

Village of Webster  
Planning Board Meeting Minutes

Meeting Minutes of August 1, 2013

Community Meeting Hall  
29 South Avenue  
Webster, NY 14580

Present:

Chairman Peter Adams, Matt Chatfield, Kathy Bills, Peter Bowers, Chris Krawiec, Attorney David Mayer, Building Inspector/Code Enforcement Officer Will Barham, Secretary Carol Moranz

The meeting came to order at 7:30 pm.

**Motion was made** by Kathy Bills, seconded by Chris Krawiec to accept the minutes from the July 3, 2013 meeting. All in favor, none opposed, motion passes.

1. Heather Stokes of Stokes Acupuncture. Applicant proposes to open an acupuncture business at 103 North Avenue and maintain a pre-existing apartment, Tax ID # 080.10-1-3. Applicant also proposes to demolish 95 North Avenue to create additional parking, Tax ID # 080.10-1-4. Applicable Zoning Sections: 175-18(B) (7) and (C); 175-30(B). Property Zoned: Neighborhood Business.

Applicant stated that there will be 4 employees – 6 rooms, possibly 7. Board discussed landscaping and the removal of the curb cut. She wants to remove trees in order to see the building. Matt Chatfield stated that we try to keep them. If they are Village trees they won't be able to touch them. Peter Adams said that they would like to have the trees replaced. Ms. Stokes mentioned about possibly having a relaxing area with a garden and a bench. Applicant will need to get a survey done of the properties involved. Without an instrument survey the Planning Board cannot address the sign and trees. Ms. Stokes plans to remove the sign on the building and only have sign on the corner of the lot. If applicant wanted to place the sign on the 95 North Avenue lot she would have to get a variance for an off-premise sign, as the business will be at 103 North Avenue. Board also discussed with applicant ornamental trees and their placement.

The applicant and the Board discussed demolition of 95 North Avenue. Peter Adams said that the Board does not like to tear buildings down, however the building is in disrepair. Per Ms. Stokes, the walls, floor and ceiling are all caving in.

### **Opened to the Public**

Jerry Stokes – discussed the parking in the back for elderly patients to go to the front door. Peter Adams said that they could still go in the main entrance in the back.

Christine Reynolds, 64 Kircher Park - if it is next to a planned pocket park would applicant offer a couple of parking spaces as an incentive for some of the other items such as tree removal. Per Will Barham, that property is next to the applicant's property it is not part of any incentive. Peter Elder – the State does not have a good survey of that property, they want the Village to provide it.

### **Closed to the Public**

Peter Adams stated that a lot of gaps need to be filled especially the property survey. The Special Use permit goes to the Zoning Board; the Demolition permit does not go to Zoning.

**Motion was made** by Peter Bowers, seconded by Kathy Bills for a negative declaration for an Unlisted SEQRA. All in favor none opposed, motion passes.

**Motion was made** by Kathy Bills, seconded by Matt Chatfield for a positive recommendation to the Zoning Board for a Special Use permit for an apartment at 103 North Avenue. All in favor none opposed, motion passes.

**Motion was made** by Kathy Bills, seconded by Peter Bowers for a positive recommendation for a demolition permit for 95 North Avenue contingent on the historical survey stating it is not an historic structure, and with proposed landscaping and pedestrian accessibility recommendations. In favor: Kathy Bills, Peter Bowers, Chris Krawiec, Peter Adams, opposed - Matt Chatfield. Motion passes.

Applicant was told to come back to the Planning Board for signs and landscape designs.

2. Sonoco Inc., Pittsburgh, PA owner: 226 North Avenue, Tax ID # 080.05-1-50. Applicant proposes to replace existing gas pricing signage with a new digital ground-mounted monument sign. New sign will be approximately 37.74 S.F. and located at the northwest corner of Commercial Street and North Avenue. Applicant seeks relief from current zoning regarding square footage of proposed sign, distance from a street line and height. Applicable Zoning regulations: 175-34(D) (3) (a).

Applicant is looking to put a monument sign on the property. They would like to take down the current pylon sign. The new sign would be double sided, same as the current one is. The new sign will also be digital and internally lit with no flashing lights. It will be 21 feet from the curb line and will have a stone base.

Peter Bowers asked if it has to go in that spot as that size. Board discussed alternative locations and size reduction due to proximity to the Village sign near that location and also the possible motorists' obstruction of the view of the sidewalk. Peter Adams noted, on a side note, that the banners and the sandwich sign on the property will need to be removed.

Peter Adams suggested tabling this application and to come back to the Board with alternative sizes and sites. The Board would like a line sketch of a driver pulling up to the corner. Applicant agreed to table the application at this time.

3. Slal Real Estate Holdings LLC owners and developers of the Village Path Townhouse project off Lyon Drive propose to extend existing Village Path project into adjacent 5 acre parcel. Tax ID # 080.10-1-45.1. Application for a preliminary/final subdivision approval. Developer proposes to build five (5) townhouse-style buildings having eight (8) units in each building for a total of forty (40) units on a private drive. Applicable zoning section Article VI 175-14, 15. Property zoned: R2 – 9.6.

Applicant made changes to the plan. The parcel will now be 4.93 acres. They have reduced the number of units to 38, added the pocket park, a walkway through the development, and they are trying to preserve the existing trees around the perimeter of the project. They have added 10 parking spaces for overflow/visitor parking. The two end units will have wrap around porches. Applicant also provided more details on the lighting and the landscaping. They are not asking for any variances for this project.

Discussion was held regarding landscaping buffering and RG&E installation of utilities. The pocket park will have low plantings and benches and a concrete sidewalk. Benches will be on a concrete pad, bolted down. There will not be a dumpster on site.

#### **Open to the Public**

Jeff Bennett, 36 Baker Street – the trees from the existing project are not maintained. Need to protect Baker Street from headlights coming down the new road.

Sean Hanna, attorney for the factory complex to the south of the project (82 East Main) - Manufacturing has been done at that factory for over 120 years. The concern is that the amount of new residents is much too heavy for the area concerned. They will be doubling the number of residents. Ten or twelve feet of vegetation between the two properties is not enough of a buffer. Peter Adams noted that it is up to both property owners to have a buffer between residential and industrial properties, not just one.

Donna Kohler – 113 Baker Street – All the trees on Kircher Park are dead in the area of the first phase. There are numerous weeds and mosquitoes on the

current pond. There is no fountain in it. Traffic is horrible. There are too many people in that area and it is not being maintained.

Craig Kohler – 113 Baker Street – wanted to know if this proposed project is a wetland area. Peter Adams said that it is not a wetland area, there is wildlife there and it is privately owned.

Eric Reynolds – 64 Kircher Park – disagrees that it isn't a wetland. He requested that we wait until the Army Corp of Engineers replies to his FOIL request that he submitted in July 2013.

Board discussed the biologist report submitted by the applicant stating that it was determined not to be a wetland area. Per the applicant's attorney this is not a mapped DEC wetland. There is no federal wetland. You can request the Army Corp of Engineers to come out but it is not required. There is no reason to do delineation. There is no adjacent wetland. Because the parcel is less than 12 ½ acres there is no DEC determination. Matt Chatfield noted that the DEC currently does not recognize it as a wetland. So therefore there is no need for the Army Corp for concurrence. It is not necessary.

Christine Reynolds – 64 Kircher Park – once a complaint has been logged what is the harm in waiting for the response to the FOIL request?

Attorney David Mayer – this Board has an obligation to not ignore information in front of it. I leave it to the Board to make a determination.

Peter Adams noted that the applicant did bring a new plan tonight. The plan for the Board is to determine if this plan is viable. There will be no final or preliminary site plan approval tonight. I don't feel we can ignore the wetland issue. The density does fit the zoning for the area. Traffic is going to be an issue no matter what goes in there. Although traffic will increase it will not be detrimental to the flow during the rush hour period. I would be happy to entertain a motion for a conceptual site plan tonight.

Comments/discussion by Board members:

**Kathy Bills** – I think it is still too dense for the area; I would like to see a change there.

**Matt Chatfield** – I agree

**Kathy Bills** – I don't think we can ignore the many complaints about the plantings there.

**Peter Bowers** – the initial complaint has always been density

**Chris Krawiec** – This project has to stand on its own merits. If it fits within the zoning of the property we have to consider it. No other proposals have come forward for this property. From what I see they have put this property in the woods, virtually out of sight on four sides other than where they have to make the cuts to get in. This project has come a long way from where it started.

**Matt Chatfield** – density has always been an issue for me. However I am not against good density. The code for townhomes was not written for ranch style townhomes, they take up too much space. The footprints are too big, the driveways are too big. While the bulk regulations are met, that is not the full requirements to be met for site plan approval. I keep going back to 175-29C – arrangement of buildings. "...the pleasant and uncrowded residential character of the area. My interpretation is that it does not meet that requirement. I am very happy they have included a pocket park but it is not suitable for the size of the residential area. Based on national standards, for every 75 units you should have 1 acre of viable recreational space. Green areas used for swales are not viable recreation areas. I do not even know where the nearest recreational area would be.

**Peter Adams** – conceptually, this project does not fit into the neighborhood characteristics; it doesn't have enough green space. We need a better design, density is still a problem.

Applicant stated that they are listening to our seniors and providing more ADA ranch style townhomes, this Board is saying they want less. M. Chatfield stated that yes; they want less units, period. P. Adams stated that what he is hearing is that there are too many buildings, too many units to really fit in to this neighborhood development. The amount of them doesn't fit into the character of the neighborhood.

**Motion was made** by Matt Chatfield, seconded by Kathy Bills to go into executive session. All in favor none opposed, motion passes.

**Motion was made** by Peter Bowers, seconded by Kathy Bills to come out of executive session. All in favor none opposed, motion passes.

**Motion was made** by Matt Chatfield, seconded by Kathy Bills, to do a coordinated review pursuant to SEQRA with New York State Department of Transportation, the New York State Department of Environmental Conservation, Monroe County, and the Federal Army Corp of Engineers. All in favor none opposed, motion passes.

Peter Adams stated that the Village Planning Board is the lead agency. The letter will go out on Monday we will then have 31 days. We cannot take a vote; we have to do a SEQRA coordinated review.

The next Planning Board meeting will be Thursday, September 5, 2013.

**Motion was made** by Matt Chatfield, seconded by Chris Krawiec to adjourn the meeting at 10:59 pm. All in favor none opposed, motion passes.

Respectfully submitted,

Carol A. Moranz  
Planning Board Secretary