

Village of Webster
Planning & Zoning Board Workshop Minutes
Meeting Minutes of March 17, 2016

Community Meeting Hall
29 South Avenue
Webster, NY 14580

Present: Peter Adams, Judy Gurnett, Mark Nicholson, Karl Laurer, Mike O'Connor, Bob Fantauzzo, Atty. David Mayer, Building /Code Enforcement Officer Will Barham, Deputy Clerk Jo O'Neill

The public workshop came to order at 6:05 pm.

Sign Discussion:

Peter Adams gave an update on previous meeting discussions regarding issues with signage in the Village, and we want to involve the Zoning Board in the discussions. We're reviewing the codes of other Villages and Towns for ideas.

P. Adams: We have sign guidelines we want to incorporate into the code, so its law and not just subject to interpretation. We also want to revise the purpose in our sign code. I'm proposing to incorporate E. Rochester's purpose into ours because it's very well written and covers a lot. It gives us a "standard" for businesses to follow that conforms to the character of the Village.

Items to amend:

- 1) Rewrite our sign purpose, code 175-54A. David Mayer will look at E. Rochester's and Pittsford's purpose and rewrite ours.
- 2) Remove the word "exterior" from our code 175-54B #6, so it would cover interior and exterior signs.
- 3) Another concern is interior window coverage. For code 175-54B #7, leave it as is, but add a section regarding window displays. Our guidelines state "Temporary signs shall not cover more than 10% of the total window and door sign area visible from the exterior", and should be incorporated into the code. We would also want to include anything obscuring the view inside, ie: pegboards, displays, stock...
- 4) We need definitions clarified also: sign (exterior vs. interior, temporary vs. permanent), A-frame signs, façade vs. business front, ... E. Rochester has a lot of definitions relating to signs we could look at.

We should get everything together, and make changes to the code book all at once, but it should be within a year. Once it's adopted by the Village Board, and sent to NYS, it becomes law.

Air B-n-B Discussion:

"Air B-n-B" is a company name. They find you a room in a specific place, with a family who will rent out a room to you. Sometimes, they take a whole house and partition it out into separate rooms and rent them out. Then they have multiple transients constantly in and out of the house.

D. Mayer provided the following information:

Proposed definition for Bed-and-Breakfast – A dwelling or residence where transient guests are supplied with and charged for lodging, or for lodging and meals, and/or such other services as are incident to the use of such place as a temporary abode. A bed-and-breakfast shall be permitted only if the operator resides at the premises, or in adjacent premises. A bed-and-breakfast is not considered to be a residential use, nor is it considered to be an accessory use of a residential structure.

Existing definition, 175-3; BED-AND-BREAKFAST – A private residence in which no more than five rooms are set aside for overnight guests whose paid accommodations include breakfast. The operator shall live on the premises or in adjacent premises.

ANALYSIS: The existing definition does not address casual renting of homes for short periods, such as through air bnb. The new definition should capture air bnb-type rentals within the definition of bed-and-breakfast. Since bed-and breakfast establishments are permitted only in NB districts (175-19B), air bnb would be effectively prohibited in the rest of the Village.

D. Mayer: Definition of a transient, is someone who rents temporary lodging for less than 15 days. There's nothing to stop you from renting out your house for less than 15 days with the code as it exists right now. The proposed change would stop that from happening. For rentals longer than 15 days, they would be tenants, and should have a long term lease.

D. Mayer: This does not prevent renting an apartment to 3,4,... unrelated individuals. However, in essence then we're talking about a "Boarding House".

D. Mayer: As long as they're not violating the business code, by having too many people, and they're not disrupting the neighbors, we wouldn't have a reason to confront them. We might be able to add a definition of "Boarding House" to address that.

New Construction Discussion:

Process for new construction work:

- The developer brings a site plan to the Planning Board for approval.
- The contractor applies for a permit, and has 6 months to start "significant" construction. If they don't, the approval dies and they have to start the process all over. If they do start within 6 months, then they can continue until the project is finished.
- Each permit is good for one year, and only goes to the structure they're building. Then they get another permit good for 1yr. to build the next building, and so on. It has nothing to do with the actual site plan. They can get permit extensions (typically up to 2). The site plan approval is good forever.

J. Gurnett: What happens if the project isn't finished?

W. Barham: Right now it's open-ended. There's nothing in the code to make the developer complete the plan. They say here are our site plans. Here's where the road will go, here's where the lights will go...

J. Cahill: There should be some sort of “public protection” from a safety stand point; sidewalks, lighting, parking... must be completed. We should say “the infrastructure must be completed by...” Ask the builder what their timeframe is and get a commitment from them.

- Discussion regarding the bond for Scenic Village.

D. Mayer: The bond gets issued for a period of time. If they don't renew it within that time, we can call it in. We did not call in the bond for it. To do that we have to go through the bank and insurance company. We would have to pay the bond renewal to the bank.

W. Barham: We just take a bond for the infrastructure, not a private drive with sidewalks and street lights.

P. Adams: Code 137-5i, on performance bond or letter of credit. Prior scenario approved for 3 yrs for infrastructure (dedicated items, utilities basically), not roads, street lights, sidewalks... We asked for a letter of credit, and the Village Board had to approve it.

W. Barham: The developer gets a letter of credit from the bank. When a portion of the project is done, I go and inspect. If everything is correct, they come to the Village Board and ask for that portion of the letter of credit to be paid. Once the board approves it, the bank issues a check to the developer. Homeowners Assoc. protects a private developer.

J. Gurnett: Not having things completed is a safety issue. During the snow storm, it was dangerous not having the roads complete, parking issues, sidewalks, lights... Emergency vehicles & plows couldn't get through.

P. Adams: We can only bond for items the Village owns. But we could make it a point of approval, that a private infrastructure must be completed when it pertains to safety and the health and well-being of the citizens.

- D. Mayer will research this.

Village Smoking Advertising Policy:

P. Adams: Other municipalities/counties have smoking advertising restrictions near their public buildings. (A list of restrictions for other counties was provided.)

Mayor: It goes along with the window signs and advertising issues. We subject our kids to certain window advertising regarding cigarette brands.

P. Adams: Monroe County doesn't have a smoking policy, or restrict advertising of cigarettes or tobacco products. Can we prevent certain tobacco advertisements because they cover up too much of the window?

D. Mayer: There have been some legal means of preventing certain tobacco advertising. For instance, “Joe Camel” advertising a few years ago had restrictions put on it.

- J. Cahill will do some more research.

Fence Discussion:

R. Walters: Can we require new fences between commercial and residential properties to be 8ft instead of 6ft?

W: Barham: I think we can allow it, but not require it. Some people may not want to look at a huge "wall" in their back yard.

P. Adams: If residential and commercial property are next to each other, then an 8ft fence would be allowed. It would be subject to the board's decision whether to require it or not.

The next Planning Board Meeting is scheduled for 7:30pm on April 7, 2016.

Meeting adjourned at 7:15pm.

Respectfully submitted,
Jo O'Neill
Deputy Clerk

DRAFT