

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, December 12, 2022 at 7:30 p.m.

The Village Board meeting was opened at 7:31 pm by Mayor Rogers

Trustee Lowther led the Pledge of Allegiance at 7:31pm.

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

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

Absent: Christine L. Hunt, Trustee

ON MOTION by Mayor Rogers, seconded by Trustee Lowther, it was moved to approve the minutes of the regular meeting held on November 28, 2022.

Motion carried 4-0

Public Hearing

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

ON MOTION by Mayor Rogers, seconded by Trustee Lowther, it was moved at 7:33 p.m. to open the public hearing portion of the meeting.

Motion carried 4-0

Email received from Rachel Rzayev was read into record. Copy is attached
Trustee Lowther-says that landscape features only effect the landscape feature.
Attorney Grieco-Rachel is correct and the language should be tweaked. The reason this language was put in here is because of issues going the other way.

ON MOTION by Mayor Rogers, seconded by Trustee Torre, it was moved at 7:38 p.m. to continue this public hearing at the January 9, 2023 meeting.

Motion carried 4-0

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, December 12, 2022 at 7:30 p.m.

Public Hearing

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

ON MOTION by Mayor Rogers, seconded by Trustee Lowther, it was moved at 7:39 p.m. to open the public hearing portion of the meeting.

Motion carried 4-0

No comments

ON MOTION by Mayor Rogers, seconded by Trustee Torre, it was moved at 7:39 p.m. to continue this public hearing at the January 9, 2023 meeting.

Motion carried 4-0

Public Hearing

Williamsville Historic Mill District

ON MOTION by Mayor Rogers, seconded by Trustee Lowther, it was moved at 7:40 p.m. to open the public hearing portion of the meeting.

Motion carried 4-0

- 1.) **Thomas Frank – 5403 Main St.**-Historical context. Original Mill was originally on the other side of the creek.
- 2.) **Ray Herman-114 Oakgrove-** New member of HPC. Sole vote against it. Weigh interest of property owners with needs of HPC. Is this needed? Not a vote against HPC just that it is not essential to put on these restrictions. Businesses should be talked to before this is brought forward. This should not be rushed. Can have a negative effect on property value and buildings. Insurance can go up. To comply with HPC, most feel they need to hire lawyers. Reviewed all the properties around there and all are being taking care of. Good neighbors. Historic buildings are already designated. Slapping restrictions on non-historic is not necessary. If buildings want to be knocked down and large footprints to replace, that is a Zoning issue. Does not feel like a good idea.
- 3.) **Nelson Torre-109 N. Ellicott St.**- Designation is long overdue. Lost ice house. Lost original Village Hall. A layer of protection. HPC to oversee patios or awnings, that is what HPC is here for. Balance between what communities wants and what tenant wants. Those that come here, want to be here. Historic structure. Diminish for next ironic that those that invest here, want to overturn it. Landslide election last June, no harm in having some restrictions. Feels you can draw on tourism, business and value. Suggests that Village is protected. [**Mayor Rogers-Agrees with long overdue, but address thru Zoning and not**

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, December 12, 2022 at 7:30 p.m.

HPC. Also, regarding Village Election, elections do get results and elections do have consequences].

- 4.) **Patrick Kelly-120 Oakgrove-**Planning Board & Zoning already regulate. Many of these structures are also deemed historic. Concern with the buildings that don't belong there. Approving district, you are putting "handcuffs" on these other buildings. Don't put in buildings that don't belong there.
- 5.) **Dave Sherman-69 Columbia-**Irregular shaped district. Worked at Amherst Bee, built around 1930. Far older than some of the buildings included. Asked "why the Bee is not included". Told there is no sight line of the Mill. He disagrees. Zig Zags around the Bee. HPC should go back to the drawing board looking for more comprehensive look at. [**Mayor Rogers-Has HPC responded to include**]? [**Trustee Lowther-2 buildings deemed not to have a view of the Mill. When reconnaissance survey was done, the 2 buildings were deemed to have been altered too much to declare them historic**]. [**Mayor Rogers-Speaking about South Cayuga Historic District. Eliminate homes that have vinyl siding & vinyl clad windows**]. First floor views all windows. No structure obscuring the view other than telephones poles. Addition was built in 1914 inside architectural features are there. [**Kate Waterman-Kulpa- If something is not in district, it does not have to go to HPC. Did not fall under the criteria that HPC set for view**]. [**Mayor Rogers- Stated that this has been rushed through, not thought out**]. [**Deputy Mayor DeLano-Missing from the process in an inquiry between Village Board and HPC**]. [**Attorney Grieco- Stated that you don't have to close the public hearing. It could be added to the code SHPO would have to approve**]. [**Mayor Rogers- Seeing lack of consistency , equally and fairly governed**].
- 6.) **Mike Measer-208 N. Ellicott St.-**Building owner 5560 & 5564 Main St. District is not looking at every building. Against creation of district in this area. 14 years ago came before Planning. Opinion is have a Town Board meeting with members and district holders. Consistency. Believes this is non-consistency. Asked about St. Peter & Paul, The Meeting House. Where does it stop? HPC should evaluate each property as it comes before them.
- 7.) **Lisa Batt-121 Highland Dr.-**Not against HPC, but it has become too personal, too political. HPC did not consider helping with castle. Need to be fair and equitable. [**Trustee Lowther- Owner of castle has been in front of HPC at least 4 times**]. [**Mayor Rogers-Real issue is Zoning**].
- 8.) **Charles Ciotta-5411 Main St.-**Listening to all. Property owners having property rights. Been in Village 35 years. Prior to HPC (1996) is Village Square Apartments. Snyder Tea House-back to 1800's, prior to 1996, changed hands. Kept veranda porch. New owners changed it. Without HPC as buffer, lose history in favor of work of HPC. In favor of districts, but allow non-conforming.
- 9.) **Susan Fenster-46 Columbia-**What is a public hearing? Member of HPC. Preserving history. Read a statement (but did not provide a copy). Fully supports designation of district.
- 10.) **Dennis Hoban-216 California-**Some buildings (non-conforming) it does not seem fair. Inconsistency along Main St., sometimes they come down hard and others can do anything. Irishman-6 additions – Share beating them up. Britesmith-stick on fake stone, looks ridiculous. Building after building... not fair to those properties that are non-conforming.
- 11.) **Rachel Rzayev-95 Mill St.-** wrote a letter that was read into the minutes of the Public Hearing.

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, December 12, 2022 at 7:30 p.m.

ON MOTION by Mayor Rogers, seconded by Deputy Mayor DeLano, it was moved at 8:52 p.m. to continue this public hearing at the January 9, 2023 meeting.

Motion carried 4-0

ON MOTION by Mayor Rogers, seconded by Trustee Torre, it was moved at 8:53 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.) **Ray Herman – 114 Oakgrove** – Rules governing HPC. Look at criteria for designation of a building. #2 can apply to about 70% of the buildings in the Village. Only 1 criteria needs to be met. “Embody distinctive character of a house”. There is a timeline for Village Board. Permission from property owners, everyone feels rushed. Work together- grants, abatements. No one in proposed Historic District wants it. Look at statute. [**Trustee Lowther**- *Criteria are set by SHPO, because Village is a CLG gov't, any changes must go through SHPO*]. Property owner should have a say. [**Attorney Grieco**- *Once Public Hearing is closed, Village Board has 32 days to render a decision*].
- 2.) **Paul Krieter – 29 S. Ellicott** –Attended HPC meeting/Public Hearing regarding 3 Historic landscape features. Talked about part of wall was removed at neighboring property. If HPC is designating, they should be policing. Roof on Garrison Park gazebo, is it budgeted? Bring back parking enforcement.
- 3.) **Charlie Ciotta -5411 Main St-** Hoping to budget for pay loader to remove snow. Better business district.
- 4.) **Kate Waterman-Kulpa –81 Milton** – Thanked Village Board for making the village the wonderful place for her family to live. Thanked Deputy Mayor DeLano, Crew Chief Vilonen and DPW for the trees being planted along Main St.
- 5.) **Thomas Frank-5401 Main St.-**Water table, watershed. Niagara relicensing. 450 million to mitigate the power project interconnection of parks. Floodplain and flood insurance. Indian Trails, 4 wars in the Village Amherst Central Park.

ON MOTION by Mayor Rogers, seconded by Deputy Mayor DeLano, it was moved at 9:17 pm to close the public participation.

Motion carried 4-0

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, December 12, 2022 at 7:30 p.m.

Report – Mayor Rogers

DPW did a great job with the decorations around the Village. Sorry to have missed the tree lighting, but had a family obligation. Happy Holidays and see you next year.

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

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

To:	001-1640-2000-0000 (Central Garage/Equipment)	\$	423.00
From:	001-1640-4110-0000 (Central Garage/Service Contract)	\$	423.00
To:	001-3410-4160-3451 (Fire Protection/Truck Expense 5-1)	\$	110.00
	001-3410-4160-3491 (Fire Protection/Truck Expense 9-1 Asst Chiefs Truck)	\$	21.00
	001-3410-4160-3401 (Fire Protection/Truck Expense Engine 1)	\$	220.00
	001-3410-4160-3402 (Fire Protection/Truck Expense Engine 2)	\$	220.00
	001-3410-4160-3405 (Fire Protection/Truck Expense Rescue 5)	\$	220.00
	001-3410-4160-3406 (Fire Protection/Truck Expense Truck 6)	\$	220.00
From:	001-3410-4160-0000 (Fire Protection/ Truck Expense)	\$	1011.00
To:	001-5110-4161-0906 (Street Maintenance/Repairs-2007)	\$	764.00
	001-5110-4161-0914 (Street Maintenance/Repairs-2017 Intl' 4300 dump Wille Sidewalk)		
494.00			
	001-5110-4161-0925 (Street Maintenance/Repairs-2013 Mini Loader)	\$	150.00
	001-8162-4161-0000 (Leaf Pickup/Repairs)	\$	471.00
From:	001-5110-4161-0000 (Street Maintenance/Repairs-Equipment)	\$	1879.00

Motion carried 4-0

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

RESOLVED, that payroll and vouchers in the amount of **\$144,799.38** covering the period from 11/21/2022 – 12/6/2022 are hereby approved as follows:

PAYROLL COVERING - 11/21/2022-12/4/2022	\$	37,078.10
VOUCHERS COVERING- 11/22/2022-12/6/2022		
GENERAL FUND-	\$	80,506.77
WATER FUND-	\$	0.00

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, December 12, 2022 at 7:30 p.m.

SEWER FUND-	\$ 2,323.16
GLEN PARK FUND-	\$ 1,335.37
TRUST & AGENCY FUND-	\$ 12,943.98
DEBT SERVICE-	\$ 0.00
COMMUNITY DEVELOPMENT-	\$ 0.00
CAPITAL FUND-	<u>\$ 10,612.00</u>
	\$ 107,721.28
GRAND TOTAL	\$ 144,799.38

Motion carried 4-0

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

RESOLVED, that the Village of Williamsville Financial Statements for the fiscal year ending May 31, 2022, and presented by Drescher & Malecki, LLP on November 28, 2022, have been reviewed by the Village Board, and are hereby accepted as the Official Financial Statements for the 2021-2022 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, 2022, and as required by Section 2019-a of the Uniform Justice Court Act.

Motion carried 4-0

ON MOTION by Mayor Rogers, seconded by Trustee Lowther, the following resolution was tabled:

RESOLVED, that **James Nau** residing at **121 Los Robles**, Williamsville is hereby appointed to the **Planning and Architectural Review Board** until the end of the **2024-2025** official Village year.

On the question – Trustee Torre asked if he has taken his 4 hours of training.

On the question – Trustee Lowther asked that the Board would like an update on all training for all boards.

Tabled until 1/9/23

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, December 12, 2022 at 7:30 p.m.

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

RESOLVED, that the following Dept. of Public Works equipment is hereby declared surplus, to be disposed, sold or traded-in:

Asset #	Description	Date Acquired	Original	Cost Book Value
1008	#909 – 2013 Ford F150	8/12/2013	\$16,710.53	\$0.00

Motion carried 4-0

Report – Deputy Mayor DeLano

*Mill Street got a nice shot in the arm
By next planting, we should be done. 78 trees went in
Thank you to the Tree Board,
Main St. is not done.
Tree lighting was a success, thank you to all who turned out.
Happy Holiday!*

Report – Trustee Lowther

*2 of her meetings were cancelled
Santa at Meeting House was very successful.
HPC approved addition to Share.
Happy Holiday and Merry Christmas*

ON MOTION by Trustee Lowther, seconded by Trustee Torre, 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, the National Alliance of Preservation Commissions provided virtual training on December 8, 2022; and

WHEREAS, the topic covered in the Virtual Training was Mid-Century Housing: From Planning to Preservation; and

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

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, December 12, 2022 at 7:30 p.m.

NOW THEREFORE BE IT RESOLVED, that the Village Board hereby approves the Virtual Training offered by the National Alliance of Preservation Commissions as qualifying and mandatory Training required by Section 47-4(h)(i), and certifies that any member of the HPC who attended said virtual training shall have earned one and a half (1.5) hours of Mandatory Training for the December 8, 2022 program.

Motion carried 4-0

Report – Trustee Torre

Environmental will not meet

Shout out to Glen Park Joint Board for their Holiday decorations

Merry Christmas & Happy New Year

See you all next year

Staff Reports:

Deputy Treasurer: no report

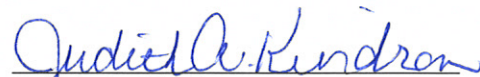
Attorney Grieco: no report

Administrator Kindron: no report

DPW Crew Chief: no report

ON MOTION by Mayor Rogers, seconded by Trustee Torre, it was moved to adjourn the meeting at 9:30 pm.

Motion carried 4-0



Judith A. Kindron
Administrator/Clerk-Treasurer

Read into minutes of Public Hearing

Rachel Rzayev
95 Mill Street
Williamsville, New York 14221

December 12, 2022

Re: Proposed changes to Section 47 of
Williamsville Code.

Dear Members of the Village Board,

I am not able to join the Village Board meeting this evening, but I wanted to share my thoughts on the proposed changes to Section 47 of the Williamsville Code, regarding historic preservation. In short, I urge you to not adopt these changes, because of the following:

1. The language in the proposed Code would unintentionally expand the oversight of the Historic Preservation Commission.

The proposed language includes the following amendment to Subsection A of Section 47-13 of the Code (additions underlined and deletions bracketed and italicized):

“(A) The Commission is responsible for the approval or disapproval of proposals for [*exterior changes to*] proposed alterations, as defined by this Chapter, to any portion of the property or lot upon which a landmark or property located in a historic district.”

My concern about this proposed language comes from the pending landmark status of a landscape feature on our property – a stone wall. I appeared in front of the Historic Preservation Commission during a meeting on Tuesday, December 6, 2022, where I asked some clarifying questions of the Commission about the effects of designating the stone wall in front of our property as a landmark. I understood from that conversation that the intent of the Commission is that the effect would only be on that landmark, ie., the stone wall, and that the balance of our property would remain unaffected. My concern about the proposed change to this section of the code is that it could be read to now extend oversight of the Commission to proposed alterations to any portion of the property or lot upon which a landmark is located. I do not want to guess at the intent of this language without more information, but the impression from the Historic Preservation Commission is that their intent in nominating the stone wall on our property for landmark status was to only require certificates of appropriateness for changes to the wall, rather than the entire property.

I appreciate your consideration of the points above.

Regards,

Javid and Rachel Rzayev