

**Minutes of the Regular Meeting of the Village of Williamsville held in the Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Tuesday, April 13, 2004 at 7:30 p.m.**

Present: Mary E. Lowther, Deputy Mayor  
Ronald W. Daniels, Trustee  
Carol J. Descutner, Trustee  
Joseph P. Frese, Trustee

Lynda J. Juul, Deputy Treasurer  
J. Michael Hayes, Village Attorney  
Michael Parker, Dept. of Public Works

Excused: F. Ray Hazlett, Mayor  
Sally A. Kuzon, Administrator/Clerk-Treasurer

The meeting was opened at 7:30 p.m. with the Pledge of Allegiance led by Deputy Mayor Lowther.

Proclamations were presented to Quiznos Subs, welcoming them to their new location at Main and Garrison Roads and Excuria Salon, who recently enhanced its building at S. Ellicott and Main Streets.

ON MOTION by Deputy Mayor Lowther, seconded by Trustee Daniels, the minutes of the regular meeting of March 22, 2004 are hereby approved.

Unanimously carried.

ON MOTION by Deputy Mayor Lowther, seconded by Trustee Daniels, it was moved to suspend the rules for public participation at 7:38 p.m.

Unanimously carried.

Peter Galie, 22 Highland Drive

Mr. Galie submitted a letter to the Board for the record, a copy of which is attached, pertaining to the 1987 Exceptional Development permit for 21 Highland Drive (Marinaccio's Restaurant, formerly the Little White House). Mr. Galie requested that the current Board ensure that the conditions of the Exceptional Development permit be preserved. Mr. Galie also discussed the fact that an appeal was submitted to the Zoning Board of Appeals about a month ago. He stated

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that Building Inspector Jeff Adrian has been out to the property and had the parking lot lights lowered – Mr. Galie thanked him for that. He asked Mr. Adrian to re-inspect the lights to make sure they are still at the level they should be.

Trustee Frese asked that Jeff Adrian give the Board of Trustees a written interpretation of what has been submitted to date on this property.

Attorney Hayes stepped in and commented that apparently there are several issues of concern to Mr. Galie and other neighbors on Highland Drive regarding the property at 5877 Main Street (Marinaccio's). The only issue on appeal before the Zoning Board of Appeals is that of the level of parking lot lighting, therefore, it would be inappropriate for Mr. Adrian to provide a written report to the Board of Trustees on that particular issue. Attorney Hayes suggested that Mr. Adrian could respond to the Board of Trustees regarding any issues that are not before the Zoning Board of Appeals.

Judy Arthur, 24 Highland Drive

Mrs. Arthur did not understand everything that was discussed regarding 5877 Main Street and wanted to know if Jeff Adrian would be reporting back to the Board about landscaping. Attorney Hayes determined that it is valid for him to review this topic.

Bob Kreiter, 26 Monroe

Mr. Kreiter wanted to know if there are records regarding the issue of landscaping at 5877 Main (Marinaccio's). Deputy Mayor Lowther commented that yes, we do have the records.

Paul Kreiter, 29 S. Ellicott

Mr. Kreiter handed out photos to the Board of Trustees regarding parking at 5759 Main Street, Garrison Square. He stated that with the recent opening of Quiznos Subs at that location, customers are now parking over the public sidewalk, thereby blocking the sidewalk on the Garrison Rd. side of the property. He stated that there is a ballard installed in the ground at the northeast corner to protect the building, and suggested having the owner install something similar along the Garrison Rd. side sidewalk to prevent people from parking there. Jeff Adrian spoke up and commented that he was aware of the problem and had already spoken to a representative for the property owner today and that they should be all set. They are aware of the current parking issues and have stated they will work to correct them. It was also stated that *No Parking* is painted

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on the parking lot pavement in that location along Garrison Rd.. Mr. Kreiter maintained that the metal ballards would take care of the problem. Deputy Mayor Lowther commented that signage, enforcement, and possibly some concrete bumpers would rectify the problem. Jeff will take a look at the signage; the Fire Chief will look at fire issues.

ON MOTION by Deputy Mayor Lowther, seconded by Trustee Daniels, it was moved to return to the regular agenda at 7:52 p.m.

Unanimously carried.

At 7:52 p.m. a public hearing was opened by Deputy Mayor Lowther for the purpose of hearing all persons interested in discussing an Exceptional Development Permit Request at 39 Academy Street, Christian Central Academy. (The public hearing was closed at 8:10 p.m.)

Unanimously carried.

At 8:10 p.m. a public hearing was opened by Deputy Mayor Lowther for the purpose of hearing all persons interested in discussing Amending Chapter 78 of the Sewer Code pertaining to sewer rent charges. (The public hearing was closed at 8:30 p.m.)

Unanimously carried.

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

RESOLVED that Vouchers in the amount of \$ 197,972.06 covering the period March 18, 2004 – April 7, 2004 are approved as follows:

|                                    |             |
|------------------------------------|-------------|
| Payroll fund 3/8/04 – 3/21/04      | \$33,108.95 |
| Payroll fund 3/22/04 – 4/4/04      | \$26,213.94 |
| Vouchers covering 3/18/04 – 4/4/04 |             |
| General Fund                       | \$89,442.75 |
| Water Fund                         | 44,247.14   |
| Sewer Fund                         | 3,827.15    |
| Glen Park Fund                     | 434.30      |

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|                       |                            |
|-----------------------|----------------------------|
| Trust & Agency Fund   | 697.83                     |
| Debt Service          | 0.00                       |
| Community Development | 0.00                       |
| Capital Fund          | 0.00                       |
|                       | <hr/>                      |
|                       | \$138,649.17               |
| <b>Grand Total:</b>   | <b><u>\$197,972.06</u></b> |

Unanimously carried.

ON MOTION by Deputy Mayor Lowther, seconded by Trustee Frese, it was moved to go off the agenda to consider two resolutions not on tonight's agenda at 8:30 p.m.

Unanimously carried.

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

RESOLVED that the Board of Trustees for the Village of Williamsville, has acknowledged and hereby determines that the proposed action for the project located at 39 Academy Street, Williamsville, New York will not result in any adverse environmental impacts.

Roll call vote: Deputy Mayor Lowther – yes; Trustee Daniels – yes;  
Trustee Descutner – yes; Trustee Frese – yes;

Motion carried: 4 – yes votes; zero – no votes

ON MOTION by Deputy Mayor Lowther, seconded by Trustee Descutner, the following resolution was adopted:

**Village Board of the Village of Williamsville**  
**Exceptional Development Permit Resolution**

**Applicant:** Christian Central Academy and DeanSutton Architects, LLP

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**Property Location: 39 Academy Street, Williamsville, New York**

WHEREAS, the property owners have applied for an Exceptional Development Permit for the construction of an 11,000 square foot gymnasium, and

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

WHEREAS, the Village Board of Trustees finds that:

1. The proposed plan is consistent with the intent, objectives, and use standards of the Village Zoning Ordinance;
2. The proposed plan is consistent with the adopted Village Master Plan;
3. That the proposed plan has been reviewed and approved by the appropriate Village committees, including the Planning/Architectural Review Board and the Traffic & Safety Committee;
4. That the Village Board of Trustees, acting as SEQR Lead Agency, has determined that the proposed plan of this project through an Exceptional Development Permit will not have a significant adverse effect on the environment. Moreover, the Board believes there are reasonable grounds that such action will promote the public health, safety and welfare of the residents of the Village.

NOW, THEREFORE, BE IT RESOVED that the Village of Williamsville, in accordance with Section 28-7 of the Laws of the Village of Williamsville, approves an Exceptional Development Permit for development of the site at 39 Academy Street for the addition of a gymnasium.

Roll call vote: Deputy Mayor Lowther – yes; Trustee Daniels – yes;  
Trustee Descutner – yes; Trustee Frese – yes;

Motion carried: 4 – yes votes; zero – no votes

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ON MOTION by Deputy Mayor Lowther, seconded by Trustee Frese, it was moved to return to the regular agenda at 8:34 p.m.

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

RESOLVED that *Elizabeth Shabala, 122 South Cayuga Road* is hereby appointed to the *Beautification Committee* until the end of the 2003 – 2004 official Village year.

Unanimously carried.

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

RESOLVED that the following budget transfer be made in the General Fund to increase the Fire Dept. account for repairs in the boiler room:

|       |  |            |
|-------|--|------------|
| From: | 001-1620-4160 (Village Hall Bldg. Repairs) | \$2,120.39 |
| To:   | 001-3410-4471 (Fire Dept. Bldg. Repairs)   | \$2,120.39 |

Unanimously carried.

ON MOTION by Trustee Daniels, seconded by Deputy Mayor Lowther, the following resolution was adopted:

RESOLVED that the Mayor is authorized to sign an agreement between the Village of Williamsville and the *Western New York Railway Historical Society* to enter into a lease for 20 years subject to all terms and conditions set forth in this agreement.

Roll call vote: Deputy Mayor Lowther – yes; Trustee Descutner – yes;  
Trustee Daniels – yes; Trustee Frese – no;

Motion carried: 3 – yes votes; 1 – no vote

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ON MOTION by Trustee Daniels, seconded by Trustee Frese, the following resolution was defeated:

RESOLVED that *Chapter 78 of the Sewer Rents Code*, which was the subject of a public hearing tonight is hereby adopted.

Roll call vote: Deputy Mayor Lowther – no; Trustee Descutner – yes;  
Trustee Daniels – yes; Trustee Frese – no;

Motion defeated: 2 – yes votes; 2 – no votes

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

RESOLVED that *William Tuyn, 241 Columbia Drive*, is hereby appointed to the *Traffic & Safety Committee* through the end of the 2003 - 2004 official Village year.

Unanimously carried.

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

RESOLVED that *Douglas Richardson, 221 Hirschfield Drive*, is hereby appointed to the *Traffic & Safety Committee* through the end of the 2003 - 2004 official Village year.

Unanimously carried.

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

RESOLVED that *James Zymanek, Chief of the Williamsville Fire Dept.*, is hereby appointed an ex-officio position to the *Traffic & Safety Committee* through the end of the 2003 - 2004 official Village year.

Unanimously carried.

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

RESOLVED that *Karen McMahon, 97 Los Robles*, is hereby appointed to the *Environmental Advisory Committee* through the end of the 2003 - 2004 official Village year.

Unanimously carried.

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

RESOLVED that *Eileen Torre, 109 N. Ellicott Street*, is hereby appointed to the *Environmental Advisory Committee* through the end of the 2003 - 2004 official Village year.

Unanimously carried.

ON MOTION by Deputy Mayor Lowther, seconded by Trustee Descutner, it was moved to adjourn to Executive Session at 8:55 p.m.

Unanimously carried.

ON MOTION by Deputy Mayor Lowther, seconded by Trustee Frese, it was moved to close Executive Session at 9:14 p.m.

Unanimously carried.

ON MOTION by Deputy Mayor Lowther, seconded by Trustee Frese, it was moved to return to the regular agenda at 9:14 p.m.

Unanimously carried.

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ON MOTION by Deputy Mayor Lowther, seconded by Trustee Frese, the meeting was adjourned at 9:15 p.m.

Lynda L. Juul  
Deputy Treasurer