

Minutes of the Regular Meeting of the Village of Williamsville held in the Williamsville Village Hall, 5565 Main Street, Williamsville, New York on September 25, 2000 at 7:30 p.m.

Present: Basil J. Piazza, Mayor
Joseph Frese, Deputy Mayor
Richard Langenfeld, Trustee
William Wutz, Trustee

Sally A. Kuzon, Administrator/Clerk-Treasurer
Lynda L. Juul, Deputy Clerk-Treasurer
Patrick Kelly, Attorney
John Anstett, Dept. of Public Works

Absent: Barbara Schofield, Trustee

Mayor Piazza opened the meeting at 7:30 p.m. with the Pledge of Allegiance led by Trustee Langenfeld.

ON MOTION by Mayor Piazza, seconded by Trustee Wutz, the minutes of the regular Board meeting of September 11, 2000 are hereby approved.

Unanimously carried.

ON MOTION by Mayor Piazza, seconded by Trustee Frese, the minutes of the Public Hearing of September 18, 2000 are hereby approved.

Unanimously carried.

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

Vicky Lattin, 64 S. Cayuga Road, spoke in support of the Exceptional Development Permit Amendment for 5447 Main Street.

James Bentley, 35 California Dr., spoke in support of 2 hour parking on the west side of California Dr. in the commercially zoned area.

Mayor Piazza explained an in depth parking study is being conducted by Trustee Langenfeld and Trustee Frese and the implementation of the findings may take place in 2001.

Minutes of the Regular Meeting of the Village of Williamsville held in the Williamsville Village Hall, 5565 Main Street, Williamsville, New York on September 25, 2000 at 7:30 p.m.

Eileen Wall, 27 Howard Ave., requested the Board pass an ordinance requiring owners keep their property free of debris, papers etc. She was referred to the Building Department by Trustee Frese.

Mary Ann Avery, 64 Garrison Rd., encouraged the Board and residents to attend one of the Town Comprehensive Plan 2000 stakeholder meetings to be held September 26, 27 & 28, 2000.

Keri Duggan, 152 Telfair, requested information surrounding the sale of 72 South Cayuga Rd.

Trustee Wutz responded this property is owned by the Williamsville Central School District. He assured the public this historic site will be protected if the property is sold.

Mike Donnelly, 53 Milton St., asked that if the issue of his septic system will be discussed tonight.

Mayor Piazza told him it was discussed at the work session preceding the public meeting and he will receive information from the Village this week.

Paul Krieter, 29 South Ellicott St., spoke in opposition to amending the Exceptional Development Permit on tonight's agenda.

Mary Carr, 100 Orchard St., spoke about "new urbanism" and encouraged the Board not to accept a mediocre building at 5447 Main Street. She explained this can be accomplished by requiring the developer to show historic culture which has architectural value, which she believes will be more palatable to the residents and visitors of the Village.

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

Unanimously carried.

Mayor Piazza reported on the following:

- 1) Thanked Senator Mary Lou Rath for her support in having left turn arrows on the traffic light at Main and Garrison and Main and Hirschfield installed.
- 2) Reported the Town of Amherst will conduct the stakeholders meeting for the comprehensive plan 2000 on September 26, 27 & 28, 2000.
- 3) Update of airport runway shutdown.
- 4) Forum on Domestic Violence will be held October 2, 2000 at the Meeting House.
- 5) Encouraged residents to eliminate standing water on their property to reduce the possibility of mosquitoes breeding that may carry the West Nile Virus.

Minutes of the Regular Meeting of the Village of Williamsville held in the Williamsville Village Hall, 5565 Main Street, Williamsville, New York on September 25, 2000 at 7:30 p.m.

ON MOTION by Mayor Piazza, seconded by Trustee Frese, the following resolution was adopted:

RESOLVED that Vouchers in the amount of \$ 210,409.38 covering the period September 7, 2000 – September 20, 2000 were approved as follows:

Payroll fund 8/27/00 – 9/9/00	\$ 23,764.65
General Fund	61,610.84
Water Fund	33,059.72
Sewer Fund	5,727.61
Glen Park	1,538.40
Trust & Agency Fund	8,518.16
Special Events	0.00
Capital	76,190.00
Debt Service	0.00
Grand Total	<u>\$210,409.38</u>

ON MOTION by Mayor Piazza, seconded by Trustee Frese, the following resolution was adopted:

WHEREAS, the Board of Trustees has determined that the public health, safety and welfare of the Village will be served by the installation of sidewalks on the west side of Garrison Road; and

WHEREAS, the following properties do not presently have sidewalks installed on their properties:

1. 205 Garrison Road, Santo Leonardis
2. 209 Garrison Road, Judith L. Militello
3. 195 Garrison Road (driveway approach only), Oscar W. Acer

WHEREAS, Section 89-4 of the Williamsville Code requires the owner of real property fronting a public street to install sidewalks at the owner's expense; and

THEREFORE BE IT RESOLVED that the owners of the following properties be required to install sidewalks meeting Village specifications, at their owner expense by October 5, 2000;

Minutes of the Regular Meeting of the Village of Williamsville held in the Williamsville Village Hall, 5565 Main Street, Williamsville, New York on September 25, 2000 at 7:30 p.m.

BE IT FURTHER RESOLVED that if said sidewalks are not installed by October 5, 2000, said sidewalks shall be installed by the Village and the cost for said sidewalks be added to the next Village tax assessed against the property pursuant to Section 89-4C of the Village Code.

1. 205 Garrison Road, Santo Leonardis
2. 209 Garrison Road, Judith L. Militello
3. 195 Garrison Road (driveway approach only), Oscar W. Acer

BE IT FURTHER RESOLVED that said property owners be advised of this resolution by certified mail.

Unanimously carried.

ON MOTION by Mayor Piazza, seconded by Trustee Wutz, the following resolution was adopted:

WHEREAS, Article 2 Section 23, Paragraph 4-a of the New York State Civil Service Law provides as follows:

An appointing authority of a department or agency of a city or civil division may require that eligibles who are residents of such city or civil divisions shall be certified first for appointment, provided, however, no such preference shall be given on appointments from promotion lists. Upon exhaustion of the list of such resident eligibles, certification shall be made from the whole eligible"; and

WHEREAS, the Commissioner of Personnel, County of Erie, states that they will begin to certify county wide civil service eligibility lists, revising their policy based on Section 23, Paragraph 4-a of the Civil Service Law, unless they receive a Board approved resolution stating otherwise; and

WHEREAS, the Village Board deems it to be in the best interest of the Village to recommend preference be given to Town of Amherst residents; and

NOW, THEREFORE, BE IT RESOLVED that the Village Board of the Village of Williamsville does hereby resolve that preference is to be given to the Town of Amherst residents on all civil service certifications; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded immediately to the Commissioner of Personnel, County of Erie.

Unanimously carried.

Minutes of the Regular Meeting of the Village of Williamsville held in the Williamsville Village Hall, 5565 Main Street, Williamsville, New York on September 25, 2000 at 7:30 p.m.

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

RESOLVED that David Fusani of 72 Highland Drive is hereby appointed to the Parks Committee until the end of the 2000-2001 official Village year.

Unanimously carried.

Trustee Frese reported on the following:

- 1) Reported on the man injured at the Rite Aid construction site. The accident is being investigated by OSHA.
- 2) Acknowledge parking problems throughout the Village and explained a study is in progress.
- 3) Zoning Board of Appeals meeting is September 27, 2000 at 7:30 p.m. Planning Board meeting is October 2, 2000 at 7:30 p.m.
- 4) Thanked DPW for their work on the directory board. Dennis Hoban is volunteering his time to install the brick work. He also thanked Senator Rath and Assemblyman Hayes for grants received to make the directory board possible.
- 5) Reported the installation of the roof on Village Hall is complete. Total project including the new HVAC system should be complete October 18, 2000.
- 6) Trustee Frese thanked the developers for working with him to achieve a compromise on the proposed hotel at 5447 Main Street which include the following changes:
 - scaled roof down
 - added 2 dormersHe also indicated that the drawings of the rear of the building do not show the stepped fence or landscaping proposed by the developer.
- 7) He is rescinding the stop work for the Rite Aid Drug Store currently under construction. He indicated that Rite Aid will not receive a certificate of occupancy until the hotel is substantially completed.

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

WHEREAS, the applicant has applied for an amendment to the Exceptional Development Permit granted December 14, 1998 and amended June 14, 1999 to allow the hotel portion of the project to consist of 4 stories, 81 hotel rooms and a maximum of 42 feet in height; and

WHEREAS, the Village Board of Trustees reviewed the concept drawings and descriptive information submitted, sought and obtained advisory recommendations from Village

Minutes of the Regular Meeting of the Village of Williamsville held in the Williamsville Village Hall, 5565 Main Street, Williamsville, New York on September 25, 2000 at 7:30 p.m.

committees, and reviewed various minutes of the Village Planning Board, which has reviewed and approved various drawings since the original Exceptional Development Permit resolution of December 14, 1998; and

WHEREAS, after advance notice, a public hearing was held in the Village of Williamsville, at Village Hall, 5565 Main Street, September 18, 2000; and

WHEREAS, the Village Board of Trustees finds that the amendment to the previously approved Exceptional Development Permit:

1. Remains consistent with the intent, objectives, and use standards of the Village Zoning Ordinances;
2. The proposed amendment remains consistent with the Village Master Plan;
3. That the Board of Trustees, acting as SEQR Lead Agency, having previously determined that the plan will not have a significant adverse affect on the environment, hereby declares that the amended plan shall not have a significant adverse affect on the environment; moreover the Board finds that there are reasonable grounds that such actions will promote the public health, safety and welfare of the residents of the Village;

NOW, THEREFORE, BE IT RESOLVED that the Village Board of the Village of Williamsville, in accordance with Section 28-7 of the Laws of the Village of Williamsville approves the amendment to the Exceptional Development Permit, allowing the hotel portion of the site at 5447 Main Street to be developed as a 4 story, 81 room hotel, with a maximum height of 42 feet, subject to the following conditions:

1. That the façade of the hotel be as shown on Exhibit A – Front View and Exhibit B – Rear View.
2. That the Board acknowledges and reconfirms the remaining conditions of the Exceptional Development Permit.

Vote on Roll Call: Trustee Langenfeld – No
 Trustee Wutz – Yes
 Trustee Frese - Yes
 Mayor Piazza - Yes

Carried.

Minutes of the Regular Meeting of the Village of Williamsville held in the Williamsville Village Hall, 5565 Main Street, Williamsville, New York on September 25, 2000 at 7:30 p.m.

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

RESOLVED that the Mayor is authorized to sign a Mutual Inspection Agreement with the Village of Depew for Reciprocal Inspection Services.

Unanimously carried.

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

RESOLVED that the Mayor is hereby authorized to issue a Mayor's Permit to the Town of Amherst for the purpose of suspending a banner across Main Street at the Ellicott Creek bridge for a two (2) week period from October 7 – 21, 2000. Banner to read these words only "Amherst Chamber of Commerce Welcomes the North Atlantic Regional Championships, Amherst Pepsi Center, October 17-21". No commercial logos allowed.

Unanimously carried.

Trustee Langenfeld reported on the following:

- 1) The Williamsville Fire Department will have an Open House at Station #1 October 7, 2000 from 1:00 p.m. – 4:00 p.m.

Administrator Kuzon had no report.

The Department of Public Works reported:

- 1) A water break was repaired today on School Street.
- 2) The last week for metal pickup will be October 10, 2000. Shortly after this leaf pickup will begin.

ON MOTION by Mayor Piazza, seconded by Trustee Wutz, it was moved to adjourn the meeting at 8:25 p.m.

Unanimously carried.

Sally A. Kuzon
Administrator/Clerk-Treasurer