

WEBSTER TOWN PLANNING BOARD MINUTES

PLACE: Webster Town Board Meeting Room 1002 Ridge Road

TIME: 7:00 p.m.

DATE: 15 November 2022

PRESENT:

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

ABSENT:

Pledge of Allegiance/Roll call

Anthony Casciani: Welcome to the November 15 , 2022, Planning Board meeting. We have three items on our agenda.

Summary overview of outcome:

1650 RIDGE ROAD/AUTO DETAILING

Applicant: Steve Schlegel

Status: **DENIED-DOES NOT FIT THE LC1/LC2 OR THE PROPERTY.**

740 RIDGE ROAD/GARBER SIGN

Applicant: Amy Catalano/Vital Sign

Status: **APPROVED W/ DRAWING # V.2**

1085 GRAVEL ROAD/RUFF DAY RESORT

Applicant: Amy Holtz

Status: **APPROVED AS PRESENTED**

ADMINISTRATIVE MATTER: FOREST CREEK EQUITY CORP

Applicant: Forest Creek

Status: **MODIFIED DRAWING TO INCLUDE 2ND ACCESS BECAUSE OF NYS FIRE CODE.**

(Mark Giardina read the first application):

GARBER PRE-OWNED SIGN: Located at 740 Ridge Road. Applicant Amy Catalano of Vital Signs is requesting **SIGN APPROVAL** to allow the installation of an approximately 69 SF building mounted sign associated with Garber Pre-Owned Auto Dealership on a 13.21-acre parcel having SBL # 079.17-1-7.11 located in a CO Commercial Outdoor Storage District under Section 178-7 of the Code of the Town of Webster.

Appearing before the board was Amy Catalano with Vital Signs. We are proposing a face lit channel sign for Garber Pre-Owned. I believe we are within code with our size and specs, and it is in keeping with the other signage they within their complex. White acrylic faces and INAUDIBLE returns, LED lighting.

Anthony Casciani: You said there is not lighting?

Amy Catalano: LED yes.

Anthony Casciani: Just the figures are lit, just Garber?

Amy Catalano: Yes, and the icon, the Garber logo.

Anthony Casciani: And that is centered obviously right over the center of the building there.

Amy Catalano: Correct.

Anthony Casciani: Does anyone have any questions or concerns. The building is all done now, I think.

Amy Catalano: It is.

Derek Anderson:

RESOLUTION

Town of Webster Planning Board considered the request by Applicant, Amy Catalano of vital signs, to install an approximately 69 square foot building mounted sign associated with Garber Pre-Owned Auto Dealership located at 740 Ridge Road on a 13.21-acre parcel having SBL #079.17-1-17.11.

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 22-107

Derek Anderson made a motion for **TYPE II SEQR** 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 |

RESOLUTION 22-108

John Kosel a made a motion for **SIGN APPROVAL:** Located at 740 Ridge Road. Applicant Amy Catalano of Vital Signs is requesting **SIGN APPROVAL** to allow the installation of an approximately 69 SF building mounted sign associated with Garber Pre-Owned Auto Dealership on a 13.21-acre parcel having SBL # 079.17-1-7.11 located in a CO Commercial Outdoor Storage District under Section 178-7 of the Code of the Town of Webster 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 |

Amy Catalano: I do have a question while I'm here, they are interested in getting some temporary signage. He had mentioned, Joel had mentioned a banner which we don't want to do because we don't want any invasive hardware on the face that is just going to come down so we were hoping we could just put vinyl letters until the sign is fabricated.

Anthony Casciani: Personally, I don't have an issue with it. You already have an approval for the sign. It's just something temporary until you put the sign up, right?

Amy Catalano: If fact, it is going to look just like the sign if you put the sign right over it.

Anthony Casciani: You guys ok with it? I don't see it being an issue, do you? You have a sign approval it's not like you don't have that. It's just temporary until you put your sign up.

Amy Catalano: Yes

Anthony Casciani: I guess you are ok to do that.

Amy Catalano: Alright, thank you.

(Mark Giardina read the second application):

RUFF DAY RESORT: Located at 1085 Gravel Road. Applicant Amy Holtz is requesting **PRELIMINARY / FINAL SITE PLAN APPROVAL (PUBLIC HEARING)** 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 228-10 of the Code of the Town of Webster.

Appearing before the board was Chris Snyder with Passero Associates and I am here with Amy Holtz, Owner of Ruff Day Resort. This is our second trip to the Planning Board for site plan review. Previously we went to the Town Board and provided a referral, and we then went to the ZBA (Zoning Board of Appeals) on the 25th of October where we received area variance approval for two area variances related to the site. One for the setbacks of the outdoor play area and the other for an approval of the lot size, which is smaller than the 50,000 square foot requirement and at your last meeting you had asked us to provide some supplemental information including photos of the existing interior.

There were some questions on how the building operated and we just want to make it very clear that while the term kennel is really not something that applies to this use even though it is defined as such in the zoning code. This is much more of a daycare facility, and I think the photos do represent that. There were also other questions related to some of the departments. One from the Sewer Department asking about the troth of the system of the basement would be used for, animal waste. That is really not how this operation works. We are not going to be putting in any new plumbing and we are going to be using the existing facilities on the first-floor bathrooms and a standard drain and hair catch that will be emptied periodically through out the day or even after an animal is groomed. It is also important to note, and Amy has mentioned this a few times in the past that most of the animals are hypoallergenic. We are dealing with poodles and 60 percent of the clients are poodles, so they produce much less hair than other dog breeds that produce a lot more fur.

The other element of this application is signage. Which has been provided as a supplement. Does everyone have that? Did we get that distributed, Josh? Ok. So, it's a 40 square foot metal composite sign that is going to be mounted to the north elevation at the location of where the existing sign is, and you can see in the materials provided in that location. No new lighting, internal or external is proposed. We are just going to use the existing lighting that is on the building to illuminate it. It is going to be more or a little bit more rather than an advertising sign and just to let people know that this is the site. A lot of Amy's customers are return customers and once they know where the location is they will come back to that every time, so it is not really trying to get eye catching from the street or anything like that. Based on the zoning code requirements 86.7 square feet of signage is permitted at this location and we are only proposing 40 and that is it. Amy, did you want to add anything?

Amy Holtz: No.

Chris Snyder: Ok, that's it and thank you.

Anthony Casciani: I'm looking at the signs now, are they outside the window or inside? Are they temporary signs?

Chris Snyder: Yeah, so there is no window signage and what you are looking at, at the top, is the existing sign at Ruff Day Resort ...so the top photo, existing Ruff Day Resort. The wall mounted sign on the building is the one that will be placed in the location of the existing building which is in the lower photo. So, the lower photo represents the proposed building at 1085 Gravel Road and where the sign is on that building is going to be the location of the sign that already exist at Ruff Day, if that is helpful. There is going to be no window signage, just the wall mounted sign is all we are proposing.

Anthony Casciani: And the address of the place and I see it right by the door there, is it 19 something?

Chris Snyder: That is the old building.

Anthony Casciani: Yeah, but you will have an address visible.

Chris Snyder: There is already one there.

Anthony Casciani: I think Amy had mentioned earlier, the Sewer Department was ok with things because you are not making any changes or anything ?

Amy Holtz: Correct

Anthony Casciani: But the waste, you said you said you had a contract with someone I believe?

Amy Holtz: We can use Duty Master if we have a large amount of waste that needs to go and as far as the Sewer Department goes, we are not a kennel per say that the Agriculture Department would say see you hosing out a kennel or anything like that. This is clean very much like a home.

Anthony Casciani: Yes. You can take old guys in there to lay down during the day. Looks pretty comfortable. They have been in a couple times, and they have gotten variance and so on and so forth and the Use Permit from the Town Board and we are comfortable with everything. Does anyone have any concerns? There have been no complaints from neighbors or the Townhouses just past you.

Derek Anderson:

RESOLUTION

Town of Webster Planning Board considered the request by Applicant, Amy Holtz to reuse an existing office building for a dog daycare training, boarding, and grooming facility located at 1085 Gravel Rd on a 0.69-acre parcel having SBL # 078.19-3-17.

The Planning Board classifies the proposed action to be a Type II Action under Section 617.5(c)(18) of the State Environmental Review (SEQR) Regulations and therefore is not subject to further review.

RESOLUTION 22-109

Derek Anderson made a motion for **TYPE II SEQR** which was seconded by John Kosel.

VOTE:

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

RESOLUTION 22-110

Dave Malta made a motion for **PRELIMINARY APPROVAL**: Located at 1085 Gravel Road. Applicant Amy Holtz is requesting **PRELIMINARY APPROVAL (PUBLIC HEARING)** 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 228-10 of the Code of the Town of Webster which was seconded by Derek Meixell.

PRELIMINARY APPROVAL CHECKLIST

1. Subject to PRC Comments
2. Subject to the determination of the ZBA for requested variances.
3. All the improvements shall be constructed according to the specification of the Town of Webster.
4. All roadway construction to be in accordance with the specification and regulations set forth by the Town of Webster.
5. All site work is to be in compliance with the standards of the Town of Webster.
6. Preserve all mature trees on site, where possible, and mark said trees by the developer's engineer prior to the commencing of any site work.
7. Approvals are subject to Drawing No: AS SUBMITTED.

VOTE:

| | |
|--------------|-----|
| Mr. Anderson | AYE |
| Mr. Kosel | AYE |
| Mr. Malta | AYE |
| Mr. Meixell | AYE |

| | |
|--------------|-----|
| Mr. Casciani | AYE |
| Mr. Giardina | AYE |
| Mrs. Wright | AYE |

RESOLUTION 22-111

Dave Malta made a motion for **FINAL APPROVAL:** Located at 1085 Gravel Road. Applicant Amy Holtz is requesting **FINAL SITE PLAN APPROVAL (PUBLIC HEARING)** 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 228-10 of the Code of the Town of Webster which was seconded by Derek Meixell.

FINAL APPROVAL CHECKLIST

1. Subject to PRC comments.
2. Subject to Preliminary Approval Conditions.
3. Subject to all applicable governmental fees.
4. Subject to Department of Public Works approval
5. Significant construction shall occur within one year, as deemed by the Planning Board, to expire on 11.15.23
6. The conditions of Preliminary and Final approval are depicted on the cover page of the final designed plans.
7. Subject to resolution of the final approved minutes.
8. Approvals are subject to Drawing No: AS SUBMITTED.

VOTE:

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

(Mark Giardina read the third application):

1650 RIDGE ROAD AUTO DETAIL SHOP: Located at 1650 Ridge Road. Applicant Steven Schlegel is requesting **PRELIMINARY / FINAL SITE PLAN APPROVAL (PUBLIC HEARING)** to allow auto detailing to occur out of an existing storage building on a 1.12-acre parcel having SBL # 081.01-1-62 located in an LC-II Low Intensity Commercial District under Sections 225-16A(6) and 228-10 of the Code of the Town of Webster.

Appearing before the board was Steven Schlegel and I am the member of Tesley LLC which owns the property there and I am also the President of Steve's Cutting Edge Lawncare which rents from Tesley for the majority of the building there for our landscaping and snow removal. We store a lot of our tractors there for the winter season. We have one of our employees that run tractors for us that also has an auto detail shop. He does some interior cleaning and has some high-end cars that they do a nice detail on and that they store for the winter and then the clients get them back out in the spring. It is relatively a small operation, and he does all his work inside so. We are looking to keep him approved to run his auto detailing business out of that location and I believe you guys have some photos attached to that application.

So, the building is sectioned off into a couple of different sections and the two bays closest to Ridge Road are the bays we are looking to use for the auto detailing, and I think it is around 2600 feet out of the 9800 square feet building and like I said, one of those bays he is looking really just for storage throughout the winter for some of these nicer cars that he has. The way the town code is written it does not, right now, call out auto details shops anywhere. It is lumped in with all the other major like a Delta Sonic, auto repair facility and things to that nature. So, when I met with Josh, he actually referred some questions I believe to the attorney and also ran it by Code Enforcement that it could come back to the Planning Board as long as the general use which we are seeking the auto detailing is not outside the characteristic of the neighborhood. It is something that the Planning Board could approve.

In my letter of intent, I did pull out some other business that are in the area. There is a Vic's Auto Reflection which currently has, which I believe is a use variance through the Zoning Board and they are running out of LC2 and there are other preexisting nonconforming properties, Wilmot's Tire and Auto, Klem's Garage, Moto Option, Kastanza Sausage is over there and Chamberlin Septic and Sewer and then there is also some farms in the area too. So, I think what we are trying to do is pretty much within the character of the neighborhood.

Anthony Casciani: Well, the building turned out nice and it looks good. As far as use, detailing is automotive and there is an automotive that does that on Five Mile Line Road that does this type of work. I just wish when you came in you were straight with us because in the minutes you said and that's why we kind of went along with this. You said you needed that size building to accommodate your tractors and no mention that you were going to convert into this. However, because you put the bathroom in the middle, it kind of made me scratch my head and say why is he putting the bathroom in the middle of this building as opposed to along the wall and now I know why you did it. You have had to had this planned out.

Steve Schlegel: We actually had the boiler and whole utility area in the middle just because of the radiant floor heat. We had to have the kind of centrally located. So, our current shop is filled up with tractors and we will probably be to a point in the future where we will need additional space and at that point we will take over and use that space there.

Anthony Casciani: Well anyways the bottom line of it is this board has to make a determination. Is it a similar use and should it be allowed in the LC2 and the other issue to as I was going through the minutes.....? Is this pretty much a current picture?

Steve Schlegel: Yes. I can't remember, the driveway is paved INAUDIBLE

Anthony Casciani: It's paved here but you were going to put landscaping up in the front there and buffering on the sides, the two sides I guess you were going to have plantings. Did you ever put any landscaping in?

Steve Schlegel: I still have to put the landscaping in the front but there is some buffering on the side and if we add anything else on the side, we have to cut down a really large maple tree because it is super densely shaded back there so there is a little bit of buffering on the side.

Anthony Casciani: I am kind of disappointed. I would have hoped you would have asked and wanted to do something like this in the first place. It would have been so much easier. This kind of gives the impression as like, I will just get the building up and then I will do what the heck I want with it and that is why we are here tonight or otherwise, we wouldn't even be here. We would have gone along with it, I'm sure.

Steve Schlegel: My original intent was to add the lean to this year or next year and when we went to actually pick up the building permit and we had everything on there the builders said it would be cheaper and easier just to do the whole thing at once, so we decided to do the whole thing at once and knowing we were eventually going to need that space.

Anthony Casciani: Anyways, that is where we are at with this. Our charge is to make a determination. Is it a similar use to what is allowed in the LC2?

Dave Malta: I got several questions. Number one, where are you going to park the cars that are coming in from other dealers?

Steve Schlegel: Great question. So, a lot of it is residents of Webster coming and he sets up appointments. So, a customer comes, and they might drop off a car in the morning and it takes him 2-3 hours to do the car and once the car is done, he lets the customer know and they come back and pick it up and then he might have an afternoon appointment. So, we are not talking about ten different vehicles in throughout the day it's 2-3 vehicles the most that are coming in.

Dave Malta: Does he do dealer work?

Steve Schlegel: No automotive work whatsoever.

Dave Malta: Does he do doll ups for dealers?

Steve Schlegel: NO

Dave Malta: Automotive dealers, used car dealers?

Steve Schlegel: No, he does not.

Dave Malta: Who does he do it for?

Steve Schlegel: If you or I have a vehicle that we want dolled up and cleaned.

Dave Malta: number one, I would not want to see any parking outside overnight or any circumstance and that all parking be restricted in the front of the building. I noticed you have a large parking area on the sides which could accommodate a multitude of cars and I know that dealers sometimes don't have places to park their cars, so we don't want that to be a parking lot for dealers.

Steve Schlegel: We can absolutely put a condition on it for that but there is no overnight parking, and anything is right there in front. We actually have twenty tractors. We actually have 20 tractors inside the facility for our snow removal so that means when it snows, we have 20 operators showing up and they all need spots to park so. So that is why there is a fair amount of space on the outside for parking.

Dave Malta: How many people are going to working in the shop?

Steve Schlegel: It is himself and one other part-time person.

Dave Malta: Is it going to be one operator or two separate shops? INAUDIBLE (conversation happening while Dave is speaking) come back and say this guy and the other side the other guy.

Steve Schlegel: It is one business in there.

Dave Malta: Let's talk about materials. Doll up shops, one degrease engines ...they are going to put degreases on and blow it out, where is that going?

Steve Schlegel: So, everything that he does is basically just a wash and wax on the outside and then vacuuming out and armor all on the inside of the car.

Dave Malta: No degreasing the engines whatsoever?

Steve Schlegel: They don't get into that. It is just simple outside and inside.

Dave Malta: So, because there is absolutely no way for these kinds of materials to go anywhere... if we went along with this thing, they could have to be restricted, completely restricted. Those are my concerns.

Anthony Casciani: Ok. Anybody, Derek?

Derek Meixell: If you are washing inside, where is it going, are there drains on the floor?

Steve Schlegel: There would be a floor drain, yes.

John Kosel: Is there sewers out there or is it septic?

Steve Schlegel: It is septic.

Anthony Casciani: I'm looking... I'm going through the list here and I am trying to find some place where we can pigeonhole this thing to say it fits. (READING THROUGH THE CODES OUTLOUD)

Steve Schlegel: An upholstery shop is listed, and half of his work is inside the cars. You know, you bring your love seat with a stain in it to this guy, a rocking chair or whatever the case is, I mean he is going upholstery and half of the time that he is spending is in the inside of the cars making the seats, floors and everything look nice.

Dave Malta: I don't think that was a destination for an upholstery shop when that was put in there.

Anthony Casciani: There isn't any place....

Steve Schlegel: So, the way the town code reads for LC2

Permitted uses shall include and be illustrated as follows:

[Amended 3-3-2016 by L.L. No. 1-2016]

(1)

All those permitted in the LC-I Neighborhood Commercial District.

(2)

Bank, credit union.

(3)

Restaurants, take-out, excepting those with drive-through facilities.

(4)

Communications towers.

(5)

"Mini storage" or self-storage facility or facilities.

Anthony Casciani: Yes, I got that.

Steve Schlegel: And then there is that last one (reading on)

(6)

Other similar uses which are not permitted in any other commercial district upon a finding by the Planning Board that such uses are of the same general character as those permitted in the district and that such uses will not be detrimental to the other uses within the district or to the adjoining land uses.

Anthony Casciani: But it is permitted in another district and that is automotive. That's the catch here. We are not trying to fight you; we are trying to work with you here.

Steve Schlegel: No, I appreciate that.

Anthony Casciani: There is nothing similar and if you go to and that is LC1. LC2 has a few more things in there. Totally similar to what you've got.

Derek Meixell: My concern is the waste.

Anthony Casciani: Waste, you mean the water coming out?

Derek Meixell: Chemical and the wash coming off the cars.

Anthony Casciani: Well, I'm sure they don't run it into the septic system. Do you have a drain going out and a sheet flow in the yard or something?

Steve Schlegel: Yes

Anthony Casciani: How many cars does he actually do? (He answered this above)

Steve Schlegel: A slow day is one and a busy day is three.

Anthony Casciani; So, there is not a whole lot of drainage going out?

Steve Schlegel: No and his slowest time is in the winter. His busiest time is in the summer when people really want their cars to look nice and there is not a whole lot coming off of cars in the summertime. It's not like these vehicles are out mudding and stuff like that with all sorts of sludge coming out. People are paying a few hundred bucks, 2-4 hundred to have their car dolled up and they are pretty nice cars coming in there, taken care of and not leaking stuff.

Anthony Casciani: What do you fellows think?

Derek Anderson: There is a concern about the cleaning stuff.

Anthony Casciani: What's that?

Derek Anderson: There is a concern about the cleaning just going off into the ground. Even if it was in the septic system INAUDIBLE (both parties speaking at the same time) What comes to mind with that is like the car washes, they have specific systems that they use for recycling the wash water or they send it to a septic system and a regulator on that and just kind of from personal experience, years ago helping out with car washes for like volunteer agencies, there were always push backs from the regular car wash companies that the people that were doing the fundraising for car washes didn't have to meet the requirements. This thing being a facility, you are not going

to be washing cars in it but one or two a day. It is continuous and there seems to be that there has to be some provision made for capturing the soapy water or whatever coming off the vehicles instead of dumping it. I am not sure that it is even something that the code would allow.

Steve Schlegel: All the soaps that they are using are environmentally friendly and biodegradable and I did check with him with what he is using for soap.

Anthony Casciani: I hate like heck putting something in and I know what you are saying, and I agree but I hate putting something in that you can't enforce, you know. INAUDIBLE

Dave Malta: Now we are opening up the door for automotive uses in an LC2 District and it's not even medium commercial and I am sure a lot of owners in the LC2 properties that would just love to see this happen and then like I say, we open the doors.

Anthony Casciani: What do you suggest doing? I don't know what to do. I hate, like I said before, I am just a little bit ticked that you didn't say something up front what you wanted to do with it, you know because the lay out of it and the bathroom is in the middle, you knew what you were doing with it. I just wish you would have been upfront with it from the beginning but now it's there. I don't like stepping in with it and hurting him but and I am looking in here and I have gone through LC1 and LC2 and I can't find anything that even comes close to it.

Steve Schlegel: Like I said, there is a Vic's Auto Reflection who currently operates in that area and it's similar and they are right next door to Chamberlain Sewer and Septic, and they are an auto detail shop and very similar to what we are going. Low volume and very nice vehicles and that is just taking place right out of a residential house with a two-car garage. That has currently been approved and takes place in the same zoning district.

Anthony Casciani: Is he on the Webster side or ?

Steve Schlegel: Webster side.

Dave Malta: And he is approved to do it there?

Steve Schlegel: Yes.

Dave Malta: Through who?

Josh Artuso: He received a use variance associated INAUDIBLE (people speaking at the same time) because it was a major home occupation, and he was going to be living on site, so he did get Zoning Board approval in that particular instance.

Dave Malta: So that doesn't mean that it is permanently zoned for that use if it's a home occupation situation.

Josh Artuso: It's a little bit different scenario but I just wanted to get it out on the record.

Dave Malta: Yeah, I'm against this I don't care.

Anthony Casciani: What do you fellows want to do? Anybody? There is nothing in here that even comes close to relating to automotive. We could suggest getting a variance. It's the only thing we can do.

Kyle Taylor: Remember it's a two part INAUDIBLE it is whether it is similar and whether it is not detrimental to the other uses in the district or (not speaking loud enough) adjoining land uses. It has to be both of those.

Steve Schlegel: The rear of the property does back up into industrial zoning and I did go through the uses of the property and there are a lot of things in there that maybe are no longer applicable to how society is today. Like one of the uses is watch repair and I am not sure we have a lot of watch repair businesses looking to open up. We are trying to.... There are a lot of people out there who don't have time to take care of their cars and we are trying to find a way to make it a community business that Webster residents can come and drop it off and when his times are slower, we are looking at partner with him and have him run some of our equipment in the winter to continue to providing services to customers in Webster with their driveways.

Anthony Casciani: I am going to stress this a little bit, let me think..... You received an approval, you got a variance to make this storage facility for automotive vehicles, got motors in them right, tractors, so if you currently have tractors in there, that is automotive use, right?

Dave Malta: Now you are really stretching it.

Anthony Casciani: Ok, lets back up, he is allowed to have tractors in there so if he is allowed to have tractors in there, what happens when one breaks down, you have to repair it . You don't take it to a tractor repair place. You are going to have someone repairing it there, so he has repair work there for his tractors. Am I going anywhere with this?

Derek Anderson: Oddly enough, one of the things on the list is a laundry mat and that would be a facility that would create significant amounts of water then this place would.

Anthony Casciani: Yeah ,your right, that's a good point too

Steve Schlegel: When our tractors come back from a snowstorm and if it's over night there is not much of an issue but if we are out in rush hour, we can't even see out of our windows when we get back there so we do have to do a quick rinse down with a hose to get the salt off and stuff like that so we can see safely.

Derek Meixell: INAUDIBLE point is valid that this is opening up the door

Anthony Casciani: Well, it is

Derek Meixell: Could the Zoning Board address that with a variance?

Anthony Casciani: He could get a variance.

Steve Schlegel: Let me toss another point out if I may

Anthony Casciani: I think you better keep quiet INAUDIBLE you might now want to go there. If he has storage for tractors and so on and so forth and there automotive material right and they have motors in them, and he has to do repairs on them there. This is just strictly just cleaning cars out. Is that a similar use then to what he has approved? I can make an argument and say yes.

Dave Malta: Personally, I would send this back to the Zoning Board and if they approve that kind of use, hoorah for all the LC2 property owners in the Town of Webster. It is what I am going to tell you.

Derek Anderson: Will this be something we can INAUDIBLE special use?

Jennifer Wright: I think I would agree with Dave to have it go to the Zoning Board. It is very difficult when you start to precedence in a certain district and the other thing that I was hearing about the waste, and I would agree with that as well.

Anthony Casciani: That is double edge. Like he said, when he comes in with the vehicles and they have salt and everything on them, they get washed down everyone of them has to get washed down so that is normal procedure anyways.

Steve Schlegel: Does it change the picture at all if they are employees of our company already running tractors and washing down their tractors and they are the ones who is doing the detailing on the cars?

Dave Malta: Nope, not for me.

Jennifer Wright: Tony, it's less about washing the salt off of it, it's more about as Dave was saying, you are doing a full detail on the car and you are detailing the engine and degreasing the engine, that is when it becomes different.

Anthony Casciani: What do you guys think? What do you want to do?

Dave Malta: How do you regulate that?

Anthony Casciani: You can't

Derek Meixell: Refer it to the Zoning Board.

Kyle Taylor: It is not a referral to the Zoning Board this has to be reviewed and approved. If you deny it the recourse is, then to INAUDIBLE

Anthony Casciani: Ok, so we have to deny his request tonight and then he would have to go and file with the Zoning Board.

Kyle Taylor: Josh, do you want to weigh in on that?

Josh Artuso: well, I think we are going to be addressing the whole vehicle section of our code during the comprehensive plan process because there is only one district that allows any auto related use and that is the CO district which is fully built out in a very small portion of the town . We do get quite bit of request from business looking to locate in Webster and they ultimately forego Webster because the burden. Obtaining a use variance is a very high bar and it is all about financial hardship and in the particular case I think he is going to have a very difficult case and making that case to the Zoning Board. There are other similar vehicle related things in the area so we thought we would bring it here under this provision but again, it is obviously up to the Planning Board. I do think we are going to have future conversation about delineating different levels of intensity with auto related uses. I don't think it's appropriate to lump them all together because they are not all the same but unfortunately, we don't have that differentiation in our code currently.

Dave Malta: Correct. There is nobody that has been more of a proponent to opening up more zoning for all the automotive uses than me. In the past I was in the automotive business. As a realtor I get calls all the time for automotive use in the town and we have very small available properties. This is right to do this in a comprehensive. It is not right to do this piece INAUDIBLE and do it the way it is in front of us tonight. I would like to see INAUDIBLE but not this way.

Anthony Casciani: This had a variance didn't it, for it's use? Or did he need one for it?

Josh Artuso: No, I don't believe so.

Steve Schlegel: It was my rear property line and I think I was ten feet closer.

Josh Artuso: Yeah, not a use.

Dave Malta: The original purpose of the building was to store this equipment. That is what is was there for because it was more convenient to have it in Webster where they had a lot of clients and customers than to keep moving them from Ontario over to Webster, so it was for storage for these tractors. This is not what we are dealing with.

Anthony Casciani: That's in the code. It called mini storage or self-storage facility or facilities. That is how that fits. Ok, so what do you guys want to do then?

Dave Malta: I want a motion to Deny.

Anthony Casciani: Ok, then go ahead. You should put in there Dave as to why you are making a motion to deny it because it doesn't fit anything in the LC1 or LC2.

Dave Malta: It was not the intent of the property, and we definitely don't want to open the doors for future confrontation.

RESOLUTION 22-112

Dave Malta made a motion to **DENY APPLICATION-USE DOES NOT FIT LC1/LC2 OR THE USE FOR THE PROPERTY** which was seconded by John Kosel.

VOTE:

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|--------------|-----|
| Mr. Anderson | AYE |
| Mr. Kosel | AYE |
| Mr. Malta | AYE |
| Mr. Meixell | AYE |

| | |
|--------------|-----|
| Mr. Casciani | NAY |
| Mr. Giardina | AYE |
| Mrs. Wright | AYE |

Anthony Casciani: I believe this thing could be worked to fit. I am not saying I like it, or I was happy with it, but I think there is a facility there for the storage for tractors which do need repairs, and this would be a minor use compared to repairing tractors and storing them in there in my opinion anyways but Nay.

Steve Schlegel: So just for clarification, is it that it doesn't fit the general character of those permitted in the district or that it will be detrimental to the uses within the district or
INAUDIBLE (papers rattling)

Anthony Casciani: Well, it doesn't have to be either or it just doesn't.

Steve Schlegel: One of those...

Anthony Casciani: It is not detrimental to other uses in the district because they are not in the district.

Steve Schlegel: So, then the reason it is being denied is because it is not in the same general character as permitted within the district.

Anthony Casciani: Right. Lc1 and LC2, either of them show that it is an allowed use. You will need to talk with Josh and maybe set up a ZBA appointment. I guess by doing that anyways it would probably clarify it. This way there are no issues in the future if someone else comes in. Mark, I think we have one more administrative matter.

ADMINISTRATIVE MATTER:

- Consideration of resolution clarifying and amending a prior resolution (#21-093) of the Webster Planning Board granting final subdivision and site plan approval to Forest Creek Equity Corp. for Section 1 of a 79-lot single family residential subdivision on 69.5 acres.

Kyle Taylor: Before consideration of that resolution, because when reviewing this particular file, it became apparent that the during the SEQR review process that a negative declaration was not realized at the time of this particular resolution so that resolution related to the SEQR review which is 210-92 should be clarified as well so that if the board choses to pass the resolution that it would officially memorialize the negative declaration.

Anthony Casciani: Ok. We should just go ahead with what we are doing first and then we should do that?

Kyle Taylor: It would be appropriate to consider that resolution first as it relates to DEQR.

Anthony Casciani: Ok, why don't we do that then. Derek, you got that right?

Derek Anderson: Yes, so again to follow up on what you are saying, the resolution 210-92 adopted on October 17, 2021 established the planning board as lead agency under SEQR for this action and this action is a TYPE I ACTION.

MOTION FOR INTENT TO ESTABLISH LEAD AGENCY

WHEREAS Town of Webster Planning Board (Planning Board) considered the request by Applicant, Forest Creek Equity Corp. to construct a 79-lot single family residential subdivision on 69.5-acres consisting of SBL #'s 050.02-1-38.2 and 050.02-1-23-1 located in an R-3 Single Family Residential District under Sections 228-4 & 228-8 of the Code of the Town of Webster.

NOW, THEREFORE, BE IT: RESOLVED that the Planning Board determined that the action is subject to a single agency review pursuant to Part 617.6(b)(4) of SEQR and that it is the most appropriate agency for making the determination of significance. The Planning Board therefore designates itself lead agency for the proposed action.

NOW, THEREFORE BE IT FURTHER RESOLVED that the Planning Board has determined that the action is a Type I Action based on the following criteria:

1. New York State Department of Health, Title 10, Part 97, Regulations Implementing State Environmental Quality Review, Section 97.14, Lists of Department Actions, 97.14(b)(2)(ii) lists realty subdivision as Type I action. The project is a realty subdivision as defined by the Public Health Law.
2. Section 617.4(b)(8) of the SEQR regulations states that “any Unlisted action that includes a nonagricultural use occurring wholly or partially within an agricultural district (certified pursuant to Agriculture and Markets Law, article 24-AA, section 303 and 304) and exceeds 25 percent of any threshold established in this section...”
 - a. According to Monroe County Development Review Committee review comments dated, 7/21/2021, this project occurs on or within 500 feet of land in agricultural production in Monroe County’s Eastern Agricultural District.
 - b. Part 617.4(b)(6)(i) identifies actions that physically disturb 10 acres of land are Type I actions
3. Section 617.4(b)(5)(iii) of the SEQR regulations which states that, “in a city, town or village having a population of 150,000 persons, 200 units to be connected (at the commencement of habitation) to existing community or public water and sewerage system including sewerage treatment works.”
 - a. According to the 2015 American Community survey 5-Year Estimates by the US Census Bureau, the population of the Town of Webster is 43,750 people. Therefore, based on criteria #2 above, the threshold established by criteria #3 is reduced to 50 units.
4. Because the proposed action includes the construction of 79 residential units, it exceeds the threshold established by criteria #3, making it a Type I Action.

MOTION FOR A TYPE I ACTION - NEGATIVE DECLARATION

Whereas the Town of Webster Planning Board (Planning Board) considered the request by Applicant, Forest Creek Equity Corp. to construct a 79-lot single family residential subdivision on 69.5-acres consisting of parcels with SBL #'s 050.02-1-38.2 and 050.02-1-23-1 located in an R-3 Single Family Residential District under Sections 228-4 & 228-8 of the Code of the Town of Webster.

Whereas at its August 17, 2021 meeting, the Planning Board determined that the action is a Type I action, that the action is subject to a single agency review, that it was the most appropriate agency for making a determination of significance, and declared itself lead agency. The planning Board received no objections to its declaration of lead agency.

Whereas the Planning Board has given consideration to the criteria for determining significance as set forth in Section 617.7(c)(1) of SEQR, and has

1. considered the information contained in the Full Environmental Assessment Form Part 1,
2. considered public comments directed to the Planning Board during the Public Hearing, and
3. completed Part 2 of the Environmental Assessment Form.

NOW, THEREFORE, BE IT RESOLVED that the TOWN OF WEBSTER PLANNING BOARD hereby determines that the proposed project will not have a significant adverse effect on the environment for the reasons set forth in the attached Full Environmental Assessment Form, Part 3 – Evaluation of the Magnitude and Importance of Project Impacts and Determination of Significance; be it further,

RESOLVED that the TOWN OF WEBSTER PLANNING BOARD is authorized to take all actions reasonable and necessary to file the Negative Declaration and discharge the TOWN OF WEBSTER PLANNING BOARD'S responsibility as lead agency for this action, be it further,

RESOLVED that the TOWN OF WEBSTER PLANNING BOARD, based on the information and analysis above, the referenced supporting documentation, and discussions of the action by the TOWN OF WEBSTER PLANNING BOARD as documented by the Minutes for this and other meetings, that the proposed action WILL NOT result in any significant environmental impacts, be it further,

RESOLVED that the TOWN OF WEBSTER PLANNING BOARD, therefore makes a DETERMINATION OF NON-SIGNIFICANCE, be it further,

RESOLVED, that the TOWN OF WEBSTER PLANNING BOARD, based on the above reasons issues a NEGATIVE DECLARATION as evidence of its determination.

SEQR-TYPE 1 ACTION EAF PART 3-DETERMINATION OF SIGNIFICANCE

The Planning Board has reasonably concluded the following results for the proposed action, when compared against the criteria in Section 617.7(c):

1. The proposed action will not have a substantial adverse change in air quality since it does not include a regulated emission source.
2. The proposed action will not have a substantial adverse change in ground or surface water quality or quantity since it incorporates water quality control measures for runoff and that help reduce potential flooding on the site and adjacent properties.
3. The proposed action will not have a substantial impact on the public water supply. The water supply is the MCWA which has adequate capacity to supply potable water for the Action.
4. The proposed action will not have a substantial impact on the public sewer system. Public sewer systems are owned and operated by the Town of Webster. The receiving sewer system and treatment plant has adequate capacity to treat sanitary discharges from the action.
5. The proposed action will not have a substantial adverse change in potential for erosion, flooding, leaching or drainage problems. Construction practices will conform to accepted storm water management and controls. The action includes storm water management practices for on-site development that reduce impacts on adjacent properties.
6. The proposed action will not have a substantial adverse change in existing solid waste production. Anticipated solid waste production is commensurate with single family residences. Disposal of residential solid waste is the responsibility of the homeowners and their individually contracted waste haulers.
7. The proposed action will not have a substantial adverse change in existing noise, odor or light since the structures are consistent with the character of the surrounding area. Lighting for individual parcels is directed to the interior of each parcel in accordance with Town requirements. A temporary increase in noise levels consistent with normal construction activities is anticipated during construction.
8. The proposed action will not have a substantial adverse change, or cumulative change in traffic since the receiving road have adequate capacity for the anticipated volumes of traffic.
9. The proposed action will not have a substantial adverse impact on the criteria listed under Section 617.7(c)(1)(ii) of SEQR because no habitats or threatened or endanger species were identified on or contiguous to the proposed site.
10. The proposed action is not located in an area designated as a Critical Environmental Area by the Town of Webster or New York State pursuant to subdivision 617.14(g) of SEQR.
11. The proposed action is not in material conflict with the Town of Webster 2008 Comprehensive Plan.
12. The proposed action will not create an impairment of the criteria listed under Section 617.7(c)(1)(v) of SEQR since the action is not located in or adjacent to the listed resources and is in character with the surrounding community.
13. The action will not result in a major change in the type or use of energy necessitating a change in capacity for the energy suppliers.

14. The action will not create a hazard to human health since it does not contain nor is it located adjacent to existing sources of hazardous substances or contaminants. The project does not contemplate the use or storage of hazardous substances or contaminants.
15. The action will not create a substantial change in use of the land since the action is consistent with zoning for the land, the existing community character, and the Town of Webster 2008 Comprehensive Plan.
16. The action will not attract a large number of people for more than a few days when compared to taking no action since the action is for private use. and does not create areas that will attract a large number of people.
17. The action will not create a cumulative impact on the environment as listed under 617.7(c)(1)(x), (xi), and (xii) of SEQR.

RESOLUTION 22-113

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

VOTE:

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

Anthony Casciani: Ok, we have that out of the way.

Applicant (DID NOT SAY HIS NAME AND NOT SPEAKING LOUD ENOUGH): I'm here for the administrative INAUDIBLE clarification.

Anthony Casciani: I believe all we are doing is modifying the original drawing that was approved. Other things came into play once it got approved that being a secondary access that was required for safety reasons by the Monroe County Fire or NY State Fire or whatever it is...It was fire code and all you have done is modified that with the extra road coming in just to accommodate access to the property based on the fire code. Everybody familiar with that when we approved it. The change is not really a significant change, it's a minor change so therefore it is not a whole new process or public hearing or anything. It's just a modification for a piece of road that was cutting in over there, that is it. Ok with that, any questions, or concerns?

Board: No

RESOLUTION 22-114

Anthony Casciani a made a motion to **APPROVAL OF THE ABDEERDEEN SUBDIVISION AT 230 SALT ROAD TO MODIFY DRAWING TO INCLUDE 2ND ACCESS BECAUSE OF NYS**

FIRE CODE which was seconded by Mark Giardina.

VOTE:

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

Applicant: (NOT SPEAKING LOUD ENOUGH) Just for clarification, INAUDIBLE preliminary INAUDIBLE and then final approval before.

Kyle Taylor: INAUDIBLE was amended 093 was the final approval.

- Minutes were approved for November 1, 2022. (John Kosel; seconded by Dave Malta)

With no other applications before the Board this evening Mr. Casciani concluded tonight's meeting at 8:00 PM.

Respectfully Submitted,

Signed



Mark Giardina, Secretary
Katherine Kolich, Recording Secretary

Dated 12/6/22

DEC 8 '22 AM 7:26
FILED WEBSTER TWN CLK

Dorothy M. Maguire