

Minutes of the Public Hearing of the Board of Trustees of the Village of Williamsville held in the Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Monday, May 23, 1988 at 8:41 P.M.

Roll Call

Present

Lawrence R. Brenton, Mayor

Robert V. Bindert

Michael W. Kibby Trustees

Carolyn M. Schlifke

Richard P. Sweeney

Theresa L. Cummins, Village Clerk

Thomas V. Troy, Village Attorney

David Laubisch, Supt. of Public Works

The Clerk read the notice of public hearing being held for the purpose of hearing all persons interested in discussing a proposed local law which would add Section 60.40(16A) to the Traffic Code by providing for a stop sign on Hillside Drive at Glen Avenue Extension.

ON MOTION by Mayor Brenton, seconded by Trustee Bindert, the public hearing was opened at 8:41 P.M.

Unanimously carried.

Cleo Wingerter, 187 Mill Street, wondered why a stop sign was being installed on that corner as that is a relatively quiet corner.

Trustee Bindert stated the Village has approximately fifteen or sixteen "T" intersections that are without stop signs. Because of liability for the Village if an accident should happen at these intersections, it is in the best interest of the Village to have signs put up at these intersections.

ON MOTION by Trustee Bindert, seconded by Trustee Kibby, the public hearing was closed at 8:43 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 Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Monday, May 23, 1988 at 7:37 P.M.

Roll Call

Present

Lawrence R. Brenton, Mayor

Robert V. Bindert

Michael W. Kibby Trustees

Carolyn M. Schlifke

Richard P. Sweeney

Theresa L. Cummins, Village Clerk

Thomas V. Troy, Village Attorney

David Laubisch, Supt. of Public Works

The Clerk read the notice of public hearing being held for the purpose of hearing all persons interested in discussing the proposed zoning of that portion of the Village Glen Tennis and Fitness Center at 162 Mill Street which was annexed on April 11, 1988.

ON MOTION by Mayor Brenton, seconded by Trustee Kibby, the public hearing was opened at 7:37 P.M.

Unanimously carried.

Trustee Kibby referred to a blueprint which was exhibited and stated this public hearing would be dealing with the property outlined in orange on the print. In area, it is about 440-450 feet in length running from east to west and about 250 feet in length running north. All the land is located down about 100 feet down from Mill Street.

James Saia, 20 Belmont, asked whether the U.S. Corps of Engineers had been approached on the bottom leg in regards to it being in the wetlands under Section 403 of the State Law. Trustee Kibby stated this is only for zoning and to his knowledge the Village has not contacted the Corps of Engineers on this project. Jim Saia questioned how the land could be zoned C-1 which would allow a commercial building being built there when there is a swale running thru there and he is sure the Corps would not allow anything to be built on the swale. Trustee Kibby stated that the zoning of the property does not necessarily mean that any particular project proposed would be approved by the Corps of Engineers if the Corps determined approval was necessary.

Edna Cope, 207 Mill Street, questioned whether any property now owned by Donald York has been purchased by this group because this would give them another outlet out onto Mill Street. Trustee Kibby stated he had not heard this previously.

Thomas LaPenna, one of the owners of the Village Glen Tennis and Fitness Center, stated they have not been in contact with Mr. York and did not know of any land for sale in the area of Mr. York's property. They had thought of that five years ago as a safety feature but it was later dropped when it was suggested by the Village that this would not be a good idea.

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Richard Hill asked what the annexed piece of property was going to be used for. Trustee Kibby stated this hearing is just to zone the property. There is no plan that he knows of to do anything with the property except to build the additional racquetball courts. However the Village must zone the whole section since we cannot leave a section unzoned. It is presently unzoned.

Cleo Wingerter, 187 Mill, read a statement on behalf of the Williamsville North Citizens Association. (Copy of statement attached #1.) A petition was also presented to the Village Board.

Elroy Avery, 75 Rinewalt Street, President for the Williamsville Homeowners Coalition for Preservation read a letter (copy attached #2).

James Saia requested input as to what Mr. Haney and Mr. LaPenna intend to construct on the newly annexed property.

Thomas Haney stated they purchased the Club, which was formerly the Four Seasons Racquet Club, in May 1982 in the present configuration. They have purchased no additional land since then and have not expanded the property. They have provided some additional services and are proposing now the addition of four racquetball courts. To do that they were planning to move out the north end of the building about 48 feet and match the existing facade of the building. Those four racquetball courts would indicate the possibility of sixteen additional people using the club. It is a small racquet inclusion and the presumption is that most of the people using them would be existing members. The land and the shape of the land is not something over which they have any control. It was included in the parcel they purchased. If the previous owners had any plans for it he has no idea. Their only plan is to build the shaded area (on the site plan) which is an additional 48 feet by 120 feet and put in four racquetball courts. In order to make sure this was reasonable and follow the necessary course as defined by the Village of Williamsville, we first of all approached the Village Planning Board with the proposed plan to see if it was reasonable. He stated they have not been issued a Building Permit, so if anyone was questioning whether one was issued, it has not. The Planning Board found them in violation of the parking requirements so they were sent to the Board of Appeals, who found them qualified for a variance for parking since the facility is 90% allocated to tennis courts. Once they realized there was a possibility to build those courts, they approached the Town of Amherst to see if they would relinquish the property and the Village of Williamsville to see if they would annex the property. Before releasing the property, the Town of Amherst had a SEQR report done, which showed no environmental impact. Ultimately, the Town did allow the property to be annexed into the Village and the

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Village annexed it. The only proposed use of the property are the four racquetball courts.

Thomas LaPenna stated the addition will be 44 feet wide by 120 feet long. The four racquetball courts take up all of that except for a small viewing area in the middle. In the plans, the architect labeled that area a "Lounge". This will only be a viewing area for the tennis. It has been interpreted that they will have a restaurant, lounge and bar in that area which is not so. In 1982, they did not know the Four Seasons was under such scrutiny as not to be there. They came in and bought a business that was struggling at that time. The cost of utilities and business with just tennis could not make a go of it. They came in thinking they could give to the Williamsville residents a club where the kids could go exercise and play tennis and help the older residents in the Senior Citizen program at a cost they could all afford. They thought the community would like it and they would be well received. This wasn't the case and he didn't know if they did something wrong after 1982 when they bought it but that was not their intention. Mr. LaPenna stated he understands the residents concerns because he and Tom Haney both live in Williamsville and don't want heavy traffic on their streets and can see not building new businesses and bringing in new areas. But a business that's already there must stay competitive in the market. Adding racquetball to a tennis facility is only considered part of the business. It will help them stay competitive. It is helping them exist. Without an increased program they would not be profitable. Unfortunately to be profitable, they must have people. They have to have patrons so there must be traffic. In 1982 when they purchased the property they did not know this would be a disastrous problem because there had always been traffic. They really had no intentions of coming in and making enemies with all the people in the Village. A great number of our members are Village residents. They work closely with the Fire Department and the Businessmen's Association. They are here to try to do something with the community and not fight the community.

A lady from the audience asked about the noise. She stated that during the summer the neighbors cannot sleep because the noise goes on until two or four o'clock in the morning because it is a lover's lane down there. Mr. Haney stated the Village Glen closes at 11:00 P.M. It has always closed at that time. The Amherst Police patrol the area and the club staffs full time maintenance people twenty-four hours a day so the place is never unoccupied. They try to do everything possible to keep people from accumulating on private property. These are not our members, they are not people the club solicits as members and suggested the Amherst police be called when anyone is seen on the property at that time.

Stella Bernhard, 5 Arend, asked why they were going thru this public hearing if the owners are only adding the small shaded

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part. Why was this annexed at this time? Tom LaPenna stated they own about $6\frac{1}{2}$ acres of land. Of this almost 6 acres were in the Village of Williamsville and only $\frac{1}{2}$ acre was located in the Town of Amherst. They thought it would be easier for the Village, Town and themselves to have one supervisor. One group of Board members to be able to control whatever they do. Presently they pay taxes to the Town and the Village and they thought it would be more convenient for the Village to have the whole package.

Ms. Bernhard requested the membership figures and whether the sixteen members playing racquetball would be new members. Tom LaPenna said that is how many at most can occupy that area. At present there are a thousand members. They do not all come in at once. There are ten tennis courts there. If all tennis courts are filled, that is forty people maximum. Usually tennis is singles and doubles so forty is maximum. The fitness center can take more people. At a peak time, we can have anywhere between 100-140 people at the facility. Regarding the traffic, they have obtained a police report for the last three years regarding the traffic on Mill Street. There were two accidents at 162 Mill Street, our facility, and both were parking lot accidents within the facility. The major accidents were around the first turn (142) and they could not determine how many people involved in those accidents were members of the facility.

Fréd Goi, 196 Mill Street, brought video tapes to the Board meeting. These had been focused on the entrance/exit of the Tennis Club for a total of about twenty hours. He took two fifteen minute random time samples and counted the number of vehicles going north and the number going south on Mill. Then he counted all of them going in and out of the Tennis Center and all going west and east on Belmont. He found that Friday between 6:30 and 7:00 in the evening there was a total of 172 vehicles that went past in fifteen minutes—that is 670 in one hour. Of these thirty or 28% went into the Tennis Center. They took a similar sample on Saturday evening from 6:30 P.M. to 7:00 P.M. At that time 31% of the cars traveling Mill Street were going to or coming from the Tennis Center. All this information is on the video tapes which can be duplicated and viewed.

Bernard Huber, 195 Mill Street, stated the last few days there has been a lot of activity going on at the Donald York property on Mill Street. He assumes that because of what was previously said, that activity has nothing to do with this project. Trustee Kibby stated to his knowledge there is no connection between that piece of property and this piece of property.

Bob Steeg, 186 Mill, asked if they were going to use the rest of the "L" for parking. Mr. LaPenna stated the rest of the "L" is swamp land. It just happens to be part of the project. To fill it right now would be cost prohibitive. Trustee Kibby

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emphasized that as it stands right now, nothing new is going to happen to that property except the shaded grey area. That's still a potential. To every member of this Village, the Planning Department and the Building Department the introduction of any other anticipated project, anything else that will be done there whether it is manufacturing or R-1 will have to come into the Village for approval. If it happens to be "C" or "M", it will have to come to the Planning Board for approval; if it is residential then it only goes to the Building Department for approval. There is nothing else anticipated at the moment.

Corwin Matlock has lived at 143 Mill Street since 1948. Those who have lived there long enough agonized over the amusement park at Glen Park. One thing there led to another. One foot in the door led to another. We have just been told by the owner of the fitness center that you have got to keep up today in order to stay in business. So that addition there represents another foot in the door. One more thing will lead to another. He wonders just how much more will need to be done to stay in business. While it is everyone's right to stay in business, he doesn't feel it is anyone's right to interfere in a residential section. Mill Street is supposed to be a residential street and with his recent large increases in assessment, he would like to believe it is a residential street. He would like some consideration from the Village Board to keep it that way. He is opposed to any rezoning and any additional facilities on the tennis center. His feeling is that it should not have been there in the first place. It was a natural beauty spot and now that has been taken away from us and he would hate to see it expand. He therefore objects to any further expansion of that facility.

Jeff Cope, 207 Mill Street, also on the Village Environmental Council stated there seemed to be some confusion regarding the parking at the facility. On January 30th there was a memo between the Environmental Advisory Council and the Building Department regarding green space area where the number one item was green space and future parking area. It stated the area should remain necessary green space. There are other means to expand parking. Then on the 18th of February, the public meeting of the Board of Appeals, a memo from Mr. Delo recommended that the green space area labeled "future designated parking" could accommodate approximately sixteen additional spaces and still leave a major portion of green space as recommended by the Environmental Advisory Council. So there seems to be some confusion as to whether additional parking spaces were needed and also if there will be additional traffic. Trustee Kibby stated he cannot tell about the additional traffic, but as for additional parking, there is no requirement for additional parking. Mr. Delo stated that the Board of Appeals ruled there is sufficient parking available and as far as he knows they have met the requirements for green space.

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Gartley Weller, 129 Mill Street, stated there is a golden rule in our country which says in essence that we can do anything we want to do if it doesn't interfere with anyone else. He thinks what is happening here — it boils down to our way of life is being affected with increasing traffic, increasing pollution and increasing noise. This Board a few weeks ago had a composite statement to the Town Board which was eloquent. That statement concerned the Centerpointe project. He was very relieved to read it and to think the Board is on their side. He hopes the Board meant what they said in their statement.

James Saia stated the original piece of property annexed to the Village in 1970 did not consist of the "L" piece. This piece was purchased in 1975. In 1970, the then Village Board voted for the tennis club to be built there under the protests of the residents, many of whom are here now. At that time it was a tennis club with between 250 and 300 members. When Mr. Haney bought the business, he must have known this piece was not zoned "C" as the rest of the property. He put a row of cars down there which, he thinks, are used by the patrons of fitness and aerobics. Many come as referrals from physicians. In the Town, this requires 50 square feet for one parking space, which is for fitness and health spa. The residents know the place fills up down there a number of times during the week. There has been a horrible mess down there. There is clay from the courts thrown around out the back doors. There is other trash around the area. (Mr. Saia presented pictures to the Board.) Mr. Saia stated they throw their brush onto the wetlands and their tennis club scrapings on the side of the building. In 1970, the Board promised the facility a bubble. In 1982 they got the bubble. In 1970, they promised the residents it would remain a member only tennis club. It is now aerobics, fitness center, etc. They have expanded their services. Mr. Delo said they needed space for 300 cars. They had to get a variance for 139 automobiles. No one mentions the fitness or aerobics; they all mention tennis which takes only three cars for each one court. These are the requirements in other communities since the Village does not have a code for tennis clubs. Mr. Saia read a statement in opposition to rezoning of the property from R-4 (its zoning when in the Town of Amherst) to commercial. (See attachment #3 and #4 attached.) Mr. Saia then read a letter from the Williamsville Southeast Amherst Homeowners Association which association is in agreement with the position of the Williamsville North Citizens Association regarding the expansion of the Village glen Tennis and Fitness Center. (Copy of letter attached - attachment #5.)

Edna Cope asked if the Tennis Club has a bar and sells liquor. The owner said the bar is only for members and closes at eleven o'clock and everyone leaves shortly thereafter — around eleven thirty or twelve o'clock. Also during the summer, from Memorial Day to Labor Day, the bar is closed.

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Fred Goi, whose property backs up to the Village Glen property, brought pictures of flooding that occurs in the area forming a pond with ducks swimming in his yard. The pond is about 100 feet across and spans three yards. Also with regards to the accidents in the area, his car when parked on Mill Street has been hit about five times in four years. It is a very dangerous street. Also the people exiting from the fitness center do not stop when they come up the hill. They do not watch for pedestrians. He wondered why there is no stop sign or light at that location? Also why can't something be done about limiting the amount of traffic that goes in and out of there in terms of speed, frequency and number of vehicles.

Trustee Bindert stated during the last election when campaigning on Mill Street on a Sunday afternoon, he was going to park on Mill Street near Belmont. He decided to park on Belmont and proceeded to walk to Mill Street. Suddenly someone came out of the Tennis Club and went thru the spot where he was going to park and up onto the person's driveway in an attempt to stop. So he can personally testify that it is a dangerous corner.

Trustee Sweeney stated this issue has been before him for a number of years. He got involved in Village politics and development, the Glen bubble being one of the reasons for involvement in Village politics. He has been concerned about this area for some period of time. Obviously this is a case where the Village Glen Tennis and Fitness Center provides a valuable service but at the same time is an encroachment in a residential area. The fact that the Town of Amherst issued a negative declaration stating there is no significant adverse environmental impact based on their view of the proposed annexation and/or further development which is really almost a package. He doesn't agree. He voted for the annexation specifically so that this would not be a direct similar situation to Centerpointe where two municipalities are unable to control the situation because a part of the development is in each municipality. He voted for the annexation so he would have a voice in determining any future growth to this Tennis Club, any further expansion into what was a residential area. He is not sure how the Board will vote or if there are some other options, but he would like to indicate that he ran for office with a pledge of trying to discourage commercial encroachment into residential areas and this is a situation where he would be inclined not to vote for any further commercial expansion or any commercial rezoning of this property.

Mr. Haney stated it was interesting to him as a resident of this community and a business owner in this community that somebody who serves on a Board such as this, who is fully aware of the logic, the anticipated use of the proposed annexed property would allow the Town to spend the money and the effort, the Village to spend the legal fees, the money and the effort, as well as the Village Glen to go thru legal fees, money and effort to annex that property when everyone was aware of the

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proposed reason for the annexation and logic to mislead a business in this community and a resident of this community. He thinks it is appalling. Trustee Sweeney stated if you look at the record his vote on the annexation, would review the minutes of the Environmental Committee meeting which the owners appeared before the annexation his position has been consistent. He has not mislead the owners or anyone else.

Mayor Brenton stated he has some correspondence pertaining to this subject, one of which was from Mr. Saia, which was hand delivered today, one from the Williamsville Southeast Homeowners Association, one from Mr. & Mrs. George Askin and also one from the Williamsville North Citizens Association signed by Mr. Saia. The Board also has received a memorandum pertaining to certain legal aspects provided to us today by Attorney Troy.

ON MOTION by Trustee Kibby, seconded by Trustee Schlifke, the public hearing was closed at 8:40 P.M.

Unanimously carried.

Theresa L. Cummins
Village Clerk-Treasurer

SUGGESTED REMARKS TO BE READ AT VILLAGE BOARD MEETING ON MAY 23

CLEO WINGERTER

157 MILL ST

My name is ~~James V. SARA~~. I live at ~~20 Belmont Street~~. I wish to address the Mayor and the Board of Trustees of the Village of Williamsville on behalf of the Williamsville North ~~Residents~~ *CITIZENS* Association, representing virtually all of the residents of Mill Street, ~~plus~~ *AND* other residents of the Village who have signed petitions protesting the proposed rezoning from Residential to Commercial, of a portion of land owned by the Village Glen Tennis and Fitness Center recently annexed to the Village by the Town of Amherst. This land measures ~~48.0~~ *about 40.5* Feet by ~~120.0~~ *480* Feet and is located adjacent to the North end of the present Club Building in the valley behind 162 Mill Street. We are opposed to this rezoning for the following reasons:

1. It will make possible further expansion of the Club's facilities and activities. We were told when the Club first opened that its sole activity was tennis. Now they plan to add raquetball. Over the years, we have witnessed such additional activities as a Moonlight Run and a Walk-A-Thon. Now they are planning outdoor cook-outs, banquets and who knows what else, all of which we oppose as invasions of our rights, as adjacent property owners and residents, to the peace and tranquillity of a residential neighborhood.
2. We ~~vehemently object to the issuance of~~ *QUESTION THE LEGALITY OF ISSUING* a building permit BEFORE the additional property was annexed or zoned. We request that this permit be cancelled or rescinded *the legal status examined*.
3. We further object to the additional noise, fumes and safety hazards on Mill St. and ~~Belmont St.~~ *SLIP STS.* which will surely result from too-heavy traffic caused by entry to and exit from the Club's driveway. Must we first witness a tragic accident before action on this is taken by the Board? There isn't even a STOP sign at the top of the Club's driveway to keep traffic from exiting on to Mill Street without stopping. ~~One possible solution to this situation would be to change the entrance to and exit from the Club from Mill Street to Glen Street (this would be more appropriate to the Club's name-Village GLEN Tennis & Fitness Center.)~~

In 1982, when Mill Street residents protested the presence and activities of the Tennis Club, Trustee Connie Murray told them, (I quote from the Amherst Bee of Aug. 25, 1982): "The Club is inappropriate for the village, but there is no legal vehicle to get rid of it. I feel I let you down, but there's nothing I can do about it. My predecessors on the Board zoned that land as Commercial; it was a mistake to do that in the middle of a residential area." We have heard similar sentiments expressed in 1988 by other Williamsville residents and even by current Village Board members. Our hope is that the present Board, whom we are addressing tonight, will explore and consider every possible avenue of approach, including consultation with the Village attorney, to a turnabout of this situation where a

redress, favorable to our concerns, will occur. A logical first step would be to vote against the proposed rezoning tonight. I have with me to give to you the signed petitions I mentioned earlier. ~~Thank you.~~

May 21, 1988

I have approximately 170 signatures on these petitions. They are the names of residents adjoining & close to the tennis club, who object to rezoning this property to commercial status. Additional names of concerned citizens have also been presented to you. Please consider these as well.

Thank you

#2

WILLIAMSVILLE HOMEOWNERS COALITION FOR PRESERVATION

May 23, 1988

TO: Williamsville Village Board
 Mayor Brenton and Trustees

FROM: Elroy Avery, President WHCP
 and the Steering Committee

RE: Proposed expansion of the Village Glen Tennis and
 Fitness Center at 162 Mill Street


Dear Mayor Brenton and Village Trustees:

Since the conception of the Williamsville Homeowners Coalition for Preservation, some 11 months ago, we have been dedicated to protecting our environment and curtailing the influx of any additional traffic into our already traffic saturated streets.

Please be advised that if the proposed expansion of the Village Glen Tennis and Fitness Center will contribute to the substantial additional traffic on the village streets or that the environmental standards are threatened, we will strongly oppose such expansion.

We are well aware of your past efforts and sensitivity to the request of the village residents and feel sure whatever decision you make will be in the best interests of all concerned.

Sincerely


Elroy Avery
President
WHCP

May 23, 1988

FROM: James Saia, President of the Williamsville North Citizens' Association

TO: Williamsville Village Board, Mayor & Attorney Tom Troy

The residents in and around the commercial enterprize known as the Village Glen Tennis and Fitness Center, are in opposition to the rezoning of R 4 property (Residential) to Commercial for the purpose of erecting a Racquet Court Building and lounge.

We understand the Center has upwards of 1000 members, I stress members because it also has a rehabilitation clinic in the building that takes referrals from doctors and a business is conducted that probably should be associated with Health Care. The Variance granted to the club by the Board of Appeals is for parking of 139 cars instead of the Building Inspectors recommendation of 300 cars. We challenge this determination. Has anyone questioned the Centers operation. The tennis portion has not been a problem for the parking, its the other operations (aerobics, fitness, rehabilitation) that causes the parking and traffic problems. We find little mention of this in the planning and architectural minutes also in the Board of Appeals minutes. The neighbors witness the lot full of cars many times a week. Any expansion will spill autos into the side streets of our neighborhood (like the Glen Casino days).

In 1970 the residents were told that this would only be a limited membership club. The owners were told that they could have a bubble. The promise made to them has been kept but the promise made to the residents has been broken. In 1975 the tennis club bought the property just north of their property, approximately 50' X 400'. In 1982 Mr. Haney knew that this property was not part of the original annexation. Even though it was not zoned or part of the Village he filled in the area and parked approximately 22 cars. I'm sure he realized he needed the extra parking. The Board of Appeals has now granted a variance from 300 to 139 cars. We believe this is not enough space for the operation as it now exists. The Town of Amherst requires one car space for every 50 Sq. ft. of space for health clubs, swimming clubs, spa's, etc. and only 3 car spaces per court for tennis. As you can see he has taken a considerable area and turned it into a fitness and rehabilitation and aerobic area. Mr. Haney has told our group he has 1000 or more members.

We can not find nor know of any traffic study made of the Mill St.-Belmont Pl. area. We have rented equipment for 2 days at considerable expense to study traffic at this location. Why must the residents prove that a traffic problem exists.

The neighborhood is almost completely behind the rejection of commercial zoning for this strip. The Village Board has a duty to its constituents. The greatest majority of the petition signers signify their displeasure of the rezoning. The home owners in the immediate area who have challenged the upgrading of assessments have used the Center as an argument and have gotten lower assessments .

Memorandum from Troy

*cc: il
ad: il
JOS*

and

May 23, 1988

I am not here to tell you the horror stories told to me regarding this terrible scarring of this beautiful piece of real estate. You did not initiate it, but you can call it quits now and take a firm stand for your constituents.

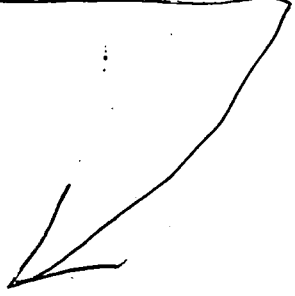
I'd like to read this from the Resolution adopted by the Williamsville Village Board on August 10, 1987:

See attached #4

Read letters

~~We commend you for it. Does it not cover our neighborhood!
In closing I encourage my neighbors to speak out now.
Our neighborhood is at stake and I'm sure some of you would
fight hard to preserve it.~~

Read letters from Assoc.



April 25, 1988

Village Board of Williamsville

This statement is to serve you notice that the residents around the Glen Tennis Club at 162 Mill Street are vehemently opposed to any proposed expansion. We will hold you directly responsible for any and all actions taken to increase the traffic and introduction of business in our residential area.

Why is it necessary for the residents of this village to constantly have confrontations with their elected bodies? Must we always have petitions, reporters, attorneys, news items, accusations and hard feelings? Some of the area residents feel the Village Board in the past let us down--will the present Village Board do us an injustice also?

We are now more united than ever to resist this degrading of our beloved neighborhood. We ask that every one of you join us in resisting this expansion.

NOTE: This Resolution was adopted by the Williamsville Village Board on August 10, 1987

"FURTHER, Be it resolved to call upon all other municipal and Village Officials to join us in resisting the continuation of this mindless and complacent acquiescence by Town and County Officials in the never-ending development proposals that are inadequately conveyed; fail to take into account traffic, noise and disruption of the daily lives of residents; and which appear to be motivated only by an insatiable desire for private gain,"

James V. Sais
Williamsville North Citizens' Assoc.

*Read
as part of
attachment
3*

Attachment #5

Williamsville/Southeast Amherst
Homeowners' Association Inc.
A Not-For-Profit-Corporation
Post Office Box 894
Williamsville, New York 14221

May 21, 1988

Mayor Lawrence R. Brenton
Village of Williamsville
5565 Main Street
Williamsville, New York 14221

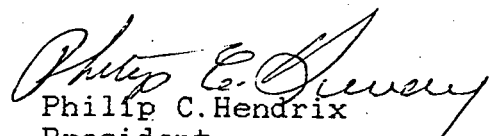
Dear Mayor Brenton;

Our Association is in agreement with the position of the Williamsville North Citizens Association regarding the expansion of the Village Glen Tennis and Fitness Center.

The continuing encroachment and expansion of the Tennis Club and Fitness Center on the residence of Mill Street have subjected these people to unacceptable noise from the late night activities, increased traffic on Mill Street and in some cases confrontation with members, are condition that should not be permitted to exist in a residential area.

Further study and more consideration for your constituents and their Quality of Life should be the fore-most consideration in this expansion.

Very Truly Yours



Philip C. Hendrix
President
Williamsville/Southeast
Amherst Homeowners Assoc.

cc: J. Saia

TO: VILLAGE BOARD

FROM: VILLAGE ATTORNEY

The following memorandum is to assist the Board in its consideration of the appropriate zoning category or categories to be established for the newly annexed property which forms part of the Village Glen Fitness and Tennis Club.

That part of the Club's premises previously within the Village limits was zoned Commercial-1 (C-1) when it was annexed to the Village approximately 18 years ago.

That part of the Club's premises newly annexed is an "L" shaped parcel, one arm of which abuts the rear line of residentially zoned (R-3) premises on Mill Street. The other arm abuts the commercially zoned (C-1) part of the Club's premises just south of the north line of the Village.

A designation of the newly annexed premises as residential, while comforting to the owners of abutting premises on Mill Street, is in reality a cosmetic act for several reasons.

FIRST: Any present use of premises incompatible with a residential designation (eg. parking areas for patrons of the Club facilities) will be allowed to continue as a "legal non-conforming use".

SECOND: A residential designation will provide for the owners an opportunity to petition the Board of Appeals for a variance permitting a use other than residential since the annexed property, by virtue of its placement and dimension, effectively excludes any use permitted in a residentially zoned district. The New York courts have consistently held that a zoning code imposes an "unnecessary hardship" if the property to which it applies cannot yield a reasonable return from any permitted use. Thus an "R" designation will

make premises a prime candidate for a variance for commercial purposes.

THIRD: A residential designation opens the way for a law suit challenging the constitutionality of the designation. Because the premises would be useless for any permitted use, the rezoning can be considered a confiscation of property without compensation.

FOURTH: A residential designation invites an attack in the courts as unconstitutionally arbitrary in that the premises owned by the Club, both the newly annexed parcel and that already located within the Village limits, are all part of a common parcel with a common use, which fact was apparent to the Village at the time of the annexation. To create an "R" designation for the newly annexed part of premises flies in the face of the primary rule applicable to all zoning acts - that any zoning must be in accordance with a "comprehensive and well-considered plan". The division of one common and cohesive property into a "C part and an "R" part, (split zoning of a common lot) raises serious doubts as to whether such an act meets the standard of a "comprehensive and well considered plan".

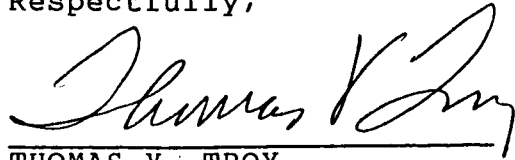
It appears that the designation of the newly annexed premises as commercial (C-1) will merely compound the error of the less than careful judgment exercised by the trustees in the original zoning designation of several years ago. At that time a special entirely new zoning category placing clear limits on the use and development of the parcel would have averted the present unhappy situation.

It is possible that the effects of the original error might be somewhat mitigated if at the present time the trustees carefully reconsidered the zoning status of the entire parcel owned by the Club and created a new zoning category covering the entire parcel, legitimatizing existing uses but carefully controlling future development. Such a course of action is not without risk and could be, under

certain circumstances, condemned as "Contract Zoning".

Such action would also require the voluntary cooperative effort of all interested parties. However, it seems to offer more promise than a routine "R" or "C-1" designation in the matter.

Respectfully,



THOMAS V. TROY

Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held in the Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Monday, May 23, 1988 at 7:35 P.M.

Roll Call

Present

Lawrence R. Brenton, Mayor

Robert V. Bindert

Michael W. Kibby Trustees

Carolyn M. Schlifke

Richard P. Sweeney

Theresa L. Cummins, Village Clerk

Thomas V. Troy, Village Attorney

David Laubisch, Supt. of Public Works

Mayor Brenton opened the meeting at 7:35 P.M. with the Pledge of Allegiance.

ON MOTION by Mayor Brenton, seconded by Trustee Kibby, the minutes of the regular meeting of May 9, 1988 were approved.

Unanimously carried.

ON MOTION by Mayor Brenton, seconded by Trustee Kibby, it was moved at 7:37 P.M. to open a public hearing being held for the purpose of hearing all persons interested in discussing the proposed zoning of the portion of the Village Glen Tennis and Fitness Center at 162 Mill Street which was annexed on April 11, 1988. (The public hearing was closed at 8:40 P.M.)

Unanimously carried.

ON MOTION by Mayor Brenton, seconded by Trustee Bindert, it was moved at 8:41 P.M. to open a public hearing being held for the purpose of hearing all persons interested in discussing a proposed local law which would add Section 60.40(16A) to the Traffic Code concerning a stop sign on Hillside Drive at Glen Avenue extension. (The public hearing was closed at 8:43 P.M.)

Unanimously carried.

Mayor Brenton reported that the Village has received a copy of a letter from Mary Lou Rath to Joseph Gillings regarding Centerpointe requesting any additional information be made available to Erie County for review before final submission to the Amherst Planning Board. We have also received a copy of a letter addressed to County Executive Gorski signed by Mary Lou Rath and Richard Anderson concerning Centerpointe. In their letter they jointly request a thorough review of all studies be conducted pertaining to the Centerpointe project. These would be a review of all studies either provided through the developer or various homeowners groups.

ON MOTION by Mayor Brenton, seconded by Trustee Schlifke, vouchers in the amount of \$107,616.88 covering May 10, 1988 thru May 23, 1988 were approved as follows:

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payroll fund w/e 4/11/88		\$ 13,668.06
General Fund	#656	38,286.08
Sewer & Water Fund	#236	51,444.34
Trust & Agency Fund	#273	3,490.92
Glen Park Jt. Activities Fund	#173	727.48
* Grand Total *		\$107,616.88

Large vouchers were for Erie County Water Authority, NYS Retirement and M & T Bank.

Unanimously carried.

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

RESOLVED THAT the following budgetary transfers are hereby made in the General Fund:

FROM		TO	
1.1410.412	\$ 2,700.00	1.1110.200	\$ 490.00
1.1620.407	13,000.00	1.1110.419	1,500.00
1.1620.1	5,000.00	1.1210.200	700.00
1.1910.4	25,000.00	1.1410.200	70.00
1.1990.4	30,000.00	1.1410.403	480.00
		1.1410.416	8,660.00
		1.1410.445	200.00
		1.1410.1	5,000.00
		1.1420.445	50.00
		1.1620.2	6,330.00
		1.1620.423	7,050.00
		1.1620.445	20.00
		1.1640.4071	70.00
		1.1640.416	150.00
		1.1640.445	190.00
		1.1640.1	880.00
		1.3310.404	160.00
		1.3410.422	32,340.00
		1.3410.438	10.00
		1.3410.450	280.00
		1.3620.401	180.00
		1.3620.462	100.00
		1.5010.2	1,870.00
		1.5110.426	620.00
		1.5110.445	10.00
		1.5110.1	1,810.00
		1.5142.4161	660.00
		1.7140.436	550.00
		1.7140.443	90.00
		1.7140.445	2,610.00
		1.7121.2	1,200.00

Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held in the Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Monday, May 23, 1988 at 7:35 P.M.

FROM		TO	
1.5182.111	\$ 6,000.00	1.7510.452	\$ 90.00
1.5142.1	7,900.00	1.7550.444	40.00
1.5142.429	6,000.00	1.7550.441	2,080.00
1.5110.425	4,500.00	1.7630.445	810.00
1.1991.4	3,200.00	1.8170.416	730.00
1.8160.411	17,490.00	1.8170.1	180.00
		1.8510.2	190.00
		1.8560.1	4,670.00
		1.9040.8	1,160.00
		1.9060.8	3,780.00
		1.9710.6	12,400.00
		1.9710.7	330.00
		1.9730.7	20,000.00
	<hr/>		<hr/>
TOTAL	<u>\$120,790.00</u>		<u>\$120,790.00</u>

Unanimously carried.

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

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

FROM		TO	
6.1990.4	\$4,850.00	6.8340.401	\$ 320.00
6.1991.4	475.00	6.8340.4163	180.00
6.8340.407	800.00	6.8340.445	10.00
6.8340.411	900.00	6.8340.460	1,520.00
6.8340.416	2,035.00	6.8340.1	1,300.00
		6.9040.8	150.00
		6.9060.8	280.00
		6.9730.7	5,300.00
	<hr/>		<hr/>
TOTAL	<u>\$9,060.00</u>		<u>\$9,060.00</u>

Unanimously carried.

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

RESOLVED THAT the following budgetary transfers are hereby made in the Sewer Fund:

FROM		TO	
7.1990.4	\$14,460.00	7.8120.4161	\$ 3,910.00
		7.9060.8	1,210.00
		7.9061.8	30.00
		7.9730.7	9,310.00
	<hr/>		<hr/>
TOTAL	<u>\$14,460.00</u>		<u>\$14,460.00</u>

Unanimously carried.

Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held in the Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Monday, May 23, 1988 at 7:35 P.M.

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

RESOLVED THAT the Village Clerk-Treasurer is hereby authorized to make additional year end transfers after all vouchers have been paid and adjustments have been placed on the books.

Unanimously carried.

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

RESOLVED THAT the following Williamsville Firemen are hereby authorized to attend the following training schools:

Evor Williams, Herbert Stoeckl, and Joe Greer to attend the Fire Prevention School at the NYS Fire Academy on June 3 thru June 5, 1988, and the cost, not to exceed \$125.00 each, to be paid by the Village of Williamsville.

D. Anthony Schueckler, Jr. and James D. Olivieri to attend the Annual Chiefs Convention at Kiamesha Lake, New York, on June 12 thru June 16, 1988, and the cost, not to exceed \$450.00 each, to be paid by the Village of Williamsville.

James J. Zymanek to attend the Fire School at the NYS Fire Academy at Montour Falls, New York, on May 20-22, 1988, and the cost not to exceed \$150.00 to be paid by the Village of Williamsville.

Richard Meldrum, Christopher Petrie, Richard Maddigan, and Peter F. Strobel to attend various training sessions at the Edinboro University in Pennsylvania from June 3 - 5, 1988, and the cost, not to exceed \$125.00 each, to be paid by the Village of Williamsville.

Unanimously carried.

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

RESOLVED THAT the following residents are hereby appointed Seasonal Laborers in the Village Department of Public Works:

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NAME	ADDRESS	RATE	EFFECTIVE DATE
Michael Kiebal	139 Cadman Dr.	\$4.25/hr.	6/15/88
Daniel S. Bryce	62 S. Union Rd.	4.25/hr.	5/31/88
Mark A. Tudor	225 N. Linden Dr.	4.25/hr.	5/26/88
Brian Schoenle	85 Columbia Dr.	4.25/hr.	5/23/88
Richard Harvey	37 Monroe Drive	4.00/hr.	5/23/88

Unanimously carried.

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

RESOLVED THAT the Village Clerk advertise for sealed bids for the reconstruction of approximately 1,350 lineal feet of 6 and 8 inch water lines along Reist Street from Spring Street to Hillside Drive and the replacement of five valves along Main Street in the eastern portion of the Village. Bids to be opened at 2:00 P.M. on June 17, 1988 in the Village Clerk's Office, 5565 Main Street, Williamsville, New York under the terms of the standard bidding resolution.

Unanimously carried.

Trustee Sweeney reported he has recently inherited the Village Beautification function without an active committee. Therefore he has enlisted family members to help in the beautification of the Village. He wants to thank his family and several neighbors who have joined in the effort and encouraged all Village residents to take an interest in the beautification of their community.

Trustee Bindert reported on a letter written by Frank Saviola to Dennis Gorski regarding the weight limit restrictions on Wehrle Drive. The letter addresses the need for the Town to install a traffic signal at the corner of Aero and Wehrle Drive. They must also contact the Niagara Frontier Transportation Authority for consideration of installation of a left turn arrow for people traveling east on Aero Drive. Mr. Gorski's stated the coordination among the various entities takes a long time. What they are saying is that they are working on it.

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

RESOLVED THAT the following budgetary transfers are hereby made in the Glen Park Fund:

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	FROM		TO
9.7141.1	\$2,000.00	9.7141.4101	\$ 780.00
9.7141.4102	1,500.00	9.7141.4162	50.00
9.7141.4103	1,000.00	9.7141.4351	40.00
9.7141.4161	1,000.00	9.7141.443	90.00
9.7141.4164	<u>2,000.00</u>	9.7141.445	<u>6,540.00</u>
TOTAL	<u>\$7,500.00</u>		<u>\$7,500.00</u>

Unanimously carried.

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

RESOLVED THAT the Glen Park Budgetary accounts be increased from prior years' surplus as follows:

9.7141.4164	\$ 6,000.00
9.7141.445	<u>6,000.00</u>
TOTAL	<u>\$12,000.00</u>

Unanimously carried.

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

RESOLVED THAT the Village Clerk publish notice of public hearing to be held by the Board of Trustees on June 27, 1988 at 7:30 P.M. in the Village Hall, 5565 Main Street, for the purpose of hearing all persons interested in discussing a proposed local law which could revise the Village Building Code, Sections 7.00 thru 7.30.

Unanimously carried.

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

RESOLVED THAT the Mayor is hereby authorized to enter into a Municipal Cooperation agreement with the Town of Amherst for mutual exchange of highway equipment for the 1988-89 fiscal year pursuant to the provisions of Article 5-G of the General Municipal Law.

Unanimously carried.

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

RESOLVED THAT Mayor Lawrence Brenton and Superintendent of Public Works David Laubisch are hereby authorized to attend the Public Works School at Ithaca College from June 5 - 7, 1988, and the expenses, not to exceed \$300 each, to be paid by the Village of Williamsville.

Unanimously carried.

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

RESOLVED THAT Mayor Lawrence R. Brenton is hereby authorized to sign and submit the preliminary application for recreational development of the Conrail Property under the Environmental Quality Bond Act of 1986.

Unanimously carried.

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

RESOLVED THAT Mayor Lawrence R. Brenton is hereby authorized to sign and submit the preliminary application for building a new pavilion in Island Park under the Environmental Quality Bond Act of 1986.

Unanimously carried.

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

RESOLVED THAT the wading pools in Island Park and Garrison Park will officially open on Friday, June 23, 1988 and close on Sunday, August 28, 1988, and

FURTHER RESOLVED THAT weather permitting, the pools will be open daily from 11:00 A.M. to 8:00 P.M.

Unanimously carried.

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

RESOLVED THAT the following residents are hereby

Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held in the Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Monday, May 23, 1988 at 7:35 P.M.

appointed Pool Attendants for the 1988 Summer Season (6/23/88 - 8/28/88):

NAME	ADDRESS	RATE
Jennifer Kibby	24 Garrison Road	\$4.00/hr.
Andrea J. Kibby	24 Garrison Road	3.75/hr.
Christine Harvey	37 Monroe Drive	3.75/hr.
Dawn Harvey	37 Monroe Drive	3.75/hr.

Unanimously carried.

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

RESOLVED THAT Peggy Santillo, 37 Rinewalt Street, is hereby appointed to the Parks Committee until the end of the 1988 - 1989 official Village year.

Unanimously carried.

Superintendent of Public Works Laubisch reported that even though next Monday is a holiday, there will be a garbage pickup.

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

Unanimously carried.

James Saia, 20 Belmont, stated there is a receiver at the corner of Belmont and Mill which is plugged with blacktop and this should be corrected. Also on May 26th there will be a meeting at 40 Evans Street to raise money. The people are looking to protect their neighborhood. He thinks the taxpayers should help pay some of the groups expenses rather than the group raising all the money themselves. Trustee Schlifke stated she is aware there is a water drainage problem on Mill Street at Belmont but is not aware that the receiver is blacktopped.

Gartley Weller, 129 Mill Street, stated that the receiver in front of his house is 4 inches to 6 inches lower than the street. When cars and trucks come down the street they make a lot of noise. It also could cause an accident. He would like to see it corrected. He also wondered what is the current status of the old railroad station? Mayor Brenton stated it is still in a decrepit condition. International Chimney's lease expires next year and at that time perhaps the Village will enter into negotiations with International Chimney to try to save the depot. They have not really indicated any desire to get involved in that at this point but the Board will be considering that prior to next March.

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Harmon Whipple, 51 Garden Parkway, stated there is a parking problem where Garden Parkway comes off South Long. It is his understanding that businesses must have adequate off street parking. There are two businesses where these cars come from. Five are parked on Garden Parkway while in back of their businesses there are ten open spaces. It would seem, that whoever owns the businesses that the employees use their parking lot and not park on the streets. Mayor Brenton suggested Trustee Bindert go talk to the business owners.

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

Unanimously carried.

ON MOTION by Mayor Brenton, seconded by Trustee Schlifke, it was moved to adjourn at 9:05 P.M.

Unanimously carried.

Theresa L. Cummins
Village Clerk-Treasurer