

**Village of Williamsville
Village Board Meeting Agenda
5565 Main Street, Williamsville, New York
September 26, 2022 at 7:30pm**

- I. **Call to Order** Pledge of Allegiance
 Roll Call

- II. **Proclamation(s)**

- III. **Approval of Minutes** Regular Meeting September 12, 2022

- IV. **Public Hearing(s)** Amendments for technical changes to Chapter 47 (HPC) of the Village Code- as continued from 9/12/22
 Amendments for technical changes to Chapter 112 (Zoning) of the Village Code – as continued from 9/12/22

- V. **Suspension of Rules for Public Participation**

- VI. **Village Board**
 - A. Mayor Rogers - Report and Resolution(s)**
 - 1.) Authorize 2022-2023 General Fund Budget Transfers
 - 2.) Authorize 2022-2023 Glen Park Fund Budget Transfers
 - 3.) Authorize Payroll and Vouchers from 8/29/2022 - 9/20/2022
 - 4.) Authorize the Administrator to advertise for a public hearing for the LWRP Consistency Review Law
 - 5.) Appointment of DPW employee
 - 6.) Authorize the Administrator to advertise for a public hearing regarding Video Conferencing procedures

 - B. Deputy Mayor DeLano - Report and Resolution(s)**

 - C. Trustee Hunt – Report and Resolution(s)**

 - D. Trustee Lowther – Report and Resolution(s)**
 - 1.) Approve Flynn Battaglia Architects proposal for the additional asbestos abatement project at Lehigh Valley Section House

 - E. Trustee Torre– Report and Resolution(s)**

- VII. **Staff Reports**
- VIII. **Executive Session**
- IX. **Adjournment**

This meeting is conducted according to the Rules of Procedure as adopted by the Village Board on 7/25/2022

Meetings Schedule

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

- 1st Mon. – Planning Board meeting at 7:30pm
- 2nd Mon. – Village Board Work Session at 6:00pm/Meeting at 7:30pm
- 3rd Mon. – Environmental Advisory Council at 7:00pm
- 3rd Mon. - Mtg House Events Comm at 6:30pm (Mtg House)
- 4th Mon. – Village Board Work Session at 6:00pm/Meeting at 7:30pm
- 1st Tues. – Glen Park Joint Board – Meets at Town Hall at 7:00pm
- 2nd Tues. – Beautification Committee (Ad Hoc)
- 3rd Tues. – Parks Committee at 7:15pm
- 3rd Tues. – Tree Board at 6:30pm
- 4th Tues. – Historic Preservation Commission at 7:00pm
- 4th Tues. – Youth & Recreation Committee at 7:00pm in Aud
- 3rd Wed. – Zoning Board at 7:00pm in Aud
- 4th Wed. – Village Co-op at 5:30pm in Aud
- 1st Thur. – Traffic & Safety Committee at 6:30pm
- 2nd Thur. - Arts & Culture Committee at 7:00pm

Village Board Liaisons (Updated 7/25/22)

MAYOR ROGERS: DPW, Personnel, Insurance, Amherst Police Dept., Executive Safety Committee, Records Management Committee, Fire Dept., Parks

DEPUTY MAYOR DELANO: Co-Liaison DPW, Co-Liaison Traffic & Safety, Tree Board, Youth & Rec., Zoning Board of Appeals

TRUSTEE TORRE: Glen Park Joint Board, Traffic & Safety, Environmental Advisory Council, Waterfront Advisory Committee

TRUSTEE HUNT: Erie County Energy, Inter-Governmental Agency, Arts & Culture Committee, Co-Liaison Parks, Planning & Architectural Review Board, Inter-Governmental Agency

TRUSTEE LOWTHER: Meeting House Events Committee, Williamsville Business Association, Beautification, Historic Preservation Commission

Meetings & Events

All meetings are at Village Hall unless otherwise noted.

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

September 2022

- 26 Village Board Work Session at 6:00pm
- 26 Village Board regular meeting at 7:30pm
- 27 HPC Public Hearing at 6:00pm
- 27 HPC Committee meeting at 7:00pm
- 27 Youth & Rec Committee at 7:00pm
- 28 Village Co-op at 5:30

October 2022

- 3 Planning Board meeting at 7:30 (work session at 7:00pm)
- 4 Glen Park Joint Board meeting at 7:00pm
- 6 Traffic & Safety Committee meeting at 6:30pm
- 10 Columbus Day – Village Hall Closed
- 11 Village Board Work Session at 6:00pm
- 11 Village Board regular meeting at 7:30pm
- 11 Beautification Meeting at 11:00am
- 13 Arts, Culture & Diversity Committee meeting at 7:00pm
- 17 Environmental Committee meeting at 7:00pm
- 17 Mtg House Events Committee at 6:30pm (at Mtg House)
- 18 Tree Board Committee meeting at 6:30pm
- 18 Parks Committee meeting at 7:15
- 19 Zoning Board Committee meeting at 7:00pm
- 24 Village Board Work Session at 6:00pm
- 24 Village Board regular meeting at 7:30pm
- 25 HPC Committee meeting at 7:00pm
- 25 Youth & Rec Committee at 7:00pm
- 26 Village Co-op at 5:30

November 2022

- 1 Glen Park Joint Board meeting at 7:00pm
- 3 Traffic & Safety Committee meeting at 6:30pm
- 7 Planning Board meeting at 7:30 (work session at 7:00pm)
- 8 Beautification Meeting at 1:00pm
- 10 Arts, Culture & Diversity Committee meeting at 7:00pm
- 14 Village Board Work Session at 6:00pm
- 14 Village Board regular meeting at 7:30pm
- 15 Tree Board Committee meeting at 6:30pm
- 15 Parks Committee meeting at 7:15
- 16 Zoning Board Committee meeting at 7:00pm
- 21 Environmental Committee meeting at 7:00pm
- 21 Mtg House Events Committee at 6:30pm (at Mtg House)



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www.walkablewilliamsville.com

For Village information, news & events.

Follow us on

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ROGERS #1

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

To:	001-3410-4160-3401 (Fire Protection/Truck Expense, Engine 1)	\$	1729.00
	001-3410-4160-3402 (Fire Protection/Truck Expense Engine 2)	\$	1729.00
	001-3410-4160-3406 (Fire Protection/Truck Expense Truck 6)	\$	2302.00
From:	001-3410-4160-0000 (Fire Protection/Truck Expense)	\$	5760.00
To:	001-3410-4160-3409 (Fire Protection/Truck Expense Chief 9)	\$	785.00
From:	001-3410-4160-0000 (Fire Protection/Truck Expense)	\$	785.00
To:	001-3410-4160-3492 (Fire Protection/Truck Expense Asst Chief 9-2 Truck)	\$	785.00
From:	001-3410-4160-0000 (Fire Protection/Truck Expense)	\$	785.00
To:	001-5110-4000-0000 (Street Maintenance/Seasonal Help)	\$	3592.00
From:	001-5110-1000-0000 (Street Maintenance/Personal Services)	\$	3592.00
To:	001-5110-4161-0906 (Street Maint./Repairs 2007 International 4300 Dump)	\$	66.00
	001-5110-4161-0910 (Street Maint./Repairs 2009 Ford F350 Green)	\$	63.00
	001-5110-4161-0915 (Street Maint./Repairs 2013 Ravo Sweeper)	\$	1882.00
From:	001-5110-4161-0000 (Street Maint./Repairs-Equipment)	\$	2011.00

ROGERS #2

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

To:	009-7141-4450-0000 (Glen Park/Miscellaneous)	\$	500.00
From:	009-7141-4352-0000 (Glen Park/Park Maintenance)	\$	500.00

ROGERS #3

RESOLVED, that payroll and vouchers in the amount of **\$436,231.74** covering the period from 8/29/2022 – 9/20/2022 are hereby approved as follows:

PAYROLL COVERING - 8/29/2022-9/11/2022	\$ 31,157.90
VOUCHERS COVERING- 9/7/2022-9/20/2022	
GENERAL FUND-	\$ 392,330.29
WATER FUND-	\$ 0.00
SEWER FUND-	\$ 753.52
GLEN PARK FUND-	\$ 1,035.56
TRUST & AGENCY FUND-	\$ 9,979.47
DEBT SERVICE-	\$ 0.00
COMMUNITY DEVELOPMENT-	\$ 0.00
CAPITAL FUND-	\$ 975.00
	\$ 405,073.84
 GRAND TOTAL	 \$ 436,231.74

ROGERS #4

RESOLVED, that the Village Administrator is hereby authorized to publish legal notice of a public hearing to be held by the Village Board of Trustees at 7:30pm on Tuesday October 11, 2022 at Village Hall, 5565 Main Street, Williamsville, New York for the purpose of hearing all persons interested in expressing an opinion on the approval of Local Law #6 of 2022 - Local Waterfront Revitalization Program final acceptance.

ROGERS #5

RESOLVED, that *Nicholas Wilcox* of *6 Nichter Road, Lancaster*, is hereby appointed as *Motor Equipment Operator* in the Department of Public Works, effective September 27, 2022.

ROGERS #6

RESOLVED, that the Village Administrator is hereby authorized to publish legal notice of a public hearing to be held by the Village Board of Trustees at 7:30pm on Tuesday October 11, 2022 at Village Hall, 5565 Main Street, Williamsville, New York for the purpose of hearing all persons interested in expressing an opinion on the proposed Local Law #7 of 2022 on the Open Meetings Law amendment for Videoconferencing Procedures.

LOWTHER #1

RESOLVED, that the proposal from Flynn Battaglia Architects, dated September 8, 2022 to continue the phased rehabilitation work of the asbestos abatement project at the Lehigh Valley Section House building, at a cost of \$13,200.00, plus the cost of hazard material project and air monitoring (through Stohl Environmental). The Mayor is hereby authorized and directed to execute said proposal on behalf of the Village of Williamsville.

VILLAGE OF WILLIAMSVILLE

LOCAL LAW NO. X4 of 2022

A Local Law Amending Chapters 112 (Zoning) To Make Technical Amendments

Section 1. Title

This Local Law shall be referred to as, “Zoning Code Technical Amendments and Update Law of 2022”.

Section 2. Purpose and Authority

The purpose of this Local Law shall be to amend Chapter 112 (Zoning) to make certain clarifying technical amendments related to code administration and to comply with State law.

Section 3.

- A. Chapter 112 (Zoning), Section 15 (R-3M Multiple Dwelling Residential District Design Standards), is amended as follows [additions underlined and deletions bracketed and italicized]:

1. Subsection (A)(8) is amended as follows:

[8] Installation of landscape features, buffers and screens (only § 112-15E shall be applicable).

2. Subsection E (Landscaping), subparagraph (5) (Buffers and screens) shall be renumbered (3) re-numbered subparagraph (3)(c) is amended as follows:

(c) Fencing shall be consistent with primary building materials, [*and no more than 4 feet in*] be an appropriate height and comply with §112-22, as applicable. [*see Chapter 25.*]

- B. Chapter 112 (Zoning), Section 16 (Mixed Use District Design Standards) is amended as follows:

1. Subsection (A)(8) is amended as follows:

[8] Installation of landscape features, buffers and screens (only § 112-16E shall be applicable).

2. Subsection E (Landscaping), subparagraph (5)(e) (Buffers and screens) is amended as follows:

(c) Fencing shall be consistent with primary building materials, [and no more than 4 feet in] be an appropriate height and comply with §112-22, as applicable. [see Chapter 25].

- C. Chapter 112 (Zoning), Section 17 (Neighborhood Mixed Use District Design Standards) is amended as follows:

1. Subsection (A)(8) is amended as follows:

[8] Installation of landscape features, buffers and screens (only § 112-17E shall be applicable).

2. Subsection E (Landscaping), subparagraph (5)(e) (Buffers and screens) is amended as follows:

(c) Fencing shall be consistent with primary building materials, [and no more than 4 feet in] be an appropriate height and comply with §112-22, as applicable. [see Chapter 25].

- D. Chapter 112 (Zoning), Section 22 (Fences, walls and hedges), Subparagraph A (Residential districts) is amended by adding a new subsection (7) as follows:

(7) For lots zoned R-3M, unless such fence, wall or hedge was previously approved as part of an approved site plan, no permit shall be granted without review and approval of the Planning and Architectural Review Board.

- E. Chapter 112 (Zoning), Section 23 (Planning/Architectural Review Board) is amended as follows:

1. Subsection (B) (Creation of the Planning/Architectural Review Board) is amended as follows:

B. Creation of the Planning/Architectural Review Board. There is hereby created a Planning/Architectural Review Board, which shall consist of seven members appointed by the Mayor, with the approval of the Board of Trustees, to serve such terms established by the Board of Trustees. Alternate members shall be appointed by the Mayor, with the approval of the Board of Trustees, to serve for such terms established by the Board of Trustees. All members shall be residents of the Village. The Board of Trustees shall annually choose one member to serve as Chairperson. The Mayor [Board of Trustees], after public hearing, shall have the power to remove any member for cause. Vacancies shall be filled for the unexpired term of any member whose place has become vacant. The Building and Zoning Clerk or other Board of Trustees designee shall serve as the Secretary to the Board.

(1) Alternate Planning/Architectural Review Board member. The position of alternate Planning/Architectural Review Board member is hereby created for purposes of substituting for

Board members in the event that a Board member is unable to serve because of a conflict of interest or for any other reason. The Mayor, with the approval of the Village Board, shall have the power to appoint up to two alternates. The Planning/Architectural Review Board Chairperson may designate an alternate or alternate member(s) when such member(s) is/are unable to participate for the reasons set forth herein. Such alternate member(s) shall have all the powers and responsibilities of such member(s) of the Planning/Architectural Review Board. Such designation shall be entered into the minutes of the initial Planning/Architectural Review Board meeting at which the designation(s) occurred.

2. Subsection (C) (Referrals), subparagraph (1) (R-3M and Mixed Use Districts) is amended by adding a new subsection (e) as follows:

(e) For all lots, an application for a permit to erect a fence, wall or hedge required pursuant to § 112-22(A)(7) or (B).

3. Subsection (C) (Referrals), subparagraph (2) (For lots zoned M-1) is amended by adding a new subsection (e) as follows:

(e) For all lots, an application for a permit to erect a fence, wall or hedge required pursuant to § 112-22(A)(7) or (B).

4. Subsection (C) (Referrals) is amended to add a new subparagraph (4) as follows:

(4) Any application involving a landmark subject to review by the Historic Preservation Commission pursuant to Chapter 47 of the Code shall not be subject to review by the Planning/Architectural Review Board, except that the Historic Preservation Commission may, at its discretion, refer such application to the Planning/Architectural Review Board for a recommendation regarding elements of the application outside of the Historic Preservation Board's area of expertise.

5. Subsection (F), subparagraph (3) is repealed.

6. A new subsection (I) is added as follows:

(I) Compliance Required; Amendments. No permit shall be issued, nor any work performed, with respect to a site except in conformance with the site plan, architectural or other applicable approval granted hereunder. Any material deviation from any site plan, architectural or other approval granted hereunder shall require approval by the Planning/Architectural Review Board pursuant to such procedures as the Planning/Architectural Review Board, in consultation with the Code Enforcement Officer, deems appropriate given the nature of the proposed modifications.

- F. Chapter 112 (Zoning), Section 24 (Zoning Board of Appeals) is amended as follows:

1. Subsection (A) (Creation, appointment and organization) is amended as follows:

Creation, appointment and organization.

(1) A Zoning Board of Appeals is hereby created and its Chairperson shall be designated by the Board of Trustees. The Board shall consist of five members appointed by the Mayor, with the approval of the Board of Trustees in accordance with § 7-712 of the Village Law of New York State.

(2) Consistent with Village Law, the Board of Appeals shall determine its own rules of procedure, and all of its deliberations, resolutions and orders shall be in accordance therewith.

(3) Alternate Zoning Board of Appeals member. The position of alternate Zoning Board of Appeals member is hereby created for purposes of substituting for Board members in the event that a Board member is unable to serve because of a conflict of interest or for any other reason. The Mayor, with the approval of the Village Board shall have the power to appoint up to two alternates. The Zoning Board of Appeals Chairperson may designate an alternate or alternate member(s) when such member(s) is/are unable to participate for the reasons set forth herein. Such alternate member(s) shall have all the powers and responsibilities of such member(s) of the Zoning Board of Appeals. Such designation shall be entered into the minutes of the initial Zoning Board of Appeals meeting at which the designation(s) occurred.

2. Subsection (B) (Powers and Duties) is amended as follows:

The Board of Appeals shall hear and decide appeals from and review any order, requirement, decision or determination made by [*an administrative official or board charged with the enforcement of any local law adopted*] the Code Enforcement Officer (or designee) pursuant to this [*chapter*] Chapter, Chapter 47 (Historic Preservation) or Chapter 84 (Signs). It shall also hear and decide all matters referred to it upon with it is required to pass under any [*such*] local law.

G. Chapter 112(Zoning), Section 25 (Lapse of Authorization; Renewals), Subsection (A) is amended as follows:

Any approval or authorization (including any amended or modified approval) issued pursuant to this Chapter shall lapse within eighteen months of the date of approval (or, if applicable, amended or modified approval), unless, prior to that date, a building permit or certificate of occupancy has been issued or an extension as provided in subparagraph[s] (B) has been requested.

Section 4. Effective Date

This local law shall take effect upon filing with Secretary of State.

Public Hearing: September 12, 2022, September 26, 2022

VILLAGE OF WILLIAMSVILLE

LOCAL LAW NO. X5 of 2022

A Local Law Amending Chapters 47 (Historic Preservation) To Make Technical Amendments

Section 1. Title

This Local Law shall be referred to as, “Historic Preservation Code Technical Amendments and Update Law of 2022”.

Section 2. Purpose and Authority

The purpose of this Local Law shall be to amend Chapter 47 (Historic Preservation) to make certain clarifying and technical amendments related to code administration and to comply with existing State law.

Section 3.

- A. Chapter 47 (Historic Preservation), Section 3 (Enabling Authority), is amended as follows [additions underlined and deletions bracketed and italicized]:

Pursuant to Article 5, § 96-a; and Article 5-K, § 119-dd of the General Municipal Law; Article 14 of the Parks, Recreation and Historic Preservation Law; Article 7 of the Village Law; and § 10 of the Municipal Home Rule Law; it is hereby declared as a matter of public policy that the protection, enhancement and perpetuation of landmarks and historic districts are necessary to promote the cultural, economic and general welfare of the public.

- B. Chapter 47 (Historic Preservation), Section 4 (Historic Preservation Commission), Subsection E (Vacancies) are amended as follows:

E. Vacancies: Vacancies occurring on the Commission other than by expiration of term of office shall be filled by appointment of the Mayor[, *subject to approval of the Village Board*]. Any such appointment shall be for the unexpired portion of the term of the replaced member, and the appointment must be made in accordance with the criteria established above for original appointments.

- C. Chapter 47 (Historic Preservation), Section 12 (Notice and hearing requirements for proposed designation), subsection (J) is amended as follows:

The boundaries of each landmark or historic district designated shall be specified in detail with reference to the tax map identification number and shall be filed, in writing, in the office of the Village Clerk and there made available for review by the public. The Village Clerk shall forward notice of each property, or portion thereof, designated as a landmark and the boundaries of each designated historic district to the Village Building Department, Town of Amherst Assessor and Erie County Clerk for recordation.

D. Chapter 47 (Historic Preservation), Section 13 (Certificate of appropriateness for alteration or new construction affecting individual landmarks or historic districts) is amended as follows:

1. The title of the section is amended as follows:

§ 47-13. Certificate of appropriateness for alterations [*or new construction*] affecting individual landmarks or historic districts.

2. Subsection A is amended as follows:

(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. Except as expressly authorized herein, no person shall carry out any [*exterior*] alteration, restoration, rehabilitation, or construction activity of a designated landmark or property within a designated historic district without first obtaining a certificate of appropriateness that authorizes such work from the Commission.

E. Chapter 47 (Historic Preservation), Section 14 (Certificate of appropriateness application procedures) is amended as follows:

1. Subsection (A) is amended as follows:

(A) Prior to the commencement of any work requiring a certificate of appropriateness, the property owner(s) or other person authorized by said owner(s) shall file an application for a building permit and an application for such certificate, on a form proscribed by the Commission, with the Code Enforcement Officer. Any determination by the Code Enforcement Officer as to whether a certificate of appropriateness is required for such work is subject to appeal to, and determination by, the Zoning Board of Appeals pursuant to Chapter 112-24(B). Except as otherwise provided in Subsection E, a certificate of appropriateness required by this chapter shall be in addition to and not in lieu of any building permit or other land use approval that may be required by any other applicable law or regulation. [*The application for certificate of appropriateness form may be obtained from the Village's website as part of Appendix B of the "Historic Landmarks Design Standards" materials.*]

(A) Subsection (E) is amended as follows:

(E) Notwithstanding any provision of the Code to the contrary, review by the Commission of any proposed work to a landmark or property/structure within an historic district pursuant to this chapter that would otherwise be subject to *[site plan and/or architectural]* review by the Planning/Architectural Review Board pursuant to §§ 122-22 and 23 shall satisfy the requirements of such *[site plan and/or architectural]* review, *[as applicable,]* and such project shall not be subject to further *[architectural]* review by the Planning/Architectural Review Board with respect to that work, unless the Commission, at its discretion, refers all or some portion of such project to the Planning/Architectural Review Board for its recommendation with respect to work that the Commission determines is outside its area of expertise.

F. Chapter 47 (Historic Preservation), Section 18 (Affirmative maintenance and repair requirement), Subsection (A) is amended as follows:

(A) Ordinary maintenance; repair.

(1) Nothing in this chapter shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a landmark, or, in the case of an interior landmark, any interior architectural features, or property within an historic district that does not involve a change in design, building materials, color or outward appearance.

(2) *[The Commission, upon the recommendation of t]*The Code Enforcement Officer^[, may] shall, in consultation with the Commission, evaluate and *[decide]* determine whether or not proposed work constitutes ordinary maintenance and repair or requires a certification of appropriateness.

G. Chapter 47 (Historic Preservation), Section 21 (Definitions), is amended as follows:

1. The definition of ALTERATION is amended as follows:

ALTERATION

See § 15-2. For purposes of this chapter, an alteration includes any act or process, other than demolition or preventive maintenance, that removes or changes the exterior appearance (or, in the case of an interior landmark, interior appearance), of significant historical or architectural features, or the historic context of a designated landmark or building in an historic district, including, but not limited to, exterior changes, additions, new construction, erection, reconstruction, landscape elements or grading.

2. A new definition of LANDSCAPE ELEMENTS is added (in appropriate alphabetical order) as follows:

LANDSCAPE ELEMENTS

Permanent structural features, other than buildings, including but not limited to fences, walls, decks, patios, arbors, trellises, pergolas, gazebos, sheds and other similar features.

Section 4. Effective Date

This local law shall take effect upon filing with Secretary of State.

LOCAL LAW NO X6 OF THE YEAR 2022

Be it enacted by the Village of Williamsville Village Board of Trustees 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 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, 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.
 - (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 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 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 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.

- 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.

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 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? _____

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? YES NO

(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: YES NO

(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: YES NO

(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 and/or quality?	___	___
(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?	___	___
3.	PROJECT	<u>YES</u>	<u>NO</u>
(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? | ___ | ___ |
| (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)

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: _____

Public Hearing October 12, 2022

VILLAGE OF WILLIAMSVILLE

LOCAL LAW NO. X7 of 2022

A Local Law Authorizing the Use of Videoconferencing to Conduct Public Meetings

Section 1. Title

This Local Law shall be referred to as, “Videoconferencing Public Meetings Law”.

Section 2. Purpose

The purpose and intent of this Local Law is to authorize, pursuant to Section 103-a of the Public Officers Law, the Board of Trustees of the Village of Williamsville (“Village Board”) and any other public body of the Village of Williamsville (the “Village”) to use videoconferencing to conduct its meetings pursuant to the requirements of the New York Public Officers Law.

Section 3. Authorization to Use Videoconferencing

The Village Board hereby authorizes the use of videoconferencing by public bodies of the Village, and any committees of subcommittees of such public bodies, to conduct public meetings pursuant to Section 103-a of the New York Public Officers Law.

Section 4. Effective Date

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

Public Meeting Videoconference Policy

This policy applies to all meetings of the Board of Trustees of the Village of Williamsville and "Public Bodies" of the Village as defined in Public Officers Law §103-a(1). For purposes of this policy, a "meeting" is a gathering of the members of a Public Body for the transaction of official business on behalf of the Village, for which a quorum of members must be present. For purposes of this policy, a "meeting conducted by videoconference" means any meeting in which one or more members of the Public Body participates via videoconference.

Member Remote Attendance. A Public Body may, in its discretion, use videoconferencing to conduct its meetings, provided that a minimum number of members are present to fulfill the Public Body's quorum requirement in the same physical location or locations where the public can attend. Members of a Public Body are required to be physically present at any meeting of such Public Body unless such member is unable to be physically present at any such meeting location due to extraordinary circumstances arising out of one or more of the following:

- a. Disability;
- b. Illness;
- c. Caregiving responsibilities;
- d. Any other significant or unexpected factor or event which precludes a member's physical attendance at such meeting.

Such member must submit a notification in writing to the chairperson of the Public Body explaining the extraordinary circumstances which preclude their in-person attendance at least forty-eight (48) hours in advance of the meeting, or as soon as practicable.

Public Notice. If videoconferencing is used to conduct a meeting, the public notice for the meeting shall inform the public that videoconferencing will be used, where the public can view and/or participate in such meeting, where required documents and records will be posted or available, and identify the physical location for the meeting where the public can attend.

Public Attendance. Except for such meetings or portions of meetings that are permitted to be closed to the public pursuant to the Public Officers Law, Article 7, the public shall be permitted to attend any meeting at the publicly noticed physical location for such meeting. At any meeting being conducted via videoconferencing at which the public is permitted to participate, the public may also attend and participate via videoconferencing in real time. Public Bodies conducting meetings via videoconferencing shall ensure that, where the public is permitted to participate, the members of the Public Body can be heard, seen and identified, while the meeting is being conducted, including but not limited to any motions, proposals, resolutions, and any other matter formally discussed or voted upon.

Record of Remote Attendance. During the public meeting, the chairperson shall announce the name or names of those members participating remotely. The written explanation submitted by the member shall be made part of the record for such meeting, and posted on the Public Body's webpage for such meeting, provided that it may be redacted or summarized to protect any persons' medical information, personal information related to minors, and to protect any person's safety. Where a vote is taken, it shall be clearly recorded as to which members, if any, voted remotely.

Meeting Recordings. Each meeting conducted using videoconferencing shall be recorded and such recordings posted or linked on the Town's website within five (5) business days following the meeting, and shall remain so available for a minimum of five (5) years thereafter. Such recordings shall be transcribed upon written request. All transcription requests must be submitted to the Town Clerk's Office.

Disaster Emergency Exception. A Public Body may elect to waive in-person participation by its members during a state disaster emergency declared by the governor pursuant to section twenty-eight of the New York State Executive Law, or a local state of emergency proclaimed by the Town Supervisor pursuant to section twenty-four of the New York State Executive Law, if the Public Body determines that the circumstances necessitating the emergency declaration would affect or impair the ability of the Public Body to hold an in-person meeting.



FLYNN|BATTAGLIA

ARCHITECTURE
PRESERVATION
PLANNING
BUILDING SCIENCE

September 8, 2022

Ben Vilonen, DPW Crew Chief
Village of Williamsville
5565 Main Street
Williamsville, New York 14221

Re: **Village of Williamsville Village Hall
Lehigh Valley Section House Exterior Asbestos Abatement Phase 2**

Dear Ben,

Flynn Battaglia Architects is very pleased to submit the following proposal to provide professional services for the Village of Williamsville to continue the work at the Lehigh Valley Section House. We value our long-term working relationship with the Village of Williamsville and appreciate that you thought of us for this work.

Our understanding is that the Village is planning to continue the phased rehabilitation of the Section House building. Preliminary asbestos testing was undertaken on the exterior stucco in January 2021 that showed the stucco to be an asbestos-containing material. Since it is deteriorating and future work will inevitably impact the exterior walls frequently, the Village has elected to address this element first. Phase 1 was completed in early 2022. The scope of Phase 2 will include re-establishing the openings on the porch and on the northwest corner of the building and continuing with the stucco work. We received unit prices from Arric Corp. (attached) to help identify the appropriate scope for Phase 2:

• Building Prep	\$3,500.00 Lump Sum
• Crack Removal	\$ 43.25 / LF
• Fill Cracks	\$ 12.15 / LF
• Paint (includes two coats)	\$ 14.75 / LF

Since this is primarily an abatement project, we have solicited Stohl Environmental as our consultant handling all items related to the identification of hazardous materials and planning for their removal. Stohl is a full-service environmental engineering consultant firm. We have worked with them on several recent projects and find their staff to be helpful and thorough including Phase 1 of this building's abatement.

Project Work Scope

Construction Documents (\$10,020.00) :

We propose the following project scope. Consultant roles are noted in () after the item.

1. Meeting between the Village, FBA, and Stohl to discuss the existing conditions of the stucco and development of an abatement strategy. FBA will also discuss new work options with the Village. (FBA, Stohl)
2. Based on the above determined strategy, hazardous materials abatement drawings and specifications will be developed for encapsulation or (most likely) removal of the stucco.



- New work drawings and specifications will be developed for installation of the new wall material. *(Stohl to develop hazardous materials abatement documents, FBA to develop new work documents)*
3. We will develop a description of the proposed work and submit to SHPO for review. We will also work with you to coordinate the environmental review process with the Town of Amherst. *(FBA)*
 4. We will work with you to develop the bidding documents front end, to follow the requirements of the federal CDBG grant program that is funding this project. The front end will be adapted from previous CDBG projects we have completed with the Village. *(FBA)*
 5. We will provide you the documents to review and once we receive your approval, we will put them out to bid. A contractor pre-bid walkthrough will be held. Since such a large part of the project is abatement, we have asked Stohl to be present at the pre-bid walkthrough as well as be available to answer any questions that come up during bidding. Once an apparent low bidder is determined, we will perform due diligence on the contractor and prepare a Recommendation to Award. *(FBA, Stohl)*

Limited Construction Administration (\$2,980.00) :

We propose the following project scope. Consultant roles are noted in () after the item.

6. We will provide limited Construction Administration services on the project. Given the work period of approximately one month, we expect this to involve review of submittals, one site visit, and review and approval of one or two payment applications. Given the specialized nature of this project, Stohl would also perform construction administration services, including review of submittals and one site visit. *(FBA, Stohl)*
7. We will visit the site to verify completion of the project and develop a punch list if necessary, coordinating with Stohl if needed. *(FBA)*

In addition, we have solicited a proposal for the following base information, to be undertaken by Stohl Environmental:

8. Hazardous Materials Project and Air Monitoring *(Stohl)*

Proposed Schedule

Our team is ready to begin this work on October 12th, 2022, with a signed copy of this letter being returned to our office. Pending all party's availability to meet and review, the bid documents should take approximately six weeks.

Professional Fee

The total fixed fee is **\$13,000.00 + cost of haz mat project and air monitoring and reimbursables**. The Base Fee includes the work of both FBA and Stohl for bid documents and limited construction administration. Hazardous Materials Project and Air Monitoring will be in addition to the Base Fee.



The fee includes the following:

Base Fee:

Construction Documents	\$	10,020.00
Limited Construction Administration	\$	2,980.00

Total FBA Fixed Fee \$ 13,000.00

Reimbursables:

Hazardous Materials Project and Air Monitoring		TBD
Incidental Reimbursables (printing)	approx. \$	200.00

Approximate total cost: \$ 13,200.00

+ cost of haz mat project and air monitoring

Our fee is based on the following hourly rates:

- Principal \$210/hour
- Senior Project Manager / Senior Project Architect \$180/hour
- Project Manager / Project Architect \$165/hour
- Architect \$125/hour
- Architectural Technician \$ 85/hour
- Administrative \$ 80/hour

Additional services will be billed at these rates. We will seek the authorization of the Village before incurring any costs for Additional services.

The fee will be billed at the end of each month reflecting the work completed during that month. All bills are due upon receipt and are subject to a late charge of 1% per month if unpaid after 14 days.

Please signify your acceptance of this proposal by signing this letter and returning a copy to our office. We will consider your signature as our authorization to proceed. Thank you for your continued interest in our firm and for this opportunity to be of service.

Sincerely,

Lauren M. Kaufmann, AIA
Project Manager / Project Architect

Agreed upon by:

_____ for the Village of Williamsville

Date _____

_____ for Flynn Battaglia Architects, D.P.C.

Date _____



Arric Corp. • 5033 Transit Road • Depew, NY 14043 • 716-681-3535 • Fax 716-681-5889

August 24, 2022

ATTN: Lauren Kaufmann
Flynn Battaglia Architecture
617 Main St., Suite S-401
Buffalo, NY 14203-1400

**RE: WILLIAMSVILLE
LEHIGH VALLEY SECTION HOUSE PHASE 2
ASBESTOS ABATEMENT, FILL CRACKS, PAINT**

Dear Lauren:

Arric Corp is pleased to submit our proposal and quotation for the above referenced project.

Our scope of work includes all labor, materials, and equipment to complete the ACM removal, fill cracks and paint. Also included in our scope is all notifications, licenses, certifications, PPE, disposal, and insurance.

Specifically our scope includes the following:

ASBESTOS REMOVAL - Remove the existing cracked ACM finish coat of plaster to a V-shaped groove to a depth of sound stucco. All work to be completed via a site specific variances (which was used on Phase I).

FILL V SHAPED GROOVES - The grooves shall be filled with Kiem Concretal repair mortar to allow for painting.

PAINT - Shall include painting the entire stucco surface only, with two coats of Kiem products as recommended by the Kiem Rep, first coat is a contact plus grub to seal surface, following by a finish coat of Soldalit.

Arric Corp is pleased to submit the following unit prices as requested:

ASBESTOS ABATEMENT		
Building prep	lump sum	\$3,500.00
Crack removal		\$43.25/LF



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FILL CRACKS	\$12.15/LF
PAINT (includes two coats)	\$14.75/SF

Excluded from our scope is third party air monitoring (by law the abatement contractor cannot hire these services), obtaining NYSDOL site specific variance (Phase I the owners rep Stohl Environmental obtained this).

Thank you for the opportunity to submit our proposal and quotation. We look forward to hearing from you regarding this project. Should you have any questions or require additional information, please do not hesitate to contact us.

Sincerely,

Paul Keller
President