

**Present:** Chris Krawiec, Sherri Licata, Judy Gurnett, Peter Bowers, Kathy Bills (arrived at 7:05pm), Deputy Clerk Jo O'Neill, Atty. Don White, Building Insp./Code Enforcement Officer Will Barham

Meeting came to order at 7:00pm.

Chris Krawiec asked the board to review the minutes from November 2, 2017.

**Motion:** Sherri Licata made a motion to accept the November 2, 2017 meeting minutes as written. Seconded by Judy Gurnett. The vote was as follows:

Chris Krawiec	Aye
Sherri Licata	Aye
Judy Gurnett	Aye
Peter Bowers	Aye
Kathy Bills	Absent (had not arrived yet)

Motion passed.

**Brittany Woods Development Update:**

Will Barham informed the board that they had a pre-construction meeting, and the construction should begin sometime in May. The Village Board will be voting on the Letter of Credit (LOC) at their next meeting. All of the signatures are done, and they are ready to go as soon as the LOC is approved.

- 1) Application:** 5 East Main Street, Tax ID # 080.47-1-20. Applicant: Kristina Cammilleri-Smith, owner of Gioia Mia Catering. Current use located at 5 East Main Street is a catering business. Applicant seeks to expand current use to include lunches and dinners and serve alcoholic beverages, adding a restaurant to existing use. Applicable zoning section: 175-22 B. Property Zoned: Central Business

**Presentation:** Kristina Cammilleri-Smith, owner of Gioia Mia Catering, would like to open a dining area and offer lunch, dinner and wine tasting. They propose having one large 14 seat table, where guests could reserve seats and eat "family style", similar to an "Italian Hibachi". The floor plan will remain the same.

Will Barham informed them that they may need to install an additional bathroom according to NYS building code, which does not allow guests to go through the kitchen. The current location of the bathroom is behind the kitchen.

Kathy Bills inquired as to whether they need a liquor license as a caterer.

K. Cammilleri-Smith replied that they do not need one as a caterer, but as a restaurant serving food to guests they do.

C. Krawiec expressed that he is encouraged that they are opening in Webster.

**Open to the Public:**

No comments were made.

**Closed to the Public:**

C. Krawiec then asked for motions on this application.

**Motion:** Kathy Bills made a motion to approve a Type II action under SEQR. Seconded by Sherri Licata. All were in favor. Motion passed.

**Motion:** Judy Gurnett made a motion to approve a change of use for the current catering business at 5 East Main Street to a restaurant. Seconded by Sherri Licata. All were in favor. Motion passed.

2) **Application:** 154 North Avenue, Tax ID # 080.05-1-71. Applicant: Planet Homes of Rochester, owner, Jonathan J. Oliva. Applicant seeks to convert a single family home located at 154 North Avenue to a two-family. Applicable zoning section: 175-19 B. Property Zoned: Neighborhood Business.

**Presentation:** Jonathan Oliva purchased 154 North Avenue about one year ago. He wants to convert the existing single family home to a legal two family home and rent it out. The inside will be completely redone with new mechanicals, and it will also be re-sided. He lives in Webster himself, and has other high-end rentals in the area. The house is currently empty.

C. Krawiec asked about the external staircase leading to a second floor entry door.

J. Oliva indicated that there is an existing internal stairway to the second floor, but they would have to go through the downstairs living room to go upstairs. Consequently, they are utilizing the external stairway to enter what will be the second floor apartment. It meets all of the setback requirements. Once the house is re-sided and some landscaping is done, it will look nice.

C. Krawiec stated that according to code 175-19 B(7), a two family dwelling requires a site plan approval, and inquired as to whether the applicant had submitted one.

W. Barham replied that the board is only approving the use as a two family dwelling, which does not require submission of a site plan. It is an existing structure which is not changing, and the driveway is staying the same, so there is no "site" to approve.

C. Krawiec also inquired as to the amount of parking required for a two family dwelling, as there is no site plan to depict the available parking.

J. Oliva responded that there is parking available for approximately 8 vehicles, which will not change. In addition, there is a garage which will be available for one tenant.

J. Gurnett questioned as to who will be maintaining the property.

J. Oliva explained that his company maintains all of their properties. The house will be vinyl sided with low "E" windows, two security lights, two meter boxes, and all up to code with current updates. The downstairs apartment will have front and rear entrances, and the upstairs will have one second floor entrance. There will also be a sidewalk put in where the tree is, which will be removed. The garage will be painted and cleaned up, and the bottom tenant will be responsible for the outside lighting.

**Open to the Public:**

Rick Walter, 20 Elm Street, asked whether the outside staircase required a variance, and if the outside lighting would be night sky compliant.

J. Oliva noted that the lights will be directed down and be night sky compliant.

W. Barham explained that they are replacing an existing stairway outside, and do not need a variance.

Don White added that the stairway could be grandfathered as pre-existing, non-conforming. There is no use or area variance that would apply. Technically, this application is subject to site plan approval and a permit for a controlled use, however it is the Planning Board's discretion as to whether they want to waive the site plan approval requirement.

W. Barham informed the board that there has been one permit issued for the deck outside the second floor entry door.

**Closed to the Public:**

C. Krawiec then asked for motions on SEQR and the use as a two family dwelling.

**Motion:** Kathy Bills made a motion to approve a Type II action under SEQR. Seconded by Peter Bowers. All were in favor. Motion passed.

**Motion:** Kathy Bills made a motion to waive the required site plan approval, and accept the property as a legal two family dwelling with an exterior staircase. Seconded by Sherri Licata. All were in favor. Motion passed.

3) **Application:** 30 North Avenue, Tax ID # 080.47-1-12. Applicant: Nick Musson, owner: The Waffle Factory. Applicant proposes to install freestanding sign in front setback at 30 North Avenue. Current Village code requires 20' (feet) from front setback. Sign proposed to be placed 3' (feet) from front setback requiring a 17' (foot) variance. Applicant also seeks to add use of beer garden to rear patio area. Applicable Zoning section: 175-54 D(3)(a); 175-22 B. Property Zoned: Central Business.

**Presentation:** Nick Musson, owner of the Waffle Factory, would like to install a new two-sided sign in front of the restaurant 3ft from the front setback, and add a beer garden to the rear patio area behind the restaurant. He intends to clean up that area with landscaping, and add seating and an awning to cook under. He will need to apply for a liquor license to serve alcohol there.

S. Licata asked if there are any plans for the large box elder tree.

N. Musson replied that it is up to the landlord. The tree also blocks the sign on the building, which is why he would like to install a permanent two-sided sign in the front. The temporary sandwich sign gets knocked over and blown over.

C. Krawiec noted that the Waffle Factory has been very successful. People have come from Buffalo and Syracuse to eat there.

**Open to the Public:**

Kim Rieger, from Reflections Hair Design next to the Waffle Factory, expressed that currently their clients have trouble with parking, and they are concerned that this will even make things worse.

N. Musson pointed out that he plans to have a back gate entrance for the beer garden, so it should not take up more parking next to, or in front of their business.

W. Barham expressed that there is plenty of parking back along Veterans Park. People may have to walk farther, but there is ample parking (100+ spots). They may have to communicate to their clients where there is parking. Also, New York State code requires one handicap parking spot per every 25 spots. The parking there meets this requirement.

K. Rieger also noted that some vehicles get parked there and never moved.

W. Barham replied that they should let him know when that happens.

N. Musson suggested that maybe they can talk to the businesses across the street and work out utilizing some parking spaces there.

Cheryl Parker pointed out it appears that Nick Musson is offering ideas to help. He proposed that he can park behind once the back area is done and a gate is put in. He also suggested talking with the businesses across the street to work out an agreement for parking.

Peter Elder asked if the Planning Board typically sees the design of the sign, which they do. He then suggested that the businesses may be able to go to the BID and work out some options with other businesses in the Business Improvement District.

Jude Lancy informed them that Scott's Funeral Home does that now. They allow people to park there unless they have a funeral. Then they put out a sign indicating that parking is reserved for the funeral.

C. Krawiec added that this is a "great problem to have". The businesses are thriving and we have a parking problem. It's better than having empty store fronts.

**Closed to the Public:**

C. Krawiec noted that we need to help the current businesses expand and thrive.

N. Musson indicated that the new sign will be a smaller version of the one on the building. He also stated that timing is critical for him to get a liquor license.

C. Krawiec expressed the need for more details regarding the beer garden area.

N. Musson replied that the fence and gate are already there. He intends to just paint them.

W. Barham mentioned that the fence needs to be 4ft high and must have a gate with a crash bar to exit.

K. Bills asked about the seating for the beer garden.

N. Musson answered that he intends to have 15 tables outside, and it will only be used in fair weather.

C. Krawiec then asked for motions on this application.

**Motion:** Judy Gurnett made a motion for a positive recommendation to the Zoning Board of Appeals for a 17ft. front yard setback variance for the installation of a pole sign. Seconded by Sherri Licata. All were in favor. Motion passed.

There continued to be questions regarding the beer garden.

K. Bills inquired as to whether the Waffle Factory could get a liquor license without having the beer garden.

N. Musson replied that he does not want to serve alcohol inside. If the beer garden is not approved he will not apply for a liquor license.

D. White added that the liquor authority needs to know where the alcohol will be served. He also indicated that the board is “technically” approving an amended site plan, and has to determine if they have enough information to do that.

J. Gurnett noted that everything is already there: the foundation, fence and gate. If he’s just going to make what’s there look better, and add tables, does he need to present an amended site plan?

W. Barham responded that he is adding a use with the beer garden. He is changing what the original site plan was for. Additionally, the number of tables will determine what pathways will be required by code for accessibility.

C. Krawiec stated that the board may be agreeable with what he is proposing, but they will need to submit a formal site plan. He must meet the required Village codes.

D. White indicated that they can grant a conditional approval pending a formal site plan.

W. Barham commented that he can work with Nick Musson to prepare a formal site plan according to code for approval by the board.

C. Krawiec then asked for a motion.

**Motion:** Judy Gurnett made a motion for a positive recommendation for the application of a liquor license conditional upon the approval of an amended site plan for the additional use of a Beer Garden behind the existing building. Seconded by Peter Bowers. All were in favor. Motion passed.

4) **Application:** 5 West Main Street, lower level, Tax ID # 080.47-1-7. Aaron Slocum owner: “The Modified Collective.” Applicant seeks to operate a tattoo studio in lower level of 5 West Main Street. Applicant also seeks parking waiver for required number of parking spaces. Applicable zoning code: 175-22B & 175-53B respectively. Property Zoned: Central Business.

**Presentation:** Aaron Slocum is looking to open a tattoo studio in the lower level of 5 W. Main Street and is seeking a parking waiver for that business. He has some unique clientele, including celebrities, musicians, sports figures... There is an increasing trend for tattoos right now, and he offers a safe high end custom alternative to some things that are not safe. He will need to change the use of the space from “retail” to “service”. In addition, he will need a parking waiver for their clientele, although there will not be a large number of vehicles at any one time.

W. Barham noted that all of the parking there is open municipal parking, except for the parking behind Ploty’s Hometown Tavern and Mozzeroni’s.

K. Bills inquired as to what the shop will look like and how many employees there will be.

A. Slocum indicated that most of what they do will be cosmetic, but it will have a very high end, custom look and feel. There will be four additional artists working with him. In addition, he would like to install a sign on the outside of the building. Webster offers a nice “bridge” between counties outside of the city. He already has established clientele from Buffalo, Syracuse, Rochester, Albany, and Ithaca, even from out of state.

**Open to the Public:**

Elizabeth Sheridan, works with Aaron, and calls the Dept. of Health every six months and makes sure that they are complying with any changes in legislation. Since October 2014, there has been no change in legislature or contingencies as it relates to them or their clients. One of their main priorities is sanitation and sterilization.

A. Slocum also noted that most of what they use are disposable, one time use items.

R. Walter, 20 Elm Street, asked what hours they will be open.

A. Slocum replied that their current plans are: Tuesday thru Thursday from noon – 9pm, Friday and Saturday from noon -10pm, and Sunday and Monday they will be open by appointment only. In addition, there will always be one artist available for walk-in clients. One of the questions they ask each client is whether they have consumed any alcohol in the past 48 hours. If they feel that someone is under the influence, they will not do a tattoo on them.

W. Barham inquired as to any age limits they have for clients.

E. Sheridan pointed out that in NY state there is a minimum age of 18yrs old for getting tattoos. Artists must be 18 and up to perform the service. For piercings, it is subject to the parents’ discretion. They will do piercings for minors with the parent present giving consent and showing some form of ID. They will only do “intimate piercings” for 18 year olds and up. In addition, anyone receiving a service must fill out a form and write down their ID number. In NY state performing piercings are regulated county by county. Currently in Monroe County, there is no technical licensing required to perform the service. California, which they are trying to model after, has the harshest laws and regulations. They do have bloodborne pathogen certifications, CPR and first aid training.

**Closed to the Public:**

C. Krawiec then asked for motions on this application.

**Motion:** Judy Gurnett made a motion to approve a Type II action under SEQR. Seconded by Sherri Licata. All were in favor. Motion passed.

**Motion:** Sherri Licata made a motion to approve a change of use from a retail business operation to a tattoo studio in the lower level of 5 West Main Street. Seconded by Judy Gurnett. All were in favor. Motion passed.

For the parking waiver, Don White informed the board that the code requires one parking space for every 300sf of store space. This space is approximately 1400sf, so it would require five parking spaces. Since there are no “dedicated” parking spaces (all of the parking there is municipal parking), the Planning Board can approve off-site parking in accordance with code 175-53B.

**Motion:** Kathy Bills made a motion to approve a parking waiver for a tattoo studio in the lower level of 5 West Main Street. Seconded by Peter Bowers. All were in favor. Motion passed.

**5) Presentation:** Peter Elder for the Historic Preservation Commission, presented a color palette of 21 colors for the Central Business District to be added to the Village of Webster Design Guidelines.

P. Elder mentioned that a Color Palette had previously been discussed by the Planning Board at their 2/24/16 meeting, and Jude Lancy had presented the Color Pallett to the BID on 10/3/16, with no opposition. They would like to apply the color palette to the exterior of the businesses in the Central Business District. The Design Guidelines in the Comprehensive Plan (pg. 83-99), are intended to establish some guidelines. We cannot enforce anything unless it's in our code, but we can “recommend” the Color Palette to businesses.

C. Krawiec replied that he prefers “recommending” the colors in the palette, not “demanding” certain ones. He also noted that the formulas for paint colors change all of the time, and that some of the ones in the palette may not exist after a certain amount of time. Also, when things like this get put in the code you greatly limit people’s options. We want to give them a guideline, not something carved in stone.

P. Elder then asked “How do we make that happen? Can we have something that Will can provide to people?”

D. White expressed that the Village Board would have to pass a local law to require these colors. The Planning Board could however, grant variances for the colors if they were established by a local law.

W. Barham explained that when a developer comes in, they are given the code for subdivision and site use. Developers want some guidance.

K. Bills inquired if a color palette could be given to them with the code information. That would be possible, but they are still just suggestions.

Other considerations: Owner’s do not have to even come into the Village office if they want to paint their building. No permit is required. It’s often the tenant, not the owner, who comes in and applies for a permit when needed for other things.

W. Barham mentioned a couple other options: consider having an “overlay district”, or consider making the Central Business district a historic district. This would allow for more control over what can be done.

**Motion:** Chris Krawiec made a motion for a positive recommendation to the Village Board to accept the color palette presented to be included in the application process as suggested colors for the Central Business District. Seconded by Kathy Bills. All were in favor. Motion passed.

C. Krawiec asked the board for a motion to adjourn.

**Motion to Adjourn:** Peter Bowers made a motion to adjourn the meeting. Seconded by Judy Gurnett. All were in favor. Meeting adjourned at 9:10pm.

The next Planning Board Meeting is scheduled for 7:00pm on May 3, 2018.

Respectfully submitted,  
Jo O’Neill, Deputy Clerk