

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, June 25, 1990 at 7:36 P.M.

Present: Lawrence R. Brenton, Mayor
Robert V. Bindert - Trustees
Ronald Daniels
Yvonne Kaye
Richard Sweeney

Thomas V. Troy, Village Attorney
Theresa L. Cummins, Village Clerk/Treasurer

Absent: David Laubisch, Supt. of Public Works

The Clerk read the notice of public hearing being held June 25, 1990 at 7:30 P.M. for the purpose of hearing all persons interested in discussing the proposed designation pursuant to Chapter 6, Historic Preservation of the Village Code of the Amherst Youth Building at 72 S. Cayuga Road as a historic structure in the Village of Williamsville.

Trustee Sweeney read from a couple of documents in ^{file} of having the Village Historic Preservation Commission make a presentation concerning the site. One document is a circular that was prepared on the occasion of the Hopkins School House dedication August 5, 1975 for use as the Village Youth Building.

Trustee Sweeney read "General Timothy S. Hopkins first built the schoolhouse in 1840 using native lime stone and timber. The cost was \$1,000.00. It served the community as a schoolhouse for more than a century. Among it's teachers was Ms. Bertha Spalding who taught for more than 5 decades. The late Ms. Spalding is remembered fondly by her cousin Ms. Helen L. Campbell, previous Historian for both the Village of Williamsville and Town of Amherst. Ms. Campbell attended the schoolhouse as did the patriarch in the Hopkins family, Nelson S. Hopkins. About 1950 the Williamsville school board arranged to lend the school to the Back Door of Arms Club, a local men's group. In 1962 the school board gave the school to the Town of Amherst for use as a center for historic and senior citizens activities. When the Town historic interest moved to Old Amherst Colony Museum in 1972, the lower floor became offices for the Amherst Youth Board. The Founder of the Hopkins line in Amherst, General Timothy S. Hopkins, came from Great Berryinton, Massachusetts as an impressive member of first connected with his distinguished name. He was Amherst's first supervisor who raised the first week in the Holland Land Company Purchase and married Nancy Ann Curr in 1804 in the Evans Scott House, Williamsville, in the first wedding recorded in Erie County.

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, June 25, 1990 at 7:36 P.M.

His military career began in 1803 as captain of the first militia organization in this sector. He rose to the rank of brigadeer general in 1811, served in the war of 1812 and then resigned his commission when peace was declared. He served as Justice of the Peace for 32 consecutive years. His peace justice records of weddings performed are in the Old Amherst Colony Archives. This goes on to note that among the General's accomplishments are the large number of artifacts, documents he has left his decedents and the community at large through his acuity to collect and preserve artifacts and documents that exist in mint condition today in the Old Amherst Colony.

Trustee Sweeney stated the second note is from a communication from the Town of Amherst since the building at 72 South Cayuga Road is presently owned by the Town of Amherst. This is a letter to the Williamsville Historic Preservation Commission. "In response to your request dated March 8, 1990, the Town Board adopted the following resolution on April 2, 1990. "Resolved that the Amherst Town Board supports the Village of Williamsville's desire to designate the Amherst Youth Building at 72 South Cayuga as a local historic landmark pursuant to said Village's Historic Preservation Code."

Trustee Kaye stated as past liaison to the Historic Preservation Commission, that the commission has worked very hard over the many years to look at having this building be designated. Trustee Schlifke worked very diligently as well as Liaison to that same committee in working on having that building be designated. She is pleased to see that that is moving forward and the Town of Amherst has agreed to it.

ON MOTION by Trustee Sweeney, seconded by Trustee Kaye, it was moved to close the public hearing at 7:47 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, June 25, 1990 at 7:40 P.M.

Present: Lawrence R. Brenton, Mayor
Robert V. Bindert Trustees
Ronald Daniels
Yvonne Kaye
Richard Sweeney

Thomas V. Troy, Village Attorney
Theresa L. Cummins, Village Clerk/Treasurer

Absent: David Laubisch, Supt. of Public Works

Mayor Brenton reconvened the public hearing which was held on June 11, 1990. This deals with the request of the Ciminelli Corporation to construct a roadway from the Town of Amherst into the Village of Williamsville.

ON MOTION by Mayor Brenton, seconded by Trustee Kaye, it was moved to reconvene this hearing that was held on June 11, 1990.

Unanimously carried.

Mayor Brenton stated the purpose of the public hearing is to hear from the public and also to hear from representatives of the development pertaining to this project and to provide the Village Board with your input regarding this subject.

Carolyn Schlifke, 192 Evans Street, stated she has a statement she will read to the Board. She doesn't normally prepare her statements in advance, but she feels it's very important this evening that she does state all the facts and the way she feels, in particular about what the Board's decision should be. Ms. Schlifke stated the Board has received copies of her letters to both the Planning Board and the Traffic and Safety Committee regarding what she feels these advisory committees should consider in their recommendations to the Board. Therefore, her statement tonight is not going to repeat those recommendations. (Statement attached.)

Mr. Frank Ciminelli, President of the Ciminelli Development Corporation, 350 Essjay Road, read a statement: With the application for the curb cut permit under consideration by the Village Board of the Village of Williamsville, he is appearing before the Village Board to ask that the Board consider the proposed connection of Essjay Road with Evans on it's merits.

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, June 25, 1990 at 7:40 P.M.

He believes that all the traffic studies, whether commissioned by his company or the Village of Williamsville itself, has shown that this proposed intersection is the best means of channeling the traffic flow in the area of the Centerpointe development. That is not exclusive to Centerpointe. He is talking about Evans. Evans Street is a county highway connecting two state highways. He is aware that many residents of Evans Street are upset that their street has increasing traffic. However, channeling the inevitable traffic from the area north of the Village along a county highway is the best and safest means of managing this traffic. The Village of Williamsville is not an island. The Village cannot divorce itself from the larger communities. We must consider the welfare of the entire community with making it's determination and the important issue of traffic safety. Because he is sure that the Village Board is concerned for the safety of the community, he is confident a favorable decision on the Ciminelli curb cut application will be forthcoming. He looks forward to working with the Village towards making this intersection an attractive roadway which provides a safe route for all of the Village residents who have occasion to use it.

Mr. Bill Regan, Attorney for Ciminelli Development Corporation, 350 Essjay Road, stated he would like to echo the comments of Mr. Ciminelli, that is, they hope and ask that this Board consider this application on the merits. He was going to ask for a show of hands as to how many in the audience are in favor of the connection and how many were opposed, but he thinks that is a tad bit obvious. The people are here, generally speaking, because they are in opposition or maybe because they don't understand. He thinks Trustee Sweeney's comments earlier were appropriate as well. We talked about the number of firsts that as with General Hopkins were attributed to him. This is another first tonight. As far as he knows, this is the first time anybody has appeared before the Village Board in connection with 50.11(E) of the Village Code. He would like to say that they are pleased to be the first, but that's not necessarily true. It's not the only first we've had, though we will see. He recognizes Mrs. Schlifke's opposition to a road connection and the fact that she has the unique circumstance of living on Evans Street basically across from where this connection would enter Evans Street. He has to take exception of the reading of Judge Doyle's order which did anything but uphold the Village Code. Judge Doyle was presented with a complex case interpreting the Village Code, the section of the state highway law, Section 184. The positions of the various parties were argued extensively before Judge Doyle last summer. Judge Doyle directed that the Village and Town meet to see if they could resolve their differences. He directed that to occur last October. It did occur but it didn't resolve the differences.

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, June 25, 1990 at 7:40 P.M.

He supposes it extends in part to serve the water tower, which isn't shown on the drawing either. What we want to do is extend Essjay from it's existing terminus which is the Village and Town boundary and extend it about 400' to the west so it will form a T intersection with Evans. The existing area of Essjay, from the Village Town boundary to the east and then progressing to the north up to Sheridan Drive, all of that portion of Essjay is currently dedicated Town Roadway. Ciminelli is no longer in control or has jurisdiction over that roadway. The roads that head to the south from Essjay, that is Village Point Lane and then we move forward to a court called Clarrion Court. Those are roadways which serve the subdivision only. They too are dedicated town roadways. We've already had one closing where one property owner bought two area building sites in the Centerpointe subdivision. We have some other closings which are scheduled so the roadways were dedicated to advance the closing as they were required to. The extension that we want to make of Essjay is about 400'. It too, like the other roadways, would be inspected and built to municipal specification. Once completed at no cost to any municipality, it will be completed by Ciminelli at his expense, ^{and} will be dedicated to the municipality. The Town of Amherst has already indicated it's willingness to accept the dedication of that roadway, because from a Town's perspective what that roadway does is to connect it's existing highway system, located in a different development than International Drive and Essjay and the other roadways located in the development, to the County roadway system represented by Evans. Once the connection is made, there is certainly the possibility, the experts aren't necessarily always in agreement on this, a signal could be appropriate at that intersection to control traffic. Should that be the case the signal would be constructed at the expense of Ciminelli. It's not Ciminelli's decision to do it or not to do it, nor would it be the Village's decision to do it, it's the County's decision because it is a County roadway. The County has required and Ciminelli has provided, a letter of credit, which the County is holding, which will assure the funds will be there to pay for the signal if needed. If the signal is required to be installed, the Town of Amherst has indicated it's willingness to maintain the signal so it will be maintained at no expense to the Village.

What's proposed here is basically the third connection into the Centerpointe Development. We have two existing connections to Sheridan Drive. One's at International Drive at the Auto Club and one is at Essjay Drive between the post office and Wegmans. The third connection to this development has been proposed since an analysis has been done on this development and that goes back to 1978 when Gruin, an internationally known planning firm out of New York City, drew up a concept plan which showed a basic road configuration as depicted over to the left.

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, June 25, 1990 at 7:40 P.M.

The only significant difference between the Gruin proposal of 1972 and the proposal before the Board tonight is that in the old Gruin Plan, the single family subdivision is at the top of the escarpment connected to Rinewalt and Academy Streets and there was no connection between the commercial area below the escarpment in the single family subdivision above it. Back in 1987 when this plan was being reviewed and there was a meeting, he thinks in this very chamber, Mr. Renaldo made a presentation with regard to the subdivision and there was opposition by the residents of Rinewalt and Academy. In attempt to accommodate the desires of the neighbors, Mr. Ciminelli redesigned the subdivision and connected to the north eliminating the connections to Rinewalt and Academy. Now this third access isn't just for Centerpointe. It's obviously going to provide access to some of the other uses that you see labeled on this map and others that are not, Wegmans, Jewish Federation Housing, Auto Club, Post Office, Hidden Ridge Condominiums, the Williamsville Place Plaza and other offices that are located in that area that are not listed. People that are at Centerpointe, in speaking of one that has an office there and works there, and other people, whether it's convenient or not convenient, the people go to their place of business. The people who go to Wegmans maybe don't have to go there but they seem to generate an awful lot of traffic. This is going to be a more convenient route for those people to take. The reason he says, that is obvious if you are located in where we are on one of the residential streets in the Village and you want to go to Wegmans, you're heading north on Evans Street and this connection is available to you. You can make a right turn and go to the post office, go to Wegmans and not have to contend with Sheridan Drive traffic. As a result, the traffic on Evans north of this connection between the connection on Sheridan, is forecast to be reduced if this connection is made. All the traffic studies agree. It makes sense, a car can hardly be on Essjay heading to Wegmans, ^{and} on Evans heading to Wegmans at the same time. By the same token, traffic leaving there, say Wegmans for example, inclined to head back south towards the Village or towards the Kensington Expressway or wherever, with this connection, they can drive up to Evans, make one left turn and proceed on their journey. Whereas under current circumstances, they are forced out to Sheridan Drive, they are forced to make two left turns. You still wind up on Evans but it's a more difficult process for you to do so. The traffic studies don't vary much in terms of that.

Mr. Regan stated the reduced traffic north of this proposed intersection will have the following benefits. These will be benefits not only for Centerpointe but benefits for traffic in the area generally including the residents of the Village. The level of service of Essjay and Sheridan will improve. The level of service of Evans and Sheridan will improve. The existing congestion, you can see it on any rush hour evening between Evanstown and Georgetown Plazas near Sheridan Drive, will improve.

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, June 25, 1990 at 7:40 P.M.

As he indicated, all the traffic studies to date have concurred in that.

Mr. Regan stated this roadway has been studied extensively over many years. In 1987 the Village hired Delew Cather, a nationally known firm with offices in New York City and Buffalo, to do a study with regard to traffic movement in this area. Delew Cather concluded this connection should be made. Ciminelli hired Jim Smith from EMS, who is seated here in the front row. He conducted studies throughout most of 1987 in connection with environmental review of the Centerpointe project. His conclusion was the connection should be made. The Town of Amherst exhaustively studied the environmental review that we've submitted to it. They were continually aided in their efforts by members of the Coalition and others who continually asked questions and asked for additional information, and the Town of Amherst concluded the connection should be made. The opponents to the Centerpointe development and connection suggested strongly to the County of Erie that the county should not issue a curb cut permit for it's highway without having a public hearing. The county gave the first public hearing in it's history on a curb cut permit in November, 1988. After the County of Erie had it's public hearing, they decided they would study this before they make a decision. We had the Department of Environmental and Planning, the Highway Department and the Niagara Frontier Transportation Council look at it to see what was the right thing to do. After spending a couple of months studying it, they decided a connection should be made. Independently of all of that, in July of 1986, the New York State Department of Transportation, obviously concerned about the congestion on Sheridan Drive and the area, wrote to Harold Farber, the owner of the abutting parcel and suggested that a connection to Evans be made. In the face of all this, what he thinks are unfounded concerns, we have some comments in Mr. Frandina's report, which as Mr. Regan said, he spent 2 weeks preparing, indicating that maybe we should look at some other options. That's fine. We've got alot of options we've looked at over these many years. One of the things Mr. Frandina does say, he agrees with everybody else, that another way in and out of Centerpointe development is needed. He also agrees that the general movement in the area, your traffic coming to the development, whether coming to Wegmans, Centerpointe or whatever, and traffic leaving it, the general movement is south and west. On that basis, Mr. Frandina agrees with everybody, including Mark Twain that east is east and west is west and never the twain shall meet. Mr. Frandina says there's no sense looking at a connection to Youngs Road because people aren't going to go east when they want to go west. We shouldn't look at Youngs Road, we should look at other options. Mr. Regan stated the other options Mr. Frandina is basically left with are connecting Farber Lane, connecting to Rinewalt, connecting to Academy and connecting to Evans. Mr. Regan doesn't want to waste his time looking into these alternatives here.

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, June 25, 1990 at 7:40 P.M.

He knows Mr. Frandina is here, he can speak for himself. Farber Lane, Rinewalt and Academy are Village streets. Evans is a County arterial. That in itself seems to go a long way to answer your question as to which would be a preferable alternative. In addition, there are other reasons that make Farber Lane impractical; the slope of the escarpment, the fact a couple houses would have to be bought which aren't for sale and there are other things about why it's not such a good idea. The real alternatives that he thinks are before this Board and may not be popular alternatives, he thinks the real alternatives are two. One is Evans Street. That's what we prefer. We think it makes sense. Almost all the traffic studies, with a few comments in Mr. Frandina's study not withstanding, support our conclusion. Failing that, the Town of Amherst Planning Board, when they approved the Centerpointe subdivision, were concerned that we might not get to Evans Street. They felt it was important that we connect to Evans street or connect to someplace. In their resolution of approval, they provide language stating that, if Ciminelli is unsuccessful in connecting Evans Street, that Ciminelli shall connect to Rinewalt and Academy. The Town has reserved one subdivision lot, the lot that lines up with Academy and will not issue a building permit for that lot until this issue is resolved. The Town has a right-of-way which connects to Rinewalt. Currently it is the emergency access only. There are posts up. There are pavers. Ciminelli's people put some large rocks there to try and stop people who were cutting through. If we fail to get out to Evans, the Town, which is not Ciminelli, has directed it to be connected to Rinewalt and Academy.

Mr. Regan stated in the meetings that have occurred to date by the Traffic and Safety Board and the Planning Board, there's been lot's of alternatives and options and mutations discussed and voted on and not voted on. He doesn't think that this is really what this is all about. He thinks one particular application is before the Board, but there's one alternative that keeps coming up and he wanted to mention. That is the alternative of connecting the "residential owner" to Evans Street, the connection of the single family subdivision and condominium to Evans Street. He doesn't believe this is viable for a few reasons. One is, as alluded to Mr. Ciminelli's statement earlier, like or not, the Village of Williamsville is not an island. There are regional benefits and regional burdens that flow to members of our society and the county highway system and the state highway system is probably a little bit of both, benefit and burden. One of the benefits of connecting the overall development to Evans and is a significant benefit to Village residents who travel in the area as well as others, is to improve the level of service on Sheridan Drive. Connecting the residential only won't do a thing for that. The second thing as he indicated before, Essjay and Village Point Lane and the rest are Town roads. You know what the Town's position is. We have no ability to control it.

Minutes of the Public Hearing of the Board of Trustees of the Village of Williamsville held in the Williamsville Village Hall, 5545 Main Street, Williamsville, New York on Monday, June 25, 1990 at 7:40 P.M.

Once you extend Essjay to Evans, you've got an existing Town highway system, he doesn't think the Town will change their highway system.

Mr. Regan stated the concern raised by people against this fall into the following categories. One concern is because of the connection there will be a more traffic that will be channeled from Sheridan Drive or the development or someplace to Evans Street and into the Village. The traffic studies haven't supported this. Mr. Frandina makes a statement to this effect in his study, but he doesn't really come up with any facts to support it. Mr. Regan thinks it's illogical in any event. The traffic goes to the Village of Williamsville now, takes the two left turns or comes down Sheridan and does whatever and goes to the Village of Williamsville and goes through the Village of Williamsville because it's destination takes them there. That's why we go places. There are 200 businesses, more or less, along Main Street or within a block of Main Street in the Village of Williamsville between Youngs Road and the Thruway. They attract people obviously. There are destinations. We get the airport or the Kensington Expressway which would cause people to travel in this area. These people are going to travel there whether they get advantage of this connection or not. People that are heading north or east obviously aren't going to use this at all and people that are traveling west bound, even with this connection, even with improving the access on Evans Street, can travel westerly on Sheridan Drive and westerly on Main Street. He thinks the decision the Board finally reaches has to be based on the safety of the public at large and not just on a straw pole with people that come to these meetings.

Mr. Regan stated that cut through traffic from Evans Street and congestion on Evans are caused by the signal. It seems to Mr. Regan, that cut through traffic from Evans through Belmont or Chalmers, the easiest way to prohibit that is either stop people from turning by making no right turn during rush hour from Evans onto these streets or make them one-way. That will stop it entirely. The cut through traffic existed before Centerpointe and would be there now and would be there now with or without Centerpointe. The signal-traffic experts have stated in other meetings, can be a benefit or a burden. Obviously, we all like them when they're green and we can go through them and we don't like them quite so well when they stop us. It would seem, this is not as a traffic expert but as a long time driver, what might be appropriate here is to have the signal operational during rush hour to provide breaks in the traffic and have it in a flash mode for the rest of the day.

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, June 25, 1990 at 7:40 P.M.

Legal arguments continued and the Judge issued a second order in April where he directed Ciminelli to make an application, but he specifically went out of his way when he made the decision, to indicate that it was without prejudice to the position of the Village or the Town or rather the petitioner, Ciminelli, or the Town that the Village Code didn't really apply. The Judge said to meet, apply to the Village, see if you like their decision, they said they would be fair and impartial. If you don't like their decision, come back to me and I'll make the decision and we'll see how that goes. So the Judge really didn't endorse the Village Code. He's trying to let the parties work it out. He can certainly understand that approach and we will see what happens.

Mr. Regan stated about the Village's fair and kind treatment that's been received by Ciminelli - he can say that the Boards we have appeared before have certainly been courteous to us and he appreciates that. But the delay in the Village Traffic and Safety Board in making a decision, and he indicated this in a letter to the Mayor, is not attributable to Ciminelli in any way or to appearing or not appearing at a meeting. The Traffic and Safety Board did have a meeting on May 17, 1990. We were not present, that is true. Nor did the Traffic and Safety Board have Mr. Frandina's traffic report. Mr. Frandina had been commissioned by the Village 3 days before that meeting. So we didn't make a determination following the May 17th meeting. That other meeting on May 31, 1990, a presentation was made to them by Ciminelli, by Mr. Regan for Mr. Ciminelli. They didn't make a decision following that meeting either because they just got Mr. Frandina's report on May 31st and Mr. Frandina wasn't present for whatever reason. They deferred it again. The real reason for the delay in Village Traffic and Safety Board not making their decision is pretty obvious. If you look at the facts, and that is it took a while for Mr. Frandina to generate a report. He did it in 2 weeks. That's pretty quick. Obviously, you could not hardly take that report to account before it was available to them, and that was on the 31st.

Mr. Regan referred to another comment made by Ms. Schlifke and said maybe it's a feeling held by the Board and if so, it's unfortunate. Ciminelli's reluctance to appear before this Board, was never intended to be and should not have been taken to be an affront to the Village or the members of this Board or the members of any previous Board. Given the factual development, Mrs. Schlifke talks about the Village continually reviewing and revising it's ordinances and certainly that's laudible. It didn't quite happen that way in terms of this particular ordinance at least as it's perceived to him. We felt there was no legal requirement to come to the Village because Evans Street is a county roadway. The Village doesn't really have any jurisdiction over it. It happens to run through the Village, but so does Main Street and that's a state highway. The Village doesn't have any jurisdiction over it.

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, June 25, 1990 at 7:40 P.M.

He is sure there are other county roadways and maybe state highways which run through the Village, which it doesn't have any jurisdiction over. That's for a purpose. The state and county roads are intended to serve regional needs, not purely local needs. So we didn't think that the Village ordinance was well considered in terms of its legal jurisdiction and justification. At this point in time, Justice Doyle hasn't made a final decision on that. We may give him a chance later on depending on how things go. In 1987, the environmental review, of what we usually call the Centerpointe project, but really the Farber-Jacobs Parcel or the Centerpointe/Farber Parcel, was underway in the Town. There had been some meetings in the Village about the design of the subdivision and some other things, and there was an opposition. In August, 1987 the Board that was in power at that time adopted a resolution of unyielding opposition to this intersection. That being the case, it certainly didn't create a framework where any reasonable applicant would expect a fair and impartial hearing, when one month later the Village adopted this Section 50.11(E) of the Village's ordinance representations have been made that the Village will be fair and impartial on that. He is not going to concur with Mrs. Schlifke that the Traffic and Safety Board and Planning Board have done that. Mr. Regan doesn't think they have, he thinks they've ignored the facts, however, this is a fresh start. We're hoping for a better year. In addition, since we've contemplated the need, which turned out to be a reality, go to court to try and indicate their position. They didn't want to apply first and risk the potential of prejudicing their legal position. When they met in October, the Mayor will remember he asked Mr. Regan directly, if Mr. Ciminelli would be interested in applying pursuant to 50.11(E) of the code for review which would go forward on an expedited schedule. A couple days later Mr. Regan got back to the Mayor in writing and he said they weren't interested in doing that. What we did remember and the court found out, we have a transcript of that meeting of the expedited schedule, that if it was referred to was our representation and that if we apply in the middle of October, we would of had a decision by the end of November of that year. What we want is simple enough. Mr. Regan presented a picture of how the intersection will look once it is constructed. It will be a tranquil, well landscaped intersection. It will be an asset to both the Village and the Town. The roadway system that services this area is generally depicted by the large illustration over here on the left. While this is generally accurate and shows the layout of the road configuration in the area, he's sure the Board's familiar with it anyway, it has some inaccuracies. Rinewalt Street as depicted on the drawing is shown as actually being short of the Village boundary at the upper end. In actuality we have a smaller instrument survey prepared by Bissell and Associates which shows that Rinewalt extends a goodly distance into the Town of Amherst.

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, June 25, 1990 at 7:40 P.M.

Mr. Regan stated this is going to be a difficult decision for the Board to make. We ask that the Board look at the facts and make a decision on the facts and if you do so then we are confident you will agree with the County, the State, the Niagara Frontier Transportation Council and the vast majority of the experts that this is a good idea. If you don't think it is such a good idea and you reject the curb cut permit, then it's unfortunate and the wheels of justice will continue to grind and the Board will have to turn this to the Judge for his decision and Mr. Regan is confident Judge Doyle will make a decision on the facts and the law and there will be no further input from the Village.

Mayor Brenton thanked Mr. Regan for the well documented chronology of events that have occurred pertaining to the subject and various opinions and feelings of his own that he wishes to convey to the Village Board for the Board's consideration.

Mary Lowther, 122 Chalmers Street, stated she has been actively involved in this decision making. Mr. Ciminelli and Mr. Regan both make the illusion that the Village is not an island. She agrees that the Village is not an island. It is also not a freeway. She doesn't feel in order to accommodate poor planning over the years, on the part of the Town of Amherst, that the Village has necessarily got to allow a road cut permit into it's boundaries. That's the bottom line of the whole thing. We've got to look at how this is going to impact the Village and the Village residents because we're the people who live here and we are the people who have to contend with this traffic. They can insist over and over again that there will no be increased traffic in the Village of Williamsville. She does not agree with that. She lives on the corner of Evans and Chalmers. The traffic is increasing. It will continue to increase. She doesn't believe it will decrease where she lives because of the curb cut coming out on Evans Road. She doesn't believe that is a fact. She also thinks it's inappropriate for certain people to be talking on behalf of the Town of Amherst at this point saying that the Town can and will and should do certain things. That is certainly the Town's position. That is not the developer's decision or anybody else's decision nor the Village's. If they have made poor planning choices and there are problems with traffic congestion at Sheridan and Evans and Hopkins, that really is not a problem that can be solved or should be solved or should be looked at by the Village of Williamsville. That is not our jurisdiction. If there's a problem there, she chooses to avoid it by going around it, that's her business. She doesn't feel she should have to pay the price as a resident of the Village of Williamsville to take care of the traffic problem outside of this Village.

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, June 25, 1990 at 7:40 P.M.

Supervisor Dan Ward stated that without being facetious, if the Town and Village Board perhaps had been able to come to a better consensus over this particular area of land use some time before, we might have been able to avoid alot of this controversy, perhaps even the hearing here this evening. He doesn't come here as a lawyer representing any particular group, and because of the political particularities, he can't say he represents all of the government of the Town of Amherst. He can say representations made that the Town of Amherst feels this way or that way are not unanimous at least and may well change given the fact that we've had a Glastnost of sorts over there in the last 6 months and there have been some substantial changes of opinion on the part of various Board members, on some of the other areas of concern. It is a very difficult problem with Centerpointe. It's no secret that he's been a long term opponent and any remarks he makes here tonight would not come as a surprise to probably anyone here, least of all, the Village Board. Having said that, he thinks that to continue this particular development is really an outrage on the Village. It's unfortunate the Town, through prior bad planning or benign neglect ever allowed this development to get to this stage and it has gotten to a situation where one municipality is making war almost on another one's life and tranquility and he thinks that's a little extreme. He thinks if we could sit down and rethink this particular development it might be better for both municipalities, perhaps even people from the County as well. He thinks the Board should deny this permit application. However, that is the Board's decision and no one elses. He would speak in favor of that denial. He thinks in doing that the Board can throw the decision making process back and open it back up and that there may well be other options to solve this as were suggested, at least obliquely, in the Frandina report. He thinks it's really a shame, that in many cases we got some new people here, it appears whether they be Farber Lane residents or residents from another area of Williamsville or contiguous Amherst, that are now being threatened with this particular development. Like a giant octopus that must go out in one direction or another, if it's not going to be Academy or one of the other streets, it may well end up on Farber, Rinewalt or Youngs Road or something else. He thinks that just speaks to the density of this particular development and with the density the common increase in traffic that it is bound to bring. He was just coming down tonight down Hopkins Road, that wasn't why he was late, but it was packed with traffic as it is almost any time anyone travels in that particular area. He's not challenging the scientific results of any one particular traffic study. He thinks that anybody that's traveled that area, if you're a Village resident, a Town resident, or anybody passing through, he thinks you'd realize that we have a real traffic problem in that it extends in all directions. It's very hard for him to see with the continued development in that area, whatever proposed highway to get in and get out, ingress and egress, that it's going to do anything to solve that.

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, June 25, 1990 at 7:40 P.M.

The history of that kind of development here in the Town is to bring in more traffic in the area. He doesn't think it's going to alleviate that. He urges the Board to consider it well.

Mr. Lewis Steele, Attorney for the Williamsville Homeowners Coalition for Preservation at Box 1235, Albany, New York, 12201 stated with the permission of the Trustees and the Honorable Mayor at this time he will read a statement from his client. (Statement attached)

Mr. Steele wants to raise an issue that Mr. Regan has attempted to threaten and to intimidate the Board. He said if you don't do it this way, you're going to do it the other way. The other way involves rolling through Rinewalt and rolling through Academy. What sort of sense does that make? How do you know that that's a bare attempt at intimidation and a bare attempt at threats? If you look at Section 3-83 of the developer's own environmental impact statement, what do they say about that particular selection? They say as follows. "It is also obvious from the traffic studies prepared for this draft impact statement that the least desirable option would be to extend Essjay Road to connect with either Academy Street or Rinewalt Street in the Village". That's the least desired option they concluded and they are threatening to make sure that that's the selected option in the event that you ladies and gentlemen use our discretion to make a sensible decision. Mr. Steele brings the Board back a couple of years ago when the proposal was made to connect the subdivision with Academy Street and Rinewalt Street. Mrs. Schlifke, who spoke openly earlier was on that Board when it voted and made it's determination to object and oppose that particular selection. This Board is on record as opposing that. He trusts that the Village would fight to the last Board member to make sure that that doesn't happen. The wheels of justice and the alternative, if you don't give them their way, they will have to rely on the wheels of justice. Well he guesses justice is okay with him, it seems. If we can't rely on justice and if we can't make an arrangement that makes sense, he doesn't think there's anything the matter with relying on the wheels of justice.

Connie Schweitzer, 158 Mill Street, stated she has been a taxpayer and a resident for 7 months. She lives exactly where Belmont would come out onto Mill Street. She would like to invite some of the people who think this would not have an impact to try to get out of her driveway when the people are coming around the curb on Mill Street, coming out from Belmont and coming out from the Village Glen. The thought that there could be additional traffic and the statement that Wegmans could empty out this way is enough to send her into total fear that her investment of her life savings that she just made on Mill Street are really going to be depleted because of the value of her property. She says that the impact of doing this would greatly affect us on Mill Street.

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, June 25, 1990 at 7:40 P.M.

When she came 7 months ago she couldn't understand why the 3 houses at the turn were on sale all at the same time. She thinks she now knows why that happened. She loves the Village of Williamsville and wants to stay here. She is very concerned about what the impact of this would be. She knows that the people on Mill Street near her share that sympathy.

Peggy Santillo, 37 Rinewalt Street, Vice President of the Williamsville Homeowners Coalition, stated she's not going to make too many comments because Lewis Steele, their Attorney spoke on behalf of their Coalition. She wanted to make a few brief comments in terms of just being a member of the neighborhood that lives adjacent to the Centerpointe project and also someone who has spent the last 3 years reading documents, attending public hearings, both on the county in Albany, on the state level in many local hearings, especially with the Amherst Town Board and Amherst Planning Board. It's really wonderful for alot of us to be standing here before the Village Board tonight. As someone who has also attended the Traffic and Safety Committee meetings and the Planning Board meetings for the last couple of months, she thinks they have been held in a very professional and Village like manner. It's been really wonderful to see the citizen volunteer members of these committees take the time to really read the documents and study the material and take extra time if they needed it and ask questions when they didn't understand it. She is extremely impressed. The reason she wanted to share this is because for the last 3 years, prior to this experience, she and other members of the coalition involved in this project have had to be victimized, she doesn't know what other word to say, by Town proceedings. It's really been very difficult for all of us to have to go in front of a Town Planning Board that schedules meetings at the last minute, schedules meetings during Old Home Days when alot of us couldn't even get into the door. They scheduled meetings at times before Easter vacation. In 1988, as you remember, the public hearing really did not take into consideration the community that they were appointed or elected to serve. She just wants to show the Board that she has been very impressed with the difference in the way the Village has chosen to handle this as opposed to the way the Town, under a previous administration, chose to handle it. Now the decision comes in front of the Board and their elected members. She thinks that when Judge Doyle ruled that the Ciminelli Development Company did have to apply for a permit, he gave the Board, our elected officials, that responsibility to do and to do what your citizen appointees have done, to take the time to read the documents to ask questions, to schedule extra meetings if needed and to really take the time to consider what has come before the Board. This is a very difficult issue. She knows that Trustee and Deputy Mayor Yvonne Kaye understands the difficulties of this issue because she is sitting up there because she understands the difficulties of this issue. There's no secret about that.

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, June 25, 1990 at 7:40 P.M.

Ms. Santillo is pleading with the rest of the Board on behalf of their Coalition that they also take the time to read the minutes from the Traffic and safety Committee meeting, the Planning Board meeting and to read the Frandina study which does recommend that you deny this permit. Not approve it with conditions, but deny the permit. The developer would then need to come back with another plan. Our Coalition really supports that idea, that the Board denies the permit and that we all go back to the drawing board. Rinewalt Street does not want to become a thruway into this development. Academy Street does not want to become a thruway. Farber Lane, which is heavily being represented tonight, does not want to become a thruway either. Evans Street, we do concur that it is a county arterial roadway. It also zoned residential in the portion of the street that is affected for the most part. We want to remind the Board and the developer and all of his representatives tonight that people live on Evans Street. They don't just pass through on their way to work or on their way to Wegmans. They live there. There is no reason why any Village neighborhood, whether it be her own or the Evans Street neighborhood, should have to become a thoroughfare so that one development company and we know that this is what this is all about.

Mr. Ciminelli stated that is not true. It is not one development company and he doesn't.....

Mayor Brenton stated he cannot allow for anymore interruptions of the speaker because that would be in opposition to the democratic process and everyone will be given an opportunity to speak.

Ms. Santillo stated she hopes that this kind of reaction will not scare away other speakers from speaking tonight. It is not an easy thing to get up and speak. She also wants to encourage any residents here from Farber Lane and those who have never gotten up to speak, she would like to encourage them to share their feelings and not to worry about the reaction that they may produce.

Ms. Santillo stated she wanted to respond to what Mr. Regan said about a third access. He did say and she does agree with it that this third access is not just for Centerpointe. She thinks that's exactly the point that both the EMS traffic study and the Town traffic study ignore and continue to ignore. When this new intersection will be created, there will be a of cut through traffic. She's not just talking about Centerpointe traffic. She agrees with that. We're talking about lots of cars cutting through to use that new intersection and going north and south on Evans street and especially south towards the Village.

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, June 25, 1990 at 7:40 P.M.

We want the Village to consider that point very heavily that we're not just talking about the supposed 3,000 cars that were in the last letter from Mr. Regan but more like the Town Master Plan, the 1987 update said the projections of vehicle trips from this land when developed at full capacity will range from 27,000 and 80,000 cars. That comes from the Town Master Plan. Anyone can get this 1987 Master Plan Update. It's in the Village of Williamsville Library and the Town Planning office she is sure they would be happy to lend you a copy or the Village office has one as well. That figure probably takes into account alot of cut thru traffic and service vehicles that will be going in and out of this development. So we're not just looking at a mere 3,000 cars, but we're looking at alot of cut-thru traffic. She does appreciate the Board's tolerance and holding this hearing and allowing people to speak. She does want to encourage other people to get up and speak and not to worry about doing it. We really thank the Board for their careful consideration and she really encourages the Board to deny this permit when they make their decision.

Frank Mischler, 187 Evans Street, stated he is opposed to the approval of this permit because of the fact of safety. He is a resident of Evans Street, approximately 150' south of the proposed intersection. He has a great difficulty at times backing out of his driveway. He has to watch for the traffic coming north and south of Evans Street at 35-40-45 mph. He has a great fear if he were to back out of his driveway if the street were to go through, that he would have to not only look to the right and left but also directly behind him to watch traffic making left hand turns onto Evans Street. The possibility of an accident is very great, he feels. For the safety factor alone, in his case, he would like to see the permit denied. He is not a Traffic Engineer, but he has looked at the EMS traffic study that was submitted to the Amherst Planning Board and he noticed several discrepancies in it. The traffic projections used were simply for the proposed development, not for the current, at the Centerpointe including Wegmans and other developments for brevity, of the situation. The analysis showed there's alot of time for cars to pull in and out. The Frandina study showed that the amount of time that is shown in the EMS study exceeded the actual amount of physical time. In other words, there were more than 50 minutes of excessive time in a 50 minute period which made no sense at all. Both studies really do not talk about the residents that live on Evans Street. Granted, it is a County highway, but we have residents, we have lives, we have a right to free and easy access to our property. He thinks the proposed intersection would deny our free and easy access to our property at times. We cannot make a left turn into our property safely or back out of our driveways. That's a grave concern of his also. So for the facts of safety and the access of the residents in the vicinity, he would like to see the permit denied.

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, June 25, 1990 at 7:40 P.M.

Robert MacVitte, 222 Evans Street, stated he has been a resident here for 3,037 days. Maybe he should start out by saying an expert is often assumed to be a person who knows alot about nothing. So he is going to call himself a novice on his own traffic study. He studies the traffic daily between 5 and 7 minutes every morning. In the afternoon, if he makes the mistake of having to leave his house for groceries or other business, it sometimes goes up to 10 minutes to 15 minutes before he can get out of his driveway on to Evans, as is. He is absolutely opposed to the use of a traffic signal because that would make it absolutely impossible to ever get out of his driveway.

Jim Saia, 20 Belmont Place, stated he listened to Mr. Regan and there is something that struck him. Mr. Regan said something and then he didn't and it was that. Mr. Saia had driven those streets in that complex. There are more office buildings in there. He has mentioned Wegmans, the post office, the Automobile Club and Hidden Ridge Commons, but he hasn't mentioned a multitude of people that transverse those streets out to Sheridan Drive which will come out on Evans Street. He happens to live at 20 Belmont. He hasn't heard anybody say anything about Belmont right now tonight. We've got a street down there our kids use to play in it a few years back, but right now you can't back out of your driveway. We're getting to be a street that's like a county road but we're a residential street. Alot of us built our homes there and alot of us bought our homes in the early 60's and the late 60's. The traffic wasn't as bad as it is right now. He would like to say it doesn't matter to him about Mr. Ciminelli or anything else, what matters to him is that we have an elected Village Board that's supposed to stand for the residents of this Village, whether it's for their good or welfare or what they think is their good and welfare. If we can't say that we don't want that development coming into Evans Street and some judge can come around and say nuts to you, you're going to get it anyway, then personally, he doesn't think what good is the Village. You might as well abandon the Village. As it is right now, the traffic on his street now, Belmont is causing quite a few problems. We have 2 handicapped people, alot of young girls and women with baby buggies going up and down the street. They have to walk in the street. The increase in the traffic is also going to increase the possibility of a fatal accident for these people that live in that area. We do not have sidewalks. They just walk in the street because there are no sidewalks. The infrastructure of Belmont and Mill Street is taking an awful pounding right now which it hasn't in the past. There are a couple of potholes right now. The Village came by the other day and fixed one of them and it's gone again. The pothole's down, breaking springs, making flat tires and losing hub caps.

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, June 25, 1990 at 7:40 P.M.

He thinks we're going to end up paying for these roads because of the increase in traffic if this road goes through and for the increase in possible injuries to our citizens, especially on his street and he's sure that every other street has that same problem in the Village. Not Evans Street, we know they have a problem. If you get off of Evans Street, we have a problem also. There's a corridor that goes Belmont to Glen Avenue up to Main Street. They'll use that corridor coming south to get on Main Street. They'll use any street they can get a hold of to cut corners. They'll either go up Mill street to Main. If they've got a few too many cars, the next night, they'll try Reist Street or they'll try Cayuga Street. They'll try any street there. If you take a look at Glen Avenue, Belmont, possibly Eagle Street, they're even starting to use Edward alot now too. They're going right through the stop sign. He sees a of them go right through the stop sign down to Edward and Arend. They're unaware it's there. They jut go right through it. How they get there he doesn't know. There's an awful lot of traffic on those streets. He'd like to say if this Village Board does vote no, which it should, in bringing in the road that will dump Essjay and International onto our Village Streets, and this Judge ~~Essjay~~ should override the vote and force us to take it or the Town of Amherst, he thinks we ought to tar and feather them.

Anthony Rénaldo, Attorney for Mr. Ciminelli, stated he has a few remarks and some history to give. The history is easy for him because he was part of that history starting in 1977. This is not a new conceived plan that just hit the fan in 1987. This all started, this Centerpointe, Farber/Jacobs Development started in 1977 when the Town of Amherst Planning Board came to Mr. Farber and Mr. Jacobs who owned that 160 acres of land and said "we want you to have a concept plan for the development of the whole parcel because it's in a strategic part of the Town and piecemeal development of that parcel will not be good for the Town. We want a concept plan before we let you do anything." This was long before Mr. Ciminelli came into the picture. Long before Ms. Santillo lived on Rinewalt. So starting in 1977 or so, we went out, at that time we worked for Mr. Farber and Mr. Jacobs, and had to find master planners to help develop a concept plan. After numerous hearings over a period of years, a concept plan was adopted by the Town of Amherst. There were hearings on this. The Village was aware of what was going on. Their opinions were known, their opinions were not known but they knew what was going on. In 1978, July or something like that, they adopted this concept plan so they say. It wasn't something that grew in the spirit in a moment like this. It's been going on for 12-13 years. In 1986 when Mr. Ciminelli came into the picture, this plan was already there. He proceeded then to move on the concept plan that had been in place since 1978 with exception to a few changes. He reduced the density in some of the zoning areas so there would be less intensive development than what was originally called for. That's all a matter of record.

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, June 25, 1990 at 7:40 P.M.

Mr. Renaldo gave an example. On the Centerpointe subdivision, instead of 59 houses, we're going to have like 29. That's half. In the Centerpointe condominium development, instead of 150, we're going to have 15. That's the type of thing that's been going on. He invites the public to go through that development and see what Mr. Ciminelli has done with the construction of office buildings and the type of landscaping, the type of placement of buildings and see what he's done down there. Then you will see why he's so angry when he is insulted. That's some of the history of this.

Mr. Renaldo stated he thinks back in 1987 when we were all before the Planning Board talking about this at that time he said there were 22 hearings on this development. Since that time, there's probably been another 8 or 10. Nothing has moved here rapidly. Two years ago, after we went through this whole environmental impact statement, we were taken to court. We were in front of Justice Doyle. The suit started sometime in July, 1987, he believes, and it's still going on. It's over 2 years old. The Judge hasn't decided yet. All of that material is standing there in the judges chambers, and he is sure it has been read, it's all there. It covers all of what we're talking about tonight. It covers the alternatives, it covers the mitigation. It covers all these items. All of the things that Mr. Steele talked about are covered in that. He challenged them. The Town, as the lead agency, adopted that environmental impact statement. It's up to the courts to decide what to do next. It's interesting however, that until recently, nobody tried to get an injunction to try to stop progress from going on there. Why? Because they knew they wouldn't be able to get one and they haven't been able to get one yet.

Mr. Renaldo stated he would like to point out this business here about Farber Lane. Some of these people he knows are here. We did not suggest Farber Lane. The Frandina report talked about Farber Lane. We always thought Farber Lane was not a good idea. In fact it's a stupid idea. Anybody who's been out there knows that you can't put a road through up that escarpment and go through all these houses. That was rejected years ago. It was rejected by the Amherst Planning Board back in 1978 when they were reviewing this thing. Why it comes up now in the Frandina report now, he doesn't know.

Mr. Renaldo stated about Rinewalt and Academy and the threat we're making. Bologna. We're not making any threat. We're just reciting what the Planning Board said in their resolution. We didn't say it, they said it. We tried to be nice guys to Ms. Santillo and Mr. Avery when they came and said would you turn that subdivision around. Originally the subdivision as Mr. Regan said, went up Rinewalt and Academy and didn't connect to the north at all. We turned it around, much to our woe, because we're still in court. We attempted not to go up Rinewalt and Academy and he thinks our subdivision shows that.

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, June 25, 1990 at 7:40 P.M.

We now have the streets in. We have a beautiful development underway.

Mr. Renaldo stated about Mr. Ciminelli's outburst—he thinks if you listen to tapes over a period of time that have been before the Planning Board where Ms. Santillo and the Coalition have been heard extensively, not once, but 10 times, they've always been given plenty of time, more time than we've been given on these arguments. There has always been this big, bad Mr. Ciminelli, this money grabbing man. That's not true. Mr. Ciminelli is an honorable person. An honorable person in this community should not be subject to the insults, the innuendos that this lady just made. Mr. Renaldo for one, objects. If he can play that tape again, some time later, they are going to show the Board how much they object to it. No intimidation.

Mr. Renaldo stated that Mr. Frandina after he wrote his report also later wrote a letter and said, "hey, I was a little wrong about what I said about EMS's report, he did use the correct methodology. He didn't interpret it right or he didn't know certain facts. Now I recognize he did the right thing. Mr. Frandina doesn't agree with him, but he did put the essential facts in there."

Mr. Renaldo stated the latest thing he has the Board has, is the latest report from the Town study which was done by Mr. Smith, not on our behalf, it was done for the Town for the Planning Department. Here again it clearly supports the original recommendations that were made with regard to the Essjay Connection. He thanks the Board very much. If he was loud, he is sorry. He is very emotionally upset by the baiting of Mr. Ciminelli.

Jay Wopperer, 320 Mill Street, stated the Village road cut permit as presented - "According to Frandina there are significant errors in the previously compiled traffic data presented to the Town of Amherst, Erie County and the Village of Williamsville by rejecting this permit without prejudice a petitioner will be required to reconfigure proposed intersection and resubmit it to the Village at a future date. Perhaps a resubmitted application will reflect a plan more acceptable to our neighborhood and to our Village". He agrees with some of the things here. It is the Town of Amherst's problem and an engineering problem. The traffic on Mill Street, which some of you know, side streets especially are increasing. At peak times down on Mill and Sheridan the traffic is halfway backed up on Mill street. This lady just moved here. She's getting an education pretty fast. It's getting out of hand. What we see is a curb cut that is really increasing this much more than what we want to put up with. There's no sidewalks as Mr. Saia mentioned. There's a few sidewalks on some of the sidestreets, but nothing to mention. There's more young families moving into the area.

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, June 25, 1990 at 7:40 P.M.

This is all about the quality of life. He thinks General Hopkins would be awfully mad if he were here right now listening to this overflow of traffic onto our streets. The facts got him so mad that Jay Wopperer and his family decided to sell their home, they sold Sunday. They're moving out to Clarence. The decision of the traffic was the big decision why they decided to sell. After all his years living in Amherst, that was one of the decisions why they are moving. That's pretty bad, but that's the reality. Mr. Wopperer stated he is not crying for Mr. Ciminelli at all, he's crying for what he sees his town becoming. That's the way it is, that's too bad.

Elroy Avery, 75 Rinewalt Street, stated he would like to present to the Board a copy of Councilor Steele's report. You've had 2 prime committees, Traffic and Safety and the Planning Board, ask that you deny this. He can see no other recourse for this Board to do the same unless the Board can prove to the public that there's a benefit to having this road cut.

Betty Sheedy, 109 N. Ellicott Street, stated she heartily hopes that the Board will deny this recommendation. We have lived in the Village for 37 years on North Ellicott Street. We're getting into a problem of getting out of the Village. She has a hard time getting to Wegmans because of all the traffic. Driving down Evans now, she is going to get rear ended. Driving 30 mph and not trying to let people pass her. All these cars with people that don't live here and don't care about our quality of life are trying to speed through our Village. It's a daily thing. Her mother's here tonight and her dad. They live in the Drexel Hill apartments. You try to get out of there any time of the day, either right or left hand turn. They talk about the road cut and relieving traffic north of the road cut. We happen to be south of the road cut. She is about 6 houses away from Belmont. We are being inundated in our Village. Our quality of life is going down. She is sorry to hear Mr. Wopperer is moving but it's one of the things that's on her mind. It's preserving our Village. If the Town and their bad planning has done this to us, we don't stand on our own 2 feet, our Village will be inundated and it's doing that now. It's pretty sad.

Scott Owen, 198 Evans Street, stated he lives directly across from the proposed road. That is, if the cars continued through that extension they'd go into his driveway. He has had one car destroyed before when it was parked on the T. The police told him never to park on the T again. At that time it was an icy night and the driver slid and hit the car. In this case, if the road goes through, the car might be hitting his living room. He is concerned that that extension would come straight into his driveway.

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, June 25, 1990 at 7:40 P.M.

Mr. Owen stated as the development is currently set up, traffic exits on Sheridan Drive. He doesn't believe all that traffic is coming down Evans Road. He does believe if the extension is put through, a great deal of that traffic will short cut down to Main Street and at the current time, he thinks alot of that traffic is going up Sheridan, perhaps to the 290. If the shortcut comes through, alot of it will be going south down Evans to Main Street and further congesting Main Street and then getting on to the 290 at that point. He does not think there is a problem right now, at least in his point of view with the traffic on Sheridan and Hopkins, but he definitely thinks there will be a problem at the proposed Essjay/Evans junction due to the traffic back up that the Board knows about. Evans Street going north towards that junction has quite an incline downwards. That poses an additional safety threat if the road becomes icy and cars have to stop at that intersection.

Sarah Mischler, 186 Evans Street, stated she agrees with Ms. Schlifke and of course her husband and Mr. Owen on what they said. What Mr. Ronaldo mentioned was that in 1977 this concept was like a master plan. We went to the Town Board at that time and we were not in agreement with it then and we're not in agreement with it now. She feels this is a Town problem. We are the Village. Please consider that. Even though she is a resident on Evans Street, which is a county highway, she is a Village resident and she pays her Village taxes. She would consider denial of this, please.

John Roetzer, 43 Rinewalt Street, said that Mr. Regan stated the proposed connection would be a benefit to the Village and it's residents. He finds it an insult to himself, his neighbors and his fellow Village residents. A man whose position is motivated by financial gain (that's not to be taken as an insult, this is their business, to make money by developing) would presume to tell us what is good for us as though we don't know any better ourselves. Mr. Roetzer personally knows what's good for him, for his family and for his community. This cut-thru is definitely not good as everyone here except for the first row agrees. Please, deny the permit.

John Colt, 27 Gordon Street, stated Gordon Street is a little two block street. It runs between Edwards, Chalmers and Stanton. It runs parallel to Mill and Evans. It is in the corner of nowhere. Our traffic has increased over the last couple of years. There are people on the street with little children. They are really in danger. He tries to get on his street when he goes down Edward. Numerous times people come up behind him and he toots his horn because he is not even going 35 or 40. He is only doing 30 mph. We're getting a gridlock down there. We have a problem now. Mr. Colt stated we shouldn't even discuss his end of the street when the problem is so serious of traffic.

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, June 25, 1990 at 7:40 P.M.

He has yet to have heard a good technical reason. When you have to go west and you can't do it, you go east, then you turn north and south. Then you go west. Why aren't we going east to Youngs? He doesn't understand why not. Is the man who made the survey here? He'd like to know why we're not going east?

Mayor Brenton stated that decision was made primarily by the developer and through the input of various Town of Amherst agencies starting with the Highway Superintendent.

Kevin Thompson, 67 Rinewalt Street, stated that previous to Rinewalt he lived on Arend Avenue for his whole life except for 3 years when he left town. He brought his family back to live in the Village. It is important to him. He hasn't understood all these development studies. He hasn't read any. We go back and we had some history. In 1978 this all started. In 1978 he was a sophomore in high school. He didn't care what happened in 1978, he was worried about his next date. As an adult, he now has 2 kids on Rinewalt and he hears this. He wishes the Board would look at the problem as it is today. Not what happened in the past with the poor planning on Amherst if it was poor. This is what we have today and we need to deal with that today. He would like to comment that the Belmont Place - he uses that area. His parents still live there. His kids are there all the time as well as the Rinewalt neighborhood. Like Mr. Saia pointed out, there is no sidewalk there. That traffic has increased. He's seen it increase. He has other kids he went to school with who are adults like him. All of them are buying houses in the Village of Williamsville, two of them have told him that traffic is increasing. It's a problem in the whole area, not Rinewalt, not Academy, this whole area of Williamsville. It's an old problem but it's new issues today. We're different today. He wouldn't worry about what happened in 1978, who didn't say anything. He didn't say anything in 1978. He didn't know about it. He knows about it now. We've got to be careful about what we're going to do to this area here.

Mr. James Smith, EMS Consultant for Mr. Ciminelli, 1863 Clinton Street, Buffalo, stated he has sat here tonight and listened to many people make statements and innuendos, all kinds of statements concerning our initial traffic study report and many of the supplements. Perhaps he should point out that that study was submitted to all government agencies, the Town who reviewed it. They had a lot to say about the methodology that was used. They came to the complete agreement before the study was done. The study was reviewed by the New York State Department of Transportation, Erie County Department of Public Works. All of them agreed with the methodology. They also agreed with the general principles and conclusions within the study. The Town hired a consultant, Delew Cather, who is a worldwide consultant, expert in traffic engineering as well as many civil engineering fields.

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, June 25, 1990 at 7:40 P.M.

They basically came up with the same conclusions that we did. They supported our study. Everything that was put in our initial analysis was correct as far as procedures, as far as data. No one has disputed the data. The Town of Amherst has indicated to Mr. Smith in recent weeks that they have gone back and read over all the data and all the recent data that has been presented. They too agree that the initial study was not flawed. The initial study basically stated the facts as they see them today, as they saw them then. Now all of a sudden one particular study is presented. It's referred to as the Frandina study. The New York State Department of Transportation has many engineers with many years of experience. Delew Cather has the same. The County has the same. We do probably as many as 30 traffic studies a year. We are well experted in this particular field. To the best of his knowledge, this was the second traffic study for Mr. Frandina and yet he is an expert. All of his recommendations were addressed in our initial report. They were given complete consideration to the satisfaction of the Town who was the review agency, and the satisfaction of all the other government agencies involved. They were dismissed for obvious reasons per detail statements in our report. Comments have also been made that fine, our methodology used in our initial report was great; however it's changed over time. It hasn't changed over time. If we did that study today, we would use exactly the same methodology that the New York State Department of Transportation uses, the County uses; it's used nationwide. There is no difference. The only variance would be that a new report came out from the Institute of Traffic Engineers that gave updated trip generation rates. That's the only difference. Otherwise, the report would be exactly the same. Mr. Smith said many accusations have been made at him and other representatives of Ciminelli have stated that we have indicated that there would be no additional traffic from the Ciminelli Development on Evans. That is not true. We have never said that the Ciminelli Development would not contribute to traffic on Evans, would not contribute to bypass traffic on Belmont. It's in our documents and it's in our reports that this is what we feel. Anytime you add traffic or a new development to an area, it's going to increase traffic. That's logical. Anytime that you increase traffic and there are bypass routes that are convenient to people, they're going to take them. A certain percentage is going to take them. He doesn't care if it's from the Ciminelli Development or from the residential development that's mushrooming out in East Amherst or Clarence. If this is a convenient bypass, they're going to take it. We have recently conducted studies for the Town. Mr. Ronaldo has alluded to these. He should point out to make this clear that the only thing they did was collect data for the Town. We did not conduct a study for the Town. We did traffic counts, we did some origin of destination studies. We tried to determine bypass traffic as we did 2 years ago through the Belmont/Claremont area. The Town drew all the conclusions. We did not even assist them in drawing conclusions. In fact, he did not even see the conclusions until 5:15 P.M. this evening.

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, June 25, 1990 at 7:40 P.M.

The report that the Village Board received, from the Town, was strictly their conclusions. Basically, they again came to the conclusion that the initial study was basically still valid. As far as traffic on Evans itself - We have pointed out in all of our reports that traffic would increase. We distribute the traffic based on existing circulation, etc. The thing that we did point out and basically every other consultant was in agreement with, and that is if you look at the traffic volumes in 2 sections, first of all, if the connection goes in, you have to look at the traffic volumes and the impact that that would have to the north of the connection and the impact it would have to the south of the connection. We did point out that the traffic would increase on Evans, as a result of Centerpointe, as a result of other development in the area as a result of development in Clarence. The traffic is going to increase on Evans. It's pointed out there are a lot of businesses in Williamsville. Hopefully, they would attract traffic. He's sure the business owner would appreciate that. As far as the connection is concerned, our argument basically was that at the present time there is a considerable amount of congestion at the intersection of Evans/Hopkins and Sheridan. With the connection in, this would provide an alternate route, not only for the Centerpointe traffic but also for Wegmans, the post office, Triple A, etc. to use an alternate route than Sheridan Drive. As a result, the traffic through the congested area on Evans in front of the plazas would reduce. No one has argued this point. Everyone is in agreement that it would reduce it and that is where the major congestion is. That is where the traffic volumes are increasing substantially with time. To the south of the connection to Evans, our argument is basically that whether the traffic goes out to Sheridan Drive, makes a left hand turn onto Evans, goes down Evans, or if it comes out the Essjay connection, the traffic to the south of the connection would basically remain the same. It is true because with the Evans connection it would perhaps be a little more convenient for some bypass traffic from Sheridan Drive to Main Street to 290. The traffic could possibly increase slightly. Our analysis indicates it would be very slight. In general, we feel the traffic south to the Evans connection would basically be the same whether a connection was there or not. He's not saying it's not going to increase as a result of Centerpointe or any other development. We are saying it would basically be the same. That's all our reports have ever said from the beginning. The traffic in the highly congested areas up by the plaza on Evans and at the intersection of Evans/Hopkins/Sheridan would reduce as a result of the connection. This is one of the reasons why the New York State Department of Transportation basically endorsed our recommendations. They have been looking at redesigning Sheridan Drive which will be widened to 5 lanes in mid 1993, if the schedule holds true. They are in recognition that basically for their design to work, they need some help as to relief in the traffic situation. The Town Highway Superintendent endorsed our recommendations right from the beginning.

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, June 25, 1990 at 7:40 P.M.

He read the report carefully and he endorsed it. All the people that are responsible for making decisions in this area regarding traffic and highway development etc, Erie County, New York State Department of Transportation, Town of Amherst, they have all endorsed these basic recommendations. No one has come back and said there's flaws in these recommendations. There are no flaws in these recommendations. He has looked over the Frandina report and he has yet to figure out where Mr. Frandina is coming up with these numbers. He just can't figure it out. There's no logic to many of the things that he is doing. Basically our report has withstood time and it has withstood all the experts that have been working on highways, traffic engineers for many, many years. It has withstood time and no one as far as the State is concerned, the County is concerned, the Town is concerned, has come up with anything to dispute our initial report.

Maryanne Avery, 64 Garrison Road, stated she thought it was interesting that Mr. Smith was talking about this as an alternate route, using Essjay as an alternate route. If you use it as an alternate route, you're going to have more traffic in the Village. It's just kind of simple, isn't it? It's common sense. If you go down that road, you've got to go up the road. You're going to have more traffic. It seems to her that it's not the Village's problem that the Town has problems figuring out what to do about development. They haven't done the proper planning earlier, if they can't plan now, she can't see that that's the Village's responsibility. She thinks it's the responsibility of the Village to point out that they're doing a lousy job of it and that we are on the receiving end of a whole lot of traffic. We will continue to be on the receiving end of the traffic, not only from the Centerpointe but from a great many other developments such as the one that's immediately on our eastern border, College Park, not to mention Windsong, another really rotten development, planning development. She happened to go to the Planning Board meeting the other night and they were talking about the new Windsong development. They approved a building in Windsong and there is no road. When they're down in the basement they say, "gee what are we going to do about this" and Mrs. Woodward said "this is not our problem, that's the developer's problem. We just approve things and somebody else is going to have to worry about it." A couple of months ago she was at the Planning Board meeting and the large medical building, it's sort of like High Street West, they had the site plan review with the Board and she trotted down after Mr. Regan made his presentation and she asked Mrs. Woodward, "Don't you think this is going to make the traffic a little worse on International and Essjay"? Mrs. Woodward said no, there's no problem, they're going to widen Sheridan. Mrs. Avery said, "Don't you think that approving all these extra buildings is going to cause some kind of problem"? Mrs. Woodward said "no, they're going to widen Sheridan". If they're going to widen Sheridan and it's no problem, then what are we all doing here? She doesn't understand it.

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, June 25, 1990 at 7:40 P.M.

This is not our problem. This is their problem and yet this is what the Chairman of the Planning Board said, "it's no problem, they're going to widen Sheridan" She thinks we should go right back to the Town and say "look kids, it's your problem or it's no problem". The only problem for us is if it comes through. The best thing that we can do is say, no, you take care of your problems and we'll take care of ours.

ON MOTION by Mayor Brenton, seconded by Trustee Bindert, it was moved to close the public hearing at 10:15 P.M.

Unanimously carried.

Theresa L. Cummins
Village Clerk/Treasurer

Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held in the Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Monday, June 25, 1990 at 7:36 P.M.

Present: Lawrence R. Brenton, Mayor
Robert V. Bindert Trustees
Ronald Daniels
Yvonne Kaye
Richard Sweeney

Thomas V. Troy, Village Attorney
Theresa L. Cummins, Village Clerk/Treasurer

Absent: David Laubisch, Supt of Public Works

Mayor Brenton called the meeting to order with the Pledge of Allegiance at 7:36 P.M.

Mayor Brenton read a Proclamation dedicating, on behalf of the Village of Williamsville, the former Conrail property as the new Lehigh Memory Trail. (Copy attached) Mayor Brenton stated we will again be dedicating that park on June 30, 1990. The public is invited. It is the abandoned Conrail property which was Lehigh Valley railroad.

ON MOTION by Mayor Brenton, seconded by Trustee Daniels, the minutes of the regular meeting of the Board of Trustees held June 11, 1990 were approved.

Unanimously carried.

ON MOTION by Mayor Brenton, seconded by Trustee Kaye, it was moved at 7:40 P.M. to open public hearing to designate the Amherst Youth Building as a historic structure. (The public hearing was closed at 7:47 P.M.)

Unanimously carried.

ON MOTION by Mayor Brenton, seconded by Trustee Kaye, it was moved to open a public hearing at 7:48 P.M. to reconvene the recessed hearing regarding Ciminelli's application for a roadway permit to extend Essjay into Evans Street. (The public hearing was closed at 10:15 P.M.)

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, June 25, 1990 at 7:36 P.M.

Mayor Brenton reported the sidewalk contractor has completed about the full extent of the regular portion of the sidewalk project this year, which is our final year. A resolution will shortly be presented pertaining to the installation of pavers on Main Street within the business section. Then the sidewalk contractor will proceed in conjunction with the brick paving.

Mayor Brenton stated that Mr. David Laubisch, our Superintendent of Public Works, is not with us. He is off sick and will be off for a continuing period.

ON MOTION by Mayor Brenton, seconded by Trustee Daniels, vouchers in the amount of \$192,277.43 covering 6/7/90 -6/21/90 were approved:

payroll fund w/e 6/16/90	\$	24,267.07
General fund		26,747.71
Water fund		24,858.90
Sewer fund		863.93
Trust & Agency fund		2,543.91
Glen Park Joint Activities fund		483.56
Capital fund		112,512.35
Community Development fund		<u>-0-</u>
Grand Total	\$	<u>192,277.43</u>

Large Vouchers:

Erie County Water Authority	23,440.14
Buffalo White GMC	99,970.00
Great Lakes Landscaping	11,908.75

Unanimously carried.

Mayor Brenton stated his second resolution deals with the previously mentioned award of the contract for installation of brick pavers within the Main Street business district. This will complete our Main Street Beautification project. The Village advertised for bids to complete this work. Unfortunately the first 2 low bidders have not been able to provide the Village, to the satisfaction of our Design Engineer and in conjunction with the Village Attorney, proper bond evidence in accordance with our bid specification. Through this resolution we will take the third lowest bidder.

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, June 25, 1990 at 7:36 P.M.

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

WHEREAS the Village of Williamsville advertised for 1990 Main Street Beautification and awarded the contract to the low bidder on May 14, 1990 and

WHEREAS neither the low bidder or the second lowest bidder were able to provide acceptable bonding as required and after conferring with Roy V. McCready, Design Engineer, retained by the Village for this project,

NOW, THEREFORE, BE IT RESOLVED, that the contract for 1990 Main Street Beautification is hereby awarded to Great Lakes Landscaping, the next low bidder at their bid of \$134,216.00.

Unanimously carried.

Trustee Sweeney stated we do have a bit of good news, although he is not aware of all the details. He sees a notice in his mailbox that their insurance company has provided the Board with a dividend of 6.9% of our general municipal risk policy. Not an overwhelming piece of information, but a bit of good news. We tend to look negatively at attorneys and insurance agents in many cases because we're paying our money and we rarely see the dividend. Here's a case where we do have the dividend.

Trustee Sweeney said he has 2 resolutions concerning the progress of the Village Codification process and resolutions concerning the adoption of a substantially revised zoning code. The first resolution deals with the environmental effect of the proposed changes.

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

RESOLVED that the Village Board has examined the nature of the impact, if any, which the proposed amendment to the Village Zoning Code will have on the environment, and has determined that the impact of said changes will be insignificant and have no adverse impact. This negative declaration is made for the purpose of complying with any requirements of the New York State Environmental Quality Review Act.

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, June 25, 1990 at 7:36 P.M.

Trustee Sweeney stated the second resolution deals with the adoption of the revised zoning code.

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 the 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 70.00, Zoning Ordinance," is hereby repealed, and

FURTHER RESOLVED THAT the Village Zoning map heretofore incorporated into the Zoning Code shall be modified to the extent necessary to conform to this newly enacted code, specifically the three areas which were the subject of a public hearing on May 14, 1990, which should be redesignated as R3M on the said map, and

FURTHER RESOLVED, that Local Law #12-1990, Chapter 70.00 (including Sections 70.01 through 70.24) entitled "Zoning," which was the subject of public hearings on November 13, 1989, February 26, 1990 and May 14, 1990 is hereby adopted as amended.

Unanimously carried.

Trustee Sweeney stated the follow up to the adoption of the revised zoning code, the Village Board will be instructing its codification agent, General Code Publishers, to proceed with the publication of the revised Village Code. This is a project that has been in the works since approximately 1985. We are drawing to the conclusion of a very long and arduous effort and yet we still have a few difficult sections to deal with. His third resolution deals with a change that was the subject of a public hearing in May, 1990. This is a change of the Building Code regarding the enforcement of the code by someone designated by the Fire Chief rather than the present section that does not give the Fire Chief an option to designate someone beside himself.

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, June 25, 1990 at 7:36 P.M.

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

RESOLVED THAT Local Law 11-1990, amending Section 7.03(c) of the Building Code, regarding Code Enforcement Officials, which was the subject of a public hearing on May 14, 1990, is hereby adopted.

Unanimously carried.

Trustee Bindert stated he has a resolution that has been put forward by the Youth and Recreation Board. This is to appoint the flower caretakers. The Youth and Recreation Board does a fundraiser with different merchants in the area by putting up flower pots and maintaining them. A nominal fee is charged for the maintenance. Trustee Bindert thanked Mischler's Florists for the job they do in supplying the flowers. They also do an outstanding job in putting them up.

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

RESOLVED THAT the following residents are hereby appointed flower caretakers effective June 26, 1990 at the rate of \$3.75 per hour:

NAME	ADDRESS
Joel Lamphear	88 Highland Drive
Steven Azzarella	130 N. Ellicott Street

Unanimously carried.

Trustee Daniels echoed Trustee Bindert's thank you's to Frank and Betty Mischler of Mischler's Florist. They are the main supplier of all the flowers that go into the Village municipal gardens and they always give us an incredibly low price on them. The generosity goes on beyond that. As we go through the season, beginning about this time of year they actually donate the flowers for any additional gardens that we plant a little later. In addition, Trustee Daniels was having trouble with some of the impatiens at the triangle. Frank came over and looked at them and dug up the roots and said "Ron, you planted them greenside down." We've been replacing them all along. His generosity should not go unrewarded.

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, June 25, 1990 at 7:36 P.M.

Trustee Daniels stated he is putting together now a list of trees that will be municipally planted by request of the Village population in the Fall to the Erie County Soil and Water Conservation Service with John Whitney. We're developing a list of trees, both flowering and not, which will be most successful and most resistant to the problems this area has, especially municipal trees along Main Street. That will be a list that we will print up and make available to residents so that they may choose from that list of trees which will be planted. The other alternative we're looking into is that since our budget is modest for tree replacement, that we may go directly to the grower this time and experiment with that. We can get 3-4 times the number of trees. It entails planting them ourselves and absorbing any costs of replacement rather than having a guarantee. Of course, you would have to lose quite a few trees before you would come up with a figure that would not be a positive one in this endeavor. The idea of this thing is for us to increase the number of municipal trees that are available. In regards to this, Carolyn Schlifke, probably a month ago, requested that the Village look into fertilizing the Main Street trees, especially subject to the fatalities over the years. They don't look good now. Some of them have leaves that are just barely on the trees, and alot of bare branches. The Village will start to fertilize those this week and he thanked Mrs. Schlifke for suggesting that option.

Trustee Daniels stated he wanted a resolution on the Centerpointe roadcut on the agenda tonight which required some discussion before the meeting to determine whether this is something we could do given the time frame that the Board was in. The initial date set for the decision would have been July 23, 1990 because it is the tradition of the Village to only have one meeting in July. The other Monday night meeting would have been July 9th. Given the vast amount of time and effort and information that we have acquired over the length of time that this has been discussed, Trustee Daniels personally feels that 2 additional weeks is sufficient time to digest any new material. He has thoroughly digested the Traffic and Safety reports and the Planning Board reports and all of the studies up to the point of the EMS traffic numbers study which will be added and factored into the decision.

ON MOTION by Trustee Daniels, seconded by Trustee Bindert, it was moved to suspend the rules for a resolution which does not appear on the agenda.

Unanimously carried.

ON MOTION by Trustee Daniels, seconded by Trustee Bindert, it was moved to hold a special meeting on July 9, 1990 at 6:30 P.M. to consider among other business a decision in the application of Ciminelli for a road permit under Chapter 50.11(E).

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, June 25, 1990 at 7:36 P.M.

Trustee Sweeney stated the issue has been before the Board for so long that while there continues to be more data generated by more consultants, he thinks the Village Board, in a sincere effort, offered to make an expeditious review of the issue. He thinks moving things up 2 weeks is carrying out that effort. Therefore, he believes a special meeting is appropriate.

Trustee Kaye asked if the transcript will be available prior to the July 9th meeting?

Mayor Brenton stated the clerk has indicated previously that it would be a minimum of 1 week and at the latest 2 weeks.

Trustee Kaye requested the developer supply the Village with a transcript since Mr. Rinaldo had retained the stenographer.

Mayor Brenton stated it would also be very beneficial to have a copy of that transcript prior to this proposed July 9th meeting. The comments made tonight in the most part were redundant and can be quickly reviewed; however he does feel there were a few salient points that were made that would require some further review. Without them he thinks the Board could get by with the abbreviated minutes or by going back to the tape recordings of this proceeding. However, it would be beneficial to have the transcript. Inasmuch as the Board normally only meets once in July and once in August, he feels that the Board is considering this as expeditiously as possible and also in effect cutting into our summer vacation schedule. We are trying to accommodate all interested parties.

Unanimously carried.

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

Unanimously carried.

Trustee Kaye reported the pools at Garrison and Island Park are open approximately 2 weeks ahead of schedule. There has been a very positive response from the community and she is pleased that we were able to open them earlier. Also the Mayor spoke of earlier in reading his Proclamation and invited the public to the official opening of Lehigh Memory Trail on this coming Saturday, June 30th at 2:00 P.M. We will have a brief kind of ceremony and some lemonade and cookies and will honor some special people. Trustee Kaye gave a special thanks to Carolyn Schlifke to all of the efforts put into making this a reality.

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, June 25, 1990 at 7:36 P.M.

Trustee Kaye stated her first resolution deals with the Mayor entering into a municipal cooperation agreement with the Town of Amherst. We have had these in the past and we're looking at having it this year with the possibility of the Town assisting us in some paving.

ON MOTION by Trustee Kaye, seconded by Trustee Daniels, the following resolution was hereby 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 1990-1991 fiscal year pursuant to the provisions of Article 5-6 of the General Municipal Law.

Unanimously carried.

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

RESOLVED THAT the following persons are appointed Pool Attendants effective June 26, 1990 at the rate of \$3.75 per hour:

NAME	ADDRESS
Matthew Zaleski	246 Ruskin Road

Unanimously carried.

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

RESOLVED THAT the Mayor is hereby authorized to execute the 1990 STOP - DWI Contracts with the County of Erie for the period January 1, 1990 through December 31, 1990.

Unanimously carried.

Trustee Kaye stated her last resolution deals with the Northeast Solid Waste Board and the creation of a new group through an intermunicipal agreement. These are members of the original Northeast Solid Waste Board that have dropped out and are not participating and these are members from other Boards who would like to participate in bringing their recyclables to the intermunicipal agreement to allow those activities to occur.

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, June 25, 1990 at 7:36 P.M.

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

WHEREAS, the Northeast Communities Solid Waste Management Board, created by a joint municipal agreement of June 17, 1982, as amended, has given long and careful consideration to a project for the joint acquisition and development of a solid waste materials recycling facility (the "Recycling Facility"); and

WHEREAS, the Towns of Alden, Cheektowaga, Elma, Lancaster, and West Seneca, and the Villages of Alden, Depew, Sloan, and Williamsville have adopted resolutions committing funds for the leasing of property for the Recycling Facility; and

WHEREAS, the Towns of Clarence, Marilla, and Newstead, and the Village of Akron have decided not to participate in the project at this time; and

WHEREAS, in view of the foregoing, a new intermunicipal agreement is necessary for the project, at least for the initial planning phase, and, accordingly, a proposed "Agreement for Organization of Northern Recycling Council," revised as of June 20, 1990, a copy of which is appended hereto, has been proposed (such agreement to be referred to as the "Agreement", and the Northern Recycling Council to be referred to as "NOREC"); and

WHEREAS, the Agreement dated as of June 20, 1990 revises the form of agreement dated as of May 7, 1990, previously approved by the Village Board of the Village of Williamsville by Resolution dated May 14, 1990 and this Resolution is necessary to authorize the execution of the amended version dated as of June 20, 1990; and

WHEREAS, the Agreement requires each Participating Municipality to designate a permanent representative and one or more alternates (as it shall see fit) to serve on NOREC; and

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, June 25, 1990 at 7:36 P.M.

WHEREAS, the Erie County Industrial Development Agency (the "ECIDA") intends to acquire the property at 3327 Walden Avenue, Depew, New York, for the establishment of the Recycling Facility, and to offer to lease it to the Village of Depew, on behalf of the municipalities participating in the project (the "Participating Municipalities"), subject to options on the part of the ECIDA to sell the property to NOREC or the NOREC to purchase the property, at the termination of the lease, on terms set forth in the proposed lease agreement appended to the Agreement as Exhibit "B" (the "Lease"), subject to such modifications as NOREC may deem appropriate, provided that no such modification shall substantially increase the liability of any Participating Municipality except with the express written consent of such Municipality; and

WHEREAS, the Agreement requires the Village of Williamsville to authorize the execution of the Lease by the Village of Depew on its behalf, and to pay its proportionate share of the rents and expenses in relation to the Lease (including interest on funds borrowed by the ECIDA to acquire the property), and to pay its proportionate share of the purchase price of the property and acquisition costs in the event of exercise of the sale or purchase option; and

WHEREAS, the ECIDA has offered to maintain the Recycling Facility property during the planning phase of the project, the expenses of maintenance to be reflected in rentals under the Lease; and

WHEREAS, the Agreement imposes certain other obligations and risks upon the Participating Municipalities, including the Village of Williamsville, and upon NOREC;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor of the Village of Williamsville is authorized and directed to execute and deliver the Agreement on behalf of the Village; and be it further

RESOLVED, that the Village of Williamsville hereby designates Yvonne Kaye as permanent representative, and Theresa Cummins and David Laubisch as alternates, to serve on NOREC; and be it further

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, June 25, 1990 at 7:36 P.M.

RESOLVED, that certified copies of this Resolution shall be sent to the Treasurer of the ECIDA, the Mayor of the Village of Depew, Magavern and Magavern, attorneys for the Northern Recycling Council, and the Treasurer of the Northeast Communities Solid Waste Management Board.

Unanimously Carried.

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

Unanimously carried.

Gartley Weller, 129 Mill Street, stated he doesn't know if the Board members have been in the Meeting House lately. It's really a jewel. We're really proud of it. Speaking of the windows specifically on the west side there were 3 stained glass windows which were appraised at \$5,000.00 each. Through the years, apparently due to the weight of the glass, and the weakening of the lead, the windows were beginning to sag and buckle an inch, possibly more. According to the stained glass people in another year or so and our windows would have been in pieces on the floor. We have had them restored. They took them out completely, laid them out on tables and completely disassembled these windows. Every piece was taken out. New lead was put in as well as cement. They were rebuilt and restored and are now strong and beautiful. The exteriors were covered with acrylic plastic to protect them. So we should have beautiful windows for our lifetime. He hopes that's 100 years. All the other windows are in good shape except 2 remaining which are now being restored. They too will be covered with the lexon. Other than that, the Meeting House is in fine shape. We're proud of it. He would also like to commend the Village Board. He feels proud when he walks up and down Main Street to see the beautiful flowers, the trees, the plantings. He doesn't know who's responsible for it, but whoever it is, they're doing a good job. He is proud of it, the sidewalks are great. The merchants seem to be taking more pride in their businesses and the appearance. He thinks it's great. He wants to commend whoever is responsible.

Mr. Weller also stated in front of his house there is a receiver on the street. The water rushes down Mill Street into this receiver. When it was reworked a year or 2 ago, they did a nice job. However, due to the thousands of cars that come down Mill Street, the pounding of this receiver, it is working loose. Every day it is louder. We're getting a little bit annoyed with it. If someone would take a look at that, he would appreciate it. In addition, the street is worn from the gushing of the water. There are holes in the street right before the receiver. These holes fill up with water and this all is thrown up on the lawn between the street and the sidewalk. His lawn and topsoil is gone.

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, June 25, 1990 at 7:36 P.M.

It's terrible. It's got stones, trash or whatever comes down the street. He feels if these holes are filled, the receiver repaired, it may take care of this problem. He would appreciate the Board's consideration and anything they can do.

Trustee Kaye stated she is writing a note right now.

Carolyn Schlifke, 192 Evans Street stated she is a little bit interested to this contract to \$134,000 which the Board is awarding. It says sidewalk rehabilitation. Should that say Main Street Beautification? Ms. Schlifke stated her main concern is the Village had requested \$75,000 under the supplemental budget from the state of New York. The Board had awarded as contract to an individual she believes now has not been able to fulfill his bond obligations. Shortly after that meeting, she hopes it was a misprint, she read in the Buffalo News that the Village of Williamsville is going to receive \$15,000?

Mayor Brenton stated \$45,000. It wasn't a misprint. It was information that came from Assemblyman Anderson's office and didn't include the full total. The monies are coming from 2 separate areas of request. The correct amount is \$45,000 as receiving from the state.

Ms. Schlifke asked how is the balance being financed?

Mayor Brenton stated we have \$75,000 from last year. We have two \$75's and a \$45. We're a year behind in using the money. Although this year we will incorporate the entire thing and if necessary, we will bond whatever we have left.

Ms. Schlifke stated you would approximately have \$115.

Mayor Brenton stated we're expending a total of \$195,000 of state supplemental budget which he requested from New York state legislature.

Mr. Steele, Attorney, Box 1235, Albany, stated as attorney speaking for Williamsville Homeowners Coalition for Preservation, previously on the agenda the Board decided to hold a special meeting to address the application that's pending pursuant to 50.11 (E) of the Village of Williamsville code. We think it's very important that the Village take a thoughtful and deliberate approach to this matter and don't understand that the need to rush the judgement in a way that would not be scheduled. We understand that the length of time that the Board and it's subordinate agencies are taking longer than has been anticipated. Under all of the circumstances, given the additional information that the Board has given the large public interest and given the size of the record to review, we think the time is a rather short time to deal with the issue.

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, June 25, 1990 at 7:36 P.M.

We think that should the Board find, with that the 4th of July holiday, and other June and July plans, if it is difficult to give this issue the kind of consideration, thought and deliberation that you wish to, that you hold yourself open at the meeting on the 9th to think some more about it. He thinks it is very important that the Board resolution be very tightly worded and be written in such a way that the position that the Board has taken is clearly presented. He would hate to see speed lead to a resolution or an approval process that Mr. Ciminelli or himself might fault later on. He thinks the important thing is to make a good and sensible decision in the public interest. Mr. Steele stated his understanding of the resolution is that it is scheduled to be for 6:30 P.M. His understanding is that it is a variance from the Board's generally scheduled time of 7:30 P.M.

Mayor Brenton stated it will be 6:30 P.M. for the work session and 7:30 P.M. for the public. Mayor Brenton stated he shares Mr. Steele's concerns and he has had a problem with this right along. He thinks there is a great deal of information to be reviewed. He would like to review very closely Supervisor Ward's statement and see it in writing pertaining to this. He thinks that has a large impact on the decision the Board will make and perhaps the decisions that the Town of Amherst Board will be making in the future. That would be very important to him. However, in the final analysis, he and the rest of the Board made the determination that in view of Judge Doyle's order it was prudent of us to expedite this matter within our ability to do so. He is confident that the Board will make a fair and impartial decision on July 9th which will be the evening this will take place.

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

Unanimously carried.

ON MOTION by Mayor Brenton, seconded by Trustee Kaye, it was moved to adjourn the meeting at 10:15 P.M.

Unanimously carried.

Theresa L. Cummins
Village Clerk/Treasurer