

Village of Webster
Planning Board Meeting Minutes
Meeting Minutes of May 5, 2016

Community Meeting Hall
29 South Avenue
Webster, NY 14580

Present: Peter Adams, Peter Bowers, Chris Krawiec, Judy Gurnett, Atty. David Mayer, Building Insp./Code Enforcement Officer Will Barham, Treasurer Krystina Lizak

Meeting came to order at 7:30pm.
Reviewed minutes from the 4/7/16 meeting.

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

Application #1:

Deborah A. Kushner, owner, 59 Mohawk St. Tax ID# 080.17-1-69. Applicant seeks relief from current zoning regarding size of accessory Structures. Current code allows for 100sf. Applicant is applying for 192sf. Applicable Zoning Code: 175-59. Property Zoned: R1-13.6.

Presentation:

Deborah Kushner wants to put up a 12' x 16' shed (84 Lumber shed kit), 192sf, at the end of her driveway near the garage. The doors and windows will be facing the road. She has received signatures from her neighbors in approval, and provided a photo of the proposed shed. Her old shed has been removed.

Discussion Points:

- New shed will be in same location as old shed, 10 ft. from the SIDE lot line.
- Will need a size variance.
- Size variance of this amount is small and shouldn't be an issue.
- The town's code allows for a 192sf shed without a variance.

Peter Adams: offered the applicant the option of coming back in front of the Planning Board for a vote, as there is one member of the board absent.

Deborah Kushner indicated she wanted to go ahead with the vote.

Motion: Chris Krawiec made a motion for a positive recommendation to the Zoning Board of Appeals to approve the variance for a 12' x 16' shed.
Seconded by Judy Gurnett. All were in favor. Motion passed.

Application #2:

Hopkins, Sorgi & Romanowski PLLC, representing NOCO Energy Corp. (NOCO Express), at 54 W. Main Street, Tax ID# 080.46-1-1. Application for a Preliminary/Final site plan review and approval. Applicant seeks to redevelop current site reconfiguring site plan and constructing addition to existing building. Applicable Zoning Code 175-22, 23. Property zoned: Central Business.

Discussion:

Marc Romanowski, NOCO Energy: informed the Planning Board that we will not be able to act on their site plan request, as NOCO is still waiting for Monroe County to review their plans.

The County has 30 days to review the plans, and must approve the plans before the Village acts on them.

Will Barham: inquired as to whether the Village could make a conditional approval pending the County's decision.

M. Romanowski: responded that the Village doesn't have the authority to make any decisions until the County has acted on the site plan request.

P. Adams: indicated the board would proceed with a preliminary site plan review, and share ideas and suggestions on the project.

M. Romanowski: replied that they have made a number of changes in response to the previous discussion with the board.

- Gas pumps (the same number as are currently there) & canopy will be moved to the west side of the building. This will allow for more parking in the front of the store.
- More landscaping/vegetation will be added to the front of the property and along Corning Pk.
- Building "look" will stay the same.
- Gas tanks will be relocated to the rear of the property with a 20ft set back.
- Guardrail along the east side of the property (by the restaurant) will be replaced with a pressure treated one, and a pedestrian walkway will be striped along there.
- The curb cut will be moved back 10ft on Corning Pk., which reduces the existing curb cut.
- One tree along Corning Pk. will be taken down.
- An addition to the back of the store will be made to accommodate a large walk-in cooler.
- A side door will be added on the west side of the building.
- Outside retail storage will include Ice storage and Propane tanks. The site plan shows them on the NW corner of the building, but they can be swapped with the air tanks and put on the NE corner of the building.
- Bumper Posts will be located around the building.

David Mayer: reminded everyone that they will need to have a SEQR. The DEC will be involved due to environmental concerns with moving the gas tanks.

M. Romanowski: mentioned they have done a test run with a tanker entering through Corning Pk. and exiting on Main St. This flow worked well, without blocking anything.

M. Romanowski: indicated they will be looking for some guidance from Will Barham, and applying for some permits to begin some of the work, ie. digging, tank removal and demolition, which will not require the County's approval. He also indicated that he will provide us with a copy of the County's findings and approval as soon as they receive it.

P. Adams: reiterated that they will need to return for the final site plan approval, and asked to be notified of any changes that they may make to the current plan submitted.

Additional Business:

- 1) **Follow-up Discussion on Signage:** Atty. David Mayer provided the board with the attached "Notes Regarding Proposed Zoning Code Changes."

Discussion Points:

- Revise Code 175-3, add new definitions for "Sign" and "Window Sign"

- Revise 175-54A, “Purpose” of Sign Code to reflect East Rochester’s
- Add a new 175-54(G), “Window Signs”
- Add a new 175-54(H), “Hours of Operations and Menus”
- P. Adams proposed the maximum sign sizes for “Open” signs to be 150sq. inches, “Hours of Operations” to be 150sq. inches, and restaurant “Menu” signs to be 238sq. inches. These should be added to 175-54(H).
- Currently, many “Open” signs are lit. Some are flashing. Revising our code to include indoor “Window Signs” will allow us to restrict any flashing signs.
- From an enforcement standpoint, all current businesses are legal right now. Any code changes would only affect new businesses coming in.

2) **Follow-up Discussion on Bed-and-Breakfast:** Atty. David Mayer provided a proposed revision to the definition of Bed-and-Breakfast.

Discussion Points:

- Existing definition, code 175-3, does not address casual renting of homes for short periods, such as through “Air B-n-B”.
- The proposed definition should capture “Air B-n-B” type rentals within the definition of bed-and-breakfast.
- Since bed-and-breakfast establishments are only permitted in NB districts (175-19B), “Air B-n-B” would effectively be prohibited in the rest of the Village.
- There are no Bed-and-Breakfasts in the Village right now that we know of.
- Definition of “Family” and “Family Unit” as written in our code was discussed.
- Difficult to enforce unless people are a nuisance, or not adhering to code.
- By making the definitions and codes more specific, it will be easier to enforce.

Motion: Chris Krawiec made a motion to accept the redefinition of “Sign” and “Window Sign”, section 175-3; and addition of codes 175-54G and 175-54H, into the eventually modified Village code; as well as the redefinition of section 175-54A redefining the Purpose of Signage, to adopt the language similar to East Rochester’s language, and the subsequent articles “A”, “B” and “C”; as well as the redefinition of Bed-and-Breakfast, section 175-3; as proposed. These changes to be presented to the Village Board for their recommendations and approval. Seconded by Peter Bowers. All were in favor. Motion passed.

3) **Follow-up discussion on New Construction Code:**

Judy Gurnett: expressed that there’s nothing in the code that says developers have a certain time limit to complete a project, or they have to reapply/resubmit their site plans.

Discussion Points:

- Right now, developers submit a site plan to the Planning Board for approval. Once approved, they have six months to begin “substantial” construction.
- Once the site plan is approved, they can apply for a permit(s) to begin building on the site, and they have one year to finish the building they have applied for.
- With multiple buildings, such as townhouses, they have separate permits for each bldg.
- The concern is that a project could go on forever. As long as they start construction within six months, the site plan approval is open ended.
- We don’t have the ability to control the infrastructure state during construction.
- Roads start deteriorating, sidewalks and lighting aren’t completed..., and the Planning Board doesn’t have the authority to make the developer fix and/or complete the project,

- so it becomes a safety issue. Especially for emergency vehicles or plows to get through. Who is responsible if someone gets hurt? The developer, or the HOA?
- Is there something we can put in the code that says if part of the site plan is occupied by residents, and there's ongoing construction, all roads in and out of the occupied sections need to be safe and have street lights...? And parking?
 - Maybe say after the completion of two buildings, or once one building is occupied, or within 90 days of occupancy,... the infrastructure has to be completed (sewer laterals, storm sewers, water lines, roads...).
 - We could say they will not get a CofO until certain things are done, but if the developer starts construction and then stops, they may not care about getting the CofO or not.
 - Perhaps we require the developer to put up a performance bond/letter of credit. If the developer doesn't complete the project, we call in the bond. Then the Village can finish the roads themselves.
 - Specific discussion regarding Scenic Village Project, Townhouses and Apartments.
 - The project started in 2006 and the HOA is essentially powerless since it's not finished.
 - If the original developer sells the plans to a new one, the new developer should have to get a new bond. However, the bond typically only covers infrastructure, not private roads, which we don't ultimately take dedication of.
 - Maybe we can require a maintenance bond. Atty. David Mayer will look into it.
 - Code section 175-31(C) has to do with PUD. "No building permit shall be issued for construction within a... PUD district until improvements have been installed, or a performance bond provided in accordance with the requirements of chp.137 Subdivision of Land." A maintenance bond would be in section 137-8?
 - Other codes being discussed: 137-5(I)1, 137-8, 175-41(C)6, 175-41(C)10.
 - Lyon Dr - required them to maintain plantings, since they planted arborvitae in the summer, which typically are planted in the fall. A number needed to be replaced.
 - As for the current situation, in speaking with the HOA liaison, they have installed street lights, but they are not working. RG&E needs to hook them up.
 - Is the code sufficient to prevent this from happening again?
 - We need to add language that says if infrastructure is not completed when buildings are occupied, it must be completed within a specified amount of time, up to the last occupied building. How do you enforce it with a private road? Make it part of the site plan requirements. Then we can call in the performance bond if it's not done.
 - If there is no substantial activity within a year of the last issuance of a CofO, can we say the project is abandoned? Then we could call in the performance bond also.
 - The performance bond shall remain in effect in perpetuity until the project is completed. This will cover situations if the plans are sold to another developer, or it is foreclosed on. Also add that no one can be grand-fathered, so that it is enforceable if transferred.

P. Adams: We will continue this discussion so that this type of situation doesn't happen again.

P. Adams: Asked for a motion to adjourn.

Motion to Adjourn: Judy Gurnett made a motion to adjourn the meeting.

Seconded by Chris Krawiec. All were in favor. Meeting adjourned at 9:18pm.

(Peter Bowers left at 9pm)

Next Planning Board Meeting: Thursday, June 2, 2016, 7:30pm

Respectfully submitted,
Jo O'Neill, Deputy Clerk