

Village of Webster
Planning Board Meeting Minutes

Meeting Minutes of November 6, 2014

Community Meeting Hall
29 South Avenue
Webster, NY 14580

Present:

Peter Adams, Kathy Bills, Judy Gurnett, Chris Krawiec, Peter Bowers
Attorney David Mayer, Building/Code Enforcement Officer Will Barham, Secretary Carol
A. Moranz

Absent: None

The meeting came to order at 7:30 pm.

Motion was made by Kathy Bills, seconded by Judy Gurnett to accept the minutes from the October 16, 2014 meeting. All in favor none opposed, motion passes.

1. Walt Baker, representing North Ponds Apartments, LLC requests application for final site plan and subdivision approval of approximately 3.4 acres for Phase 4 of North Pond's Apartments for project development under Incentive Zoning. Tax parcels: 080.05-1-65.1; 080.05-1-68; 080.05-1-66; 080.05-1-67; 080.05-1-69; 080.05-1-64; 080.05-1-63. Applicant proposes to re-subdivide seven parcels into one and construct a 3 story 50-unit apartment building, two 6- unit townhouse style apartments, and two 4-unit townhouse style apartments. Application is being reviewed under the Village Incentive Zoning Law. Property Zoned: Neighborhood Business.
2. Reuben Ortenberg, representing North Ponds Apartments, LLC requests application for a demolition permit for demolition of the "Baggage Depot" on the edge of the RG&E right-of-way on the West side of North Avenue, in conjunction with the application for final site plan approval of North Ponds Apartments, Phase 4. Application is being reviewed under the Village Incentive Zoning Law. Property Zoned: Neighborhood Business.

Applicant attorney Reuben Ortenberg stated the building design submitted will be a 3 story building with 49 units and one meeting room as well as a change to one townhouse with the addition of one unit. This design will be slightly less in square footage. He discussed the demolition of the baggage depot request. The Incentive Zoning cash amenity is tied to the certificates of occupancy. Delaying removal of the baggage depot will hinder the construction.

Dave Simpson – Walt Baker's partner- discussed changes to the site plan. There will be the addition of stop signs at the two entrances. He noted that the trash chute will be inside the building.

P. Adams said that while they are small changes, it is not the site plan that the Village Board approved for Incentive Zoning. He asked when construction would start. Applicant said they are waiting for the Department of Transportation because they don't have site plan approval yet.

J. Gurnett noted that the requested light is not on the new plans, per the request by the Planning Board. Architect will make note to add it to the plans.

Jim Fahey – Fahey Design – stated that the 3 story building will now have 40 one - bedroom units, 6 one - bedroom and study units, and 3 two - bedroom units. They have also added an additional elevator and a trash chute for inside trash collection, as well as a community gathering room on the main floor.

There will be one additional unit added to the townhouse at the furthest west end on Kittelberger Park, 20 feet to the west. This will result in one 7- unit townhouse and one 6 - unit townhouse.

The plan now adds more green space. This will also aid in parking. The townhouses are all 2 bedroom units. Apartments are in sprinklered buildings.

J. Gurnett asked if all the buildings are going to be the same colors. Mr. Fahey said that yes they probably will be due to the small number of buildings involved.

Attorney David Mayer said that the lots have to be put into single ownership and the cross easements need to be completed. R. Ortenberg said that as soon as they have the name of the owner they can do that.

Opened to the Public

Karl Laurer – Historic Preservation Commission – The main focus of their work has been trying to save the baggage depot. As a last ditch effort – the Rotary Club has come up with a possible solution. They are going to disassemble the depot, transfer it to North Ponds and reassemble a replica of it. We would like a 30 day moratorium to allow the Rotary to submit their plans.

Bill Ruoff – Rotary Club – We also have the Kiwanis Club involved in this. We are still looking into our insurance issues. The liability insurance that Morgan Management has asked for is the problem. We are hoping to get the roof off and save the sides and the floor of the building.

John Cahill – Mayor Village of Webster – We have had many meetings with Karl Laurer and Morgan Management trying to come to a resolution for this. We have looked into state funding with Senator Nozzolio and found that money was not

going to be available. Karl has worked for hours and hours trying to get this to fruition. We need to move this project forward.

Peter Elder – 59 Dunning Ave – I love this project and find it distasteful to have to bring this up. The baggage depot was part of the incentive zoning plan. It has been designated as an historic building. The Village Board considered this In Part 2 of the Environmental Assessment form which includes historic resources. If the depot is torn down, this will violate the incentive zoning resolution that was approved. Morgan has stated that some of the design characteristics of the new building will incorporate the baggage depot designs. I suggest leaving the building where it is and try to find the money to rehab the outside and then move on.

Rick Walter – 20 Elm St – I stand with Peter Elder.

Reuben Ortenberg – I have to disagree with Mr. Elder. I don't know if it is historically significant. I just heard Mr. Ruoff say that the roof needs to be thrown out. Photos seem to show this building needs to be retired. My client was ready to do the rehab when that was the amenity that the Village wanted. The Board decided to do something different. The mayor stated multiple times at the meeting Mr. Elder refers to that the baggage depot has nothing to do with the plan that was being approved. My goal is not to have to come back here. If Mr. Laurer and Mr. Ruoff can come up with a plan and a way to finance it in a way that doesn't hurt my client, let them come up with it and we can still work it out. The demolition won't happen right away. Perhaps the demolition permit can be issued for 30 days from now which will allow them to come up with a plan.

Closed to the Public

P. Adams – we appreciate all the work that the Historic Commission has done.

K. Laurer – I appreciate Mr. Ortenberg's suggestion for the 30 days. However, if the Planning Board issues a demolition permit start in 30 days that scares me; it would take 3-4 months to disassemble it. We don't want to stand in the way of progress. If we can move this building or reassemble it, that is the ultimate goal.

R. Ortenberg – If the Commission can come up with a plan in the next 30 days and you negotiate something in how it is going to be done, it will be done according to that negotiation. I am not agreeing to a delay of months because you have already had months and it hasn't worked. It is to my client's benefit if you do it because it will cost them less money.

P. Adams – We would like to put this to rest; it has been on our agenda for a long time. We have a nice site plan that we all agree is viable – the baggage depot has been an issue which I think in good faith negotiations between the Rotary, the Kiwanis and Morgan can come to an agreement.

K. Bills – it is hard to make comments on this project because it has changed so much. Morgan has made a lot of changes from our requests. It is hard to look back to something that was said in 2000 whatever.

David Mayer – Planning Board Attorney - In reading a section out of the Village Code - it uses **permissive language** (the structure MAY be preserved, not that it MUST be preserved) not **mandatory language**. The permit application is not complete until the SEQR process is complete. It needs to be done before the demolition permit can be issued. You can do it this evening if the Board so wishes. In regard to the site plan itself, I have some of the same concerns myself. I would be a lot happier if any such approval would go back to the Board of Trustees for final review if you are so inclined, subject to the final approval of the amended site plan by the Village Board.

R. Ortenberg – Morgan Attorney – There is no basis to send this back to the Village Board. We haven't changed the footprint. It is smaller than it was before. There is no reason to send it back to the Village Board and I am going to guess that they are not going to be happy to receive it back again either. They have already told the Planning Board that they approve this project. It is a site plan change not an incentive zoning plan change and that is the kind of thing that falls within the authority of the Planning Board to do site plan reviews.

D. Mayer said he would be a whole lot more comfortable if we had an Article 78 if we had that approval from the Village Board.

R. Ortenberg – how about this...how about we change it back to the previous plan?

P. Adams – if you change it back to the original plan that was approved by the Village Board, I think the project wouldn't be as good as what you are proposing now. I like what you are proposing now.

C. Krawiec – obviously this project has been on the books for a long, long time. Mr. Fahey – where are you in the process of construction drawings? They are in early state development – we are farther along on the brownstones than we are on the 3 story building. We could have biddable documents in 2 months. If all goes well, this could be a late spring or early summer start.

C. Krawiec – So there is time before shovels hit the ground – time to come up with a plan for the baggage depot. I don't see any conflict of work space. I am tired of looking at this site. Something needs to be done.

P. Adams – I agree this plan needs to move forward. The changes you made are good. Mr. Fahey said they can put it back to the old plan if that will move this forward but he doesn't feel it will be the best thing for the Village. C. Krawiec feels that this small change is significantly insignificant.

No other comments from the Planning Board.

Will Barham – from an engineering standpoint, if Morgan would give a call to the fire marshal about hydrant locations please. How binding is the resolution that the Village Board made regarding the original site plan? R. Ortenberg stated that the Village Board approved the incentive zoning, not the site plan. The Planning Board approves the site plan. The resolution does not state 50 units and 20 units. That is in the "whereas" clause portion of the resolution only. It is just a point of reference. It has very little legal significance.

P. Adams went over the SEQR items for the Board's consideration.

Motion was made by Kathy Bills, seconded by Chris Krawiec for a negative declaration on the environmental assessment and for an unlisted SEQR. All in favor none opposed, motion passes.

C. Krawiec asked if the baggage depot is removed will it just be green space. R. Ortenberg said that yes it will be green space only.

Motion was made by Chris Krawiec, seconded by Judy Gurnett for a positive recommendation for a demolition permit to be issued in 30 days conditioned on negotiations between Morgan Management and the Historical Commission. Reuben Ortenberg discussed with the Planning Board that they cannot put in the motion requiring others to negotiate. Peter Adams noted that the Board can either issue the demolition permit or not issue it. The Board cannot force negotiations. The motion was withdrawn by Chris Krawiec and Judy Gurnett withdrew her second on the motion. Motion was confirmed withdrawn.

Motion was made by Chris Krawiec, seconded by Peter Bowers for a positive recommendation for a demolition permit to be issued March 2, 2015. Judy Gurnett - nay, Peter Adams - nay, Kathy Bills - nay. Motion does not pass.

Motion was made by Kathy Bills, seconded by Judy Gurnett for the issuance of a demolition permit in 60 days. All in favor, motion passes.

Motion was made by Chris Krawiec, seconded by Judy Gurnett for final site plan approval for the plans submitted dated 10/26/14. All in favor none opposed, motion passes.

Motion was made by Judy Gurnett, seconded by Chris Krawiec to close the meeting at 9:15 pm. All in favor, none opposed, motion passes.

Respectfully submitted,

Carol A. Moranz
Planning Board Secretary