

**EXECUTIVE SESSION**

Board of Trustees  
Village of Kenmore

Municipal Building  
August 19, 2014

PRESENT:	Hon. Patrick Mang	Mayor
	Hon. Katherine Bestine	Trustee
	Hon. R. Timothy McCarthy	Trustee
	Hon. Paul Catalano	Trustee
	Hon. Katie Burd	Trustee

**EXECUTIVE SESSION TO DISCUSS TWO (2) FINANCIAL, ONE (1) PERSONNEL (DISCIPLINARY), ONE (1) PERSONNEL (HIRE), ONE (1) PERSONNEL (HEALTH), AND ONE (1) LITIGATION MATTER.**

Trustee McCarthy moved to go into Executive Session to discuss two (2) financial, one (1) personnel (Disciplinary), one (1) Personnel (hire), one (1) Personnel (Health) and one (1) litigation matter.

Seconded by Trustee Burd and adopted by a full vote in the affirmative.

Trustee McCarthy moved to end the Executive Session.

Seconded by Trustee Bestine and adopted by a full vote of all members present.

Kathleen P. Johnson  
Village Clerk/Treasurer

**CORPORATION PROCEEDINGS**

Board of Trustees  
Village of Kenmore

Municipal Building  
August 19, 2014

PRESENT:	Hon. Patrick Mang	Mayor
	Hon. Katherine Bestine	Trustee
	Hon. R. Timothy McCarthy	Trustee
	Hon. Paul Catalano	Trustee
	Hon. Katie Burd	Trustee

The meeting was called to order at 8:00 p.m. by Mayor Patrick Mang. The Mayor led the Pledge of Allegiance.

**BOARD CONDUCTED A HEARING PERTAINING TO LOCAL LAW #6, 2014 ENTITLED “AMENDING THE VILLAGE OF KENMORE ZONING MAP TO CREATE A PLANNED UNIT DEVELOPMENT DISTRICT PURSUANT TO ARTICLE IV-C OF CHAPTER 25 OF THE VILLAGE CODE”.**

The Clerk advised that this was the time and place called for in the legal notice to conduct a hearing pertaining to Local Law #6, 2014 entitled “Amending the Village of Kenmore Zoning Map to create a Planned Unit Development District pursuant of Article IV-C of Chapter 25 of the Village of Kenmore Code”.

Trustee McCarthy moved to open the hearing.

Seconded by Trustee Bestine and adopted by a full vote of all members present.

Village Clerk Kathleen Johnson read the legal notice. Tom Fox, representing Ellicott Development, presents the proposed project at 1 Delaware Road (the former Washington School) stated that the lot is 1.58 acres in size and is currently underutilized. Carmina Woods Morris is the architect, and the project would have mixed use. The building would be three stories, with square footage of 51,000 feet. Creative Child would utilize over 12,000 square feet and use two floors. There would be twenty

market apartments on the second and third floors, between 800 and 900 square feet each, with projected rents of \$1,000 to \$1,700 per month. The plans call for reinstating high ceilings and full windows. There would be nine two bedroom apartments, and the rest would be one bedroom. In addition, there are plans for an addition of 5,000 square feet for a restaurant and retail. Patios will be located on the north and south ends of the addition.

Mr. Fox notes that these plans are compliant with Village of Kenmore Comprehensive Plan and Planned Unit Development (PUD) Law. It would be a mixed use building which is currently in an underutilized property. It would blend business and residential – enhancing the pedestrian environment.

They have been working with the Planning Board and the Board of Trustees since June and they hope to get a permit as soon as possible. Construction could be completed as soon as next spring or early summer.

Tom Fox reviewed the site plan, stating that the parking originally called for 68 spaces. A traffic study indicated that that would not be sufficient and the Planning Board agreed. The plans now include 85 spots. Chain link fencing would be replaced with a with decorative aluminum fencing, like that seen as part of the Delaware Avenue Streetscape. The east side fence would be replaced with a new wood fence, and the bollards would be removed and replaced with rubber parking blocks. Bike racks would be included next to the Mechanics Building. Landscaping would entail five mature trees and removal of one that is currently dead. All other trees would be staying. The shrubbery

would be spirea and juniper. The current landscaping at the gazebo would remain, but may need to be temporarily transplanted during construction.

Renderings were shown. Planters will be included under column lights.

Mayor Mang asked if there were any questions.

Gail Licata a resident of 155 Wardman Road, stated that the plans are impressive and inquired if the benches would stay. Mr. Fox replied that the benches will stay. Mary Dewey a resident of 160 Mayville Avenue, asked if there were tenant commitments yet. Mr. Fox stated there are no commitments at this point, but that they see the property appealing to a mix of empty nesters and young professionals

Walter Hakala, a resident of 129 Knowlton Avenue, brought up a concern about the playground. Mr. Fox stated the day care playground will remain and be untouched. The current Heritage Center playground will be relocated for another use.

Resident Richard Beers, 135 Knowlton, questioned if parking was for renters. Mr. Fox replied there would be parking for renters in the rear. New parking has been built into the plans to address easy in and out drop-offs/pickups for the day care. In addition they will be requesting that parking on Delaware Avenue, in front of the property, be implemented. If the DOT approves this, there would be up to five spaces available for patrons of the restaurant and retail stores. Mr. Beers raised a concern pertaining to buses and the retail in the mornings. Mr. Fox responded there would be a circular entry for daycare. Also, he noted, that the spaces provided for in the plan would be enough to handle parking needs for patrons and workers.

Mr. Beers asked if there would be outside music. Mr. Fox responded that this would be limited. They don't want loud parties.

Sheila Ginane, 70 East Girard Blvd., brought up a concern of the two time capsules that are buried at the school. Mr. Fox responded that they will be retrieved from the left of the flag pole.

Bill Naab, 298 Irving, thanked Mr. Fox for coming to Kenmore.

Walter Hakala, 129 Knowlton Avenue, stated that most parents use the side streets and that the food service trucks park illegally, creating congestion. He is glad to see the additional parking on the east side of Delaware Road. For those traveling south, Mr. Hakala is concerned about it being hard to see vehicles turning right from Delaware Avenue. Mr. Fox responded that the day care also has to inform the parents.

Nick Sinatra, of Sinatra Realty - 2872 Delaware Avenue, voiced support of the project stating its renewing the building, will help with Delaware Avenue and that this is an exciting project, and very well done.

Laura Nagel, a resident of 119 Knowlton Avenue, had a concern about the Sunday church traffic. Mr. Fox stated they will do what they can and there should be some space, but ultimately they cannot be responsible for providing parking for other properties.

Rich Biers, 135 Knowlton Avenue, asked about the building going back on tax rolls, Mr. Fox replied that the project is worth \$4-5 million which will be going back on the tax rolls. There were no negatives. He stated that there are no tax breaks open and

that the best they could hope for would be pilot program. Even if a pilot were available, there would still be a net gain to the Village.

Mark Roundtree asked about parking lights. Mr. Fox stated the stands on the existing ones would be reused and that the light is sufficient. They would be upgraded for energy efficiency and there would be some screening. Mr. Fox noted that the County had mentioned that the developer should use dark sky fixture, but they don't feel there is enough light to reach across the parking lot using this type of lighting. Safety should be a first priority.

No other comments or questions were brought to the Board's attention.

Mayor Mang thanked everyone who came, and he also thanked the Planning Board for their work on the project, and Ellicott Development for being very accommodating to the requests made by the Village Planning Board and Board of Trustees.

Trustee Bestine moved to close the hearing.

Seconded by Trustee Catalano and adopted by a full vote of all members present.

**BOARD APPROVED A RESOLUTION ISSUING A NEGATIVE DECLARATION WITH RESPECT TO A REVIEW UNDER THE STATE ENVIRONMENT QUALITY REVIEW ACT WITH RESPECT TO LOCAL LAW #6, 2014.**

Trustee McCarthy moved to approve a resolution issuing a negative declaration with respect to a review under the State Environment Quality Review Act with respect to Local Law #6, 2014. A copy of this resolution is appended to these minutes for record purposes.

Seconded by Trustee Burd and adopted by a full vote in the affirmative.

A Roll Call Vote was taken as follows:

Trustee Bestine	Voting	Aye
Trustee McCarthy	Voting	Aye
Trustee Catalano	Voting	Aye
Trustee Burd	Voting	Aye

**BOARD APPROVED LOCAL LAW #6, 2014 ENTITLED “AMENDING THE VILLAGE OF KENMORE ZONING MAP TO CREATE A PLANNED UNIT DEVELOPMENT DISTRICT PURSUANT TO ARTICLE IV-C OF CHAPTER 25 OF THE VILLAGE CODE”.**

Trustee Catalano moved to approve Local Law #6, 2014 entitled “Amending the Village of Kenmore Zoning Map to create a Planned Unit Development District pursuant of Article IV-C of Chapter 25 of the Village of Kenmore Code”.

Seconded by Trustee Burd and adopted by a full vote in the affirmative.

A Roll Call Vote was taken as follows:

Trustee Bestine	Voting	Aye
Trustee McCarthy	Voting	Aye
Trustee Catalano	Voting	Aye
Trustee Burd	Voting	Aye

**BOARD APPROVED AN AGREEMENT PERTAINING TO A SAFETY EQUIPMENT GRANT FOR THE KENMORE FIRE DEPARTMENT.**

Trustee Bestine moved to approve an agreement pertaining to a Safety Equipment Grant for the Kenmore Fire Department. A copy of this agreement has been appended to these minutes for record purposes.

Seconded by Trustee McCarthy and adopted by a full vote of all members present.

**BOARD APPROVED THE APPOINTMENT OF SCOTT CZUBAJ AS A PART-TIME PUBLIC SAFETY DISPATCHER FOR THE KENMORE POLICE DEPARTMENT EFFECTIVE AUGUST 20, 2014.**

Trustee Burd moved to approve the appointment of Scott Czubaj of 128 Linden Avenue, as a part-time Public Safety Dispatcher for the Village of Kenmore, effective August 20, 2014, at a pay rate of \$15.81 per hour.

Seconded by Trustee Catalano and adopted by a full vote in the affirmative.

**BOARD APPROVED A SHARED SERVICE AGREEMENT BETWEEN THE TOWN OF TONAWANDA AND THE VILLAGE OF KENMORE PERTAINING TO STREET MILLING.**

Trustee Bestine moved to approve a shared service agreement between the Town of Tonawanda and the Village of Kenmore pertaining to street milling. A copy of this agreement has been appended to these minutes for record purposes.

Seconded by Trustee Catalano and adopted by a full vote in the affirmative.



**BOARD APPROVED A LEGAL NOTICE PERTAINING TO A REQUEST FOR A PROPOSAL FOR SOFTWARE FOR THE WATER DEPARTMENT.**

Trustee Burd moved to approve publication of a legal notice pertaining to a request for a proposal for software for the water department. A copy of this legal notice is attached and made a part of these minutes for record purposes.

Seconded by Trustee Bestine and adopted by a full vote in the affirmative.

**BOARD APPROVED A LEGAL NOTICE PERTAINING TO LOCAL LAW #7, 2014, AMENDING CHAPTER 17 OF THE KENMORE MUNICIPAL CODE.**

Trustee Catalano moved to approve a legal notice pertaining to Local Law #7, 2014, amending Chapter 17 of the Kenmore Municipal Code by including a new section 17-37. Board of Trustees., providing that the Board of Trustees may act on behalf of the Landmark Preservation Commission in the absence of a quorum of appointed members.

Seconded by Trustee Burd and adopted by a full vote in the affirmative.

**BOARD APPROVED AND GRANTED PERMISSION TO THE RESIDENTS OF COLUMBIA BOULEVARD TO HOLD A BLOCK PARTY.**

Trustee Bestine moved to approve and granted permission to the residents of Columbia Boulevard between Delaware Road and Delaware Avenue, to hold a block party on August 23, 2014, at the request of Peggy Gianadda.

Seconded by Trustee McCarthy and adopted by a full vote in the affirmative.

**ABSTRACT OF AUDITED VOUCHERS.**

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Trustee Catalano offered the following resolution and moved for its adoption:  
**RESOLVED**, that the Mayor be and he hereby is authorized to sign the Abstract of Audited Vouchers dated August 19, 2014 in the amount of \$445,486.20; General Fund \$208,003.45; Water Fund \$72,008.17; Sewer Fund \$117,647.44; and Capital Fund \$47,827.14; and to direct the Treasurer to pay each of the listed claimants in the amount appearing opposite his/her name.

Seconded by Trustee Bestine and adopted by a full vote in the affirmative.

**INVITATION FOR PUBLIC COMMENT/QUESTIONS**

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The Mayor asked if anyone wished to be heard.

Mayor Mang welcomed the newly appointed Superintendent of the Ken-Ton School District, Dawn Moran, and wished her much success. Ms. Moran stated that she just recently became a Ken-Ton resident and thanked Mayor Mang for his good wishes.

As no one wished to be heard, the meeting was adjourned.

The next meeting of the Board of Trustees will be held on September 2, 2014 at 8:00 p.m. at the Kenmore Municipal Building.

Kathleen P. Johnson  
Village Clerk/Treasurer