

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 23, 1985 at 7:37 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
David Laubisch, Dept. of Public Works

The Clerk read the notice of public hearing regarding the proposed rezoning of all that area bounded by the northerly line of the S. Long Street Ball Park and 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.

PUBLIC
HEARING

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

Unanimously carried.

Proposed
Rezoning
from M-1
to C-3

Mayor Kuzon gave some background on the reasons for the rezoning proposal. When the Village purchased the abandoned Conrail property it was stated that part of the process would include rezoning that property to a more restrictive classification. The Board considered the suitability of the M-1 zoning not just for the Village owned land but also for the entire area and surrounding neighborhoods. After long consideration it was determined that the M-1 classification was no longer suitable and that it was outdated and incompatible with the neighboring zones as well as with what the Village intended to do with the Conrail property. It was determined that a C classification would be consistent with zones to the north and south, especially to the north going towards Main Street. It was determined that a C-3 classification would be most compatible and that is the recommendation this evening.

William Caterham, owner of 121 California Drive, said this property has been manufacturing for as long as he can remember and asked why it was being changed. If they go to sell that property it will be less valuable. Mayor Kuzon said the motivation for changing it was prompted by the purchase of the Conrail property. They took a look at the entire manufacturing zone in that area and determined that zone probably did serve a useful purpose when the railroad tracks went through there and there was diversified use. Now the railroad has been abandoned and it was thought that perhaps the manufacturing had outlived its usefulness not only for the point of zoning appropriateness but also because of the residential neighbors on all sides.

Mr. Caterham said there is still manufacturing there and it hasn't changed. The vault company is still there. It can still stay under the commercial designation but if they go to sell it and someone wants to manufacture there they couldn't do it.

PUBLIC
HEARING
(Con't)

Mayor Kuzon said there would be continuation of non-conforming uses. Mr. Troy said the right to be non-conforming is indefinite. If you sell the business it will continue. You cannot expand the use beyond its present boundaries. Mr. Troy read the code section for him. The vault company is there now and any owner could continue that use, unless it is vacant for a year.

Proposed
Rezoning
from
M-1 to C-3

Mr. Caterham said he also has a printing concern there. That is allowed in a C-3 district. If a person wants to purchase that property he could not use it for manufacturing. Trustee Kibby said if the business there now happens to conform to a C-3 use then it would continue as a C use rather than being able to be used for manufacturing. Mr. Caterham said that it does make it restrictive. This puts an onus on the property unless the present tenant were to buy it. That doesn't sound quite fair. Mr. Troy said there is a section of the code which is a bit vague and would lead him to believe, and he is cautious in saying this, but the section says that any non-conforming use may be changed to any other use permitted in the district which it, the non-conforming use, is first permitted. He said the word "it" bothers him. It is his impression that that might be permissible. Mr. Caterham said this rezoning would put a restriction on his property. The property has been manufacturing since the '30's.

Trustee Kibby said in their deliberations the Village came to the conclusion that it was the best for the Village to begin to limit over the next 2 to 3 decades the amount of manufacturing done in the Village. Mr. Caterham said this would devalue the property.

Trustee Brenton asked if the gentleman had the right of appeal perhaps under undue hardship to the Zoning Board of Appeals. Mr. Troy said he has the right of appeal but he would not succeed, at least that is his belief.

Mayor Kuzon said they want the residents to express their feelings and if there is substantial opposition then that would weigh in the Board's decision.

Malcolm MacKay, 42 Arend Avenue, asked what the Planning Board's feelings were regarding this proposal. Also at most hearings there are usually many maps available and he is still confused as to which properties are in question and asked if the Board could read out the names of the property owners. It would seem they are eliminating all M-1 zoning in the Village.

Mayor Kuzon said there is still an M-1 zone in the Aero-Wehrle Drive area. The major property owners include International Chimney, Service Office Supply, Darling Company, there are some other properties on California, and the Village of Williamsville. In fact, in this zone the Village owns approximately two-thirds of the total property. It has not yet been referred to the Planning Board but will be discussed at their next meeting in October. There will be no Board decision until they have their report.

PUBLIC
HEARING

Mr. MacKay said he wished to go on record as being opposed to this.

Mr. Herbert Darling, Darling Construction, 131 California Drive, said they have been in Williamsville a long time and are interested in staying here. He asked what the Village's plans were for development of the Conrail property. Mayor Kuzon said he could give a general concept of what the Board has discussed. Part of that includes selling portions of the property to the neighbors, the abutting property owners. Part of it would be retained and developed as a park.

Proposed
Rezoning
from
M-1 to C-3

Mr. Darling asked if construction was considered manufacturing. Mr. Troy said construction is many things. It is difficult to render any kind of an opinion tonight. He would be inclined to say no.

Mr. Darling said he would go on record as being opposed to this until the Village comes up with a plan.

Howard Hutton, Service Office Supply Corp., 76 S. Long Street, said in studying the zoning for the Village it is apparent they were written for the buildings that are there today. The buildings have not changed. The railroad is gone so people do not bring things in by freight car, but the manufacturing businesses that are there, or would be there, are not any kind of annoyance to the people in the Village. He would propose leaving it exactly as it is now. He sees no need for change. There apparently hasn't been any groundswell other than from the Board to change the zoning. The property value would go down greatly. They have tried to cooperate with the Village in every way possible to make their property the way the Village would like it and they will continue to do that. He does not want to see the zoning changed. The property owned by the Village is a ball park and it has nothing to do with manufacturing or economic values. With respect to nuisances around there when they used to have their business in that building there was more nuisance from the Village's trucks driving in and out and up and down the street and collecting old refrigerators and things on their property than there was from just about anybody else in the area and that still continues. The people presently in their building are Allentown Industries who employ people who have problems and are fortunate to have a job and are very lucky to be in the Village and working. If the zoning were changed these people could continue until such time as they would leave but that would

deny people like them an opportunity to work in the Village. They have been good solid citizens of the Village and he is against changing the zoning and denying opportunity to them. He would suggest changing the zoning for the DPW too and get them out of there as well. He is totally against changing the zoning. He doesn't believe anyone can come up and state reasons for it other than what the Board has.

PUBLIC
HEARING
(Con't)

Mr. Angelo Alfano, 75 Ranch Trail, of Conolite Burial Vault Company at 121 California, said that he also opposes the zoning change for the same reasons that the previous gentleman stated.

Mary Lindow, 22 Garden Parkway, said she has heard the businessmen say they do not do anything to interfere with the neighborhood and she can talk about everyone. Darling, Conolite, International Chimney and Amherst Construction. If they followed what is allowed in M-1 they are not supposed to have explosive hazard or disseminate atmospheric pollutants, noise, glare or odor beyond their boundaries. Everyone of them has done that. She has had to call the police for Conolite. Living behind these industries is equivalent to listening to a 40-story highrise go up every day. They all use cranes, heavy machinery. She thinks it would be a good idea to get rid of the M-1 and the industrial storage because all Darling Company does is move one piece of steel from one spot to another all day long. And if they were not bothering the neighbors, why are they buying houses. They own a house on one side of their property and they purchased a house with two lots on the other side of California. It is the same way with International Chimney. They are buying up all the houses between their land and Main Street. It took them months to knock a building down leaving it in shambles most of the time. Most of the people who live in that area have complained about one or more of these industries in the last five years. Nobody every complained about the trains going by, but what is going on now is worse than Lehigh Valley ever was. She suggested that the businessmen are worried about their money. They store old cars and old junk that they wouldn't have in their own neighborhoods in our neighborhood. Conolite had cars there with no tires or wheels. They were stripping one car and putting things on another car, and sandblasting. That sandblasting was going across the railroad into her neighbors property, into the woods and into her property. And it wasn't even the vaults they were working on. It was cars. They do everything in our neighborhood that they don't do in their own neighborhood. All they are talking about is money but they have to live there. If the Board wants to rezone it most of the people that live around that area would welcome it.

Proposed
Rezoning
from
M-1 to C-3

John Zeder, 28 Garden Parkway, agreed with the previous speaker 100%. Twice his wife has had to redo her wash because of the dust coming over from the business. If you stand on Garden Parkway most any day you can hear the noise. There are always loud crashing and banging noises. The biggest annoyance is the concrete dust that is blowing around all the time. They have called the cops twice. He has been told they only do it once a year but that is once too much. It should be rezoned.

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Trustee Brenton said Mr. Hutton had commented that this was a Board motivated situation. It certainly is not. We have heard from two residents now. The Board has undergone criticism regarding International Chimney for approximately two years and it was a focal point in an election. It is totally incorrect that the Board is doing this just because they feel like it. Perhaps some of the business community has benefited from the comments that were made by residents. If there is a problem it should be looked into and corrected by the businesses. Whatever the Board's decision is, it will not affect the present use of the property. There will not be relief there. Hopefully since some of the businessmen were here and heard the complaints voiced, they will try to be good neighbors and cooperate with one another.

PUBLIC
HEARING
(Con't)

Proposed
Rezoning
from
M-1 to C-

Mr. Hutton said the Board keeps referring to it as the Conrail property. He gets the feeling that this is really a confrontation between the Village and International Chimney. He has not been a part of it and does not want to be a part of it. He doesn't want to be penalized for it either. If the property is rezoned to a more restrictive use the profitability of the property decreases also and along with that will come decreased upkeep of the buildings in the area. The buildings are not going to go away. His building was built as a warehouse and that is what it should continue to be. If it is changed he will not be able to market his building very well and the building will fall into a state of disrepair. With respect to the nuisances of odor, dust, etc. that does not relate to the zoning of the property. It relates to the Village getting after the business and maybe just a little bit of honey on both sides rather than antagonisms. Most of the buildings were built for similar purposes to what they are being used for today and to use them for anything else but that is not right.

ON MOTION by Mayor Kuzon, seconded by Trustee Kibby, the hearing was closed at 8:07 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, September 23, 1985 at 8:08 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
David Laubisch, Dept. of Public Works

The Clerk read the notice of public hearing regarding 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.

ON MOTION by Mayor Kuzon, seconded by Trustee Kibby, the hearing was opened at 8:08 PM.

PUBLIC
HEARING

Unanimously carried.

Proposed
Rezoning
from
C-2 to
R-3

Mayor Kuzon said this zoning change was discussed by the Board and was predicated on two points. First was the proposed change of the M zone. It was felt that it was also in order to have a more restrictive zoning for this neighboring area. It was felt residential was appropriate since most of the uses on the Garden Parkway part of the zone are residential. It was also the Board's impression that after discussing the purchase of the Conrail property it was their impression that most of the residents favored, or at least wished that they had a residential zoning. He also mentioned that at the work session earlier they were presented with a petition signed by about every property owner in that area opposed to changing the zoning classification. A petition like this is a heavy factor in our decision making process.

John Zeder, 28 Garden Parkway, said the Board has the petition. He said they are in favor of changing the zoning, there is no question about that. What they are asking is that you hold off on it for four or five months. There is a deal going on in the area they would like to see go through. It would not go through if the zoning is changed now. They are in favor of the change. Trustee Kibby asked if he heard correctly that they are not in favor of it now, but in five or six months they will be in favor of the change. Mr. Zeder said they will definitely be in favor of it, the whole group that signed the petition.

Robert Roth, 394 Paradise, E. Amherst, owner of 85 S. Long Street, where the AT&T building is, said they bought the land from the Village 40 years ago and it was zoned commercial. At the time they bought it, they deeded back the Garden Parkway extension so the residents in the back could have an outlet without having

To the Village Board, Village of
Williamsville:

We, the undersigned, want our zoning
to remain C-2, not changed to R-3.

Date	Name	Address
8-28-85	John L. Dorius	131 So Long St
8-28-85	Walter Zuck	137 So Long St
8/28/85	John J. Zeder	28 Garden Pkwy
8/28/85	Louise A. Zeder	28 Garden Pkwy
8/28/85	Helmut A. Bronowalski	38 Garden Pkwy
8/28/85	Margie Lindow	22 Garden Parkway
8/28/85	Mary Lou Lindow	22 Garden Pkwy
8/28/85	Sally A. Schueckler	14 Garden Pkwy
8/28/85	Donald A. Schueckler J	14 Garden Pkwy
8/28/85	Boyle Thornton	14 Garden Pkwy
8/29/85	W. Wayne Fathers	117 S. Long St.
8/29/85	Anthony Caspus	139 S. Long St.
8/29/85	Maria E. Caspus	139 S. Long St.
8/29/85	Hester A. Blackburn	2 Garden Pkwy
8-29-85	Elliott Gibson	96 So Long St
8-29-85	Sharon Gibson	96 S. Long St.
8/29/85	Robert G. Geth	394 Paradise Rd
8/29/85	Jeanne Back	31 Garden Pkwy
9/3/85	Robert V. Bindler	39 Garden Parkway
9/3/85	Kenneth P. Wrigley	54 Garden Parkway
9/20/85	Berry Scagnano Jr.	121-127 South Long

to go across the railroad tracks. At that time AT&T required access on two streets. This is his only source of income. He thought he had a goldmine in his golden years. If this goes through he will get the shaft. He is definitely opposed to this and he doesn't see any reason to consider it.

PUBLIC
HEARING
(Con't)

Malcolm MacKay, 42 Arend Avenue, said he has his office at 107 S. Long Street in the house Jim Saia owns. He thinks he can appreciate what the Board is trying to do having served on the Planning Board himself for five years. However, in this particular case, he really thinks the Board is wrong. If the people that live on the east side of Garden Parkway want to be rezoned to residential that's fine because it is all residential on that side. There is no commercial there with the possible exception of the triangular piece on the corner of S. Long and Garden Parkway, which is combination residential and commercial. But on the west side of S. Long Street there are few residences. Mr. Fathers lives there. He is 86 years old and has lived there for 40 years. He is between two commercial operations. If that is rezoned residential, it would have to be continued to be used as residential and if he would want to sell this property it would have to be sold to a family. It couldn't be converted to commercial use. It couldn't be torn down and made a parking lot. The west side of this street is in a state of transition. If you tried to rezone it to residential you will freeze it. If you don't like what's there now, it's not going to get any better. It's just going to go down hill. However, if you leave it commercial he can almost guarantee that within 10 years you will see it developed into good looking, fine commercial offices. So you can maintain the status quo for the next 30 to 40 years and hurt some people, or you can have the opportunity in the next five to ten years of seeing the west side develop into real nice office space we can all be proud of. But to go in and rezone the west side now he thinks would be a terrible mistake. He knows politically it might be beneficial but 2 or 3 people on the west side are really going to be hurt. He doesn't like to see a decision being made on the basis of petitions. That isn't what we elected this Board for. You're supposed to look at it carefully and get lots of advice from the Planning Board and come up with a non-political, practical, far-sighted approach.

Proposed
Rezoning
from
C-2 to R-3

Mary Lindow, 22 Garden Parkway, said with respect to the telephone company building she remembers seeing the architect's drawings back in the '50's and you can probably get it from your files and see what was planned and what is there now. We have to drive by it all the time. The parking lot that services AT&T has nothing but large stones and dust and everytime the wind blows the dust goes onto the neighbors' property. If this property had been kept the way it was originally intended to be, she is sure, we wouldn't be having this hearing on this area. The property next to the parking lot was sold a few years ago because of that lot. The people that rent that now have approximately three to four vehicles that don't belong to the company parked in the yard. One car along the road has been there for

two months and at times they have had as many as 6 or 7 in the front yard, on the lawn. She thinks if the people who have businesses kept them like they keep their own homes you wouldn't have the complaints. She is sure this hearing is being held because of the complaints the Village has received. Many of the neighbors have called the Village constantly with different complaints over the years. There is a person who wants to purchase the property across from them and that's the reason most of them signed the petition because they don't want him to lose any money and they know he would keep the property up. If it wasn't for him purchasing that property they wouldn't have signed the petition because most of them were scared that International Chimney would purchase it. AT&T is one of the largest companies in the country and to look at that building— there was landscaping on the drawings when they got their permit to build and there is absolutely no landscaping there and their parking lot should have buffer zones and be paved. This man is getting rent but they have to look at that unpaved lot on the corner every day.

PUBLIC
HEARING
(Con't)

Proposed
Rezoning
from
C-2 to R-3

Trustee Brenton asked what property was being referred to where the cars are parked in the yard. Miss Lindow said it was the property now owned by Mr. Saia.

Trustee Brenton said that this was precipitated by citizen complaints and requests. He himself has spent numerous hours primarily with the people at International Chimney and they clean it up and then right away it's a mess again. There is a good lesson here, for those businessmen in the audience and others. You can get along or not get along but sooner or later people will react on the input and effect of this. You can make buildings look more presentable, why are there parked cars there, can you keep the dust down, the noise down. There probably is a way to do this. We do have a petition here that opposes the rezoning. There are a significant number of signatures on it. It would seem that this proposal does not stand a chance. So he doesn't feel there is any further reason to be concerned about this.

ON MOTION by Mayor Kuzon, seconded by Trustee Schlifke, the hearing was closed at 8:23 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 23, 1985 at 7:34 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

David Laubisch, Dept. of Public Works

Mayor Kuzon called the meeting to order at 7:34 PM.

There was a moment of silence in memory of Arthur Wingerter, who was a resident of Snyder. He is important to Williamsville in that he was the first landscape architect hired by the Village to develop Glen Park. He did plans for the early strip portion of the park and was an early supporter of the park.

ON MOTION by Mayor Kuzon, seconded by Trustee Gallagher, the minutes of the regular meeting held September 9, 1985 were approved.

Unanimously carried.

ON MOTION by Mayor Kuzon, seconded by Trustee Brenton, the minutes of the public hearing held September 9, 1985 regarding an exceptional development permit for a proposed parking lot at 21 Highland Drive 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 the proposed rezoning of property from M-1 to C-3. (The hearing was closed at 8:07 PM.)

Unanimously carried.

ON MOTION by Mayor Kuzon, seconded by Trustee Kibby, it was moved at 8:08 PM to open the public hearing regarding the proposed rezoning of property from C-2 to R-3. (The hearing was closed at 8:23 PM.)

Unanimously carried.

Mayor Kuzon reported that he attended a meeting of the Executive Committee of the New York Conference of Mayors.

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 23, 1985 at 7:34 PM

He has returned with what is not good news for the Village. One of the major items on the agenda was a discussion of the municipal insurance crisis. At the meeting it was clearly stated that there is no guarantee that a resolution related to the insurance issue will even be considered by the State Legislature this fall. There is a question as to whether it might even go on the agenda. Obviously the Conference of Mayors is going to lobby very hard to put this on the agenda. The insurance issue has an impact on every municipality, county and school district. Some are in very precarious positions. At our last meeting we approved our insurance premium for this year and it was an increase of some \$50,000 and only one insurance carrier was interested in even writing our insurance. We were fortunate. There are many municipalities who have no carriers interested in their business. He said he would be writing letters and talking with our legislators to get this issue on the agenda for discussion. The resolution has to come from the State Legislature.

ON MOTION by Mayor Kuzon, seconded by Trustee Brenton, vouchers in the sum of \$73,259.10 were approved as follows:

Payroll Fund	W/E 9/13/85	\$ 6,355.89
	W/E 9/20/85	<u>5,997.78</u>
Total Payroll Fund		\$12,353.67
General Fund	Abstract #593	16,477.18
Sewer & Water Fund	Abstract # 173	39,437.50
Trust & Agency Fund	Abstract #212	3,190.97
Federal Revenue Sharing	Abstract #176	1,127.75
Glen Park Jt. Activities	Abstract #113	<u>672.03</u>
Total Vouchers		\$73,259.10

The larger vouchers were to - Erie County Water Authority and Niagara Mohawk Power.

Unanimously carried.

Mayor Kuzon said his second resolution relates to a special meeting of the Board to be held on October 9th. There will be no regular Board meeting on October 14th due to the holiday. The meeting will award the bids for the Los Robles and Cadman Drive storm sewers, and conduct any other business that may come up.

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

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RESOLVED that a Special Board meeting will be held October 9, 1985 at 4:00 PM in the Village Conference Room for the purpose of awarding the contract for the repair of the Los Robles Street and Cadman Drive Storm Sewers and any other legal Village business.

SPECIAL BOARD
MEETING

10/9/85

Unanimously carried.

Trustee Brenton said the Board has received a letter from the Fire Chief and it indicates a problem of great concern to both the Chief and Mr. Williams and also to Mr. Delo pertaining to certain inadequacies at the Williamsville Inn. He wants this made part of the record so it appears in the minutes that we have received this letter and that we will act on these allegations and if they are as stated he is sure corrective action will be taken. He feels a great concern with respect to the number of incidents pertaining to fires, etc. that have occurred recently at the Williamsville Inn, and he is concerned over the possibility of having a calamity there because either the owner is unaware of this responsibility or unwilling to pursue it.

Trustee Brenton reported that we were awarded and have received certain disaster assistance monies resultant from the severe flooding that we underwent in the spring. We have requested an extension of the expenditure of some of these monies because in the process we were awarded funds for certain aspects of Cadman Drive and by going to competitive bid we find it necessary to request an extension. We do expect approval of this.

Trustee Brenton said there is some concern from people regarding the reval situation. We know the county is going to 100% valuation. In other words, you will be basically assessed for the value of your house, 100%. There is concern over what will happen to the Veteran's exemptions. You might have a 10% exemption and it would not be very effective if the Veteran was assessed at the full value of his house. He has discussed this with the Clerk and we are awaiting what the Town of Amherst does. They are presently calling for a public hearing on this. We are a little bit late in order to pursue this in the normal fashion. However, once we do have the results from the Town we may proceed to adopt the effect of the law regarding this. There will be more on that in the future.

Trustee Brenton reported that reconstruction of Creek Road continues. The pavement should be laid this week and the job moved very expeditiously. It obviously has caused some inconvenience to the residents there. Once it is completed he is sure they will all be very happy.

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Trustee Brenton said his first resolution deals with Mr. Laubisch attending the Annual Public Works/Park Maintenance School in Syracuse.

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

AUTHORIZATION

RESOLVED that David Laubisch is hereby authorized to attend the New York Conference of Mayors 1985 Annual Public Works/Park Maintenance School in Syracuse, New York from October 20-23, 1985 and the expenses, not to exceed \$375.00, to be paid by the Village of Williamsville.

D. Laubisch to attend Public Works School

Unanimously carried.

Trustee Brenton said his next resolution pertains to advertising for bids for repair of the Los Robles and Cadman storm sewers. He informed the Board and the public that this proposal will enlarge the concept of the Los Robles situation whereby we will be installing another 400 to 500 additional feet of 15" storm pipe at an additional cost of approximately \$10,000, so that the original cost was projected to be \$29,000 and the additional cost will bring it to about \$40,000 for that work. He was only recently informed of this, however by doing this we will abandon the existing storm sewer between Pasadena and Los Robles and this is something that the people have requested. If we don't abandon it we're going to have to rehabilitate it and he thinks this is probably the better and cheaper way to go. Mr. Bowers of URS and Trustee Brenton have discussed it and both support it.

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

ADVERTISE FOR BIDS

RESOLVED that the Village Clerk is hereby authorized to advertise for sealed bids for Repair of Los Robles Street and Cadman Drive Storm Sewers. Bids to be opened on October 7, 1985 at 10:00 AM in the Village Clerk's Office, 5583 Main Street, Williamsville, New York. The Clerk shall advertise for the bids in the official Village newspaper at least five days before the date on which the bids are to be opened and upon opening of the bids shall make a record by listing the name and address of each bidder, the amount of his bid, the nature and amount of security furnished, and all alternate bids and trade-in allowance, if any, and present such records to the Board of Trustees at the first regular or special meeting of the Board following the opening of the bids.

Los Robles and Cadman Storm Sewer

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Mayor Kuzon asked by abandoning the storm sewer on private property the new one will be constructed on California Drive? Trustee Brenton said it will be constructed south on Pasadena to California and then down California. Mayor Kuzon asked if it would all be on public right-of-way rather than on private property. Trustee Brenton said from Los Robles west there will be some private property involved.

Nancy Benzing, 38 Pasadena, asked if the storm sewer was being abandoned on Pasadena. Trustee Brenton said presently the Pasadena area is drained by a storm system and the system flows to a point on Pasadena from whence it goes westerly through private property to Los Robles and the people who own the private property have requested that we either rehabilitate those storm sewers because of the water problems they have in their backyards, or else abandon them. It is his opinion and the engineer's opinion that it is to our advantage to abandon them and find another way for the storm water to drain. So this Pasadena area will just be drained in another way.

Unanimously carried.

Trustee Brenton said his next resolution deals with a contract for emergency medical service. The Town has adopted this. It would be difficult to work without it. Some areas that our fire company protects are outside the Village. It is recommended by the Fire Chief. What it basically will do is allow for paramedical personnel to monitor the emergency radio frequency and they are private concerns and will respond to a request for emergency aid. Assuming the fire department is already there, a determination will be made at that point whether or not this aid should be provided. This determination will be made by the person or his immediate family as to whether or not they want paramedic help. If they request it, there will be a charge for it for the transportation, etc. to whatever medical facility they determine. If they reject it, there will be no charge. Obviously it is an upgrading of our present service. We do not presently have paramedic response. We have very capable people within our fire department. However, some of them do not have the training that these paramedics do.

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

WHEREAS the Town of Amherst through the Town Attorney has prepared and proposes to implement a contract for emergency medical service throughout the Town of Amherst, and

WHEREAS it is desirable to provide the type of service as proposed in accordance with said contract to the residents of the Village of Williamsville, and

WHEREAS each fire company within the Town of Amherst, including Hutchinson Hose Company, has been requested to designate the mode of service to be provided within the geographic area served by each company within the Town, and

FIRE COMPANY

Adopt Emergency
Medical Services
Contract.

Mode B

WHEREAS it is in the public interest to cooperate with the Town of Amherst and join in as a party to the contract,

NOW, THEREFORE, BE IT RESOLVED that the proposed contract, prepared, last circulated and a copy of which is attached hereto be ratified, approved and confirmed, and

BE IT FURTHER RESOLVED that the Village of Williamsville shall become a party to said contract, and

BE IT FURTHER RESOLVED that the Hutchinson Hose Company be authorized to designate Mode B of service to be provided to residents within the Village of Williamsville, and

BE IT FURTHER RESOLVED that a copy of this resolution be provided to the Town of Amherst.

Unanimously carried.

Trustee Gallagher reported that the Evergreen Program held a kickoff luncheon at St. Paul's last Tuesday.

Trustee Kibby reported on the tentative agenda for the Planning Board for their October 7th meeting.

Trustee Kibby said that he had requested the Fire Chief to send the letter to the Board regarding the Williamsville Inn. Those in the Building Department and the Fire Inspector have encountered a number of problems. We are in the process of changing our codes and we have also changed the way we summon people to court to enforce the ordinances when we encounter violations. The area of code enforcement comes under the New York State code and we are now gathering a paper trail necessary to nail down the door on enforcing fire codes. The place we have talked about has had four fires since May and a long list of fire violations. This is not the only place where we are trying to enforce the codes. There are also 10 or 12 businesses in the Village that have bent over backwards to cooperate with the Fire Inspector and Building Inspector in keeping the spirit and the letter of the codes and he thinks those people have found the Village easy to work with.

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Trustee Kibby said his resolution tonight relates to the request for an exceptional development permit by the Little White House to use the property immediately to the south of them, which is zoned residential, for a parking lot. There was a public hearing at our last meeting. This has been to three Village committees and they have made their recommendations to this Board and only this Board can vote to approve or disapprove this permit. The committees found nothing untoward in this request for this permit. Since the public hearing he has talked with several residents from the neighborhood. To a person they have voiced very strong opposition to this particular parking lot. He has also talked to the owner's son regarding the fact that by tearing the house down and by placing gravel there that he has invited people to park there and that parking there is illegal today and if this Board does not grant this exceptional development permit he can't have parking there.

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

RESOLVED that an Exceptional Development permit, allowing the use of the "R" lot at 21 Highland Drive to be used as a parking lot, is hereby granted.

EXCEPTIONAL
DEVELOPMENT PERMIT

21 Highland
Denied

Mayor Kuzon said that at the time of the public hearing we said we would allow the public time to speak if they wished when the time came for a decision.

Peter Galie, 22 Highland, said he doesn't need to repeat the arguments made at the last meeting but he does want to mention something that has transpired since that time. As far as he can see there was no support, at least at the meeting, from any of the neighbors and didn't listen to any arguments that would balance the concerns of the neighbors. What has happened is that the owner of the building has not only gone ahead and dismantled the house (which he had permission to do) but he has attempted to satisfy earlier recommendations for the parking lot - 10' in with bushes. He has gone ahead and done this. It seems to him to be further evidence that he seems to be sure that he is going to get this. Maybe that's wrong. Maybe he is just putting the bushes in to beautify it.

Noraldin Ghoraski, 29 Highland Drive, said if this was made into a parking lot he would be interested in having a parking lot on his property too. Generally, however he is opposed to the lot.

Mrs. Barbara Schuller, 32 Highland Drive, said they had questioned at the public hearing the need for the parking lot. After observing what has been going on, there doesn't seem to be an apparent need for this additional parking. Watching bushes going in

was lovely to see but it made her more concerned that the owners have deliberately gone ahead with plans to act as if there were a parking lot there. The noise is very apparent. The employees are parking in that area. The same cars are always there. They have questions as to whether this is a side or front lot and as to the height of the bushes. They were hoping there would be some enforcement. The ropes are down. She doesn't know if enforcement will be a logical situation because she doesn't really know what grounds we have if this is a rezoning situation and there is parking there and you do not grant it. What are the property owners' rights in the area as to what can be done there. She knows this becomes a domino effect. She wanted to bring the Board's attention to the fact that the property owner has gone ahead and proceeded. She doesn't know what the Board will do about that in retrospect.

Exceptional
Development
Permit

Trustee Kibby said in regard to whether this is a front or side lot our attorney has given his opinion that this is a front yard of a residential lot but if this Board were to approve the permit they could stipulate a fence or whatever because it is exceptional development. If the Board does not approve this parking lot, it's going to be necessary to enforce it and we have already talked at length with the Village Attorney and it seems to us to be very much an enforceable situation basically on the grounds that when you have concrete or blacktop on one side and blacktop on another side and you lay stone in between, it looks like a parking lot and is used like a parking lot, then it must be a parking lot. It seems to be enforceable. The ropes were brought down, he was told, by mistake and that pending tonight's decision would be replaced if necessary.

21 Highland

Mrs. Schuller asked if there would be any change in the blacktop situation on the Highland Drive side where they are parking between the sidewalk and the street. Trustee Kibby said he doesn't know how to answer that other than the fact that this is not the first place in the community where we have this problem. The attorney has brought this to the Compliance Committee. We are without an opinion exactly at this moment as to how to enforce this. It is a problem.

"Denied"

Trustee Brenton said when Mrs. Schuller refers to what normally would be grass between the sidewalk and the street he shares those concerns. We are thinking of resolving this through the use of New York State funds. That is generally Village property.

It is assumed that the property owner will take care of it. He thinks this area should be addressed and it would make the Village look a great deal better. However, it would be an expensive procedure but there are certain key areas in the Village that we could hit with this and other beautification projects that would allow the Village to look much better. This fall we hope to address the area by the Manufacturers Hanover Bank.

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Trustee Kibby said maybe one of the solutions is to take flower boxes the Youth Board puts out and put them at California and Main, Oakgrove and Main and Highland and Main and put them in the area between the sidewalk and the street.

Trustee Gallagher said he thinks it is not good for the neighborhood and the Village to act affirmatively on this request for a number of reasons. No one spoke in favor of it. The landlord hasn't come in to attend any of these meetings or the Planning Board meeting. He believes that the Village has been remiss in pursuing violations in many areas and it's something that we're paying the price for now and hopefully in the next year this will get a lot better. He seconds Trustee Kibby's comments that the codes will be enforced. There is no reason to allow people to do as they please and then also to allow them to violate codes and let the Village residents suffer.

Trustee Brenton said he would request a roll call vote on this. He agrees with what Trustee Gallagher said. Trustee Brenton said his primary concern is not whether this man is doing what is illegal. That's certainly a concern but he thinks there is something that we are missing here. If we say this is okay here we have set the pattern that will haunt us forever and he cannot support this and never will. He doesn't think the exceptional development procedure is appropriate for this situation. He served on the Planning Board when the exceptional development was put into the code and disagreed with it vehemently and he still feels that he disagrees with it. He cannot support this type of situation at all, not because of the petitioner or because he did not show here and not because the people don't like it. Primarily it is totally inappropriate for this community to conduct its affairs this way. He feels that is why he was elected, to assure the residents that their interests would be protected. We are not required to protect the commercial interests when the commercial interests want to go out of their realm and into another area. Our first interest then should be the community as far as the residents are concerned. He said we do have a recommendation from three of our committees and they take no exception to this present request. He would like to point that out for the record and would like to see what the board's reaction is to the committees' positions.

Trustee Schlifke said the exceptional development permit is a special permit and the purpose is to give the Village Board more control over the issuance of such a permit than a normal building permit and some of the requirements for this - the public hearings and the committee recommendations - allows us to hear pros and cons at the public hearings and she has heard a lot of people speak out against it. The petitioner was not represented. She personally did not receive any correspondence from him stating his reasons for this request. She has heard two of her colleagues talk about the recommendations of the

committees involved. The three committees that made recommendations were Planning, Traffic and Safety, and Environmental. When committees look at plans or rezoning or a development you don't allow your personal feelings to enter into your recommendations. You look at it strictly from the aspect that that committee was set up for. In other words, unless there is a specific reason for not wanting to agree to that development you look at it from the point of view as to the traffic and safety, the environment or the planning. You place the restrictions on this project that will give us the best project we can get. Both Traffic and Safety and Environmental looked at it from that point of view, Traffic and Safety being concerned with a lot of the on street parking in that area which she imagines is offensive to the neighbors. Here was an opportunity to get those cars off the street. Environmental had the opportunity to state the facts of screening, making the property more attractive than it is now. Those are the recommendations those committees made. That doesn't mean that those committees, the people on them are in favor of this particular project. It just makes recommendations so that if this Board votes to allow the project that there are enough restrictions on the permit to give us the best project we could get.

Exceptional
Development
Permit

21 Highland

DENIED

Trustee Schlifke said as far as the petitioner is concerned the first thing he did was to submit his plans to the various committees and they were incomplete and sketchy and they did not reach the Village in time. One of the committees had to call a special meeting in order to make recommendations before the public hearing was held. So he was not cooperative in that respect. Secondly he had no representation at the public hearings. To this date she doesn't know why he is asking for this parking lot! Does he feel his business needs it? Was he looking to improve the property? Was he really concerned with the on street parking going on in that area? She personally has no understanding of what was in this man's mind when he asked for this permit. She never heard any explanation from him. She also takes offense as she believes many people in the audience did, about the fact that the shrubbery went in. The public hearing was held. The Board normally places a resolution on the floor at the next meeting and yet the shrubbery went in last week Thursday. She doesn't feel that he has cooperated with the Village in restricting the parking on that piece of land until some approval or disapproval was made. She feels that this gentleman has abused the Village and the residents and that he has not worked within the confines of our government.

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

Yes - 0; Noes - 5.

Motion Fails.

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Trustee Gallagher said they are working with several people in the community and the Board with respect to developing an action plan to deal with the enforcement of the problems related to the youth and the parks, etc. It will take a little while and will go through committees and we can look for something to happen in November.

Trustee Schlifke said an ad will be placed in the "Amherst Bee" this week and we will be taking applications for a Parking Enforcement Officer. Anyone who is interested can apply in the Village Clerk's Office. In surveying the Main Street area we found many parking signs were missing. She has spoken to Mr. Laubisch of the D.P.W. and signs have been ordered and they will be going up when we receive them. These signs are very necessary if we are going to effectively police the area.

Trustee Schlifke said at the request of a resident she contacted the Williamsville Business Association to have them notify their membership of our refuse ordinance and specifically regarding the times the garbage is to be placed out at the curb, especially on Main Street. Many businesses are not open on Sunday and we have a pickup on Monday. Some businesses at present are putting their garbage out sometimes on Friday evening and it sits there until Monday. This is certainly not attractive for the Main Street area. Perhaps something could be worked out where someone could come in early on Monday morning and take the garbage out. There is a problem during the winter months if the garbage is placed out too early and it gets buried by the snowfalls and the plows.

Trustee Schlifke advised she has received the resignation of Peter Tuyn from the Traffic & Safety Committee. He has a conflict on the meeting night. She has asked the Williamsville Business Association to perhaps suggest another Williamsville businessman who is a resident because Mr. Tuyn did represent the business district on this committee. If anyone in the audience knows of anyone that would like to serve on this committee they should contact her.

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

RESOLVED that Richard Hill, Chairman of Traffic and Safety Committee is hereby authorized to attend the New York State Association of Traffic Safety Boards in Rochester, New York on September 20-22, 1985 and the expenses not to exceed \$200.00 to be paid by the Village of Williamsville.

AUTHORIZATION

**Attend NYS
Traffic & Safety
Boards in
Rochester**

Trustee Schlifke said he has attended these meetings in the past. The Village is a member of the New York State Association of Traffic and Safety Boards. He keeps us informed of the latest

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happenings with other safety boards in the State and information regarding obtaining funds that could be useful in the Village in the area of traffic.

Unanimously carried.

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

Unanimously carried.

Brian Derby, 6 Franklin Street, said there were 8 members of an 11 member block here, from Orchard and Franklin. They are happy with their garbage pickup and the snowplowing. He said however that the streets have deteriorated quite a bit. There are children living on these blocks and they have concerns in a couple of areas. They are concerned with the paving. It does a lot of damage to their cars. They would like the Village to send a representative to assess the situation with respect to the condition of the street and the necessity for paving. It was last paved 3 to 4 years ago and it seemed like they didn't do a good job. It was brought to Mr. Saia's attention last year and he had said it would be taken care of and nothing has been done. The second problem relates to the drainage problem on the street and the fact that it seems to cause the pavement problems to a certain extent. The rain on Orchard just runs right down the street and takes half the lawns with it. They would appreciate it if someone could also assess that situation. There are large ruts on the street. The third problem is that they do not have stop signs at Franklin and Orchard. There is a deadend sign there on his property and a no parking sign. They need a stop sign too. They are afraid that someone is going to get hit by a car. Foliage sometimes block the view of traffic up on Eagle near Orchard. They would like this situation assessed also.

Trustee Brenton said that the street conditions are assessed in the Spring each year so it can be determined which streets are in need of what repairs and which streets have priority so that they can be included in the year's budget. Someone will be assessing these streets in the spring.

With respect to the drainage problem, Trustee Brenton said Mr. Laubisch could check on this and see if anything can be done to alleviate it.

With respect to the stop signs, Trustee Schlifke said she would take it to the Traffic & Safety Committee and if they agreed they were needed it would be put on the agenda for action at the next Board meeting. She said however that a stop sign would not guarantee the safety of the children if they were in the street because people do go through the stop signs on occasion and the children should be made aware that they go through the signs.

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Mr. Derby said he thinks just putting a curb in on the one side of the street would help. They have not spoken up before but feel that now they need to.

Trustee Schlifke said someone from 22 Franklin Street had advised the Village that a "no parking" sign was missing and they were correct and that will be replaced.

Mr. Derby said about five years ago a Sears truck hit a fire hydrant at the corner of Franklin and Orchard. When it was replaced he was asked if it could be put on his lawn and he did not want it there. It was put back where it had been but when they put it in they did not use concrete around it as had been there before but instead used blacktopping. With the water problems on the street, that blacktop is eroding away. Trustee Brenton said he would have Mr. Laubisch look at that.

Mary Carr, 100 Orchard, said she would like Mr. Laubisch to look at her driveway. When the street was paved they didn't pave it up to the grass part so there is a gully there that goes through her driveway. Therefore, she has a ditch in her driveway that has exposed a pipe that she has to drive over and she doesn't want to damage her car or the pipe. If the pipe is unused it should be removed. She also spoke regarding the stop sign and why it is necessary. Trustee Brenton said he will have Mr. Laubisch check this when he is there.

Charity Roberts, 91 Orchard, said they have lived there for 42 years and only once in that time was the street totally repaved. She has to go out with her shovel and shovel up the pavement and put it in the garbage can, because there are great chunks in her front yard and others that have been loosened up by the water. At their own expense they put in a concrete curb along the front of their property. She is tired of shoveling up the Village pavement. There are weeds and grass growing right out in the street and it looks terrible.

Larry Fradin, 84 Orchard, said they do not let their children play in the street but they have to cross the street and sometimes ride their bicycles there when they go from one place to another and they have visitors. They feel the stop sign is important. He said there used to be a sign there but someone took it down. Trustee Schlifke said she just meant that that stop sign was not a guarantee that someone would stop. Mr. Fradin said it would slow down at least three-quarters of the cars. Trustee Schlifke will check to see if there was supposed to be a stop sign there and if there is supposed to be one it can just be put back up without going through the Traffic & Safety Committee.

Nancy Benzing, 38 Pasadena, said there is a car parked on her street without plates and with flat tires that has been there for a long time. Mayor Kuzon said the Amherst Police would be notified about this. Mrs. Benzing said the police do not seem to be patrolling the area, and ignoring violations. There was a van parked too close to the corner and obstructing visibility and a police car came by but no ticket was given.

Mrs. Dorothy Arhardt, 23 Swan Place, asked about the easement

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she had requested for use of the Meeting House driveway to get to her garage. She was advised that because American Douglas Metals had an easement for part of the area she was requesting an easement for, they had to write to them and get their okay to give her an easement also. Mrs. Arhardt said she has always used that driveway. There are other people who use that driveway and are always parking in the back there.

Trustee Brenton said that after September 27th there will be no more Friday pickup of garbage and it will only be picked up on Mondays thereafter.

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

Unanimously carried.

ON MOTION by Mayor Kuzon, seconded by Trustee Kibby, the meeting was adjourned at 9:50 PM.

Unanimously carried.

Theresa L. Cummins,
Village Clerk-Treasurer