrison Park to smoke and drink. Teenagers she knows do not think much of the Youth Center on Cayuga and won't go there. They think it is a low place. They feel the center is scummy and that just low kids go there and they are doing drugs and they just don't want to be around them.

A second teenage girl said there are a lot of older teenagers that hang around and swear and cause problems. They sit around on the paper box at the 7-11 store and hassle people. They will follow you around. She suggested that perhaps more lights could be put around the parks for security purposes.

Trustee Gallagher said park security was increased this year at Garrison Park from what they had anticipated needing at the start of the year.

Mrs. Wanda Varga, 73 Highland, said you couldn't take your children to use the swings or teeter-totter because the older kids were always on them.

Mr. Alfred Naish, 126 Park Drive, said the teenagers were taking over by intimidation. Not only was there a decline in younger children using the parks but parents with small children would not come. You would see 17 and 18 year olds urinating in the bushes. The kids would take over the park by 3 in the afternoon. This would continue into the evening up to about 10:00 PM when the park guards would throw them out. There is a large parking problem. They park on both sides of the street and sometimes block the center of the street. There is a lot of noise, alleged drug use, drinking, and parking problems. After Old

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Home Days the teenagers seemed to leave the immediate area around Garrison Park and people were able to use it again. They moved to the parking lot by Pfohl Place and behind South High School. It is his understanding that now they have moved to the Cayuga Road area.

Discussion

Trustee Gallagher said some were living in a shed behind a house on Cayuga which shed was a disgrace in respect to its condition and the way it looked.

David Fusani, 74 Highland, said he is familiar with the Youth Center building on Cayuga. It is just a suite of offices with a pool table downstairs. This area of the town is lacking in activities for the youths. There is no recreation center of any kind. For tennis or to go swimming you have to go to Clearfield. The park guard does a good job. He feels perhaps there should be more involvement from the Amherst Police. The kids need a place to go. There had been talk about using the E.C.C. site but that has come to nothing. This has been talked about for 20 years and we still don't have a place for them to go. They feel they are second class citizens when they see what goes on in the Town for the other youths there and then compare it to what we have in the Village.

Complaints
re: youths
during
summer

The teenage girl who spoke first said that another reason you don't like to go to the park is that while the fence has a pool around it they are always breaking bottles and there is glass all around and by the swings and that and if someone would fall they could get badly cut. The other girl said she thinks they used to be in Island Park but that the pavilion there had been locked up so they came to Garrison Park. She said doesn't even feel like going to the library any more because of the kids that are hanging around and mouthing off. She doesn't go to the park any more.

Mayor Kuzon said he thinks from what he has seen and heard from talking to people is that the problem in the Village with the unruly youth is larger than control in the park. We don't seem to have the same problem at Glen Park. The kids have moved around from the park to Kenyon's to Pfohl and now to the Town Hall parking lot and back and forth to Cayuga.

Amherst Police Captain Askey said the youth do need activities. He also thinks the Village is lucky they don't have a place like Akron Park where they are really having major problems. There is no control of that park at all. They don't want to have to arrest the kids. Many are basically good kids. Most of them are not causing major problems and having activities for them could help to deter the problem. He said the activities should be supervised. The kids don't usually act up in front of other kids involved in supervised activities. With respect to youth employment we ought to do what we can and perhaps have some of them work in the parks perhaps some of those that have influence over some of the others.

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Trustee Gallagher said we need activities for the youth that are going to use them. There is a segment of the youth who are nothing but trouble and who have no respect for adults or property whatsoever, and who are not going to be rehabilitated without some severe punishment. We pay a good amount of money for our police protection and we are not seeing this protection.

Discussion

Mr. Naish said he knows a lady on S. Ellicott who is afraid to leave her house because the youths are cutting across her yard in the lots between S. Ellicott and Garrison in that area. She is petrified. We are not talking about 50 to 100 kids here. There is a small nucleus of kids but this could grow if nothing is done. And these are not really all kids. Some are 26 and 27 year olds. They are not children any more. They are not the age to be going to the Youth Center. They are going to create problems. They laugh at us. He thinks the Village will be in big trouble when the drinking age turns to 21.

Complaints
re: Youths
during
summer

Mr. Fusani said he doesn't know what action you can take against these people. He asked if they perhaps couldn't be barred from the parks if they are arrested and pay a fine. Trustee Gallagher said perhaps they could be barred. Mr. Stoeckl said he doesn't think they could be barred. He sympathizes with the residents. You have to consider the gravity of the offense. There are criminal and village ordinances that can be effectively used. The kids have to be observed doing something wrong if they are going to be arrested. The District Attorney handles criminal violations and the Village Court the other ones. He asked exactly what violations were occurring.

Mr. Naish said there is illegal parking, intimidation, drinking and things of that nature. People cannot use the facilities they pay taxes for. Mr. Stoeckl said there are harassment ordinances if you want to prosecute. Trustee Gallagher said he hopes the codes are changed in the next few months so that we will be able to make more arrests. Captain Askey said there should be more activities in the parks next year than there were this year. There was stepped up police activity this year.

Mr. Brian O'Malley, 172 Highland said there are different groups. There are certain individuals who just goof up and you don't want to arrest them. There is also the hard core youths that you can't rehabilitate. Something has to be done with this group, be it arrest, jail or some kind of police program.

Dwight Hamilton, 166 Los Robles, said he doesn't live near the park but is familiar with the problems. It seems to him that there is a problem with having residents see things and getting them to call the police. They do not know how to call or what will happen if they do call the police. There should be some type of educational program done for the public so they know when and who they should call and what to expect.

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when they do call.

A lady said more lights on the Village streets should be considered. She lives on Pfohl Place and it is so dark at night that you can barely see when you cross the street. This is only a short street. The Board made note of this and said they would see if something could be done about the lighting.

Mr. Naish said he had heard of a program in the Village of Kenmore where there was a Youth Court, where youth acted as judge, jury and attorneys. Perhaps this could be looked into for use here. He had heard it worked quite well. Trustee Gallagher said we could look into that. Mr. Stoeckl said he had seen it written up in the paper.

Discussion

Peter Galie, 22 Highland, said perhaps there could be an educational program in the schools about what parks mean to them so they would respect it more and learn to take care of them.

Complaints
re: Youths
during
summer

Mr. Fusani said in the past the idea of a Village Constable had been brought up and perhaps should be considered as long as the Village is considering a parking enforcement officer. It is not hard to establish this position and doesn't believe it would cost that much in that he would pretty much pay for himself.

Mrs. Gary Schuller, 32 Highland, said there should be more activities in the park. When they are being used by supervised activities there doesn't seem to be so much harassment. Captain Askey said he doesn't think the activities should end at 3:00 or 4:00 in the afternoon but should last as long as the park is open. As long as they are supervised. Mrs. Schuller said the activities should not just be for the youth but also for other groups such as senior citizens and families.

Trustee Gallagher said the activities planned include things for youth and senior citizens and other segments of the community. There would be concerts, etc. Trustee Brenton said there used to be dances years ago and perhaps that could be considered.

Trustee Gallagher said he would report back on this as soon as he had some information as to what the plan of action would be.

ON MOTION by Mayor Kuzon, seconded by Trustee Brenton, it was moved to return to the regular agenda at 9:42 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, September 9, 1985 at 7:35 PM

ON MOTION by Mayor Kuzon, seconded by Trustee Gallagher, vouchers in the sum of \$132,835.84 were approved as follows:

Payroll Fund	W/E 8/30/85	\$ 9,673.32
	W/E 9/6/85	<u>6,307.42</u>
Total Payroll Fund		\$ 15,980.74
General Fund	Abstract #592	104,957.95
Sewer & Water Fund	Abstract #173	3,255.29
Trust & Agency Fund	Abstract #211	7,078.62
Glen Park Joint Activities	Abstract #112	<u>1,440.48</u>
Total Vouchers		\$132,835.84

Mayor Kuzon said one of the large vouchers was to Britting-Gelia for \$83,156.00 for insurance coverage. At the beginning of the year we had anticipated that the insurance would cost \$38,000 and there has been a 150% increase in this cost. This is consistent with what has been happening in other municipalities in the state. There has been a request that the Legislature consider this issue as something needs to be done about it.

Unanimously carried.

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

RESOLVED that Theresa L. Cummins, Clerk-Treasurer is hereby authorized to attend the New York State Conference of Mayors Fall Training School in Monticello, New York from October 1 - October 4, 1985 and the expenses, not to exceed \$450.00, to be paid by the Village of Williamsville.

AUTHORIZATION

Clerk to attend fall training school

Unanimously carried.

Mayor Kuzon said his next resolution will increase the salary of our Court Clerk. This is being done because due to the retirement of the former Court Clerk she will have increased responsibilities.

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

RESOLVED that the salary of Rita Marchionda, Court Clerk be increased to \$11,200 per year retroactive to August 1, 1985.

PERSONNEL

Salary increase Court Clerk

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, September 9, 1985 at 7:35 PM

Trustee Schlifke reported that Traffic & Safety is working on a parking survey of the Village to help in determining the problem areas which we hope we can address in the near future. The business community has been very cooperative in this. We are hoping to hire a parking enforcement officer before too long. Traffic & Safety has finally completed its work on the revision of the present code and it will be passed on to the company that will publish the code.

Trustee Schlifke reported that the Environmental Council is currently surveying the areas on Main Street where trees were planted in the past and have died or are not doing well due to maintenance and other problems. When the survey is done they will see whether any of the dead or missing trees can be replaced. Some of the trees are turning early and whether it was due to the hot, dry summer or not we are trying to find out so they can be taken care of so next year when they leaf they will be in better condition than they are at present.

Trustee Schlifke advised that the Historic Preservation Committee has finished the design of the historic site plaques. There is a meeting on the 16th to order the plaques and it will take 6 to 8 weeks to receive them. When we receive them there will be some type of ceremony at the two sites that have been declared historic sites - the Mill and Dream Island Castle.

Trustee Brenton said with respect to Creek Road that restoration should begin within about a week.

Trustee Brenton said his first resolution deals with URS Company and their representative, Paul Bowers, is in the audience to answer any questions on this. This company is being authorized to draw the specifications up for the Los Robles and Cadman Drive Storm Sewers. The Cadman sewer seems to be in very bad shape and we are concerned about it, as the residents have been for quite some time. The bids will hopefully be opened on October 10th and we can award the bids on October 15th. We would like Cadman taken care of first.

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

RESOLVED that URS Company, Inc. are hereby authorized to draw specifications for the reconstruction of the Los Robles Storm Sewer as per their recommendations of May 22, 1985 and the Cadman Drive Storm Sewer as per their report of August 28, 1985 at an engineering cost not to exceed \$6,400.00.

AUTHORIZATION
URS to draw
specs for storm
sewer repair
Los Robles and Cadman

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, September 9, 1985 at 7:35 PM

Trustee Kibby said there have been problems on Cadman for a long time. He asked Mr. Bowers if this would make the system operate as best it can or just fix a problem. Mr. Bowers said it will fix the problem, especially on the east side where the flooding has taken place. It will basically upgrade the system. Trustee Kibby asked if it would be adequate to meet the needs of the area and Mr. Bowers said yes.

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

RESOLVED that Niagara Mohawk is hereby authorized to install a new 175 Watt Mercury Vapor Architectural Street Light on a 12 foot transformer base standard at the corner of Scott Drive and Garrison Road at a yearly increase of \$105.57 to the Village's Street Lighting Bill.

AUTHORIZATION

Niagara Mohawk to install street light on Scott Dr.

Unanimously carried.

Trustee Brenton said his third resolution deals with the salary of David Laubish, who is now in charge of the Department of Public Works. He will act as such until we find a permanent supervisor for that department. He has more responsibility now.

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

RESOLVED that the salary of David Laubisch be increased by \$100 per week from August 25, 1985 until a permanent supervisor is appointed.

PERSONNEL

Increase salary of D. Laubisch

Unanimously carried.

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

RESOLVED that the property at 23 Swan Place is hereby removed from the Fire Limits regulations.

FIRE LIMITS

Removal of 23 Swan Place -

Defeated

Trustee Kibby pointed out that this has been before the Planning Board and they did not recommend that this Board remove the property from the Fire Limits. He said he had asked the Building Department to provide information as to what the extra cost would be to conform to the regulations for building a garage on that property and he was advised that the difference is about \$800000 for a 3/4 hour fire resistant wall and that includes materials and labor. This is reported to be a high estimate.

Mrs. Dorothy Arhardt, 23 Swan Place, asked about the easement and Trustee Kibby advised that his next resolution was in regard to that.

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, September 9, 1985 at 7:35 PM

Mrs. Arhardt said she did not understand why she had to meet the code with respect to Fire Limits as she had a residence and not a commercial building. Mayor Kuzon advised her that the village had adopted Fire Limits recently and that this brought commercial property under the State Code as it related to building within the Fire Limits areas. The Fire Limits apply to commercial and manufacturing areas and that her house was commercially zoned property and had to meet the requirements. He said as Trustee Kibby explained Mrs. Arhardt could build the structure but that it has to be built according to the requirements of the State Code.

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

Yes - 0; Noes - 5

Motion Fails.

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

RESOLVED that the Mayor is authorized to sign a "Right of Way" agreement between the Village of Williamsville and Dorothy E. Arhardt, 23 Swan Place, granting Dorothy E. Arhardt a 10 ft. right of way over Village property at 5658 Main Street for the purpose of ingress and egress from proposed garage.

EASEMENT
Tabled

23 Swan Place

Trustee Kibby said Mrs. Arhardt has asked to use the driveway of the Village Meeting House for access to her garage on her property which fronts on Swan Alley, thus coming into her driveway off of Main Street. He said he feels we need more information concerning this.

ON MOTION by Trustee Kibby, seconded by Trustee Gallagher, it was moved to table this resolution pending a report from our attorney as to whether or not we can grant an easement over an easement that already has been granted over that property.

Unanimously carried.

Trustee Kibby said the other easement was granted only after careful study by the board and various committees.

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

RESOLVED that the following are hereby appointed electrical inspectors for the Village of Williamsville:

APPOINTMENTS

New York Atlantic-Inland Inc. of Cortland, New York
New York Board of Fire Underwriters

Electrical
Inspectors

Unanimously carried.

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

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, September 9, 1985 at 7:35 PM

Richard Sweeney, 325 Mill Street, said that for the past 2½ years the Environmental Council has been working on a tree planting and maintenance ordinance for the Village and they have expended a great deal of time on it. They were happy to do this but at this point they don't know where to go or how to pursue this further. They feel this is a worthwhile code. They are willing to change things if the Board feels they should. But they need to know the Board's feelings on this. So far they have only heard from one member of the Board. He is asking that the Board members please try to get back to this committee with their thoughts and ideas so that they can pursue this. He realizes the Board has been busy on other issues but they should give some consideration to this.

Trustee Gallagher asked when the next meeting of the Environmental Council is and Mr. Sweeney said it is the first Wednesday in October. Mayor Kuzon said the Board would put it on their discussion agenda.

Trustee Schlifke said she had supplied all the Board members with copies of the proposed ordinance. It is important for the members to get back to the Environmental Council with their recommendations and opinions. At their last meeting the Environmental Council discussed whether it would be better to send it to the codification company for their opinions, and she has asked Trustee Kibby to do this.

Trustee Gallagher said he thinks the Board should be able to respond to them by their next meeting one way or another.

Mr. Sweeney said he only brought it up because the committee has done all it can do on this matter until we hear from the Board. They have been waiting quite awhile for the Board's response on this.

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

Unanimously carried.

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

Unanimously carried.

Theresa L. Cummins,
Village Clerk-Treasurer