

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

Meeting came to order at 7:33pm.

Updated pages for the Village Code book were distributed to the board members.

Chris Krawiec asked the board to review the minutes from June 1, 2017.

Motion: Kathy Bills made a motion to accept the June 1, 2017 meeting minutes as written. Seconded by Peter Bowers. All were in favor. Motion passed.

1) **Application:** Xerox Corporation, 800 Phillips Rd., represented by Joseph Calabria, Tax ID# 065.19-1-1. Application to demolish building #305, located on east side of Phillips Rd., between Mitcheldean Dr. and Ebina Dr. Property zoned G-I, General Industrial. Pursuant to Village Code 175-68.

This application was a carryover from last month, due to the fact that the board did not have confirmation from the Historic Preservation Commission regarding any historical value of the building prior to demolition. Will Barham has received an email from the HPC relaying that there is no historical significance to the building at 800 Phillips Rd.

C. Krawiec asked the board for a motion on the building as an unlisted action pursuant to SEQR.

Motion: Judy Gurnett made a motion for a negative declaration pursuant to an Unlisted SEQR. Seconded by Sherri Licata. All were in favor. Motion passed.

Motion: Peter Bowers made a motion for a positive recommendation for the issuance of a demolition permit for the building at 800 Phillips Rd. Seconded by Kathy Bills. All were in favor. Motion passed.

2) **Application:** Lisa McCarthy, 36 Fuller Ave., Tax ID#080.14-1-78. Applicant seeks to build an open front porch approximately 10ft x 16ft (160sf). Applicant seeks relief from current zoning regarding front setback. Property zoned: R1-9.6. Applicable zoning regulation: 175-13C.

Presentation: Lisa McCarthy expressed that they would like to build a front porch on their house, and showed the board a photo of their neighbor's porch, which is like the one they are hoping to build. They would like to build a front porch so they can sit in the front of the house and enjoy the street and neighbors.

Sherri Licata indicated that she lives on Curtice Pk. and passes their house all the time. She has no issue with them adding on a porch.

Peter Bowers also expressed that he is in favor of the project.

Kathy Bills inquired as to where on the house the porch will be built.

Mr. McCarthy replied that it will be centered on the front of the house, with 8ft on each side of center, and incorporate the bay window and front door. There will be steps coming off the left side, leading to the driveway.

C. Krawiec noted that they have submitted an affidavit listing the neighbors they have sent letters to regarding the project. He also indicated that he has received an email from one of their neighbors in favor of the project.

Open to the Public:

Public comment – Can we come over?

Closed to the Public:

C. Krawiec then stated that they will need a motion to the ZBA for a 10ft front yard setback variance. The Planning Board will not need a motion on SEQR, as the ZBA will make the final ruling on the variance.

Motion: Sherri Licata made a motion for a positive recommendation to the Zoning Board of Appeals for a 10ft front yard setback variance. Seconded by Judy Gurnett. All were in favor. Motion passed.

3) 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 Rd. and Phillips Rd. Application for a final site plan review to develop 13.4 acres for a 14 building townhome development. Property Zoned: R-M, Residential. Pursuant to Village Code 175-17 and 175-41.

Presentation: Jack Buholtz, engineer from TY Lin, presented for Brittany Woods. He displayed the proposed layout and indicated that they will be preserving the woods on the north and south sides of the development. He indicated that they have added landscaping to the plans, and there will be 100ft of woods between the residents on Ridge Rd. and the development. The east side of the development is heavily wooded, and they have adjusted the parking spaces on that side to be parallel spaces, so that the car headlights will not shine directly east towards the adjacent property. It also keeps the parking spaces off of the storm sewer main that runs along the east boundary of the development. There will be screening on the east side of the units on the southeast corner of the development.

Judy Gurnett inquired as to whether they will be adding landscaping where the stream is.

J. Buholtz, replied that the stream goes through the Ridge Rd. properties, and is only on the development's property for a very short distance. Consequently, they are not able to add landscaping there. They did discover that someone has put in a 42"- 48" culvert in part of the stream that may be causing some of the backing up of the water and flooding at times.

J. Gurnett also questioned when the landscaping will be done. In what phase?

J. Buholtz explained that the landscaping will be completed in phases as each phase of the units are built. He indicated the phases on the drawings displayed.

Mark Van Epps added that all the utilities, infrastructure and retention ponds will be put in first, and the landscaping will be added building by building as they are completed.

Will Barham commented that the CofO's are issued as each building is completed. This will include the landscaping being completed.

M. Van Epps expressed that he intends to build everything as soon and as fast as possible.

C. Krawiec noted that he has spoken with Jake Swingly about possible buffers along the storm sewer on the east side. He is not in favor of a berm or plantings along the storm sewer, as they will need access to the sewer main if any issues arise.

J. Buholtz indicated that he has found the pipe there, and it ultimately comes out into the creek. Currently it is heavily covered by brush.

C. Krawiec has reviewed the utility plans and stated that it will be challenging to run them across the storm sewer for the units at the southeast corner.

J. Buholtz replied that they have raised the road there to accommodate the utilities. He also indicated that they will still need a number of other approvals before they can move forward with the plans: the County DOT, County Health Department, Water Authority, the MS4 Storm Water Pollution Plan ... They are also doing administrative subdividing of the two lots.

C. Krawiec indicated that there will not be any Public Comment opportunity, as they have already held the Public Hearing. He then asked for a motion on the final site plan.

Motion: Kathy Bills made a motion for a final site plan approval for the development of Brittany Woods Townhomes. Seconded by Peter Bowers. All were in favor. Motion passed.

4) Application: Gloria Duarte, owner of Maria's Authentic Mexican Restaurant, 75 West Main Street. Applicant is requesting a change of use for relocation at 34 May Street. Tax ID#080.06-1-43. Current use/occupancy is a business office. Requested use is a restaurant/bar. Building is 10,000sf of which 4,300sf is proposed for the restaurant/bar. Property zoned General Industrial. Application pursuant to Village Code 175-24;25.

Presentation: Duke Stofer represented the Duarte family, owners of Maria's Mexican Restaurant. They would like to stay in Webster and move to 34 May Street. They have made a purchase offer for 34 May Street, contingent upon receiving board approval for a change of use permit. They are proposing a 140 seat restaurant, and have been working on getting satisfactory parking accommodations. They have acquired a letter of intent from Heritage Christian Services, Ron Little, to be able to use part of their parking lot and access road. The attorneys are reviewing the actual lease agreement regarding the parking.

In consideration of the traffic on May Street, Mr. Stofer has noted that there would not be any addition traffic congestion in the morning when children are dropped off at the day care. Gloria Duarte arrives around 9:30am, and they typically get food deliveries once a week, and aprons and rugs every two weeks. The lunch traffic starts around 11am with approximately 30 vehicles, and dinner traffic runs from about 5:30pm until around 8:30pm.

The access road is a two lane road, which needs some maintenance, but it is an alternative to using May Street as an ingress and egress. They would propose installing a sign at the end of that road, just as Toddler's Workshop did.

J. Gurnett inquired as to who maintains the access road.

D. Stofer indicated that Heritage Christian Services owns the road, and Precision Auto and the salon have access to it.

W. Barham stated that the owners of the 9 acres behind the property have an easement and are supposed to be maintaining the "road". It is an ingress and egress access, but not necessarily an actual road.

C. Krawiec asked if Maria's would have to have an easement for use of the "road".

D. Stofer replied that use of the "road" is included in the lease agreement proposed between Heritage Christian Services and Maria's.

D. Mayer has reviewed the proposed lease and expressed that there are some concerns about the parking waiver. For the waiver, there must be four conditions: 1) there is insufficient parking on their own lot, 2) off sight spaces are provided on a permanent and accessible manner, 3) there is off sight parking available within 500ft, and 4) it gives you the ability to impose other reasonable restrictions as may be prescribed by the board. The main concern is that the lease is for a 5yr. term, with three 5yr. renewal terms, and would not be considered "permanent" for the parking waiver. The lease also requires monthly payments for the parking, which if missed, they could be in default and the parking could be lost.

D. Stofer noted that Espiranza Realty is buying the building, and Maria's is leasing space in it.

C. Krawiec added that Maria's is only using part of the building, and even more parking would be required for the rest of the building.

D. Stofer indicated that they would have 50 spaces from Heritage, in addition to the 30 spaces available at 34 May Street.

D. Mayer explained that Maria's would either need a parking waiver from the Planning Board, or a variance from the Zoning Board of Appeals. There is still the concern of permanency of the parking.

C. Krawiec asked how conducive it might be for them to purchase the property from Heritage.

D. Stofer replied that it would be a possibility after a couple of years. He has occupied an office in that building for 17yrs, with no intention of leaving, and Maria's has been in business for 37yrs. In addition, they may consider a tortilla business there in the future.

K. Bills asked for clarification on the hours of business for Maria's.

D. Stofer indicated that the restaurant is open 5 out of 7 days; Tuesday thru Friday for lunch, Tuesday thru Saturday for dinner, and are closed Sunday and Monday. He also noted that they are considering opening a Cantina with a limited/light menu that would be open on the weekends from 3-11pm. Currently, that is just an idea.

Open to the Public:

Kathy Williams (lives in apt. building on the corner of May St. and North Ave.), has lived there for 9 years, and is thrilled with getting the area cleaned up on North Ave. and making it look nice. There are beautiful new condos and apartments going in, and the "Pub" is busy all the time. Maria's going in on May St. would be a positive, great thing. It's a quiet restaurant, with good food. They're reliable, they've been in Webster for years, it's great to keep them in our tax base, and they need a new venue. They would be "reliable neighbors" and a positive addition to the neighborhood. The building at 34 May St. is currently a "ghost" building. Why just have a vacant building sitting there? I am totally in favor of Maria's moving there.

Jave Sanchez, 115 Jewelberry Dr., thinks Maria's is a great business and has great food. Compared to other Mexican restaurants they are "way up there". There's been continued growth in Webster, and new people looking for things to do. As for the parking issue, Uber has recently been approved for the area, which is a convenient alternative to driving when you go out for the evening. With the new condos and apartments on North Ave., the residents will be able to walk over to May St. It's a great area with new resident's, and a win-win for the Village and Maria's. The current building they're in is not being taken care of by the landlord. Moving to May St. is a great opportunity for them and their customers.

Closed to the Public:

Peter Bowers noted that the dissention from last month's meeting is gone, but is still concerned about the "sliding scale" of hours of operation. They need to be firmed up.

K. Bills expressed that she is also concerned about the hours, along with the permanency of the parking.

Sherri Licata added that it would be sad if Maria's left Webster, but the "access road" feels more like a driveway than a road. What would happen in the winter to the use of that road? With the new building going on along North Ave., Maria's could get a lot of foot traffic instead of all vehicles needing parking.

"Resident", stated that there is traffic on the access road all the time, during all seasons. It is not paved well like May St., but that doesn't seem to be an issue.

D. Stofer agreed that it is used all the time, but conceded that there are some trees needing trimming which are blocking lights. The trees along the parking lot also need to be trimmed back.

C. Krawiec replied that trimming the trees would depend on ownership of the property and maintenance. The board wants to see Maria's stay in Webster. The area is growing and becoming a nice area. This would be a great location, but, in order to allow Maria's to move to May St. certain parameters must be met. We have to abide by existing laws and the Village codes. Parking permanency must be resolved.

J. Gurnett commented that the monthly payment is a concern as well. Could they make a full payment upfront?

D. Mayer explained that it's up to the board to determine what "permanent" means. Is the parking permanently available to occupy through a parking waiver? Making monthly payments for the parking could be challenged in court. The other option for parking would require a variance from the Zoning Board of Appeals.

C. Krawiec added that the access driveway is usable, but not really a road. They would have to be a part of the easement to use it.

W. Barham stated that Heritage Christian Services actually own the access road. Use of the road and parking should be part of the lease.

C. Krawiec then asked the board if anyone would make a motion at this point for a change of use for this property, keeping in mind that the parking issue and easement for the use of the access road is unresolved.

K. Bills replied that she has no problem with the change of use, but the other issues need to be resolved.

P. Bowers and J. Gurnett agreed.

D. Mayer reminded everyone that the lack of a motion is not a disapproval. No action has been taken at this point. Once the board takes an action on the complete application; for instance a motion on SEQR, then the board has 62 days to approve or disapprove the application. If they do not rule within the 62 days, then the application is deemed approved.

C. Krawiec summarized that the parking permanency and easement for the use of the access road still need to be resolved, and encouraged Maria's to work on those items and return next month.

W. Barham added that it will protect Maria's investment in the long run.

D. Mayer explained that the restaurant will be much better protected in the future in case Heritage decides they want to do something different with the property.

Discussion continued regarding the wording in the lease, and whether they would have to wait until next month to reapply.

C. Krawiec indicated that it is possible to call a special meeting sooner if new information is available, provided that the board has a quorum available to meet. He then asked the board for a motion to adjourn.

Motion to Adjourn: Peter Bowers made a motion to adjourn the meeting. Seconded by Sherri Licata. All were in favor. Meeting adjourned at 8:53pm.

The next Planning Board Meeting is scheduled for 7:30pm on August 3, 2017.

Respectfully submitted,
Jo O'Neill, Deputy Clerk