

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, May 26, 2015 at 7:30 p.m.

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

Present: Brian J. Kulpa, Mayor
Christopher J. Duquin, Trustee
Daniel O. DeLano, Trustee
John "Al" Yates, Trustee
Basil J. Piazza, Trustee

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

ON MOTION by Mayor Kulpa, seconded by Trustee Duquin, it was moved to approve the minutes of the regular meeting held on May 11, 2015, as submitted.

Yes – Duquin, Piazza, Yates, DeLano
Abstain – Kulpa

Motion carried.

**Public Hearing
Proposal to amend the Community Plan
(Continued from 4/20/15)**

**Public Hearing
Proposed modifications to the Zoning Code
(Continued from 4/20/15)**

**Public Hearing
Proposed Rezoning of Various Parcels
(Continued from 4/20/15)**

ON MOTION by Mayor Kulpa, seconded by Trustee Duquin, it was moved at 7:36 p.m. to resume the three public hearings.

Unanimously carried.

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Mayor Kulpa gave a presentation on the proposed zoning modifications.

The member(s) of the audience who addressed the Board and their topic(s) [*Village Board comments in italics*]:

1. Philip Gangi, 26 Mill St. – Concerned about Touch of Brass area; Signal on Mill at Main – asked if a “No turn on red” sign could be installed.
2. Mike Hibbard, 125 Milton St. – Asked if there are any plans to expand S. Long Park. [*The Village does not have funding for this, but there could be an opportunity for a land swap in the future.*]
3. Jim Bernsdorf, 194 N. Long St. – Appears development in California/S. Long area will be bringing more people in the Village – what about the traffic flow and traffic control? Will get worse. [*Part of the zoning is preventative and limits what can be built. The Village will need to put in controls.*]
4. Tina Amyes, 46 N. Long St. – Concerned that rezoning may necessitate a traffic light at Main and Long. [*Not changing amount of use so would not be warranted.*]
5. Joe Strapason, 162 California Dr. – Why was R-3M chosen instead of R-3? [*Need to work with property owners to preserve their investment. Community Plan adds density and zoned this as the highest residential density.*] Can this be modified to R-3? [*R-3 is not conducive to senior living.*] Would this be subsidized senior housing? [*The Village would not want this. Trying to create opportunities for seniors. R-3M does not mean the property has to be used for multi-family.*] Who would be involved in the process? [*Building Dept., Planning Board, and Zoning Board if variance is required.*] Can the height limit be reduced to 2 stories? [*We have a lot of 3 story buildings – this is representative of village character.*] Too far off Main St. for this height. [*10,000 sf. maximum, façade must be broken up.*] He agrees with everything except the height. [*Could limit height of buildings on the street. Mayor Kulpa suggested adding the following verbiage to §112-15F(2)(f): “On deep parcels with multiple structures, attention should be given to limiting height on the main road.”*]
6. Joe Strapason, 128 California Dr. – Doesn’t want to look at height. Would rather look at Darling. 122 California – is that being rezoned? [*Going from R-3 to R-3M.*] Would like his property rezoned R-3M as well.
7. Dennis Hoban, 216 California Dr. – Owns 3 houses on that street. Can he be zoned commercial? [*Village is getting away from commercial zoning.*] Doesn’t see the objective here. Once rezoned, property values will increase and current owners would be more interest in selling. Developer would be able to come in and build. Has historically seen developers do what they want. Have money and a fleet of attorneys. Can seek a

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variance. How do you control what is built here? *[Understand Darling's intent is to sell. Would prefer to stay as C-3. Village is trying to down-zone and put checks and balances in place. Used to have Exceptional Development for large parcels, which was reviewed by the Village Board instead of the Planning Board. That has been removed from the code. Putting this in place because in C3 can build unchecked.]* Couldn't build his house higher than 30'. Had to cut roof down to be lower. This will allow 40' high density apartments down the road. He voted to keep the village several years ago. Seem like the Village Board want to build a small city. Asked about minimum height on Main St. *[2 stories.]*

8. Angelina Maluso, 162 California Dr. – Just moved to Village. Appeal to moving here was a quaint, walkable area with safe and quiet residential streets. If a commercial and 2 adjacent residential are purchased, can they be combined to 1 parcel that is all commercial? *[No. Can combine parcels but does not change the zoning.]*

9. Dennis Hoban, 216 California Dr. – What's the big rush to do this? *[Community Plan adopted in 2010, and working through this ever since. Want to make sure the property zoning is in place if Darling were to sell.]*

10. Joe Strapason, 128 California Dr. – What is the possibility of keeping 102, 122 and 149 California Dr. as R-3? *[They are slated to be rezoned as R-3M.]*

11. Unknown – Have any developers come to the Village with proposals? *[Won't come to the Village until the property is sold. Suspects there are developers interested.]*

12. Andy Bossert, 263 California Dr. – Doesn't like cookie cutter development shown.

13. Jim Bernsdorf, 194 N. Long St. – Are there IDA incentives? *[Can't tax abate residential – only pure senior housing.]*

14. Dennis Hoban, 216 California Dr. – Spoke to neighbors about rezoning. Approximately 60 homes – has 52 signatures on a petition. Petition to Village Board dated 5/17/15 requesting rezoning on California and S. Long St. be postponed. Everyone he spoke to was in the area of the rezoning. Doesn't understand how more building will alleviate traffic and congestion. Building a city. *[Zoning isn't born out of trying to create a city. Trying to control development. R-3 would be perfect, but detrimental to some property owners. There is always a balance. Best document to use is the Community Plan. It's a compromise – everyone doesn't love everything in the zoning. Trying to implement the community's vision]* Will roads be able to carry traffic? Not in favor of rezoning of 102, 122 and 149 California Dr.

15. Larry Brenton, 31 Monroe Dr. – Congratulated Village Board on work spent on this. Signed the petition. Would increase traffic, etc. If have erroneous information, should not take a vote. *[There was a question on the California Dr. parcels, but there is no*

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erroneous information.] Exceptional Development at the time was initiated by Mayor Scheffer. Larry is responsible for the right hand turn lane at Mill and Main. Would be a poor idea to limit right hand turns.

16. David Quagliana, 115 Los Robles – He is to the right of 122 California. Would a high rise be going in? *[Would be 20' off his property line and maximum of 20' high.]* Thinks this should be approved tonight.

ON MOTION by Mayor Kulpa, seconded by Trustee Duquin, it was moved to close the public hearings at 9:49 p.m.

Unanimously carried.

ON MOTION by Mayor Kulpa, seconded by Trustee Duquin, it was moved to open the public participation portion of the meeting.

Unanimously carried.

The member(s) of the audience who addressed the Board and their topic(s) *[Village Board comments in italics]:*

Thomas Frank, 5403 Main St. – Would like to make a proposal to amend the Community Plan; Erie Canalway National Heritage Corridor.

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

Unanimously carried.

Report – Mayor Kulpa

Mayor Kulpa reported on the following topic(s): Mayor Kulpa had no report.

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ON MOTION by Mayor Kulpa, seconded by Trustee Yates, the following resolution was adopted:

RESOLVED, that payroll and vouchers in the amount of \$125,854.34 covering the period from 5/7/15 to 5/20/15 are hereby approved as follows:

Payroll covering 5/4/15 – 5/17/15: \$34,849.81

Vouchers covering 5/7/15 – 5/20/15:

| | |
|-----------------------|--------------------|
| General Fund | \$57,393.69 |
| Water Fund | \$0.00 |
| Sewer Fund | \$316.08 |
| Glen Park Fund | \$293.03 |
| Trust & Agency Fund | \$13,455.85 |
| Debt Service | \$0.00 |
| Community Development | \$0.00 |
| Capital Fund | <u>\$19,545.88</u> |
| | \$91,004.53 |

GRAND TOTAL: \$125,854.34

Unanimously carried.

ON MOTION by Mayor Kulpa, seconded by Trustee Yates, the following resolution was adopted:

RESOLVED, that the following *budget transfers* are hereby made in the *General Fund* for the *2014-2015* fiscal year:

| | | |
|-------|--|------------|
| To: | 001-1210-1000 (Mayor-Personal Services) | \$1.00 |
| | 001-1640-1000 (Central Garage-Personal Services) | \$3,094.00 |
| | 001-3310-1000 (Traffic Control-Personal Services) | \$22.00 |
| | 001-5110-1000 (Street Maint.-Personal Services) | \$2,389.00 |
| | 001-5142-1000 (Snow Removal-Personal Services) | \$846.00 |
| | 001-7110-1000 (Parks-Personal Services) | \$4,410.00 |
| | 001-8170-1000 (Street Cleaning-Personal Services) | \$429.00 |
| From: | 001-8510-1000 (Community Beautification-Personal Services) | \$5,019.00 |
| | 001-8560-1000 (Shade Trees-Personal Services) | \$6,172.00 |

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| | | |
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| To: | 001-1420-4620 (Law/Attorney-Opinions) | \$7,392.00 |
| | 001-3620-1000 (Safety Inspection-Personal Services) | \$937.00 |
| From: | 001-1990-4000 (Contingency) | \$8,329.00 |
| To: | 001-1620-4260 (Buildings-Maint. Supplies) | \$31.00 |
| From: | 001-1620-4230 (Buildings-Building Maint.) | \$31.00 |
| To: | 001-1640-4161 (Central Garage-Sm. Equip. Repairs) | \$75.00 |
| | 001-1640-4260 (Central Garage-Maint. Supplies) | \$8.00 |
| | 001-1640-4440 (Central Garage-Parts) | \$168.00 |
| | 001-1640-4450 (Central Garage-Misc.) | \$88.00 |
| From: | 001-1640-4160 (Central Garage-Building Repairs/Maint.) | \$339.00 |
| To: | 001-3410-2070 (Fire Protection-Office Equip.) | \$620.00 |
| From: | 001-3410-2060 (Fire Protection-Computer Equip.) | \$620.00 |
| To: | 001-5110-4000 (Street Maint.-Seasonal Help) | \$1,131.00 |
| From: | 001-5110-1000 (Street Maint.-Personal Services) | \$1,131.00 |
| To: | 001-5142-4290 (Snow Removal-Salt) | \$5,489.00 |
| From: | 001-5142-2000 (Snow Removal-Equip.) | \$2,000.00 |
| | 001-5142-4161 (Snow Removal-Repairs/Plows) | \$3,489.00 |
| To: | 001-5182-4270 (Street Lighting-Repair Lights) | \$5,597.00 |
| From: | 001-5182-4110 (Street Lighting-Contract for Lighting) | \$5,597.00 |
| To: | 001-7110-2010 (Parks-Capital Improvements) | \$701.00 |
| | 001-7110-4165 (Parks-Repairs/Shelter Maint.) | \$401.00 |
| | 001-7110-4169 (Parks-Repairs/Other) | \$595.00 |
| | 001-7110-4450 (Parks-Misc.) | \$438.00 |
| From: | 001-7110-2020 (Parks-Park Equip.) | \$701.00 |
| | 001-7110-4070 (Parks-Utilities) | \$1,434.00 |
| To: | 001-8560-4360 (Shade Trees-Trees/Replacement/Regular) | \$4,048.00 |
| From: | 001-8560-4340 (Shade Trees-Trees/Removal) | \$1,000.00 |
| | 001-8560-4350 (Shade Trees-Trees/Maint.) | \$3,048.00 |
| To: | 001-5110-4271 (Street Maint.-Blacktop/Stone/Oil/ Resurface) | \$84,355.00 |
| From: | 001-9950-9000 (Transfer to Capital) | \$84,355.00 |

Unanimously carried.

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

RESOLVED, that the following *budget transfers* are hereby made in the *Glen Park Fund* for the *2014-2015* fiscal year:

| | | |
|-------|---|----------|
| To: | 009-7141-1000 (Glen Park-Personal Services) | \$615.00 |
| | 009-9030-8000 (Glen Park-Social Security) | \$47.00 |
| From: | 009-7141-4102 (Glen Park-Landscaping) | \$662.00 |

Unanimously carried.

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

RESOLVED, that the following *budget amendment* is hereby made in the *General Fund* for the *2014-2015* fiscal year to account for the sale of a light bar from an old Chief's vehicle:

| | | |
|-----------|--|----------|
| Increase: | 001-0001-2665 (Sale of Equipment) | \$750.00 |
| Increase: | 001-3410-4490 (Fire Protection-Uniforms) | \$750.00 |

Unanimously carried.

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

RESOLVED, that the following *budget amendment* is hereby made in the *General Fund* for the *2014-2015* fiscal year to account for payment related to a FOIL request:

| | | |
|-----------|--------------------------------------|---------|
| Increase: | 001-0001-2655 (Minor Sales-Other) | \$68.00 |
| Increase: | 001-1410-4450 (Clerk's Office-Misc.) | \$68.00 |

Unanimously carried.

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

RESOLVED, that the following *budget amendment* is hereby made in the *General Fund* for the **2014-2015** fiscal year to account for 2014 additional CHIPS funding due to extreme winter conditions:

| | | |
|-----------|---|------------|
| Increase: | 001-0001-3501 (Consolidated Highway Aid) | \$9,252.00 |
| Increase: | 001-5110-4271 (Street Maint.-Blacktop/Oil/Stone- Resurface) | \$9,252.00 |

Unanimously carried.

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

RESOLVED, that the following *budget amendment* is hereby made in the *General Fund* for the **2014-2015** fiscal year to account for a donation from the Village Preservation Foundation, Inc., on behalf of Sergio Fornasiero for contribution towards the purchase of illuminated candy cane decorations for the Village Volunteer Park:

| | | |
|-----------|--|------------|
| Increase: | 001-0001-2705 (Gifts & Donations) | \$1,000.00 |
| Increase: | 001-7550-4400 (Celebrations-Holiday Decorations) | \$1,000.00 |

Unanimously carried.

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

RESOLVED, that the following *budget amendment* is hereby made in the *General Fund* for the **2014-2015** fiscal year to account for the donation from Village Preservation Foundation for seating at the Meeting House:

| | | |
|-----------|---|----------|
| Increase: | 001-0001-2705 (Gifts & Donations) | \$300.00 |
| Increase: | 001-7530-2040 (Village Meeting House-Capital Reserve/Meeting House) | \$300.00 |

Unanimously carried.

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

RESOLVED, that the following *budget amendment* is hereby made in the *General Fund* for the **2014-2015** fiscal year to account for the revenue received from the 2014 Glen Park Art Festival:

| | | |
|-----------|---|------------|
| Increase: | 001-0001-2089 (Other Cultural & Recreation Income) | \$3,350.00 |
| Increase: | 001-7550-4540 (Celebrations-Glen Park Art Festival) | \$3,350.00 |

Unanimously carried.

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

RESOLVED, that *Blaine Bosworth of 275 D Evans St., Apt. 3, Williamsville*, and *Dan McKeever of 61 Eagle St., Williamsville*, are hereby appointed as active members of the Williamsville Fire Dept., effective June 1, 2015.

Unanimously carried.

ON MOTION by Mayor Kulpa, seconded by Trustee Duquin, the following resolution was adopted:

Resolution Adopting SEQRA Determination

WHEREAS, the Board of Trustees of the Village of Williamsville ("Village Board") wishes to adopt certain amendments to the Village of Williamsville Community Plan, a duly adopted comprehensive planning document within the meaning of Village Law Section 7-772 ("Community Plan"), as well as certain amendments to the Village Code and Village Zoning Map, intended to conform its land use regulations governing developments in the remaining commercially zoned districts and certain areas zoned R-3M within the Village to the land use vision contained in the amended Community Plan; and

WHEREAS, by resolution dated March 22, 2010, the Village Board determined that the Final Generic Environmental Impact Statement (FGEIS) for the Community Plan was complete for purposes of review under the New York State Environmental Quality Review Act (SEQRA), and thereafter caused a Notice of Completion of the FGEIS be duly filed and published; and

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WHEREAS, upon its independent review and consideration of all comments concerning the proposed Community Plan and its independent review and consideration of the conclusions in the FGEIS, the Village Board, as lead agency, adopted a SEQRA Findings Statement on April 12, 2010 summarizing its findings with respect to the potential environmental impacts associated with the adoption of the Community Plan; and

WHEREAS, the Community Plan and FGEIS expressly contemplates the subsequent enactment of code amendments and design standards intended to encourage mixed use, pedestrian-friendly and architecturally appropriate development along the Main Street corridor, these other areas of Village zoned commercial and multiple dwelling residential; and

WHEREAS, the Village Board adopted certain amendments to the Zoning Code on October 24, 2011, establishing a Mixed Use (MU) District governed by design standards along the Main Street corridor, and adopted a Supplemental SEQRA Findings Statement concluding that such amendments and design standards were consistent with the land use plan set forth in the Community Plan; and

WHEREAS, in the summer of 2014, the Village Board proposed to enact further amendments to the Zoning Code intended to further conform the Village's zoning regulations to the Community Plan's land use vision, including a proposal to replace certain existing Commercial zoning districts with a Neighborhood Mixed Use district and rezone certain parcels from Commercial to Multi-Family Residential; and

WHEREAS, as part of this process, the Village Board determined that certain amendments to the Community Plan were necessary and advisable to align the Land Use Vision and Conceptual Land Use Plan to current preferences, including re-classifying certain Commercial and Multi-Family Residential properties to less intense Residential classifications, consistent with the Community Plan's overall emphasis on protecting the existing Residential neighborhoods within the Village;

NOW, THEREFORE, BE IT RESOLVED that, having undertaken its independent review and consideration of the conclusion in the Community Plan, FGEIS, the April 2010 Findings Statement, and all other relevant information in light of the environmental criteria contained in the SEQRA regulations, the Village Board, as SEQRA lead agency, does hereby adopt, pursuant to 6 NYCRR §617.10(d)(2), the attached Supplemental Findings Statement specifically related to the potential environmental impacts associated with the proposed amendment to the Community Plan and the code amendments implementing said Community Plan, as amended, which Supplemental Findings Statement is expressly incorporated herein by reference.

Unanimously carried.

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

A RESOLUTION APPROVING AN UPDATE AND AMENDMENT OF THE COMMUNITY PLAN FOR THE VILLAGE OF WILLIAMSVILLE

WHEREAS, on April 12, 2010, the Board of Trustees of the Village of Williamsville ("Village Board") adopted the "Village of Williamsville Community Plan and Final Generic Environmental Impact Statement" ("Community Plan") as the officially adopted comprehensive plan of the Village pursuant to New York State Village Law Section 7-722, and

WHEREAS, among other things, the Community Plan sets forth a Land Use Vision and Conceptual Land Use Plan intended to guide and inform future land use decisions within the Village; and

WHEREAS, the Land Use Vision and Conceptual Land Use Plan both envision the creation of a new Neighborhood Mixed Use (NMU) zoning classification generally corresponding to most of those portions of the Village currently zoned Multiple-Dwelling Residential (R-3M), as well as the commercially-zoned area along South Long Street; and

WHEREAS, the Land Use Vision and Conceptual Land Use Plan also contemplates the creation of a Village Mixed Use (VMU) zoning classification along the eastern edge of the Main Street Corridor and the remaining C-1 District property off of Mill Street bordering the Amherst State Park; and

WHEREAS, the Village Board, in furtherance of the land use goals of the Community Plan, adopted certain amendments to the Village Zoning Code on October 24, 2011, creating a Mixed Use District along the entire Main Street Corridor, and regulating land use within this district pursuant to Mixed Use District Design Standards; and

WHEREAS, the adoption of the MU District Design Standards has had a positive effect on the quality of the built environment along the Main Street Corridor, consistent with the goals of the Community Plan; and

WHEREAS, in June of 2014, the Village Board began the process of further amending the Zoning Code to align the Village's land use regulations for those areas outside of the Main Street Corridor to the Land Use Vision and Conceptual Land Use Plan; including proposals to (1) re-zone most of the existing R-3M districts, and certain R-3 properties on the east side of Evans Street, to a newly-created NMU classification, governed by new NMU Design Standards based on the Design Principles set forth in Section 2.2.2.b of the Community Plan, (2) re-zoning the existing C-1 district to NMU, governed by new NMU Design Standards based on the Design Principles set forth in Section 2.2.2.d of the Community Plan; (3) rezoning the existing C-3 district to R-3M and

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adopting Design Standards governing multiple-family developments within the R-3M districts; and (4) re-zoning the R-3M district on South Cayuga Street to MU; and

WHEREAS, the Village Board held a public hearing on July 28, 2014 on the rezoning of various parcels, and held the public hearing open continuously; and

WHEREAS, the Village Board re-noticed this public hearing, along with public hearings regarding the modification of the Community Plan and the modification of the Zoning Code on April 8, 2015, and held public hearings on the same on April 20, 2015, May 11, 2015, and May 26, 2015; and

WHEREAS, the comments received during the public hearings were generally supportive of the proposed zoning changes, but concerns were expressed by residents living on South Union Road about the proposal to re-zone the parcels on South Union to the new NMU classification, given that virtually all of these parcels are presently used as single- or two-family homes, and many of the parcels on the west side of South Union extend into a portion of the Town of Amherst that is zoned for single-family residential use only, which parcels would be split between two incompatible zoning classifications; and

WHEREAS, the Village Board, upon due consideration of these concerns, has concluded that extending the new NMU classification to the South Union Road parcels would create a hardship on the property owners in that area, and that those parcels should actually be re-zoned to reflect the predominant land use in that area (*i.e.*, single- and two-family residential) and to prevent split zoning; and

WHEREAS, the Village Board has found that the decision to re-zone the South Union Road parcels to R-3 is actually consistent with the overall goals of the Community Plan's Land Use Vision to "preserve and maintain" the Village's existing single- and two-family neighborhoods; and

WHEREAS, similar concerns were expressed about re-zoning the existing C-1 parcel on Mill Street to a mixed use classification, given its sensitive, and somewhat isolated, location immediately adjacent to purely residential properties and the Amherst State Park, and the Village Board has concluded that, upon due consideration, this parcel, should its use change in the future, would be more appropriately used for multiple-dwelling residential purposes; and

WHEREAS, given that the only other area identified for an envisioned VMU classification was previously included in the Main Street MU District, the Village Board has concluded that the VMU classification is no longer necessary or appropriate as a separate conceptual land use designation; and

WHEREAS, the Village Board has concluded that, based upon this information, the Land Use Vision and Conceptual Land Use Plan in the Community Plan should be amended to reflect these findings; and

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WHEREAS, the Village Board has referred these proposed amendments to the Community Plan to the Village Planning and Architectural Review Board and the Erie County Department of Planning and the Environment, for review and comment; and

WHEREAS, no opposition to the proposed amendments to the Community Plan were received from the Planning and Architectural Review Board; and

WHEREAS, the Erie County Department of Environmental and Planning responded on May 22, 2015 with no recommendation, as being determined to be of local concern; and

WHEREAS, the Village Board has considered the potential adverse environmental impacts associated with the proposed amendments to the Comprehensive Plan, as well as the proposed amendments to the Village Zoning Code and Zoning Map, and adopted a Supplemental Findings Statement in connection therewith;

NOW THEREFORE, BE IT RESOLVED, that the following amendments to the 2010 Village of Williamsville Community Plan are hereby approved and adopted:

1. The following language is incorporated as an Addendum to Section 2.2.2 of the Community Plan:

"While the character, uses, proposed density and design principles of the conceptual Village Core-Civic Area (VC-CA), Village Main Street (VMS), and Village Mixed Use (VMU) land use classifications remain accurate, the land use regulations based upon these classifications have been incorporated into a single MU District and the MU District Design Standards, and thus, for clarity's sake, the Conceptual Land Use Plan (Figure 1) is amended to reflect this fact by replacing the VC-CA, VMS and VMU legends with the MU designation and applying the MU designation to those areas along the Main Street Corridor currently labeled VC-CA, VMS and VMU."

2. The conceptual NMU area on the east side of Evans Street is extended south to, and including, 135 Evans Street (SBL #69.17-5-2.1).

3. The parcels currently zoned R-3M fronting on South Union Street and on Wehrle Drive are removed from the area designated on the Conceptual Land Use Plan as NMU, with the South Union Properties shown as conceptual land use classification R-3 and the Wehrle properties remaining conceptual land use classification R-3 (Zoning classification R-3M).

4. The conceptual land use classification of the parcel currently zoned C-1 is changed from VMU to R-3M.

5. These changes are reflected in the annexed "Amended Figure 1 -- Conceptual Land Use Plan" expressly incorporated by reference herein.

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AND IT IS HEREBY FURTHER RESOLVED, that the Village Clerk is hereby directed to incorporate this resolution into the Village of Williamsville Community Plan Final Generic Environmental Impact Statement as an addendum labeled "2015 Community Plan Amendments."

Unanimously carried.

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

**Resolution Adopting Code Amendments
and Re-zoning Certain Properties**

WHEREAS, in accordance with the provisions of Section 7-722 of New York State Village Law, the Village Board of Trustees of the Village of Williamsville ("Village Board") adopted the Village of Williamsville Community Plan ("Community Plan") as the Village's official Comprehensive Plan on April 12, 2010; and

WHEREAS, the Community Plan contains a Land Use Vision and Conceptual Land Use Plan intended to inform future land use planning and decision-making within the Village; and

WHEREAS, the Community Plan expressly contemplated the need to amend the Village's land use regulations to ensure development consistent with this Land Use Vision and Conceptual Land Use Plan; and

WHEREAS, shortly after adoption of the Community Plan, the Board of Trustees created a Zoning Update Committee comprised of members of the Planning/Architectural Review Board, Zoning Board of Appeals and other residents, professionals and community members who represented a broad range of community perspectives; and

WHEREAS, the Zoning Update Committee prepared draft design standards and associated code amendments governing development within a newly created Mixed Use (MU) District along the Main Street corridor, essentially replacing four different use-based classifications with one, unified district intended to encourage multi-story mixed use structures, built close to the street with rear loaded (and reduced) off-street parking requirements, enhanced pedestrian connectivity, and high quality design that complements the Village's valued historic, pedestrian scale building stock; and

WHEREAS, the Village Board duly adopted Local Law No. 3 of 2011, amending the Zoning Code, and other chapters of the Village Code, re-zoning certain parcels along the

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Main Street corridor to MU and adopting the MU District Design Standards, and associated amendments; and

WHEREAS, the amendments accomplished through Local Law No. 3 of 2011 only partially codified the Land Use Vision and Conceptual Land Use Plan set forth in the Community Plan and did not address recommendations concerning areas of the Village other than the Main Street corridor (specifically, the northeast and southwest corners of the Village and the single-parcel commercial district on Mill Street), as well as design characteristics governing multiple dwelling residential developments within the Village; and

WHEREAS, in order to further implement the Land Use Vision and Conceptual Land Use Plan set forth in the Community Plan, the Village Board commenced a public process in the summer of 2014 to consider additional amendments to the Zoning Code to (1) re-zone certain properties within the Village consistent with the Conceptual Land Use Plan; (2) create a new Neighborhood Mixed Use zoning classification governing land use within certain areas currently zoned commercial or multiple-dwelling residential; and (3) develop new design standards governing multiple-dwelling residential (R-3M) zoning; and

WHEREAS, following several public hearings regarding such proposals and upon due consideration, the Village Board determined that some minor modifications to the Land Use Vision and Conceptual Land Use Plan, as originally adopted, were not appropriate and therefore the Village Board proposed to amend the Community Plan to better reflect the desired vision for certain areas within the Village (specifically, the retention of a residential classification for the properties along South Union Road, the zoning of the Mill Street commercial property to multiple-dwelling residential, and other minor modifications); and

WHEREAS, the Village Board prepared draft amendments to the Zoning Code, and other chapters of the Village Code, and the Zoning map to effectuate the Land Use Vision and Conceptual Land Use Plan, as proposed to be amended, and referred the proposed code amendments, map amendment and Community Plan amendments to (1) the Village Planning and Architectural Review Board (pursuant to Village Code Section 112-23(C)(3)(c)), (2) the Erie County Department of Environment and Planning (pursuant to General Municipal Law Section 239-m); the Town of Amherst and the New York State Office of Parks, Recreation and Historic Preservation (pursuant to New York State Village Law Section 7-706(2)); and

WHEREAS, pursuant to the State Environmental Quality Review Act ("SEQRA"), the Village Board prepared Part 1 of a Full Environmental Assessment Form ("EAF") in connection with the proposed amendments to the Community Plan, the Village Code and the Village Zoning Map and fully considered whether the proposed amendments were fully analyzed in the Final Generic Environmental Impact Statement ("FGEIS") and SEQRA Findings Statement incorporated in the Community Plan, and duly adopted a Supplemental Findings Statement with respect to said amendments; and

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WHEREAS, public hearings were held on numerous occasions regarding the proposed amendments to the Community Plan, the Village Code and the Village Zoning Map, and the Village Board has duly considered all comments received from all interested parties; and

WHEREAS, the Village Board concluded that the proposed amendments to the Community Plan are consistent with the overall land use objectives of the Village and therefore adopted a resolution amending the Community Plan in accordance with the proposed amendments thereto; and

WHEREAS, upon due consideration of all information submitted to and reviewed by the Village Board, including the recommendation of the Village Planning and Architectural Review Board and public comments received throughout the process, the Village Board has concluded the proposed amendments to the Village Code and the Village Zoning Map, and the re-classification of the properties as indicated on the amended Zoning Map, are consistent with the Community Plan, as amended, and has further concluded that such amendments will promote the health, safety; morals and the general welfare of the community;

NOW, THEREFORE, BE IT RESOLVED, Local Law No. 7 of 2015, amending certain chapters of the Village Code, is hereby adopted; and

BE IT FURTHER RESOLVED, Local Law No. 8 of 2015, amending the Zoning Map and re-zoning certain properties within the Village as reflected on the amended Zoning Map, is hereby adopted; and

BE IT FURTHER RESOLVED, that the Village Board directs the Village Clerk to file the same with New York State Secretary of State.

Unanimously carried.

Mayor Kulpa noted that his hope would be that before any Planning Board action on parcels pertaining to California or new R-3M parcels, he would like the Village to notify neighbors within a 1 block radius of those parcels.

**Mayor Kulpa announced he was tabling his resolution #14 to designate 5727 Main Street an historical landmark.*

Report – Trustee Duquin

Trustee Duquin reported on the following topic(s): Reist Street rezoning by Town of Amherst to MFR-7 which would allow for 60' tall buildings.

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

WHEREAS, The Town of Amherst eliminated residential uses from the zoning classification Community Facilities (CF), which precipitated the need to rezone parcels throughout the town; and

WHEREAS, three parcels adjacent to the Village of Williamsville at 149 Reist Street, known as the St. Francis Nursing Home, and at 165 and 193 S. Union Road, called the Williamsville Suburban Nursing Home, were previously zoned CF; and

WHEREAS, the Town of Amherst Planning Board has recommended these parcels be rezoned Multi-family Residential District Seven (MFR-7), which allows for a maximum height of 65'; and

WHEREAS, when considering zoning classifications it is important to take into account how adjoining parcels are zoned; and

WHEREAS, the parcel at 147 Reist St. within the Village of Williamsville is zoned R-2 with several adjacent parcels zoned R-3M; and

WHEREAS, the village is considering rezoning the R-3M parcels to R-2, which would create a consistent R-2 zone in that area of the village; and

WHEREAS, when the Village of Williamsville considered rezoning the west side of S. Union Road, residents came forward to ask that their street be zoned R-3;

NOW, THEREFORE, BE IT RESOLVED, that the Village of Williamsville Board of Trustees wishes to work with the Town of Amherst to create a consistent zoning on Reist Street and S. Union Road; and

BE IT FURTHER RESOLVED, that the Village of Williamsville Board of Trustees asks the Amherst Town Board to rezone Reist Street R-2 and S. Union Road from the village line to Union Place R-3; and

BE IT FURTHER RESOLVED, certified copies of this resolution be sent to Town of Amherst Supervisor Barry Weinstein and Members of the Amherst Town Board.

Unanimously carried.

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ON MOTION by Trustee Duquin, seconded by Trustee Yates, the following resolution was adopted:

WHEREAS, the idea of creating a multiuse path that connects the Village of Williamsville with Canalside in the City of Buffalo was met with enthusiasm; and

WHEREAS, alternative forms of transportation, especially multiuse paths for walking and bicycle riding are consistent with the Comprehensive Plans of the Town of Amherst and the Village of Williamsville; and

WHEREAS, creating a multiuse path between Glen Park and the Amherst State Park would be the first step in creating a multiuse path between the Village of Williamsville and Canalside in the City of Buffalo; and

WHEREAS, there is currently a natural path that connects the two parks; and

WHEREAS, on February 13, 2015 a meeting was held with Village, Town and State representatives where the concept of creating a multiuse path was supported by everyone in attendance; and

WHEREAS, representatives from both the Williamsville Fire Department and Amherst Police Department commented on the record that better access to the wooded areas between Glen Park and the Amherst State park would make the area safer for residents; and

WHEREAS, the land for the Amherst State Park and the land where the multiuse path would be located is owned by the State of New York; and

WHEREAS, the Village of Williamsville would be willing to enter into an agreement - similar to New York State's agreement with the Town of Amherst for maintenance of The Amherst State Park - to maintain the path;

NOW, THEREFORE, BE IT RESOLVED, that the Village of Williamsville Board of Trustees wishes to work with the Town of Amherst and State Representatives to secure funding to create a multiuse path between Glen Park and the Amherst State Park; and

BE IT FURTHER RESOLVED, that the Village of Williamsville wishes to join with the Town of Amherst, with support from our New York State Representatives, in submitting a joint grant application for funding through the New York State Consolidated Funding Application (CFA); and

BE IT FURTHER RESOLVED, that the Village of Williamsville and Town of Amherst will explore other possible funding sources, including funds from the Niagara River Greenway Commission, for this project; and

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BE IT FURTHER RESOLVED, that certified copies of this resolution be sent to Town of Amherst Supervisor Barry Weinstein; Members of the Amherst Town Board; New York State Senator Michael Ranzenhofer and New York State Assembly Member Raymond Walter.

Unanimously carried.

Report – Trustee Yates

Trustee Yates reported on the following topic(s): Dreams from the Heart benefit concert on 5/29 at 7:30pm at the Meeting House.

Trustee Yates had no resolutions on the agenda.

Report – Trustee DeLano

Trustee DeLano reported on the following topic(s): Thanked those who helped with Arbor Day/Earth Day. Thanked Ben Vilonen for potting the seedlings; Speed zone in front of South High School.

Trustee DeLano had no resolutions on the agenda.

Report – Trustee Piazza

Trustee Piazza reported on the following topic(s): Memorial Day.

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

WHEREAS, the Village of Williamsville will begin construction in July 2015 on a green infrastructure project on E. Spring St.; and

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WHEREAS, as part of the improvements the Village wishes to have the Erie County Water Authority (ECWA) install an additional hydrant on E. Spring St. adjacent to the Williamsville Mill property;

NOW, THEREFORE, BE IT RESOLVED, that the Village Board hereby authorizes ECWA to install the hydrant described above, with the specific location to be determined by the Village's Dept. of Public Works General Crew Chief, ECWA, and DiDonato Engineering; and

BE IT FURTHER RESOLVED, that the Village of Williamsville Board of Trustees acknowledges and agrees that the Village shall be responsible for the hydrant maintenance fees.

Unanimously carried.

Staff Report(s) – None.

ON MOTION by Mayor Kulpa, seconded by Trustee Yates, it was moved to open the Executive Session at 10:08 p.m. to discuss a personnel matter related to a specific individual.

Unanimously carried.

ON MOTION by Mayor Kulpa, seconded by Trustee Yates, it was moved to close the Executive Session at 10:29 p.m.

Unanimously carried.

ON MOTION by Mayor Kulpa, seconded by Trustee Duquin, it was moved to adjourn the regular meeting at 10:30 p.m.

Unanimously carried.

Lynda L. Juul
Administrator/Clerk-Treasurer