

Webster Town Board

January 5, 2023

A regular meeting of the Webster Town Board was called to order by Supervisor Flaherty at 7:36 p.m. at the Webster Town Board Meeting Room, 1002 Ridge Road, Webster, New York, with the following officials present:

Supervisor Thomas J. Flaherty
 Councilman William G. Abbott
 Councilman John J. Cahill
 Councilwoman Patricia T. Cataldi
 Councilwoman Ginny L. Nguyen
 Town Attorney Charles J. Genese
 Town Clerk Dorothy M. Maguire

Department Heads Present:

Community Development Director.....Josh Artuso
 Deputy Commissioner of Public Works-Sewer Art Petrone
 Finance Director..... Paul Adams
 Town Engineer.....Mary Herington

Supervisor Flaherty led the Pledge of Allegiance to the Flag.

Resolution No. 53: MOTION by Supervisor Flaherty, seconded by Councilwoman Cataldi, to approve the December 8, 2022 Town Board Workshop Meeting Minutes as submitted by the Town Clerk.

Vote on motion:

Supervisor FlahertyAye	Councilman Abbott Aye
Councilman CahillAye	Councilwoman Cataldi..... Aye
Councilwoman NguyenAye	Motion carried..... 5-0

Resolution No. 54: MOTION by Supervisor Flaherty, seconded by Councilwoman Nguyen, to approve the December 14, 2022 Town Board Meeting Minutes as submitted by the Town Clerk.

Vote on motion:

Supervisor FlahertyAye	Councilman Abbott Aye
Councilman CahillAye	Councilwoman Cataldi..... Aye
Councilwoman NguyenAye	Motion carried..... 5-0

Resolution No. 55: MOTION by Councilwoman Cataldi, seconded by Councilwoman Nguyen, to approve the bills as submitted in Warrant #0123 by the Director of Finance.

Fund	Inside	Outside	Total
General (A,B) CL #4616-4873	338,162.03	220,762.68	558,924.71
Highway (C,D)	75,835.29	212,262.43	288,097.72
Sewer (G)	51,456.33	154,114.44	205,570.77
Library (L)	86,491.42	10,787.44	97,278.86
Drainage Districts (M)	0.00	11,731.33	11,731.33
Park Districts (P)	0.00	61.11	61.11

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Fund	Inside	Outside	Total
Water Districts (R/SW)	0.00	6,659.38	6,659.38
Special Districts (N,Q,S)	0.00	2,525.67	2,525.67
Trust & Agency (T/A,TP,XM,XD)	0.00	224,704.85	224,704.85
Capital Projects (H) #103-113			
H213 SB Waterfront Park Design	106,425.58	0.00	106,425.58
H220 WWTP Improvement	13,362.45	0.00	13,362.45
H223 Lake Rd WE Drain MO.56	61,925.67	1,843.65	63,769.32
H224 SB Shoreline Protect MO.59	782.95	7,837.92	8,620.87
H226 Lake Rd Pump Station MO.65	3,429.50	0.00	3,429.50
H230 SB Flood Wall MO.78	270.82	8,175.00	8,445.82
H232 Highway Garage Building	<u>76,882.90</u>	<u>0.00</u>	<u>76,882.90</u>
TOTAL	815,024.94	861,465.90	1,676,490.84

Vote on motion:

Supervisor FlahertyAye	Councilman Abbott Aye
Councilman CahillAye	Councilwoman Cataldi..... Aye
Councilwoman NguyenAye	Motion carried..... 5-0

All purchase orders were okay.

Resolution No. 56: MOTION by Supervisor Flaherty, seconded by Councilman Cahill, to approve the prepaid vouchers included in Warrant #0123 by the Director of Finance in the amount of \$861,465.90. [Included in the summary of vouchers approved in Resolution #55]

Vote on motion:

Supervisor FlahertyAye	Councilman Abbott Aye
Councilman CahillAye	Councilwoman Cataldi..... Aye
Councilwoman NguyenAye	Motion carried..... 5-0

Art Petrone, Deputy Commissioner of Public Works-Sewer, appeared before the Town Board. He stated that bids were solicited for Ferric Chloride Solution to be used at the Wastewater Treatment Plant. Three responses were received which resulted in one bid and two no bids. The bid specifications included a two-year contract term. As a result of receiving just one bid, the Sewer Department staff would like to rebid and adjust the contract terms to one year with a one-year option. After speaking with the chemical suppliers, they may be willing to agree to one-year terms.

Resolution No. 57: MOTION by Councilwoman Cataldi, seconded by Councilman Abbott, to reject all Ferric Chloride Solution Bids.

WHEREAS, on December 7, 2022 bids were advertised in the *Webster Herald* for Ferric Chloride Solution to be used in the removal of phosphorus at the Town of Webster Wastewater Treatment Plant located at 226 Phillips Road for a term of two (2) years with two (2) one-year extensions; and

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WHEREAS, on December 21, 2022 at 11:05 a.m. three (3) sealed bids were publicly opened and read aloud; and

WHEREAS, the following bids were received:

- Kemira Water Solutions, Inc. \$1,422.00 Per Dry Ton
- PVS Chemical Technologies, Inc. – No Bid
- Slack Chemical Co., Inc. – No Bid

WHEREAS, the Town of Webster reserved the right to reject any and all bids:

NOW, THEREFORE, BE IT RESOLVED:

That the Webster Town Board rejects all Ferric Chloride Solution Bids received on December 21, 2022 for the Wastewater Treatment Plant located at 226 Phillips Road.

Vote on motion:

Supervisor Flaherty	Aye	Councilman Abbott	Aye
Councilman Cahill	Aye	Councilwoman Cataldi	Aye
Councilwoman Nguyen	Aye	Motion carried	5-0

Bids were solicited for Sodium Hypochlorite to be used at the Wastewater Treatment Plant. Art Petrone, Deputy Commissioner of Public Works-Sewer, stated that three responses were received which resulted in one no bid. The two remaining bids received did not provide a long enough term. The plan is to rebid the Sodium Hypochlorite.

Resolution No. 58: MOTION by Supervisor Flaherty, seconded by Councilwoman Cataldi, to **reject** all Sodium Hypochlorite Bids.

WHEREAS, on December 7, 2022 bids were advertised in the *Webster Herald* for Sodium Hypochlorite to be used at the Town of Webster Wastewater Treatment Plant located at 226 Phillips Road for a term of two (2) years with two (2) one-year extensions; and

WHEREAS, on December 21, 2022 at 11:05 a.m. three (3) sealed bids were publicly opened and read aloud; and

WHEREAS, the following bids were received:

- Bison Laboratories, Inc.- \$3.02/Gallon (Price firm through 9/30/2023 only)
- JCI Jones Chemicals, Inc.- \$2.25/Gallon (Subject to change after 3/31/2023 upon 30 days written notice)
- Slack Chemical Co., Inc. - No Bid

WHEREAS, the Town of Webster reserved the right to reject any and all bids:

NOW, THEREFORE, BE IT RESOLVED:

That the Webster Town Board rejects all Sodium Hypochlorite Bids received on December 21, 2022 for the Wastewater Treatment Plant located at 226 Phillips Road.

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Vote on motion:

Supervisor FlahertyAye
Councilman CahillAye
Councilwoman NguyenAye

Councilman Abbott Aye
Councilwoman Cataldi..... Aye
Motion carried..... 5-0

Resolution No. 59: MOTION by Supervisor Flaherty, seconded by Councilwoman Cataldi, to adopt the amended Town of Webster Sewer Lateral Maintenance Policy as presented.

**POLICY FOR SEWER LATERAL MAINTENANCE
IN THE TOWN OF WEBSTER**

The maintenance of all sanitary sewer laterals that tie into the Town of Webster Sanitary Sewer System from the home or the business to sanitary sewer main is the responsibility of the homeowner or business. Any repairs that need to be completed between the right-of-way (ROW) and the main are at the sole direction of the Town of Webster Sewer Department.

Town’s Responsibility

If the sanitary sewer lateral structurally breaks in the Town of Webster’s right of way.

If the Town of Webster determines that the lateral within the Town’s right of way is flatter than normal or has a low spot that is causing issues, the Town will determine the resolution to this, if any such resolution is needed.

If blockage occurs in the main sanitary sewer due to lack of maintenance and repair of a known issue causing a backup into the sanitary sewer lateral. These blockages do not include grease, rags, wipes, eggshells, coffee grounds, tree roots or anything other than what is permitted to be disposed of in the sanitary sewer per the Town’s Sewer Use Ordinance.

Homeowner/Business Responsibility

From the home/business extending to and including the cleanout and the Y connection for the cleanout.

If the cap on the sewer lateral cleanout is removed or broken, it is the responsibility of the homeowner or business to have it replaced with a metal cleanout cap, which needs to be always visible and accessible.

If cleanout and or “Y” is broken or damaged for any reason it is the responsibility of the homeowner or business to have it repaired/replaced.

At no time is there to be excavation and/or repairs completed in any Right of Way or easement(s) without prior written approval from the Sewer Department and a 149 permit from the Town of Webster Highway Department is approved.

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The homeowner or business is responsible for any repairs and/or maintenance from the home to the Town’s sanitary sewer main caused by but not limited to any root intrusion, scaling of pipe, grease build up or any other obstruction or items causing an obstruction in the property owner’s lateral. The homeowner or business is responsible for any costs incurred by the Town for repair/maintenance of any of the items noted above from the property line to the main and is deemed to agree to reimburse and remunerate the Town of Webster for the costs, including salaries or wages, incurred by the Town for any such repair and/or maintenance is necessary.

In the event a contractor/utility damages the lateral between the home/business and the main, it is the responsibility of contractor/utility to repair. If the damage occurs within the Town of Webster of ROW, the Town will facilitate the repair with the contractor/utility. If the damage occurs between the home/business, it is the responsibility of the owner to facilitate the repair with the contractor/utility.

Vote on motion:

Supervisor Flaherty	Aye	Councilman Abbott	Aye
Councilman Cahill	Aye	Councilwoman Cataldi	Aye
Councilwoman Nguyen	Aye	Motion carried	5-0

Resolution No. 60: MOTION by Councilwoman Cataldi, seconded by Councilman Abbott, to approve the renewal of a Mobile/Manufactured Home Park Permit for Sunset Valley Manufacturing Home Community for calendar year 2023 which was inspected by the Department of Public Works and is being operated according to the zoning and land use standards or requirements at the time the use was legally commenced. The fee for the permit was received and the application is on file in the Town Clerk's Office.

Vote on motion:

Supervisor Flaherty	Aye	Councilwoman Cataldi	Aye
Councilman Cahill	Aye	Councilwoman Nguyen	Aye
Councilman Abbott	Aye	Motion carried	5-0

Resolution No. 61: MOTION by Supervisor Flaherty, seconded by Councilwoman Nguyen, to declare the following item for transfer from the Assessing Department to the Community Development and Engineering Department:

Table, Asset Tag #02805

Vote on motion:

Supervisor Flaherty	Aye	Councilwoman Cataldi	Aye
Councilman Cahill	Aye	Councilwoman Nguyen	Aye
Councilman Abbott	Aye	Motion carried	5-0

Resolution No. 62: MOTION by Councilwoman Cataldi, seconded by Councilwoman Nguyen, to declare the following items for recycling from the Sewer Department:

Coleman Powermate Generator	Asset Tag #2011
Pulsamatic 7660 Stroke Activating Pump	Asset Tag #2063
Pulsamatic 7660 Pump	Asset Tag #2064

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Pulsamatic 7660 Pump	Asset Tag #2065
Pulsamatic 7660 Pump	Asset Tag #2066
Pulsamatic 7660 Pump	Asset Tag# 2067
Clow Mixer	Old 106 (not on list)
Clow Mixer	Old 107 (not on list)
Minarik Powermate	Old 108 (not on list)
Clow Mixer	Asset Tag #2071

Vote on motion:

Supervisor Flaherty	Aye	Councilwoman Cataldi	Aye
Councilman Cahill	Aye	Councilwoman Nguyen.....	Aye
Councilman Abbott.....	Aye	Motion carried	5-0

The meeting was open to the floor and the following people spoke on the proposed Resolution for consideration of a Special Use Permit and referral to the Planning Board for site plan review associated with a proposed self-storage facility at 959 Five Mile Line Road.

Dorothy Fait, Webster Resident, stated that she would like to share her thoughts on the use of Special Use Permits and Zoning, specifically the request to grant a permit to the non-conforming Mini Storage Unit, RV Storage and U-Haul Retail Rental business at 959 Five Mile Line Road. The Town of Webster has designated the property as Low Intensity Commercial District, and zoning deserves to be reviewed and approved as an overall Town plan. The Town Board has on more than one occasion indicated that piece meal zoning is not the way they wish to address any zoning issue. If this is an appropriate use for this property, she would ask the Town Board to direct the developer to apply for a change in the current zoning and not grant this permit. She would ask the Town Board not to bend to development pressure and allow the citizens of the Town to have a say in the direction the Town is going by participating in the Comprehensive Plan process. She is willing to face the probability of higher taxes versus suffering the other negative impacts of overdevelopment and believes there are a significant number of Webster residents who would agree. She believes that the current zoning is appropriate as it is very close to residential properties along Five Mile Line Road and Gaywood Lane. Those neighborhoods need to be protected from retail encroachment. This property is ecologically sensitive. Shipbuilders Creek tributaries need to be protected. Granting a commercial building and paved parking area above the recommended lot coverage with a non-permeable surface area endangers this creek. Also, the storage of recreational vehicles as well as a fleet of rental trucks could lead to a discharge of gas or oils or other environmentally toxic liquids into the creek’s watershed. Everything comes with a cost, and protection of our environment is worth the cost in her opinion.

Mike Salway, Webster Resident, stated he is directly affected by the project. The proposed plans are calling it a four-story building. However, once the mechanicals are added to the building it will increase the height and becomes a five-story building. He stated he will be looking directly at this monstrosity in his backyard and listening to trucks and forklifts. It is a 24-hour facility in a residential area and surrounded on three sides with homes located on Patty Lane, Gaywood Lane and Five Mile Line Road. The Town is stuffing commercial monstrosities into residential areas. He stated the property had a tax abatement and paid 80% of the taxes while the residents paid the remaining 20%. He stated there is a flood zone area in the northeast corner of the property and asked where will the water be directed to because the creek on Five Mile Line will

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not be able to handle the runoff. He feels there are plenty of other commercial properties in Webster that are vacant and for sale that would be more conducive for this facility. He is also concerned about the devaluation of his home if the project moves forward.

Dan Dalton, Webster Resident, stated there was quite a bit of discussion thirteen years ago regarding 959 Five Mile Line Road. A valid petition was signed by sixty homeowners who were located within fifty yards of the property and those same sixty people are going to be of the same mind today. What called his attention to this project was the notice that said it was to be a mini storage. He does not think this project could ever fit the definitions of a mini storage based on his research and feels it is a zoning issue. He is concerned with visual and noise impacts along with height issues. He stated the soil is most likely contaminated from pesticides used on the tree farm. He would like the developers to find a new location or find a nice project that fits into a residential setting.

Gail Binder, Webster Resident, stated she is not opposed to the project. The property is zoned commercial and will eventually be developed commercial. Maybe a mini storage, if it is a mini storage, might be one of the lesser evils to be built on the property. Her problem is with the Special Use Permit, and it should require very careful consideration. She stated she is very glad to see there will be several hearings on the project. She believes transparency is important.

Bill Davis, Webster Resident, stated he wanted to correct some misconceptions. He stated it was mentioned that there are residents all around this property. There are no houses to the north of this project, no houses to the east of this project on Five Mile Line Road. He is the one that would be most affected and impacted. He is not opposed to the project. He has been in Webster for thirty-five years and realized when he moved in that the tree farm would not last forever. He stated it does appear there is an issue with variances and concessions that may have to be made. Public service is not always a position of authority, but it is always one of responsibility and that responsibility is to the Town Code and to the Town's people. He has no major problems with the design. However, in regard to proposed Building B he would rather see the loading dock on the north side rather than on the neighbor side.

Chris Whitcomb, Webster Resident, stated he will be directly affected by the project as proposed Building D will be within one hundred feet of his house. He feels the project does not fit the neighborhood whatsoever. There is a giant self-storage unit that was just built behind Brusters' on Ridge Road, and it is not even being filled up. Why does the Town need another one? He is under the impression that the U-Haul portion of the project is not just rental trucks but that pods will be stored in proposed Building D. He is concerned with the chemicals that will run off into the creek when the parking lots are salted and plowed during the winter months. He agrees the owner should be able to develop or sell the land. He suggested the Town Board advise the developer to find an alternative project or a suitable site for the current proposed project.

Kent Walters, Webster Resident, stated he is concerned with the light pollution and that consideration be given for proper drainage in the area.

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Janice Jackman, Webster Resident, stated that if the Town Board allows this project to go through, it will make three such businesses within a two-mile radius. The one behind Brusters' that was recently built and another on North Avenue as well as the U-Haul truck business. She stated how dare the Town Board continue to champion themselves as caring for open space preservation when the true evidence of such a claim is nowhere in sight. The Town Board, as elected officials representing all residents of Webster, have a duty and moral obligation to understand the urgency of an ongoing shrinking habitat dilemma for most of the Town's beautiful wildlife population. She stated the Town Board postures itself as being on the front lines of protecting open space and thereby protecting animals, yet the politics on display consistently say just the opposite. The Town Board is failing to act on any behalf other than augmenting more money-making opportunities and greed and failing the Town. She feels and claims many others feel there is total overdevelopment of Webster.

Ken Corpus, Webster Resident, read aloud the following statement the Town received via the Town website form:

U-Haul plans to build a storage unit and provide a rental facility at 959 Five Mile Line Road. I believe this 24-hour access facility violates zoning regulations for the LC-II District for the following reasons:

1. This is being called a storage unit, but it will include vehicle rental which is not an approved use according to the zoning regulations for this district.
2. Zoning regulations for this district state a maximum height of allowed which 35 foot (3 stories) Proposed building height (4 stories, 50 feet) is greater than the maximum allowed.
3. Zoning regulations for this district state that "New commercial development shall employ architectural styling and detail that is consistent with the residential nature of the surrounding area".
4. Zoning regulations for this district limit the square footage of the building to 5,000. The office building alone appears to be upwards of 13,000 sq ft.
5. Zoning regulations for this district limit the Maximum lot coverage to 20%. From the plan shown, it appears that it exceeds but I cannot read the dimensions precisely to know for sure.

This project would be better aligned with the Commercial Outdoor Storage District which permits "New or used motor vehicle, recreational vehicle, trailer, boat, farm implement and contractors' equipment sales, service, repair or rental". I strongly recommend that you do not approve this Special Use Permit in this District without a formal public hearing to get Town resident's input.

Diana Davis, Webster Resident, stated she is not opposed to the development of the property. However, she feels this particular project with the existing characteristics makes it inappropriate, and those characteristics need to be first mitigated and modified before referring it to the Planning Board.

Paul Wohlrab, Webster Resident, submitted the following comments on the Town's website form:

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The access facility not only violates zoning regulations but will also be an eyesore to the area/town. It will mean building on wet areas and destruction of many old trees. There will be excess traffic as well as noise from tractor trailers and other vehicles since it will be 24 hours. We do not need another Henrietta NY.

Jennifer Breunig, Webster Resident, submitted the following comments on the Town's website form:

The proposed violates the intended use for this lot. If Webster was in desperate need of the service provided AND there were no places available in the correct zoning, it might be understandable. Fortunately, there is already plenty of appropriate zoning for U-Haul, and plenty of choices for the Webster public to choose from in order to get the same services.

Open to the floor for public comment was closed.

The Town Board was presented with a proposed Resolution to consider a Special Use Permit and referral to the Planning Board for site plan review associated with a proposed self-storage facility at 959 Five Mile Line Road.

Mike Ritchie, Costich Engineering, appeared before the Town Board representing the U-Haul Moving & Storage Project Applicant, Amerco Real Estate Company. Mr. Ritchie provided a summary of the project.

Mr. Ritchie stated he and the applicant were appearing before the Town Board requesting a Special Use Permit. Although self-storage is a permitted use within the LC2 District, any structure over 5,000 square feet requires a Special Use Permit. They understand that this is a long process. This is not the end but just the beginning. The concept plan Amerco has prepared is the ideal layout for their operations. They understand there will be a lot of discussion with the Town and residents and various Town of Webster Boards regarding specific details. In regards to the traffic, he believes that this use is a very low traffic generator. In fact, in the application materials, Amerco provided trip generations based on the numerous sites they have across the Country. The average daily trips to a U-Haul Center are thirty-one trips on a weekday and fifty-three on a weekend. Comparing that to other permitted uses that could be built in this District, such as a restaurant or gas station, that number could be in excess of hundreds if not thousands of trips in a day. In terms of the impact to the neighborhood from a traffic standpoint, the project is probably the lowest impact that could be built on this location. In terms of the setbacks and how the site is laid out, they have shown the plan meeting all applicable setbacks, and all buffers. They do understand that they will have to go to the Zoning Board of Appeals for a height variance as well as a use variance for the rental of vehicles. There is a wetland on the site which has been delineated and will not be disturbed by this project. There is an area of floodplain that will be impacted by the parking lot which will be mitigated per FEMA rules with proper compensation. They will also provide stormwater management and landscaping to meet the State's rules. There also will be improvements to the existing traffic signal where all traffic will be forced to go through the existing traffic signal used for Lowes. There will not be any traffic near the residential homes. In regard to the project being in close proximity to resident properties, the property will be subdivided, the LC2 and residential district line. The proposed

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location of the building will be \pm 500 feet to the nearest structure on Patty Lane and approximately 200 feet to the closest house on Gaywood Lane. They understand any development is going to cause concern to the neighbors. They intend to be good applicants by working with the residents and the Town to come forward with a project that they believe everybody can be proud of.

Supervisor Flaherty stated that he handed out to the residents in attendance prior to the meeting a one-page document prepared by Josh Artuso, Director of Community Development, that explained the Special Use Permit process. Included in the documentation was clarification of the Town Code that an application of this nature goes to the Town Board for an initial review. The Town Board can take one of the following actions: 1) take no action; 2) request that the applicant modify the application and resubmit; or 3) refer the application for review and recommendation by the Planning Board.

Councilman Cahill stated he has reviewed the Town Code and the application materials, read everyone's posts on social media and listened to the comments made this evening. He stated he had questions regarding the Short Environmental Assessment Form Part 1 - Project Information. He pointed out to Mr. Ritchie that several items on the Form were blank and did not have a yes or no answer.

Mr. Ritchie provided explanation to some of the items on the form and apologized for other items left blank. He stated the form was prepared by others and in future submissions to the Planning Board, they could include a supplemented Environmental Assessment Form which would contain more detail. He also stated that when the document was being prepared and submitted, he believes that it was too early in the concept phase to include all the information as it was not available at that time.

Councilman Cahill commented that he read Town Code Section 350-17 and is of the opinion that the project does not conform with the neighborhood as far as the architecture goes and there is going to be a number of variances that are going to be required for this particular development and use. He stated he is in agreement with a great deal of people that have commented and does not believe that this project follows the intention or language of Town Code Section 350-17 Low Intensity Commercial District. He feels strongly that there are so many variances and Special Use Permits that are going to be required. He is of the opinion and position to take no action on this matter.

Councilman Abbott addressed the Town Supervisor stating that he would like to propose a motion that the Town Board take no action on this application. Councilman Cahill seconded the motion.

Supervisor Flaherty asked Town Attorney Genese, to explain what "take no action" means.

Town Attorney Genese stated "take no action" means there will not be a referral to the Planning Board, nor is there a request for modification or any further instructions to the applicant.

Supervisor Flaherty stated he would rather see it move along in the process. In most Towns the size of Webster, the process does not start with the Town, it ends with the Town. He has concern when the Town has the first say and a lot of concern when the first say is no action because the Town Board has given no counsel or input to the developer and the engineer.

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Councilwoman Cataldi stated that she and Councilman Abbott might be in a unique position in that thirteen years ago they were both sitting on the Town Board when the property was presented for a rezone. She believes the developer has been given guidance from the comments made this evening. She also has concerns that the project does not meet her concept of a mini storage. Her understanding from reading the application is that the hours of operation are not 24 hours per day. Like many residents she is also concerned with referring the application to the Planning Board and would not approve a Special Use Permit unless there were major modifications made to the project. When looking at the entire application and giving some thought back to the thirteen years ago when the Board approved the rezone, she is concerned that if the project moves forward, and variances are granted, the Town would be diluting what was done thirteen years ago and feels concessions keep being made to the point where it does not mean anything anymore.

Councilwoman Nguyen thanked the residents for their input on the matter. She feels the Town Board needs more time before a decision is made as it affects the community.

Resolution No. 63: MOTION by Councilman Abbott, seconded by Councilman Cahill, declining to refer an application by Amerco Real Estate Company for a Special Use Permit.

WHEREAS, James R. and Lucille Kunz are the owners of real property with an address of 959 Five Mile Line Road, Town of Webster, consisting of a total of 19.09 acres, being the parcel known as Tax Account Number 079.09-1-37.11; and

WHEREAS, the land is located in an LC Class II (Low-Intensity Commercial) District; and

WHEREAS, AMERCO Real Estate Company has proposed to develop a portion of this parcel into a(n) U-Haul Moving and Storage Store, including uses of and purposes for self-storage, U-Haul truck and trailer sharing, and retail sales; and

WHEREAS, Webster Town Code Section 350-17(A)(5) permits "Mini storage" or self-storage facility or facilities; and

WHEREAS, if such use is to operate on or exist upon the property in excess of 5,000 square feet, Webster Town Code Section 350-17(A)(7)(a) such permitted use may be permitted in an LC Class II District upon the issuance of a Special Use Permit by the Town Board; and

WHEREAS, an application has been made by the applicant, in writing, for a Special Use Permit review; and

WHEREAS, the Code of the Town of Webster Section 269-19(A), permits the Town Board to, INTER ALIA, (1) take no action, or (2) request that the applicant modify the application and resubmit, or (3) refer any application for a Special Use Permit to the Planning Board, for the Planning Board's review and recommendations upon such application prior to the required Public Hearing on the Special Use Permit application and approval by the Town Board; and

WHEREAS, after due consideration of the application, particularly of the number of variances, both area and use which will be required for the approval of the site application as made, as well as other concerns, the Town Board, pursuant to Webster Town Code Section 269-20(A)(1):

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NOW, THEREFORE, BE IT RESOLVED:

That no action will be taken by the Town Board upon the application of AMERCO Real Estate Company for development of a portion of 959 Five Mile Line Road, Town of Webster, as presented.

Vote on motion:

Supervisor Flaherty	Nay	Councilwoman Cataldi	Aye
Councilman Cahill	Aye	Councilwoman Nguyen	Aye
Councilman Abbott	Aye	Motion carried	4-1

At 8:56 p.m. Supervisor Flaherty called for an Executive Session.

Resolution No. 64: MOTION by Supervisor Flaherty, seconded by Councilwoman Cataldi, to enter into Executive Session to discuss proposed, pending or current litigation pursuant to New York State Public Officer’s Law §105(1)(d).

WHEREAS, New York State Public Officers Law provides that the Town of Board may enter into Executive Session to discuss certain subjects or matters:

NOW, THEREFORE, BE IT RESOLVED:

That the Town Board enter into an Executive Session pursuant to New York State Public Officers Law, §105(1)(d) to discuss proposed, pending or current litigation.

That the following persons were authorized to attend: Charles Genese, Town Attorney, Josh Artuso, Community Development Director, Mary Herington, Town Engineer, Paul Adams, Finance Director, and Matt Chatfield, Webster Economic Development Alliance.

Vote on motion:

Supervisor Flaherty	Aye	Councilman Abbott	Aye
Councilman Cahill	Aye	Councilwoman Cataldi	Aye
Councilwoman Nguyen	Aye	Motion carried	5-0

Resolution No. 65: MOTION by Supervisor Flaherty and seconded by Councilman Cahill, to return to Regular Session at 9:36 p.m.

Vote on motion:

Supervisor Flaherty	Aye	Councilman Abbott	Aye
Councilman Cahill	Aye	Councilwoman Cataldi	Aye
Councilwoman Nguyen	Aye	Motion carried	5-0

There being no further business to come before the Board, the meeting was adjourned at 9:36 p.m.

Dorothy M. Maguire, Town Clerk