

WEBSTER TOWN PLANNING BOARD MINUTES

PLACE: Webster Town Board Meeting Room 1002 Ridge Road

TIME: 7:00 p.m.

DATE: 16 November 2021

PRESENT:

Anthony Casciani, Chairman

Dave Arena, Secretary

Dave Malta, Vice Chairman

Derek Meixell

Mark Giardina

John Kosel

Charlie Genese, Town Attorney

Josh Artuso, Director of Community Development

Katherine Kolich, Recording Secretary

ABSENT:

Mr. Casciani: Welcome to the November 16, 2021 Planning Board meeting. Ok tonight we have Mr. John DeMarco, and he is our attorney this evening until we have another attorney in place, he will be working for us and he is also the attorney for the ZBA (Zoning Board of Appeals) We have 2 items tabled, Bowlero and Penske signs were tabled so if anyone is here for that, they are not on.

Pledge of Allegiance/Roll Call

Summary overview of outcome:

BOWLERO SIGNAGE

Applicant: Kirk Wright

Drawing: N/A

Dated: N/A

Revision: N/A

Status: **APPLICANT REQUESTED TO TABLE APPLICATION TO 12.7.21**

PENSKE SIGNAGE

Applicant: Kirk Wright

Drawing: N/A

Dated: N/A

Revision: N/A

Status: **APPLICANT REQUESTED TO TABLE APPLICATION TO 12.7.21**

704 HERMAN ROAD-ACCESSORY STRUCTURE

Applicant: Ronald Wightman

Drawing: N/A

Dated: N/A

Revision: N/A

Status: **APPROVED W/CONDITION: FOR PERSONAL USE ONLY**

283 GALLANT FOX LANE-ACCESSORY APARTMENT

Applicant: James Leonardo

Drawing: N/A

Dated: N/A

Revision: N/A

Status: **APPROVED SINGLE APARTMENT UNIT FOR IN LAWS W/CONDITIONS:**

- **NEED TO INSTALL A TIRE STOP/BUMPER TO LIMIT THE CAR GOING FORWARD.**

Dave Arena read the first application:

BOWLERO SIGNAGE: Located at 2400 Empire Boulevard. Applicant Kirk Wright from Sign and Lighting Services is requesting **SIGN APPROVAL** to allow (2) building mounted signs and an updated monument sign to reflect rebranding of AMF Empire Lanes on a 9.19-acre parcel having SBL # 078.20-1-49.1 located in an MC Medium Intensity Commercial District under Section 178-7 of the Code of the Town of Webster.

RESOLUTION 21-113

Mr. Anderson made a motion to **TABLED APPLICANT TO 12.7.21 MEETING** which was seconded by Mr. Arena.

VOTE:

Mr. Anderson	AYE
Mr. Arena	AYE
Mr. Kosel	AYE
Mr. Malta	AYE
Mr. Meixell	AYE
Mr. Casciani	AYE
Mr. Giardina	AYE

Dave Arena read the second application:

PENSKE SIGNAGE: Located at 650 Basket Road. Applicant Kirk Wright from Sign and Lighting Services is requesting **SIGN APPROVAL** to allow replacement of the facing of an existing building mounted sign and installation of interior wayfinding signage for the Penske campus located on a 2.3-acre site having SBL # 066.03-1-19 located in an IN Industrial District under Section 178-7 of the Code of the Town of Webster.

RESOLUTION 21-114

Mr. Anderson made a motion to **TABLED APPLICATION TO 12.7.21 MEETING** which was seconded by Mr. Giardina.

VOTE:

Mr. Anderson	AYE
Mr. Arena	AYE
Mr. Kosel	AYE
Mr. Malta	AYE
Mr. Meixell	AYE
Mr. Casciani	AYE
Mr. Giardina	AYE

Dave Arena read the third application:

704 HERMAN ROAD ACCESSORY STRUCTURE: Located at 704 Herman Road. Applicant Ronald Wightman is requesting **PRELIMINARY / FINAL SITE PLAN APPROVAL (PUBLIC HEARING)** to allow the construction of a 40' x 60' accessory structure located on a 3.2-acre parcel having SBL # 064.01-1-5-22 located in an LL Large Lot Residential District under Sections 225-12 and 225-36 of the Code of the Town of Webster.

Appearing before the board was Ronald and Racheal Wightman. Hello and thank you for seeing us tonight. We live at 704 Herman Road and I am glad to be back in Webster. My wife is a Webster alumni, so we are looking to do some more building.

Mr. Casciani: Ok, let see what you have here. You are putting up an accessory building there and you have already contracted on it and you lot is what, 507 feet deep.

Ronald Wightman: Correct

Mr. Casciani: And you are 15 feet from the sideline correct?

Ronald Wightman: Correct.

Mr. Casciani: And the proposed unit is 2400 square feet?

Ronald Wightman: Correct

Mr. Casciani: So that meets the requirements and I correct Josh?

Josh Artuso: Under the 2% lot size yes.

Mr. Casciani: And what are you proposing for the material?

Ronald Wightman: Yes, the should be in there. The accessory building will actually match the current home that we just built, and it will be white and black .

Mr. Casciani: Ok, does anybody have any questions?

Board: NO

Mr. Casciani: It meets all the requirements for the site.

John Kosel: Is there going to be gas, electric or water out there?

Ronald Wightman: No, not right now. Eventually I might do that. For now, it is just going to be... the primary purpose of it is to house classic vehicles that I have acquired over many generations of my family because have owned auto repair shops for 4 generations and I have acquired some beautiful vehicles and right now they are kind of covered up with the driveway.

Racheal Wightman: I would actually like to park in the garage for once.

Mr. Casciani: Well, this is good, and I appreciate the fact that you have it not just sketched out, but you have got it on an instrument survey drawn out and that helps too.

Ronald Wightman: Absolutely.

Mr. Casciani: Are there any other concerns? He has the color schemes in there and sits back from the road quite a bit and I don't have any issues with it. Anybody? Again, this is a public hearing if there is anyone wishing to speak for or against this application. Ok no one. We will close the public portion and bring it up to the board.

Derek Anderson:

RESOLUTION

Town of Webster Planning Board considered the request by Applicant, Ronald Wightman to construct of a 40' x 60' accessory structure located at 704 Herman Road, on a 3.2-acre parcel having SBL # 064.01-1-5.22.

The Planning Board classifies the proposed action to be a Type II Action under Section 617.5(c)(9) of the State Environmental Review (SEQR) Regulations and therefore is not subject to further review.

RESOLUTION 21-115

Derek Anderson made a motion for **TYPE II SEQR** which was seconded by Dave Arena.

VOTE:

Mr. Anderson	AYE
Mr. Arena	AYE
Mr. Kosel	AYE
Mr. Malta	AYE
Mr. Meixell	AYE
Mr. Casciani	AYE
Mr. Giardina	AYE

RESOLUTION 21-116

Dave Malta made a motion for **PRELIMINARY APPROVAL** Located at 704 Herman Road. Applicant Ronald Wightman to allow the construction of a 40' x 60' accessory structure located on a 3.2-acre parcel having SBL # 064.01-1-5-22 located in an LL Large Lot Residential District under Sections 225-12 and 225-36 of the Code of the Town of Webster which was seconded by John Kosel.

VOTE:

Mr. Anderson	AYE
Mr. Arena	AYE
Mr. Kosel	AYE
Mr. Malta	AYE
Mr. Meixell	AYE
Mr. Casciani	AYE
Mr. Giardina	AYE

CONDITIONS:

- Lot restricted to one accessory structure
- Building to conform to size and location as presented on plan
- Placement of the building should comply with all setback requirements
- The building should not be placed to the near front property line of the rear line of the main building or residents on the lot.
- No point on the building will be higher than the existing structure.
- No commercial use should occur on the parcel.
- The accessory building shall be use only as defined by the town code.
- Significant construction shall occur within one year, as deemed by the Planning Board, to expire on 11.16.22
- Comply with all Town, State and County requirements
- All site work is to comply with standards of Webster
- Subject to all government approvals
- Subject to the resolution of final approved minutes

RESOLUTION 21-117

Dave Malta made a motion for **FINAL APPROVAL** Located at 704 Herman Road. Applicant Ronald Wightman to allow the construction of a 40' x 60' accessory structure located on a 3.2-acre parcel having SBL # 064.01-1-5-22 located in an LL Large Lot Residential District under Sections 225-12 and 225-36 of the Code of the Town of Webster which was seconded by Derek Meixell.

VOTE:

Mr. Anderson	AYE
Mr. Arena	AYE
Mr. Kosel	AYE
Mr. Malta	AYE
Mr. Meixell	AYE
Mr. Casciani	AYE
Mr. Giardina	AYE

CONDITIONS:

- All that is stated on the Preliminary Approval conditions.
- Subject to 225-12 and 225-36 code of the Town of Webster

Dave Arena read the fourth application:

283 GALLANT FOX LANE ACCESSORY APARTMENT: Located at 283 Gallant Fox Lane. Applicant Steve Philipone is requesting **PRELIMINARY / FINAL SITE PLAN APPROVAL (PUBLIC HEARING)** to allow the construction of an accessory apartment addition to an existing single family residential home located on a .62-acre parcel having SBL # 050.01-7-13 located in an R-2 Single Family Residential District under Sections 225-10 and 225-49.1 of the Code of the Town of Webster.

Appearing before the board was Steve Philipone from Redstone Builders at 1140 Cross pointe Lane, Ste 5B in Webster. We proposed, for our client, the Aldridge's to add to their 2368 square foot home that we built and that they occupy this year a 574 square foot in-law addition with one bedroom. The plan meets all setbacks so there is no violation of any setback requirements. The in-law apartment actually integrates quite well into the structure as it tucks in behind the 3-car garage. It is pretty seamless and not intrusive to any of the neighbors. All the building materials will be consistent with the materials used to construct the home.

Mr. Casciani: I see where you are putting the addition and the crawl space under. Your entrance to it is from the garage correct?

Steve Philipone: Yes, previously conversation between the architect, Todd INAUDBLE from Creative Designs with the building department and Josh Artuso suggested that it is an acceptable method of entrance, ingress, and egress. I will say upon reading the town code for this, it is kind of vague in regard to the meaning of what that access is.

Mr. Casciani: Yes, interior access, when located in the principal dwelling... (read code 225-10 and 225-49) I understand, to me, it sounds like the door should be like going from that room to this room. You are proposing it in the garage.

Steve Philipone: Yes

Mr. Casciani: Now if you put it in the garage Steve and the way I am seeing it here, the way you have it drawn, it looks like the entrance going in would be to the front, well if you put a car in and going into the unit and then the entrance for the garage is going into the main structure is on

the side so you would have to do what. The idea is, if someone is sick or something, you want to have access to it. That is the way I see. That is my interpretation and also, I will go a step further and I don't know Josh, at the bottom I read at the bottom of this, and this is going to be a determination of the board and I don't want to dwell on this all night long here, but the Planning Board may wave subject to appropriate conditions may wave the requirements of this section relative to the size of utilities, service, exterior design and/or access of the accessory apartment. So, it does have a clause in there that the board can change it if you feel that we are ok with it. So, personally I think it says you should have a door going from inside the building, inside the residences itself. That is the way it's always been, but it doesn't say this isn't allowed.

Steve Philipone: This is still part of the structure. It's not like they have no connection within the structure. They don't have to go outdoors to go through another door to another exterior door. They are going through, one unit if you will, through the garage to the main residence and if you look at how the connection between the two living units are designed and avoids literally ripping out half the kitchen in order to make that connection. So, to a different point, if you tried to tuck something in behind that morning room there, if kind of becomes awkward and obstructs it. We thought this actually kind of squared off the garage from an exterior appearance to the neighbors and creates a little court yard for the occupants to enjoy and it really made quite a bit a sense, you have a little bit you have a patio sliding door that does exit to the back yard and as far as communications goes, everyone has a cell phone or what have you and they should be able to communicate or they can put in a medical alert which would alert the primary residence if there were a medical emergency.

Mr. Casciani: This is a public hearing. If anyone would like to speak for or against this project.

Mr. Casciani: Ok, so you have communication with them all the time.

Applicant: (not using mic)Yes. Once this is done, I will set up security system and there will be internal communication throughout.

Mr. Casciani: Again, this is how this board wants to interrupt the code. I personally am ok with it. If it is ok with the applicants, works for them and works for their parents, I am ok with it and we do have the ability to waive a variance on this.

John DeMarco: (not loud enough) lets make sure we are all on the same page here. The unobstructed passageway between the principal dwelling and the accessory apartment, so is that just a singular doorway that is going from the garage into the separate unit.

Steve Philipone: So, there is one door that exits from the in-law dwelling unit to the garage and then they would enter the fire door or the door to the home, in the garage.

John DeMarco: So, in terms of the depth of the garage INAUDIBLE (paper rattling) vehicle

Conversation amongst board. Going over the plans.

John DeMarco: So, I am just wondering, it's the boards decision, not mine but I am wondering if there is something that could be placed, obviously the door potentially could be obstructed by something other than a vehicle

Dave Malta: The key is, what is the depth of the garage?

Discussion amongst board

Mr. Casciani: Steve, what John is suggesting is that in the garage it says it has to have clear access. So, in the garage, a car pulls forward I think the only impediment there would be if the car went up against the door which if you were to put a block there where the car could bump that and wouldn't go any closer you would have clear passage around. It's a deep enough garage

Steve Philipone: Yes. The garage I believe is 24 feet deep which is deeper than a normal garage.

John DeMarco: That is what I thought but perhaps some type of blocking device that would be, a little curb would stop the door from being blocked. God forbid the battery died or whatever and you couldn't move it, or someone couldn't move it. Anything in front of the door that wouldn't be mobile.

Steve Philipone: So, we could affix some kind of curb of what the third bay garage would be because that is where that entry door to the in-law unit would be so a car would only go so far.

Mr. Casciani: So, it would leave 3-4 feet so the car can't go up.

Dave Malta: You know Steve what I have seen in the past with garages like this is that there may be a 2-foot section along the back of the garage is raised a little bit higher than the rest of the floor, so it creates a walkway.

Steve Philipone: Actually, that is an in-swinging door into both the existing unit and the in-law so there wouldn't be a situation where they would egress and the door would be blocked anyways it just might inhibit some access, but it would never block the door. It's an in-swinging door.

Derek Anderson: I think what he is suggesting is, its actually a sidewalk inside instead of a curb along the back of the garage.

Mr. Casciani: The existing garage that is there now correct, the two car?

Steve Philipone: Three car garage. We are not adding garage space.

Mr. Casciani: Oh, all three are there. I thought a third one was going in. So, you could do that, and I don't know how far you want to go with it but if you put curbing or raised, we use to do that, but you have to make it over and then come back over to the door going into the house. Make it an L shaped another words.

Steve Philipone: I would fear that if you put a raised walkway in there, that you create a tripping hazard especially for the occupants that we are talking about.

Mr. Casciani: I would suggest just a bumper to be legal and safe so the cars can't not go anymore forward.

Steve Philipone: Like some of the concrete curbing that is used in a parking lot and we could fasten one of those to the garage floor and that would be a suitable stop for a car.

Mr. Casciani: The most you would be able to make the step in the garage would be 4 inches anyway so that would be INAUDIBLE. Now again, this is a determination of the board so will poll first of what direction you guys want to go. Are you ok with that or do you think the thing needs to be redesigned to have an entrance the way we have always interrupted the code.

Board: All ok.

Derek Anderson: Just for the record, I agree with your interpretation about the interior access, and I do know cause we have only ever had a couple of these applications surprisingly over the past few years and you think there would be more, but we didn't have them and everyone of them we said that there had to be interior access and physically interior on it. Personal experience of houses in the neighborhood, you know family members that have in-law apartments like this, they have all said that they have had to have an interior access and I also know that some situations that because of that requirement for interior access it actually limited accessibility of EMTs to the house because of that requirement. So, for this thing, yes, I agree with the interpretation about how it says that the interior access is required, for the way it fits on the building and the layout on it, I would support doing a variance for this particular project. The other thing, in general INAUDIBLE (both parties speaking at the same time)

Mr. Casciani: It has an access on the side of the unit too.

Derek Anderson: You have to go all the way to the back yard to get to it but at least this gives you a straight shot going INAUDIBLE if you have to get in and out of it.

Board having discussions.

Mr. Casciani: If everyone is ok with this, we can do that and if you folks are comfortable with that . Ok so be it. No one wished to speak, we asked so will close the public hearing and bring it back.

Derek Anderson:

RESOLUTION

Town of Webster Planning Board considered the request by Applicant, Steve Philipone to construct an accessory apartment addition to an existing single family residential home located at 286 Gallant Fox Lane on a .62-acre parcel having SBL # 050.01-7-13.

The Planning Board classifies the proposed action to be a Type II Action under Section 617.5(c)(9) of the State Environmental Review (SEQR) Regulations and therefore is not subject to further review.

RESOLUTION 21-118

Derek Anderson made a motion for **TYPE II SEQR** which was seconded by Mark Giardina.

VOTE:

Mr. Anderson	AYE
Mr. Arena	AYE
Mr. Kosel	AYE
Mr. Malta	AYE
Mr. Meixell	AYE
Mr. Casciani	AYE
Mr. Giardina	AYE

RESOLUTION 21-119

Mr. Casciani made a motion for **PRELIMINARY APPROVAL** Located at 283 Gallant Fox Lane. Applicant Steve Philipone to allow the construction of an accessory apartment addition to an existing single family residential home located on a .62-acre parcel having SBL # 050.01-7-13 located in an R-2 Single Family Residential District under Sections 225-10 and 225-49.1 of the Code of the Town of Webster which was seconded by Dave Malta.

VOTE:

Mr. Anderson	AYE
Mr. Arena	AYE
Mr. Kosel	AYE
Mr. Malta	AYE
Mr. Meixell	AYE
Mr. Casciani	AYE
Mr. Giardina	AYE

CONDITIONS:

- Approved as presented and meets the requirements of an accessory apartment and the board is comfortable with the layout and grants a variance, if you want to call it that for the use and access through the garage as presented.
- Need to install tire stop/bumper/curbing in the third garage in front of the entrance to the apartment to limit the car going forward.
- Subject to Town Code 225-10 and 225-49.1

John DeMarco: We are not really authorizing a variance we are **INAUDIBLE** zoning.

Mr. Casciani: It's just the wording in the code.

John Kosel: Do you need to say something about the curbing in the garage

RESOLUTION 21-120

Mr. Casciani made a motion for **FINAL APPROVAL** Located at 283 Gallant Fox Lane. Applicant Steve Philipone to allow the construction of an accessory apartment addition to an existing single family residential home located on a .62-acre parcel having SBL # 050.01-7-13 located in an R-2 Single Family Residential District under Sections 225-10 and 225-49.1 of the Code of the Town of Webster which was seconded by Dave Malta.

VOTE:

Mr. Anderson	AYE
Mr. Arena	AYE
Mr. Kosel	AYE
Mr. Malta	AYE
Mr. Meixell	AYE
Mr. Casciani	AYE
Mr. Giardina	AYE

CONDITIONS:

- Subject to Town Code 225-10 and 225-49.1
- Use for single apartment unit for parents/in-laws
- Significant construction to commence within one year to expire 11.16.2022.

With no other applications before the Board this evening Mr. Casciani concluded tonight's meeting at 7:45 pm.

ADMINISTRATIVE MATTER: Minutes were approved for October 19, 2021.

Respectfully Submitted,

Signed David C. Arena Sec Dated 12-13-2021

David C. Arena, Secretary
Katherine Kolich, Recording Secretary

DEC 14 '21 PM 5:23
FILED WEBSTER TWN CLX
Doreen M. Maguire