

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, January 13, 1986 at 7:39 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, Supt. of Public Works

Mayor Kuzon called the meeting to order at 7:39 PM.

The Mayor read a Proclamation honoring the Amherst Symphony Orchestra which is celebrating its 40th anniversary this year. They are planning a large celebration for March to honor the occasion and we'd like to bring some recognition to the orchestra and their anniversary. The Proclamation will be forwarded to the orchestra.

ON MOTION by Mayor Kuzon, seconded by Trustee Gallagher, the minutes of the regular meeting held December 23, 1985 were approved.

Unanimously carried.

ON MOTION by Mayor Kuzon, seconded by Trustee Gallagher, it was moved at 7:42 PM to open the public hearing regarding a proposed Exceptional Development Permit for the proposed townhouse development at Wellington Court and Cayuga Road. (The hearing was closed at 9:05 PM.)

Unanimously carried.

Trustee Kibby left at this point in the meeting.

Mayor Kuzon advised that he had received notice from the office of the Secretary of the Treasury that our Federal Revenue Sharing dollars for the current year will be reduced by some 8%. This means that while this year we received \$30,000 we will now lose about \$2,700. It is important to note that this is the last entitlement period for revenue sharing and it is up to the Congress as to whether they want to enact new legislation. These funds in the past have been used to purchase equipment essentially for the Fire Department, and some for the Village Clerk. If the money is reduced or eliminated totally these dollars would have to be picked up in another part of the budget, probably the General Fund, which is related to the annual property tax rate.

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ON MOTION by Mayor Kuzon, seconded by Trustee Brenton, vouchers in the amount of \$119,538.55 were approved as follows:

Payroll Fund	W/E 12/25/85	\$ 9,519.09
	W/E 1/1/86	6,630.22
	W/E 1/8/86	<u>6,530.65</u>
Total Payroll Fund		22,679.96
General Fund	Abstract #599	44,054.36
Sewer & Water Fund	Abstract #180	1,667.32
Trust & Agency Fund	Abstract #217	5,510.64
Capital Fund	Abstract #148	36,652.09
Glen Park Jt. Activities	Abstract #119	65.08
Community Development	Abstract #95	<u>8,909.10</u>
Total Vouchers		\$119,538.55

The larger vouchers were to Niagara Sanitation, our garbage collector, Milherst Construction for storm sewer work, and Higgins Kieffer for work on the Meeting House.

Unanimously carried.

Mayor Kuzon said his second resolution calls for a public hearing to be conducted regarding the use of Community Development funds. We anticipate receiving \$34,000 for the 86-87 federal fiscal year. At that time we will ask the public for their suggestions and comments on the use of these funds. In the past they have been used for housing rehabilitation, water line work and repairs at the Village Meeting House.

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

RESOLVED that the Village Clerk publish notice of public hearing to be held by the Board of Trustees of the Village of Williamsville at 7:35 p.m. on February 10, 1986 in the Municipal Building, 5583 Main Street, Williamsville, New York for the purpose of hearing all persons interested in discussing the proposed use of the 1986 Community Development fund allocation which will amount to approximately \$34,000.00.

PUBLISH NOTICE  
OF PUBLIC  
HEARING  
1986-87  
Community  
Development  
Funds

Unanimously carried.

Mayor Kuzon said his third resolution calls for the appointment of a contract negotiator for the Village contract with the

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D.P.W. The three year contract expires this year. It is the same individual who negotiated the present contract. He is familiar with village government as he was Mayor of Angola and is now their Clerk-Treasurer. He is also involved in the Conference of Mayors and has kept up with negotiations and contract settlements.

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

RESOLVED that Kenneth J. Herman, Kenbar Enterprizes, Angola, New York is hereby appointed to negotiate the 1986 Bargaining Agreement by and between the Village of Williamsville and Local 1783C/AFSCME as per his proposal dated December 23, 1985.

**APPOINTMENT**

**Negotiator for  
DPW Contract**

Unanimously carried.

In the absence of Trustee Kibby, Mayor Kuzon offered his resolution calling for a public hearing with respect to a local law to regulate the plowing of snow by private contractors within the Village. It was the subject of a public hearing last year and it seems that the problem has been acute this winter.

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

RESOLVED that the Village Clerk publish notice of public hearing to be held by the Board of Trustees of the Village of Williamsville on January 27, 1986 at 7:35 p.m. in the Municipal Building, 5583 Main Street, Williamsville, New York for the purpose of hearing all persons interested in discussing a local law which would regulate the plowing of snow on private property within the Village of Williamsville.

**PUBLISH NOTICE OF  
PUBLIC HEARING**

**Local law to  
regulate snow  
plowing by  
private contract-  
ors**

Trustee Schlifke asked if the entire local law would be published before the hearing for review by the public. Mayor Kuzon said it is not our practice to publish the entire law except where required to do so, such as in zoning changes. We could include a notice in the public hearing notice that the proposed law is available for people to read in the Clerk's office. The public and Board can make comments and suggestions for changes during the public hearing.

Unanimously carried.

Trustee Schlifke said she had no report as her committees did not meet in December. They will be meeting in January and she will have a report at our next meeting.

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Trustee Schlifke said her resolution would authorize the Mayor to sign a lease with a Village businessman who allows his property to be used as a public parking area.

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

RESOLVED that Mayor Gordon J. Kuzon is hereby authorized to sign lease agreement on behalf of the Village of Williamsville with Edward C. Gelia for parking lot at rear of premises at 5576 Main Street covering the period January 1 thru December 31, 1986.

AUTHORIZATION

Mayor to sign  
lease for  
parking lot at  
5576 Main St.

Trustee Brenton stated this lease does have a change in it from past leases. The owner has indicated that he would like to have the option of designating six spaces on his lot for his own use or the use of his tenants. He would have to give us seven days notice before doing that. Trustee Brenton said he has no problem with the lot as it stands now. If the owner ever did want to go ahead with this option and deviate from prior leases then Trustee Brenton said he would probably have a problem with this type of activity where the Village plows and services the lot with the intention that it be for public use and there would be six private spaces on it.

Trustee Gallagher asked if it were a public lot now. Trustee Schlifke said it is owned by Mr. Gelia. In the past it has been leased to the Village with a similar lease arrangement except for the option Trustee Brenton mentioned relative to the six spaces. She advised that Mr. Gelia has said that presently his employees have no problem finding a place to park and, therefore, has never needed to designate spaces before. He just wanted to have this option so if in the future there is a problem he could designate the six spaces for his employees or tenants.

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

Yes - 3; No - 1.

Carried.

Trustee Brenton advised that he had requested URS to draw up a proposal to do away with our present method of bypassing our sewage at the N. Ellicott-Belmont intersection and they have given us a proposal regarding this which he and the Superintendent of Public Works will be going over and then making a suggestion to the Board as to how to go about this. Their suggestion is really a preliminary view of a very efficient way of remedying this with extremely low cost to the Village.

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

APPOINTMENT

RESOLVED that Kerry L. Kelton, 136 S. Cayuga Road is hereby appointed Meter Reader, Part Time, in the Village Water Department at the rate of \$3.75 per hour, effective January 27, 1986. Meter Reader P/T

Unanimously carried.

Trustee Gallagher reported that the Youth Board will hold its annual Winterfest this Sunday from 12:00 Noon to 4:00 p.m. at Glen Park. There will be a snowman building contest and skiing. The last few years it's really been a plus for the community.

Trustee Gallagher also reported that we have received notice that Bill Brunskill will be resigning from the Parks Committee. He has been a member for 10 years and is resigning mainly because of time constraints with his other interests and he feels he is unable to put in the time he wants to. The Board is presenting him with a Distinguished Service Award for the time and effort he has expended during the past 10 years.

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

Unanimously carried.

Richard Hill, 18 Brookside Drive, said it is about the time when the Village will be considering the road work to be done next summer. He suggested that Columbia between Wehrle and Brookside should really be done this year. Mayor Kuzon said we will be beginning the budget process in the next month or two and will keep that in mind.

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

Unanimously carried.

Mayor Kuzon advised that most, if not all of the Village Committee meetings are now being held back in the Village Conference Room again. While we were under construction we were meeting at the courthouse and in the Town Council Chambers. It look like we are back together now and hopefully our committees will be able to meet in our own conference room.

ON MOTION by Mayor Kuzon, seconded by Trustee Gallagher, the meeting was adjourned at 9:17 p.m.

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, January 13, 1986 at 7:42 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, Supt. of Public Works

The Clerk read the notice of public hearing regarding an Exceptional Development Permit for Benmar Development Corporation and Berryman Builders, Inc. for the construction of 24 townhouse units on Wellington Court and 3 single family units on S. Cayuga Road, as part of the townhouse complex. PUBLIC HEARING

ON MOTION by Mayor Kuzon, seconded by Trustée Brenton, the hearing was opened at 7:42 PM.

Unanimously carried.

Trustee Kibby stated there were a series of public hearings held over the last year with respect to rezoning of this property for this proposed development. The preliminary plans for the proposed development have been to several committees and departments. The Environmental Council had no specific objections but did have three concerns. (1) The need for additional screening from the adjoining residential areas (primarily at the west end of the property). (2) Confirmation that the sewer and water problems are taken care of. (3) The need for a landscape plan. A landscape plan has to be submitted and a bond posted if this is approved. The Town Planning Department reviewed the plans and indicated they had no objections to the proposed design. The Village Planning/Architectural Review Board had a variety of comments by the members and ranged from it was okay, to it was fairly dense but probably okay on that piece of property, to no comment at all. In terms of architectural review the Board felt the buildings of brick and siding caused no significant problem. WELLINGTON COURT

Mrs. Margareta Gustafson of Benmar Development Corporation made a presentation of her new plans for the proposed development. There are three single units on S. Cayuga. The exterior appearance of the three units can be varied in many different ways. The plan shows two capes and one two-story building. It is all colonial design. The two-story building would be all brick and the two capes of brick and natural cedar siding. There are covered patios for each building and a door leading from the building to the patio area. There are two-car garages in the back. They have tried to make them look like single family homes which was a requirement of the rezoning resolution. The architectural design can naturally be worked on and details changed. However, in the original resolution for rezoning there was no mention of an architectural design for the three single units. She is willing to work towards a solution everyone can be happy with. Exceptional Development Permit

Mrs. Gustafson said the plans show a storm sewer. The retention

pond was eliminated. They would install oversized retention pipes throughout the complex to hold back the storm water as it enters into the main part of the system. They have to do some more work on this until they have a system acceptable to the Village Board and URS. They would abide by whatever the engineer's recommendations are.

WELLINGTON  
COURT

Mrs. Gustafson said the Planning Board made a recommendation that some parking spaces be eliminated and they have eliminated two in one area and one in another area. They still have 20 parking spaces over and above the two-car garages for each unit. They have added some trees and brought the number up to 32, which should meet the requirement for one tree per unit and one for every five parking spaces. At the west end they have made the units smaller and gained extra space for green area and the unit is not as close as before to the adjoining property. The density is about 25% compared with the allowed 35%. They are within the number of units anticipated in the rezoning resolution of August, 1985 and within the guidelines of the Building Department recommendations as proposed on March 15, 1985. They feel they have tried to comply with all department recommendations and feel strongly they have a plan that will satisfy everyone.

Exceptional  
Development  
Permit

Mr. Arthur Ticknor, 170 S. Cayuga Road, asked what the procedure would be after the public hearing. What would happen if questions come up on the sewer retention pipes or the design? He assumes if they are considered serious there would be another public hearing or additional discussion and as a minimum there would be additional review by the engineer prior to actual issuance of a permit. Trustee Kibby advised that no details of the sewer and design are stipulated in the August, 1985 resolution. There is only one question. Does URS feel the sewer will do the job. URS will decide if it will be adequate to hold and carry off the water with no detriment to the neighbors on the system. If this system doesn't work then it will have to be redesigned. The architectural design and sewer engineering will be on the final plans. URS will review. The Building Inspector will also review it. Either the system works or the project is dead. It would be up to the Trustees to determine if there is any issue significant enough to call for an additional public hearing. He can't see the sewers as a major problem. Either it works or it doesn't. Items that would cause him to think about another public hearing would be perhaps if they had to go to Los Robles with the system, or a significant shifting of properties around, or a significant change that is not stipulated.

Mr. Ticknor said with respect to the sewer question that it is satisfactorily addressed by having URS approve it and that if it doesn't work they would not be given a permit to build. With respect to the design of the townhouses and the three single homes on S. Cayuga, it was his opinion and that of many other residents that the three units on S. Cayuga would be individual single family homes with all of the pluses and minuses that go along with single family homes - garages in front perhaps, maybe a driveway

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coming out onto S. Cayuga, baby carriages, all that they have on S. Cayuga now. Also had hopes that the design of the units themselves would be imaginative and have individuality. What he has seen tonight does not seem to be single home orientation or design. He would urge Mrs. Gustafson to take another look at that aspect. He thinks more imagination could be used. But single family homes, even colonial ones, have different architecture from each other. He thinks they should be more like individual single family homes.

WELLINGTON  
COURT

Charles Rizzone, 136 Los Robles, supported Mr. Ticknor's comments in respect to the architectural aspect. They should be more like single family homes, private residences. The developer should take the time to go one step further and deal with the architects on the single family home concept. With respect to the storm sewer problem he is concerned with how the water is being held in the development, for how long, and where it will go. He asked the Board not to send the water from Wellington Court through the California line. They should follow the advice of the Planning Board memo of December 2nd and run along the Conrail property and tie into the town, bypassing the Los Robles area. He believes the people on Los Robles have already done their share to further the cause of this project. The additional sanitary sewage from this property will be added to their partially renovated sanitary sewer system. He hopes the Village and the developer can find alternative solutions to the problem. There is still much work to be done before the project begins. The people of Los Robles are willing to cooperate and look forward to working with the Village and developer to solve problems in the future.

Exceptional  
Development  
Permit

Warren Miller, 169 S. Cayuga, said he is concerned also with the drainage. As long as the Village engineer is satisfied that the sewer and retention pipes are adequate he is satisfied with that. He would also apply that same logic to the water problem as for the storm and sanitary sewer systems. He can't say if the fire hydrant shown is adequate but based on his experience in fire flow that needs to be looked at carefully. Trustee Kibby said he believes we have discussed this and whatever water lines and hydrants need to be placed on her property would be no problem. Mr. Miller said it is not just the placement of the hydrant but the strength and amount of flow. Trustee Kibby said as was indicated in the work session it will entail some Village responsibility and financial burden to bring the water line up to date and up to her property. Mr. Miller said the set of plans he has reviewed and discussed with some people seem to be quite lacking regarding plumbing, electrical, heating, ventilating and air conditioning requirement to meet the New York State code. Trustee Kibby said the final set of plans will include all those things.

Mrs. Gustafson said she wanted to comment on the architectural design of the three single family units. This is not a normal home situation in that you have a 50' setback instead of the 25' setback for a normal single family home. With a 50' setback

there would be a long driveway if they were to go out onto Cayuga and she cannot envision the homeowners' association taking the responsibility of maintaining that situation. If you are going to talk private homes you cannot talk about a 50' setback. They will try very hard to make those three units as individual as they can and try to please everyone.

WELLINGTON  
COURT

Trustee Kibby said he was under the impression, although it was not in the August resolution, that the residents were not interested in having driveways out onto Cayuga and wanted the entrance back on Wellington Court. The 50' setback was a request of the residents. He thinks it is important that the exterior of those three units be redesigned and Mrs. Gustafson has said she is willing to try and do that. So far that seems to be the major crux of the criticism.

Exceptional  
Development  
Permit

Mrs. Gustafson asked what the process was in respect to what happens after this hearing. Trustee Kibby said the process depends on public reaction. Like most developers Mrs. Gustafson is not interested in developing a full set of plans without some sort of commitment that the Board will approve this project. He thinks there will have to be some tacit approval pending items A, B, C, etc., such as approval of the redesign of the three homes on Cayuga. This does not go back to the Planning/Architectural Review Board for architectural review on these units. Before we put a stamp of approval on the project we will have to see a full set of plans but he can understand any developer not wanting to go to that expense without some understanding of where we are going.

Trustee Gallagher said if a resolution is proposed it would include conditions relative to the water supply, etc. Is that correct? Mayor Kuzon said yes, just as in our resolution last August we put in items relating to single family units, etc. Trustee Gallagher said it would also be subject to review of people with expertise, such as URS. Trustee Kibby said yes. URS would review the sewer and this Board would probably review it architecturally. Trustee Gallagher said that while it was not spelled out specifically in the August resolution it was his understanding and the he thought the Board's understanding was the three units on Cayuga would be consistent aesthetically with the homes of S. Cayuga. He asked if the Village provides a water supply to the project do any other residents in the Village get anything out of that other than in the area where the townhouses are built. Trustee Brenton said he thinks basically improvements of that nature don't have to benefit people throughout the community. We go and replace or upgrade a water line to upgrade its firefighting potential and certainly that does not benefit someone at the other end of the community. But it works toward ultimate betterment of the community such as in an A-rating for fire insurance purposes. The Village did a lot of work to upgrade our system in certain areas in order to obtain an A-rating for the entire community. As far as whether we expend money here he thinks we have to see what those costs are. If it were \$100,000 to extend this water line he thinks he might have a problem with expending those kinds of funds.

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Trustee Gallagher said we would need to find out the costs. Trustee Brenton said we will. If we do provide a continuation of water service down Cayuga to go to the development then in the development the line would be looped so everyone in the general area would be affected by that water line and be benefited, including those presently in the Wellington development. People are benefited in the long range. Trustee Gallagher said the task of finding out what the cost would be to the Village would be done before a permit would be granted to allow this. Trustee Brenton said definitely. We have to have that information on the water line. The continuation of the water line down Cayuga and onto the property is probably an unproductive situation as there would be no taps until you get to the development. It would still be a benefit to the overall development. He thinks the Fire Department would probably insist on this. A cost estimate would have to be arrived at.

WELLINGTON  
COURT

Thomas Murray, 240 S. Cayuga, questioned the backyards facing Cayuga. Mrs. Gustafson said there would be a 50' setback with nice landscaping. You basically would see very little of the houses or yards. It's a common area, and will be well maintained with covered patios on the side of the houses. It will be the same as looking at houses sitting sideways on the street, which there are plenty of on S. Cayuga.

Exceptional  
Development  
Permit

Mr. Murray asked if there would be storage sheds. Mrs. Gustafson said they were not allowed. Trustee Kibby asked where the garbage cans would be kept and Mrs. Gustafson said in the garage area. Mr. Murray said there are two or three structures on S. Cayuga recognized for outstanding architecture and he hopes these three units would be consistent with that. Mrs. Gustafson said she hoped they would be very consistent. She thinks you will see three lovely homes and no driveways.

Trustee Brenton asked if it wasn't one of the conditions of the homeowners' association and her method of operation that the general area of Wellington Village is community owned and maintained and the people who live in the building are given certain number of feet from the building. Mrs. Gustafson said with townhouses for sale the owner of a unit can own a certain number of feet in front and in back of the unit. Those feet they are responsible for themselves. It means they can have a flower bed or some kind of individual area right next to their unit. Everything else is common area. Homeowners pay a fee each month for maintenance of the common areas so they are well maintained and equally maintained throughout.

Mrs. Dana Haycock, 161 S. Cayuga, said she has not been a resident in the Village for very long. They were not informed of the various meetings leading up to the public hearing and were not afforded the opportunity of going to the Planning Board meeting and meetings of that nature as they had been before. They were under the impression that single family homes could not be developed within a townhouse project. They know now that that's not true. Their compromise was based on that criteria, that single family houses be developed prior to or concurrently with the townhouse development.

Trustee Kibby said there seems to be a semantic problem here. As far as the single family units they are being developed concurrently with the townhouse project. We are not discussing four pieces of property. We are discussing one piece of property on which would be developed 24 townhouse units and three single family units. They can be built together legally. In terms of the other meetings, the committees generally meet the same time each month. There was nothing secretive about this process at all.

WELLINGTON  
COURT

Mrs. Gustafson said she is not aware of any change. She thinks we are discussing the same units as from the beginning. Three single family units along Cayuga with zero lot lines incorporated into the townhouse project. But they are definitely single family units.

Exceptional  
Development  
Permit

Mr. Ticknor said he agrees with Mrs. Haycock that the original understanding was that we would have single family homes. He thinks there has been a change in the approach. They had said three single units as a compromise. Following the meeting in August their association wrote to the Village specifically asking to be informed if and when any of these subjects came up and they were not informed as to the timing of the meetings when this would appear on the agenda. They would not expect to come to every meeting when there was a written request asking to be informed specifically when this came up. Mayor Kuzon said it was our intention to inform the neighbors when this was to be considered by the different Village committees. He has to admit that this was on the agendas in December and he personally did not read the agendas. If he had he would have informed them. It was his responsibility and he apologized for the oversight and certainly hopes they would accept his apology and know that we have tried to keep them informed as best we could.

Mrs. Beverly Felser, 236 S. Cayuga said she thinks there has been a communications problem. They were at many of the hearings and earlier meetings and when we discussed the compromise for the single family units and condominium complex to the rear and Mrs. Gustafson had said that one of the major concerns was that the Attorney General did not allow single family homes as part of a condo complex. She thinks this has led to confusion because when Mrs. Gustafson mentioned that she thought they would have difficulty with the Attorney General in not getting approval for this project this compromise was worked out to have the single family homes. Many people assumed that the back 24 units would be the condo complex and the front three units would be sold as single family homes because they could not legally be included.

Trustee Kibby said he always thought of this as one development unit but that those on S. Cayuga would be designed in a different manner to those that were in the other part of the complex. Mrs. Gustafson said single family homes cannot be incorporated

into a townhouse complex if built exactly like three single family homes. There should be an ordinary backyard and a 25' setback if they are individually sold single family homes. With a 50' setback you cannot have a normal backyard. These are single units in a townhouse complex project. The Attorney General would not approve including it in any other way.

WELLINGTON  
COURT

Trustee Schlifke said she thinks there is some confusion in the use of the word unit or house. The Attorney General will accept three single family units in a townhouse complex but not accept three single family homes. Mrs. Gustafson said a single family home with a 25' setback and normal backyard and a driveway onto Cayuga could not be incorporated into a townhouse project. It cannot become part of the common area. The front and back yards would belong to the people who owned the houses and not be part of the common area. Trustee Schlifke said then that if they are single family units with common area there is no problem and Mrs. Gustafson said with a 50' setback and common area single family units can be part of the complex.

Exceptional  
Development  
Permit

Mrs. Haycock said they had called Mary DiSteffano in the Attorney General's Office in New York City and explained their perspective of the problem and she said there was no problem in including single family homes in a townhouse development if the owners pay a pro rated fee for the management of the outside of the property so that those people who own the single family homes paid more because they would require more service. This issue is extremely important to the residents of S. Cayuga. They want those to be houses and not units. Mrs. Gustafson said then you can't have the 50' setback. Mrs. Haycock said her home has a 50' setback. She asked if the 50' setback was not required by the special nature of the development. Trustee Kibby said it was not by the nature of the development but the Board's reaction to the citizens' comments and suggestions by the S. Cayuga Road residents.

Hearing  
(Con't)

Mrs. Haycock said one fear they have is that the Board would make a decision and they would have no input prior to presentation except for a short meeting they had with Mayor Kuzon, so they could express their views. They are totally concerned and feel they have been very, very polite about this development. She thinks the compromise helped to keep the development alive. Every Trustee said they would have voted against the rezoning resolution except for the compromise. Now they are wondering why they compromised. They compromised out of community love and what they felt was best for their community. They figured Mrs. Gustafson to be a reputable person who wanted to do something in the community. She asked if the neighbors would be able to comment more before the Board made its decision.

Mrs. Jocelyn Shults, 149 S. Cayuga Road, said she wanted to see the compromise and was of the same opinion as the other neighbors.

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They want single family homes built on S. Cayuga. They did not feel these homes would be part of the complex.

Mr. Lawrence Felser, 236 S. Cayuga Road, disagreed with Trustee Kibby on the 50' setback. He thinks it was the essence of the compromise. He doesn't remember talking about units. The idea was to keep homes on S. Cayuga. He thinks the spirit of the compromise has been violated.

WELLINGTON  
COURT

Mrs. Gustafson said these discussions and hearings have been going on now for 17 months. She doesn't know where the misunderstanding came from. We certainly have talked about this many times previously. It has been a long time for any developer to hang in there and keep the project alive. The issue has been discussed and opinions given.

Mr. Ticknor said he doesn't think they were deceived. He thinks the suggestion was made at the beginning of the hearing that in fact some additional architectural work on these units could be done to hopefully take into account making them look like single family homes. He thinks additional design work is warranted.

Trustee Kibby said that if it is decided that these were three individual lots each owned by a separate owner and each built his own house, then the question of design becomes moot because that would be up to whatever the owner wanted to put there and this Board and the Planning/Architectural Review Board would have no say on it. If Mrs. Gustafson does not follow through on this project the Board goes back and rezones the property back to R-2.

Exceptional  
Development  
Permit

Hearing  
(Con')

Mrs. Felser said perhaps Mrs. Gustafson could build the homes herself and see that they were proper and tasteful and in keeping with the neighborhood.

Trustee Kibby said in conversations with Mr. Ticknor the thrust of the conversation was that this was not exactly what they liked but that this was a suitable compromise and the Village could exercise some control on that section of Cayuga.

Mrs. Felser said she thinks it is very important that the units on S. Cayuga be made to look like homes on S. Cayuga. She thinks more has to be done on that.

Trustee Kibby said his personal feeling is that he would like to see these homes further designed. Exceptional Development is one area where the Board can exercise some personal feelings. He'd like to see something akin to a front door, sidewalks to the door. He doesn't necessarily want to see the front of a garage. He thinks the residents are better off with the driveways where they are now. They could just add something like a front or side door and a sidewalk.

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Mrs. Felser said the residents are desperate to get their point across, that single family homes is what they want them to look like. The backyards are facing Cayuga now. They want them to look like single family homes.

Trustee Kibby said that Mrs. Gustafson has indicated that she can go back to the drawing board on these particular renderings. With respect to the architecture the Board has heard the residents comments as to what they want to see and he feels the Board can make a decision on that without necessarily going to another public hearing, but he would not be opposed to another public hearing.

WELLINGTON  
COURT

Nancy Julian, 26A Wellington Court, said she has heard Mrs. Gustafson say she is willing to go and look at those units and come back. What she worries about is that a decision would be made tonight. She does not want to see 17, \$45,000 houses there. She thinks this is a fine project and if there were another public hearing she thinks that would be unfortunate. She thinks that Mrs. Gustafson is willing to compromise.

Exceptional  
Development  
Permit

Trustee Kibby said no decision would be made tonight. It is a rare circumstance when a public hearing is held and then a decision is made the same night. He thinks they have heard enough to know what the residents want or what changes were likely to be incumbent upon Mrs. Gustafson. If there were anything major we would have to go back to another public hearing without question. We could draft a resolution to take into account four issues, at least: (1) Building Inspector and URS would have to approve the storm sewer design; (2) sidewalks; (3) Board approval of redesign of the homes/units which the residents of S. Cayuga insist upon looking like more the fronts of residential single family homes; and (4) water line continued by the Village to her property and then throughout her property. There would have to be Fire Department approval. It would seem to him that at our next meeting, or the one after that, we could come back with a resolution taking into account those sorts of things with Building Inspector supervision thrown in where necessary and so there would be a system of checks and balances.

(Con't)

Mrs. Julian said that should not require another public hearing. Trustee Kibby said he couldn't answer for the Board.

Trustee Gallagher stated he had voted against the rezoning resolution. He would want an additional public hearing mainly because to him there are issues left to the discretion of the Board, URS. He thinks the residents should have another opportunity to comment. We were negligent in not following through and informing the residents of when the committees would address this. He thinks it should be put on the table when we have all the information together and act through a public

hearing, work sessions, meetings in the neighborhood - in public forums.

WELLINGTON  
COURT

Mayor Kuzon said he had received a letter from Deputy Town Supervisor Hal Collier. His area of responsibility in the Town is drainage and outflow. He has concerns regarding the drainage for the project. He has proposed that he work with the petitioners, residents, Village and engineer so everyone can come up with the best drainage scheme offering the least amount of problems to everyone and the Mayor said he is sure we are all glad to have him involved. Trustee Brenton said the Deputy Supervisor's assistance and comments and suggestions are always appreciated but the ultimate control would be this Board's.

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Mayor Kuzon said Deputy Supervisor Collier's concerns are where the drainage would enter the Town.

Mr. Rizzone said it would be very difficult to implement the URS report without having that cooperation from any Town official. It is imperative and he thinks we should take this chance for cooperation offered by the Town and work with them. There is no way to go ahead with this project without that cooperation.

Hearing  
(Con't)

Trustee Kibby said there are four things involved. They are the storm sewer requirements, sidewalks, redesign of the three units and the water supply. There are three options on proceeding from here. (1) There could be no additional public hearing and when a resolution comes on the floor that takes into account all these items we could open it up for any citizen to comment on it. (2) We could recess this public hearing until they come back with the plans and then reopen the hearing. Hopefully the public hearing would address these four items, or only one or two of them. (3) Call for an additional public hearing when the units have been redesigned. If we come back with a resolution after it is moved and seconded the public would be allowed to express their opinions on the issues included in the resolution.

Mr. Troy said he feels if time frame is sufficient for the Board we can close this hearing and call for a new one after the developer has been able to accommodate all these requests and there would be no question as to when the hearing would be held.

Mrs. Gustafson said if there is another public hearing she will state right now that she will withdraw this issue. She sees no reason to have to wait another two months. The board and she have heard the public's reaction. She thinks the public elected the Board and they should trust the Board to make a judgement in this matter. If she can't get an answer in a reasonable amount of time she would not be able to start building this year and would have lost another selling season. There is no way that Benmar can wait an additional year on this project.

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Mrs. Ticknor asked how long it would take to get additional drawings done and Mrs. Gustafson advised the present drawings were done in four days so she is sure she can ask the architect to work it in.

WELLINGTON  
COURT

Mr. Troy said you could set another date now for continuation of the hearing. Trustee Kibby said he thinks it would be better to recess and when we put it on the agenda as a regular item ask for public opinion and make sure everyone knows about it. Say two weeks or a month from today.

Trustee Brenton said then we would deviate from our regular policy of not voting on the topic of a public hearing on the same night as a public hearing. Trustee Kibby said there would be no public hearing. There would be a resolution proposed and then we would open it for public comment before we voted on it. Trustee Brenton said he thought the public hearing should be recessed to a specific date and then act that same evening one way or another on the resolution to be offered.

Mayor Kuzon said the suggestion would be that we recess this public hearing to a specific date and at that time reconvene the public hearing and at the same session, during the regular meeting, pass judgement on it.

Exceptional  
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Permit

Trustee Schlifke said why not just adjourn and then have a resolution and the public would have input on the resolution. Mayor Kuzon said if the public hearing is held prior to the regular meeting it gives us time to go over the input in our minds before the resolution is brought to the floor.

Hearing  
(Con't)

Mr. Troy said the time lapse between the public hearing and the vote relates to local laws as far as he knows. He sees no problem with voting on the same night as the public hearing on this issue.

Trustee Kibby said the hearing could be reconvened on February 10th as the Gustafsons will be out of town for our January 27th meeting.

Mr. Rizzone asked if there would be any problem with getting URS's report back by that time and the information on the water supply as well. Trustee Kibby said no.

Mr. Rizzone said we haven't see all of the plans yet. Trustee Kibby said the Board can authorize the exceptional development project but the Building Inspector always receives the appropriate plans and follows the appropriate steps before a building permit is issued. They can't build until they submit a complete set of plans for approval by the Building Inspector. With URS it would be approved pending their acceptance. Trustee Brenton said we are confident that URS will be able to professionally review the system and advise us.

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ON MOTION by Trustee Kibby, seconded by Trustee Schlifke, the public hearing was recessed at 9:05 PM and it will be reconvened on Monday, February 10, 1986 at 7:40 PM.

Unanimously carried.

Theresa L. Cummins  
Village Clerk-Treasurer