

WEBSTER TOWN PLANNING BOARD MINUTES

PLACE: Webster Town Board Meeting Room 1002 Ridge Road

TIME: 7:00 p.m.

DATE: 18 October 2022

PRESENT:

- Anthony Casciani, Chairman
- Dave Malta, Vice Chairman
- Mark Giardina, Secretary
- Derek Anderson
- John Kosel
- Derek Meixell
- Jennifer Wright
- Kyle Taylor, Attorney
- Josh Artuso, Director of Community Development
- Katherine Kolich, Recording Secretary

ABSENT:

Anthony Casciani: Welcome to the October 18, 2022, Planning Board meeting. We have two tabled matters.

Pledge of Allegiance/Roll call

Summary overview of outcome:

RUFF DAY RESORT/1085 GRAVEL ROAD

Applicant: Amy Holtz

Status: **PROCEED TO ZONING BOARD OF APPEALS FOR VARIANCES**

OAKMONTE APARTMENTS/SIGN

Applicant: Skylight Signs

Status: **DENIED**

(Mark Giardina read the first application):

RUFF DAY RESORT: Located at 1085 Gravel Road. Applicant Amy Holtz is requesting **SKETCH PLAN REVIEW** associated with the reuse of an existing office building for a dog daycare, training, boarding, and grooming facility on a 0.69-acre parcel having SBL # 078.19-3-17 located in an MC Medium Intensity Commercial District under Sections 225-17 and 228-4 of the Code of the Town of Webster.

Appearing before the board was Chris Snyder with Passero Associates and with Amy Holtz presenting on Ruff Day Resort tonight. So, as was said, 1085 Gravel Road is the location at 0.69 acres. The proposed use is a doggie daycare with ancillary boarding of dogs, and it is considered a kennel use by the zoning code. We did receive a special permit by the town board previously for this application. We are here tonight to present with sketch or preliminary site plan review. The step after that would be going to the Zoning Board and then coming back to this board for final review. The site, the existing building of former office use is about 4,370 sq ft building and

one of the comments provided was if grading was going to occur. There is going to be no grading on site or site disturbance other than new fencing as described in the application. The fencing is actually going to be... there is some existing fence that is already there on the property line to the west which will be modified. All fencing is going to be six feet tall chain link fencing with a mesh screen for privacy on site. Some of the comments provided, there was a comment from Community Development regarding egress from the basement level. The previous uses of the occupancy under the NY State Building Code, and the new uses of the occupancy... so in terms of egress, there is not going to be any new work that will need to be completed in order for the building to meet health safety requirements of the NY State Building Code and I think with that, we can address some of the other ones after Amy has a chance to speak. Amy is going to describe a little bit more about the operation of Dog Day Resort or I'm sorry, Ruff Day Resort.

Amy Holtz: How are you doing and good evening. Thank you for hearing us tonight. I think it is important to note that we keep being referred to as a kennel and I think that that makes people see particular image that is not what we are, so I am here tonight just to kind of explain to you that Ruff Day Resort is really a home away from home. It's a place where people who think very highly of their dogs and bring their dogs to us because we spoil them. They are not in a kennel; they are not on a chain link concrete run, running up and down barking and defecating. They are in a place where I run a business because my husband at the time limited the number of dogs that I could have so I love other people's dogs. So, they come to us; they play all day; they are loved, groomed, they are fed, we take pictures of them and whether that be back to school pictures, Christmas pictures, whatever. They play, they go outside, just like someone would do at home and then they go to bed at night, so they are not locked in a cage, and they are not running up and down in a chain link fence and they are not barking excessively. They truly are a home away from home when they are with us. In addition to that, my main profession is that I am a dog trainer so the dogs that do come from us automatically get some training but on the side, I am also encouraging the owners of these dogs and say hey, lets maybe work on this or that to make them a little bit more suitable for home and travel.

Anthony Casciani: Is someone there at night with them?

Amy Holtz: Currently we don't have anyone who spends the night and that is because the building that we were in, we were told was not zoned for sleeping. We had tried for a short time having staff work overnight but the work that they were performing was keeping the dogs from sleeping and then if the staff was there and just kind of sitting, they were falling asleep so we kind of fell into a little conundrum where we have a time between midnight and six AM that there is no one in the building other than the alarm system and the cameras.

Anthony Casciani: I was there. I went over and took a look at the building last week or the week before I guess, yes, a week before. I think you have something pretty decent to use there and it's a nice building and all but the egress window in the back is a simple egress and looking at it, my thought was if anything, that should have some steps. Like a bilco door with steps or something coming out of it. Other than that, I have no issues with it. I spoke with Ron next door, your mechanic, the repair shop...

Amy Holtz: I spoke to him as well.

Anthony Casciani: And he was fine. He said I have no issues with it and if he doesn't have issues with it, I don't know who the heck should because he is the closest thing to it there.

Amy Holtz: And he actually said to me, would you please fix that fence and I said whatever you want, I will put there. The note about the egress, I had mentioned to Chris that there is actually another set of stairs that was left out of this equation so right now there is two ways to get out of the basement. One is a set of stairs with doors that goes out through the back and then also that legal egress.

Chris Snyder: I would also like to note that under the NY State Building Code specifically for the occupancies, the travel path for an egress location is a maximum of 75 feet. The kennel area as described on the plans is within that 75 feet from the stairs so if the concern is animals being able to get out, it would meet code requirements. If those code requirements were extended to animals.

Anthony Casciani: Ok, I don't know how that works. So, the same for animals?

Chris Snyder: So, there are no code requirements under NY State Building Code for animals but if we were to apply that to animals because I am understanding the concerns of that, it would meet the requirement for both people and animals if that was a requirement for animals because the travel path within the area of where the kennel area is, is within that 75 feet threshold.

Anthony Casciani: Alright. That was my only issue with it, was the egress. Anybody, any questions, or concerns?

Jennifer Wright: The suites in the basement are where the dogs would spend the night?

Amy Holtz: So, our intent is many times we get a request from a parent for two, three dogs to stay together so we are designing basic little studios that will have a couch, television, and a camera so that people can look in on their pets when they are there at night.

Jennifer Wright: So, there is five but that doesn't mean that you are going to have five dogs.

Amy Holtz: It just depends on who wants to spend that sweet spot there...(LAUGHTER) There will be regular boarding and care as well but sometimes when you are leaving two, three dogs with us you will get the master suite.

Mark Giardina: I have a two-point question, number one, what is the maximum number of dogs you can have at this facility and number two, how many employees are you going to employ to watch the dogs?

Amy Holtz: Well this is NY State, we are having a hard time getting people to work but we hire everyday so unfortunately again, just like the requirements for the legal egress to get dogs outside, dogs are left out of a lot rules and regulations but the Humane Society of the United States does recommend that you have one employee per 15 dogs and with that being said, I work with a lot of other day cares in the area and unfortunately I have the highest payroll then

anybody because I run a ratio of one employee to eight dogs and a lot of that depends on, are we talking about three chihuahuas or three great dane's so it really can vary. My maximum number of dogs at a peak season would probably be during the day would be 45 dogs and, in the evening, closer to 15-20 and that sounds like a lot.

John Kosel: With that many dogs around you, do you have to do special conditions for their waste there? Do you keep it on site for a week?

Amy Holtz: Believe it or not, there is a company that comes and picks up dog poop and that is what they do for business. It is called Duty Master. So, she is a friend of mine and we have been friends for 20 years and she will service my business three to five times a week if I need it.

John Kosel: I guess the egress thing, I was concerned just not for the dogs getting out but if someone goes down there to get the dogs out, I want to make sure that they can get out easily.

Amy Holtz: Well, the building does have a sprinkler system and an alarm system gratefully, but our employees are always trained to call 911 first because we are not fire fighters and obviously the doors and the egress would be opened to let anyone out, but we are not asking anyone to run into the flames.

Anthony Casciani: On the drawing it shows by your storage area, it shows a flight of stairs and that is what, on the first floor? Yes, that is the upper level first floor. Then you said there is another set of stairs somewhere else also? I only see that one set of stairs.

Amy Holtz: There is that one set of stairs that goes from the first level down to the basement and then the egress is about halfway down the same back of the building.

Anthony Casciani: You said that there were two flights of stairs, right?

Amy Holtz: One flight of stairs and one egress.

Anthony Casciani: Oh yes, that is what I was saying. The egress is the only other way. So, if the dogs are in that basement, they have to come up those stairs and there is no way that you could get them out through the back. They would never come out the egress window. That is why I was suggesting a set of stairs out the back.

Amy Holtz: I honestly... when I looked at the egress, I didn't see an issue with myself getting out of there but...

Anthony Casciani: No, I agree. That is what the egress window is for. For human exit.

Jennifer Wright: I would think the dogs would be able to get out of that easier than a human.

Anthony Casciani: No, it's down five feet. Are they going to jump at a small hole?

Chris Snyder: So, I just want to point out again, if you look at the last page in the application that shows the lower level, all the animals' areas are within 75 feet of the exit area stairwell so anything beyond that is really offices and storage, and it was kind of intentional to make sure that where all the animals and most of the people would be closest to the egress points.

Anthony Casciani: I guess if you are comfortable with it and it meets the law and everybody is alright with it, it's ok. The only thing I saw when I walked around the building is there should be somewhere to get out. Anything that size ordinarily has an exit coming out.

Chris Snyder: As Amy noted, it has a sprinkler and that is up to code as well. So, there is sort of two measures there.

Anthony Casciani: You need several variances thought, don't you? For setbacks, the fence is going to need a variance. What else do you need variances for other than the fencing, use?

Josh Artuso: No not use but yes, they are seeking a special use permit from the Town Board, but the variances would be for lot area and side setback. Setbacks relating to the fencing.

Anthony Casciani: Alright, I guess you can go to the Zoning Board and get through that and will see you then.

(Mark Giardina read the second application):

OAKMONTE APARTMENTS ENTRANCE SIGN: Located at 1 Oakmonte Boulevard. Applicant Skylight Signs Inc. is requesting **SIGN APPROVAL** associated with the installation of a 32 SF freestanding entrance sign on a 41.69-acre parcel having SBL # 079.20-1-1.2 located in an MHR Medium-High Density Residential District under Section 178-4 of the Code of the Town of Webster.

Appearing before the board was Frank Clear with Skylight Signs at 16 Industrial Park Circle, Rochester, NY representing Morgan Properties. We were here last month discussing a new sign for the new ownership of the apartment complex. It was stated or you asked that they try and re-use the synthetic stucco monument that is there now. We resubmitted a drawing or they resubmitted showing a new stone base and you should have some revised drawings and also, I didn't know, there was a narrative that was sent from the owner. Was that with your packet? It's a narrative describing the revisions I can read some of it, if you wish.

Frank Clear: (READ part of LETTER)

Oakmonte Apartments Revised Sign Narrative

1. Brief description of the Applicant

The Applicant, Morgan Properties et. al., was founded in 1985 and owns and manages multifamily residential properties across (14) ten states. Morgan Properties acquired Morgan Communities, Rochester, NY (no relation) in 2019, in a transaction that involved over (80) properties in New York State, and over (50) properties in the Greater Rochester Area specifically. As a result of New York State acquisitions, a significant investment has made to refresh all communities' signage, including a priority to differentiate Morgan Properties from any previous ownership.

2. Sign description / Revised Application request

The Applicant understands that at the previous review meeting concern was expressed about the design of the proposed replacement Post & Panel sign. That design matched the replacement signs approved in other communities in the Rochester area. The Applicant understands that the Board wants the architectural look of a masonry sign base, which may be similar to other signs in same area.

The Applicant is submitting this revised sign design with a stacked stone masonry base and appreciates the Board's consideration of the revision. This sign design was recently installed at the Regency and Victor Villas Apartments in Victor NY. When masonry is desired on a monument sign, this is the design prototype that the Applicant has created. The entire new sign is a technologically sophisticated design with higher cost than average. It would be complimentary to the Webster community and the surrounding area.

Although the Applicant also understands that the Board's preference is that that the existing monument be re-used and simply refaced, the Applicant respectfully submits that this is not a viable option due to the condition of the existing monument structure, and appreciates the Board's understanding on this matter, since it is likely that the Board was not aware of the existing conditions.

The existing monument sign structure is what is termed in the industry a "faux" masonry monument. The existing monument is already showing the tell-tale markers of deterioration that is found in monuments of this type: exterior skin pulling away from the substrate or internal structure: cracks developing that will only get worse; deterioration of the monument skin itself. (STOPS READING)

(THE REST OF THE LETTER WAS NOT READ...SEE BELOW)

By way of background, the Applicant has direct experience with faux monuments of the exact type installed at Oakmonte. Starting in 2006, Morgan Properties installed over (100) faux monument signs at properties across the Mid-Atlantic region.

Faux monuments like the Oakmonte monument are fabricated by specialty manufacturers. Unfortunately, no matter who the manufacturer is, the technology has shown that is not durable when exposed to the elements when the entire monument is a faux structure. In the field, faux monuments cannot be adequately updated, or cracks repaired or the exterior skin resurfaced and so forth. The Applicant is painfully aware of the limitations of any attempt to "repair" a faux monument, both from an appearance and cost standpoint, based on actual repetitive, experience. The Applicant is in the process of replacing all of the faux monuments that it installed throughout its entire system.

For these reasons (current monument condition; failure of countless other faux monuments that the Applicant owns; inability to repair or refurbish), the Applicant requests approval of the new revised Oakmonte sign design.

*Richard B. Crawford, Esquire
Bartush Signs, Inc., for Morgan Properties, Owner
302 N Washington Street, Orwigsburg PA 17961*

Once water gets into these, so called faux monuments that are masonry there is really no stopping it from starting to deteriorate even more.

Anthony Casciani: I am going to interrupt you for a second. I went over there yesterday and took pictures of the thing and I saw none of what you are saying.

Frank Clear: They submitted some photos that I think...

Anthony Casciani: There were a couple minor defects here and there and could be easily fixed.

Jennifer Wright: I stopped on my way tonight before the meeting and I saw the same thing.

Anthony Casciani: I didn't see any damage to it. I took some photos of it and as a matter of fact while I was there three of the residents were wondering what I was doing standing there and taking pictures of the sign. I told them there was an application for a sign change and it was this here and they were not happy campers. They like their sign and I highly recommend they keep what is there and fix it. It's a beautiful sign. What's that?

Derek Meixell: The new one is not attractive.

Jennifer Wright: And the other thing is, there is no indication of Morgan Communities on this sign so it's not like INAUDIBLE

Frank Clear: I think it's the colorations that they are using in it and the typography that they are using. Like I said, we were in front of the board last year with two other Webster locations and they are on posts those other two.

Jennifer Wright: What are the other two Webster locations.

Frank Clear: Behind Wegmans there is one, Webster Green, Webster Manor and those are the ones that just go on a single post and there was no problem with it from this board.

Anthony Casciani: One of your comments was this is their new style sign and we talked about that but then earlier you said that they have had issue where they changed them like this.

Frank Clear: Well, some of the towns don't like the post look. So, they have a style that ... the drawing that you see right there that is an identical one that they did in Victor. Victor told them they don't like the double post, we like the masonry and they said yes, this is our masonry style and it's with real stone it's not simulated brick.

Anthony Casciani: This is fake stone is what they are showing here. If water gets in back of that, it will peel right off so. That is not the greatest is the world.

Jennifer Wright: The difference may be here of what was there and what is being replaced and I don't believe the apartments behind Wegmans or Webster Manor is nice of a sign as this one.

Frank Clear: I don't recall those locations.

Jennifer Wright: I would guess that Webster Manor probably had a post sign, and it was just replacing a post sign. I don't know, I don't remember but you were going from either nothing to a new sign location

or which is one thing, the sign that you have proposed, if that came to this board it would probably be ok. The difference is you are down grading. You are significantly down grading the sign that is already there.

Frank Clear: I can't speak on that because I am not the owner...

Jennifer Wright: Right and I understand but I believe, is that what other people see? It is significantly downgrading what is there.

Anthony Casciani: No question there. When Oakmonte was built and they came in with that project, one of the things was the sign. It gets a lot of traffic on Jackson and actually on the interior where the road splits there is the same type of sign, and I am going to assume that they are leaving that one.

Frank Clear: They are replacing both of them.

Anthony Casciani: That doesn't make sense to me. They are both absolutely nice signs.

Frank Clear: They are trying to get away from the fake stucco units because they have had problems with them. Maybe not as much here but I been in the business 40 years and when those things came out, they looked very pretty for awhile and from our own customers we have already replaced a few of them and we brought masons in and put regular brick and laminated stone on instead of Styrofoam.

Anthony Casciani: It's up to the board but in my opinion, I walked over and saw and did not see the damage.

Frank Clear: I know they submitted photographs and we sent them in and showed a variety of parts where they are starting to deteriorate. What would the customers recourse be then if they get denied can they just tear that monument down and start again. That's what they want to do. They want to replace it completely with new signs. They are looking for direction from the board.

Anthony Casciani: We already did this at the last meeting, and we went through this. We are beating a dead horse here.

Frank Clear: Well, the last meeting was keeping the stucco and put some new panels on it. Well, they don't want to do that.

Anthony Casciani: Well McDonalds didn't want to take down their big golden arch.

Frank Clear: What would the board allow? Let's forget that the signs even there. If I was coming in fresh. Let's say that tomorrow that developer is going to redo the entrance and tear down that sign. Here is a fresh application for a sign, would that sign that you are looking at right now be approved by this board?

Anthony Casciani: The one that is existing?

Frank Clear: No INAUDIBLE let's say a truck ran it over.

Anthony Casciani: Probably not. We would be looking for something more ornamental on it to make it more attractive.

Frank Clear: So, what do I tell the people in Philadelphia? What do you want now?

Anthony Casciani: The Town of Webster spent a lot of time on Oakmonte when it was originally built and looked at this sign, approved it and were very happy with it. The standing is the same, the neighbors are very happy with it, and I only spoke to three of them that happened to be going by and like I said, they are very happy with their sign, and they don't want to see just a simple plain sign there and I think that is where we are standing.

Frank Clear: I need some kind of design concept to show them.

Derek Anderson: It is the approval that we gave at the last meeting. Just replace the panels.

Frank Clear: They are going to take them down. There is no doubt about it. They want to remove them. The contractor already informed us that they are taking them down.

Anthony Casciani: Well, let them take it down. INAUDIBLE... both parties speaking at the same time. They already have a contract. Tell them to go ahead and take the signs down and then come in with a new plan showing what they want to build but this won't be it though.

Frank Clear: But what do we tell them?

Anthony Casciani: Then we will play hard ball that's all.

Frank Clear: No, we are not playing hard ball. What do I tell the design company that is doing it? what is should it look like? Should it be identical to what is there?

Derek Anderson: No, you are going down on a hypothetical here. We have already made a decision on what it is to look like.

Anthony Casciani: It is what is already there.

Derek Anderson: It is what is there and just replacing the panels.

Frank Clear: Tell them that they are stuck with what they got?

Anthony Casciani: Yes. Just change their placard and you do have the address on and facing the road. That is nice but the sign, that is why we did that at the last meeting.

Frank Clear: I'm not in between. We have done probably 35 of these already and every town has been... some of them have been simple, rubber stamp. The only ones we had a problem with so far was Victor because they like masonry bases vs post.

Anthony Casciani: Isn't that something.

Frank Clear: They like masonry vs posts. We went in there and it was on two posts, and they said no the sign that is there is on a brick base. Design the sign to be on the brick base.

Jennifer Wright: Then the guidance should be, if they want to do a whole new structure then the structure should be commensurate or nicer then what is already there. We are trying not to go backwards. We want a similar structure with the stone or masonry to what is there.

Frank Clear: So, you are saying enclose the whole sign with masonry. So, they already got approval they just put new placards on. So, it sounds like the board is just sticking with that decision. That's all you have to tell me.

Anthony Casciani: What they have is a very attractive sign. It's landscaped nice and extremely beautiful entrance to a project. So, lets see if we can get them to leave it that way and just change the lettering and the sign itself. They can post the address right on the face there it's not a big deal. It would be a whole lot less expensive to. What do you want to do?

Frank Clear: Well, they already got approved. I will just go back and speak INAUDIBLE they don't care whether the things falling apart or whatever, you have to keep the way it is.

Anthony Casciani: Yes, but it is not falling apart. If they told you that, they are full of bologna.

Frank Clear: They sent me pictures. Around the base it's all cracked and going right down to the Styrofoam which is exposing the inner core of the material which all it is Styrofoam inside of it.

Derek Meixell: If they want to build a new one, they can put it up in the same way the old one looks but use the right materials.

Jennifer Wright: That is what I just said. Just make it look like that with the same foundation, frame. You want something that is equivalent to what is there or better. We don't want too backwards.

Frank Clear: Well, what they are proposing is a lot better than what is existing in material wise. That stucco monument might have been \$4,500. They are dumping \$11,000 into this sign. It's an expensive sign.

Jennifer Wright: And I respectfully disagree that the one proposed is nicer than what is there.

Frank Clear: I am saying dollar wise.

Anthony Casciani: Anyways, we made a decision on this last time and unless you guys want to vote to change it to this then there is no sense in continuing the discussion. So, we have to make a decision. Do you want to table it until you hear from them again or we just vote?

Frank Clear: I can just go back to him and say hey they are not budging you have to stick with what you got and then they take it from there. If they decide they are going to go the next step up.

Anthony Casciani: We need to approve or disapprove or table it.

Frank Clear: You have already given approval from the last meeting.

Anthony Casciani: But you are here with a whole new application.

Frank Clear: It doesn't sound like that is going to be approved so we would actually be withdrawing it.

Anthony Casciani: Ok, does someone want to make a motion on this?

RESOLUTION 22-100

Anthony Casciani made a motion for **DENIED APPLICATION** which was seconded by Derek Meixell.

VOTE:

Mr. Anderson	AYE
Mr. Kosel	AYE
Mr. Malta	AYE
Mr. Meixell	AYE
Mr. Casciani	AYE
Mr. Giardina	AYE
Mrs. Wright	AYE

ADMINISTRATIVE MATTER: Minutes were approved for October 4, 2022. (Mr. Kosel, seconded by Dave Malta)

With no other applications before the Board this evening Mr. Casciani concluded tonight's meeting at 7:30 PM.

Respectfully Submitted,

Signed



Mark Giardina, Secretary
Katherine Kolich, Recording Secretary

Dated

11/1/22

NOV 3 '22 AM 10:20
FILED WEBSTER TWN CLK

Dorothy H. Maguire