

Village of Webster  
Village Board Meeting  
February 9, 2017

Webster Community Meeting Hall  
29 South Avenue  
Webster, NY 14580

Present: Mayor Cahill, Trustee Balcaen, Trustee Ippolito Jr., Trustee Byerts and Attorney Don White  
Absent: Trustee Lancy

Mayor Cahill asked for a moment of silence in remembrance of Martin Horeth.

Before the Public Hearing Mayor Cahill asked Attorney Scott Sydelnik to inform the public of the proposed Brittney Woods project and the reason to amend the property from PUD (Planned Unit Development) to Residential RM.

Attorney Sydelnik gave a brief history of the property and said it was zoned PUD in the nineteen seventies in conjunction with the NYS Urban Development Corporation because it was going to be part of a low income housing project. He said a few years later Wegmans purchased the property and they were to rezone it commercial and build on it but that did not happen. Consequently it was never changed to commercial and it remained PUD. Attorney Sydelnik said he would like to have the parcel rezoned to Residential because it fits with the character and nature of the neighborhood. He referenced the Village 2011 Comprehensive Plan and noted for it to be zoned PUD it should consist of fifty (50) acres but the property is only thirteen and a half (13.5) acres and this does not fit with the plan. The plan also suggests that the property should be used as a park but this is not possible because the property is privately owned by Wegmans. He said if the proposed project is allowed to go forward and be developed then the tax base will cause the Village to increase in tax revenue. He also mentioned the proposed development of townhomes would bring added business to the Village. Attorney Sydelnik said his client would continue to own and maintain the development into the future as it would be a rental property.

Jack Buholtz, PE, Senior Project Manager at T.Y. Lin International presented a preliminary concept site plan rendering of the proposed Brittney Woods project. He displayed a zoning map and an aerial map view of the property. Mr. Buholtz explained the site would be 65 – 70 residential units of single level style with some two – stories with attached garage and basements. He described in detail the proposed site project and development. He said he would answer all the questions at the end of the public hearing after everyone speaks. He also said Mark Van Epps, Project Developer, would answer questions of operation.

Mayor Cahill opened the Public Hearing at 7:51 p.m.

NOTICE IS HEREBY GIVEN that the Board of Trustees of the Village of Webster will conduct a public hearing on a proposed local law that seeks to amend the zoning ordinance and zoning map of the Village of Webster in order to rezone a 13.4 acre site comprising tax parcels 080.11-1-12 and 080.15-1-49.1, known as 1419 Ridge Road, located at the southeast corner of Ridge Road and Phillips Road, in the Village of Webster, Monroe County, State of New York, from PUD (Planned Unit Development) to RM (Residential), at the Community Meeting Hall, 29 South Avenue, Webster, New York on February 9, 2017 at 7:30 p.m., or as soon thereafter as said public hearing shall be convened, at which time all persons interested will be heard.

PLEASE TAKE FURTHER NOTICE, that all interested persons will be given an opportunity to be heard on said proposed amendment to the zoning ordinance and zoning map at the time and place aforesaid. Copies of the rezoning application described above is on file at the offices of the Village Clerk of the Village Webster, where the same is available for public inspection during regular office hours.

Dominic Abballe – 228 Rayfield Circle – Made comment and had a concern in regards to the retention pond at Heartland Estates and its effect with the run-off water to the wetland area on the property at Phillips Road and Ridge Road once that property is developed.

Steve Gallucci – 106 McKay Drive – Made comment and asked if the development would be low income housing such as Phillips Village. He also had concerns with trespassing and resale value of his property in Heartland Estates.

Don Mooney – 1427 Ridge Road – Made comment and had a concern with flooding. Mr. Mooney said his backyard is wetland and believes the retention pond at Heartland Estates does not work. He said all the water goes through the yards and he has seen some tremendous floods in the area over the years as the run-off water makes it way to Four Mile Creek.

Eric Reynolds – 64 Kircher Park – Voiced a concern with the rezone to RM Residential and believes this is spot zoning and the proposed development does not fit with the 2011 Comprehensive Plan.

Paul Bruns – 1455 Ridge Road – Made comment and questioned the rationale for the proposed development having 2 parcel zoning. He questioned the size of the families moving into the complex, and finally he said the creek (which is not represented on the displayed map) and the retention pond usually become flooded and the run-off water does not have anywhere to go.

William Edwards – 201 Rayfield Circle – Made comment and said his concern is with wet basements and questioned how the developer would correct the wet basement issue and keep them from flooding.

Jerry Bennet – 1461 Ridge Road – Made comment and said he has seen the creek wash away the bend behind his house. He is also concerned with the wetlands which constitute a mosquito nest which should be considered. He also mentioned the rare animals and birds that live in the woods on the property and would not want the ecosystem disturbed.

Greg Chambery – 1482 Ridge Road – Made mention and assured everyone that all the issues thus far are valid but he does feel the present zoning of the property is useless and he is in favor that the zoning should be changed.

Lori Reynolds – 138 Judson Street – Made mention that she believes this is spot zoning. She also has a concern with the trees which will be taken down and the effect it will have on flooding.

Steve Gallucci – 106 McKay Drive – Also made comment and believes renters will not respect property as well as a homeowner would.

Matt Chatfield – 62 Park Avenue – Resident and Executive Director, Webster Economic Development Alliance made comment in favor of the proposed project and said the investment in the community is needed and it would be an asset to the business community as well. He said the development does

meet the objections of the 2011 Comprehensive Plan. He asked Attorney White if the property can be used as anything else other than an extension of the existing PUD for Phillips Village.

Attorney White said it could be an extension but he has never seen a piece of property that had been established as a PUD 40 years ago and not rezoned or changed sooner.

Mayor Cahill said Matt Chatfield served on the Planning Board for several years and was very involved in the creation of the 2011 Comprehensive Plan so his comments are specific and he helped develop the Plan and he knows what he is talking about.

Marge Pickering Piccone – 7 West Main Street – Holistic Health Center – Made comment and said as a business owner she is in favor of the project because it would bring more people into the Village to utilize businesses.

Steve Gallucci – 106 McKay Drive – Resident and owner of Farmers Insurance on Route 250 made comment and said he would also like to see more people utilize businesses in the Village but he would like the property to be developed as individual homeowners instead of a rental unit.

Matt Chatfield – 62 Park Avenue – Made comment and said he rented an apartment in the Village before he bought a home in the village.

Eric Reynolds – 64 Kircher Park – Made comment and said it would make more sense to zone the property Residential R1 instead of Residential multiple because all the properties around the proposed site are R1.

Don Mooney – 1427 Ridge Road – Questioned who would maintain and mow the property on the corner of Phillips and Ridge Road because he maintains it now.

Rick Walter – 20 Elm Street – Announced he is not in favor of the project but informed everyone after the Public Hearing there is a SEQR related to the environmental part of this and suggested everyone stay to hear the outcome.

Lori Reynolds – 138 Judson Street – Made mention that there is not a park in the relative area and wondered where the children would hang out.

Theresa Seckel – 102 McKay Drive – Asked what the costs of the rental units would be and questioned if this was a done deal where the public discussion was just a formality.

Mayor Cahill assured her this was not a done deal.

Reynoldo Acevedo – 206 Champion Avenue – Made comment and said he recently moved from the City to Webster and questioned if the proposed project will be Section 8, or low income DSS rentals.

Kathleen Rowland – 77 Fuller Avenue – Questioned the water issue and said most of the homes on the south side of the Ridge are on septic systems and they cannot handle the flooding in the backyards. She said it could cost thousands of dollars in damage and repairs. The land cannot take the run off if you are going to displace and dig up land for basements it will lead to flooding. She also questioned the traffic numbers and does not believe they are inaccurate.

Ron D'Amico – 205 North Avenue – Made comment to the Board and said if the zoning is wrong and it cannot be built on then it should be changed. He said he is in favor of the project but the water run off should be addressed.

Jerry Bennet – 1461 Ridge Road – Made comment and said the property could be used as hiking trails or a park.

Don Mooney – Made comment and said the sketch of the proposed project looks like the housing on Lyon Drive and Kircher Park.

Mayor Cahill said yes it does look similar.

Mayor Cahill said there were a number of people who were unable to attend this evening but they did send notes via email. He proceeded to read the letters.

Eugene Giordano – 5 West Main Street – Sweet Wood Barbeque – Unable to attend and sent note via email. He made comment and wrote this is a positive action for the community and please vote yes for the proposed rezoning change.

Karl Unrath – 9 West Main Street – Kirby Vacuum – Unable to attend and sent note via email. He made comment and wrote he does support the Brittney Woods development and feels it would be a benefit to the businesses.

Tom Spoonhower – Unable to attend and sent note via email. Mr. Spoonhower wrote and said he was a past President of BID and a member of the Webster Economic Development Alliance he said the project would be a welcome demographic and help sustain the community.

Bill Horeth – 263 North Avenue – Kittelberger Florist - Unable to attend and sent note via email. He urged the Village Board to rezone because he does believe it would be a positive addition to the community.

Greg Cody – 24 West Main Street – Brimont Bistro – Unable to attend and sent note via email. Mr. Cody made comment in support of the project at Phillips and Ridge Road he believes it is a positive move for the Village.

Tom McCoy – 15 West Main Street – Performance Hobbies – Unable to attend and sent an email. Mr. McCoy supports the project and believes it is a good move for the Village and the business owners. He would recommend the Village Board to rezone the property so the project could go forward.

A resident from the audience made comment to Mayor Cahill and asked if he received any negative notes or emails.

Mayor Cahill said no he did not.

Patti Cataldi – 73 Dunning Avenue – Town Board Member said there are 8 empty storefront buildings on Main Street. There needs to be a critical mass of people to support the businesses like we heard from so many of the business owners. She stated that the project will not be low income housing. She said this is private property and will not be developed as green space, walking trails, or a park. The

owner has a right to sell it. If the developer can meet the requirements he has a right to develop the land. She said the land is useless right now and there is nothing else that can be done with it. She is in favor of the rezoning and believes if this goes forward the Planning Board in conjunction with the developer will make this the best development possible.

Marge Gallucci – 106 McKay Drive – Questioned and asked if there would be a berm built in the front of the Townhomes on Phillips Road.

Jack Buholtz, PE, Senior Project Manager began answering questions. He said the property soil has been tested and filtration tests have been performed. He said we do not have permission to change the wetland but in this one area it has good percolation. He said he is confident that the property can handle the storm run-off and from basement sub pumps. This is an infiltration area and there will be no run-off it all goes into the ground. Mr. Buholtz said the parcel will be re-subdivided into one parcel.

Attorney Sydelnik said this will not be another Phillips Village and there will not be any Section 8 rental. He said the rents will be between \$1300.00 and \$1600.00 as they are in our other developments. These are high quality homes and they will attract higher end tenants.

Further questions were answered and Mr. Buholtz said there will not be a traffic light because there is not enough traffic to warrant a light.

The Public Hearing was closed at 9:02 p.m.

Motion Mayor Cahill and Seconded by Trustee Ippolito Jr. to adjourn for recess at 9:05 p.m., all were in favor and carried.

Trustee Balcaen left the room and returned at 9:22 p.m.

Motion Trustee Ippolito Jr. and Seconded by Trustee Byerts to come out of recess at 9:09 p.m., vote on motion: Trustee Ippolito – aye, Trustee Byerts – aye, Mayor Cahill – aye, Trustee Balcaen did not vote he was out of the room, motion passes.

## Village Board Business

Motion Trustee Byerts and Seconded by Trustee Ippolito Jr., to approve the Minutes from Village Board Meeting of January 26, 2017, vote on motion: Trustee Byerts – aye, Trustee Ippolito – aye, Mayor Cahill – aye, Trustee Balcaen did not vote he was out of the room, motion passes.

Motion Trustee Ippolito Jr., and Seconded by Trustee Byerts to accept the claims totaling: General – \$9,797.10 and Sewer – \$17,350.69, vote on motion: Trustee Ippolito – aye, Trustee Byerts – aye, Mayor Cahill – aye, Trustee Balcaen did not vote he was out of the room, motion passes.

Tabled Item – Motion Trustee Ippolito Jr., and Seconded by Trustee Balcaen to table the SEQRA Resolution concerning the proposed Local Law No. 1 of 2017 to amend the Village Zoning Map and Zoning Ordinance to rezone certain Lands from PUD to Residential RM – Tabled until Village Board Meeting February 23, 2017, all were in favor and carried.

## Attorney

Attorney White reviewed with the Board and said he was at the special Planning Board Meeting last night and there was a recommendation to accept Scenic Village Townhomes estimate from the engineer. He said he would have a copy of the agreement next week for the Village Board to approve. Attorney White said the escrow agreement states that the road and the parking spaces will have to be complete by October 15, 2017 and if it is not the Village will have a month to complete the work.

## Office

The Comp and Overtime Report for January 2017 was reviewed.

Motion Trustee Ippolito Jr., and Seconded by Trustee Balcaen to approve the following budget modification and transfer, all were in favor and carried.

From: 01-06-6410-202	Retirement	\$ 9,895.11
To: 01-06-6410-403	Christmas Lights	9,895.11

Reason: For the purchase of new Christmas lights/decorations for Main Street. The retirement line had been over budgeted thus funds are available to move to the lights line. The total of all revenues of General Fund recognized or reasonably expected to be recognized in the current fiscal year, including unappropriated unreserved Fund Balance, exceeds the total of all revenues of the General Fund as estimated in the budget, including appropriated Fund Balance.

## Department of Public Works

Jake Swingly, Superintendent of Public Works, reviewed with the Board and gave an update and said he handed in the Tree Grant and the designation for Tree City USA. He said he is working with Will Barham on the CDBG application which is due at the end of next week. He said the new vehicle will be in Webster next week. The STP project with the digester started on January 24 and next week they will remove the cover and drain what is left in the tank and replace some valves. He said it is moving slow but we are in communication with the Town. He said it is budget time and we will be replacing a truck. We did find one in Medina and we did go to look at it. We do need to obtain more information but it might be a possibility. He said the Cell Tower Bid notification did go out and the bids will be opened on February 17, 2017.

## Public Comments

Richard Walter – 20 Elm Street – Commented to the Board in regards to the water tower reline and repainting. Mr. Walter said no matter where the money comes from that the Village spends it is the property of the taxpayer.

Trustee Byerts said he sent an email to the Town Board Members and to Supervisor Nesbitt as to why they do not want to meet in regards to the Cable 12 TV broadcasting of the Village Board meetings.

Mayor Cahill read the email and said he would contact the Town and have a conversation with them.

**Executive Session** – cancelled

## Adjournment

Motion Trustee Balcaen and Seconded by Trustee Ippolito Jr. to adjourn the meeting at 9:53 p.m., all were in favor and carried.

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Josette Amalfi, Village Clerk

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John J. Cahill, Mayor