

**Village of Webster**  
**Planning Board Meeting Minutes**  
Meeting Minutes of February 8, 2017

Community Meeting Hall  
29 South Avenue  
Webster, NY 14580

**Present:** Chris Krawiec, Kathy Bills, Judy Gurnett, Sherri Licata, Building Insp./Code Enforcement Officer Will Barham, Atty: Don White, Deputy Clerk Jo O'Neill

**Absent:** Peter Bowers

Meeting came to order at 7:00pm.

Chairman Chris Krawiec welcomed Sherri Licata, the newest member of the Planning Board. He then asked the board to review the January 5, 2017 meeting minutes.

**Motion:** Kathy Bills made a motion to approve the January 5, 2017 minutes as written. Seconded by Judy Gurnett. All were in favor. Motion passed.

C. Krawiec indicated that the primary order of business for this meeting is to discuss the merits of the estimate of the value of infrastructure completion for the Scenic Village Townhomes Development, as prepared by the engineering firm TY Lin. The Planning Board is not approving the letter, but rather discussing the values in the estimate placed against the items remaining to be completed. There will be no public input necessary, as the board is merely here to determine whether the values are reasonable to cover the completion of the remaining work, and to make a recommendation to the Village Board regarding the values in the estimate. He then opened the discussion up to the Planning Board members.

Kathy Bills inquired as to what would happen if the expenses exceeded the values as determined in the estimate.

Will Barham explained how a "Letter of Credit" works, or in this case money from the developer put in an escrow account held by our Village Attorney. As each part of the infrastructure is done, The Village Board can instruct our attorney to release money back to the developer for the portion of work that is completed.

Attorney Don White added that if Mr. Fico does the work, then the amount it costs really doesn't matter. He pays for the work to be done, and as it's completed he will receive back portions of the funds held in escrow. If he doesn't do the work within the designated time frame, the money held in escrow is used by the Village to complete the work. If the amount is short, the Village would have to cover the additional expense. This is why the Planning Board is meeting to determine whether the values are reasonable to cover the completion of the remaining work, and make a recommendation to the Village Board. The Village Board must ultimately approve the amount to be held in escrow. The engineers have built a 10% contingency in the estimate to account for any additional costs.

C. Krawiec noted that as of January 20, 2017, the date the estimate was written, there was good weather conditions and no snow. Consequently, the engineers would have had good visibility to see the existing conditions and determine what repairs and infrastructure needed to be completed. While we don't always know the exact amount things will cost, after researching the costs of completing the infrastructure, he believes that the amounts in the estimate are reasonable. One concern is how much of the binder will need to be replaced. We won't know that until the work is started. If additional binder needs to be removed and replaced, the cost would eat up the 10% contingency built into the estimate. He then asked Peter Lutz, Mr. Fico's attorney, if there was a date when building would start for the four units he has building permits for.

Peter Lutz replied that he did not have a date, but that the permits are good for one year.

C. Krawiec continued saying that if the new construction isn't started it could delay the completion of the infrastructure. We gave Mr. Fico until the end of asphalt season 2017 (November 17, 2017) to finish the roads. If the new building isn't started well before then, the roads may not get done, and the Village would not have time to complete the roads before asphalt season 2017 is done. This could postpone completion of the roads until 2018.

P. Lutz indicated that Mr. Fico feels the estimate is high, and he is motivated to get the work completed so that he can recover the funds held in escrow.

C. Krawiec asked Mr. Lutz to relay the board's commentary and timeline back to Mr. Fico, expressing that it's unfair for the existing residents to suffer through the conditions any longer. Will Barham and Jake Swingly will be following through with inspections and check on the progress being made.

Attorney Don White commented that they have drawn up a draft of the escrow agreement, and it requires written confirmation from Mr. Fico's engineer and our Code Enforcement Officer for the completion of the work. On November 3, 2016, the Planning Board gave Mr. Fico until November 2017 to complete the roads and parking. Mr. White asked Mr. Lutz to talk with Mr. Fico about moving the deadline to October 2017 to give the Village time to complete the roads in 2017 if Mr. Fico has not completed them by then.

P. Lutz "strongly suspects" that Mr. Fico will have the work done much sooner than that.

C. Krawiec indicated that the road and parking should only take 1-2 weeks at most to complete, and he asked Mr. Lutz to keep the Planning Board apprised of the work.

W. Barham noted there is one change to the map, and that there are five parking spaces that need to be completed. In addition, he noted that the cul-de-sac has not been dedicated, and may ultimately be changed to a "T".

D. White stated that the cul-de-sac was never deeded, and is still owned by the original owner. The Village could make it a dedicated road and take care of it. He then mentioned

that the motion made by the Planning Board on November 3, 2016 did not indicate a deadline for the sidewalks and parking to be completed.

P. Lutz said that Mr. Fico intends on completing the parking at the same time as the road.

Discussion continued regarding a completion date for the sidewalks. It is more economical to do all of the sidewalks at once, but doesn't make sense to put them in until the units have been built. Units 1-6 and 7-12 have not been built. Units 22-25 have been permitted but not built. Units 13-17 have been built, but have no sidewalks in front of them. Alternatives considered were 1) putting sidewalks in on the other side of the road, 2) putting sidewalks in only where current units are built, 3) put in a contiguous sidewalk, to be cut out later for driveways, 4) put in asphalt sidewalks instead of concrete, and 5) put in compact gravel between where the units are and/or will be.

P. Lutz reiterated that Mr. Fico has put up the funds and agreed to complete the roads and parking. He asked whether it is critical to put in the sidewalks now, without the buildings being done.

C. Krawiec replied that the sidewalks are important for safety, and they are part of the site plan.

Judy Gurnett indicated that the Home Owners Association (HOA) takes over in 2018. If the roads, parking and sidewalks aren't done by then, it could become the HOA's responsibility to complete them.

D. White noted that there is no time limit for the developer to complete all of the units, however he does recommend giving Mr. Fico three years to complete the sidewalks when more/all of the units have been built. If the sidewalks aren't put in by then, the Village can use the money in escrow to put them in, or give the money to the HOA to do it. At that time, the site plan could be deemed abandoned, and the board could require another site plan be submitted and a Letter of Credit be issued.

W. Barham expressed that the cost of materials could be much higher in three years, and the money left in escrow may not cover the total cost.

Mr. Lutz again commented that he suspects Mr. Fico will complete things as soon as possible.

D. White suggested that the board give Mr. Fico until November 3, 2019 to complete the sidewalks, as that will be three years from the original motion made on November 3, 2016. Based on the consensus of the board, he will include this date in the escrow agreement.

C. Krawiec then asked the board for a motion regarding the values in the estimate by TY Lin for the completion of the infrastructure for Scenic Village Townhomes.

**Motion:** Kathy Bills made a motion to recommend to the Village Board to accept the estimate

provided by TY Lin for the completion of the infrastructure to Scenic Village, to be held in escrow by the Village Attorney. Seconded by Sherri Licata.

Vote: Chris Krawiec - Yea  
Kathy Bills - Yea  
Judy Gurnett - Abstained  
Sherri Licata - Yea  
Peter Bowers - Absent

Motion passed.

C. Krawiec then asked for a motion to adjourn the meeting.

**Motion:** Judy Gurnett made a motion to adjourn the meeting. Seconded by Kathy Bills. All were in favor. Motion passed.

**Meeting adjourned** at 8:10pm.

The next Planning Board Meeting is scheduled for 7:30pm on March 2, 2017.

Respectfully submitted,  
Jo O'Neill, Deputy Clerk