

**Village of Webster**  
**Planning Board Meeting Minutes**  
Meeting Minutes of May 4, 2017

Community Meeting Hall  
29 South Avenue  
Webster, NY 14580

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

Meeting came to order at 7:30pm.

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

**Motion:** Kathy Bills made a motion to accept the minutes as written. Seconded by Peter Bowers. All were in favor. Motion passed.

**1) Application:** Mary Jean Yengo, owner of 63 Park Avenue, Tax ID#080.14-1-60. Applicant is requesting a variance to construct an addition to the house which would result in a 31% lot coverage, where a 25% coverage is allowed pursuant to Village Code 175-13B. Property zoned: R1-9.6.

**Presentation:** Mr. Barry Barone, representing Mary Jean and Jack Yengo, said that he had put an addition on this same house 40 years ago. The owners would like a first floor master bedroom (14'x16') and laundry room. They would be building a 22' x 22' addition. Tom Pellett has drawn up the plans, and they have done an instrument survey. The Village Code allows for 25% lot coverage. The addition would make it 31% lot coverage, consequently they would need a variance for the 6% additional lot coverage over the allowed 25%.

Judy Gurnett asked if they had sent out notices to the neighbors within 500ft of the property.

B. Barone replied that they sent out 95 notices, and received no objections. The neighbors they spoke to are in favor of the addition.

Will Barham noted that signs were placed on the property for people to call with questions.

Chris Krawiec inquired as to whether the addition would match the current siding and roof.

B. Barone indicated that it will. In addition, it will have its own heat and air, with a crawl space underneath.

**Open to the Public:**

No comments noted.

**Closed to the Public:**

C. Krawiec added that it is good to help people make adjustments that allow them to stay in the Village. He then asked for a motion regarding the application.

**Motion:** Kathy Bills made a motion for a positive recommendation to the Zoning Board of Appeals to approve a variance for 31% lot coverage for the construction of a single story addition to the residence at 63 Park Avenue.

Seconded by Judy Gurnett. All were in favor. Motion passed.

- 2) **Application:** Mark and Kayla Picardo, of 237 Judson Street, Tax ID#080.14-3-49. Applicants are requesting a variance to construct a 120sf accessory structure, where a 100sf is allowed pursuant to Village Code 175-59A. Property zoned: R1-13.6.

**Presentation:** Mark and Kayla Picardo are both teachers and moved into the house in January of this year. They are in need of storage space for their lawn mower and garden tools, and would like to install a 120sqft shed. The Village code allows for a 100sqft accessory structure, so they would need a variance for the extra 20sqft. They have mailed their neighbors, and had no objections to installing a shed of this size.

C. Krawiec acknowledged that 100sqft is small for a shed.

**Open to the Public:**

Mayor Cahill spoke to the fact that they have been taking fantastic care of their lawn, yard and house. They have a huge lot, and he would not have a problem with a larger shed.

W. Barham added that the Zoning Board of Appeals has been considering revising the code to allow for larger accessory buildings.

**Closed to the Public:**

C. Krawiec asked for a motion on the variance for 20sqft.

**Motion:** Judy Gurnett made a motion for a positive recommendation to the Zoning Board of Appeals to approve a variance of 20sqft for a 120sqft accessory structure at 237 Judson St. Seconded by Peter Bowers. All were in favor. Motion passed.

- 3) **Application:** Eugene Stahlbush, owner of 87 Kircher Park, Tax ID#080.10-1-42. Applicant is requesting permission to demolish 87 Kircher Park and restore area by grading and seeding property. Applicable zoning section: 175-68 Demolition. Property Zoned R2-9.6.

**Presentation:** Fred Stahlbush, representing his brother Eugene Stahlbush, and also his power of attorney, would like to demolish the home at 87 Kircher Park. He has met with Will Barham, and come to the conclusion that demolition is the best course for this house. After it has been torn down, they would like to donate the lot to Habitat for Humanity. They have signed an agreement with Empire Wrecking, pending the Planning Board's decision.

C. Krawiec mentioned that in order to demolish the home and turn it back into a usable lot, they will have to comply with NYS Code Rule 56. There are certain NYS protocols that need to be followed in case there is existing asbestos in the home, and a written letter of condemnation must be sent to NYS. Empire Wrecking should be familiar with the process.

W. Barham indicated that he will write the letter of condemnation once the Planning Board rules on the application. He does not see any other recourse to save the structure.

Fred Stahlbush commented that he is a retired engineer and has done lots of home repairs. He, along with Will Barham, believe that demolition of the house is best. He has signed a contract with a QA/QC Air Monitoring group for the process. In the meantime, he will maintain the yard.

J. Gurnett inquired about them donating the land to Habitat. Will the concrete slabs up to the house be removed? And what about any existing trees?

F. Stahlbush replied that the sidewalk and garage floor will be taken out. The driveway may stay if Habitat wants it. No trees will be removed.

**Open to the Public:**

Rick Walter asked whether the Historic Preservation Commission has been notified.

W. Barham said that he notified the President of the Historic Preservation Commission by phone. Their next meeting is in 2-3 weeks.

Mayor Cahill questioned about any structural issues.

W. Barham indicated that there are major cracks in the foundation and a main post that holds a main support beam is out. In addition, a hole in the roof has allowed rain to come in and resulted in a significant amount of water damage, compromising the floor joists, rafters, etc.

Public: Is there anything of architectural value in the house worth salvaging?

F. Stahlbush replied that there were none noticed.

W. Barham added that the house was built in 1915, but currently it is unsafe to enter. There are three levels assigned to a vacant home; 1) there are no structural issues, it's okay to enter the building in case of a fire, 2) there are some structural issues, but it's still ok to enter, and 3) do not enter the house. This house is the third option, "let it burn." The Fire Marshall has agreed that no one should be allowed to enter the house.

C. Krawiec said that the current condition would overshadow anything worth saving.

**Closed to the Public:**

C. Krawiec then asked for a motion on the application.

**Motion:** Kathy Bills made a motion for a Type II declaration pursuant to SEQR. Seconded by Peter Bowers. All were in favor. Motion passed.

**Motion:** Judy Gurnett made a motion to approve the issuance of a demolition permit with the condition that the property be reviewed by the Historical Preservation Commission for any possible historical value.

Seconded by Sherri Licata. All were in favor. Motion passed.

C. Krawiec asked if they would level the lot for Habitat for Humanity.

F. Stahlbush replied that they will be leaving a slight mound for settling. The foundation is collapsed into the basement. The wrecking company believes they can get clearance to bury the basement without leaving anything contaminated by asbestos.

Atty. David Mayor added that this is an administrative matter that could be discussed with Will Barham during the NYS Code Rule 56 process.

**4) Application:** Mark Van Epps, developer of Brittany Woods Townhomes, Tax ID#080.11-1-12 and 080.15-1-49.1, located at the southeast corner of Ridge and Phillips Roads. Application for a preliminary site plan review to develop 13.4 acres for a 14 building townhome development. Applicant also seeks relief from current zoning regarding number of buildings per acre. They are requesting 14 townhouse buildings on 13.4 acres, where one building per acre is allowed pursuant to Village Code 175-17A(3). Property Zoned: Residential RM.

**Presentation:** Scott Sydelnik, with Davidson & Fink Attorneys, represented Mark Van Epps for the Brittany Woods Townhomes project. Nathan Buczek, with TY Lin Engineering, was also present. Scott Sydelnik mentioned that they have been working on this project for over six months now, and on March 23, 2017, the property was rezoned to RM Residential by the Village Board. In addition to already appearing before the Village Board and Planning Board, they held an informational Open House on March 21<sup>st</sup> for any interested residents to learn about the project and ask any questions they may have had. Mr. Van Epps is planning on building a 70 unit townhome development (later corrected to 68 units), which he will build, manage and maintain. He has two similar developments in Chili and Gates. The Village Code allows for one building per acre, but they would like to build 14 buildings on 13.4 acres (1 per 0.96 acres). They have sent out letters to the surrounding neighbors informing them of the proposed plan. WEDA has done significant research based on the 14 buildings, which will increase the tax revenue for the Village, and increase the foot traffic to Main Street and the businesses there. There will be further meetings regarding the site plans for the development.

Nathan Buczek mentioned that there are some physical restraints to the property (shown on the map displayed), as there are some wetlands on both sides, and part of the property is not developable due to the setback requirements. Separating the long row of units along Phillips Rd into two buildings is desirable for aesthetics and foot traffic, thus creating 14 buildings instead of 13. An entrance into the development will be across from McKay Dr.

Public: Has a traffic study been done for that area?

S. Sydelnik replied that there has been a traffic study, which was submitted with their application, and it was determined that there would not be a significant change in traffic. He also reiterated that they are merely here for a variance regarding the number of buildings allowed per acre, not for a site plan review.

C. Krawiec added that the Planning Board had previously asked them to separate the long building proposed for along Phillips Rd., which is what caused the need for a variance for the number of total buildings. They changed plans based on what the Planning Board requested.

**Open to the Public:**

John Narde, 227 Rayfield Circle, expressed concern about the traffic, as there is already a lot of traffic from Xerox and Phillips Village. He inquired about the number of proposed units. He also was not aware that the Village Board had already approved the zoning change.

S. Sydelnik noted that there was a notice in the Webster Herald regarding the meeting when the zoning change was to be discussed.

Don Mooney, 1427 Ridge Rd, lives near the corner of Phillips and Ridge Rd. He has been mowing/caring for the property between the corner and where his lot begins (approximately 75ft) even though he never owned it. He stated that he would not continue to care for that property if this development goes through.

S. Sydelnik replied that the property has been vacant, but Mr. Van Epps would be responsible for taking care of it.

Mr. Goessmann, 1463 Ridge Rd, asked what percentage of the property is wetlands, what areas will be developed, and where the retaining ponds will be located in relation to the homes on Ridge Rd.

N. Buczek showed the location of the storm water detention and infiltration basin on the map displayed. It will primarily be behind 1437 – 1441 Ridge Rd. He also pointed out where the wetlands are and that the property can't be developed there.

C. Krawiec added that the setback requirements to the properties on Ridge Rd. prevent them from developing along there as well.

Rick Walter inquired if there would be a playground or an area for kids to play.

S. Sydelnik indicated that they don't expect many "nuclear" families to rent the townhomes, consequently there wouldn't be many children.

W. Barham mentioned that Harmony Park, which is owned by the Village, is right next to where the development will be, and there's a large grassy area there where children can play.

Ms. Bruns, 1455 Ridge Rd., expressed that that many units on 13.4 acres is excessive. They should save more green space, with larger boundaries. She is concerned about noise and trespassers.

S. Sydelnik explained that the original plan was for 13 buildings on 13.4 acres, and they wouldn't have needed a variance for that. They changed the plans to 14 buildings at the request of the Planning Board.

W. Barham cited Village Code 175-41C(1), that states controlled site units shall not form a long unbroken line of units, which is why the Planning Board asked them to break up one of the buildings into two.

Kimberly Schwenzer, 1449 Ridge Rd., is concerned about the wetlands. They have not been charted in years. The creek constantly crests and floods along Ridge Rd. The development would increase the impermeable surfaces and reduce the area for water to absorb into the ground. This could cause a bigger problem.

S. Sydelnik indicated that they sent out notices and spoke about the drainage issue at the Open House.

C. Krawiec said the wetland maps are highly regulated and well known to engineers, and are defined exactly by the Federal Government.

N. Buczek added that an independent contractor, Gene Pellett (sp?), who is the "go-to guy" for wetlands, has walked the site and mapped the wetlands within the last year. After that was done, they matched his survey points with their survey so they know exactly where the wetlands are.

Paul Bruns, 1455 Ridge Rd., expressed a concern about the infiltration ponds in relation to the creek behind the houses on Ridge Rd. The water will flow "down" to the existing creek from the ponds. In addition, he is concerned about what "type" of people will live there. How will they prevent trespassing?

S. Sydelnik explained that while there are no guarantees, the \$1400 - \$1500 per month rent will draw a certain "quality" of people.

D. Mooney asked where the Village/Town line is. It appears that part of the ponds are in the Village and part in the Town.

W. Barham noted that both ponds are entirely in the Village. The Village will require a maintenance agreement for the Storm Water Facility, and an engineer will have to inspect the facility annually. If it's not functioning the way it's supposed to, they must clean it up and correct any problems. If they don't maintain it, the Village can go in and take care of it and charge it back to the owner. This is a binding agreement that gets filed with Monroe County. The Town is also reviewing these plans because it is close to the watershed.

Sherri Licata inquired about having sidewalks and crosswalks for the foot traffic coming to Main St.

N. Buczek replied that there are existing sidewalks up Phillips Rd. to Ridge Rd, where they can cross at the traffic light there to go down Main St.

K. Schwenger proposes that they plant a line of evergreens around the development to cut down on the noise, traffic and trespassing. It would also help with the aesthetics.

C. Krawiec noted this comment, and said the Planning Board would consider this when the site plan and landscape plan get submitted. The board will do everything in its power to make sure things are in the best interest of the Village and its neighbors.

Mayor Cahill mentioned that he went to see the development by Mark Van Epps in Gates, and was very impressed by it. He has met with the engineer, along with Will Barham and Jake Swingly, and did have questions in regards to the retention ponds. After speaking with them, he is satisfied with how they will be handled. He has also spoken with many of the Main St. business owners, along with many residents, and people are in favor of the development.

J. Narde lives across the street from where the development is proposed. He feels that the board should have done a better job of notifying residents of the project.

Nancy Phippard is concerned about the geese that the ponds will draw. What will be done about that?

N. Buczek indicated that the ponds are designed to drain, not to hold water.

J. Gurnett commented that she lives right next to an infiltration pond and doesn't have a problem with geese.

W. Barham, added that the ponds are designed to grow cattails and vegetation which act like a filter for contaminants in the water, before the water flows to the lake and becomes our drinking water.

**Closed to the Public:**

C. Krawiec asked for a motion regarding the variance for the number of buildings on 13.4 acres.

**Motion:** Judy Gurnett made a motion for a positive recommendation to the Zoning Board of Appeals for an area variance to construct 14 buildings on 13.4 acres.

Seconded by Kathy Bills.

Vote: Chris Krawiec – Yea  
Kathy Bills – Yea  
Judy Gurnett – Yea  
Sherri Licata – Nay  
Peter Bowers – Yea

Motion passed.

C. Krawiec thanked everyone, and asked for a motion to adjourn the meeting.

**Motion to Adjourn:** Sherri Licata made a motion to adjourn the meeting.  
Seconded by Peter Bowers. All were in favor. Meeting adjourned at 9:20pm.

The next Planning Board Meeting is scheduled for 7:30pm on June 1, 2017.

Respectfully submitted,  
Jo O'Neill, Deputy Clerk

DRAFT