

**WEBSTER ZONING BOARD OF APPEALS MINUTES**

PLACE: Webster Town Board Meeting Building 1002 Ridge Road

DATE: 13 June 2023

TIME: 7:00 pm

**PRESENT:**

Jamie Newtown, Chairman

Barry Barone, Vice Chairman

Corrine Volo, Secretary

Donald Hauza

Michael Short

John DeMarco, Attorney

Josh Artuso, Director of Community Development

Katherine Kolich, Recording Secretary

**ABSENT:**

Griff Stappenbeck

Jamie Newtown: Good evening. Welcome to the Zoning Board Appeals meeting for June 13, 2023. We have six scheduled matters on the agenda tonight.

*Call Roll*

We do have proof of public notification for this evenings matters from the Webster Herald. We are going to change the order up slightly this evening. The last item on the agenda Fairlife Project located east of Tebor Road, we are going to have that application go first. I am asking that this applicant keep to 10-15 minutes; provide a 50,000-foot overview of the project only and the board is not going to ask too many questions this evening, but we are going to digest what is provided to us this evening. Due to the SEQR process, the applicant...we can not act on the variance until likely the end of August, correct. I believe the town is going to take the lead agency roll, is that correct, Town Board?

John DeMarco: That is correct.

Jamie Newtown: So, therefore this evening, we are just going to hear an overview of the project . If there are participants in the audience that are hear to learn about the project, we are not going to open it up to public comment this evening, but we highly encourage you, based on what you hear and see this evening to submit comments through the Town of Webster porthole.

Josh Artuso: It can be found on the community development home page.

Jamie Newtown: Town of Webster community development home page and you can submit questions or comments on the application. Is the applicant ready to step up? First, let me step back, please stand for the *Pledge of Allegiance*. Since we are not going to act on this, this evening, I don't believe we need to read it into the record, but I guess we could.

*Summary of Application Outcomes*

**SCHEDULED MATTERS:**

**FAIRLIFE PROJECT/DAIRY PROCESSING**

Applicant: Fairlife Project

Status: **APPLICATION TABLED TO A FUTURE MEETING PENDING RESULTS OF SEQR PROCESS**

**703 HILLSPRING TER/ACCESSORY STRUCTURE**

Applicant: John Cushman

Status: **APPROVED AS PRESENTED.**

**862 SALT ROAD/FENCE**

Applicant: Mike Sofia

Status: **APPROVED AS PRESENTED**

**1152 WOODBRIDGE LANE/GARAGE ADDITION**

Applicant: Andrew Randisi

Status: **APPROVED AS PRESENTED; APPLICANT TO BRING EXISTING SHED INTO COMPLIANCE OR APPLY FOR VARIANCE**

**665 FOREST LAWN DRIVE/FRONT PORCH**

Applicant: Mark McElroy

Status: **TABLED TO JULY 18<sup>th</sup> MEETING**

**1242 LAKE ROAD/CARRIAGE GARAGE ADDITION**

Applicant: Matt Lester

Status: **APPROVED; SHALL BE CONSIDERED AN ACCESSORY APARTMENT AND REQUIRE AN ACCESSORY APARTMENT AGREEMENT; PROCEED TO PLANNING BOARD FOR SITE PLAN REVIEW PROCESS**

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*(Corrine Volo read the first application)*

**FAIRLIFE PROJECT:** Located east of Tebor Road. Applicant Fairlife, Inc. is requesting **AREA VARIANCES** to allow: An 8' tall decorative fence within a buffer area, which is not permitted. A building height of 120' for silos and a portion of the building, where a maximum of 50' is permitted associated with the construction of an approximately 745,000 SF dairy processing facility on a combination of portions of 5 lots totaling approximately 106-acres having SBL#s 066.03-1-28.111, 066.03-1-28.113, 066.03-1-18.11, 066.03-1-20.1 and 066.03-1-27.214 located in an IN Industrial District under Section 269-5 and 350-22 of the Code of the Town of Webster.

Appearing before the board was the lead Engineer for Fairlife ( NEVER STATED HIS NAME NOR DID HE SIGN IN) and for this project so, it would be my responsibility going forward to oversee it and lead. As I mentioned, Joshua Hoff is the lead Civil Engineer for our general contractor Haskell, and he will take the opportunity here to walk us through the actual variances.

Fairlife is obviously extremely excited to start this planning process and become part of the Town of Webster. We realize there is a long way to go as we go through the diligence, but we all are extremely excited by the production facility and putting our grass roots down here in Webster. Fairlife started out in 2012, ultrafiltered milk; core power is a protein shake and a nutrition plan which is like a meal replacement. In 2020 we were acquired by Coke-Cola Company, and it is our intent to bring somewhere in the region to bring 250 jobs locally to the area. Our investment is in a region of 650 million dollars for this project. Obviously as I mentioned, pending diligence and approvals. As mentioned, 745,000 SF is our intent to process in the region of 5 million pounds of milk a day, all of which will be sourced from upstate New York.

We recently met with our neighbors and the Webster Community with the sole intention of explaining what our intent here is and give an overview of the project but more importantly, to listen. To listen to what our neighbors have to say; to provide feedback and some of the feedback we have already introduced into our plans. So, I look forward to presenting our site plan and listening to any recommendation and answer any questions. With that I will introduce Josh and he can walk you through the variances. Thank you!

Joshua Hoff: I am the lead Engineer with Haskell, and I am going to walk you through the site plan first. (SHOWING PLANS UP ON THE SCREEN) So, as he already said, it's about 745,000 SF and we are going to have two entrances, an auto entrance on the north side and then a truck entrance on the south side. In the truck entrance area, we do have storage at for all the milk trucks that are coming in and so we have queuing of about 156 trucks before they go through the guard house. We have a small guard house down here; all the milk trucks will come through and go through our scale right here and then up to the milk receiving. Now, the milk receiving is inside the building. So, the trucks will pull in and unload and they will do a forward motion all the way through. So, we have been able to keep a forward motion for all the milk trucks as they access the facility. Our finished goods products, our trucks, will come through to the guard house and they will come here to the northside and then they will exit back out and they do have to do reverse because they are working with docks. We tried to minimize as much reverse movement as possible. On the east side and also on the north side, if you notice we have this green shade, this is a berm, and we are doing that to provide some screening for visual sound and light and then we have our fence located on top of the berm on this section here. If you want to flip to the variance and I will walk through that, it leads right into it.

So, there are two variances that we are requesting. The very first one is in reference to the fence. So, on the east side of the facility, we are adjacent to large lot residential so it is required that we have a 100-foot buffer or buffer yard and the code states that you can not have a fence within that buffer yard but what we are requesting though is that the fence be located on top of the berm

so that we can get the maximum affect of screening for light, the sound and for visual . The second variance we are requesting is for building height and that is going to be for this section of the building here and this is our automatic retrieval system and also for the silos down here the milk receiving. So, those are the two variances that we are requesting. Any questions?

Jamie Newtown: Maybe you can explain the necessity of the height of the buildings.

Lead Engineer for Fairlife ( NEVER STATED HIS NAME NOR DID HE SIGN IN): Let me start with the milk silos INAUDIBLE it is several reasons, but we wish to keep the milk silos as close to the milk receiving as possible, as close to the building as possible, as close to the building as possible. Lets say they are half the size of the tanks and double the amount of tanks that I have which brings me further out to the perimeter of the property which we don't wish to do and it also makes our process extremely more complicated because the addition doubling the amount of silos and on top of that from a footprint point of view, it would be a lot more energy use and a lot more water lost as we have to clean and chill those tanks constantly so that is on the silo end of it. Then on the automatic warehouse, by going up it allows us to reduce our footprint and without that the footprint would be quiet excessive and moving out towards the perimeter and the edge of the property. So, the height allows us to, one, ultimate the warehouse and secondly become a lot more efficient process within it with a lot of automation inside.

Jamie Newtown: So, you have looked at the various options in terms of building height obviously as you just described that it is going to increase the footprint, INAUDIBLE footprint, encroachment on buffers and or setbacks.

Lead Engineer for Fairlife ( NEVER STATED HIS NAME NOR DID HE SIGN IN): I wouldn't say encroach on the buffers, but it gets very close to the buffers.

Donald Hauza: Do you have a facility similar to the site closest within the area?

Lead Engineer for Fairlife ( NEVER STATED HIS NAME NOR DID HE SIGN IN): Not in the area. Fairlife has two facilities. We have one in Coopersville in Michigan, Grand Rapids and then we have another one in Goodyear, Arizona. Goodyear is our newest facility built in 2019 and it is a smaller facility, but it does have silos and it does not have the automatic warehouse that is something that is new for us in this particular project.

Donald Hauza: Thank you.

Jamie Newtown: Could you just touch on your next step, obviously there is a planning process. You have had one initial meeting you said with the residents, for the record, could you indicate which residents you met with.

Lead Engineer for Fairlife ( NEVER STATED HIS NAME NOR DID HE SIGN IN): Yes, so we had two meetings, and the first meeting was with our neighbors around the perimeter of the property, mainly to the east as you look at the page INAUDIBLE also to the northeast as well.

So, we had a one on one with a smaller community and then that evening we opened it up to a public forum in the high school and anyone from the Town of Webster was welcome to come and get an overview of the project.

Jamie Newtown: And I think you may have mentioned that you incorporated some of the initial feedback into the plan. Did I hear that correctly?

Lead Engineer for Fairlife ( NEVER STATED HIS NAME NOR DID HE SIGN IN): You did indeed. We have extended some of the berm because there was industrial down here . There was a resident down there, so we felt it was the right thing to do to extend that berm and fencing.

Jamie Newtown: Once again, the intent this evening was really to hear this at the Zoning Board for the first time and have you outline at the 50,000-foot level which I believe you have done And provided some additional detail. Once again, there is not going to be a public comment portion of the meeting with respect to this application this evening. That will be during the next Zoning Board ...

Josh Artuso: Not necessarily.

Jamie Newtown: No, August is the potential target?

Josh Artuso: Correct.

Jamie Newtown: End of August. There could be a special meeting.

Josh Artuso” That is correct. Once SEQR has played itself out.

John DeMarco: Are there members in the audience tonight that are here specifically for this project? Ok, it doesn't prevent you, once the applicants are in the hallway and if they are available and have time, to discuss any concerns that you have. You don't have to give up the opportunities. We, officially as a board, are going to open it up to the public in a future meeting.

Lead Engineer for Fairlife ( NEVER STATED HIS NAME NOR DID HE SIGN IN): No, absolutely, we did that at the last plan review when we got to speak to some neighbors outside and we are always willing to do that of course.

Jamie Newtown: Ok. Once again, we anticipate hearing the application after the SEQR process and likely at the end of August . Alright, thank you. Ok, lets move to the first item on the agenda.

*(Corrine Volo read the second application)*

**703 HILLSPRING TERRACE POOL SHED:** Located at 703 Hillspring Terrace. Applicant John Cushman is requesting an **AREA VARIANCE** to allow a 5' side setback where 15' is required and a 29' rear setback where 50' is required associated with the construction of a 350

SF pool shed on a 0.27-acre parcel having SBL# 079.05-3-88 located in an R-3 Single Family Residential District under Section 350-12 of the Code of the Town of Webster.

Appearing before the board was John Cushman and I live at 703 Hillspring Terrace. I am here for an area variance and looking for 5-foot west side setback and a 29-foot rear setback to accommodate the construction of a 10 x 32 pool house shed structure.

Jamie Newtown: Ok, questions, comments?

Barry Barone: I visited the property the other day and it is surrounded by fence, and it is very isolated. I mean the 5-foot setback has become acceptable for sheds since they changed the code and frankly, I don't think any of the neighbors could even see it. He has a 5 foot on his lot, and a 6-foot fence to the rear. Now, did you have any letter of approval or acceptance from any of the neighbors?

John Cushman: Yes sir. All the adjoining neighbors have given letters of support and including the back neighbor with the 6 foot and then both neighbors on both sides.

Barry Barone: Ok, so all the adjacent neighbors are in favor of your project?

John Cushman: Yes sir.

Barry Barone: It is a small lot. It is a cluster development. This lot is only 150 foot deep. It would be difficult to meet the setback requirements with a shed and pavilion in any respect. It is also a narrow lot so. The structure size is not excessive. It's a tight lot.

Jamie Newtown: What is the distance off the pool?

John Cushman: To the structure?

Jamie Newtown: Yes

John Cushman: Estimated approximately 11 feet.

Jamie Newtown: The point of that was that you don't have a lot of room to move closer towards the pool perse.

John Cushman: It's a tight lot. We had two landscapers companies come out and both of them independently came up with very similar designs and that is where we are today.

Corrine Volo: Now, is there a reason that you could not turn the pool 90\* which would skinny everything up.

John Cushman: Yes, in addition to the easement in the back that had a swale that is not an

easement, and the pool company will not turn the pool 90\* to get into that.

Barry Barone: I actually went into the back yard and checked it out and it is the case in a lot of subdivisions in Webster. The drainage swale is not in the drainage easement. It is almost in the middle of the back yard. They can't be filled so the drainage swell is just behind where he proposes the shed not in the drainage easement. If he fills that, it's going to block off the drainage. So, there is a practical reason for it.

Jamie Newtown: This application is open to anyone wishing to speak for or against this application. Seeing none, we will return the discussion back to the board.

**RESOLUTION 23-037**

Jamie Newtown made a motion for **TYPE II SEQR** which was seconded by: Donald Hauza.

**VOTE:**

Mr. Newtown	AYE
Mr. Barone	AYE
Mrs. Volo	AYE
Mr. Hauza	AYE
Mr. Short	AYE

Jamie Newtown: Any further questions or comments?

Barry Barone: We see this a lot with Webster developments, they are very narrow lots and very shallow lots. There is a tradeoff, the town gives green space to allow these smaller lots so unfortunately people...they are not asking for too much if they want a pool, shed or these amenities and as I said before, he is going to move his 5 foot fence, out to the lot line, which is permissible now and he is maintaining 5 feet from the lot line which is the new shed regulation, not accessory structure but it is a shed regulation. So, I really don't see where else you could put the structures in that yard so, I think we actually gave approval right next door to him with some sort of pavilion or pergola and again, it's a small lot. So, folks are trying to make do with what they have for space. I don't see any negatives to the environment or neighbors. As he said, all three neighbors adjoining his property have expressed their approval and we have nobody speaking against the application so I really don't see anything else that the gentleman could do to accomplish what he needs to accomplish. He is taking his deck off to get the pool closer to the house, he is removing the deck.

Corrine Volo: If the pavilion were not part of the application, the shed by itself would be allowed to be 5 feet from the side setback so he would not even need a variance so the enclosed portion of it fits the definition of a shed but because there is an extra pavilion added to it that is the reason it needs to be here. Do you have any intention for ever enclosing the pavilion portion of it?

John Cushman: No

Jamie Newtown: Any one care to, I think we have a few findings that were touched on by Mr. Barone. Anything else in terms of findings?

**RESOLUTION 23-038**

Barry Barone made a motion to **APPROVE THE USE VARIANCE** Located at 703 Hillspring Terrace. Applicant John Cushman is requesting an **AREA VARIANCE** to allow a 5' side setback where 15' is required and a 29' rear setback where 50' is required associated with the construction of a 350 SF pool shed on a 0.27-acre parcel having SBL# 079.05-3-88 located in an R-3 Single Family Residential District under Section 350-12 of the Code of the Town of Webster which was seconded by: Corrine Volo

**VOTE:**

Mr. Newtown	AYE
Mr. Barone	AYE
Mrs. Volo	AYE
Mr. Hauza	AYE
Mr. Short	AYE

**CONDITIONS:**

- **The applicant must obtain all necessary governmental permits, including a Town Building Permit.**
- **That one-year significant construction shall expire June 13, 2024.**

John Cushman: I would like to give a shout out to Josh and the planning group and to the whole zoning office, a great deal of help from them. I think you do a great job, so thank you.

*(Corrine Volo read the third application)*

**862 SALT ROAD FENCE :** Located at 862 Salt Road. Applicant Mike Sofia is requesting an **AREA VARIANCE** to allow a privacy fence in the front yard, which is not permitted, associated with the installation of approximately 185 linear feet of a 5' tall fence on a 0.65-acre corner parcel having SBL# 081.01-1-2 located in an LC-II Class 2 Low Intensity Commercial District under Section 350-79 of the Code of the Town of Webster.

Appearing before the board was Mike Sofia. My wife is here with my tonight because my hearing is not so good. We are looking to get a variance for a permit for our fence. It is going to go in the back of the yard for privacy and we have a pet to so we want to make sure that we can cover everything. So, the fence is going to go from the existing fence of the neighbor down in back of the yard and back down to the house.

Jamie Newtown: So, it's along Ridge Road so the issue is that you have two front yards on Ridge Road and Salt Road. I think I saw you out in the rain. Was your son helping you out with a little backhoe and cleaning some stumps up the other day?



Mrs. Sofia: No, that was our neighbor doing that.

Mike Sofia: It's 5 feet high.

Barry Barone: Well, if you were there you saw what I saw. Ridge Road is 10 feet higher.

Jamie Newtown: I am trying to think, the neighbor across the street has a fence...remember the dog kennel stuff? That would be the front yard to that is on Salt.

Michael Short: Well, it's interesting, the property is an LC-2. We were just conversing that if you read the code, there are different ways of reading it, but it talks about a residential lot vs residential uses but LC-2 use, the fence code doesn't really apply to a LC-2. So, if it is a kennel, it is more commercial.

Jamie Newtown: I want to say we granted a variance for the kennel itself and the fence, remember that?

Corrine Volo: Well, I think most of the fences behind her house...

Jamie Newtown: That is also on the Salt Roadside.

Corrine Volo: Yes, between the house and...

Jamie Newtown: Anyway, I didn't mean to sidetrack us but there is something similar in the area.

Corrine Volo: But does it need a variance because it is LC-2? I thought fences were just residential or just to cover our bases.

Donald Hauza: It is a residential lot.

Corrine Volo: But we have done this on...further down Salt Road and on Phillips with the two front yards.

Jamie Newtown: I don't think it is out of character with the neighborhood. It is farms and a few commercial businesses down that stretch plus the...

Michael Short: What type of fence are you putting in? I didn't see it in the application and if I missed it, I apologize. Are we talking chain-link or we talking wood?

Donald Hauza: How big is your dog?

Mrs. Sofia: (not using the mic, hard to hear) It's a yorkie and she heads right for the road every time and the neighbor behind us had a couple dogs that got hit.

Donald Hauza: So, this is more for privacy than anything?

Mrs. Sofia: Yes, and for the dog.

Mike Sofia: We are trying to get the fence and making sure it is good for distance and everything and I measured it off at 22 feet from the end of the road to the beginning of the fence and the next door neighbor put his fence up to and we have permission, documents from him saying it is ok to butt our fence up to his because his past approval, so not to go past that and make sure we are in line with that just to butt up against his fence.

Donald Hauza: That is very nice and courteous.

Jamie Newtown: Help me understand what I will call, and I don't know my shapes but the shape of home plate kind of. Why did they cut that angle off there by New York State. I can't read what it says.

Donald Hauza: To ensure sight distance

Jamie Newtown: Oh DOT, Ok.

Donald Hauza: That was my biggest concern especially with the 5 feet. The property does sit low so that should not be an issue.

Jamie Newtown: So that is DOT owned property then. It is a right of way.

Donald Hauza: It is a right of way and there is a light at the end of the intersection.

Jamie Newtown: It has to only be on that corner because on the north corner or the south corner, the house is right on the corner. Alright, this meeting is open to anyone wishing to speak for or against this application. Any further comments or questions. I guess I have just one question, it appears that it is 75 feet from the corner of the southeast corner of the house, 75 feet towards Ridge Road, is that accurate?

Barry Barone: It's 73

Jamie Newtown: I need glasses (LAUGHTER) It looks like 75 but it's 73. Did you consider any other distances or get it further away from Ridge Road? Were you trying to maximize the space? What was the deciding factor on 73 feet?

Mike Sofia: To meet code.

Mrs. Sofia: (not using the mic, hard to hear) You mean how we decided on that? We took all the trees down and we wanted to line it with that neighbors fence, so we didn't want to lose all the yard.

Jamie Newtown: You are trying to maximize the yard in the back. Comments, questions, concerns? There is one letter here from Ken Valens.

Mike Sofia: That is the next-door neighbor.

Jamie Newtown: Reads letter out loud: *We are the next-door neighbor of Sofia's who live at 862 Salt Road in Webster . We are in favor of them installing a fence up to our property line. Anybody?*

Barry Barone: Yes, actually as I said before, when you are on Ridge Road you are going to look right over that fence because there is such an INAUDIBLE, so I don't think what they are asking for is unreasonable. Containing the dog is a big deal. There is a lot of traffic in that area. So, I will make a motion.

**RESOLUTION 23-039**

Jamie Newtown made a motion for **TYPE II SEQR** which was seconded by: Barry Barone.

**VOTE:**

Mr. Newtown	AYE
Mr. Barone	AYE
Mrs. Volo	AYE
Mr. Hauza	AYE
Mr. Short	AYE

**RESOLUTION 23-040**

Barry Barone made a motion to **APPROVE THE AREA VARIANCE** Located at 862 Salt Road. Applicant Mike Sofia is requesting an **AREA VARIANCE** to allow a privacy fence in the front yard, which is not permitted, associated with the installation of approximately 185 linear feet of a 5' tall fence on a 0.65-acre corner parcel having SBL# 081.01-1-2 located in an LC-II Class 2 Low Intensity Commercial District under Section 350-79 of the Code of the Town of Webster referencing map as part of the configuration, survey map 862 Salt Road 2021-4822 which was seconded by: Jamie Newtown.

**VOTE:**

Mr. Newtown	AYE
Mr. Barone	AYE
Mrs. Volo	AYE
Mr. Hauza	AYE
Mr. Short	AYE

**CONDITIONS:**

- **The applicant must obtain all necessary governmental permits, including a Town Building Permit.**
- **That one-year significant construction shall expire June 13, 2024.**

*(Corrine Volo read the fourth application)*

**1152 WOODBRIDGE LANE GARAGE ADDITION:** Located at 1152 Woodbridge Lane. Applicant Andrew Randisi is requesting an **AREA VARIANCE** to allow a 4' side setback, where 10' is required associated with the construction of a 280 SF attached garage addition on a 0.29-acre parcel having SBL# 065.13-1-24 located in an R-3 Single Family Residential District under Section 350-12 of the Code of the Town of Webster.

Jamie Newtown: Just before you get started, obviously there is only 4 board members now since he has recused himself so you will still require 3 yes votes.

Appearing before the board was Andrew Randisi and I am the homeowner of 1152 Woodbridge Lane. I am seeking a variance to add a third garage bay to my house.

Jamie Newtown: It appears that it is 14 foot by 20?

Andrew Randisi: Correct.

Jamie Newtown: Your existing is 20 foot wide approximately, 20.7 feet ? It is a smaller two car garage.

Andrew Randisi: Correct.

Jamie Newtown: By today's standards. That corner will be at 4 feet and the front corner will meet the setback. Is that an accurate statement?

Andrew Randisi: Yes. It is a pie shaped lot and as a result, the back corner of it hits the lot line far earlier than the front corner of it and there is a park easement that runs between my parcel and the neighbor so even after the, if the variance is allowed, there will still be more than 30 feet between myself and my neighbor.

Jamie Newtown: I believe it goes roughly to 4 feet to 15 feet exactly, but it is hard to tell.

Michael Short: I just scaled it, and it looks closer to 12 foot. Do you know the exact dimension that it will be at the front of the garage to the property line?

Andrew Randisi: I do not.

Jamie Newtown: This probably isn't all the accurate and obviously it is going to match the rest of the house?

Andrew Randisi: It is, and it will use the existing roof line. There is a small overhang in front of the garage, and we can match that for the roof line.

Jamie Newtown: And then the driveway... No issues with the driveway is what I was going to say.

Andrew Randisi: I do not need to remove any trees or reroute any type of land feature in order to install it.

Jamie Newtown: Even if you went to 12 feet it really doesn't change the application all that much. 14-foot vs 12 foot or 6 vs 4 it doesn't .....

Corrine Volo: It is still adequate separation between this and the neighbor to the west. It is not a large addition by stretch of the imagination as far as an additional garage bay.

Jamie Newtown: It doesn't really have any other options. It couldn't go on the other side of the house... I was just looking; do we have a variance for 12.8?

Josh Artuso: For the front?

Jamie Newtown: For the rear portion of the house?

Josh Artuso: So, this was a 281 development, and the setback of this particular lot is 10 feet, side setbacks.

Donald Hauza: How about the shed. Does the shed have a variance?

Andrew Randisi: I don't know, the shed was there when we purchased the property.

Josh Artuso: Yeah, I would have to look at our records to see if there was a variance granted for that.

Jamie Newtown: Good point. If we can just look into that and either bring it into compliance at 5 foot or SEQR variance for it. This all started because I was going to say, even an accessory structure in the backyard for additional storage or car parking is not really feasible so. It is an odd size lot or shaped lot, sorry.

Corrine Volo: It would still bring it in from of the garage so

Jamie Newtown: You have a two feet recess on the main garage it really doesn't accomplish anything.

Donald Hauza: The sketch provided, instrument survey, shows that the new garage will be set back maybe a foot and a half or 2 feet from the existing garage. Are you intending on doing that or are you going to extend flush pretty much with the front extension of the garage.

Andrew Randisi: The builder recommended it for aesthetic reasons. I don't think it made a difference in the measurement and if it did, it would only be 6 inches.

Donald Hauza: Ok, I was just curious.

Andrew Randisi: I was going for aesthetic reasons.

Jamie Newtown: I agree with the decision. That is what I did with mine. (LAUGHTER) I set it back 2 feet and it may be that Mr. Barone built it to. This meeting is open to anyone wishing to speak for or against this application. Seeing no one we will turn the discussion back to the board.

**RESOLUTION 23-041**

Jamie Newtown made a motion for **TYPE II SEQR** which was seconded by: Corrine Volo.

**VOTE:**

Mr. Newtown	AYE
Mr. Barone	RECUSE
Mrs. Volo	AYE
Mr. Hauza	AYE
Mr. Short	AYE

**FINDINGS OF FACTS: (Corrine Volo)** : The variance is not an undesirable change or out of character with the neighborhood. There are other houses within that track that have a third bay added. There is no other location for it so there is no other remedy. The garage addition really needs to go to the garage side of the house and brining it forward would require a variance and you couldn't really make it any smaller and fit a car in there and you couldn't put it on the east side of the house because it would not fit. It is the minimum space that is required to give the feature that the homeowner is looking for. It is a 14 x 20-foot garage addition which is not a huge addition by any stretch. It does go up against parkland so there is still significant spacing between this house with the addition and the neighbor to the west and it is really only the rear corner of the addition that is going to require a variance and probably 2/3rds of it will be, at least the front corner will, will be, at or within the setback.

Jamie Newtown: I was thinking it was 15 feet, but it is 10 so or even if it is 12 or 15 it doesn't require at that point.

Corrine Volo: There really is no other place to put it.

**RESOLUTION 23-042**

Corrine Volo made a motion to **APPROVE THE AREA VARIANCE** Located at 1152 Woodbridge Lane. Applicant Andrew Randisi is requesting an **AREA VARIANCE** to allow a 4' side setback, where 10' is required associated with the construction of a 280 SF attached garage addition on a 0.29-acre parcel having SBL# 065.13-1-24 located in an R-3 Single Family Residential

District under Section 350-12 of the Code of the Town of Webster which was seconded by: Donald Hauza

**VOTE:**

Mr. Newtown	AYE
Mr. Barone	RECUSE
Mrs. Volo	AYE
Mr. Hauza	AYE
Mr. Short	AYE

**CONDITIONS:**

- **The applicant must obtain all necessary governmental permits, including a Town Building Permit.**
- **That one-year significant construction shall expire June 13, 2024.**

*(Corrine Volo read the fifth application)*

**665 FOREST LAWN DRIVE FRONT PORCH ADDITION:** Located at 665 Forest Lawn Drive. Applicant Mark McElroy is requesting an **AREA VARIANCE** to allow for the alteration of a pre-existing nonconforming building (7' side setbacks where 20' is required / 54' front setback where 75' is required) associated with the construction of a 360 SF covered front porch on a 0.25-acre parcel having SBL# 048.19-1-58 located in an R-1 Single Family Residential District under Sections 350-10 & 350-94 of the Code of the Town of Webster.

Appearing before the board was Mark McElroy and I live at 665 Forest Lawn from about a 100 yards from that picture, in those old houses there. I am looking for two variances because we are on top of each other in the Forrest Lawn neighborhood as you are probably aware of, and Mr. Barone did come to our home to look at this project.

So, I am looking for a side setback of 20 feet and we are actually 7 feet from one neighbor and 7 feet and 7 inches from another and by the way, I do have approvals from two neighbors in terms of there approval on the project and then we are also looking for a variance of the front setback and as you know it is 75 feet. I don't know if it was my handwriting, but I measured 68 feet and I think 7 inches and the card that went to my neighbors, it was 54. Whatever and I am not in the front setback anyway, so I need the variance. So, if you look at this, it says Forest Lawn.

Jamie Newtown: Can we just step back; I want to make sure that we understand this. So. The advertisement is for 54 front setback, but you are saying it is 68.7

Mark McElroy: It might be a type o.

Jamie Newtown: I just want to make sure it is not in the reverse, right? You are requesting something less than what's'...do you get my point? If you were to say, I need a 40-foot setback, but it's advertised for 54 feet, we would want to readvertise it because it is in accurate so what you are requesting is the opposite.

Corrine Volo: But the survey map says its 54 feet.

Mark McElroy: Then we will go by the survey map and not my measurements than. So, that is fine.

Corrine Volo: The present house may be at 68 feet but with the addition its 54 and so that is what we are doing the addition is going to be moved up to the front of the house.

Mark McElroy: Josh, can you go to the next slide. So, here is the side setback to Rob Kircher's home that name might sound familiar to you. You just approved a variance for his garage so we are looking to put the front porch on where the roof is to the garage so we are looking to go 30 feet to the width of the house and coming out 12 feet and we are looking to take down...if you could turn to the next slide, please. This is my neighbor on the west side John Davidson who also signed off on the project where 7 feet 7 inches... I apologize, I reversed it. We are 7 feet on his side and 7 feet 7 inches from Rob Kircher's house. So, if you look, these bushes will be coming out and the front porch will go from the left side of the house all the way to the end of this side of the house which is approximately 30 feet, and the porch will come out 12 feet. Could you hit the next slide please. This is the look from the variance, which would be the porch to my neighbor Carol Adams and her house is behind the trees, the old BB house which is right on shoreline and right next to shipbuilders creek again, she signed off on the project to. Can you hit the next slide please.

Michael Short: I am going to back to the setback really quick, I apologize. So, looking at the plans provided, it looks like they are asking for a 42 foot or 42.17-foot setback from the property line INAUDIBLE 51.17-foot setback is actually to the original or to the house property INAUDIBLE to the property line, so back to what you were saying before ...

John DeMarco: So, it is greater than or less than?

Jamie Newtown: According to what he is saying. It would be greater than. INAUDIBLE advertising. It wouldn't be advertised properly.

Michael Short: We are asking for closer to the road than what was advertised.

Mark McElroy: I don't understand.

Michael Short: There are two dimensions on here. One of the dimension 54.17 feet which matches the advertisement is part of the original survey which was utilized in developing the proposed depth. That is cut off and it is actually going to your house from the property line itself. From the road to the front of your house that 54.17 feet. There is another dimension into the left which is 42.17 feet which is going to the road to the proposed deck . That is the number that should have been used, if I am reading this correctly. I will turn to the board to make sure I am reading this correctly, that should have been used in the advertisement.



Josh Artuso: I think you are correct. I was utilizing the larger number that I must have misinterpreted the overall length, but I didn't see the smaller. Good catch. It does appear that we have that issue.

Donald Hauza: He should be asking for 42.17-foot front setback, and you are advertised for 54.17.

Mark McElroy: So, what does that do to my project ,do we have to...

Donald Hauza: INAUDIBLE to 54.17 feet but it is not going to accomplish what you want to do in order for us to grant you the variance, we would have to re-advertise your application to a front setback of 42.17 feet.

Mark McElroy: Even though the three neighbors have been involved and signed off on it with the variance.

Donald Hauza: That is correct. Under NY State Law, we would have to readvertise it.

Mark McElroy: Ok.

Jamie Newtown: Because you communicated to them that it was 54.

Mark McElroy: So, I have to come back next month to re-do this or what is the process?

Jamie Newtown: We would table it to the next meeting.

Mark McElroy: Ok.

Everyone talking at once and paper rattling.

Corrine Volo: Do we have an original survey without the mark up on it?

Josh Artuso: I could check the town records, but this is what was provided

Corrine Volo: I didn't see it on my application

Mark McElroy: It should be on page 2 of the architectural plans.

Corrine Volo: I have the survey but with the proposed deck on it . I was looking for the survey map that was the original.

Mark McElroy: I thought I put that with the application. (LOTS OF PAPER RATTLING)

Donald Hauza: We just have the large.

Corrine Volo: INAUDIBLE has the porch added to it. Which I think the confusion was because it looks like that dimension is going to the porch.

Mark McElroy approached the board with a survey map and speaking with Corrine Volo: 54 actually goes to the house but on the picture, we have 54 going to the front of the porch.

Mark McElroy: So, do I have to re-fill out an application or what is the process?

Jamie Newtown: It has to be re-advertised.

Corrine Volo: Josh will re-advertise it with the correct...

Mark McElroy: So, you have to send out another postcard to the neighbors? Advertising it?

Jamie Newtown: Right, it will go into the Webster Herald. It will be re-advertised in the Webster Herald and new postcards will go out to the neighbors. You don't have to do anything.

Mark Mc Elroy: But I have to come back to the July meeting though?

Jamie Newtown: That is correct. (PAPER RATTLING VERY LOUD) Unfortunately you will have to come back, and you can just confirm, and we are going to table this to July 18<sup>th</sup>.

**RESOLUTION 23-043**

Jamie Newtown made a motion to **TABLE THE APPLICATION TO JULY 18, 2023** which was seconded by: Donald Hauza

**VOTE:**

Mr. Newtown	AYE
Mr. Barone	AYE
Mrs. Volo	AYE
Mr. Hauza	AYE
Mr. Short	AYE

*(Corrine Volo read the sixth application)*

**LESTER RESIDENCE CARRIAGE GARAGE ADDITION:** Located at 1242 Lake Road. Applicant Matt Lester is requesting an **AREA VARIANCE** to: allow a 12' side setback where 20' is required (14' side setback was previously approved; but structure was built 12' from property line); the expansion of an existing detached accessory structure that is closer to the front property line than the rear line of the main residence, which is not permitted without Zoning Board approval; associated with an approximate 429 SF addition of a covered patio area, workshop, 2<sup>nd</sup> story guest living quarters and balcony (for a total of 1,069 SF) on a 3.26-acre parcel having SBL# 050.05-1-10 located in an R-1 Single Family Residential District under Sections 350-10, 350-36 and 350-94 of the Code of the Town of Webster.

Appearing before the board was Betsy Brugg with Woods Oviatt Gilman; Evan Gefell with Costich Engineering is here tonight and unfortunately Matt Lester could not be here tonight, so we are here representing them on their proposed renovation project of their carriage garage. It is an existing garage in front of their home at 1242 Lake Road and hopefully you have had a chance to look through the application and you have seen the plans and you know where the property is.

It is one of the larger lots on their stretch of Lake Road and over 3 acres in size. The plans are to renovate a major renovation to their existing home so before proceeding with that they are proposing a major renovation of their carriage barn to make it really livable space for their family so that they don't have to leave their property while they are doing their home renovation. They have school-age kids, and they would like to say and be least as disruptive as possible in terms of the family so that is what we are here for. The existing garage is a two-bay structure, and it is where they store boats and various equipment and personal materials. They have a garage attached to the home for their vehicles. They are proposing essentially to do a larger, attractive, and high-quality structure and approximately in the same location that it currently sits and would extend closer to Lake Road. The existing structure that is there is about 335 feet back from the road INAUDIBLE. LOUD NOISE. In terms of distance from the road and they are kind of extending it 25 feet forward which includes about 17 feet of actual space plus a porch on the front so from the street what will be visible is kind of the smaller dimension of the building so it kind of hides the structure behind it and have a pretty little porch in the front. Again, over 300 feet from the road and they have over 500 feet of driveway. I think I INAUDIBLE on their house, it's about 4800 feet. I was corrected today that is it closer to 5300 feet and again, it's over a 3-acre lot. They have the support of their neighbors. They are not here today but I have the text from the immediate neighbor to the west and there neighbor two down and again I miss spoke, there is a similar structure to what they are proposing two parcels over and I think I said the adjacent lot and it's actually two over. I have an aerial of the neighborhood if that is helpful to anybody. My understanding is that these accessory structures are somewhat common in the neighborhood and common on Lake Road but what they are doing is not a whole lot different from what many others are doing. They have large parcels, they are on the lake, they are deep parcels, the location isn't going to affect anyone. Their immediate neighbor who would be the most affected has no objection and is totally supportive. The existing structure actually has an existing variance. It was actually built by a prior owner of the property. It is actually built 2 feet closer to the property line than the existing variance. They like to do their project on the existing space and renovate the structure, so we want to just correct that addition and legalize that existing side setback. They actually already have, I looked through the record after we submitted this and there already is an existing variance to allow the structure in the front yard. It is included in our application, but they were granted a variance to allow the structure to be in the front yard. I think the variance is technically to sit in front of the rear property line of the house if I am stated that correctly. We are of course going closer to Lake Road, but they actually have an existing variance for that as well.

So, they are proposing to do a really nice structure and we have given you a pretty complete application and we would be happy to talk to about kind of what the building is like and answer

any questions. It's a relatively minor relief requested in the context of the existing parcel in the neighborhood. We are not in a small, half acre subdivision where you have to worry about being on top of your neighbor. The location of the structure is closer to Lake Road and is actually beneficial for the neighbors. We don't want to do anything that would obstruct the views of the lake, for example which having frontage on the lake, frontage on Lake Road they have to deal with the existing conditions of those two frontages. Everyone of the lake obviously orients their living towards the lake and the structure is set back far enough from the road that it wouldn't have any impact on anyone. Josh, I will give you both of these. I have texts from both neighbors for support.

So, the standards for the variance obviously the benefit to the applicant is it would allow them to make improvements to their property and it would allow them to remain in their property while they do a major renovation to their home. There is absolutely no detriment whatsoever from these variances. They are relatively minor given the existing conditions and the existing structure that is there and the context of the neighborhood. They are not disrupting their nearest neighbor, other properties in the neighborhood have similar types of structures. So, there is absolutely no negative impact whatsoever. I went through all of the criteria, and I am happy to do that again in a little more detail. Again, no change in the character of the neighborhood. It's consistent with other properties along the lake; other neighbors have similar structures. No detriment to any nearby properties with the granting of the variance whatsoever. Can the benefit be achieved by any other method? Not really. They need the variance because the building is where it actually sits, they didn't put it there. The prior owner constructed it. It is just slightly off from where it should have been. The variance to move it forward obviously to can reorient the configuration of the layout of the structure however, that would not be equally beneficial to the applicant or to the neighborhood. Obviously having the alignment remaining the way it is allows them to use the existing driveway. They have over 500 feet of driveway, so the location of the existing structure really is oriented to allow the continued use of the driveway and that narrow orientation also is the more appropriate orientation for the view from the road to the public. Whether the variance is substantial, we are talking about 2 feet on the side setback. The structure is already there, and the neighbor next door has no problem with it whatsoever and has no problem with the project whatsoever and doesn't interfere with the living of the adjacent neighbors. Again, these are very deep lots, so the distance and dimensions are all...we are talking about the context of the neighborhood when we talk about whether the variances are substantial in the context of these large lots, these deep lots and the orientation and placement of the homes in the neighborhood. These are not substantial variances whatsoever. There is already a variance for the structure to be located in the front yard. We are moving it a little forward but not in any way that the material or anything would impact anyone in the neighborhood or the public. Any adverse effect or impact on physical or environmental conditions in the neighborhood. None whatsoever and if anything, it is going to improve. They are going to invest in quality design and quality structure. It is going to be an attractive structure and it will also allow them to make renovations and upgrade their home in the long run. The variances arise from the existing conditions; the location of the existing garage; the location of the existing house and the location of the existing driveway. They are working with the existing structure that is there and making improvements on that so I think we meet the standards, and I would

point out that it did go to the Planning Board because this is over 500 sq feet and I think that is what requires site plan approval and the Planning Board sent a letter of recommendation in support of the variances and I believe that was addressed to your board so you should have that in your packet. We did see some staff comments and Evan can address it, but I think it was about the sewer and didn't have any issue with those comments.

Evan Gefell: INAUDIBLE know where the existing sewer is...we will be utilizing it with the E1 pump and a back up generator and then the applicant will allow for an easement for the town.

Jamie Newtown: Anything else?

Betsy Brugg: No, happy to answer any questions.

John DeMarco: Was that an apartment before?

Betsy Brugg: No. Currently it is a two-bay structure single story. It is now going to have some living space above the garage so that they can...they have three kids they would like to live in the structure while they do their renovation, and they understand that this is not for commercial purposes, and we state that for the record. It is purely for the use of the owners of the home.

Michael Short: So, what is the intent for using it after words right, because the area variance that I received is it was necessary to do the renovation. I have done renovations on my residence, my clients residence, sometimes that have lived through it and sometimes they have had temporary structures put up to live through the renovations. Here we are doing significant renovations for lack of a garage, and we are not converting it from an accessory building and now to living space so what is the final intent.

Betsy Brugg: I think that their intent is just to continue to have it available for their family to use. I think that they have in-laws that come to visit in and out and their life revolves around their house lake, but we would have no problem with stipulation that there is no intent for anyone other than the family to use the home.

Barry Barone: It wouldn't be like an Airbnb site or anything like that?

Betsy Brugg: Excuse me?

Barry Barone: I mean you wouldn't rent it out.

Betsy Brugg: No, no. No commercial use whatsoever.

Jamie Newtown: I just want to make sure; does it meet the definitions of accessory apartment or

Josh Artuso: Yes, we have had some internal discussions about how to handle this and it was determined that it would not really fit the accessory apartment definition. They are not

proposing to have separate utilities or have someone permanently living in it so there was a consensus among town staff that it was ok to proceed as it has been advertised for.

Corrine Volo: But we have not allowed it with other circumstances and 350-42 limits a single detached dwelling on a single family and while I understand that they have zero intention of ever using it as a residence for anyone else the variance stays with the property not with the owners.

**BOTH PARTIES SPEAKING AT THE SAME TIME**

Betsy Brugg: INAUDIBLE

Corrine Volo: I understand that, but we have denied similar applications in the past. While he is not going to use it commercially, the people that come after the Lesters. The person that built the garage originally put it in the wrong spot. So, variances are only as good as that people own it currently.

Betsy Brugg: But I do believe the town has a mechanism for enforcement when there is that use. Use violations are much easier to stop than somebody being a foot off.

Corrine Volo: But the code....it would need a variance because the code says no.

Betsy Brugg: The interpretation was made by the staff. They directed us on how to file the application.

Jamie Newtown: Could you just run us through what the process is.

Josh Artuso: What process?

Jamie Newtown: The internal discussions that you had.

Josh Artuso: Well, we brought the project to PRC in which the Planning Board chairman attends and I directly asked him his thoughts on whether or not he believed the intent of the accessory apartment and then a group discussion. There are similar structures in the stretch of Lake Road whether it's allowed by the code or not, they do exist, and the thought was if you are living in a property of this nature are you really going to want to rent out to a stranger so the general consensus was then that it should not be treated as an accessory apartment.

Jamie Newtown: Were there any discussions around conditions?

Josh Artuso: Yes, the Planning Board indicated because it would have to go back before them that they would put a condition that it would be for personal use only of the homeowners.

John DeMarco: What is the code section on that?

Josh Artuso: The accessory apartment section?

John DeMarco: Yes

Josh Artuso: It is 350-50. So, they are detached accessory apartments and are allowed; limited to 500 square feet however, principal dwelling unit in which an accessory apartment is located must be occupied by one or more of the owners of record. It goes into utility service; exterior, you can not have an additional entrance but this is detached so it is a separate structure and then it requires an accessory apartment agreement that gets filed with Monroe County so I don't know how they would file one of those with themselves.

Barry Barone: We are doing work in Penfield right now, where it is an in-law apartment, and they make the owner sign an agreement that is filed with the abstract with the Monroe County clerk that restricts it to only family of the owners. It's an official record. So, anyone buying the property would be aware of that also. To Corrine's point, maybe the next owners may not use it.

Donald Hauza: We should be doing the same thing. I think it also requires twice as much acreage as required by...when it's a detached apartment. I mean carriage houses, I understand the language for them, it's a novelty but INAUDIBLE purposes, no one has carriages anymore. It is what it is. It's an accessory apartment above a garage by today's standards.

Barry Barone: I am not speaking for the board, but my opinion is the accessory structure in the front yard, I don't think it's an issue because it is Lake Road and that is the back yard of Lake Road. I don't think the 12 foot...although it's disappointing it wasn't built the way it should have been, I think the occupancy is the issue. That is my opinion.

Jamie Newtown: Agreed.

Josh Artuso: So, Don, just to your point, so if it is detached it does require at least twice the required minimum lot area for the district however, I believe they meet that. It is a fairly large parcel.

Corrine Volo: Will it then meet the minimum square footage or is it going to be a 1100 square foot apartment or the maximum square footage of ?

Josh Artuso: It would exceed what the code allows for a detached accessory apartment.

Donald Hauza: It really should be advertised for that also.

Josh Artuso: For what?

Donald Hauza: For the accessory apartment. I certainly understand, like I said earlier, the carriage house, for all intense and purposes, no one has carriages anymore. It is a garage with a studio apartment above it.

Barry Barone: It could be guest quarters. How do we assure it is not used commercially? I mean, the next owner and the next owner.

Donald Hauza: Well, that is the decision we have to make.

Barry Barone: Actually, there is a structure just to the east of you almost exactly the same distance down the road, does that have a living quarters above it? It looks like it does but maybe you don't know.

Betsy Brugg: Matt is not here but I think it does. I have been told that there are other similar structures in the area.

Jamie Newtown: So, I just want to step back and Josh you made a comment that Tony was part of a PRC review committee for this. The area variances that we would grant this evening on the side setback and the additional square footage on the existing structure and the front yard. Did you make the comment that the Planning Board was going to condition something because they have to go back for greater than 500 feet?

Josh Artuso: Right, this does trigger site plan review, so they did appear before the Planning Board for concept last week and they have to return for a final approval.

Jamie Newtown: And they were going to place a condition on it did you say?

Josh Artuso: Yes, they said if approved that they would put a condition on it that states it is for personal use only, not for commercial use. There was much discussion amongst the Planning Board members, but they seem to be in agreement that it didn't fit the intent of the accessory apartment regulation but if this board feels differently...

Corrine Volo: Well, I just INAUDIBLE Don Hauza speaking at the same time. How do we interpret it that it doesn't meet the standards as an accessory apartment in this instance but when the gentleman two doors down wanted us to do it, then it is. We just need to be consistent no matter what it is that we do.

Michael Short: Did the gentleman two doors down go for a variance?

Corrine Volo: If it is the house that I think it is, he was denied a variance for an accessory apartment in that structure that yellowy.

Donald Hauza: I recall years ago; I can't recall the address...

Corrine Volo: It has a gate.



Donald Hauza: There was one that was approved, similar situation. My objective is to bring it up to today's standards. You call it a carriage house, it's very romantic language and what not, no one has carriages anymore. I mean it's an accessory apartment over a garage.

Jamie Newtown: It meets all the requirements and just skimming through here, it appears that it meets all the requirements.

Josh Artuso: There would be a single utility service, correct?

Betsy Brugg: I believe so.

Donald Hauza: One meter in the house?

Jamie Newtown: If that were the case and the board's interpretation is that it meets the definition of an accessory apartment then it would need to be advertised as this.

Donald Hauza: Well, it does indicate that there is a living area above the garage.

Betsy Brugg: I appreciate you guys debating this but we filed an application based on an interpretation indicating that the relief we needed was these two variances so that is the path that we have taken. We are happy to address the concerns of the board as conditions on any approval. I have not heard any objections to the structure.

Jamie Newtown: We just trying to dot our I's and cross out T's. Thank you, we appreciate it as usual.

Donald Hauza: 330-50 still good and it is reflected in the book, right?

Josh Artuso: Correct. I am just thinking here, it could be treated as an accessory apartment from this point forward with the Planning Board as they are the board that has the purview on approval of those and if there isn't anything that or any of the standards that can't be met, they also have the authority to waive those. So, if it makes this board more comfortable, we can refer to it as accessory apartment as it moves forward.

Jamie Newtown: I would gladly do that. Take it back and let them address it.

John DeMarco: In the C3, the size, it is in excess of that?

Josh Artuso: Yes, it is.

John DeMarco: What is the square feet of the principal dwelling?

Jamie Newtown: Did you say 5,000?

Evan Gefell: Over 5, 0000.

Jamie Newtown: What is the total square foot of it? 1069, is that accurate?

John DeMarco: I thought it was a 1,000 square foot, wasn't it?

Jamie Newtown: It's a total of 1069

John DeMarco: So, it's under.

Corrine Volo: No but you are allowed 35 percent of the house or 750 square feet.

**EVERYONE TALKING AT ONCE**

Corrine Volo: So, I would at least need a variance for that then for the size.

Josh Artuso: They would need a waiver and that could be handled under the Planning Board into the code.

Jamie Newtown: Ok. I am with the opinion that as long as we all are aware of this, the 350-50 the accessory apartment language, the conditions, the requirements there in and the fact that the Planning Board is going to address this a second time, correct?

Josh Artuso: Yes.

Jamie Newtown: Ok, the I would say we see this as is as Mr. Hauza pointed out . It does in the advertisement; it does suggest that there is a second story living quarters. (A LOT OF PAPERS RATTLING)

Corrine Volo: Well then do we condition it as the Town of Penfield did where it has to be filed with the deed that it will be a personal.....

John DeMarco: If there is a motion made, I would put that int here.

Donald Hauza: Plus, I think it is required by our code also.

Josh Artuso: Yes, it is.

Jamie Newtown: Any other comments or questions? I think we have beat this one up and we appreciate your patience, and I will open it up to public comments. There is no one in the audience so we will return it back to the board.

**RESOLUTION 23-044**

Jamie Newtown made a motion for **TYPE II SEQR** which was seconded by: Donald Hauza.

**VOTE:**

Mr. Newtown	AYE
Mr. Barone	AYE
Mrs. Volo	AYE
Mr. Hauza	AYE
Mr. Short	AYE

Jamie Newtown: My recommendation would be to proceed with an approval like that is that we adopt the....I always like your letters because I like to adopt what you outline instead of re-iterating it so, I would suggest that we adopt from the May 23<sup>rd</sup> , 2023 letter by Mrs. Brugg to be, let me find it, on pages 3, 4, and the five criteria by the Zoning Board as she has outline them on those two pages. Does anyone have anything else to add? Ok, does anyone care to make a motion. We are going to adopt her findings.

**RESOLUTION 23-045**

Jamie Newtown made a motion to **APPROVE THE AREA VARIANCE** Located at 1242 Lake Road. Applicant Matt Lester is requesting an **AREA VARIANCE** to: allow a 12' side setback where 20' is required (14' side setback was previously approved; but structure was built 12' from property line); the expansion of an existing detached accessory structure that is closer to the front property line than the rear line of the main residence, which is not permitted without Zoning Board approval; associated with an approximate 429 SF addition of a covered patio area, workshop, 2<sup>nd</sup> story guest living quarters and balcony (for a total of 1,069 SF) on a 3.26-acre parcel having SBL# 050.05-1-10 located in an R-1 Single Family Residential District under Sections 350-10, 350-36 and 350-94 of the Code of the Town of Webster which was seconded by: Barry Barone.

**VOTE:**

Mr. Newtown	AYE
Mr. Barone	AYE
Mrs. Volo	NAY
Mr. Hauza	AYE
Mr. Short	NAY

**CONDITIONS:**

- **The applicant must obtain all necessary governmental permits, including a Town Building Permit.**
- **That one-year significant construction shall expire June 13, 2024.**
- **Move to the Planning Board and we can recommend that they condition this appropriately and ensure that they address the items within 350-50 for accessory apartments to ensure that this is specific to the current resident at hand and not for commercial; Airbnb or rental.**

- it must be filed with the deed / county that it was to be for family use only, not rental

Since there is no further application before the Board Jamie Newtown adjourned tonight's meeting at 9:30 p.m.

**ADMINISTRATIVE ITEM:** Minutes were approved for May 9, 2023.



Corrine Volo, Secretary  
Katherine Kolich, Recording Secretary

AUG 9 '23 AM 8:31  
FILED WEBSTER TOWN CLK

