

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, July 9, 1990 at 7:35 P.M.

Present: Lawrence R. Brenton, Mayor
Robert V. Bindert, Trustees
Ronald Daniels
Yvonne Kaye
Richard Sweeney
Thomas 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 7:35 P.M.

ON MOTION by Mayor Brenton, seconded by Trustee Sweeney, the minutes of the public hearing held June 25, 1990 on the Proposed designation of historical Site - Amherst Youth Center -72 S. Cayuga Rd. were approved.

Unanimously carried.

ON MOTION by Mayor Brenton, seconded by Trustee Sweeney, the minutes of the public hearing on the Ciminelli application for the Road Cut Permit - held June 25, 1990 were approved.

Unanimously carried.

Mayor Brenton stated that until Superintendent of Public Works David Laubisch returns, that he is off ill and that's why he has not been at our meetings of late. The DPW continues to function in his absence, hopefully efficiently, through Trustee Kaye's assistance.

Mayor Brenton stated this year we are completing our Main Street rehabilitation program. We are now working in the area of Cayuga Road and east, so that we can be completed in that area for Old Home Days, which will begin a week from Tuesday.

Mayor Brenton also stated the Board has received correspondence which indicates that there is going to be a meeting regarding the Governors Commission on Libraries. There will be a public hearing on July 17, 1990 in Buffalo. For all those that are interested, they are invited to that public hearing. It's in the Mason Damaen Auditorium in Lafayette Square in Buffalo and will start at 9:00 A.M. Hugh Barley, who is Senator for the 44th district, has sent that letter.

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Mayor Brenton stated we have also received an invitation from the Ciminelli Corporation to participate in the dedication of an office building for Buffalo Medical group, who will now be expanding to the Centerpointe Development. Mayor Brenton stated he is very pleased about that because he does go to Buffalo Medical Group himself. That will make it much easier. Those physicians that he normally sees in Buffalo Medical Group on High Street, will be practicing at this new location. That dedication and ceremony will commence on Monday, July 9th at 2:30 P.M., 295 Essjay Road at Centerpointe.

ON MOTION by Mayor Brenton, seconded by Trustee Sweeney, vouchers in the amount of \$224,626.23 covering 6/22/90-7/5/90 were approved:

Payroll fund w/e 6/30/90	\$	19,250.72
General fund		148,977.22
Water fund		6,687.42
Sewer fund		25,976.29
Trust & Agency fund		5,199.77
Glen Park Joint Activities fund		530.58
Capital fund		18,004.23
Community Development fund		-0-
	Grand Total	224,626.23

Large Vouchers:

Key Trust Company	\$145,750.00
Occidental Chemical Corp.	16,473.91

Unanimously carried.

Mayor Brenton stated his second resolution relates to the application by the Ciminelli Development Corporation to construct a street within the Village under Section 50.11(E) of the Village Code.

Mayor Brenton stated he would like everyone to bear in mind, that as a Village Board, that in considering what we are doing here and how we are going to vote on this resolution, we sit here as a Board representing the people of the Village. At the same time realizing that we are not an island, that we have a responsibility to the entire area and in particular that our function is really mandated by those that we feel we are obligated to protect within our own limits. That might sound like a lead on as to the way this resolution is going to go, but we do not know in effect the final result on this until the roll call is called.

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

WHEREAS, Ciminelli Development Co., Inc. ("Ciminelli") has submitted an application for a permit to construct a street in the Village, pursuant to Section 50.11(E) of the Village Sidewalk and Street Code (the proposed street being referred to as "Essjay Extension"); and

WHEREAS, the Board of Trustees has considered the Draft and Final Generic Environmental Impact Statements for Development of Farber and Ciminelli Parcels (together, the "EIS") accepted by the Planning Board of the Town of Amherst, has received and considered reports from the Village Planning/Architectural Review Board and Traffic and Safety Committee, has conducted a public hearing and considered the documents, testimony and arguments presented at or in conjunction with the hearing, including:

(a) Application of Ciminelli for a Roadway Permit under Section 50.11(E) of the Sidewalk and Street Code for the Essjay Extension, submitted by letter of Anthony J. Renaldo, and the documents enclosed with that letter;

(b) the EIS;

(c) the following documents submitted by Judy Ames, the Village Building and Zoning Clerk, at the May 7, 1990 meeting of the Village Planning/Architectural Review Board:

(i) a Composite Sketch Map showing existing and proposed buildings and vacant parcel in the Farber-Ciminelli complex;

(ii) a letter from the Town of Amherst Building Department, dated May 1, 1990, showing the addresses, square footage and use of existing buildings in the Farber-Ciminelli complex;

(iii) an aerial photograph of the Farber-Ciminelli complex, prepared for the Town of Amherst Engineering Department;

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(iv) a report on "Existing Traffic Control of Centerpointe" prepared by or for the Town of Amherst Engineering Department;

(v) a survey and zoning map prepared by Bissell and Company, dated August 2, 1982;

(vi) a survey of parts of affected lots, prepared by Pratt and Huth under dated of June 26, 1987;

(d) letter of William J. Regan to Lawrence R. Brenton, Mayor of the Village, dated June 11, 1990;

(e) letter of William J. Regan to the Planning/Architectural Review Board, dated June 12, 1990;

(f) letter of William J. Regan to the Village Mayor and Board of Trustees, dated July 6, 1990;

(g) report of the Williamsville Homeowners Coalition for Preservation, entitled "Compiled Data and Excerpts Regarding Traffic Impacts from Centerpointe," dated May 17, 1990;

(h) letter of Lewis Steele, on behalf of the Williamsville Homeowners Coalition for Preservation, dated June 25, 1990;

(i) the Report of Frandina Engineering, P.C. to the Village Board of Williamsville, "Review of an Application To Construct a Portion of Essjay Road within the Village of Williamsville," dated May 31, 1990;

(j) a report of the Police Department of the Town of Amherst of traffic accidents occurring 1989-90 on Evans Street between Main Street and Sheridan Drive;

(k) letter from James E. Smith, P.E., of EMS Consulting, to John Lane, Deputy Town Attorney, Town of Amherst, dated June 15, 1990;

(l) minutes of the meeting of the Traffic and Safety Committee, held on June 14, 1990, and of the meeting of the Planning/Architectural Review Board, held on June 18, 1990;

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(m) the transcript of the hearing before the Board of Trustees, held on June 25, 1990.

WHEREAS, based on such consideration, the Village Board has determined that:

(1) while determinations of the Village Board regarding development within the Village are made in consideration of concerns of adjacent communities, it is the responsibility of the Village Board to protect the integrity of the Village's unique character and to protect the lives and safety of residents of the Village;

(2) traffic congestion in the Village has been recognized by the County as a significant problem;

(3) the reports of Frandina Engineering, P.C., EMS Consulting, and DeLeuw Cather & Co. of N.Y. uniformly indicate a continuously increasing trend in the volume of traffic on Evans Street;

(4) as proposed by Ciminelli, Essjay Extension would intersect Evans Street south of Sheridan Drive, at a point between Belmont Place and Chalmers Street, and would provide access between Evans Street and (a) the 32-lot Ciminelli Centerpointe Subdivision and the Ciminelli 14-home Rosehill Condominium Project (together referred to as the "Ciminelli Residential Development"); (b) a commercial and institutional area in the vicinity of Essjay Road, International Drive and Sheridan Drive (referred to as the "Ciminelli-Farber commercial area"); and (c) Sheridan Drive;

(5) the proposed new intersection would substantially increase traffic volume on Evans Street not only from the Ciminelli Residential Development, but also from the Ciminelli-Farber commercial area and Sheridan Drive;

(6) the proposed intersection would increase congestion and traffic hazards on Evans Street because automobiles would turn from Essjay to Evans and from Evans to Essjay at the intersection, slowing down and stopping to make such turns, and in the case of left turns, causing opposite traffic flows, thereby causing traffic back ups and hazards, and such impacts could not be sufficiently alleviated by a traffic signal without a widening of Evans Street;

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(7) Evans Street is presently overloaded and unlikely to be widened in the foreseeable future, and a widening would cause significant adverse environmental impacts that were not considered by the Town or the EIS;

(8) the congested traffic situation on Evans Street already causes significant ingress and egress problems for residents with driveways into Evans Street which problems were not adequately addressed in the EIS nor by the Town of Amherst;

(9) the mid-block section of Evans Street from Main Street to Sheridan appears to have one of the highest accident rates in the Town of Amherst, which rate was not adequately addressed in the EIS nor by the Town of Amherst;

(10) excessive traffic volume in Evans Street has already led to use of Belmont Place as a bypass, significantly impacting a low capacity residential street, which impact was not adequately addressed in the EIS nor by the Town of Amherst;

(11) it is anticipated that increased traffic volume from the Essjay Extension to Evans Street would further negatively impact on Belmont Place and other residential Village streets;

(12) Youngs Road, east of Essjay Road, will remain as a north-south alternative in the event of increased congestion at the Evans-Sheridan intersection;

(13) deficiencies in the level of service at the Sheridan Drive intersection could be corrected during the on-going New York State Department of Transportation design associated with the Sheridan Drive Restoration Project;

(14) alternatives to the Essjay extension were not adequately addressed and considered in the EIS nor by the Town of Amherst;

(15) the alternative of access via Rinewalt or Academy Streets would have unacceptable negative environmental impacts;

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(16) if access to and from Evans Street via the proposed intersection were restricted to traffic generated by the Ciminelli Residential Development, the flow of vehicles would be lighter and would cause significantly lesser impacts than if Essjay Extension were constructed without such restriction;

(17) limiting access to the Ciminelli Residential Development from the proposed Evans Street intersection would prevent use of the roadway as a commercial bypass, and would reasonably provide convenient access to the Village for the residents;

NOW, THEREFORE, IT IS RESOLVED, that the said application of Ciminelli Development Corp. is denied as presented; and it is

FURTHER RESOLVED, that the application is granted to the extent that a permit is granted to Ciminelli Development Corp. to construct the proposed street as a Village Street, to be dedicated to the Village, subject to the condition that the proposed street be modified pursuant to a plan approved by the Village so as to provide access to Evans Street only from the Ciminelli Residential Development, such access to exclude any direct connection to or from the Ciminelli-Farber commercial area or Sheridan Drive.

Trustee Sweeney stated in that the application has been considered by himself and other residents for a number of years, the Village Board has an obligation to consider environmental effects of the proposed road connection of the entire development as well as the reasonable alternatives to strictly the Essjay/Evans Street road connection that's before the Board. There are a number of areas where Trustee Sweeney thinks the impact statement is deficient. In his own mind, rather significant is the fact that the New York State Department of Transportation does plan to improve the Evans/Sheridan intersection somewhere in the 1992 construction season or shortly thereafter. This would greatly alleviate, if not eliminate, the traffic flow problems. Using the analogy, of the problem that did exist on North Forest Road and Sheridan Drive intersection and redesign took place. He thinks that traffic flow pattern was worse than we now have on Evans Street at Sheridan Drive. He has alot of confidence that a simple redesigning of that intersection in large measure will alleviate the traffic flow problems that are being discussed. Other modifications to the Essjay/Sheridan intersection are now appropriate and necessary. Things such as moving the Wegmans northerly parking lot access onto Essjay and/or the post office access onto Essjay would help to alleviate what is now a bad condition.

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Trustee Sweeney stated he is not a traffic expert, but it is simply an obvious problem that the experts totally ignore in evaluating why they felt an extension of Essjay onto Evans was appropriate.

Trustee Sweeney stated the environmental problems are dear to his heart. In large measure, the very severe impact, of the proposed Evans/Essjay Road, immediately on the adjoining existing residents in the Drexel Hill Apartments and residents on Evans, had been completely ignored. There is no attempt in the impact statement to either quantify what these impacts would be or to propose any type of mitigation. Traffic flow and traffic safety are legitimate concerns, but they should not be exclusive concerns.

Trustee Sweeney said one of his basic objections to the proposal before the Village Board, (of) the application, is to authorize a private developer to build a road within the Village and dedicate it to the Town. This is an unacceptable option. While it's appealing to attempt to avoid maintenance cost by turning the road over to the Town, he thinks he would be grossly derelict in his duties to allow such a transfer of authority. Also he thinks sidewalks should still be part of any proposal for a road connection between Essjay and Evans Street.

Trustee Sweeney stated the Village has repeatedly been depicted as being against development, against developers and he commented that one of the benefits of the Essjay Road connection with Evans would be that the Village of Williamsville would also receive a substantial increase in tax revenue upon development of the portion of the Ciminelli parcel, which lies within the Village adjacent to Evans Street. This does not appear to be the case. Certainly, if we accept the artist's rendering of the appearance of the Essjay connection with Evans, there will be no economic incentive to the Village from development. Rather, there will be a continuing burden upon the Village for maintenance of the roadway. He stated those were just individual comments that weren't entirely reflected in the resolution that he wanted to add, forming in part, his objection to the proposed application before the Village Board.

Trustee Daniels stated even though the data seems to have been universally interpreted in one way, when he looks at the data, he sees an opposite viewpoint to his mind that is a very reasonable and sensible approach to this curb cut. If you have an area that is to be developed and you have one entrance/exit point-in the case of Centerpointe there are 2 but they really function almost as one since they are so close together. International and Essjay on Sheridan Drive serve to back the traffic up in that area to the point of gridlock several times a day. True, the Sheridan Drive project will alleviate some of that flow and allow the traffic to move more smoothly there, but then that only allows it to come onto Evans Street more quickly, which does Evans Street no favors at all.

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In his viewpoint, the more alternatives somebody has, in entering and exiting a certain area, the more free flowing the traffic will become because they're not all congested and trying to flow out only one entrance/exit point. When you consider the size and vastness of a number of different buildings and roadways in that complex, it would make more sense, if it were feasible, to find access points closer to the individual buildings that do cause all the traffic to flow out of only one point which may be back tracking quite a bit for a certain person on his way home. An example of that maybe an office building which is located very close to the proposed Essjay intersection at Evans. If that intersection has not afforded that person who has got in his car and traveled through the Centerpointe complex to Sheridan Drive, if he lives in the Main Street area, then he turns left on Sheridan Drive, left on Evans, up to Main. That total trip may take him about 12 minutes during the peak time between 4:00 P.M. and 6:00 P.M. when you do have a problem with traffic flow. If that Essjay exit were opened to him as an alternative, the trip would probably take him 2 minutes because he doesn't have to cover so much surface, get involved with the extra signal lights, extra left hand turns and the congestion of the traffic which only has one option in order to get home out of that complex. He saved time, in this case, 10 minutes of travel time. The fact that he's not on the road, physically, for that 10 minutes, means that someone else in a different vehicle can occupy the space he normally would have occupied during that extra 10 minutes of time in his travel. Trustee Daniels would like to see the Essjay curb cut approved for the entire complex and he would also like to see a study and work towards even yet another exit onto Youngs road, making it a total of 4 exits/entrances onto that complex so that people have choices. The traffic flow would be divided into different directions, and would not all congest in one spot. He thinks it would be more free flowing. He doesn't believe that the Essjay intersection will cause more traffic to go up Evans unless they would have gone in that direction anyway. He thinks because the Essjay exit is there, you eliminate a great amount of traffic between Sheridan and that Essjay intersection on Evans limiting the number of cut around maneuvers onto Chalmers etc. that apparently are a problem. He thinks it will alleviate the flow on Mill Street. He doesn't think if that exit is not implemented, that their situation will improve, yet we must realize that Centerpointe attributes a very small portion of the amount of traffic onto Evans. It will certainly get worse over the years as more development occurs in the Town and also in Clarence. He does have a statement he would like to read which he prefaced by stating that to go against, what probably is on the otherwise unanimous decision of this Board, is not an easy decision. There are friends in the community that have spoken to him in support of this. When he looks at the information and views it on maps, he just doesn't see it the same way that they do. He thinks that some of these relationships may suffer.

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He certainly hopes that none of the statements brought out in the public hearings such as anyone that votes against this or for this curb cut should be tarred and feathered become a reality. He doesn't so much mind the feathers, it's the tar that bothers him. (Statement attached)

Trustee Daniels stated he had a resolution he would have like to have presented but he doesn't have the support of the Board. Basically the resolution read:

WHEREAS, based on such consideration with full consideration to the entire needs of the community and with the belief that this road will serve to expedite the movement of traffic throughout the Centerpointe area and contribute measurably to the welfare and safety of those within the complex because of quicker response time in emergencies,

NOW, THEREFORE BE IT RESOLVED that the Ciminelli Development Corporation be granted a permit to construct a street in the Village referred to as the Essjay extension provided that the Homeowners in close proximity and across the intersection of Essjay and Evans be duly compensated for any loss in equity and in convenience resulting from this new intersection and that no construction is to begin until a satisfactory settlement is reached.

Trustee Bindert stated one of the things that we in the Village of Williamsville have strived for is a sense of community. Let's face it, we're only a square mile. We're only 6,000 people. We're almost totally surrounded by the Town of Amherst. We have just a short piece of us that abuts Cheektowaga, that's actually in the Town of Cheektowaga. Most of us here are proud of our heritage and our community as a whole. Most of us have the ingrained sense that we are constantly trying to improve our sense of community. Many of us are very active in this Village. All you have to do is look around and come and see our volunteer firemen or go to a Senior Citizens Evergreen members meetings and watch their exercise class or go out on their excursions or become a member of the Parks Committee and plan and build up the parks or become one of Trustee Daniels' Beautification Committee members which are 8,9,10 strong and go out and plant flowers and trim trees. You have a sense of community here, which is very strong and very vital. What Trustee Daniels has proposed, is that the Village of Williamsville be nothing more than a freeway for the betterment of the Town of Amherst and he cannot go along with that. Safety--here again, Trustee Daniels did not do his homework very well. Main and Transit has a branch right on Sheridan, almost directly across from where the Ciminelli Development is located. All Trustee Daniels had to do was drive down Sheridan Drive and he would have seen it. Trustee Bindert is really surprised. What we have in the Village of Williamsville is a situation that we are trying to go with the flow as best as we possibly can. This resolution is a compromise. We do not want to impede you.

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We don't want you to destroy us. That is the main difference. We want to allow your residential residences to have access to our streets, but we don't want all the trucks, all the cut thrus. This is the main point. This is why our Traffic and Safety Committee rejected it. This is why the Planning Board rejected it. They came up with alternatives. Never once when you spoke before the Board, did you ever once mention compromise. This is the name of the game. Compromise. Let's see if we can work together. Trustee Bindert stated he is in favor of this proposition. He doesn't like it in it's entirety, but everything is a compromise. Can we compromise with you?

Trustee Kaye stated upon review of the best interest of the Village, she thinks this is served by the exclusion of a tie-in of the entire complex. The denial is consistent with the record that's been developed. She believes that there is a possibility of limiting traffic in and out that may make sense, that we should have a plan before us that would reduce the traffic related impact from the proposed development to the residents of our community. She fully supports the denial but she has a particular problem in granting conditional approval without having submitted plans first for it. That's her personal opinion. She does understand the wording of the resolution and having come back to be approved by the Village Board. She also feels that we should look at our Village local laws to not have this problem happen possibly in the future from other areas that surround the Village and that we want to look at additional ways to protect and preserve our quality of life that we have here and to control growth that affects our area and the level of traffic congestion which we have here and will continue to have in the future.

Mayor Brenton stated that each Trustee here this evening has had strong comments pertaining to this resolution including Trustee Daniels who included within his discussion of the subject the fact that further thought and consideration as well as effort should be given to an access to Youngs Road. Mayor Brenton knows this was originally brought up and that time even then Supervisor Sharpe sent a letter to every member of the Country Club of Buffalo, indicating that this would not be the case. It was immediately portrayed or projected or thought or conveyed or whatever that the 18th hole would be taken out and a road put in. That's not quite the case. There's room, having worked at the Country Club of Buffalo for many years, north of the 18th tee to actually access the development. There's room all along parallel to Sheridan Drive for the State of New York to consider accessibility to the development. It's done in Canada all the time. He's sure many people have driven up to Toronto and you see an access road all the way up there. Is that so peculiar that that can't be incorporated in the United States? That doesn't work in New York state? The Department of Transportation cannot think of that? You see it. You see it work on your way to Toronto. Perhaps you haven't been to Toronto. He knows that most of the audience has.

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He knows that most of the audience knows that that works. So why is it precluded here? There are productive thoughts from each Trustee. There have been many hours. He doesn't think that the office of Mayor, in the history of the Village of Williamsville, has been so absolutely inundated with requests and information regarding this problem. He doesn't think that any problem has ever confronted the Board of Trustees in the Village of Williamsville in it's history as this situation. Tempers have run very strongly on the part of our constituents and on the part of the developer. Each side has justification in displaying emotions that have taken place in this lengthy proceeding. It is without doubt that the developer has every right to proceed to develop his property in whatever manner is prescribed by law. It is the Board's feeling that giving effect to what he thinks will be the vote on the subject, to try and protect the citizens of this community in every method the Board has possible under the legal procedures within the State of New York as conveyed to Village governments. He thinks those are clarification points pertaining to this resolution that he does feel should be made. When he prefaced this resolution, he indicated the Village is not an island, no man is an island. We understand that. We understand that we are unique as a community as pertains to Amherst. We've always felt that way. We also know that we are part of the Town of Amherst. We are citizens within the Town of Amherst. We owe our allegiance to the Town of Amherst and to the other abutting communities throughout this entire area. We've tried to do what perhaps is best here. Mayor Brenton thinks the Board's thought is by denying this road cut through the Evans Road area, and by also in effect granting it to the residential portion of that development, we are trying to protect not only the interests of our own constituents, but also consider the interest of the developer and those citizens of the Town of Amherst who use our roads because that has been pointed out that these people are not necessarily residents of the Village of Williamsville that will be using Evans Street, they are residents of the Town of Amherst and they are the ones that will be, in effect, caught in gridlock, etc. We have traffic studies that indicate that yes, there will be gridlock, no, there won't be gridlock, yes, there will be this and no, there won't be that. We have to make a decision based on our ability to do so and as entrusted to us by the majority of the voters that put us in office. He just offers that as something that should be said here, that we understand and appreciate all aspects of this. We have tried to come to a decision that is in the best interest of those to be served. We are entitled to our own view points as to how best to serve our constituents in the entire community. He would like to say that the Board can vote as one unit as somewhat but based on what has been said here, that there is no intention to vote as one unit, which just proves that we are not in effect walking into this with a predetermined opinion as to what the vote will be or how the Board will treat the developer. He would like to caution if anyone would like to make any changes to the resolution, that this would be the time to do so.

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Roll Call:

Trustee Sweeney Aye
Trustee Kaye No
Trustee Bindert Aye
Trustee Daniels No

Mayor Brenton Aye

Motion Carried.

Trustee Bindert stated that the Traffic and Safety Committee will not be meeting on the 19th of this month. They will have their regular August meeting which will be the third Thursday of the month.

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

RESOLVED THAT John Kreutz of 193 S. Cayuga Street is hereby appointed Seasonal Laborer in the Glen Park, effective July 10, 1990 at the rate of \$4.50 per hour. Salary to be paid from the Glen Park Joint Activities Fund.

Unanimously carried.

Trustee Kaye stated her first resolution deals with starting our recycling process in the Fall.

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

RESOLVED THAT the Village Clerk advertise for sealed bids for one Recycling Truck to be used in the Village of Williamsville's recycling program. Bids to be opened at 2:00 P.M. on July 20, 1990, in the Village Clerk's Office, 5565 Main Street, Williamsville, New York, under the terms of the standard bidding resolution.

Unanimously carried.

Trustee Kaye stated the Village has had some problems keeping Pool Attendants, so we now have 2 additional ones. Hopefully that will keep our pools open and operating.

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

RESOLVED THAT the following persons are hereby appointed Pool Attendants effective July 12, 1990 at the rate of \$3.75 per hour.

NAME	ADDRESS
Carla <u>Termini</u> Gayle Hayes	315 Ayer Road 191 Columbia Drive

Unanimously carried.

ON MOTION by Trustee Kaye, seconded by Trustee Bindert, it was moved to suspend the rules for two resolutions not on the agenda.

Unanimously carried.

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

RESOLVED THAT Chuck Martin and Mark Weinreber, Williamsville Firemen, are hereby authorized to attend the Command and Management for Line Officers Training School in Montour Falls, New York, and the cost, not to exceed \$225.00 each, to be paid by the Village of Williamsville.

Unanimously carried.

Trustee Kaye stated her second resolution under her suspension of rules is for the Village to appoint a Sidewalk Inspector. We had been using an individual from the Department of Public Works and will now be taking him back to the Department of Public Works.

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

RESOLVED THAT Patrick Lowther, 292 S. Forest Road, is hereby appointed Sidewalk Inspector beginning July 13, 1990 at the rate of \$8.00 per hour.

Unanimously carried.

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

Unanimously carried.

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Trustee Sweeney stated he had no report and no resolution this evening.

Mayor Brenton stated he is taking up the slack of Superintendent David Laubisch of the Department of Public Works in his absence. Due to the unknown return date of Superintendent Laubisch, Mayor Brenton said he has requested of Highway Superintendent Lucey that he assist us in our paving program this year. This has been accomplished in the past. To that end we have had a joint resolution on the part of Town and Village Board to enter into cooperative working agreements. He knows that Highway Superintendent Lucey is considering that request, and Mayor Brenton hopes that it will be looked upon favorably so that the Village can take a load off of it's forces, perhaps in the absence of Superintendent Laubisch. We should have that work done by the Town. Other than that, we are working towards the solid waste for the recycling which he believes is still intended to take place on September 1, 1990. We hope that that will be incepted on September 1, 1990 but that is predicated on not only the ability of securing the vehicle but also the ability to dispose of the recyclables that will be generated.

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

Unanimously carried.

Dick Hill, 18 Brookside Drive, stated that Trustee Sweeney spoke about the exit from Wegmans right across the post office. The Traffic and Safety Board examined that possibility.

Trustee Sweeney stated that in part that idea came into his mind from the Traffic and Safety Board's objections. It was not completely an original thought, but he did verify it.

Peggy Santillo, 37 Rinewalt Street, asked the Board to consider passing additional local laws that can provide with a greater degree of control of the road since there is a potential consequence for the Village. She believes, perhaps, the Village Board of Trustees could ask special counsel to develop a series of measures for consideration by the Village Board that they provide with a greater degree of control in this important area. She thinks that Centerpointe is one example of the impacts of some kinds but not all kinds of development on the Village. She thinks the Board needs to take action as soon as possible. She would like to concur and emphasize what Trustee Kaye brought out earlier in the meeting. She also wanted to concur with Trustee Kaye's vote tonight and support her on her vote.

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Ms. Santillo knows what Trustee Kaye was trying not to say she approved the permit, but that she didn't agree with the last part of the resolution. She suggested everyone get a copy of that resolution and look at the last paragraph where it did state, so that they understand exactly what went on here this evening, "Further Resolved that the application is granted to the extent that a permit is granted to Ciminelli Development Corporation" and goes on to say that it would access the residential part only. Ms. Santillo knows Trustee Kaye had a problem with that part of the resolution. Ms. Santillo believes that's what Trustee Kaye's vote was about. Ms. Santillo wants to concur with Trustee Kaye's stand on that.

Mayor Brenton said to make sure the record is clear, he would like to make sure Trustee Kaye does concur with that statement and in particular as Mrs. Santillo indicated, he thinks it is somewhat erroneous. He thinks that Trustee Kaye had difficulty with one particular word that gave a certain degree of latitude to the situation and not with the thrust of that last paragraph. If he is incorrect, Trustee Kaye can correct him.

Trustee Kaye stated that clearly she feels the permit should be denied. As stated here, she did have a problem with the word "is granted" and she has had that problem with conditional approval. Ms. Santillo was correct, in sitting in on the pre-session, that Trustee Kaye did express that. Trustee Kaye did debate on how we actually handle that wording. Without question, yes, her feeling is to deny, which she hopes was clear in her statement, but she did have problems with conditional approval being premature without the developer first submitting a plan for the connection of a subdivision to us here in the Village.

Mayor Brenton asked what Trustee Kaye is saying essentially is that Trustee Kaye did believe in denial, however, had it been worded properly, approved of the residential access?

Trustee Kaye stated if it had been worded differently, she would have approved the developer coming back to the Village with a plan for that subdivision access or other alternative access that would have reduced traffic onto Evans Street.

Carolyn Schlifke, 192 Evans Street, stated she was not going to address any of Mr. Daniels' remarks, but she really feels insulted that Mr. Daniels feels that any amount of money could compensate her with that roadway being connected to the whole development. There are no dollars, that anyone, whether it be the Village, the County for the Highway, Mr. Ciminelli or whoever, that you could pay her that would cause her to accept that roadway, which she feels is going to have such a drastic effect on where she lives and how she lives.

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Therefore, she would like to go on record that while Trustee Daniels thought he was perhaps being generous, she takes it as an insult. She also believes that Trustee Daniels missed his calling, he should have run for the Town Board.

Trustee Daniels stated he feels the Essjay intersection and roadway would help improve the situation. He still maintains that fact. He thinks he has arguable reasoning for that decision. The only regret that he has is that there are residents that will be negatively impacted because of their location directly across and in the path of the partial back ups that may occur from pulling in and out of their driveway. Unfortunately, you have to consider the welfare of total community, not just the Village, the whole traffic flow of the whole area when you look at these problems. It's a county road. County roads are meant to carry the traffic so that vehicles don't choose to go down the side street residential areas. He's had personal experience with this. The first home he ever bought was on Griner Road which is an extension of Maple in the Town of Clarence. At that point when he purchased the house, it was a county road. He did not realize that there were widening plans on the books when he purchased the home. It turns out that they planned to widen that road and he sold the house because of that. There are certain roads, that if you purchase a home on it, you have to assume the risk that at some point in time it may be widened because it is a thoroughfare that is meant to carry the brunt of traffic around a residential area so that it doesn't go through the residential area. The function of all the county and federal and state highways is to carry traffic efficiently and quickly to its destination which guards and insulates the sidestreets from cut-thru traffic. People don't seem to understand that you can't inhibit the flow on a county road, because then it's only going to go down a side road. You don't want that. He is sorry of the situation and it's not doing residents a favor, he is sure, by suggesting that they try and compensate residents. However, it may be more than you'll get in the end. He thinks if we can work some kind of a compromise out at this point, we have a better chance of getting compensation than at a later point.

Mayor Brenton stated the purpose of Evans being a county road was not to preclude traffic from going on residential streets. County roads were built many moons ago when there were no residential streets. There were nothing but farm streets. Mayor Brenton stated he would call Trustee Daniels' attention to the maps of the Village of Williamsville which are located within this building from various periods in our history which would clarify that fact. County roads were not built to keep residential traffic off residential streets.

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Trustee Daniels stated he did not say that. They were meant to carry the high volumes of traffic from one point to another so that it didn't have to use sidestreets in order to accomplish the same end result of getting to where you want to go.

Mayor Brenton stated they were designed, in particular Evans Road, to carry horses and wagons.

Marsha Chase, 157 Highland Drive, asked Mr. Hill for a clarification between Essjay and International, Farber Lakes Drive. There is controversy that that road should never have been installed. Are you referring to Farber Lakes Drive? A while back, herself and Marilyn Taulbee, we lived on Evans and she lived on Mill Street at one point and moved off those streets. She does believe that the change has come. She moved here from Chicago, 20 years ago. Mill Street was very busy. Evans was busy and they have become more so now. She agrees with Trustee Daniels. She thinks that he and Trustee Sweeney have good concepts of what's going on within the area. We are not an island within 1 square mile. She becomes so distressed with the thoughts of a few people wanting to control what's going on. When people get up to speak at this Village meeting, we are put down except for the people who are acclaimed to what they want. She would like to have it put on record that if this proposition that the Board has proposed to Ciminelli, would come to be, a road cut onto Evans, would there also be then the open road to Rinewalt as a second street or would that remain an emergency access? Would the people who live on Rinewalt or Academy be distressed in having people traveling through their streets? Mrs. Chase said she lives between Main and Wehrle. There's buses that come down her street. There are trucks, small trucks possibly and other vehicles that drive down past her street. They go past, they're gone. It's not a big deal. She is very distressed because she wonders where are other people who would be able to support the side of maybe having a road cut who don't come to these meetings, because they are put down. Where are the people that were here 2 weeks ago that were storming the doors to have the Ciminelli Essjay cut onto Evans, where are they tonight?

Mayor Brenton stated he questions the fact that she indicated that Trustee Daniels and Trustee Sweeney apparently knew what was going on here and by that statement preclude the remainder of this Board from apparently being aware of what was going on. He takes exception to that statement. Perhaps it's Mrs. Chase's presentation and those of her following and the manner in which they present themselves. You also ask the question as to where are the people. He, as Mayor of the Village, received one letter. You don't have to come here to express your feelings. As Mayor of this Village, he has only received 1 letter in answer to her question supporting the road cut. One. These people cannot write?

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They cannot afford the 25 cents stamp? Mayor Brenton suggested if anyone has questions as how the development itself is going to be handled pertaining to Rinewalt and Academy, that they go to the Town of Amherst and ask them because it is their agency. The Town of Amherst Planning Board has control over that particular development. The Board has tried to handle this situation professionally and he apologizes for the fact that she feels that on the few occasions that she has been here and the people who share here view points have been here, that she feels she has been put down. In fact, he takes exception to that. He has been credited by Mr. Renaldo who is a representative for Mr. Ciminelli, for conducting a very fair and impartial public hearing on the subject. It would be a conflict for her statement to declare things are not fair and impartial to the greatest magnitude with Mr. Renaldo saying that things were fair and impartial. Mayor Brenton stated he has always tried to be fair, he always tried to be dedicated, as have all members of this Board in the 11 years that he has sat on it. They have all been dedicated to the Village of Williamsville. We're dedicated. Trustee Daniels is dedicated in his belief as to what should be done with this road cut. Trustee Bindert is equally dedicated. Trustee Kaye had a great deal of consideration and a great deal of feelings of helplessness of what to do pertaining to her "no" vote. He doesn't think it's fair for Ms. Chase to say the Board doesn't conduct themselves fairly or for her to say the Board put people down. Mayor Brenton stated he wants to go on record stating he does not agree with that and he doesn't think the majority of this audience, who is representative of the community, they're here. If the people that don't share Ms. Chases's feelings are not here, then he can only ask, how many of there are you?

Sarah Mischler, 186 Evans Street, said Mr. Daniels stated it would take approximately 2 minutes to go out on Evans Street from the Essjay cut. Without a traffic signal, she would like to know how this is going to be accomplished, say you're going to make a left hand turn going south onto Main Street. Trustee Daniels stated it would be stop and go similar to Eagle. Mrs. Mischler stated not with the volume that's going to come from this. Trustee Daniels stated it's the same volume that hits Eagle and Evans. Ms. Mischler stated if they are coming out of Essjay to make a left hand turn to go to Main Street, it's going to take more than 2 minutes without the traffic signal.

Trustee Daniels stated there will be stop and go. It's going to be a 3-way stop. Traffic stops and then goes in each direction: Three ways, north, south and west. There will be a stop sign or it could be a blinking light most of the time, and an actual signal that's functioning between 4:00 P.M. - 6:00 P.M.

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Mrs. Mischler stated it's also not an even flow of traffic that was said. Ms. Chase pointed out, cars stop and then they go. If there is a traffic signal there, they're going to stop. They're going to stop in front of her house. There's going to be cars sitting there idling that length of time. There will also be the traffic coming out of Essjay. Ms. Mischler asked before, when is it her opportunity to get out her driveway. When the light is red for Evans Street, it's green for Essjay, so they're going to be coming out of there and when it's red for Essjay, they're going to be going up and down Evans Street. It is not an easy situation for her. She wanted to state that she does not feel cars coming from Essjay will be able to exit quickly into Evans Street unless there is a traffic signal perhaps, but without a traffic signal, there is none.

Trustee Daniels stated this Board has no authority to determine that. He does know Mr. Ciminelli has put up a bond for a signal if it were needed. There must be some question as to whether it would function or not.

Mayor Brenton stated to Mrs. Mischler her feeling is that money wouldn't relieve her situation.

Mrs. Mischler stated she would not like any monetary consideration.

Dick Hill stated he agrees with Trustee Kaye. He doesn't like the resolution that's been passed. Also with all the items that were studied on this meeting, you eliminated the most important one which was a letter from the county about the conditions on Evans Street now. These people stated Evans is presently an "E" and needs four lanes that they can't afford to put in. They said they had to give a curb cut because there was no reason not to issue it. But they did not give permission for the roadway and they said it's up to the local government to control the traffic not the county.

Mayor Brenton stated we did allude to the communication from the county and he thinks that it is included in effect. This resolution is directed toward the ability of the Village to sustain it's position in court. He hopes Mr. Hill is aware of that. It certainly wasn't drawn up by other than our legal counsel.

Trustee Bindert stated basically the position the Board is trying to take is we have a major development there and we have to be cognizant of the fact that it is there. If we were to just outright deny it, there would probably be a rejection in court due to outright denial. That was the reason for allowing residential only. Everything in politics, in government, is compromise.

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Trustee Bindert read the last paragraph: "IT IS FURTHER RESOLVED THAT the application is granted to the extent that a permit is granted to Ciminelli Development Corporation to construct the proposed street as a Village street, to be dedicated to the Village, subject to the condition that the proposed street be modified pursuant to a plan approved by the Village so as to provide access to Evans Street only from the Ciminelli Residential Development." We prior made a definition for residential development to include only those houses on the hill, and Rose Hill section. "Such access to exclude any direct connection to or from the Ciminelli-Farber commercial area or Sheridan Drive". To Trustee Bindert this is all very explicit, this is all we are going to allow. It's subject to the condition that the proposed street be modified by a plan approved by the Village. So they still have to come forward with a plan. We have to approve that plan.

Dick Hill stated if you do this, you should make it secure, so it will stand up in court 3 years from now. He bets if you approve that right now, 3 years from now Ciminelli will be back here asking it be removed by the courts.

Mayor Brenton stated the Board is operating under the advice of their counsel and he thinks it is appropriate that we conclude the discussion.

Bob Guthrie, 76 Academy, stated he's not a lawyer. What bothers him about the compromise is exactly the point that was just made. If Mr. Ciminelli and his attorneys decide that limiting the access to Evans is not sufficient, if it's only going to include the residential houses, legally what's to prevent him from opening up the access to the rest of the commercial development or the condominiums. In addition, because it's not on Village land, it's not part of the Village property. How can you make a binding contract with him that he will always observe? If you do have access, another words, can you really make the compromise stick? That's his point.

Mayor Brenton stated he is not an attorney either and that's why the Village has retained the lawfirm of Magavern and Magavern for this purpose. They are a very prestigious lawfirm. Mr. Kaplan is one of the foremost attorneys in the United States pertaining to municipal law. He has to feel that their advice on this subject, which is in effect expressed in this resolution, is advice that we can take. We have no choice to do other than what they suggest. For us to take matters into our own hands, would be very foolish on our part. There is no answer to Mr. Guthrie's question other than the question Mayor Brenton could pose to Mr. Guthrie and that would be if your attorney advised you in a certain way, would you follow his advice?

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Mary Lowther, 122 Chalmers, thanked the Board for the months of work which went into coming up with the decision that the Board did. She doesn't necessarily agree with everything that was stated by members of the Board tonight, but she does appreciate the fact that the Board did take the time to read the material, to understand it, and look at the impacts that were going to be placed on the people of the northeast section of the Village. In the last 3 years, she has never once gotten a single resident in the north east section of the Village or in the Village itself, with one exception, that felt that this was a good idea. Ms. Chase alludes to the fact that no one is here tonight. The public hearing was 2 weeks ago. That's when the people were here. Those were the people being impacted. Ms. Lowther thinks it's important to realize that these same people don't come to ever single meeting to raise their objections. This evening, there was no one from the public to say they were unhappy or they didn't care for the idea or they were opposed to it. People who live in the neighborhood know it. These are public hearings. They're here for a purpose. It is so the public can be aware. If the people who are in favor of this did not appear, that appears to be their problem.

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 Sweeney, it was moved to adjourn the meeting at 8:55 P.M.

Unanimously carried.

Theresa L. Cummins
Village Clerk/Treasurer