

Minutes of the Regular Meeting of the Village of Williamsville Board of Trustees held in Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Monday, December 19, 2005 at 7:30 p.m.

The meeting was opened at 7:30 p.m. with the Pledge of Allegiance led by Trustee Geary.

Present: Mary E. Lowther, Mayor
Basil J. Piazza, Trustee
Ronald W. Daniels, Trustee
Brian J. Geary, Trustee
Richard P. Sweeney, Trustee

Lynda L. Juul, Deputy Treasurer
Deborah A. Habes, Deputy Clerk
J. Michael Hayes, Village Attorney
Michael Parker, DPW Crew Chief

Excused: Sally A. Kuzon, Administrator/Clerk-Treasurer

ON MOTION by Mayor Lowther, seconded by Trustee Daniels, it was moved to approve the minutes of the regular meeting held on November 28, 2005 as submitted.

Unanimously carried.

ON MOTION by Mayor Lowther, seconded by Trustee Daniels, it was moved to approve the minutes of the public hearing held on November 28, 2005 regarding a proposed amendment to Chapter 107-12 for backflow prevention control, as submitted.

Unanimously carried.

ON MOTION by Mayor Lowther, seconded by Trustee Piazza, it was moved to approve the minutes of the special meeting held on December 2, 2005, as submitted.

Unanimously carried.

Minutes of the Regular Meeting of the Village of Williamsville Board of Trustees held in Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Monday, December 19, 2005 at 7:30 p.m.

ON MOTION by Mayor Lowther, seconded by Trustee Piazza, it was moved to open tonight's public hearing at 7:35 p.m.

Unanimously carried.

A public hearing was held to discuss the proposed 2006 water rate increase.

ON MOTION by Mayor Lowther, seconded by Trustee Sweeney, it was moved to close the public hearing at 7:43 p.m.

Unanimously carried.

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

Unanimously carried.

The following members of the audience addressed the Board:

Michael Coahn, 82 Academy St. – Mr. Coahn said he was concerned about a recent decision by the Board to allow for an opening onto Academy Street that included the removal of a concrete barrier at the end of the street. He said this opening allows for private access to Academy Street for the property owner on the Town of Amherst side of the Village line. Mr. Coahn said that Mr. Daniels was on the Board at the time of the June 2005 decision. Mayor Lowther added that she too was on the Board at the time. He said the Village Board called it a "turn around" when they voted in June to allow the Village Pointe Lane property owner to have access from his property to the Village's Academy St. He showed the Board members a photo of the site. He asked the Board their definition of a "turn around". Trustee Daniels said it was to make it easier and safer for a car to back up and negotiate a turn. Mr. Coahn asked which resident it was for. Trustee Daniels said it was for the owner of the home on Village Pointe Lane. Mr. Coahn asked if that meant the owner of the big brick home behind the gate and Trustee Daniels said that was correct. Trustee Daniels said one of the reasons he voted for it was he thought the wrought iron gate erected by the Village Pointe Lane property owner was a vast improvement in appearance over the previous concrete barrier. Mr. Daniels said that it does not allow any through traffic even if the gate were open. Mr. Coahn, referring to the photograph, said that looking at it from Academy Street, it goes straight through to Village Pointe Lane. Again referring to the photograph, Mr. Coahn said that there are 2 SUVs parked in the driveway and that probably up to seven SUVs could be parked there, allowing the Village Pointe Lane property owner plenty of room to back out onto Village Pointe Lane. Mr. Coahn said they could probably even park a Greyhound bus on their property since they have so much room. Trustee Daniels said we cannot legislate what the property owner puts on his

Minutes of the Regular Meeting of the Village of Williamsville Board of Trustees held in Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Monday, December 19, 2005 at 7:30 p.m.

driveway, since that property is not located in the Village. Mr. Coahn said he has looked over village records about a proposal to connect Centerpointe to Rinewalt and Academy Streets. In the late 1980's he said the Village spent over \$60,000 in a fight to keep these two streets from being opened up to Centerpointe. He said on November 17, 1988, the mayor of the Village at the time sent a letter to Howard English, Chairman of the Amherst Planning Board, stating that the Village remained adamantly opposed to the utilization of Rinewalt and Academy streets as through streets. Mr. Coahn said this was all undone by three members of the Board on June 27th. He requested that the legal department of the Village research whether the Board's action in June allowing this opening onto the end of Academy was legal and send him the results in writing. Trustee Daniels replied that he did not believe that anything that was done was irregular. He contended that the gate that is located at this location still does not allow for any more of a pass-through than the concrete barrier that was there before. Mayor Lowther said that the original agreement made in the late 1980's or early 1990's between the Town, the Village, the homeowners' group and the developer was more of a gentleman's agreement; that Rinewalt would be used as an emergency access for the cul-de-sac. There was never any discussion about Academy Street being used for emergency access at the time, but the understanding was that those two streets would remain closed to *through* traffic and in exchange, Essjay Rd. would connect to Evans Street. Mayor Lowther said she looked into our code. She said that it appears that what happened at the June meeting followed the proper procedures for opening a driveway onto a Village street. There are certain steps that must be followed, such as having recommendations from the Traffic & Safety Committee and the Planning Board before bringing it to a vote before the Village Board. The Mayor stated that it appears that although she was not in favor of allowing the driveway opening onto Academy St., and voted against it in June, and still is not in favor of it, it was done properly and appropriately and it doesn't appear that anything was done in violation of our code at the time. Mr. Coahn asked if just anyone, perhaps someone from Cheektowaga or elsewhere, could ask for a Village street to be opened up to allow for through traffic. The Mayor said that it would be up to the discretion of the Board. Mr. Coahn asked if the other Village Pointe Lane residents knew about Mr. Hein's opening onto Academy St. Mayor Lowther said that they may have observed it, but we did not notify anyone. Trustee Daniels said that is outside the Village.

Maryann Avery, 62 Garrison Rd. – Ms. Avery said that the Town has recently codified their curb cut law. She suggests we get a copy of it from the Town Clerk's office. In the Town, interior parcel developments are popular. She suggests the Village codify the law pertaining to curb cuts. Mayor Lowther agreed it was worth looking into. Mayor Lowther said that last year the Rubino Bros. developers suggested a through-street cut into the Village from their new residential development which abuts the Village's southeastern boundary. This connection, if allowed by the Board, would have linked the development to the Village. Mayor Lowther said any possible cut-through of the street was strongly opposed by the Village and never came to be. Mayor Lowther asked the Deputy Treasurer to secure a copy of the Town of Amherst's code pertaining to curb cuts.

Carolyn Schlifke, 92 Evans St. – Ms. Schlifke said the water bill is a combination of sewer tax and water costs. She said she is always complaining about being billed for the water that she uses on her lawn that never reaches the sewer. She does not think it is equitable when it has nothing to do with the sewer. She realizes we all have to share in the repair and maintenance of the sewers, but thinks it should be divided up equally among the residents. She said it is her yearly complaint. She is waiting for someone in the Village government to research it. Trustee Daniels said if we took the entire Village's consumption and divided it equally among the residents it wouldn't be fair to single persons or small

Minutes of the Regular Meeting of the Village of Williamsville Board of Trustees held in Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Monday, December 19, 2005 at 7:30 p.m.

families that use very little water outside of the house. He asked if this was equitable. How would we monitor it? In Florida, Ms. Schlifke said, residents have two meters, one exterior meter and one interior meter. She has talked to people in other municipalities. Some have cost reductions in the summer months. Ms. Schlifke contended the Village Board has control over the sewer tax.

Robert Krieter, 26 Monroe Dr. – Mr. Krieter asked if the sewer tax is for maintenance. Yes, it is for operation and maintenance. He said that if you pay for an outside meter, in other municipalities, you can have one.

Paul Krieter, 29 S. Ellicott St. – Mr. Krieter said that a simple solution would be to find out what the cost of another meter would be for outside faucets. Anybody that wants another meter should have one. Residents could ask the Village the price of a meter and have it installed at their own expense. The outside water meter could be read maybe once year. A minimum usage charge could be billed. Mayor Lowther stated that if you had a leak, and it was read only once a year, the bill could be very large. Regarding the proposed Walgreens at Main and Union, Mr. Krieter said he hopes that the Board will think about the parking in front of the building. He referred to the article in the Buffalo News today that mentioned the proposal for a new Walgreens in the Village of Kenmore. Walgreens is looking to build another store several blocks from an existing Walgreens that was built only a few years ago. Mr. Krieter urged the Board not to bow to the developer. He said we have a code to follow. There are no promises from Walgreens as to how long they will stay here. If we bend now, what will happen in the future? He asked if the Center of Williamsville, with its huge front parking lot, was good for the Village. He asked if we could have the developer promise what they are going to do with the property in the long term. Some businesses come and some go. He asked the Board to make the right decision tonight.

Robert Krieter, 26 Monroe Dr. – Mr. Krieter said we should abide by the Master Plan. He said that just because the Master Plan is not part of the code, we should still adhere to it. Regarding the water bill, Mr. Krieter asked why he should pay for water that goes in the ground and not in the sewer. Mayor Lowther said there is no way to regulate that, but said the Board could investigate it. Mr. Krieter also asked about crosswalks. Mayor Lowther said the Board is going to call for a public hearing about crosswalks at the January 9th Village Board meeting. She said the Board is moving forward on it. Mr. Krieter added he wants the Board to do the right thing about the proposed development at Main and Union.

Shawn Michel, 54 Garden Parkway – Mr. Michel said he has been watching Walgreens for a while now. If it's a big issue, then we should think about what will happen when they leave. In the future, they could abandon the site and we would be stuck with something else in there. He hopes the Board will seriously think about the decision they will make.

Paul Krieter, 29 S. Ellicott St. – Mr. Krieter asked if the developer has a permit to store the drain pipes on the property at Main and Union. He said that a temporary trailer has been put up on the site. He asked the Board why it is there if the project has not yet been approved by the Village. Mayor Lowther said the developer has applied for and been granted a demolition permit for the site. Mr. Krieter said he also has an issue with the Main Street light poles that don't conform. What are we going to do with the entrance to the Village. He said it seems that the cart is before the horse.

Minutes of the Regular Meeting of the Village of Williamsville Board of Trustees held in Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Monday, December 19, 2005 at 7:30 p.m.

Robert Krieter, 26 Monroe Dr. – Mr. Krieter wants to have a referendum on the issue of Walgreens at Main and Union. He said the Walgreens on Harlem Rd. is built at the sidewalk, as well as the one in Kenmore. He said he wants a public referendum. Mayor Lowther said that this project has been reviewed by all the committees and volunteers over the last year and a half and also there has been a public hearing on the subject.

ON MOTION by Mayor Lowther, seconded by Trustee Geary, it was moved to close the public participation portion of the meeting.

Unanimously carried.

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

RESOLVED, that the following *budget transfers* are hereby made to the *General Fund for the 2005 – 2006* fiscal year:

To: 001-9950-9000 (Transfer to Capital - Transfer to Capital)	\$50,000.00
From: 001-5110-4271 (Street Maintenance - Road Resurfacing)	\$50,000.00
To: 001-7110-2010 (Parks - Capital Improvements)	\$1,076.00
From: 001-7110-4110 (Parks - Service Contracts)	\$1,076.00
To: 001-1410-4450 (Village Clerk - Miscellaneous)	\$42.00
From: 001-1410-4600 (Village Clerk - Computer Support)	\$42.00
To: 001-1411-4810 (Records Mgmt. - Film Storage)	\$11.00
From: 001-1411-4800 (Records Mgmt. - Microfilming)	\$11.00
To: 001-5110-4161-0906 (Street Maintenance - Repairs - Equip.)	\$40.00
From: 001-5110-4161-0903 (Street Maintenance - Repairs - Equip.)	\$40.00
To: 001-5110-4161-0910 (Street Maintenance - Repairs - Equip.)	\$52.00
From: 001-5110-4161-0903 (Street Maintenance - Repairs - Equip.)	\$52.00
To: 001-5110-4111-0912 (Street Maintenance-Service Contracts - Prev. Maint.)	\$69.00
From: 001-5110-4111-0902 (Street Maintenance-Service Contracts - Prev. Maint.)	\$69.00
To: 001-5110-4111-0912 (Street Maintenance - Service Contracts - Prev. Maint.)	\$271.00
From: 001-5110-4111-0901 (Street Maintenance - Service Contracts - Prev. Maint.)	\$271.00
To: 001-7310-1000 (Youth Programs - Personal Services)	\$166.00
001-7310-1001 (Youth Programs - Personal Svc. - OT)	\$51.00
001-8162-1001 (Leaf Pickup - Personal Svc. - OT)	\$3,685.00

Minutes of the Regular Meeting of the Village of Williamsville Board of Trustees held in Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Monday, December 19, 2005 at 7:30 p.m.

001-8163-1000 (Trash Pickup - Personal Svc.)	\$524.00
001-8510-1000 (Community Beautification - Personal Svc.)	\$1,178.00
From: 001-5110-1000 (Street Maintenance - Personal Svc.)	\$1,868.00
001-7110-1001 (Parks - Personal Svc. - OT)	\$3,736.00
To: 001-5110-4272 (Street Maintenance - Blacktop/Oil/Stone-repair)	\$762.00
From: 001-5110-4280 (Street Maintenance - Equip. Rental)	\$670.00
001-5110-4273 (Street Maintenance - Sidewalks)	\$92.00
To: 001-5110-4161-0906 (Street Maintenance - Repairs Equipment)	\$333.00
From: 001-5110-4161-0908 (Street Maintenance - Repairs Equipment)	\$333.00
To: 001-5110-4161-0910 (Street Maintenance - Repairs Equipment)	\$52.00
From: 001-5110-4161-0908 (Street Maintenance - Repairs Equipment)	\$52.00

Unanimously carried

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

RESOLVED, that payroll and vouchers in the amount of **\$322,202.80**, covering the period from November 14, 2005 to December 13, 2005, are approved as follows:

Payroll covering: 11/14/05 – 11/27/05 **\$31,292.25**

Payroll covering: 11/28/05 – 12/10/05 **\$28,705.61**

Vouchers covering: 11/23/05 – 12/13/05:

General Fund	\$68,187.33
Water Fund	\$32,430.91
Sewer Fund	\$877.86
Glen Park Fund	\$338.70
Trust & Agency Fund	\$22,745.93
Debt Service	\$0.00
Community Development	\$0.00
Capital Fund	\$137,624.21
	<u>\$262,204.94</u>

Grand Total: **\$322,202.80**

Unanimously carried.

Minutes of the Regular Meeting of the Village of Williamsville Board of Trustees held in Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Monday, December 19, 2005 at 7:30 p.m.

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

RESOLVED that the Village water rates, effective January 1, 2006, are as follows:

Inside Village	\$4.10 per 1,000 gallons
Outside Village	\$5.82 per 1,000 gallons
Minimum Bill	\$16.40 per 0 – 4,000 gallons
Lehn Springs District #8	\$ 3.35 per 1,000 gallons
Williamsville Central	\$ 5.07 per 1,000 gallons

Unanimously carried.

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

WHEREAS, The Town of Amherst Department of Emergency Services and Safety has worked with various Village of Williamsville officials and with assistance from the Erie County Department of Emergency Services, have gathered information and prepared the Erie County All-Hazard Mitigation Plan; and

WHEREAS, the Erie County All-Hazard Mitigation Plan has been prepared, as required, in accordance with the Disaster Mitigation Act of 2000; and approved by FEMA

WHEREAS, the Village of Williamsville is a local unit of government and has participated with the Town of Amherst Department of Emergency Services and the County of Erie which has afforded the citizens an opportunity to comment and provide input in the Plan and the actions in the Plan; and

WHEREAS, Village of Williamsville Officials have reviewed the Plan with the Town of Amherst Department of Emergency Services and affirms that the Plan will be updated in conjunction with the Town of Amherst no less than every five years;

NOW THEREFORE, BE IT RESOLVED, that the Village of Williamsville Board of Trustees adopts the Erie County All-Hazard Mitigation Plan as this jurisdiction's Hazard Mitigation Plan, and resolves to execute the actions in the Plan.

Unanimously carried.

Minutes of the Regular Meeting of the Village of Williamsville Board of Trustees held in Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Monday, December 19, 2005 at 7:30 p.m.

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

RESOLVED, that *Jeffrey F. Voelkl, 118 N. Long Street, Williamsville, New York*, is hereby appointed to the *Parks Committee* until the end of the *2005-2006* official Village year.

Unanimously carried.

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

RESOLVED, that the following *budget amendment* is hereby made in the *General Fund for the 2005- 2006* fiscal year to account for a grant received by the Justice Court:

Increase: 001-0001-3090	State Aid - Grants	\$695
Increase: 001-1110-2000	Village Justices - Equipment	\$695

Unanimously carried.

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

RESOLVED, that the following *budget amendment* is hereby approved in the *General Fund for the 2005-2006* fiscal year to account for revenue generated from the agreement with Pierce Promotions & Event Management, Inc.:

Increase	001-0001-2770	Miscellaneous Revenue	\$300.00
Increase	001-7310-4172	Youth & Rec. - Holiday Tree Lighting	\$300.00

Unanimously carried.

Minutes of the Regular Meeting of the Village of Williamsville Board of Trustees held in Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Monday, December 19, 2005 at 7:30 p.m.

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

RESOLVED, that the Mayor execute, on behalf of the Village, contracts with the Town of Amherst and Williamsville Fire Department/Hutchinson Hose Company, for fire protection for the year 2006 in the following districts:

Autumn Harvest	District #1
Lamm Post	District #2
Lehn Springs	District #3
Mill Street	District #4
Park Club Lane	District #15
Williamsville	District #16

Unanimously carried.

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

Whereas, Benderson Development Company, Inc. (“Applicant”) has applied for an Exceptional Development Permit pursuant to Section 28-7 of the Williamsville Code for a proposed project that consists of an approximately 14,523 square foot pharmacy and approximately 9,740 square feet of retail space;

Whereas, the Village of Williamsville Building Department properly determined that the proposed project required Exceptional Development Permit approval pursuant to Section 28-7(C)(2) of the Williamsville Code because the proposed project involves construction on the project site of gross floor area in excess of ten thousand (10,000) square feet and because the highest point of the elevation of the commercial structure exceeds a height of thirty feet (30’) from finished grade with a proposed maximum height of 35.5 feet;

Whereas, the property to be developed by the Applicant consists of approximately three parcels of property at 5305 Main Street, 5325 Main Street, 29 South Long Street (SBL #s – 80.08-6-1, 80.08-6-2 & 80.08-6-8) with a total acreage of approximately 2.7 acres (hereinafter “Project Site”);

Whereas, the Project Site currently consists of a vacant office building situated on the southernmost portion of the Project Site as depicted on the Boundary and Topographic Survey prepared by TVGA Consultants (Map No. 48983);

Whereas, the Project Site is zoned C-3 General Commercial District and the proposed use of the Project Site as a pharmacy and retail space is an expressly permitted land use within the C-3 General Commercial District pursuant to Section 112-18(A) of the Village of Williamsville Zoning Code;

Whereas, pursuant to Section 28-7(D)(2) of the Williamsville Code, the proposed project has been reviewed by the Planning & Architectural Board, Traffic & Safety Committee and Environmental Advisory Committee. The Board of Trustees has been provided with copies of the minutes of the many

Minutes of the Regular Meeting of the Village of Williamsville Board of Trustees held in Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Monday, December 19, 2005 at 7:30 p.m.

meetings of these advisory municipal boards for its consideration in reaching a decision whether to grant Exceptional Development Permit approval for the proposed project.

Whereas, the Village of Williamsville has complied with the requirements of NYS General Municipal Law by referring the proposed project to relevant governmental agencies for its comments. The written responses that have been received and reviewed include: Reply from Erie County Division of Planning dated September 29, 2004, New York State Department of Transportation dated March 8, 2005 (stating “We find the proposed Storm Water Drainage plans consistent with our current Storm Water Drainage Requirements) and Town of Amherst Planning Department dated November 17, 2004.

Whereas, the Village of Williamsville has conducted an environmental review of the proposed project pursuant to the State Environmental Quality Review Act and in its capacity as the designated lead agency, has issued a negative declaration.

Whereas, on September 26, 2005, the Village of Williamsville Building Department provided the members of the Village of Williamsville Board of Trustees with a binder containing detailed information regarding the proposed project;

Whereas, on October 5, 2005, a legal notice of the public hearing before the Village of Williamsville Board of Trustees was published in the Amherst Bee as required by Section 28-7(D)(3) of the Williamsville Code;

Whereas, on October 17, 2005, FRA Engineering, P.C. submitted correspondence and plans in response to correspondence issued by CRA Infrastructure & Engineering, Inc. dated October 11, 2005;

Whereas, on October 20, 2005, CRA Infrastructure & Engineering, Inc. issued correspondence to the Village of Williamsville Building Department approving the engineering plans prepared by FRA Engineering, Inc. and stating, “We have reviewed the revised site plan drawings dated October 14, 2005 and response letter dated October 17, 2005 submitted by FRA Engineering, P.C. pertaining to the proposed pharmacy and retail center. The drawings as revised are in substantial conformance with Village Code. This constitutes completion of our review.”

Whereas, the Village of Williamsville Board of Trustees held a public hearing on the request for an Exceptional Development Permit on October 24, 2005 as required by Section 28-7(D)(3) of the Williamsville Code;

Whereas, Walgreens on November 2, 2005 formally addressed the possibility of moving the building closer to Main Street and advised the Applicant that “if the approved layout does not allow the proposed parking along the Main Street frontage, you must notify us immediately because we will need to consider alternative sites.”

Now, therefore, the Village of Williamsville Board of Trustees, after reviewing the substantial evidence regarding the proposed project and after taking into consideration all relevant information for the purpose of ensuring it has made an informed decision, hereby votes to grant Exceptional Development Permit approval for the proposed project subject to the following conditions and findings:

Minutes of the Regular Meeting of the Village of Williamsville Board of Trustees held in Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Monday, December 19, 2005 at 7:30 p.m.

1. The Board of Trustees finds that the approved project is consistent with its statutory duty to promote the public health, safety and welfare of the residents of the Village of Williamsville as required by Section 28-7(E) of the Williamsville Code.
2. The Board of Trustees has given full consideration to the comments and recommendations of the Planning/Architectural Review Board, Traffic & Safety Committee and Environmental Advisory Council as contained in the minutes of the meetings of these municipal boards.
3. The Project Site shall be developed in accordance with the detailed civil engineering plans prepared by FRA Engineering, P.C. dated September 16, 2005 (Drawings C1, C2, C3, C-3.1, C4, C4.1, C4.2, C5, C5.1, C5.2, C5.3, C6, C6.1, C6.2, C7 and C8) and the Engineering Report dated October 24, 2005. The engineering plans and supporting documentation have been reviewed and approved by CRA Infrastructure & Engineering, Inc. on behalf the Village of Williamsville. Additionally, the Applicant shall provide a dedicated pedestrian pathway from South Long Street to the Project Site in accordance with the documentation attached hereto as Exhibit A, and automobile traffic shall be two-way.
4. The commercial building and pharmacy and retail space to be constructed on the Project Site shall be in accordance with the Architectural and Building Plans prepared by Lauer-Manguso & Associates Architects dated July 15, 2005 (Drawings A-1.0, A-2.0, A-2.1, A-3.0, A-3.1, A-4.0, A-4.1, A-4.2, A-4.3, A-4.4, A-4.5, A-4.6, A-4.7, A-5.0, S-0.1). Consistent with this requirement, the elevation of the proposed commercial structure shall be consistent with the Exterior Elevation Plans (A-3.0 & A-3.1) and the materials and colors to be utilized shall be in accordance with the specifications therein and the color elevation presented by the Applicant during the public hearing before the Board of Trustees on October 24, 2005. A color copy of the approved Exterior Elevation Plans has been attached hereto as Exhibit B.
5. The Applicant shall install decorative entranceways at the southeast (part of the Project Site) and northeast intersection of Main Street and Union Road. The decorative entranceways shall be similar to Plans submitted by the Applicant but subject to subsequent design and material suggestions to be approved by the Village Board. The landscaping to be installed by the Applicant in connection with the decorative entranceways shall be consistent with the landscaping as shown on the Landscape Plan prepared by FRA Engineering (Drawing C7) and presented to the Williamsville Board of Trustees during the public hearing held on October 24, 2005. The signage to be installed on the decorative entranceways shall not include any advertising and the wording and logo to be included on the decorative entranceways shall be approved by the Village of Williamsville. Upon completion of the project, title in fee simple to the aforesaid entranceways and the land upon which the decorative entranceways will be situated shall be transferred to the Village of Williamsville.
6. The front yard setback of the proposed commercial structure shall be eighty feet (80') consistent with the Site Data Legend as provided on the Site Plan (C4) prepared by FRA Engineering, P.C.
7. The lighting to be provided by the Applicant along the Main Street frontage shall be in accordance with the lighting standards that will be utilized by the Village of Williamsville along Main Street, to wit: Stresscrete "Classic" Luminaires, Detroit Green- S53. Additionally, the lighting to be provided on the Project Site shall be consistent with the Lighting Plan (C8) prepared by FRA Engineering, P.C. and the standards shall likewise be consistent in style and composition with lighting standards being utilized by the Village of Williamsville as described above.

Minutes of the Regular Meeting of the Village of Williamsville Board of Trustees held in Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Monday, December 19, 2005 at 7:30 p.m.

8. The Site Plan (C4) prepared by FRA Engineering provides one hundred and thirty (130) off-street parking spaces and the Board of Trustees has determined that the proposed parking is adequate for the proposed use of the Project Site given the anticipated use and tenants. Any changes of tenant composition requiring additional parking will be brought back before the Village Board for approval.

9. The landscaping and greenspace to be provided by the Applicant on the Project Site shall be installed in accordance with the Landscaping Plan (C7) prepared by FRA Engineering. The Applicant shall also be required to maintain the landscaping and greenspace in accordance with the approved Landscaping Plan.

10. The relocation of the existing storm sewer line that crosses the Project Site shall be constructed in accordance with the plans prepared by FRA Engineering, P.C. (including but not limited to C5, C5.2 & C5.3) and approved by CRA Infrastructure and Engineering Inc.

11. The Project Site is to be developed in accordance with the requirements of the current version of the NYS Building Code.

<u>Roll Call:</u>	Trustee Daniels	Yes
	Trustee Geary	Yes
	Trustee Piazza	No
	Trustee Sweeney	Yes
	Mayor Lowther	No

Motion passed. 3 – 2.

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

RESOLVED, that Lynda Juul, Deputy Treasurer, is hereby authorized to attend the NYS GFOA Annual Conference held in Albany, New York in April 2006, at a cost not to exceed \$650.00, to be paid by the Village of Williamsville.

Unanimously carried.

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

RESOLVED, that Deborah Habes, Deputy Clerk, and Cynthia Burnett, Secretary to the Mayor, are hereby authorized to attend the NYCOM Elections Workshop in Syracuse on January 6, 2006 at a cost not to exceed \$150.00, to be paid by the Village of Williamsville.

Unanimously carried.

Minutes of the Regular Meeting of the Village of Williamsville Board of Trustees held in Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Monday, December 19, 2005 at 7:30 p.m.

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

RESOLVED, that the *Local Law #5-2005*, amending Section 107-12 of the Village Code, *Backflow Prevention Devices, to include a Cross-connection Control Program*, which was the subject of a public hearing on November 28, 2005, is hereby adopted.

Unanimously carried.

ON MOTION by Mayor Lowther, seconded by Trustee Sweeney, it was moved to adjourn to Executive Session at 9:01 p.m.

Unanimously carried.

ON MOTION by Mayor Lowther, seconded by Trustee Sweeney, it was moved to close the Executive Session at 9:43 p.m.

Unanimously carried.

ON MOTION by Mayor Lowther, seconded by Trustee Piazza, it was moved to return to the regular agenda at 9:44 p.m.

Unanimously carried.

ON MOTION by Mayor Lowther, seconded by Trustee Piazza, it was moved to adjourn the regular meeting at 9:45 p.m.

Unanimously carried.

LYNDA L. JUUL
Deputy Treasurer

Minutes of the Regular Meeting of the Village of Williamsville Board of Trustees held in Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Monday, December 19, 2005 at 7:30 p.m.