

**Minutes of the regular meeting of the Village of Williamsville Board of Trustees held at Village of Williamsville, 5565 Main Street, Williamsville, NY on Monday, October 24, 2022 at 7:30 p.m.**

The Village Board meeting was opened at 7:40 pm by Deputy Mayor DeLano

Trustee Lowther led the Pledge of Allegiance at 7:40pm.

Present: Daniel O. DeLano, Deputy Mayor  
Mary Lowther, Trustee  
Christine L. Hunt, Trustee  
Eileen A. Torre, Trustee

Also present: Judith A. Kindron, Administrator/Clerk-Treasurer  
Kelsey Lieb, Deputy Treasurer  
Charles Grieco, Village Attorney  
Ben Vilonen, DPW Crew Chief

Absent: Deborah L. Rogers, Mayor

**ON MOTION** by Deputy Mayor DeLano, seconded by Trustee Hunt, it was moved to approve the minutes of the regular meeting held on October 11, 2022.

Motion carried 4-0

## **Public Hearing**

Amendments for Technical Changes to Chapter 47 (HPC) of the Village code

**ON MOTION** by Deputy Mayor DeLano, seconded by Trustee Hunt, it was moved at 7:45 p.m. to open the public hearing portion of the meeting.

Motion carried 4-0

*No comment*

**ON MOTION** by Deputy Mayor DeLano, seconded by Trustee Torre, it was moved at 7:45 p.m. to continue this public hearing at the November 14, 2022 meeting.

Motion carried 4-0

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## **Public Hearing**

Amendments for Technical Changes to Chapter 112 (Zoning) of the Village code

**ON MOTION** by Deputy Mayor DeLano, seconded by Trustee Lowther, it was moved at 7:45 p.m. to open the public hearing portion of the meeting.

Motion carried 4-0

*No comment*

**ON MOTION** by Deputy Mayor DeLano , seconded by Trustee Torre, it was moved at 7:45 p.m. to continue this public hearing at the November 11, 2022 meeting.

Motion carried 4-0

## **Public Hearing**

Local Revitalization Project (LWRP): Consistency Review Law

**ON MOTION** by Deputy Mayor DeLano, seconded by Trustee Hunt, it was moved at 7:46 p.m. to open the public hearing portion of the meeting.

Motion carried 4-0

- 1.) Thomas Frank-5403 Main St.-** Relates to Ellicott Creek Dam. Collaborate with the Town of Amherst strategic geographic location. CNN report on infrastructure, Niagara Watershed, climate smart community, relicensing of Niagara Power Project, National Heritage, Erie Canal.

**ON MOTION** by Deputy Mayor DeLano, seconded by Trustee Torre, it was moved at 7:52 p.m. to close this public hearing.

Motion carried 4-0

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**ON MOTION** by Deputy Mayor DeLano, seconded by Trustee Hunt, it was moved at 7:53 pm to open the public participation portion of the meeting.

Motion carried 4-0

Member(s) of the audience who addressed the Board and their comment(s) [*Board of Trustees' comments are in italics*]:

- 1.) **Dan Rider – 38 Garden Parkway** – What does the law say about publishing the agenda for the website? Section House-Board should go look at this, Natale and side yard. S. Long apartment Building – sending property owner regarding code and what needs to be done. Put letter on the website? How do I get a copy?
- 2.) **Cheryl Meyer –90 Willowbrook** – Creek- emphasize that it is not in the best interest to put money into a 90 year old dam. Undo harm to 1500 houses. Putting a lot of people in harm. Conversation about behavior of Kate Kulpa. Contractors leaving stuff at end of property – leaves, grass, and enforcement issue. HPC - value of building goes down when designated historic

**ON MOTION** by Deputy Mayor DeLano, seconded by Trustee Torre, it was moved at 8:07 pm to close the public participation.

Motion carried 4-0

**Report – Deputy Mayor DeLano**

*Had a great volunteer day to prune street trees  
Y&R event October 29, 2022 1:00pm-3:00pm Noll Nature  
Trees will be delivered Friday about 85 to be planted*

**ON MOTION** by Deputy Mayor DeLano, seconded by Trustee Lowther, the following resolutions were adopted:

**RESOLVED**, that the following ***budget transfers*** are hereby made in the ***General Fund*** for the **2022-2023** fiscal year.

To:	001-3410-4160-3409 (Fire Protection/Truck Expense Chiefs-9 Truck)	\$	81.00
From:	001-3410-4160-0000 (Fire Protection/Truck Expense)	\$	81.00
To:	001-5110-4000-0000 (Street Maintenance/Seasonal Help)	\$	1,128.00
From:	001-5110-1000-0000 (Street Maintenance/Personal Services)	\$	1,128.00

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To:	001-5010-4450-0000 (Street Administration/Miscellaneous)	\$	56.00
From:	001-5010-4010-0000 (Street Administration/Office Supplies)	\$	56.00
To:	001-5110-4161-0909 (Street Maintenance/Repairs 2013 Ford F-150 Pick Up)	\$	111.00
	001-5110-4161-0912 (Street Maintenance/Repairs 2012 CAT 924K Hi Lift)	\$	441.00
From:	001-5110-4161-0000 (Street Maintenance/Repair - Equipment)	\$	552.00
To:	001-7110-2000-0000 (Parks/Equipment)	\$	7,450.00
	001-7110-2010-0000 (Parks/Capital Improvements)	\$	54,095.00
	001-7110-4165-0000 (Parks/Repairs-Shelter Maintenance)	\$	29,850.00
From:	001-7110-2040-0000 (Parks/Capital Reserve-Parks)	\$	91,395.00

Motion carried 4-0

**ON MOTION** by Deputy Mayor DeLano, seconded by Trustee Hunt, the following resolutions were adopted:

**RESOLVED**, that payroll and vouchers in the amount of **\$868,794.62** covering the period from 9/26/2022 – 10/18/2022 are hereby approved as follows:

<b>PAYROLL COVERING - 9/26/2022-10/09/2022</b>	\$	32,739.71
<b>VOUCHERS COVERING- 10/04/2022-10/18/2022</b>		
<b>GENERAL FUND-</b>	\$	121,265.43
<b>WATER FUND-</b>	\$	0.00
<b>SEWER FUND-</b>	\$	699,829.59
<b>GLEN PARK FUND-</b>	\$	2,205.20
<b>TRUST &amp; AGENCY FUND-</b>	\$	9,925.46
<b>DEBT SERVICE-</b>	\$	0.00
<b>COMMUNITY DEVELOPMENT-</b>	\$	0.00
<b>CAPITAL FUND-</b>	\$	<u>2,829.23</u>
	\$	836,054.91
 <b>GRAND TOTAL</b>	 \$	 <b>868,794.62</b>

Motion carried 4-0

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

**RESOLVED**, that the proposal from Foit Albert Associates dated October 7, 2022 for improvements to develop a full hazardous materials report, an existing conditions survey, a first floor space planning study and a toilet room renovations with accessibility for Village Hall at a cost of \$49,190.00, is hereby accepted, and the Mayor is hereby authorized and directed to execute said proposal on behalf of the Village.

Motion carried 4-0

**ON MOTION** by Deputy Mayor DeLano, seconded by Trustee Torre, the following resolution was adopted:

**RESOLVED**, that Local Law No. 4 of 2022, a Law Authorizing the Use of Videoconferencing to Conduct Public Meetings, which was subject to a public hearing on Tuesday October 11, 2022, is hereby adopted; and

**BE IT FURTHER RESOLVED** the Village of Williamsville Board of Trustees adopts the Public Meeting Videoconferencing Policy dated October 24, 2022, governing the use of videoconferencing at public meetings by any public body (as defined in Public Officers Law Section 103-a(1)) of the Village.

Motion carried 4-0

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

**WHEREAS**, on or about January 1, 2018, the Municipality and Ambulance Service, entered into an Agreement pursuant to which Ambulance Service provides Pre-hospital Emergency Medical Services within the Municipality; and

**WHEREAS**, the term of the Agreement was for a period of three (3) years, commencing on January 1, 2018 and continuing through December 31, 2020, with an additional two (2) year automatic renewal extending the Agreement through December 31, 2022;and

**WHEREAS**, the Emergency Medical Services Board is working to develop a comprehensive request for proposals for the ensuing Pre-hospital Emergency Medical Services agreement and has recommended that the parties extend the Agreement one additional year through December 31, 2023 to allow the EMS Board appropriate time to complete its processes; and

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**WHEREAS**, the Municipality and the Ambulance Service desire to extend the Agreement for one (1) additional year through December 31, 2023, on the same terms and conditions as set forth in the Agreement; and

**WHEREAS**, in consideration of the mutual covenants and promises contained herein, the annual payment by Municipality to Ambulance Service of the sum of one dollar (\$1.00), and no more dollars, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. The Agreement between the Municipality and Ambulance Services is hereby extended for a period of one (1) year commencing on January 1, 2023 and continuing through December 31, 2023.
2. Except as otherwise provided herein, all other terms and conditions of the Agreement shall remain in full force and effect.

**NOW THEREFORE BE IT RESOLVED**, that the Village of Williamsville Board of Trustees authorizes the Mayor sign the Extension Agreement with Twin City Ambulance, Ambulance Service, 555 Commerce Dr., Amherst, New York.

Motion carried 4-0

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

**RESOLVED**, the requested Wm. Schutt Associates Change Order for the re-designed crosswalk at South Cayuga Road and Milton Street as part of the 2022 Paving Project, is hereby approved in the amount of \$2,500.00.

Motion carried 4-0

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**Report – Trustee Hunt**

*Arts Culture & Diversity will have an event on November 15, 2022, details to be released after November 1, 2022*

**ON MOTION** by Trustee Hunt, seconded by Trustee Lowther, the following resolution was adopted:

**WHEREAS**, the members of the Planning Board, Zoning Board of Appeals and Historic Preservation Commission (“Land Use Boards”) of the Village of Williamsville are required by state and/or

local law to complete four hours of training each year to more effectively carry out their duties (“Required Land Use Training”); and

**WHEREAS**, the enabling statutes mandating this Required Land Use Training further provide that such training be approved by the Board of Trustees; and

**WHEREAS**, the NYS DOS Division of Local Government Services provided training in Orchard Park New York on the topics of Adopting and Amending Zoning and Spot Zone or Grant the Illegal Use Variance on October 19, 2022; and

**WHEREAS**, the Board of Trustees finds that attendance at such training will be of benefit to the members of the Planning and Architectural Review Board;

**NOW THEREFORE BE IT RESOLVED**, that the Village Board hereby approves Catherine Waterman-Kulpa of the Planning and Architectural Review Board attendance at the NYS DOS Department of Local Government Services training in Orchard Park New York on the topics of Adopting and Amending Zoning and Spot Zone or Grant the Illegal Use Variance on October 19, 2022, and certifies that such participation shall satisfy three hours of the Required Land Use Training.

Motion carried 4-0

**Report – Trustee Lowther**

*Attended WBA last Wednesday.*

*Planning holiday in the Village on December 3, 2021*

*Halloween event is October 29, 2022 from 1-5*

*Meeting House December 3, 2022 Santa will greet children.*

*Meeting House will be featured in Williamsville Magazine*

*HPC meets tomorrow, public hearing at 6:00pm with meeting to follow*

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**ON MOTION** by Trustee Lowther, seconded by Trustee Hunt, the following resolution was adopted:

**WHEREAS**, the Village of Williamsville Historic Preservation Commission (“HPC”) are required by Section 47-4(h)(i) of the Village Code to complete four hours of training each year to more effectively carry out their duties (“Mandatory Training”); and

**WHEREAS**, this Mandatory Training must be approved by the Board of Trustees; and

**WHEREAS**, New York State Tug Hill Commission, provided a webinar on “Regulating Private Speech: Sign Regulations and the First Amendment” by Mark Cuthbertson, Attorney at The Law Offices of Mark A. Cuthbertson, on Tuesday October 18, 2022, from 6:00pm – 7:00pm; and

**WHEREAS**, the Board of Trustees finds that attendance at such training will be of benefit to the members of the HPC;

**NOW THEREFORE BE IT RESOLVED**, that the Village Board hereby approves the webinar on “Regulating Private Speech: Sign Regulations and the First Amendment” by Mark Cuthbertson as qualifying Mandatory Training required by Section 47-4(h)(i), and certifies that the attendance of Catherine Waterman-Kulpa of the HPC who attended said webinar shall have earned one hour of Mandatory Training towards the annual Required Land Use Training.

Motion carried 4-0

**Report – Trustee Torre**

*This Saturday is the last Farmers Market for the season. Last chance to get food compost bucket  
Check out Glen Park’s Halloween decorations  
Winter parking ban goes into effect as of November 1, 2022*

**ON MOTION** by Trustee Torre, seconded by Trustee Lowther, the following resolution was adopted:

**WHEREAS**, a local law was introduced to be known as local law no. 5 of 2022, a local law of the Village of Williamsville, Erie County, New York to establish the Village of Williamsville Local Waterfront Revitalization Program Consistency Review Law by adding a new Chapter 62, "Local Waterfront Revitalization Program (LWRP) Consistency Review Law" to the Village of Williamsville Village Code.

**WHEREAS**, a public hearing in relation to said local law was opened on October 11, 2022 and closed on October 24, 2022; and

**WHEREAS**, notice of said public hearing was given pursuant to the terms and provisions of the Municipal Home Rule Law of the State of New York; and

**WHEREAS**, said local law has been on the desks of the members of the Village Board of Trustees of the Village of Williamsville for at least seven (7) days, exclusive of Sunday;

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**NOW, THEREFORE, BE IT RESOLVED** that the following local law is hereby enacted: The Village of Williamsville Village Code is amended to add a new Chapter 62 reading as follows:

**GENERAL PROVISIONS**

**I. Title.**

This local law will be known as the Village of Williamsville Local Waterfront Revitalization Program (LWRP) Consistency Review Law.

**II. Authority and Purpose.**

- A. This local law is adopted under the authority of the Municipal Home Rule Law and the Waterfront Revitalization of Coastal Areas and Inland Waterways Act of the State of New York (Article 42 of the Executive Law).
- B. The purpose of this local law is to provide a framework for agencies of the Village of Williamsville to incorporate the policies and purposes contained in the Village of Williamsville Local Waterfront Revitalization Program (LWRP) when reviewing applications for actions or direct agency actions within the Waterfront Revitalization Area (WRA); and to assure that such actions and direct actions by Village agencies are consistent with the LWRP policies and purposes.
- C. It is the intention of the Village of Williamsville that the preservation, enhancement, and utilization of the unique waterfront in the Village take place in a coordinated and comprehensive manner to ensure a proper balance between protection of natural resources and the need to accommodate economic development. Accordingly, this local law is intended to achieve such a balance, permitting the beneficial use of waterfront resources while preventing: loss and degradation of living waterfront resources and wildlife; diminution of open space areas or public access to the waterfront; adverse impacts to public recreation facilities and amenities; disruption of natural waterfront processes; impairment of scenic, cultural or historical resources; losses due to flooding, erosion and sedimentation; impairment of water quality; or permanent adverse changes to ecological systems.
- D. The substantive provisions of this local law shall only apply when there is in existence a Village of Williamsville Local Waterfront Revitalization Program that has been adopted in accordance with Article 42 of the Executive Law of the State of New York.

**III. Definitions.**

- A. "Actions" include all the following, except minor actions:
  - (1) projects or physical activities, such as construction or any other activities that may affect natural, man-made or other resources in the WRA or the environment by changing the use, appearance or condition of any resource or structure, that:
    - i. are directly undertaken by an agency; or
    - ii. involve funding by an agency; or
    - iii. require one or more new or modified approvals, permits, or review from an agency or agencies;
  - (2) agency planning and policymaking activities that may affect the environment and commit the agency to a definite course of future decisions;
  - (3) adoption of agency rules, regulations, and procedures, including local laws, codes, ordinances, executive orders, and resolutions that may affect WRA resources or the environment; and
  - (4) any combination of the above.
- B. "Agency" means any board, agency, department, office, committee, other body, or officer of the Village of Williamsville.
- C. "Waterfront revitalization area" or WRA is the portion of New York State designated waterway and adjacent shorelands as defined in Article 42 of the Executive Law, which is located within

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the municipal boundaries of the Village of Williamsville, as described, and mapped in the approved Williamsville LWRP.

- D. "Waterfront Assessment Form" or WAF means the form appended to this local law, used by an agency or other entity to assist in determining the consistency of an action with the Village of Williamsville Local Waterfront Revitalization Program.
- E. "Code Enforcement Officer" means the Code Enforcement Office of the Village of Williamsville.
- F. "Consistent" means that the action will not be inconsistent with any of the LWRP policy standards, conditions, and objectives and, whenever practicable, will advance one or more of them.
- G. "Direct Actions" mean actions planned and proposed for implementation by an agency, such as, but not limited to a capital project, rulemaking, procedure making and policy making.
- H. "Environment" means all conditions, circumstances and influences surrounding and affecting the development of living organisms or other resources in the waterfront area.
- I. "Local Waterfront Revitalization Program" or LWRP means the Local Waterfront Revitalization Program adopted by the Village of Williamsville and approved by the Secretary of State pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Executive Law, Article 42), a copy of which is on file in the Office of the Clerk of the Village of Williamsville.
- J. "Minor actions" include the following actions, which are not subject to review under this local law:
  - (1) maintenance or repair involving no substantial changes to an existing structure or facility;
  - (2) replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, except for structures locate in areas designated by the Flood Damage Prevention Law (Chapter 31 of the Village Code) where structures may not be replaced, rehabilitated, or reconstructed without a permit and, where required, modifications in accordance with the Law;
  - (3) repaving or widening of existing paved highways not involving the addition of new travel lanes;
  - (4) street openings and right-of-way openings for the purpose of repair or maintenance of existing utility facilities;
  - (5) maintenance of existing landscaping or natural growth, except where threatened or endangered species of plants or animals are affected;
  - (6) granting of individual setback and lot line variances, except in relation to a regulated natural feature;
  - (7) minor temporary uses of land having negligible or no permanent impact on WRA resources or the environment;
  - (8) installation of traffic control devices on existing streets, roads, and highways;
  - (9) mapping of existing roads, streets, highways, natural resources, land uses and ownership patterns;
  - (10) information collection including basic data collection and research, water quality and pollution studies, traffic counts, Building Inspection studies, engineering studies, surveys, subsurface investigations, and soils studies that do not commit the agency to undertake, fund or approve any Type I or Unlisted action;
  - (11) official acts of a ministerial nature involving no exercise of discretion, including building permits where issuance is predicated solely on the applicant's compliance or noncompliance with the relevant local building or preservation code(s).
  - (12) routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment;
  - (13) conducting concurrent environmental, building inspection, engineering, economic,

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feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action;

- (14) collective bargaining activities;
- (15) investments by or on behalf of agencies or pension or retirement systems, or refinancing existing debt;
- (16) inspections and licensing activities relating to the qualifications of individuals or businesses to engage in their business or profession;
- (17) purchase or sale of furnishings, equipment, or supplies, including surplus government property, other than the following: land, radioactive material, pesticides, herbicides, storage of road de-icing substances, or other hazardous materials;
- (18) adoption of regulations, policies, procedures. and local legislative decisions in connection with any action on this list;
- (19) engaging in review of any part of an application to determine compliance with technical requirements, provided that no such determination entitles or permits the project sponsor to commence the action unless and until all requirements of this Part have been fulfilled;
- (20) civil or criminal enforcement proceedings, whether administrative or judicial, including a particular course of action specifically required to be undertaken pursuant to a judgment or order, or the exercise of prosecutorial discretion;
- (21) adoption of a moratorium on land development or construction;
- (22) interpreting an existing code, rule, or regulation;
- (23) designation of local landmarks or historic structures, or their inclusion within historic districts;
- (24) emergency actions that are immediately necessary on a limited and temporary basis for the protection or preservation of life, health, property, or natural resources, provided that such actions are directly related to the emergency and are performed to cause the least change or disturbance, practicable under the circumstances, to LWRA resources or the environment. Any decision to fund, approve or directly undertake other activities after the emergency has expired is fully subject to the review procedures of this Part; and
- (25) local legislative decisions, such as rezoning, where the Williamsville Village Board determines the action will not be approved.

**IV. Management and Coordination of the LWRP.**

- A. The Village of Williamsville Code Enforcement Officer shall be responsible for overall management and coordination of the LWRP. In performing this task, the Code Enforcement Officer shall:
  - (1) Inform the Village Board of Trustees on implementation priorities, work assignments, timetables, and budgetary requirements of the LWRP.
  - (2) Act in the capacity of liaison between the Village Board of Trustees and Village agencies to further the implementation of the LWRP.
  - (3) Assist applicants and make consistency review recommendations to the appropriate village agencies for the implementation of the LWRP, its policies and projects, including physical, legislative, regulatory, administrative, and other actions included in the program. No approval or decision shall be rendered for a proposed action in the Williamsville WRA without the issuance of a written determination of consistency from the Code Enforcement Officer.
  - (4) Provide the New York State Department of State and other State agencies with timely feedback regarding the consistency of actions proposed by State agencies.
  - (5) Coordinate with the Village Board of Trustees, the Village Grants Consultant and Village Engineer the development of applications for State and federal funding for projects that implement the LWRP.

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- (6) Prepare an annual report on progress achieved and problems encountered in implementing the LWRP and recommend actions necessary for further implementation to the Village Board of Trustees and village agencies and boards.
- (7) Perform other functions regarding the waterfront revitalization area and direct such actions or projects as the Village Board of Trustees may deem appropriate to implement the LWRP.
- B. In order to foster a strong relationship and maintain an active liaison among the agencies responsible for implementation of the LWRP, and to ensure that the LWRP continues to meet the needs of the community, the Code Enforcement Officer or official designee shall schedule, an annual LWRP coordinating workshop, including but not limited to representatives of the Village Board, Planning Board, Zoning Board of Appeals, and such other departments or individuals charged with LWRP implementation.

**V. Review of Actions.**

- A. Whenever a proposed action is located in the waterfront revitalization area, each Village agency shall, prior to approving, funding or undertaking the action, make a determination that the action is consistent with the LWRP policy standards, which are summarized in Section I. below. No action in the waterfront revitalization area shall be approved, funded, or undertaken by an agency without such a determination.
- B. The Code Enforcement Officer, shall be responsible for coordinating the review of actions in the Village of Williamsville WRA and will advise, assist, and make consistency recommendations for other Village agencies for the implementation of the LWRP and its policies and projects, including physical, legislative, regulatory, administrative, and other actions included in the program. The Code Enforcement Officer will also coordinate with NYS Department of State regarding consistency reviews for actions by State agencies.
- C. The Code Enforcement Officer will assist each agency with preliminary evaluation of actions in the waterfront area, and with preparation of a WAF. Whenever an agency receives an application for approval or funding of an action, or as early as possible in the agency's formulation of a direct action to be located in the waterfront area, the agency shall refer such application or direct action to the Code enforcement Officer, within ten (10) days of its receipt, for preparation of a WAF, a sample of which is appended to this local law.
- D. The Code Enforcement Officer, in referring applications for approval, funding or direct action to an agency, shall provide written recommendations for consistency determination within 30 days following referral of the WAF unless extended by mutual agreement of the Code Enforcement Officer and the applicant, or in the case of a direct action, the agency. These recommendations shall indicate whether, in the opinion of the Code Enforcement Officer or their designee, the proposed action is consistent with or inconsistent with one or more of the LWRP policy standards and objectives, and shall elaborate in writing the basis for this opinion. The Code Enforcement Officer shall, along with its consistency recommendation, make any suggestions to the agency concerning modification of the proposed action, including the imposition of conditions, to make it consistent with LWRP policy standards and objectives or to greater advance them.
- E. If an action requires the approval of more than one agency, decision making will be coordinated between the Village agencies as to which agency will conduct the final consistency review and determination and, thereafter, act as the designated consistency review agency. Only one WAF per action will be prepared for review by the Village Code Enforcement Officer. If the agencies cannot agree on which one should take the lead, the Code Enforcement Officer shall designate the consistency review agency.
- F. Upon the recommendations of the Code Enforcement Officer, the Village agency shall review the application documentation in accordance with this Law and the LWRP policy standards contained therein. Prior to making a final determination of consistency, the agency shall consider the consistency review recommendations of the Code Enforcement Officer. The Village agency

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shall render its written determination based on the information contained in the WAF, the Code Enforcement Officers recommendation, and such other information as is deemed necessary to its determination. No approval or decision shall be rendered for an action in the waterfront revitalization area without a determination of consistency. The designated agency will make the final determination of consistency.

The Zoning Board of Appeals is the designated agency for the determination of consistency for variance applications subject to this law. The Zoning Board of Appeals shall consider the written consistency recommendations provided by the Village Code Enforcement Officer prior to making a decision to grant any variance for any action proposed in the waterfront revitalization area and shall impose appropriate conditions on the variance to make the proposed activity consistent with the LWRP Policy standards and objectives, and this law.

- G. Where an Environmental Impact Statement (EIS) is being prepared or required pursuant to SEQRA, the draft EIS must identify applicable LWRP policies standards summarized in J. below and must include a discussion of the effects of the proposed action on such policy standards. No agency shall make a final decision on an action that has been the subject of a final EIS and is located in the waterfront area until the agency has made a written finding regarding the consistency of the action with the policy standards, in accordance with the provisions of this Law.
- H. In the event the Code Enforcement Officer's recommendation is that the action is inconsistent with the LWRP, and the agency makes a contrary determination of consistency, the agency shall elaborate in writing the basis for its disagreement with the recommendation and state the manner and extent to which the action is inconsistent with the LWRP policy standards. Where an action is found to be inconsistent with one or more LWRP policy standards, such action shall not be approved, funded, or undertaken unless modified to be consistent with the LWRP, as determined by the reviewing agency.
- I. Actions to be undertaken within the waterfront revitalization area shall be evaluated for consistency in accordance with the following summary of LWRP policy standards, which are derived from and described in the Village of Williamsville LWRP, a copy of which is posted on the Village's website and is on file in the Village Clerk's office and available for inspection during normal business hours. Applicants that undertake direct actions must also consult with the Village of Williamsville Code Enforcement Officer in making their consistency determination. All actions proposed within the Village of Williamsville waterfront area must be consistent with the LWRP policies outlined below:
  - Policy 1 Restore, revitalize, and redevelop deteriorated and underutilized waterfront areas for commercial, industrial, cultural, recreational, and other compatible use.
  - Policy 2 Facilitate the siting of water dependent uses and facilities on or adjacent to inland waterways.
  - Policy 3 Further develop the State's major ports of Albany, Buffalo, New York, Ogdensburg and Oswego as centers of commerce and industry, and encourage the siting, in these port areas, including those under the jurisdiction of State public authorities, of land use and development which is essential to, or in support of, the waterborne transportation of cargo and people. (Not applicable)
  - Policy 4 Strengthen the economic base of smaller harbor areas by encouraging the development and enhancement of those traditional uses and activities which have provided such areas with their unique maritime identity.
  - Policy 5 Encourage the location of development in areas where public services and facilities essential to such development are adequate.
  - Policy 6 Expedite permit procedures in order to facilitate the siting of development activities at suitable locations.
  - Policy 7 Significant coastal fish and wildlife habitats will be protected, preserved, and, where

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- practical, restored so as to maintain their viability as habitats. (Not applicable)
- Policy 8 Protect fish and wildlife resources in the waterfront revitalization area from the introduction of hazardous wastes and other pollutants which bio-accumulate in the food chain or which cause significant sub-lethal or lethal effects on those resources.
- Policy 9 Expand recreational use of fish and wildlife resources in the waterfront revitalization area by increasing access to existing resources, supplementing existing stocks, and developing new resources.
- Policy 10 Further develop commercial finfish, shellfish, and crustacean resources in the inland waterway area by encouraging the construction of new, or improvement of existing onshore commercial fishing facilities, increasing marketing of the State's seafood products, maintaining adequate stocks, and expanding aquaculture facilities.
- Policy 11 Buildings and other structures will be sited in the waterfront revitalization area to minimize damage to property and the endangering of human lives caused by flooding and erosion.
- Policy 12 Activities or development in the waterfront revitalization area will be undertaken so as to minimize damage to natural resources and property from flooding and erosion by protecting natural protective features including beaches, dunes, barrier islands and bluffs.
- Policy 13 The construction or reconstruction of erosion protection structures shall be undertaken only if they have a reasonable probability of controlling erosion for at least thirty years as demonstrated in design and construction standards and/or assured maintenance or replacement programs.
- Policy 14 Activities and development, including the construction or reconstruction of erosion protection structures, shall be undertaken so that there will be no measurable increase in erosion or flooding at the site of such activities or development, or at other locations.
- Policy 15 Mining, excavation, or dredging in inland waterways shall not significantly interfere with the natural inland waterway processes that supply beach materials to land adjacent to such waters and shall be undertaken in a manner that will not cause an increase in erosion of such land.
- Policy 16 Public funds shall only be used for erosion protective structures where necessary to protect human life, and new development which requires a location within or adjacent to an erosion hazard area to be able to function, or existing development; and only where the public benefits outweigh the long term monetary and other costs including the potential for increasing erosion and adverse effects on natural protective features.
- Policy 17 Non-structural measures to minimize damage to natural resources and property from flooding and erosion shall be used whenever possible.
- Policy 18 To safeguard the vital economic, social, and environmental interests of the State and of its citizens, proposed major actions in the waterfront revitalization area must give full consideration to those interests and to the safeguards that the State has established to protect valuable waterfront resource areas.
- Policy 19 Protect, maintain, and increase the level and types of access to public water-related recreational resources and facilities.
- Policy 20 Access to the publicly owned foreshore and to lands immediately adjacent to the foreshore or the water's edge that are publicly owned shall be provided and it shall be provided in a manner compatible with adjoining uses.
- Policy 21 Water dependent and water enhanced recreation will be encouraged and facilitated and will be given priority over non-water related uses along the shorefront.
- Policy 22 Development, when located adjacent to the shore, will provide for water-related

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- recreation, whenever such use is compatible with reasonably anticipated demand for such activities, and is compatible with the primary purpose of the development.
- Policy 23 Protect, enhance, and restore structures, districts, areas, or sites that are of significance in the history, architecture, archaeology, or culture of the State, its communities, or the Nation.
- Policy 24 Prevent impairment of scenic resources of statewide significance. (Not applicable)
- Policy 25 Protect, restore, or enhance natural and man-made scenic resources that are not identified as being of Statewide significance, but that contribute to the overall scenic quality of the waterfront revitalization area.
- Policy 26 Conserve and protect agricultural lands in the waterfront revitalization area.
- Policy 27 Decisions on the siting and construction of major energy facilities in the shorefront area will be based on public energy needs, compatibility of such facilities with the environment, and the facility's need for a shorefront location.
- Policy 28 Ice management practices shall not interfere with the production of hydroelectric power, damage significant fish and wildlife and their habitats or increase shoreline erosion or flooding.
- Policy 29 The development of offshore uses and resources, including renewable energy resources, shall accommodate New York's long-standing ocean and Great Lakes industries, such as commercial and recreational fishing and maritime commerce, and the ecological functions of habitats important to New York.
- Policy 30 Municipal, industrial, and commercial discharge of pollutants, include but not limited to, toxic and hazardous substances, into inland waterways will conform to State and National water quality standards.
- Policy 31 State policies and management objectives of approved Waterfront Revitalization programs will be considered while reviewing inland waterway water classifications and while modifying water quality standards; however, those waters already overburdened with contaminants will be recognized as being a development constraint.
- Policy 32 Encourage the use of alternative or innovative sanitary waste systems in small communities where the costs of conventional facilities are unreasonably high given the size of the existing tax base of these communities.
- Policy 33 Best management practices will be used to ensure the control of stormwater runoff and combined sewer overflows draining into inland waterways.
- Policy 34 Discharge of waste materials into inland waterways from vessels subject to State jurisdiction will be limited to protect significant fish and wildlife habitats, recreational areas, and water supply areas.
- Policy 35 Dredging and filling in inland waterways and disposal of dredged material will be undertaken in a manner that meets existing State dredging permit requirements, and protects significant fish and wildlife habitats, scenic resources, natural protective features, important agricultural lands, and wetlands.
- Policy 36 Activities related to the shipment and storage of petroleum and other hazardous materials will be conducted in a manner that will prevent or at least minimize spills into inland waterways; all practicable efforts will be undertaken to expedite the cleanup of such discharges; and restitution for damages will be required when these spills occur.
- Policy 37 Best management practices will be utilized to minimize the non-point discharge of excess nutrients, organics, and eroded soils into inland waterways.
- Policy 38 The quality and quantity of surface water and groundwater supplies will be conserved and protected, particularly where such waters constitute the primary or sole source of water supply.

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- Policy 39 The transport, storage, treatment, and disposal of solid wastes, particularly hazardous wastes, within the waterfront revitalization area will be conducted in such a manner so as to protect groundwater and surface water supplies, significant fish and wildlife habitats, recreation areas, important agricultural lands, and scenic resources.
- Policy 40 Effluent discharged from major steam electric generating and industrial facilities into inland waterways will not be unduly injurious to fish and wildlife and shall conform to state water quality standards.
- Policy 41 Land use or development in the waterfront revitalization area will not cause National or State air quality standards to be violated.
- Policy 42 Waterfront revitalization policies will be considered if the State reclassifies land areas pursuant to the prevention of significant deterioration regulations of the Federal Clean Air Act.
- Policy 43 Land use or development in the waterfront revitalization area must not cause the generation of significant amounts of acid rain precursors: nitrates and sulfates.
- Policy 44 Preserve and protect freshwater wetlands and preserve the benefits derived from these areas.

- J. Each agency shall maintain a file for each action made the subject of a consistency determination, including any recommendations received from the Committee. Such files shall be made available for public inspection upon request.

**VI. Enforcement.**

In the event that an activity is being performed in violation of this law or any conditions imposed thereunder, the Code Enforcement Officer or any other authorized official of the Village of Williamsville shall issue a stop work order and all work shall immediately cease. No further work or activity shall be undertaken on the project so long as a stop work order is in effect.

**VII. Violations.**

- A. A person who violates any of the provisions of, or who fails to comply with any condition imposed by, this local law shall have committed a violation, punishable by a fine not exceeding five hundred dollars (\$500.00) for a conviction of a first offense and punishable by a fine of one thousand dollars (\$1,000.00) for a conviction of a second or subsequent offense. For the purpose of conferring jurisdiction upon courts and judicial officers, each week of continuing violation shall constitute a separate additional violation.
- B. The Village Attorney is authorized and directed to institute any and all actions and proceedings necessary to enforce this local law. Any civil penalty shall be in addition to and not in lieu of any criminal prosecution and penalty.

**VIII. Severability.**

The provisions of this local law are severable. If any provision of this local law is found invalid, such finding shall not affect the validity of this local law, as a whole, or any part or provision hereof other than the provision so found to be invalid.

**IX. Effective Date.**

This local law shall take effect immediately upon its filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

**SECTION 1. Village of Williamsville Waterfront Assessment Form**

**A. INSTRUCTIONS (Please print or type all answers)**

- 1. Applicants, or in the case of direct actions, Village of Williamsville Departments, shall complete this Waterfront Assessment Form (WAF) for proposed actions that are located within the Williamsville Local Waterfront Revitalization Area and are subject to compliance with the Village's Consistency Review Law. This assessment is intended to supplement other information used by the Village of Williamsville in making a determination that the

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proposed action will be consistent with the policies of the Village of Williamsville Local Waterfront Revitalization Program. It is also helpful for making a determination of significance pursuant to the State Environmental Quality Review Act (SEQR).

2. Before answering the questions in Section C, the preparer of this form should review the policies and policy explanations contained in Section III of the Village of Williamsville Local Waterfront Revitalization Program (LWRP), a copy of which is on file in the Village Clerk's office. A proposed action should be evaluated as to its beneficial and adverse effects upon resources in the waterfront revitalization area and its consistency with the LWRP policy standards.
3. If any questions in Section C on this form are answered "yes", then the proposed action may contravene the LWRP policy standards, as contained in the Village of Williamsville Consistency Review Law. Thus, the action should be analyzed in more detail and, if necessary, modified prior to making a final determination of consistency with the LWRP policy standards and conditions. If an action cannot be certified as consistent with the LWRP policy standards, it shall not be undertaken.

**B. DESCRIPTION OF SITE AND PROPOSED ACTION**

1. Describe nature and extent of action: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
2. Type of Village department action (check appropriate response):
  - a. Directly undertaken (e.g., construction, planning, regulation, land transaction)  
\_\_\_\_\_
  - b. Financial assistance (e.g., grant, loan, subsidy)  
\_\_\_\_\_  
\_\_\_\_\_
  - c. Permit, approval, license, or certificate:  
\_\_\_\_\_  
\_\_\_\_\_
  - d. Agency/Village department undertaking the action:  
\_\_\_\_\_  
\_\_\_\_\_
3. Name of applicant: \_\_\_\_\_  
Mailing address: \_\_\_\_\_  
Telephone number: ( \_\_\_\_\_ ) \_\_\_\_\_  
Property Tax Identification number: \_\_\_\_\_  
Application No. (if applicable) \_\_\_\_\_
4. Will the action be directly undertaken or require funding or approval by a State or federal agency? Yes \_\_\_\_\_ No \_\_\_\_\_  
If yes, which State or federal agency? \_\_\_\_\_  
\_\_\_\_\_

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5. Location of action (Street or Site Description and nearest intersection):  
\_\_\_\_\_
6. Size of site (acres): \_\_\_\_\_
7. Amount (acres) of site to be impacted: \_\_\_\_\_
8. Present land use: \_\_\_\_\_
9. Present zoning classification: \_\_\_\_\_
10. Describe any unique or unusual landforms on the project site (i.e., bluffs, wetlands, creeks, other geological formations):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
11. Percentage of site that contains slopes of 15% or greater: \_\_\_\_\_
12. Streams, lakes, ponds or wetlands existing within or continuous to the project area?  
 (a) Name \_\_\_\_\_  
 (b) Size (in acres) \_\_\_\_\_
13. Is the property serviced by public water? Yes \_\_\_\_\_ No \_\_\_\_\_
14. Is the property serviced by public sewer? Yes \_\_\_\_\_ No \_\_\_\_\_

**C. WATERFRONT ASSESSMENT** (Check either "Yes" or "No" for each of the following questions).  
If the answer to any question above is yes, please explain in Section D any measures which will be undertaken to mitigate any adverse effects.

- |    |  |            |           |
|----|--|------------|-----------|
| 1. | Will the proposed action be located in, contiguous to, or have a potentially adverse effect upon any of the resource areas found within the waterfront area as identified in the Williamsville LWRP? | <u>YES</u> | <u>NO</u> |
|    | (a) Locally significant fish or wildlife habitats?   | ___        | ___       |
|    | (c) Important scenic view/vistas?  | ___        | ___       |
|    | (d) Historic or cultural resources of significance?  | ___        | ___       |
| 2. | Will the proposed action have a significant effect upon:   | <u>YES</u> | <u>NO</u> |
|    | (a) Scenic quality of the waterfront environment?  | ___        | ___       |
|    | (b) Development of future or existing water-dependent uses?  | ___        | ___       |
|    | (c) Designated State or federal freshwater wetlands?   | ___        | ___       |
|    | (d) Recreational use of fish and wildlife resources?   | ___        | ___       |
|    | (e) Existing or potential public recreation opportunities?   | ___        | ___       |
|    | (f) Structures, sites, or districts of historic, archaeological or cultural significance in the Village of Williamsville?  | ___        | ___       |
|    | (g) Stability of the Ellicott Creek shoreline?   | ___        | ___       |
|    | (h) Surface or groundwater quality?  | ___        | ___       |
| 3. | Will the proposed action involve or result in any of the following:  | <u>YES</u> | <u>NO</u> |

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(a)	Physical alteration of land along the shoreline, underwater land, or surface waters?	___	___
(b)	Physical alteration of two (2) acres or more of land located elsewhere in the waterfront area?	___	___
(c)	Expansion of existing public services or infrastructure in undeveloped or low-density areas along the waterfront?	___	___
(d)	Excavation, filling or dredging in surface waters?	___	___
(e)	Reduction of existing or potential public access to or along the shoreline?	___	___
(f)	Sale or change in use of publicly owned lands located on the shoreline or on lands underwater?	___	___
(g)	Development within a designated flood hazard area?	___	___
(h)	Development in areas that provide protection against flooding or erosion?	___	___
(i)	Construction or reconstruction of erosion protective structures?	___	___
(j)	Diminished or degraded surface or groundwater quantity quality?	___	and/or ___
(k)	Removal of ground cover from the site?	___	___
(l)	Siting or Construction of an energy generation facility not subject to Article VII or VIII of the Public Service Law?	___	___
<b>3.</b>	<b>PROJECT</b>	<b><u>YES</u></b>	<b><u>NO</u></b>
(a)	If a project is to be located adjacent to the shore:		
(1)	Does the project require a waterfront location?	___	___
(2)	Will water-related recreation be provided?	___	___
(3)	Will public access to the foreshore be provided?	___	___
(4)	Will it eliminate or replace a water-dependent use?	___	___
(5)	Will it eliminate or replace a recreational use or resource?	___	___
(b)	Is the project site presently used by the community or neighborhood as an open space or recreation area?	___	___
(c)	Will the project protect, maintain, and/or increase the level and type of public access to water-related recreation facilities?	___	___
(d)	Does the project presently offer or include scenic views or vistas that are known to be important to the community?	___	___
(e)	Is the project site presently used for recreational fishing?	___	___
(f)	Will the surface area of the Ellicott Creek corridor or wetland areas be increased or decreased by the proposal?	___	___
(g)	Is the project located in a flood prone area?	___	___
(h)	Is the project located in an area subject to erosion?	___	___
(i)	Will any mature forest (over 100 years old) or other locally important vegetation be removed by the project?	___	___
(j)	Do essential public services or facilities presently exist at or near the site?	___	___
(k)	Will the project involve surface or subsurface liquid waste disposal?	___	___
(l)	Will the project involve transport, storage, treatment or disposal of solid waste or hazardous materials?	___	___
(m)	Will the project involve shipment or storage of petroleum products?	___	___

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- (n) Will the project involve the discharge of toxics, hazardous substances or other wastes or pollutants into inland waterway?    \_\_\_    \_\_\_
- (o) Will the project involve or change existing ice management practices?    \_\_\_    \_\_\_
- (n) Will the project alter drainage patterns or surface water runoff flowing on or from the site?    \_\_\_    \_\_\_
- (p) Will best management practices be utilized to control storm water runoff into inland waterway?    \_\_\_    \_\_\_
- (q) Will the project cause emissions that would exceed federal or State air quality standards or generate significant amounts of nitrates or sulfates?    \_\_\_    \_\_\_
- (r) Will the project affect any area designed as a freshwater wetland?    \_\_\_    \_\_\_
- (s) Will the project utilize or affect the quality or quantity of surface waters or sole source water supply?    \_\_\_    \_\_\_

**D. REMARKS OR ADDITIONAL INFORMATION TO SUPPORT OR DESCRIBE ANY ITEM(S) CHECKED "YES" (Add any additional sheets necessary)**

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If you require assistance or further information in order to complete this form, please contact the Williamsville Building Department.

**Please submit completed form, along with one copy of a site/plat plan to:**  
 Village of Williamsville Building Department  
 5565 Main Street  
 Williamsville, NY 14221  
 (716) 632-7747

Preparer's Name (Please print) : \_\_\_\_\_  
 Affiliation: \_\_\_\_\_  
 Telephone Number: (\_\_\_\_\_) \_\_\_\_\_  
 Date: \_\_\_\_\_

Motion carried 4-0

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**ON MOTION** by Trustee Torre, seconded by Trustee Hunt, the following resolution was adopted:

**RESOLVED** that the Village Clerk shall file a certified original of this local law in the office of the Village Clerk and one (1) certified copy in the Office of the Secretary of State, State of New York, such certified copy to have attached thereto a certificate that it contains the correct text of the enactment of this local law.

Motion carried 4-0

**ON MOTION** by Trustee Torre, seconded by Trustee Lowther, the following resolution was adopted:

**WHEREAS**, the Village of Williamsville initiated preparation of the Local Waterfront Revitalization Program in cooperation with the New York State Department of State, pursuant to Article 42 of the Executive Law; and

**WHEREAS**, the Local Waterfront Revitalization Program has been prepared under the guidance and review of the Village Waterfront Revitalization Advisory Committee, with consultant planning services provided by the consultant firm of WWS Planning; and

**WHEREAS**, the Draft Local Waterfront Revitalization Program was prepared and circulated by the Department of State to potentially affected State and Local agencies in accordance with the requirements of Executive Law, Article 42; and

**WHEREAS**, the Village of Williamsville Village Board of Trustees, as lead agency, filed a Negative Declaration-Notice of Determination of Non-Significance on June 28, 2022 for preparation of the Local Waterfront Revitalization Program pursuant to Article 8 of the Environmental Conservation Law (State Environmental Quality Review Act);

**NOW, THEREFORE, BE IT RESOLVED**, that having conducted a thorough and valid review process, the Village of Williamsville Local Waterfront Revitalization Program is hereby adopted, and that the Village of Williamsville Mayor is authorized to submit the LWRP to the New York State Secretary of State for approval, pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act.

Motion carried 4-0

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**ON MOTION** by Trustee Torre, seconded by Trustee Hunt, the following resolution was adopted:

**WHEREAS**, the Village of Williamsville adopted the Climate Smart Communities Pledge on May 28, 2019; and

**WHEREAS**, the Village of Williamsville recognizes the need to create a team of local officials, professionals and stakeholders that can promote and support plans, policies and programs that are part of a Climate Smart Community and are necessary in achieving the Climate Smart Community certification; and

**WHEREAS**, the team will be known as the Climate Smart Communities (CSC) Task Force and will serve as an advisory committee that advises and collaborates with local government to accomplish activities that are part of the CSC Certification program; and

**NOW, THEREFORE**, it is

**RESOLVED AND DETERMINED**, that the Village of Williamsville Board hereby establishes a Climate Smart Communities Task Force that shall consist of nine members.

**RESOLVED AND DETERMINED**, that the Village of Williamsville hereby appoints Village of Williamsville Environmental Advisory Council member, Mr. Luke Wolfe, as the Climate Smart Communities Coordinator, who will lead the task force and help facilitate communication between the task force and Village stakeholders.

**RESOLVED AND DETERMINED**, the Task Force shall consist of the Village of Williamsville Environmental Advisory Council and its members:

Luke Wolfe, Coordinator  
Jane Vohwinkel, Member  
Frank Mischler, Member  
Jon Nickerson, Member  
Marisa Riggi, Member  
Steven Schulz, Member  
Carol Descutner, Member  
Jeffrey Hahn, Member  
Eileen Torre, Village Trustee and Liaison

*[Deputy Mayor DeLano – Thanks to all those people involved. Expressed excitement to move LWRP to this point. Thank you.]*

Motion carried 4-0

**Staff Reports:**

*Deputy Treasurer: no report*

*Attorney Greico: no report*

*Administrator Kindron: no report*

*DPW Crew Chief: Leafs are falling!*

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**ON MOTION** by Deputy Mayor DeLano, seconded by Trustee Torre, it was moved at 8:35 to open the Executive Session portion of the agenda to discuss the potential litigation against the Village.

Motion carried 4-0

**ON MOTION** by Deputy Mayor DeLano, seconded by Trustee Torre, it was moved at 8:47 to close the Executive Session portion of the agenda.

Motion carried 4-0

**ON MOTION** by Deputy Mayor DeLano, seconded by Trustee Hunt, it was moved to adjourn the meeting at 8:47 pm.

Motion carried 4-0

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Judith A. Kindron  
Administrator/Clerk-Treasurer