

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, October 26, 1998 at 7:37 P.M.

Present: Basil J. Piazza, Mayor
Joseph Frese - Trustees
Richard Langenfeld
Barbara Schofield
William A. Wutz
Theresa L. Cummins, Admin./Clerk-Treas.
Sally A. Kuzon, Deputy Clerk-Treasurer
Patrick Kelly, Attorney
John Anstett - Working Crew Chief-D.P.W.

The Village Deputy Clerk-Treasurer read the Notice of Public Hearing being held for the purpose of hearing all persons interested in discussing a request for an Exceptional Development permit for property located at 5447 Main Street.

ON MOTION by Mayor Piazza, seconded by Trustee Frese, it was moved to open the public hearing at 7:37 P.M.

Unanimously carried.

Trustee Frese welcomed everyone to the meeting. He stated that the property in question is zoned commercial and the only reason for the exceptional development is the size of the building and the height of the proposed hotel.

Tony Renaldo, representing the developer, spoke about the proposed development. He stated the plans being presented tonight are the result of meetings with the Village committees. Their input and recommendations have been considered when preparing these plans. He discussed the location and size of the proposed Rite Aid drugstore, the parking spaces, and described the proposed hotel as well as the buffer zone along Los Robles. It is proposed that there will be two curb cuts on to Los Robles but the curbs will be designed in such a way that there would be no right turns into Los Robles. Mr. Renaldo listed the benefits of the development to the Village including bringing in guests to the Village who will patronize other businesses and restaurants and also the amount of tax dollars that will be generated.

Wayne Kwiatowski, Project Coordinator, discussed possible facades which could be all brick or brick and dryvit material in various configurations.

Mr. Paladino, the developer, discussed the time frame for the construction. If approved, the ground breaking would be in April. Construction for the Rite Aid would be approximately 120 days;

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construction on the hotel would be about 180 days with the opening set for the fall of 1999. They could be opened concurrently if necessary.

Chuck Rizzone, 136 Los Robles, spoke regarding:

- The newly adopted Master Plan and the 129 car parking lot
- The Rite Aid problems elsewhere
- The fact that he doesn't believe we need this project and he thinks we can do better

Dave Quagliano, 115 Los Robles stated he has lived in the Village for 32 years. He listed the locations of a number of drugstores in the past that are no longer in existence.

Al Gerber, 38 Los Robles, owns one of the parcels on Los Robles that will be purchased for the development. He thinks that only the people who live 150 feet to 200 feet from the project should be allowed to voice an opinion.

Robert Hagerman, 59 Milton Street, asked if any studies have been made regarding trips per day and traffic to the Rite Aid drugstore. Mr. Paladino stated the store will generate about 140 trips per day. Mr. Hagerman suggested that the Village Board have a traffic study done to see if Los Robles can support this number of cars.

Kevin Lester, resides on North Long Street and owns the business next door at 5429 Main Street, stated that Ellicott Development has made a number of changes to make the project acceptable to the Village. The current building is a total dump and as long as something has to go there, we should make Ellicott Development do it the way the Village wants it.

He also discussed flipping the Rite Aid nearer to Los Robles and the advantages of better traffic flow this would create. He feels fire safety would be better because fire trucks would have better access to the buildings.

Paul Krieter, 29 S. Ellicott Street, spoke on the following:

- Visibility of the Rite Aid building and the signage on the building
- Variances required. We adopted a Master Plan so the issue is the site of Rite Aid and where it is and also the height of the building.
- What is Rite Aid doing for us? What is the Village getting that we don't already have? This is what we should be asking ourselves.

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-He is also concerned about the angle of the Rite Aid building. Once we allow one building to be angled, this sets a precedent for others. All buildings should be square with Main Street.

Vicki Lattin, 64 S. Cayuga, stated that the Village needs a drugstore at that location. She spoke on behalf of Senior Citizens, especially those that live at 5403 Main Street. There are a number who are severely handicapped and can't cross Main Street to the other drugstore.

Mike Donnelly, 52 Milton Street, is concerned about the traffic because of the number of children in the neighborhood. He wondered if it would be possible to separate the hotel parking lot from the Rite Aid lot in an effort to make sure that none of the traffic will come down Los Robles.

Dave Hall, 126 Milton Street was also concerned about traffic. He asked if the Village has looked at other villages with Williamsville's character to see what they have done with similar projects. He would like to see the character of the Village enhanced by any project.

Mary Lawther, 120 N. Ellicott, asked if a traffic study has been done on this project. If not, she thinks the Board should require one be done. She can't believe there will only be 140 trips a day. She can't see how Rite Aid would make an money with such a small number. Ms. Lawther pointed out that this proposal is in direct opposition to our Master Plan which requires all buildings front on Main Street with parking in the rear. She also feels that two businesses on one parcel such as Rite Aid and the hotel will always be a problem just like the ones that are located at Academy Street & Rinewalt. It is a problem with traffic and a problem with parking.

Eileen Torre, 109 S. Ellicott Street, asked if the hotel could be built without the Rite Aid. She agrees the present Williamsville In is an eyesore but most people don't want to see a Rite Aid. They want something that will complement the Village. She recommends a bookstore.

Mary Carr, 100 Orchard Place, stated that the drawing presented tonight does not show buildings that are really Colonial in architecture. Other towns and cities have hotels that are Colonial in the time period we are speaking about. This is not. She suggested making the hotel a little longer and lower and incorporating the Rite Aid inside the hotel with parking in the back.

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John Nickerson, 66 Pasadena Place, stated there are other parts of the neighborhood besides Los Robles. He doesn't think the project blends in with the rest of the neighborhood. He grew up in Massachusetts and can tell you what Colonial is, and this project is not Colonial. He also spoke of the population the pharmacy would serve. It is a finite population and if we add one more pharmacy, other pharmacies will suffer, leading to empty buildings. He would like to see more greenspace added. He moved to the Village because it is a Village but looking at the plans, he does not get a sense of "Village".

John Tamaro, 125 Los Robles Street, has lived there for 35 years. He doesn't feel we need the Rite Aid and asked the Board to turn down the Exceptional Development permit.

Melissa Chudy, 186 Garrison Road, questioned the integrity of a business that currently has eight stores sitting vacant. She questioned what will make this one different? Mr. Paladino addressed the reason why each of the stores were vacant which included moving to layer buildings and also the nature of the neighborhood where they are located.

Mary Beth Volpini, 122 S. Cayuga Road, stated the developer should live up to the codes. She is also concerned about traffic. She questioned where the businesses will be getting their deliveries. She is concerned about keeping the semi's off the side streets.

Lore Schlosser, 56 Los Robles, is also concerned about the increase in traffic.

Michael Laurie, owns property across the street and spoke about developing the property and keeping trucks off the residential streets. As a business person on Main Street, he has seen the seniors in their motor scooters gong up and down Main Street. They would patronize a Rite Aid at that location. He also would like to make sure that any greenspace placed at that location would be of good quality and design. He feels the architecture is falling short and wondered if there could be a flat roof on the hotel.

He thinks there is a lot of controversy surrounding the project so we have to make sure the Village gets the best possible project at that location.

John Cansdale, 50 Los Robles, stated that Ellicott Development has made a lot of progress since the beginning of the project.

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Most people agree that the Williamsville Inn is an eyesore but this project has a way to go. This project does not fit into the Village but we should do it right. He feels the hotel is too big and the project as it is will destroy the neighborhood.

Ann Brown, who lives on Milton Street, feels that the Rite Aid is not needed. The traffic on Main Street is horrendous and she wants to keep the quaintness of the Village.

Carolyn Vogel, 5225 Main Street, would like to see more small stores. A Rite Aid is not needed and not wanted. She asked if any community has been enhanced by a Rite Aid coming into their community.

Alan Gerber, 38 Los Robles, asked if the Village would buy their property and construct a park on that location.

Mary Ann Avery, 64 Garrison road, questioned the need for an 11,000 sq. ft. size for the Rite Aid. Why is a larger one being proposed here than the 8,000 sq. ft. one that has been proposed in Snyder. She is concerned about the precedent which would be set by approving this project in light of the Master Plan which was just adopted. This is the first challenge and she does not want to see the Board cave in to this developer.

Debbie Cambria, 87 N. Ellicott Street, said that the comment made by Mr. Paladino that the wave of the future is the big guy taking over, really irked her. This is not the wave of the future here in the Village of Williamsville.

Ken Rhodes, 38 N. Cayuga Road, spoke about the height of the buildings around him on N. Cayuga Road. He was not there to speak against development but had some of the same concerns as other speakers. He would like to see the Village retain its character. Maybe the plan is not the right plan for the Village. Whatever is done to the property, we should retain the character and keep it quaint and comfortable.

Linda Rizzone, 136 Los Robles, asked where the Senior Citizens who need this drugstore were when there was one next to the Dublin House? She is also concerned about traffic because they have had a huge influx of children and people are using Los Robles as a cut-through to avoid the corner of Main and Cayuga. Even if you tell people not to make a right turn out of the driveways, they will do it anyway.

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Trustee Frese thanked everyone for coming. He appreciates all the concerns that we put forth. He stated the Board may be making a decision at the next meeting or the one after that.

ON MOTION By Mayor Piazza, seconded by Trustee Wutz, it was moved to close the public hearing at 9:45 P.M. and return to the regular agenda.

Unanimously carried.

Theresa L. Cummins, RMC
Administrator/Clerk-Treasurer

Minutes of the Regular Board Meeting of the Village of
Williamsville held in the Williamsville Village Hall, 5565 Main
Street, Williamsville, New York on October 26, 1998 at 7:32 P.M.

Present: Basil Piazza, Mayor
Trustees:
Joseph Frese
Richard Langenfeld
Barbara Schofield
William Wutz

Theresa L. Cummins-Admin./Vllg. Clerk-Treas.
Sally A. Kuzon, Deputy Clerk-Treasurer
Patrick Kelly, Village Attorney
John Anstett - Crew Chief - D.P.W.

Mayor Piazza opened the meeting at 7:32 p.m. with the Pledge of Allegiance led by Trustee Frese. There was then a moment of silence in remembrance of the terrible violence which visited the Town of Amherst in the past week.

Mayor Piazza presented a certificate of appreciation to Bill Mattar who paid for one of the new entrance signs to the Village.

ON MOTION By Mayor Piazza, seconded by Trustee Frese, the minutes of the Regular Board Meeting held on October 13, 1998 were approved.

Unanimously carried.

ON MOTION By Mayor Piazza, seconded by Trustee Frese, it was moved at 7:34 p.m. to suspend rules to open a public hearing being held for the purpose of hearing all persons interested in discussing the proposed use of the 1999 Community Development Funds. (The public hearing was closed at 7:36 p.m.).

Unanimously carried.

ON MOTION By Mayor Piazza, seconded by Trustee Frese, it was moved at 7:37 p.m. to open a public hearing being held for the purpose of hearing all persons interested in discussing a request for an Exceptional Development permit for property located at 5447 Main Street. (The public hearing was closed at 9:45 p.m.).

Unanimously carried.

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

Unanimously carried.

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Street, Williamsville, New York on October 26, 1998 at 7:32 P.M.**

Ken Rhodes, 38 N. Cayuga Road, asked if the Board knew if there were any plans to open Cayuga Road into the park. Mayor Piazza stated that he has heard nothing about the project at the moment.

Michael Laurie, 5456 Main Street, spoke about the possibility of putting a center lane with a green space divider like they are putting on Transit Road. Trustee Frese told him this was a State highway and the Village has no control over the road. For the Village to propose it to the State, we would have to find some benefit from the project and he's not sure we would find a benefit from it.

Mary Beth Mulcahey, 122 S. Cayuga Road, asked the Board to consider changing Main Street garbage days. Businesses are open late on Thursdays and with garbage day being on Friday, many offices and businesses put out their garbage early on Thursday evening. Shoppers who come to visit the stores on Thursday night see all the garbage out on the street. It is very unsightly.

Mary Anne Avery, 64 Garrison, spoke about the Sister's property committee which she is on but also has not gotten any notices of the meetings.

ON MOTION By Mayor Piazza, seconded by Trustee Frese, it was moved to return to the regular agenda.

Unanimously carried.

Mayor Piazza reported on the following:

- 1) Construction on Contract #4 is continuing.
- 2) Some work is continuing on the Village Meeting House. It currently has a temporary door while they are working on the building.
- 3) The Village will be losing about \$20,000 of income if the County decides to opt into the exemption of certain items from sales tax. Therefore, we are taking a stand against it as are the Erie County Village Official's Association and the Association of Erie County Governments because of the potential negative effect on property taxes.

ON MOTION By Mayor Piazza, seconded by Trustee Frese:

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Vouchers in the amount of \$102,368.41 covering the period from
 October 10 - October 24, 1998 were approved as follows:

Payroll fund w/e 10/10/98	\$ 21,541.73
General Fund	45,798.71
Water Fund	402.58
Sewer Fund	6,957.90
Glen Park Fund	513.27
Trust & Agency Fund	7,154.22
Capitol Fund	<u>20,000.00</u>
 Grand Total	 \$102,368.41 <u>-----</u>

Large Vouchers:

Dan Zambito Construction	\$ 19,265.36
Modern Disposal Services	\$ 15,523.75

Unanimously carried.

ON MOTION By Trustee Piazza, seconded by Trustee Schofield, the
 following resolution was adopted:

Whereas, the Village Board has determined the area
 along Garrison Street, from the Village line to Main
 Street, is an area that is dangerous for pedestrians;
 and,

Whereas, the Village Board believes it is in the best
 interest of the Village and its citizens to have
 sidewalks along said street; and,

Whereas, the Village Board has previously notified property
 owners along said street that sidewalks may be ordered
 in, if the same were not voluntarily installed;

NOW THEREFORE, BE IT RESOLVED that pursuant to Chapter 89 of
 the Village Code (Section 89-4), the owners of the
 following properties are required to install sidewalks
 along the public right of way:

- 205 Garrison Road
- 209 Garrison Road

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~~122~~

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BE IT FURTHER RESOLVED, that pursuant to said Chapter 89 (Section 89-4), said sidewalks are to be constructed at the sole expense of the property owner, with no contribution of Village funds; and

BE IT FURTHER RESOLVED, that said sidewalks are to be completed by June 30, 1999. Upon failure of property owner to install sidewalks by said date, the Village shall cause said sidewalks to be installed and add the cost for such installation to the next Village tax assessed against the property (Section 89-4).

Unanimously carried.

Mayor Piazza explained that for years people have been bringing up the point that Garrison Road is a very unsafe area in need of sidewalks. Garrison Park is right there and the area is very busy. Some time ago, we notified the owners of property on Garrison that we were going to require sidewalks. At the same time, a developer offered to put them in free of charge. The sidewalks were installed on all properties but two at no charge to the Village. We are now requiring these two property owners to install them at their own expense.

Unanimously carried.

ON MOTION it was moved to suspend the rules to consider a resolution which was not on the agenda.

Unanimously carried.

ON MOTION By Trustee Langenfeld, seconded by Trustee Wutz, the following resolution was adopted:

RESOLVED that the following budget transfer is hereby made in the General Fund:

\$800	<u>From</u> 01-1900-1990-4000 Contingent	<u>To</u> 01-3400-3410-2030 Fire Department Radios
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Unanimously carried.

ON MOTION By Mayor Piazza, seconded by Trustee Frese, it was moved to return to the regular agenda.

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Street, Williamsville, New York on October 26, 1998 at 7:32 P.M.

Unanimously carried.

Trustee Schofield reported on her upcoming committee meetings and also that the Halloween parade will be held this Friday from 6:00 - 8:00 p.m.

ON MOTION By Trustee Schofield, seconded by Trustee Langenfeld, the following resolution was adopted:

RESOLVED that Saturday, October 31st is hereby designated "Trick or Treat" night in the Village of Williamsville.

Unanimously carried.

ON MOTION By Trustee Wutz, seconded by Trustee Frese, the following resolution was adopted:

RESOLVED that Mayor Basil Piazza is hereby authorized to attend the Legislative Program Meeting in Albany, New York on November 9, 1998 and the cost, not to exceed \$350, to be paid by the Village of Williamsville

Unanimously carried.

ON MOTION By Mayor Piazza, seconded by Trustee Frese, it was moved to suspend rules to consider several resolutions which were not on the agenda.

Unanimously carried.

ON MOTION By Trustee Wutz, seconded by Trustee Frese, the following resolution as presented:

RESOLVED that the Mayor is hereby authorized to issue a Special Mayor's Permit to Thomas C. Ketchum, Town of Amherst Commissioner of Buildings for the purpose of suspending a banner across Main Street at the Ellicott Creek Bridge from October 30-November 9, 1998. Banner to read "Concept Construction presents the Opening Ceremonies of the Amherst Pepsi Center; November 7, 1998, 6:30 p.m. - 9:30 p.m."

Frese - N
Schofield - N

Wutz - N
Langenfeld - N

Piazza - Y

Motion defeated.

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ON MOTION By Trustee Wutz, seconded by Trustee Frese, the following resolution was adopted:

RESOLVED that the fees for the use of the Meeting House are as follows effective for any permit issued after October 26, 1998:

Weddings & Rehearsals	\$175
Civic Groups	15
General Meetings	55

Unanimously carried.

ON MOTION By Trustee Wutz, seconded by Trustee Frese, the following resolution was adopted:

WHEREAS, the Town of Amherst applied to the County of Erie for a regionalism grant for the purpose of carrying out mutual composting needs feasibility study as described in the Grantee's application dated June 1, 1998; and

WHEREAS, the County of Erie, has authorized a regionalism grant in the sum of \$60,000.00 for that project; and

WHEREAS, the project is to be carried out pursuant to an intermunicipal agreement pursuant to Article 5-G of the General Municipal Law with the Town of Tonawanda and Grand Island, the Villages of Kenmore and Williamsville and the City of Tonawanda

NOW, THEREFORE, BE IT RESOLVED, that the Mayor of the Village of Williamsville authorizes the Town of Amherst to act as an agent to enter into the grant contract with the County of Erie in the sum of \$60,000.00 for the purpose of carrying out an intermunicipal project pursuant to Article 5-G of the General Municipal Law, subject to the terms and conditions contained in the County grant contract; and be it further

RESOLVED, that the Mayor is hereby authorized to enter into an intermunicipal agreement with the Towns of Tonawanda and Grand Island, the Village of Kenmore and the City of Tonawanda to carry out the project funded under the County grant contract.

Unanimously carried.

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Trustee Frese reported that this Saturday morning, the Beautification Committee will be meeting at the Evans Street triangle to plant some bulbs. All are invited to help. He also thanked the DPW for the speedy removal of the banners from Main Street.

Administrator Cummins reported she had attended the Clerk's Conference last year and there were many worthwhile sessions.

John Anstett, Department of Public Works, reported that they are continuing to pick up leaves.

ON MOTION By Mayor Piazza, seconded by Trustee Wutz, the meeting was adjourned at 10:10 p.m.

Unanimously carried.

Theresa L. Cummins, RMC
Administrator/Clerk-Treasurer