

Village of Williamsville

Village Board
Work Session Agenda
Village Hall, 5565 Main St.

November 26, 2018

6:00 p.m.

Guest(s) – Matt Montalbo and Carl Widmer of Drescher & Malecki, to present the Village's financial statements for the fiscal year ending 5/31/18.

Amherst Police Report

Fire Dept. Report

Correspondence

Grants Update

Village Board Reports

Mayor DeLano

1. Mayor's Executive Summary

Trustee Rogers

1. Next Door discussion

Trustee Yates

Trustee Piazza

Trustee Etu

1. Process for identifying local landmarks

Department Head Reports

Village Attorney Grieco

Administrator Juul

1. Natale Land Swap Agreement
2. Volunteer Firefighter Enhanced Cancer Disability Benefits

DPW Crew Chief Vilonen

Director of Community Development DePriest

Director of Strategic Planning Winship (TOA)

Short Environmental Assessment Form

Part 1 - Project Information

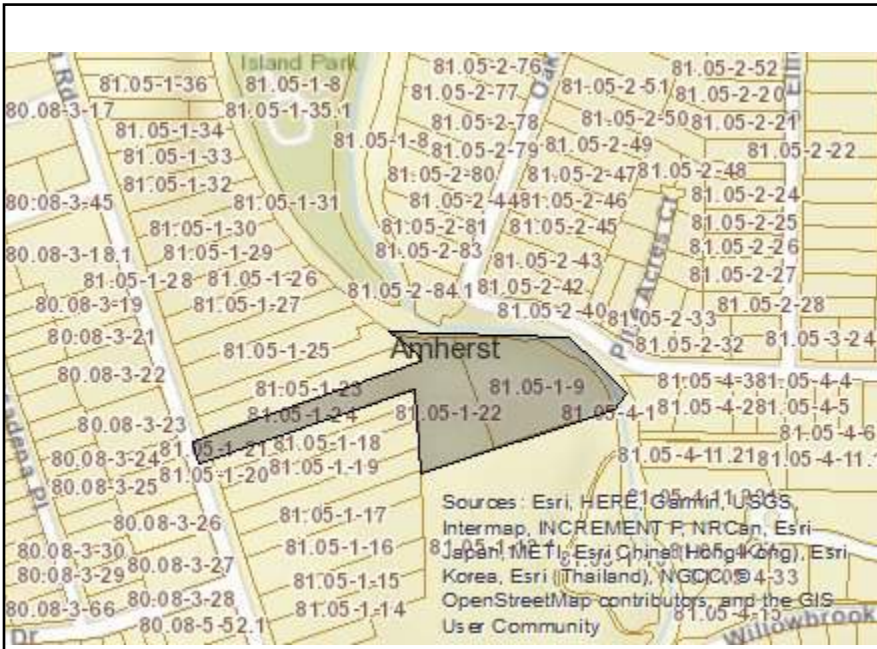
Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information				
Name of Action or Project:				
Project Location (describe, and attach a location map):				
Brief Description of Proposed Action:				
Name of Applicant or Sponsor:		Telephone:		
		E-Mail:		
Address:				
City/PO:		State:	Zip Code:	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO	YES
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO	YES
3.a. Total acreage of the site of the proposed action? _____ acres				
b. Total acreage to be physically disturbed? _____ acres				
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres				
4. Check all land uses that occur on, adjoining and near the proposed action.				
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)				
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____				
<input type="checkbox"/> Parkland				

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p>	<p>YES</p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p>	<p>YES</p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p>	<p>YES</p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor name: _____ Date: _____</p> <p>Signature: _____</p>		



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National Register of Historic Places]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	Yes
Part 1 / Question 20 [Remediation Site]	No

**Village of Williamsville
Village Board Meeting Agenda
5565 Main Street, Williamsville, New York
November 26, 2018 at 7:30pm**

- I. **Call to Order** Pledge of Allegiance
 Roll Call
- II. **Proclamation(s)**
- III. **Approval of Minutes** Regular Meeting – 11/13/18
- IV. **Public Hearing(s)** 1. Sign Code (Continued from 11/13/18)
 2. Stormwater Management
- V. **Suspension of Rules for Public Participation**
- VI. **Village Board**
 - A. Mayor DeLano - Report and Resolution(s)**
 - 1. Approve transfers in the 2018-2019 General Fund Budget
 - 2. Approve amendment in the 2018-2019 General Fund Budget
 - 3. Approve amendment in the 2018-2019 General Fund Budget
 - 4. Approve amendment in the 2018-2019 General Fund Budget
 - 5. Approve amendment in the 2018-2019 Glen Park Fund Budget
 - 6. Authorize payroll and vouchers from 11/07/18 to 11/20/18
 - B. Trustee Yates - Report and Resolution(s)**
 - 1. Approve S. Cayuga Conservation Easement
 - C. Trustee Etu – Report and Resolution(s)**
 - 1. Approve Stormwater Management local law
 - D. Trustee Rogers – Report and Resolution(s)**
 - 1. Approve use of 2019 CDBG Funding
 - E. Deputy Mayor Piazza – Report and Resolution(s)**
 - 1. Accept financial reports for year ending 5/31/2018
- VII. **Staff Reports**
- VIII. **Executive Session**
- IX. **Adjournment**

*This meeting is conducted according to the Rules of Procedure as adopted by the Village Board on 7/2/18
Next regular Village Board meeting is Monday, December 10, 2018*

MEETING SCHEDULE

(NOTE: Dates/times are subject to change. Please call the Village Clerk's office at 632-4120 for the most up to date information)

- 1st Mon. – Planning Board meeting at 7:30pm
- 2nd Mon. – Village Board Work Session at 6:00pm / Meeting 7:30pm
- 3rd Mon. – Environmental Advisory Council at 7:00pm
- 4th Mon. – Village Board Work Session at 6:00pm / Meeting 7:30pm
- 1st Tues. – Glen Park Joint Board – Meets at Town Hall at 7:00pm
- 2nd Tues. – Beautification Committee at 6:30pm (Ad Hoc)
- 2nd Wed. - Tree Board at 6:30pm
- 2nd Wed. – Parks Committee at 7:15pm
- 3rd Wed. – Zoning Board of Appeals at 7:00pm
- 1st Thur. – Traffic & Safety Committee at 7:00pm
- 4th Tues. – Historic Preservation Commission at 7:00pm
- 4th Tues. – Youth & Recreation Committee at 7:00pm
- 4th Thur. – Sign Code Committee at 6:30pm
- 4th Fri. – Open Government Committee at 4pm

Meetings & Events

All meetings are at Village Hall unless otherwise noted.

November 2018

- 27 Historic Preservation Comm. meeting at 7:00pm
- 27 Youth & Rec Comm. at 7:00pm
- 28 Zoning Board of Appeals meeting at 7:00pm (*Nov./Dec. meeting)
- NO Open Gov't Committee meeting in Nov.

December 2018

- 1 Holiday Market, 10am-8pm, Town of Amherst parking lot
- 1 Village Tree Lighting and More! Starts at 6pm at Village Hall
- 3 Planning Board meeting, 7:30pm
- 4 Glen Park Joint Board meeting, 7:00pm at TOA
- 6 Traffic & Safety meeting at 7:00pm
- 10 **Village Board Work Session at 6:00pm/Meeting at 7:30pm**
- 12 Tree Board meeting at 6:30pm
- 12 Parks Comm. meeting at 7:15pm
- 17 Environmental Comm. meeting at 7:00pm
- NO Open Gov't Committee meeting in Dec.
- NO Meeting House Committee meeting in Dec.
- NO Zoning Board of Appeals meeting in Dec.
- NO Youth & Rec Committee meeting in Dec.
- NO Historic Preservation Commission meeting in Dec.
- 24 Village Hall closes at 11:30am – Christmas Eve Holiday
- 25 Village Hall closed – Christmas Day Holiday
- 31 Village Hall closes at 11:30am – New Year's Eve Holiday
- January 1 – Village Hall closed – New Year Holiday**

MAYOR DELANO: DPW, Personnel, Insurance, Amherst Police Dept., Executive Safety Committee, Records Management Committee, Fire Dept., Tree Board
TRUSTEE PIAZZA: Amherst Utility Cooperative, Zoning Board of Appeals, Arts & Culture Committee, Inter-governmental Agency; Glen Park Art Festival Committee
TRUSTEE ROGERS: Meeting House Committee, Glen Park Joint Board, Open Government Committee, Sign Code Committee, Planning and Architectural Review Board
TRUSTEE YATES: Williamsville Business Association, Youth & Recreation Committee, Beautification Committee
TRUSTEE ETU: Parks Committee, Traffic & Safety Committee, Environmental Advisory Council, Historic Preservation Commission

Follow us on

www.Facebook.com/williamsville

Visit the Village website at

www.walkablewilliamsville.com

For Village information, news & events.
Celebrate. Educate. Volunteer.

SAT., DECEMBER 1ST

- **10:00AM – 8:00PM** -- Holiday Market, under the heated tent in Town parking lot
- **6:00PM** -- Village Tree Lighting, Candlelit Sing-A-Long, in front of Village Hall
- **6:15PM** -- Holiday Reception with Santa, Calvary Episcopal Church Choir, refreshments & more in Island Park Pavilion



See Village website for the details.



DELANO #1

RESOLVED, that the following *budget transfers* are hereby made in the *General Fund* for the 2018-2019 fiscal year:

To:	001-1620-4240 (Buildings – Paint/Carpet/Etc.)	\$208.00
From:	001-1620-4230 (Buildings – Building Maint.)	\$208.00
To:	001-1640-2000 (Central Garage – Equipment)	\$482.00
From:	001-1640-4161 (Central Garage – Parts)	\$482.00
To:	001-3410-2060 (Fire Protection – Computer Equipment)	\$936.00
From:	001-3410-2010 (Fire Protection – Major Equipment)	\$936.00
To:	001-3620-4450 (Safety Inspection – Misc.)	\$1,954.00
From:	001-3620-1000 (Safety Inspection – Personal Services)	\$1,954.00
To:	001-5110-4161-0900 (Street Maintenance – Repairs/2013 Nissan Leaf)	\$10.00
	001-5110-4161-0902 (Street Maintenance – Repairs/2002 Int’l Dump)	\$115.00
	001-5110-4161-0903 (Street Maintenance – Repairs/2015 Dump Truck)	\$200.00
	001-5110-4161-0904 (Street Maintenance – Repairs/2005 Freightliner)	\$8.00
	001-5110-4161-0905 (Street Maintenance – Repairs/2007 Int’l Dump)	\$2,684.00
	001-5110-4161-0909 (Street Maintenance – Repairs/2013 Ford F150 Pickup)	\$232.00
	001-5110-4161-0914 (Street Maintenance – Repairs/2018 Sidewalk Plow)	\$4.00
	001-5110-4161-0918 (Street Maintenance – Repairs/2010 Ford F350 XL)	\$809.00
	001-5110-4161-0919 (Street Maintenance – Repairs/2007 Chevy 4x4)	\$5.00
From:	001-5110-4161 (Street Maintenance – Repairs/Equipment)	\$4,067.00
To:	001-5110-4610 (Street Maintenance – Physicals/Eye Exams/Safety Glasses)	\$188.00
From:	001-5110-4260 (Street Maintenance – Maintenance Supplies)	\$188.00
To:	001-7110-4162 (Parks – Repairs/Pools)	\$995.00
	001-7110-4165 (Parks – Repairs/Shelter Maint.)	\$19.00
	001-7110-4280 (Parks – Equipment Rental)	\$374.00
	001-7110-4450 (Parks – Misc.)	\$64.00
From:	001-7110-4169 (Parks – Repairs/Other)	\$420.00
	001-7110-4360 (Parks – Park Supplies)	\$530.00
	001-7110-4161 (Parks – Repairs/Lights)	\$502.00
To:	001-8510-4450 (Community Beautification – Misc.)	\$10.00
From:	001-8510-4340 (Community Beautification – Plants)	\$10.00
To:	001-8560-4160 (Shade Trees – Repairs)	\$80.00
From:	001-8560-4350 (Shade Trees – Tree Maint.)	\$80.00

DELANO #2

RESOLVED, that the following *budget amendment* is hereby made in the *General Fund* for the **2018-2019** fiscal year to account for the motor vehicle accident claim on vehicle 9-2 for Main Street incident on 10/06/18:

Increase:	001-0001-2680 (Insurance Recoveries)	\$1,294.00
Increase:	001-3410-4160-3492 (Fire Protection – Truck Expense/9-2 Asst. Chief Vehicle)	\$1,294.00

DELANO #3

RESOLVED, that the following *budget amendment* is hereby made in the *General Fund* for the **2018-2019** fiscal year to account for the motor vehicle accident claim on vehicle 9-2 for Hopkins Road incident on 10/18/18:

Increase:	001-0001-2680 (Insurance Recoveries)	\$2,193.00
Increase:	001-3410-4160-3492 (Fire Protection – Truck Expense/9-2 Asst. Chief Vehicle)	\$2,193.00

DELANO #4

RESOLVED, that the following *budget amendment* is hereby made in the *General Fund* for the **2018-2019** fiscal year to account for the use of Glen Park Art Festival proceeds to cover the cost of Amherst Symphony Orchestra Concert expenses:

Increase:	001-0001-2089 (Other Cultural & Recreational Income)	\$171.00
Increase:	001-7530-4460 (Village Meeting House – Arts & Cultural Committee)	\$171.00

DELANO #5

RESOLVED, that the following *budget amendment* is hereby made in the *Glen Park Fund* for the **2018-2019** fiscal year to account for the revenue from sale of pavers needed to cover costs of engraving:

Increase:	009-0009-2773 (Memorials – Pavers/Benches/Trees)	\$74.00
Increase:	009-7141-4490 (Glen Park – Memorials – Pavers/Benches/Trees)	\$74.00

DELANO #6

RESOLVED, that payroll and vouchers in the amount of **\$339,616.25** covering the period from **11/07/18** to **11/20/18** are hereby approved as follows:

Payroll covering 10/29/18 – 11/11/18: \$34,842.25

Vouchers covering 11/07/18 – 11/20/18:

General Fund	\$225,390.55
Water Fund	\$0.00
Sewer Fund	\$65,354.81
Glen Park Fund	\$2,290.15
Trust & Agency Fund	\$10,846.07
Debt Service	\$0.00
Community Development	\$0.00
Capital Fund	<u>\$893.00</u>
	\$304,774.58

GRAND TOTAL: **\$339,616.83**

YATES #1

WHEREAS, Daniel S. Mangold and Susan V. Mangold, record owners of the properties located at 144 and 146 South Cayuga Road (the “Properties”) in the Village of Williamsville, have offered to donate to the Village a Deed of Conservation Easement (“Conservation Easement”) placing certain restrictions upon approximately 1.84 acres of the Properties abutting Ellicott Creek and the property located at 208 South Cayuga Road (SBL No. 81.05-1-12.1) (“Conservation Area”), prohibiting the development and other intrusive or potentially destructive activities upon of the Conservation Area; and

WHEREAS, the Village is amenable to accepting the donation of the Conservations Easement and the enforcement and maintenance obligations attendant thereto so as to protect the Conservation Area from future development and to conserve said area in a natural state; and

WHEREAS, the Village has considered the potential for any significant adverse environmental impacts associated with the acceptance of the Conservation Easement (the “Action”) pursuant to the State Environmental Quality Review Act (“SEQRA”);

NOW THEREFORE, BE IT RESOLVED, that the Village Board has determined that the Action will not result in any potentially significant adverse environmental impacts and hereby adopts a Negative

Declaration, as defined in the SEQRA regulations, with respect to the Action, for the reasons set forth in Part 3 of the Environmental Assessment Form incorporated by reference herein; and

BE IT FURTHER RESOLVED, that the Village Board authorizes the Village to accept the conservation easement, subject to review and approval of any and all necessary legal instruments by the Attorneys for the Village.

ETU #1

RESOLVED, that the proposed *Stormwater Management Update Law of 2018*, which was the subject of a public hearing held by the Village Board of Trustees on November 26, 2018, is hereby adopted as **Local Law 13 of 2018**.

ROGERS #1

RESOLVED, that *Community Development Block Grant funding* for the year **2019 - 2020**, in the approximate amount of \$40,000, which was the subject of a public hearing held by the Village Board on November 13, 2018, is hereby allocated for Williamsville Meeting House improvements.

PIAZZA #1

RESOLVED, that the Village of Williamsville Financial Statements for the fiscal year ending May 31, 2018, and presented by Drescher & Malecki, LLP on November 26, 2018, have been reviewed by the Village Board, and are hereby accepted as the Official Financial Statements for the 2017 - 2018 fiscal year; and

BE IT FURTHER RESOLVED, that the Board of Trustees of the Village of Williamsville hereby certifies that the records of the Williamsville Court were examined and audited by Drescher & Malecki, LLP in conjunction with the audit of the records of the Village of Williamsville for the fiscal year ending May 31, 2018, and as required by Section 2019-a of the Uniform Justice Court Act.

Minutes of the regular meeting of the Village of Williamsville Board of Trustees held at Village Hall, 5565 Main Street, Williamsville, New York, on Tuesday, November 13, 2018 at 7:30 p.m.

The meeting was opened with the Pledge of Allegiance led by Mayor DeLano.

Present: Daniel O. DeLano, Jr., Mayor
Basil J. Piazza, Deputy Mayor
Deborah L. Rogers, Trustee
Matthew J. Etu, Trustee

Also present: Lynda L. Juul, Administrator/Clerk-Treasurer
Judith A. Kindron, Deputy Treasurer
Charles Grieco, Village Attorney
Ben Vilonen, DPW Crew Chief
Keaton DePriest, Director of Community Development

Excused: John "Al" Yates, Jr., Trustee

ON MOTION by Mayor DeLano, seconded by Deputy Mayor Piazza, it was moved to approve the minutes of the regular meeting held on October 22, 2018, as submitted.

Motion carried. 4 – 0.

Public Hearing

Proposed amendment to Chapter 84 of the Village Code (Signs)

ON MOTION by Mayor DeLano, seconded by Trustee Etu, it was moved at 7:38 p.m. to continue this public hearing which was previously left open by the Village Board at their October 22, 2018 meeting.

Motion carried. 4 – 0.

No one from the audience addressed the Board.

ON MOTION by Mayor DeLano, seconded by Trustee Etu it was moved at 7:38 p.m. to continue this public hearing at the November 26, 2018 Village Board meeting.

Motion carried. 4 – 0.

Mayor DeLano reported that the Village Board is awaiting the updated code from the consultant.

Minutes of the regular meeting of the Village of Williamsville Board of Trustees held at Village Hall, 5565 Main Street, Williamsville, New York, on Tuesday, November 13, 2018 at 7:30 p.m.

Public Hearing

Use of the Community Development Block Grant funds for 2019 - 2020

Deputy Mayor Piazza reported that CDBG funds can be used on landmark properties, and for home improvements for those who qualify.

ON MOTION by Mayor DeLano, seconded by Trustee Etu, it was moved at 7:42 p.m. to open this public hearing.

Motion carried. 4 – 0.

No one from the audience addressed the Board.

ON MOTION by Mayor DeLano, seconded by Trustee Etu, it was moved at 7:42 p.m. to close the public hearing.

Motion carried. 4 – 0.

ON MOTION by Mayor DeLano, seconded by Deputy Mayor Piazza, it was moved to open the public participation portion of the meeting.

Motion carried. 4 – 0.

Member(s) of the audience who spoke and their topic(s):

Thomas Frank, 5403 Main St. – Opening ceremony for walkable village; TEP Grant; Removal of toll booths; War of 1812 Cemetery; Access/egress from Wehrle Dr.; Multi-modal transportation.

ON MOTION by Mayor DeLano, seconded by Deputy Mayor Piazza, it was moved to close the public participation portion of the meeting.

Motion carried. 4 – 0.

Minutes of the regular meeting of the Village of Williamsville Board of Trustees held at Village Hall, 5565 Main Street, Williamsville, New York, on Tuesday, November 13, 2018 at 7:30 p.m.

Report – Mayor DeLano

Mayor DeLano reported on the following topic(s): Village received NYSDEC grant to plant trees on Union Rd.; Veteran’s Day ceremony at Williamsville Cemetery.

ON MOTION by Mayor DeLano, seconded by Deputy Mayor Piazza, the following resolution was adopted:

RESOLVED, that the following *budget transfers* are hereby made in the *General Fund* for the 2018-2019 fiscal year:

To:	001-1620-2000 (Buildings – Equipment)	\$920.00
From:	001-3620-2000 (Safety Inspection – Equipment)	\$280.00
	001-6989-2000 (Other Econ Oppty & Development – Equipment)	\$61.00
	001-1410-2000 (Village Clerk – Equipment)	\$579.00
To:	001-1620-4240 (Buildings – Paint/Carpet/Etc.)	\$906.00
From:	001-1620-4230 (Buildings – Maint.)	\$906.00
To:	001-1640-2000 (Central Garage – Equipment)	\$63.00
	001-1640-4450 (Central Garage – Misc.)	\$56.00
From:	001-1640-4260 (Central Garage – Maint. Supplies)	\$119.00
To:	001-3410-4160-3401 (Fire Protection – Truck Expense/Engine 1)	\$2961.00
	001-3410-4160-3402 (Fire Protection – Truck Expense/Engine 2)	\$225.00
	001-3410-4160-3404 (Fire Protection – Truck Expense/Rescue 4)	\$348.00
	001-3410-4160-3406 (Fire Protection – Truck Expense/Ladder 6)	\$7,207.00
	001-3410-4160-3471 (Fire Protection – Truck Expense/Polaris ATV)	\$486.00
	001-3410-4160-3492 (Fire Protection – Truck Expense/Asst. Chief 9-2)	\$1,076.00
From:	001-3410-4160 (Fire Protection – Truck Expense)	\$12,303.00
To:	001-3620-4450 (Safety Inspection – Misc.)	\$643.00
From:	001-3620-4040 (Safety Inspection – Education Exp./Travel)	\$300.00
	001-3620-4020 (Safety Inspection – Postage)	\$343.00
To:	001-5110-4161-0904 (Street Maintenance – Repairs/2005 Freightliner)	\$212.00
	001-5110-4161-0905 (Street Maintenance – Repairs/2007 Int’l Dump)	\$664.00
	001-5110-4161-0907 (Street Maintenance – Repairs/2018 Dump)	\$300.00
From:	001-5110-4161 (Street Maintenance – Repairs/Equipment)	\$1,176.00
To:	001-7110-4162 (Parks – Repairs/Pool)	\$1,971.00
	001-7110-4165 (Parks – Repairs/Shelter Maint.)	\$342.00
	001-7110-2010 (Parks – Capital Improvements)	\$3,967.00
From:	001-7110-2040 (Parks – Capital Reserve)	\$6,280.00
To:	001-7530-4460 (Village Meeting House – Arts & Culture Committee)	\$2,018.00
	001-7550-4970 (Celebrations – Casino Night/Party-in-the Park)	\$270.00
From:	001-7550-4540 (Celebrations – Glen Park Art Festival)	\$2,288.00

Minutes of the regular meeting of the Village of Williamsville Board of Trustees held at Village Hall, 5565 Main Street, Williamsville, New York, on Tuesday, November 13, 2018 at 7:30 p.m.

To:	001-7550-4170 (Celebrations – Community Events)	\$210.00
From:	001-7550-4520 (Celebrations – Music in the Park)	\$210.00
To:	001-8161-4990 (Recycling – Recycling Contract)	\$3,799.00
From:	001-8160-4330 (Refuse & Garbage Collection – Dump Fees)	\$3,799.00
To:	001-8560-4450 (Shade Trees – Misc.)	\$995.00
From:	001-8560-4350 (Shade Trees – Trees/Maint.)	\$995.00

Motion carried. 4 – 0.

ON MOTION by Mayor DeLano, seconded by Deputy Mayor Piazza, the following resolution was adopted:

RESOLVED, that the following *budget amendment* is hereby made in the *General Fund* for the *2018-2019* fiscal year to account for the use of assigned funds:

Increase:	001-0001-0599 (Appropriated Surplus)	\$50,000.00
Increase:	001-1930-4000 (Judgements & Claims – Settlements)	\$50,000.00

Motion carried. 4 – 0.

ON MOTION by Mayor DeLano, seconded by Deputy Mayor Piazza, the following resolution was adopted:

RESOLVED, that payroll and vouchers in the amount of **\$1,734,124.59** covering the period from *10/17/18* to *11/06/18* are hereby approved as follows:

Payroll covering 10/15/18 – 10/28/18: \$38,409.36

Vouchers covering 10/17/18 – 11/06/18:

General Fund	\$138,885.10
Water Fund	\$0.00
Sewer Fund	\$368,544.76
Glen Park Fund	\$362.42
Trust & Agency Fund	\$15,445.93
Debt Service	\$0.00
Community Development	\$0.00
Capital Fund	<u>\$1,172,477.02</u>
	\$1,695,715.23

Minutes of the regular meeting of the Village of Williamsville Board of Trustees held at Village Hall, 5565 Main Street, Williamsville, New York, on Tuesday, November 13, 2018 at 7:30 p.m.

GRAND TOTAL:

\$1,734,124.59

Motion carried. 4 – 0.

ON MOTION by Mayor DeLano, seconded by Deputy Mayor Piazza, the following resolution was adopted:

WHEREAS, the Village Administrator has returned her warrant and tax roll and has delivered to the Board of Trustees an account of taxes remaining due, amounting to \$49,329.07, containing a description of the land upon which taxes are unpaid, the person whose name is assessed, together with the amount of unpaid tax; and

WHEREAS, the Village Administrator has filed a verified statement that the taxes mentioned in such account remain unpaid, and that after diligent efforts she has been unable to collect same; and

WHEREAS, upon receiving such account from the Village Administrator, the Board of Trustees compared the same with the original tax roll of the Village; and

WHEREAS, said Board of Trustees find such account to be a true transcript and has certified to the effect that they have compared it with the original tax roll and find it to be correct.

NOW, THEREFORE, BE IT RESOLVED, that the Administrator of the Village of Williamsville is hereby credited by this Board of Trustees with the amount of said account in said return; and

BE IT FURTHER RESOLVED, that a Certificate executed by each member of the Village Board be attached to the account of unpaid taxes stating a total of unpaid taxes in the amount of \$49,329.07 and reciting that the account has been compared and found to be correct; and that the Administrator transmit said account and certificate to the appropriate officer of the County of Erie by November 15, 2018, to enforce collection pursuant to Section 1442 of the Real Property Tax Law.

Motion carried. 4 – 0.

ON MOTION by Mayor DeLano, seconded by Trustee Etu, the following resolution was adopted:

RESOLVED, that Adam Oehmler, Mike Measer, Chris Petrie, Tim Garrison, and Rich Maddigan, are hereby authorized to travel to 4 Guys Fire Trucks, Meyersdale, PA, from 11/11/18 to 11/12/18, for the purpose of the pre-paint inspection for engines, with expenses to be paid by 4 Guys Fire Trucks.

Minutes of the regular meeting of the Village of Williamsville Board of Trustees held at Village Hall, 5565 Main Street, Williamsville, New York, on Tuesday, November 13, 2018 at 7:30 p.m.

Motion carried. 4 – 0.

ON MOTION by Mayor DeLano, seconded by Trustee Etu, the following resolution was adopted:

RESOLVED, that the following three (3) Change Orders for Milherst Construction, as related to the Rock St. project, are hereby approved as follows:

- **Change Order #2 - Dated 10/24/17** – In the amount of \$300.00, as it relates to labor and materials for saw cutting the curb at the driveway of the VFW to accommodate a 4' wider driveway opening.
- **Change Order #3 - Dated 10/24/17** – In the amount of \$3,378.00, as it relates to labor and materials for placing stone fill in the space measuring 2' x 120' adjacent to the east edge of VFW parking lot.
- **Change Order #4 – Dated 11/2/18**, in the amount of \$563.00, as it relates to labor and materials for placing stone fill in the space measuring 2' x 20' adjacent to the north edge of the VFW driveway.

Motion carried. 4 – 0.

ON MOTION by Mayor DeLano, seconded by Deputy Mayor Piazza, the following resolution was adopted:

RESOLVED, that the *War of 1812 Field Hospital Committee* is hereby created for the purpose stated in the mission statement dated November 13, 2018 and incorporated herein; and

BE IT FURTHER RESOLVED, that Mayor DeLano and Deputy Mayor Piazza will serve as co-liaisons to the committee.

Motion carried. 4 – 0.

**Mission Statement, Williamsville, NY War of 1812 Field Hospital Committee
November 13, 2018**

To recover, preserve and eventually display irreplaceable historic artifacts relative to Williamsville's historic role in the War of 1812 and beyond so that the relics of the sacrifices and struggles of the US Army, British, Canadian Forces and Native Peoples may be used to better inform the people of today as to the history literally underfoot.

Minutes of the regular meeting of the Village of Williamsville Board of Trustees held at Village Hall, 5565 Main Street, Williamsville, New York, on Tuesday, November 13, 2018 at 7:30 p.m.

A principal goal is to uncover the sites of US Military Field Hospitals located in and around Garrison Park, in which at least 500 men of all nations may have perished from illness and injury.

Far earlier studies on the War of 1812 Cemetery on Aero Drive, Cheektowaga, 1.3 miles via today's roads from Garrison Park, shows a minimum of 500 human remains, which according to contemporary sources were transported in many cases from the Garrison Rd. site to today's cemetery. In short, there is every reason to believe that there is a significant American history site in the area of Garrison Park. A primary exploration on November 4, 2018 warrants further exploration.

Any excavations done on the site will be done with Village approval. We are committed to leaving all areas in pristine condition following the documentation and recovery of artifacts.

For far too long, the story of the War of 1812 and our village has been largely a mystery and source of much conjecture, and by using primary sources in combination with cutting edge technology, we hope to revivify the memories of those who served and died, and to bring new life into understanding the village's unique role not only in 1812, but beyond, on the Niagara Frontier.

ON MOTION by Mayor DeLano, seconded by Deputy Mayor Piazza, the following resolution was adopted:

RESOLVED, that the following persons are hereby appointed to the *War of 1812 Field Hospital Committee*:

1. Tom Bauerle, 11 Columbia Dr., Williamsville
2. Frank Minnolera, 1241 Ostrander, East Aurora
3. Chuck Guzzetta, 15 Cornell Ave., Amherst
4. Dave Sherman, 69 Columbia Dr., Williamsville

Motion carried. 4 – 0.

ON MOTION by Mayor DeLano, seconded by Trustee Etu, the following resolution was adopted:

RESOLVED, that the Administrator is hereby authorized to publish legal notice of a public hearing to be held on Monday, December 10, 2018 at 7:30 p.m., at Williamsville Village Hall, 5565 Main St., Williamsville, New York, for the purpose of hearing all persons interested in commenting on a proposed amendment to Chapter 8 of the Village Code (Animals) which would regulate the feeding of non-domesticated animals within the village.

Motion carried. 4 – 0.

Minutes of the regular meeting of the Village of Williamsville Board of Trustees held at Village Hall, 5565 Main Street, Williamsville, New York, on Tuesday, November 13, 2018 at 7:30 p.m.

ON MOTION by Mayor DeLano, seconded by Deputy Mayor Piazza, the following resolution was adopted:

RESOLVED, that the change order dated October 30, 2018, in the amount of \$318.00, and related to the purchase of two (2) fire engines, is hereby authorized to 4 Guys Fire Trucks, Inc.

Motion carried. 4 – 0.

Report – Trustee Etu

Trustee Etu had no report.

Trustee Etu announced he was going to table his resolution #1 regarding the proposed designation of 34 & 42 W. Spring St. (Brewery Hill) and instead, bring forth a new resolution.

ON MOTION by Trustee Etu, seconded by Deputy Mayor Piazza, it was moved to leave the regular agenda to consider a new resolution.

Motion carried. 4 – 0.

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

RESOLVED, that the Administrator is hereby authorized to publish legal notice of a public hearing to be held on Monday, December 10, 2018 at 7:30 p.m., at Williamsville Village Hall, 5565 Main St., Williamsville, New York, for the purpose of hearing all persons interested in commenting on the proposed designation of 34 & 42 W. Spring St. (Brewery Hill) as local landmarks.

Motion carried. 4 – 0.

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

Motion carried. 4 – 0.

Minutes of the regular meeting of the Village of Williamsville Board of Trustees held at Village Hall, 5565 Main Street, Williamsville, New York, on Tuesday, November 13, 2018 at 7:30 p.m.

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

RESOLVED, that *Linda Nowak*, residing at *38 Scott Dr., Williamsville*, is hereby appointed to the *Environmental Advisory Committee* until the end of the *2018-2019* official Village year:

Motion carried. 4 – 0.

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

RESOLVED, that *Marisa Riggi*, residing at *3 Hillside Dr., Williamsville*, is hereby appointed to the *Environmental Advisory Committee* until the end of the *2018-2019* official Village year:

Motion carried. 4 – 0.

Report – Deputy Mayor Piazza

Deputy Mayor Piazza reported on the following topic(s): Amherst Utility Co-op will be ceasing operation.

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

WHEREAS, the Village of Williamsville (“Williamsville”), and the Town of Amherst (“Amherst”), Amherst Central School District, Sweet Home Central School District and Williamsville Central School District (collectively the “Participating Entities”) have previously formed and established the Amherst Utility Cooperative (“AUC”) pursuant to Article 5-G of the New York General Municipal Law; and

WHEREAS, the purpose of the AUC was that Williamsville and the Participating Entities enter into joint inter-municipal agreements with other municipal corporations in an attempt to secure lower than retail prices or cost certainty for electricity, natural gas and other commodities through joint purchases in the open market; and

WHEREAS, since the inception of the AUC in 1998, Williamsville and all of the Participating Entities have cooperated in joint purchases of electricity and natural gas securing lower than retail prices or cost certainty as a result of such joint purchases; and

Minutes of the regular meeting of the Village of Williamsville Board of Trustees held at Village Hall, 5565 Main Street, Williamsville, New York, on Tuesday, November 13, 2018 at 7:30 p.m.

WHEREAS, as the energy markets for electricity and natural gas have changed over time since the inception of the AUC, Williamsville and all of the Participating Entities may be able to realize even lower prices from volume discounts by joining larger, existing cooperatives such as the School-Municipal Energy Cooperative or the Erie County Energy Cooperative; and

WHEREAS, each of Williamsville and the Participating Entities have determined that it is in each of their respective best interests to join such other larger existing cooperatives, as applicable, and terminate the operation of the AUC;

NOW, THEREFORE, BE IT RESOLVED, that the AUC will terminate operations on the date set by the Board of Managers of the AUC and Williamsville and the Participating Entities shall join, at each of their options, other cooperatives as each of them determine is in its own best interest; and

BE IT FURTHER RESOLVED, that the Board of Managers of the AUC is hereby authorized to take any and all appropriate action, necessary or desirable to terminate operations of the AUC and to otherwise carry out the intent of these resolutions, as the Board of Managers may determine, with advice of counsel, to be advisable and in the best interests of the AUC.

Motion carried. 4 – 0.

Report – Trustee Rogers

Trustee Rogers reported on the following topic(s): Thanked Audrey Manzella, a Village resident who donated a star for the Village Holiday tree dedicated to the memory of Sebastian Bradley, a Forest Elementary School student who lost his battle with cancer last year.

ON MOTION by Trustee Rogers, seconded by Trustee Etu, it was moved to leave the regular agenda to consider a new resolution.

Motion carried. 4 – 0.

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

RESOLVED, that the proposal from Barton & Loguidice, dated November 9, 2018, for additional services related to the Sign Code Update project, is hereby accepted.

Motion carried. 4 – 0.

Minutes of the regular meeting of the Village of Williamsville Board of Trustees held at Village Hall, 5565 Main Street, Williamsville, New York, on Tuesday, November 13, 2018 at 7:30 p.m.

ON MOTION by Trustee Rogers, seconded by Trustee Etu, it was moved to return to the regular agenda.

Motion carried. 4 – 0.

Staff Report(s)

DPW Crew Chief Vilonen reported on the following topic(s): In the peak of leaf season, DPW will be collecting leaves for another week or two.

Community Development Director DePriest reported on the following topic(s): Village Newsletter Autumn edition is ready to go out.

There was no Executive Session.

ON MOTION by Mayor DeLano, seconded by Deputy Mayor Piazza, it was moved to adjourn the meeting at 8:09 p.m.

Motion carried. 4 – 0.

Lynda L. Juul
Administrator/Clerk-Treasurer

Public Hearing: July 23, 2018

VILLAGE OF WILLIAMSVILLE

LOCAL LAW NO. X of 2018

A Local Law Amending Chapter 84 (Signs) Regarding Regulation of Signs

Section 1. Title

This Local Law shall be referred to as, “Sign Law of 2018”.

Section 2. Purpose

The purpose of this Local Law shall be to amend Chapter 84 (Signs) regarding the regulation of Signs within the Village of Williamsville.

Section 3.

Chapter 28, and all associated Attachments, shall be repealed and replaced with the attached Sign Code.

Section 4. Effective Date

This Local Law shall take effect immediately and shall be filed in the Office of the Secretary of State.

CHAPTER 84: SIGN REGULATIONS

VILLAGE OF WILLIAMSVILLE

PREPARED BY:

STEINMETZ PLANNING GROUP

DRAFT JULY 2018

§ 84-1 PURPOSE & APPLICABILITY

A. Purpose. The purpose of this Chapter is to permit the use of signage within the Village of Williamsville, while also promoting and protecting the health, welfare, and safety of the public. The intent of this Chapter is to achieve the following objectives:

- 1) Ensure right to free speech as protected under the United States Constitution;
- 2) Establish a clear and impartial process for those seeking to install signs;
- 3) Protect property values, create a more attractive economic and business climate, and protect the physical appearance of the community;
- 4) Provide structures and uses with effective means of identification while reducing visual clutter through the prevention of excessive and confusing sign displays;
- 5) Reduce traffic conflicts or hazards by minimizing visual distractions or obstacles in or visible from the public rights-of-way;
- 6) Reduce the adverse effects of signage on the desirable aesthetic of the Village and on the general environment of the community; and
- 7) Enforce and encourage the objectives and goals of the Village Community Plan.

B. Applicability.

- 1) The regulations of this Chapter shall govern and control the erection, enlargement, expansion, renovation, operation, maintenance, relocation and removal of all signs within the Village visible from any street, sidewalk, public right-of-way, or public space.
- 2) The provisions of this Chapter shall not apply to safety signs, road signs, historical markers, highway directional signs, or signs erected by governmental agencies.
- 3) Notwithstanding any other provision within this Chapter to the contrary, signs proposed on local historic landmarks or within historic districts as designated by Chapter 47 of the Village Code shall be reviewed by the Historical Preservation Commission. Following the application procedures of this Chapter, the Commission may approve, approve with conditions, or disapprove the sign. The Commission may waive any of the provisions of this Chapter as necessary to ensure the greatest level of compatibility of signage with historic building or district character and consistency with the Historic Landmark Design Standards, as such may be amended from time to time.
- 4) This Chapter shall in no event be construed or employed in any manner to prohibit the customary decoration of premises in any district during religious, patriotic or holiday seasons.

§ 84-2 DEFINITIONS

- A. For the purposes of this Chapter, the following references to agents or officers of the Village shall be interpreted as noted below.
 - 1) **PLANNING BOARD** — The Village of Williamsville Planning and Architectural Review Board as provided for by Chapter 112 of the Village Code.
 - 2) **SIGN OFFICER** — The administrator and enforcer of this Chapter as appointed by the Village of Williamsville Board of Trustees, and/or their designee.
 - 3) **ZONING BOARD OF APPEALS** — The Village of Williamsville Zoning Board of Appeals as provided for by Chapter 112 of the Village Code.

B. The following terms and definitions shall apply to this Chapter for the purposes of administration and enforcement.

- 1) **A-FRAME SIGN** — A freestanding sign that is comprised of two sign faces diverging at an angle of no more than 45 degrees from their adjoined edge.
- 2) **ALTERATION** — Any construction or physical change to a sign or the supporting members of a sign.
- 3) **AWNING** — An architectural fabric or canvas projection that provides weather protection, identity or decoration and is wholly supported by the building to which it is attached, generally comprised of a lightweight frame structure over which a cover is attached.



A-Frame Sign Example

- 4) **AWNING SIGN** — A sign that is part of or attached to an awning.
- 5) **BANNER** — A length of fabric or similar material, temporarily strung between two points, upon which a message is imprinted.
- 6) **CHANNEL LETTER** — A fabricated or formed three-dimensional letter into which a light source, such as a neon tube, may be placed.
- 7) **CHANNEL LETTER, REVERSE** — A channel letter than has a face and sides, but no back, and is pinned out from a background surface so as to produce a halo effect around the letter when illuminated.
- 8) **COMMERCIAL MESSAGE** — Any message where the primary purpose of which is the commercial advertisement or promotion of a commercial product, event, or service (including content on an internet website operated for a commercial purpose).

- 9) **DIRECTIONAL SIGN** — A freestanding sign commonly associated with and limited to noncommercial information and directions necessary and convenient for persons coming on the property, including signs marking entrances, parking areas, one-way driveways, rest rooms, pickup and delivery areas, drive-through ATM machines, and hours of business.



Directional Sign Example

- 10) **FREESTANDING SIGN** — A sign not attached to any building or structure, which may be supported by columns or posts.
- 11) **GOVERNMENTAL SIGN** — A sign erected and maintained pursuant to and in discharge of any governmental function or required by any general law, local law or governmental regulation.

- 12) **GROUND SIGN** — A type of freestanding sign that is mounted on a base flush with the ground or supported by one or two columns or posts provided the distance between the ground and bottommost edge of the sign is no greater than three feet.



Ground Sign Example

- 13) **ILLUMINATION, INTERNAL** — Illumination by a light source contained within the sign structure or lettering.

- 14) **ILLUMINATION, EXTERNAL** — Illumination by a light source located outside of the sign structure or lettering that is directed at the sign face.

- 15) **INCIDENTAL SIGN** — A sign containing no commercial message and typically erected to identify addresses, entrances, exits, restrooms, hours and days of operation, public utility locations, emergency addresses and telephone numbers, etc. These examples are not given by way of limitation, an incidental sign can contain any noncommercial message in accordance with this Chapter.



Incidental Sign Example

- 16) **INTERNAL SIGN** — A sign that is not intended to be viewed from outside the property and located so as not to be legible from any public right-of-way or from any adjacent property, including any signs in interior areas of shopping centers, commercial buildings and structures, stadiums, and similar structures of a recreational nature.

17) **LAWN SIGN** — A sign constructed of materials not intended for permanent installation that are attached to a single or multiple posts for support and stuck into the ground. The height of a lawn sign shall include any posts or supports. Political campaigns, garage sales, and charitable events, for example, are often advertised with lawn signs.



Lawn Sign Example

18) **MARQUEE SIGN** — A permanent structure attached to the front of a building and which incorporates a large message area. Typically illuminated and often ornate in design, a marquee sign projects over the entrance of the building and provides a canopy over at least a portion of the sidewalk or street. Marquee signs are often used by movie theaters and concert halls.

19) **NEON SIGN** — A sign that incorporates illumination through the use of neon type gas.

20) **NONCONFORMING SIGN** — Any lawful sign existing at the time of adoption of this Chapter, or any subsequent amendments thereto, which does not conform to the regulations of this Chapter or to the regulations of the district in which it is located.

21) **PAINTED SIGN** — A type of sign in which the message, logo, graphic, and/or other visual elements are painted directly upon a building façade. Painted signs shall be regulated as wall signs.

22) **PENNANT** — A length of fabric, or similar material, suspended from overhead, upon which a message is imprinted.

23) **POLE SIGN** — A type of freestanding sign that is supported by one or two columns or posts with a distance exceeding three feet between the ground and the bottommost edge of the sign.



Pole Sign Example

24) **PROJECTING SIGN** — A sign which is wholly dependent upon a building for support and which projects more than six inches from such building.

25) **ROOF SIGN** — Any sign erected upon the roof of a building, or sign where any portion thereof extends above the roofline of the building.

26) **SIGN** — Any object, device, display or structure, or part thereof, situated outdoors or adhered to, or located within three feet of an exterior window that is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including but not limited to words, letters, figures, designs, symbols, fixtures, colors, illumination or project images. "Signs" shall also include all sign structures. A sign for the purposes of this Chapter does not include the following:

- a. A flag or emblem of any nation, organization of nations, state or city, or any fraternal, religious or civic organization;
 - b. Merchandise, pictures or models of products or services incorporated in a window display;
 - c. Official notices issued by any court or public office or officer in the performance of a public or official duty;
 - d. Traffic control signs as defined in the NYS Vehicle and Traffic Law; and
 - e. Works of art, including murals, that do not contain any commercial message, logo, graphic, or trademark.
- 27) **SIGN BOARD** — A horizontal band extending the full width of the building facade and located between the highest first floor windows and the cornice, or if there is more than one story, the highest first floor windows and the bottom of the second-floor windows. A sign board generally does not exceed two feet in height.
- 28) **SIGN TYPE** — The design and/or structure of a sign, including ground signs, wall signs, projecting signs, suspended signs, awning signs, and window signs.
- 29) **SUSPENDED SIGN** — A sign attached to and supported by the underside of a horizontal plane.
- 30) **TEMPORARY SIGN** — A sign which is not intended to be used for a period of time exceeding 30 days and is not attached to a building, structure, or ground in a permanent manner. Such signs usually being constructed of poster board, cardboard, masonite, plywood, or plastic material and mounted to wood, metal, wire or rope frames or supports.
- 31) **VALANCE** — A projection of fabric below the main frame of an awning to create a decorative edge.
- 32) **WALL SIGN** — A sign fastened to the wall of a building or structure in such a manner that the wall becomes the supporting structure for or forms the background surface of the sign and which does not project outward more than six inches from such building or structure.
- 33) **WINDOW SIGN** — A sign visible from a sidewalk, street or other public place, painted or affixed on glass or other window material, or located inside within three feet of the window, but shall not include graphics in connection with customary window display of products.

§ 84-3 SIGN PERMITS

- A. Permit Required.** Except as hereinafter provided, no person shall erect, alter, construct, relocate or cause to be erected, altered, constructed or relocated any sign without first having obtained a sign permit.

- B. Permit Exceptions.** The following situations shall not require the issuance of a sign permit provided such maintenance, changes, or alterations do not in any way alter the physical size, design, or nature of the sign.
- 1) Repainting, repairing, changing of parts, or ordinary maintenance of signs, sign area, or sign supports.
 - 2) Changing the message of a sign.
- C. Alteration.** Any sign for which a permit has been issued shall not be modified, relocated, altered, or replaced, unless an amended or new sign permit is obtained from the Sign Officer.
- D. Expiration.** A sign permit shall expire if the sign for which the permit has been issued is not fully constructed within one hundred eighty (180) days from the date of issuance of the sign permit.
- E. Revocation.** The Sign Officer or designee may, at any time for a violation of this regulation, issue a notice of violation. A written notice of the violation including all reasons for the violation shall be mailed to the property, building, and/or sign owner. Said violation must be corrected within 30 days of the date of notice, otherwise the sign permit shall be revoked and the sign in question shall be required to be removed.

§ 84-4 APPLICATION REQUIREMENTS

A. Application Submittal.

- 1) Sign applications shall not be processed until all required materials have been submitted to the Sign Officer.
- 2) Incomplete applications will not be processed. The Sign Officer shall provide written or electronic notice of application deficiencies to applicants. If such deficiencies are not corrected within 30 days of said notice, the application will be considered withdrawn.
- 3) Applications for signs that require Planning Board review shall be submitted to the Sign Officer at least 10 business days prior to the Planning Board meeting at which such application is to be considered.
- 4) In the event a sign permit application is denied, the Sign Officer shall issue a written notice to the applicant indicating the findings of the denial. If the application is not amended and resubmitted within 30 days of said written notice, it shall be considered withdrawn.

B. Application Requirements.

The following information shall be provided in all applications for a sign permit. The Sign Officer may require application materials to be prepared by a licensed engineer or sign professional if deemed necessary for adequate review of the proposed sign.

- 1) Name, address, contact information, and signature of the applicant.

- 2) Name, address, and signature of the building and/or property owner (if not the applicant), and a statement of consent for the applicant to seek such sign permit.
- 3) All application fees as determined by the Village Board.
- 4) Site plan and elevations indicating the size, shape, construct, materials, layout, and proposed location of the proposed sign(s) drawn to scale.
- 5) Photos of the site or building upon which the sign is to be located.
- 6) Color illustrations and/or photos of the proposed sign and sign area.
- 7) Proposed illumination system, if any, and the type of lighting to be used.
- 8) Plan for removal of the sign(s) and restoration of the building façade, ground, or other feature to which the sign(s) is proposed to be attached.
- 9) Samples of sign materials shall be required for all applications under review by the Planning Board.
- 10) Any additional information as requested by the Sign Officer or Planning Board that is deemed necessary for the adequate review of the proposed sign.

§ 84-5 REVIEW PROCEDURES

A. Review by Sign Type.

- 1) Sign permit applications shall require administrative review by the Sign Officer and/or Planning Board review, depending upon the sign type and its design. The table below indicates the required level of review by sign type.

TABLE 84-5: Required Review by Sign Type

	SIGN OFFICER	PLANNING BOARD
A-FRAME SIGN		●
AWNING SIGN		
Within Valance Area	●	
Outside Valance Area		●
EXTERNALLY ILLUMINATED SIGN		●
GROUND SIGN		●
MARQUEE SIGN		●
PAINTED SIGN		●
PROJECTING SIGN	●	
ROOF SIGN		●
SUSPENDED SIGN	●	

	SIGN OFFICER	PLANNING BOARD
TEMPORARY SIGN	●	
WALL SIGN		
Area 16 Square Feet or Less	●	
Area Over 16 Square Feet		●
WINDOW SIGN		
As Sole Signage for Use		●
As Additional Signage for Use	●	

- 2) Applications for signs that are consistent with a sign plan or program previously approved by the Planning Board for a project or building may also be administratively reviewed, regardless of the sign type.

B. Administrative Review Procedures.

- 1) The Sign Officer may approve, approve with modifications, or deny a sign application as part of administrative review. Approval of a sign application shall require the issuance of a sign permit. The Sign Officer shall issue a sign permit only if the sign conforms to all the applicable standards and requirements of this Chapter.
- 2) The Sign Officer may, at his or her discretion, refer any sign application to the Planning Board for review and comment.
- 3) Appeals of a sign application decision made by the Sign Officer may be filed with the Planning Board. An appeal must be filed within 30 days of the date of the sign application decision in order to be considered.

C. Planning Board Review.

- 1) The Planning Board shall review and decide upon all sign applications received from the Sign Officer. Such review may occur at any regularly or specially scheduled Planning Board meeting.
- 2) The Planning Board may approve, approve with modifications, or deny a sign permit application. The Sign Officer shall issue a sign permit within 30 days of approval by the Planning Board. .
- 3) Development applications subject to review and approval by the Planning Board may have proposed signage reviewed and approved as part of the site plan or architectural review process. In the event of such review, all required sign permit application materials shall be provided to the Planning Board as part of the site plan or architectural review application.
- 4) Appeals of a sign application decision made by the Planning Board may be filed with the Zoning Board of Appeals. Said appeal must be filed within 30 days of the date of the sign application decision to be considered.

D. Review Criteria. The review of sign permit applications by the Sign Officer and Planning Board shall be based upon the following criteria:

- 1) The scale, color, texture and materials of the sign will be compatible with the style, color, texture and materials of the building on which it is located as well as neighboring buildings;
- 2) The sign is neither confusing or distracting, nor will it create a traffic hazard or otherwise adversely impact public safety;
- 3) The sign is consistent with the vision and intent of the Village of Williamsville Community Plan and will promote an attractive and walkable traditional Village environment;
- 4) The sign follows the design guidelines outlined in Section 84-18 to the greatest extent practicable; and
- 5) The sign is otherwise compliant with this Chapter.

§ 84-6 MEASUREMENT

A. Sign Area.

- 1) Single Sign Face. The area of a sign shall be computed by means of the smallest square, circle, rectangle, triangle, or geometric combination thereof that will encompass the extreme limits of the writing, representation, emblem, graphic, and/or other display, together with any material, backdrop, or structure on which it is placed. See Figure 1.
- 2) Multi-Faced Signs. In the case of a multi-faced sign only one side of the sign is considered in determining sign area if the sides of the sign are back-to-back or diverge at an angle of forty-five (45) degrees or less.

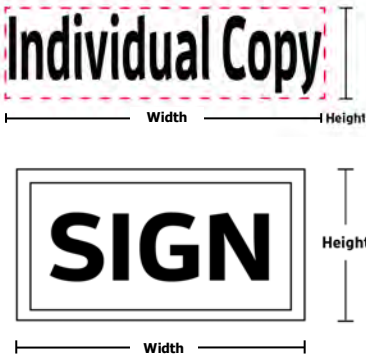


Figure 1: Individual Letters and Sign Faces

B. Sign Height.

- 1) Freestanding Sign. The height of a freestanding sign shall be calculated by measuring the vertical distance between the top part of such sign or its structure, whichever is highest, to the elevation of the ground directly beneath the center of the sign. See Figure 2.
- 2) Other Signs. The height of an awning, projecting, suspended, wall, or window sign shall be determined by measuring the vertical distance between the top part of the sign face or structure, whichever is highest, to the bottommost edge of the sign face.

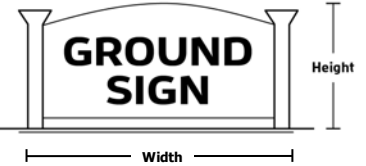


Figure 2: Freestanding Sign

§ 84-7 SAFETY PROVISIONS FOR ALL SIGNS

- A.** No sign shall be erected in such a manner as to obstruct free egress from a window, door or fire escape or to become a menace to life, health or property.
- B.** No sign shall be erected at or near any intersection of streets, alleys, or railways in a manner that obstructs free and clear vision for pedestrians, bicyclists, and motorists.
- C.** No sign shall be of a shape or color that may be confused with any authorized traffic control device.
- D.** No rotating beam, beacon, or flashing illumination resembling an emergency light shall be used with any sign display.
- E.** The erection of any sign and its supports, including any wiring and/or electrical components utilized therein, shall be consistent with generally accepted standards and requirements of the NYS Building Code.
- F.** The erection of any sign, its supports, wiring, or other structural and/or electrical elements may be subject to inspection and approval by the Sign Officer.

§ 84-8 CONSTRUCTION

- A.** All signs shall be constructed of permanent, weather resistant, and durable materials, except for banners, flags, temporary signs, and window signs otherwise in conformance with this Chapter.
- B.** Where applicable, signs shall be supported by sign structures that are designed to resist wind pressures, dead loads, and lateral loads in accordance with the appropriate provisions of the NYS Building Code. All sign supports shall be reviewed as part of the sign design.
- C.** All sign lettering shall be permanently affixed to the sign. Manual changeable copy signs shall be enclosed and locked.
- D.** No sign may be constructed of untreated, unfinished, or unpainted wood, sandblasted metal, or other unfinished materials. All wood components of signs must be sealed and protected from the elements.

§ 84-9 ILLUMINATION

- A.** In no event shall any illuminated sign or lighting device be placed so as to permit the beams and illumination therefrom to be directed upon a public street, highway, sidewalk or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.
- B.** All lighting fixtures shall be dark sky compliant and directed so as not cast an illumination of more than two (2) foot-candles on adjacent nonresidential properties or more than one-tenth (0.1) foot-candle on adjacent residential properties.

- C. All illumination shall be a steady, continuous burning of bulbs or lights. The flashing, blinking, oscillating, rotating or intermittent turning on and off of any illuminating device is prohibited.
- D. Overhead wires or exposed wires on a sign or its supporting members are prohibited.
- E. Permitted lighting fixtures include lanterns, goosenecks, and shielded, architectural-grade spot lights (See Section 112-16l of the Village Code). Single bar fluorescent tube fixtures are prohibited.
- F. Channel lettering and reverse channel lettering may be utilized in districts where illumination is permitted.

§ 84-10 LOCATION

- A. No sign shall be posted on public property or within a public right-of-way without express approval by the Village Board or any official designated by the Village Board for granting such approval.
- B. No sign shall obscure, alter, or cover the architectural features of any building.
- C. Off-premise signs are prohibited. All signs shall be located on the site of the use being promoted, identified, or advertised.
- D. All freestanding signs, unless otherwise noted within this Chapter, shall be no closer than five feet from the inner edge of the public sidewalk or 15 feet from the inner edge of the public roadway, whichever is greater.

§ 84-11 VISIBILITY AT INTERSECTIONS

No freestanding sign or any part thereof exceeding three feet in height, other than a supporting pole or brace no greater than 18 inches in width or diameter, shall be located within the designated clear sight triangle of any intersecting streets. The clear sight triangle shall be defined by the triangle formed by the center lines of the intersecting streets measured 20 feet outward from the point of intersection of said center lines along such center lines. This shall only apply to intersections where a building does not occupy this space. See Figure 3.

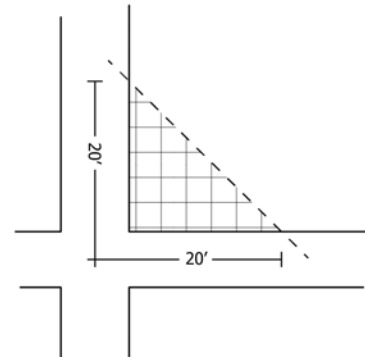


Figure 3: Clear Sight Triangle

§ 84-12 MAINTENANCE & REPAIR

All signs shall be maintained in safe and good structural condition, in compliance with all applicable building and electrical codes, and in conformance with this Chapter at all times. Such maintenance includes replacement of all defective bulbs, parts, materials, painting, repainting,

cleaning, replacement of copy, and other acts required for maintenance of such sign. If any sign does not comply with these standards, the Sign Officer may require its removal.

§ 84-13 REMOVAL OF SIGNS

- A. Where required by this Chapter, the removal of signs shall be the sole responsibility of the sign owner and/or sign permit holder. If said sign is not removed within 30 days of the date of written notice by the Sign Officer, the Sign Officer is authorized to affect its removal.
- B. The Sign Officer may remove any sign that is found to be in violation of this Chapter. The property and/or sign owner shall subsequently be given written notice of such sign removal. If the sign is not claimed within 10 days of the written notice, the Sign Officer may dispose of said sign.
- C. Any costs incurred for the removal of a sign shall be fully reimbursed to the Village of Williamsville by the sign owner and/or sign permit holder. All expenses incurred by the Village in removing such sign shall be a charge against the property and shall be added to the next taxes assessed against the property if not paid within 30 days after notice of said charge is delivered to the owner by certified mail or equivalent means.

§ 84-14 SIGNS AUTHORIZED WITHOUT A PERMIT

The following types of signs may be erected in the Village without obtaining a sign permit. Although permits are not required for these signs, they shall conform to all other requirements of this Chapter or may be subject to removal by the Sign Officer in accordance with Section 84-13.

- A. **Directional Signs.** Non-illuminated direction signs do not require a permit provided the following conditions are met:
 - 1) Directional signs shall be located entirely on the property to which they pertain and shall not contain a commercial message (e.g. business name).
 - 2) The total of directional signs on any one property shall not exceed an area of six square feet in a residential district, or 16 square feet in a nonresidential district.
 - 3) Directional signs shall not exceed three feet in height.
 - 4) Directional signs may not extend above the first floor of any given structure or project beyond property lines.
- B. **Gasoline or Vehicle Charging Station Signs.** Signs attached to a gasoline pump or vehicle charging station shall not require a permit provided they do not exceed six square feet in area.
- C. **Governmental Signs.** Any official sign, public notice, or warning sign authorized by federal, state or local law, including but not limited to signs erected and maintained pursuant to

and in discharge of any government functions. (Example: NYS inspection station or authorized repair shop identification).

D. House Numbers and Nameplates. Address and name of occupant of premises for a residential structure, not including designations as to employment or home occupation, are to be limited in size to four square feet per dwelling unit.

E. Incidental Signs. Incidental signs shall conform to the following standards:

- 1) No sign may be illuminated.
- 2) No sign may exceed three feet in height and four feet in area.
- 3) The cumulative area of all signs shall not exceed 12 square feet.

F. Internal Signs. Signs within a building not legible from the public right-of-way or adjacent lots, or any sign within an enclosed outdoor space, such as an athletic field, where such sign is not legible beyond the property lines.

G. Lawn Signs. Lawn signs shall be in conformance with the regulations below.

- 1) No sign exceeds three feet in height and six square feet in area, and the cumulative area of all signs on the lot does not exceed 12 square feet.
- 2) No sign is displayed for more than 30 days in a 90-day period.
- 3) No sign is illuminated.

H. Neon Signs. Neon signs located within a window area shall not require a sign permit provided they conform to the following:

- 1) The neon sign is located within a nonresidential district.
- 2) No more than one neon sign per window, covering no more than 10% of the window area.
- 3) No more than two neon signs per use.

I. Noncommercial Signs. Any use is permitted one sign that does not contain a commercial message, provided such sign is in conformance with the following:

- 1) The sign does not exceed three feet in height and six feet in area.
- 2) The sign is not illuminated.
- 3) The sign is not located above the first-floor of any structure.

§ 84-15 PROHIBITED SIGNS

A. Any sign for which no sign permit was issued, for which a sign permit was revoked, or any other sign not explicitly authorized herein.

- B. Any sign that may be confused with a traffic control sign, signal or device or the light of an emergency or road equipment vehicle or any sign which hides from public view any traffic or street sign, signal, or device.
- C. Any sign that flashes, blinks, rotates, or revolves, or utilizes unshielded lighting devices, mirrors, or reflectors to outline or provide the background of a sign.
- D. Any derivation of digital or electronic signage which displays animated or illuminated content.
- E. Any sign employing vertical louvered blinds, mechanically changing, or movable materials.
- F. Any sign that is not properly maintained, considered structurally unsound, hazardous, or otherwise unsafe.
- G. Any sign that contains words or pictures of an obscene or pornographic nature.
- H. Any sign that emits audible sounds, odor, or visible matter.
- I. Any sign prohibited within a residential district that is located in an adjacent nonresidential district and is not set back at least 10 feet from the adjacent residential district property line.
- J. Any sign that is located off-premise from the use and/or structure to which it serves, unless otherwise permitted by this Chapter.
- K. Any sign that is obsolete or abandoned, advertising an activity, business, product or service no longer conducted or available on the premises on which the sign is located.
- L. Any sign placed on a curb, sidewalk, hydrant, utility pole, tree or other object located on or over any public street unless otherwise permitted by this Chapter.
- M. Any pole sign or sign that is mounted on wheels or mounted on any structure on wheels.
- N. Any banner, poster, pennant, ribbon, streamer, spinner, or balloon, unless otherwise authorized by this Chapter.

§ 84-16 PERMITTED SIGNS BY ZONING DISTRICT

- A. **Sign Types.** The following table indicates the sign types permitted within the Village's zoning districts, as established in Chapter 112 of the Village of Williamsville Code.
 - 1) A fully filled dot indicates that the sign type is permitted and may be illuminated.
 - 2) An outline of a dot indicates that the sign type is permitted but may not be illuminated.
 - 3) A "-" indicates that the sign type is not permitted.

TABLE 84-16(A): Sign Types Permitted by Zoning District

SIGN TYPE	ZONING DISTRICTS				REQUIREMENTS
	R-1, R-2, R-3	R-3M	NMU, MU	M-1	
A-Frame	-	○	○	○	§ 84-17(A)
Awning	-	-	○	○	§ 84-17(B)
Ground	○	○	●	●	§ 84-17(C)
Marquee	-	-	●	-	Determined by Planning Board
Painted	-	-	○	○	§ 84-17(G)
Projecting	-	○	●	●	§ 84-17(D)
Roof	-	-	●	●	Determined by Planning Board
Suspended	-	-	○	-	§ 84-17(E)
Temporary	○	○	○	○	§ 84-17(F)
Wall	○	○	●	●	§ 84-17(G)
Window	-	○	○	○	§ 84-17(H)

B. **Number of Signs.** The number of signs and sign types permitted in zoning districts is provided in the table below. All signs must be in conformance with Section 84-17, where applicable.

TABLE 84-16(B): Number of Signs Permitted

	NUMBER ¹	TYPE
Residential District	1 per use	As permitted
Nonresidential District	2 per use	1 of each, as permitted
Residential Development	1 per entrance ²	Ground Sign, max height 4 feet & max area 24 square feet
Multi-Tenant Development		
Per Use	2	1 of each, as permitted
Per Lot	1	Ground Sign, max height 10 feet & max area 32 square feet
Multi-Story, Multi-Tenant Building		
First-Floor	1 per use	As permitted
Upper-Floor	1 shared	As permitted, located on sign board
Corner Buildings	1 additional	As permitted ³ , must be identical to signage on primary façade
<p>NOTES: (1) Window signs shall not be included in the count of total allotted signage. (2) Shall only apply to entrance points from public streets. (3) Freestanding signs may not be duplicated. Additional signage must be located on façade.</p>		

§ 84-17 REGULATIONS BY SIGN TYPE

A. A-Frame Sign.

1) Requirements by District.

	R-1, R-2, R-3 Districts	R-3M District	NMU, MU Districts	M-1 District
Maximum Number	-	-	1 per use	1 per use
Maximum Area	-	-	6 square feet	6 square feet
Minimum Height	-	-	3 feet	3 feet
Maximum Height	-	-	4 feet	4 feet
Illumination	-	-	-	-

2) Additional Regulations.

- a. The sign must be brought in each day at the close of business.
- b. Uses along Main Street may place a-frame signs within the public sidewalk provided it does not impede pedestrian traffic and is set back at least four feet from the curb of the street.

3) Sign Design. Refer to Section 84-18 for sign design guidelines.



B. Awning Sign.

1) **Requirements by District.**

	R-1, R-2, R-3 Districts	R-3M District	NMU, MU Districts	M-1 District
Maximum Number	-	-	1 per awning	1 per awning
Maximum Area	-	-	4 square feet	4 square feet
Maximum Height	-	-	2 feet	2 feet
Minimum Clearance¹	-	-	9 feet	9 feet
Illumination	-	-	-	-

NOTE: (1) Measured from the elevation of the ground directly beneath the center of the awning to the bottommost edge of the awning

2) **Additional Regulations.**

- a. Awning signs shall be permitted on first-floor awnings only.
- b. A single use may utilize no more than two awnings for signage. Where a single use has more than one awning, each awning shall match in color and style.
- c. Where an awning relates to more than one use, each use shall be entitled to one sign on such awning provided the color and style of the signs are the same.
- d. Awnings upon which a sign is to be placed shall be comprised of high-quality, weather-resistant materials designed for exterior use.

3) **Sign Design.** Refer to Section 84-18 for sign design guidelines.



C. Ground Sign.

1) **Requirements by District.**

	R-1, R-2, R-3 Districts	R-3M District	NMU, MU Districts	M-1 District
Maximum Number	1 per lot	1 per lot	1 per lot	1 per lot
Maximum Area	6 square feet	16 square feet	20 square feet	30 square feet
Maximum Height	3 feet	3 feet	4 feet	6 feet
Illumination	-	-	Internal or External	Internal or External

2) **Additional Regulations.**

- a. All ground signs shall have a landscaped area at the base of the sign. The landscaping shall fully surround the sign and utilize appropriate plantings so as not to obscure the visibility of the sign.
- b. All plantings shall be properly manicured and maintained as the season may require. Dead or decaying plant material shall be replaced by the sign owner within 30 days of written notice by the Sign Officer.
- c. Segmental block and/or non-mortared stone is permitted for sign base materials only if like materials are in use throughout the principal structure. Landscape timbers are not permitted sign base materials.
- d. External lighting fixtures may be mounted on the ground or on the sign. Lighting fixtures mounted on the ground shall be shielded and directed so as to illuminate only the sign face.
- e. The use of neon tubes may be permitted with Planning Board review and approval.

3) **Sign Design.** Refer to Section 84-18 for sign design guidelines.



D. Projecting Sign.

1) **Requirements by Districts.**

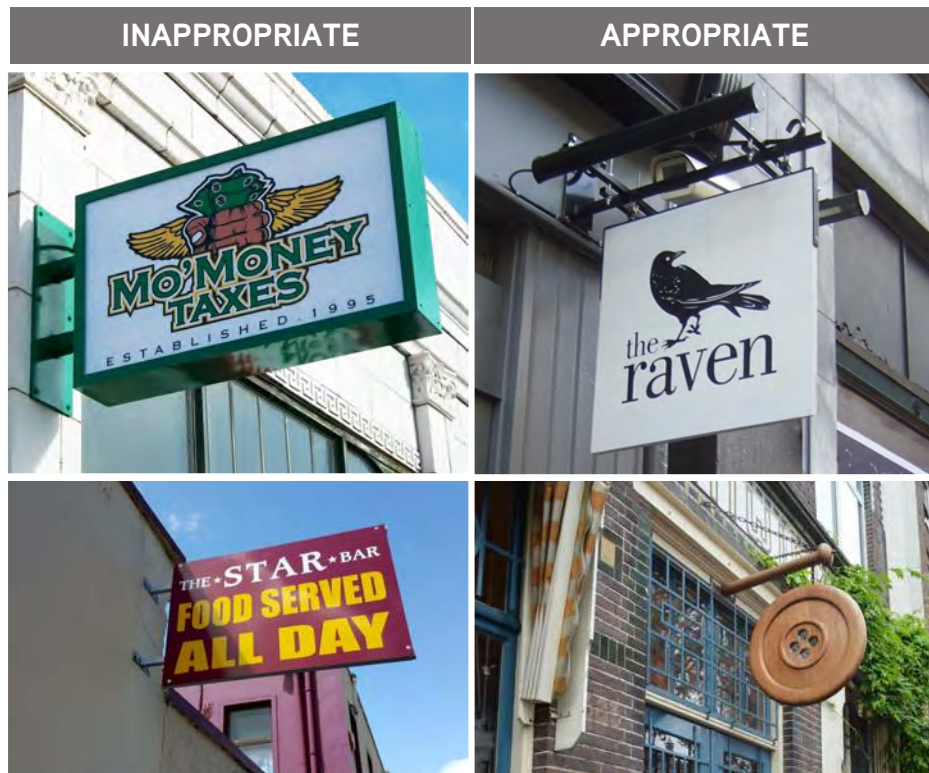
	R-1, R-2, R-3 Districts	R-3M District	NMU, MU Districts	M-1 District
Maximum Number	-	1 per use	1 per use	1 per use
Maximum Area	-	4 square feet	6 square feet	8 square feet
Maximum Height	-	2 feet	2 feet	3 feet
Minimum Clearance¹	-	9 feet	9 feet	9 feet
Illumination	-	-	External Only	External Only

NOTE: (1) Measured from the elevation of the ground directly beneath the center of the sign to the bottommost edge of the sign.

2) **Additional Regulations.**

- a. Signs shall be located in the sign board area, unless otherwise approved by the Planning Board.
- b. The use of neon tubes may be permitted with Planning Board review and approval.

3) **Sign Design.** Refer to Section 84-18 for sign design guidelines.



E. Suspended Sign.

1) **Regulations by District.**

	R-1, R-2, R-3 Districts	R-3M District	NMU, MU Districts	M-1 District
Maximum Number	-	1 per use	1 per use	-
Maximum Area	-	6 square feet	6 square feet	-
Maximum Height	-	2 feet	2 feet	-
Minimum Clearance¹	-	9 feet	9 feet	-
Illumination	-	-	-	-

NOTE: (1) Measured from the elevation of the ground directly beneath the center of the sign to the bottommost edge of the sign.

2) **Additional Regulations.**

a. Signs shall be located in the sign board area, unless otherwise approved by the Planning Board.

3) **Sign Design.** Refer to Section 84-18 for sign design guidelines.



F. Temporary Sign.

1) **Regulations by District.**

	R-1, R-2, R-3 Districts	R-3M District	NMU, MU Districts	M-1 District
Maximum Number	1 per use	1 per use	1 per use	1 per use
Maximum Area	6 square feet	12 square feet	24 square feet	24 square feet
Maximum Height	3 feet	3 feet	6 feet	6 feet
Illumination	-	-	-	-

2) **Additional Regulations.**

- a. No sign shall be displayed for more than 30 days in a 90-day period.
- b. The display of a sign may be extended for up to two additional 30-day periods upon written request to the Sign Officer setting forth the special circumstances requiring such extension.
- c. No sign shall project above the first floor of any given building or beyond property lines.
- d. Banners, posters, pennants, ribbons, streamers, spinners, or balloons may be permitted as temporary signage, provided they are in conformance with this Section.

G. Wall Sign.

1) **Regulations by District.**

	R-1, R-2, R-3 Districts	R-3M District	NMU, MU Districts	M-1 District
Maximum Number	1 per structure	1 per structure	1 per façade	1 per façade
Maximum Area	4 square feet	8 square feet	20% of façade OR 50 square feet, whichever is less	20% of façade OR 50 square feet, whichever is less
Maximum Height	1 feet	2 feet	4 feet	6 feet
Illumination	Not Permitted	Not Permitted	External Only	Internal or External

2) **Additional Regulations.**

- a. Signs shall be located in the sign board area, unless otherwise approved by the Planning Board.
- b. Painted signs shall require Planning Board review and approval. No painted sign shall be located on the primary façade of a structure.

3) **Sign Design.** Refer to Section 84-18 for sign design guidelines.



H. Window Sign.

1) Regulations by District.

	R-1, R-2, R-3 Districts	R-3M District	NMU, MU Districts	M-1 District
Maximum Number	-	-	None	None
Maximum Area	-	-	25% of window area	50% of window area
Illumination	-	-	-	-

2) Additional Regulations.

- a. Window signs shall not be counted towards the total allotted signage for any use.
- b. Signs are permitted in first floor windows only.

3) Sign Design. Refer to Section 84-18 for sign design guidelines.



§ 84-18 SIGN DESIGN GUIDELINES

The following sign design guidelines are intended to assist applicants and review bodies in addressing issues related to sign compatibility, legibility, placement, and color.

A. Compatibility.

- 1) Signs should be constructed of high quality materials that are compatible with the building form and the desired character of the area in which they are located.
- 2) Signs should be appropriately scaled for the building or site upon which they are located, so as not to dominate the façade or streetscape.
- 3) Signs on buildings that have a monolithic or plain façade should be used to establish appropriate design rhythm, scale, and proportion and create visual interest.
- 4) Signs should be designed to include relief in the lettering or sign face to create shadows and provide depth and visual interest.

B. Legibility.

- 1) Hard to read, intricate typefaces should be avoided. The number of lettering styles on a single sign should be limited to two for small signs and three for larger signs.
- 2) Letters and words should not be spaced too closely together. Generally, letters should not occupy more than 75% of the sign area.
- 3) Large areas of blank spaces should be avoided. Generally, 50% or more blank area should be avoided for boxed sign areas or framed signs.
- 4) Strangely shaped or unnecessarily narrow signs should be avoided. If an unusual shape is not symbolic it is more likely to be confusing.

C. Placement.

- 1) Signs should be so located to respect and compliment a building's façade, utilizing logical signage areas created by existing architectural details or ornamentation.
- 2) Signs should be placed at or near the public entrance to a building to indicate the most direct access.
- 3) Signs located on a building façade should be located in the sign board area.

D. Color.

- 1) Signs should feature substantial contrast between the color and material of the background and text or symbols.
- 2) Sign colors should complement the materials and colors of adjacent buildings, including accent and trim colors, where applicable.

- 3) Use of color and color combinations utilized for signs should be limited. Generally, a sign should not utilize more than three colors, including accent colors.
- 4) Day-glo or florescent colors should be avoided.

§ 84-19 NONCONFORMING SIGNS

- A.** Any sign that does not comply with this Chapter is eligible for characterization as a legal nonconforming sign if the sign complied with all requirements in effect at the time it was erected.
- B.** Nonconforming signs must be brought into compliance with this Chapter under the following conditions:
 - 1) The sign is altered in any way, such as size, design, structure, or type of illumination (except for normal maintenance).
 - 2) The sign is relocated or replaced.
 - 3) The property or business to which the sign relates changes ownership or primary use.
- C.** Any nonconforming sign that is removed from its position or siting and not replaced in-kind within 30 days shall be presumed to be abandoned and discontinued, and therefore may not be restored or re-erected except in compliance with this Chapter.
- D.** No nonconforming sign may be altered in any way that would increase its nonconformity with the regulations of this Chapter, including but not limited to area, height, setback, and illumination.
- E.** A nonconforming sign shall not be repaired, reconstructed or replaced, except in conformity with all the provisions of this chapter if it is damaged to an extent that the cost of repairing the sign to its former condition or replacing it with an equivalent sign equals or exceeds 50% of the replacement value of the sign so damaged, including labor.
- F.** Nothing in this section shall relieve the owner or user of a nonconforming sign or owner of the property on which the nonconforming sign is located from complying with the provisions of this Chapter regarding safety, maintenance and repair of signs. Any repainting, cleaning, or routine maintenance or repair of the sign or sign structure shall not be deemed to modify the sign in any way.
- G.** The amortization period of any legal nonconforming pole sign in a M, NMU or MU District as provided for in the Village of Williamsville Local Law No. 7-2015 shall remain in effect. An extension of 180 days to the original amortization period shall be permitted as part of this Chapter update. The Zoning Board of Appeals may permit a longer amortization period upon the submission of competent proof by the owner of the sign that a longer amortization period is necessary to allow the owner to recover its investment.

VILLAGE OF WILLIAMSVILLE

LOCAL LAW NO. X of 2018

A Local Law Amending Chapter 112 (Zoning) Regarding the Management of Stormwater

Section 1. Title

This Local Law shall be referred to as the “Stormwater Management Update Law of 2018.”

Section 2. Purpose

The purpose of this Local Law shall be to amend Chapter 112 (Zoning) to update the Village of Williamsville’s existing stormwater management law to ensure that such regulations are consistent with State and Federal law, consistent with best stormwater management practices and protective of the environment.

Section 3.

Chapter 112 (Zoning) is amended as follows (additions underlined and deletions indicated by strike through):

A. Section 2 (Definitions) is amended to amend the definition of STORMWATER POLLUTION PREVENTION PLAN as follows:

STORMWATER POLLUTION PREVENTION PLAN (SWPPP) — A plan for controlling stormwater runoff and pollutants from a site during and after construction activities prepared and sealed by New York State Professional Engineer.

B. Section 23 (Planning/Architectural Review Board), Subsection (E) (Site plan approval) is amended as follows:

(1)(c) Current survey showing all existing buildings, lot lines and fences sealed by a Licensed Surveyor.

3(g) ~~Drainage~~ Proper drainage and stormwater management pursuant to § 112-28 of this Code, road alignment, and other aspects which may require review by engineering authorities.

3(j) ~~The factors of drainage, road alignment and other aspects which may require review by engineering authorities~~ Reserved.

3(l) ~~Adequate stormwater management facilities~~ Reserved.

C. Section 28 (Stormwater management), Subsection (B) (Purpose), is amended as follows:

(1) Meet the requirements of minimum measures 4 and 5 of the New York State Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s), Permit No. GP-02-02 0-15-003, as amended or revised;

(2) Require land development activities to conform to the substantive requirements of the New York State Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities, Permit No. GP-02-04 0-15-003, as amended or revised;

D. Section 28 (Stormwater Management), Subsection D (Requirements) is amended as follows:

(2) For all land development activities subject to review and approval by ~~the Board of Trustees, Village Building Inspector, Planning and Architectural Review Board, Traffic and Safety Committee, Environmental Advisory Council, or Recreation Committee of the Village of Williamsville~~ any board, commission, agency or official of the Village under exceptional development permit, development permit, subdivision, or site plan regulations this Code, the applicant or developer shall be required to submit a SWPPP, prepared by Licensed Professional Engineer, that complies with the requirements of this section to the SMO, and the land development activity shall be reviewed subject to the standards contained in this section. Within 30 days of receipt of a SWPPP, the SMO shall forward the SWPPP, together with his or her written recommendation to approve, approve with modifications, or disapprove the SWPPP, to such ~~agency, council, committee, employee or board~~ board, commission, agency or official of the Village of Williamsville which may be reviewing the application for approval of a land development activity requiring submission of a SWPPP. A recommendation of approval shall only be given if the SWPPP complies with the requirements of this section. In making a recommendation to approve with modifications or disapprove the SWPPP, the SMO shall state the reasons for the decision in writing. If the SMO recommends to approve with modifications or disapprove the SWPPP, the applicant shall revise such SWPPP in accordance with

the recommendations of the SMO and shall submit the revised SWPPP to the SMO for review. The ~~agency, council, committee, employee or board~~ board, commission, agency or official of the Village of ~~Williamsville~~ reviewing the application for a land development activity shall not approve such application unless the SWPPP complies with the requirements of this section.

~~(3) All land development activities not subject to review as stated in § 112-28C(2) of this chapter above shall be required to submit a SWPPP to the SMO. Within 30 days of receipt of a SWPPP, the SMO shall approve, approve with modifications, or disapprove the SWPPP. Approval shall only be given if the SWPPP complies with the requirements of this section. In conditionally approving or disapproving the SWPPP, the SMO shall state the reasons for the decision in writing. In order to be approved, an applicant shall revise a conditionally approved or disapproved SWPPP in accordance with the recommendations of the SMO and shall submit the revised SWPPP to the SMO for review.~~

E. Section 28 (Stormwater Management), Subsection E (Stormwater pollution prevention plans) is amended as follows:

(b) Land development activities meeting Condition A, ~~B, C or D~~ B below shall also include water quantity and water quality controls (post-construction stormwater runoff controls) as set forth in § 112-28E(2)(c) of this chapter as applicable:

(4) Condition D: Stormwater runoff from land development activities not meeting Condition A, B, or C, above, but involving soil disturbance between one-quarter acre (10,890-sf) and one acre of land during the course of the project, or creation of 18 or more parking spaces and associated drive ways and aisles, exclusive of the construction of single-family residences and construction activities at agricultural properties, shall require water quantity controls ONLY demonstrating post-development peak flows during a 25-year storm will be less than pre-development peak flows during a 10-year storm.

(c) SWPPP requirements for Conditions A, ~~B, C or D~~ B.

Section 4. Effective Date

This Local Law shall take effect immediately and shall be filed in the Office of the Secretary of State.