

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, January 22, 1990 at 7:38 P.M.

PRESENT: Lawrence R. Brenton, Mayor

Robert Bindert,
Ronald Daniels,
Richard Sweeney, Trustees

Thomas V. Troy, Village Attorney
Theresa L. Cummins, Village Clerk
David Laubisch, Supt. of Public Works

ABSENT: Yvonne Kaye

The Clerk read the notice of public hearing being held for the purpose of hearing all persons interested in discussing the proposed repeal of Sections 3.200 (1) through 3.200 (9) entitled Coin Operated Amusement Devices.

On Motion by Trustee Sweeney, seconded by Trustee Bindert, the public hearing was opened at 7:38 P.M.

Unanimously carried.

Trustee Sweeney stated that as part of the Village's Code revision process, a new section of code has been adopted which regulates these amusement devices (→) basically video games. The code section "Public Order" regulates four or more amusement devices, so we are proposing to repeal the old section which was passed at the time when it was considered that these games would pose some disruptive influence on the Village. This has not proven to be the case. Experience has shown they have not been a threat and have not required additional regulation other than business in general. Under the new "Public Order" code, a Mayors Permit would be required only if an establishment operates four or more amusement devices.

Trey Measer, 90 S. Ellicott, asked if Convenient has to take out their machine or can they leave it in?

Trustee Sweeney stated they can have their machine and would only need a Mayors' permit if there are four or more devices.

On motion by Trustee Sweeney, seconded by Trustee Daniels, the public hearing closed at 7:44 P.M.

Unanimously carried.

Theresa L. Cummins
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, January 22, 1990 at 7:45 P.M.

PRESENT: Lawrence R. Brenton, Mayor

Robert Bindert,
Ronald Daniels,
Richard Sweeney, Trustees

Thomas V. Troy, Village Attorney
Theresa L. Cummins, Village Clerk
David Laubisch, Supt. of Public Works

ABSENT: Yvonne Kaye

The clerk read the notice public hearing being held for the purpose of discussing a proposed local law which would amend Chapter 1 of the Village Code - the Sign Code.

On Motion by Trustee Sweeney, seconded by Trustee Daniels, the public hearing was opened at 7:45 P.M.

Unanimously carried.

Trustee Sweeney stated that the Village Sign Code is one of the more recent pieces of legislation enacted. It was adopted in April 1988 but the Village has recognized some of the codes limitations and is, therefore, proposing a number of changes.

Some of the basic changes in the proposed revision are as follows:

- 1) The definition of a sign will be changed to include "either words or pictorial matter" as a sign.
- 2) To allow a limited category of neon signs. The existing code prohibits all neon signs. The proposed change would allow window neon signs but would limit the number at a given premise and limit the size in each window.
- 3) To allow the Village Planning Board to act on a sign which has been erected without a permit. Currently the Planning Board is prohibited from acting on any application for a sign which has been erected without a permit. The change would allow for the operator of a business to erect a sign, cover it so it is not visible and make an application under those conditions.
- 4) To allow for changes in fees - both application fees and renewal fees.
- 5) To allow for awning or canopy signs which would enable a business name to be displayed on each section of the canopy, if there is more than one canopy.
- 6) Changes in the size of temporary signs.
- 7) Change in the window coverage of permanent and temporary signs.

Minutes of 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, January 22, 1990 at 7:45 P.M.

Elroy Avery, 75 Rinewalt Street, asked whether the new code addresses "Works of Art"? Trustee Sweeney stated that this code would address this. Signs are now defined to include pictorial matter which may be considered a piece of art.

Attorney Troy stated his understanding is that a depiction becomes a sign under this proposal only if the depiction indicates specifically or by strong illusion the character of the business activity that is being conducted there.

Mary Lowther, 122 Chalmers, questioned whether 20% of coverage is the maximum window size. She wondered if it was the actual sign size or window coverage. Trustee Sweeney stated that area coverage is the perimeter of all letters & figures that constitute the sign. In the case of a window sign, a sign can be located up to four feet from the window and in that case the area of the sign is the amount of coverage projected on to the window.

Ms. Lowther questioned enforcement of the code and whether signs that are up would be grandfathered or would be removed. Trustee Sweeney stated there are various answers depending on when the sign was installed and whether it was legal when it was installed. Ms. Lowther stated she was particularly interested in the sign at Main and Cayuga. Trustee Sweeney stated under the new code that sign will not be allowed after July 1, 1994.

Trey Measer questioned the square footage of signs allowed on a building. If there are more than one business in a building can all the permitted signs be added up to allow a larger sign. Trustee Sweeney stated only one freestanding sign up to 80 square feet would be allowed.

Mr. Measer asked about the Florestry sign which had been put up without a permit and allowed to remain up without a permit and allowed to remain up without a permit. He wondered why the Jeweler across the street was in court for the same thing. Attorney Troy stated the Jeweler was told he needed a permit for his sign but he put it up without a permit anyway. The lady from the Floristry did not know that the writing on the awning constituted as a sign. Mr. Measer questioned the enforcement of one sign and not the other. He believes that the enforcement against the Jeweler be dropped until the code revision is completed. He also feels strongly that the code be specific about how neon signs are to be measured so there will be no question. Trustee Sweeney stated he will review that particular section of the code to ensure it is specific.

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, January 22, 1990 at 7:45 P.M.

Trustee Bindert stated the new sign code, when adopted, was an ideal. However when it was put into public operation, enforcement became a problem. This is the reason for the public hearing tonight to see what we can and can't live with and make changes accordingly.

On Motion by Trustee Sweeney, seconded by Trustee Daniels, the public hearing was closed at 8:18 P.M.

Theresa L. Cummins
Clerk/Treasurer

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, January 22, 1990 at 7:35 P.M.

PRESENT: Lawrence R. Brenton, Mayor

Robert Bindert
Ronald Daniels
Richard Sweeney Trustees

Thomas V. Troy, Village Attorney
Theresa L. Cummins, Village Treasurer
David Laubisch, Supt. of Public Works

ABSENT: Yvonne Kaye

Mayor Brenton called the meeting to order at 7:35 P.M. with the Pledge of Allegiance.

ON MOTION By Mayor Brenton, seconded by Trustee Sweeney, the minutes of the regular meeting of January 8, 1990 were approved.

Unanimously carried.

ON MOTION By Trustee Sweeney, seconded by Trustee Bindert it was moved at 7:38 P.M. to open a public hearing which was being held for the purpose of hearing all persons interested in discussing the proposed repeal of Sections 3.200 (1) through 3.200 (9) entitled Coin Operated Amusement Devices. (The public hearing was closed at 7:44 P.M.)

Unanimously carried.

ON MOTION by Trustee Sweeney, seconded by Trustee Daniels, it was moved at 7:45 P.M. to open a public hearing which was being held for the purpose of hearing all persons interested in discussing a proposed local law which would amend Chapter 1 - of the Village Code - the Sign Code. (The public hearing was closed at 8:18 P.M.)

Unanimously carried.

Minutes of the Regular Meeting of the Board of Trustees of the Village Williamsville held in the Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Monday, January 22, 1990 at 7:35 P.M.

Mayor Brenton reported on the following items:

- 1) Recently the Village installed a new waterline on Orchard and Franklin. We have had two failures in residential lines. These have been corrected by the Village and in doing so, we found that some of the work called out in the specifications had not been completed. A letter has been to URS Engineers, the engineering firm in charge of the job, asking why the work was not done and why we paid for the work.
- 2) These will only be one meeting in February so our work session on February 26th will start at 6:00 P.M.
- 3) He has issued a memo detailing a recycling action plan which will enable the Village to start recycling which should occur sometime during this calendar year. Duties have been delegated to various trustees and employees to get funding and all interested concerned citizens are welcomed to join in the effort to aid in public awareness of the program.
- 4) The mayor has issued a memo to the Village Board regarding the Village Water System and possible takeover by the Erie County Water Authority. The Board has also been provided with a listing of all the updates to our water system made during the last 20 years.

ON MOTION By Mayor Brenton, seconded by Trustee Sweeney, Vouchers in the amount of \$88,667.01 covering the period 1/8/90 - 1/19/90 were approved:

Payroll Fund W/E 1/13/90	\$ 16,225.54
General Fund	30,063.24
Water Fund	25,522.24
Sewer Fund	275.18
Trust & Agency Fund	4,367.43
Glen Park Joint Activities Fund	862.09
Capital Fund	11,350.83
Community Development Fund	---
* Grand Total *	\$ <u>88,667.01</u>

Unanimously carried.

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ON MOTION By Mayor Brenton, seconded by Trustee Daniels, the following resolution was hereby adopted:

RESOLVED THAT the position of Clerk/Typist, Part-Time, is hereby established in the Village Clerk's office, effective immediately.

Unanimously carried.

ON MOTION By Mayor Brenton, seconded by Trustee Daniels, the following resolution was hereby adopted:

RESOLVED THAT Sherry M. Brink, 130 Richfield Road, is hereby appointed to the position of Clerk/Typist, Part-Time, effective immediately at the rate of \$5.25 per hour.

Unanimously carried.

ON MOTION By Mayor Brenton, seconded by Trustee Daniels, the following resolution was hereby adopted:

RESOLVED THAT the position of Legal Stenographer Part-Time in the Village Clerk's office is hereby abolished, effective immediately.

Unanimously carried.

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

RESOLVED THAT the Village Clerk/Treasurer, Theresa L. Cummins is hereby authorized to attend the New York State Government Finance Officers Association Conference in Albany, New York, on March 21-23, 1990, and the cost, not to exceed \$450.00 to be paid by the Village of Williamsville.

Unanimously carried.

Trustee Daniels reported on a forum which is being held Saturday at Erie Community College from 1:00 P.M. to 4:00 P.M. on the Pfohl Brothers dumpsite. Topics to be discussed will be radiation and dioxin that has been found on the site.

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, January 22, 1990 at 7:35 P.M.

Trustee Sweeney stated the Refuse Local Law to be adopted was the concern of business owners because of the proposal that refuse dumpsters be screened. The concerns resulted in an amendment to the code so that it no longer requires that a dumpster be any set distance from a property line nor does it require the dumpster to be screened. However the law does require that the dumpsters be tightly covered.

ON MOTION By Trustee Sweeney, seconded by Trustee Daniels, the following resolution was hereby adopted:

RESOLVED THAT the existing part of the Village Code entitled "Section 17.00, Village of Williamsville Refuse Law" covering Sections 17.01 through is hereby repealed, and

FURTHER, RESOLVED THAT Local Law #3-1990, entitled "Chapter 17.00, Refuse," which was the subject of a public hearing on November 27, 1989, is hereby adopted as amended.

Unanimously carried.

Trustee Sweeney stated that at the public hearing held on the next local law, one area of concern was for pre-blast surveys. This resulted in a revised text such that the code being adopted requires a pre-blast survey within 600 feet of the blasting at the discretion of the Mayor.

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, January 22, 1990 at 7:35 P.M.

ON MOTION By Trustee Sweeney, seconded by Trustee Bindert, the following resolution was hereby adopted:

WHEREAS, the Village Board has considered the environmental effects of this proposed change in its local laws, and made a determination, pursuant to the State Environmental Quality Review Act, that it will have no significant adverse effect, therefore,

RESOLVED THAT, the existing part of the Village Code entitled, "Section 9.00 Demolition of Buildings" covering Sections 9.10 through 9.60 is hereby repealed, and

FURTHER RESOLVED, that Local Law #4-1990, Chapter 9.00 entitled "Demolition of Building; Blasting," which was the subject of a public hearing on November 27, 1989, is hereby adopted as amended.

Unanimously carried.

ON MOTION By Trustee Sweeney, seconded by Trustee Daniels, the following resolution was hereby adopted:

RESOLVED THAT the following fees are hereby established, effective immediately, for Mayor's permits listed in Chapter 11.00 of the Village Code:

Mayor's permits	\$15.00
Street peddlers or venders	
with vehicle (s)	\$25.00
without vehicle	15.00

Unanimously carried.

Trustee Sweeney stated his next resolution is calling for a second public hearing on the Village Zoning Code. The Board has already held one hearing. Numerous comments were received at and after this hearing. A number of changes have been made to the code and the further hearing is to provide the public an opportunity to review these changes.

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, January 22, 1990 at 7:35 P.M.

ON MOTION By Trustee Sweeney, seconded by Trustee Daniels, the following resolution was hereby adopted:

RESOLVED THAT the Village Clerk publish notice of public hearing to be held by the Village Board of Trustees on February 26, 1990, at 7:36 P.M. for the purpose of hearing all persons interested in discussing additional proposed revisions to the Village Zoning Code, Chapter 70.00

Unanimously carried.

Trustee Bindert reported that on Sunday, February 11th from 12:00 the Annual Winterfest will be held in Glen Park sponsored by the Williamsville Youth Board. Events will include sleigh riding, contests for younger children, a sing-a-long, and a snow shoe event.

ON MOTION By Trustee Bindert, seconded by Trustee Sweeney, the following resolution was hereby 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 February 26, 1990, at 7:35 P.M. for the purpose of hearing all persons interested in discussing the proposed 1990 Community Development Block Grant funding which will amount to approximately \$36,000.00.

Unanimously carried.

ON MOTION By Trustee Bindert, seconded by Trustee Daniels, the following resolution was hereby adopted:

RESOLVED THAT the Village Clerk advertise for sealed bids for Park Security for Glen Park for the 1990-1991 fiscal year. Bids to be opened at 2:00 P.M. on February 15, 1990, in the Village Clerk's Office, 5565 Main Street, Williamsville, New York, under the terms of the standard bidding resolution.

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, January 22, 1990 at 7:35 P.M.

ON MOTION By Trustee Bindert, seconded by Trustee Daniels, the following resolution was hereby adopted:

RESOLVED THAT the Village Clerk advertise for sealed bids for Park Security for Island Park and Garrison Park for the 1990-1991 fiscal year. Bids to be opened at 2:15 P.M. on February 15, 1990, in the Village Clerk's Office, 5565 Main Street, Williamsville, New York, under the terms of the standard bidding resolution.

Unanimously carried.

Mayor Brenton read a report provided by Trustee Kaye, who was absent tonight.

- 1) The Historic Preservation Committee has three openings - one from the general public, one from Planning Board and one from the business community.
- 2) The Parks Committee will be compiling information for the upcoming budget at their February meeting. Anyone with Park items should submit them to Peggy Santillo prior to the February 21st meeting.
- 3) As liaison to the D.P.W., Trustee Kaye clarified the department's policy regarding access to private property. The D.P.W. employees shall attempt to seek permission and explain the reason for accessing prior to entrance on private property for the purpose of conducting water or D.P.W. business.

Superintendent of Public Works Laubisch reported that the D.P.W. has been chipping Christmas trees. These chips are available at the D.P.W. garage to Village residents. The D.P.W. is also engaged in the tree stump removal program which is done during the winter months. Anyone interested should complete a release form in the Village Clerks' office.

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

Unanimously carried.

Minutes of 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, January 22, 1990 at 7:35 P.M.

Mary Argen from the Argen Shop on Main Street stated she has a land-locked building. She has a small parcel of land behind her building she would like to put an addition on. She was told in order to do this she would have to get a long term lease or easement from the owner of the driveway they use to access their parking lot. This does not seem a feasible solution for her as a small businesswoman. She feels the Village should pass laws to enable her to get this access.

Mayor Brenton stated that the Village Board has no jurisdiction over her request. Trustee Sweeney stated to his knowledge a letter had gone to the Building Department and Ms. Argen had not received an answer. It is his understanding she does not have adequate parking. Attorney Troy stated that although there is enough space in the parking lot to accommodate an increased number of cars, her access to this lot might be cut off at anytime rendering the lot useless. He feels the Village was being generous by offering to accept an easement as access to the property. The easement would have to run for as long as the building was used for commercial purposes.

Sara Argen stated there had been an easement agreement between Bernie Smith, the first commercial owner of their building and the owner of the driveway property. This ten year easement had been invoked by a judge to ease the parking problem. At that time Mr. Smith sold the building to Mary Argen and no agreement was drawn up. Attorney Troy asked that a copy of this prior easement be forwarded to him and that Ms. Argen's attorney contact him to discuss this problem.

Trey Measer asked what is happening in the Building Department. Is the Building Inspector a temporary free lance person called per case and not per hour. Mayor Brenton stated the Building Inspector is a permanent hourly position. The person in that position right now is there on a temporary basis and paid by the hour. He comes in as needed. The clerk in that department is a full time position which is Building and Zoning Clerk. Mr. Measer also questioned the proposed guard rail that was to be erected behind the old fire hall.

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, January 22, 1990 at 7:35 P.M.

Trustee Bindert stated that after further review of the proposed project there was not enough room to put in diagonal parking so it did not make sense to move the guard rail. Nothing would be gained; as a matter of fact some parking would have been lost on the opposite side of the street. Dick Rich from the Businessmen's Association was present when this decision was made.

Carolyn Schlifke, 192 Evans Street, asked if there would be any representation from DEC or New York State at Saturday's meeting on the Pfohl site or would this strictly be local people. Trustee Daniels stated as far as he knows it will be only local people who take an aggressive approach to this type of problem.

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

Unanimously carried.

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

Unanimously carried.

Theresa L. Cummins
Clerk-Treasurer