

Village of Webster  
Village Board Meeting  
August 25, 2016

Webster Community Meeting Hall  
29 South Avenue  
Webster, NY 14580

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

Gary Lazzaro, Vice Chairman of the Webster Garlic Festival Association, discussed the upcoming Webster Garlic Festival on Saturday and Sunday, September 10 - 11, 2016.

Trustee Lancy opened the Public Hearing at 7:43 P.M.

NOTICE IS HEREBY GIVEN that there has been duly introduced at a meeting of the Village Board of Trustees of the Village of Webster held on August 11, 2016, a proposed Local Law No. 2 of 2016 entitled "THE ESTABLISHMENT OF NO PARKING AREAS UPON SHERWOOD AVENUE AND SANFORD STREET DURING CERTAIN EVENTS" and

NOTICE IS FURTHER GIVEN that the Village Board of Trustees of the Village of Webster will conduct a public hearing on the aforesaid proposed Local Law at the Community Meeting Room, 29 South Avenue, Webster, New York on August 25, 2016 at 7:30 p.m., or soon thereafter as said public hearing shall be convened, at which time all persons interested will be heard.

The proposed Local Law seeks to establish No Parking Areas along Sherwood Avenue during sporting events at Spry Middle School and during the annual Webster Firemen's Carnival and along Sanford Street during the annual Webster Firemen's Carnival.

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

Trustee Lancy said if no one wants to speak then we will close the Public Hearing at 7:45 P.M.

The following Resolution was offered by Trustee Ippolito Jr., and Seconded by Trustee Balcaen, all were in favor and moved for its adoption.

**RESOLUTION OF THE VILLAGE OF WEBSTER BOARD OF TRUSTEES TO ADOPT LOCAL LAW NO. 2 OF 2016 OF THE VILLAGE OF WEBSTER ENTITLED;**

**"THE ESTABLISHMENT OF NO PARKING AREAS UPON SHERWOOD AVENUE AND SANFORD STREET DURING CERTAIN EVENTS"**

Be it enacted by the Board of Trustees of the Village of Webster as follows:

That Section 156-1, Definitions, be amended by the addition of the following:  
Sporting events - any organized activity involving physical exertion and skill in which an individual, or team, competes against each other, or others; or, in which repetition, or practice of an activity is

used to achieve mastery or fluency of that activity. Such activities shall include, but are not limited to: football, soccer, lacrosse, track and field, and baseball.

Be it further enacted by the Board of Trustees of the Village of Webster as follows:

That Section 156-20, Parking Prohibited Certain Hours, be amended as follows:

From:

Parking prohibited certain hours.

No person shall park a vehicle between the hours specified in Schedule XIII (§156-44) of any day, unless otherwise indicated, upon any street or parts of streets described in said schedule, attached to and made part of this chapter.

To:

Parking prohibited during certain hours, and during certain events

No person shall park a vehicle between the hours specified in, or during certain events described in, Schedule XIII (§156-44) of any day, unless otherwise indicated, upon any street or parts of streets described in said schedule, attached to and made part of this chapter.

Be it further enacted by the Board of Trustees of the Village of Webster as follows:

That the Title of § 156-44, be amended to read “Schedule XIII- Parking Prohibited During Certain Hours, and During Certain Events”, and that the section be further amended by and the addition of the following:

	Name of Street	Side	Hours/ Days, or Events	Location
Add	Sherwood Ave.	Both	During any and all sporting events as defined in § 156-1 that are held at Spry Middle School	For a Distance of 1600 feet, beginning at the South Right of Way line of Sanford Street and continuing southward to the South Right of Way line of Wood Street
Add	Sherwood Ave.	Both	During the Annual Firemen’s Carnival, Beginning at 12:00 AM on the first day of the Carnival and ending at 12:00PM the First Sunday after Carnival	For a Distance of 2550 feet, beginning at the South Right of Way line of West Main Street and continuing southward to the South Right of Way line of Wood Street

Add	Sanford Street	Both	During the Annual Firemen's Carnival, Beginning at 12:00 AM on the first day of the Carnival and ending at 12:00PM the First Sunday after Carnival	On the North Side a Distance of 1725 feet, beginning at the West Right of Way line of South Ave and continuing westward along Sanford Street to the west end at the west Village Corporation Line. On the South Side, a distance of 1300 feet, beginning at the west end of the existing No Parking area, approximately 325 feet west of the west Right of Way line of South Ave, and continuing westward along Sanford Street to the west end at the west Village Corporation Line.
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These enactments are a Type II action for purposes of SEQRA pursuant to 6 NYCRR 617.5 (c) (16) and no environmental review is required.

This Local law shall become effective October 1, 2016.

Attorney Don White said it will become law on that date as long as the street signs are displayed by October 1, 2016.

## Public Comments

Peter Elder – 59 Dunning Avenue – Commented to the Board in regards to the agenda item for the construction of a cellular telephone tower by the Village of Webster at 1075 Webster Road and whether it should be exempt from local zoning regulations. Mr. Elder referred to the New York Court of Appeals in the 1988 case of *Matter of County of Monroe v City of Rochester*, 72 NY2D 338, and asked the Village Board to inform the public and also weigh the following nine factors:

1. the nature and scope of the instrumentality seeking immunity;
2. the encroaching government's legislative grant authority;
3. the kind of function or land use involved;
4. the effect local land use regulation;
5. alternative methods of providing the proposed improvement;
8. the extent of the public interest to be served by the improvements; and
9. intergovernmental participation in the project development process and opportunity to be heard.

Attorney Don White said there are three Boards; the Planning Board, the Zoning Board and the Board of Trustees. He said it seems most appropriate since the Zoning Board has expertise is zoning ordinances they should be the Board to determine whether or not this project should be immune or not.

Eric Reynolds – 64 Kircher Park – Made comment to the Board and questioned if there is pending litigation or a lawsuit against the Village concerning the Sewage Treatment Plant.

Attorney Don White said yes there is a lawsuit concerning the Sewage Treatment Plant.

Mr. Reynolds said the Village stopped composting which cost a significant amount of money and that was in an effort to stop the lawsuit but we are still being sued and it is costing double. Mr. Reynolds suggested the Village go back to composting in an attempt to recoup money and in his opinion he felt there was no proof that anything was wrong with the compost procedure.

Mr. Reynolds also urged the Village Board to consider the implications of erecting a 190 foot cell tower and how it would impact the existing property values in the area.

## Village Board Business

Motion Trustee Ippolito Jr., and Seconded by Trustee Balcaen to approve the Village Board Workshop Minutes of August 2, 2016, all were in favor and carried.

Motion Trustee Ippolito Jr., and Seconded by Trustee Balcaen to approve the Village Board Meeting Minutes of August 11, 2016, all were in favor and carried.

Motion Trustee Balcaen and Seconded by Trustee Ippolito Jr., to accept the claims totaling: General – \$59,593.34, and Sewer - \$13,899.78, and Trust & Agency - \$2,026.75, all were in favor and carried.

Motion Trustee Ippolito Jr. and Seconded by Trustee Lancy to authorize Mayor Cahill to sign the annual software support and maintenance contract with Williamson Law Book Company for Building & Codes Enforcement at a rate of \$600.00, all were in favor and carried.

Motion Trustee Balcaen and Seconded by Trustee Lancy to authorize Mayor Cahill to sign the Intermunicipal Agreement between the Village of Webster and the Town of Ontario for shared services thru May 31, 2021, all were in favor and carried.

The following resolution was offered by Trustee Balcaen and Seconded by Trustee Lancy and moved for its adoption:

WHEREAS, the Village of Webster intends to construct a cellular telephone tower at 1075 Webster Road, and caused to be placed on that tower the existing cellular antennas located on the water towers at 1075 Webster Road, Webster, New York; and

WHEREAS, the New York Court of Appeals in the case of *Matter of County of Monroe v. City of Rochester*, 72 NY2D 338 (1988), established a “balancing of public interest” test to determine whether or not the actions of governmental units are exempt from local zoning regulations; and

WHEREAS, the Village of Webster Zoning Board of Appeals is the governmental body of the Village of Webster that is most appropriate to make the determination as to whether or not the construction of a cellular telephone tower by the Village of Webster should be exempt from local zoning regulations;

NOW THEREFORE, be it resolved that a determination regarding whether or not the construction of a cellular telephone tower by the Village of Webster at 1075 Webster Road, should be exempt from local zoning regulations is referred to Village of Webster Zoning Board of Appeals.

Determination to be subject to a public hearing to be held at the Zoning Board of Appeals meeting on September 15, 2016.

## Attorney

No Report.

## Office

The financial statements for July 2016 were reviewed.

## Code Enforcement

Will Barham, Code Enforcement Officer, reviewed with the Board the building report for the month of July 2016. Mr. Barham gave an update and said there were 10 permit applications in July. He also reviewed the property at 28 Seneca Street. Mr. Barham said he was notified by a resident that the backyard of this property was not being maintained. Mr. Barham said because of the fence he was unable to see the backyard and had to gain access by asking the neighbor permission to view the property from his backyard. A "Grass Notice" was sent and the lawn was cut by the Village crew at a cost of three hundred dollars to the owner and then it was discovered that debris was also found in the yard and now that has to be addressed by the owner.

The next property discussed was 137 Donovan Street. Mr. Barham explained that the property was at one time a used car junkyard. The property is being cleaned up and according to General Municipal Law there is a fence requirement and currently there is no fence but one should be installed. He said we did appear in court and a new date was set by Judge Corretore due to a conflict in interest. Court is rescheduled for October 11, 2016. Mr. Barham said the area is being cleaned up.

Mr. Barham also made mention of the code which deals with sidewalk sales for businesses. He said currently in the code it is only allowed if the Planning Board approves it. Mr. Barham said he would like to make it easier for businesses to have sidewalk sales or the sale of items outside of the store as long as it does not interfere with traffic.

Attorney White agreed and said other municipalities must have something similar in a permit process and it would be easier rather than going to the Planning Board.

Mr. Barham said he would bring it up in the next workshop on August 30, 2016.

## Department of Public Works

No Report

# Adjournment

Motion Trustee Ippolito Jr., and Seconded by Trustee Balcaen to adjourn the meeting at 8:33 p.m., all were in favor and carried.

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Josette Amalfi, Village Clerk

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John J. Cahill, Mayor