

Village of Webster  
Village Board Meeting  
January 9, 2014

Webster Community Meeting Hall  
29 South Avenue  
Webster, NY 14580

Present: Mayor Cahill, Trustee Byerts, Trustee Ippolito Jr., Trustee Lancy, and Attorney Don White

Absent: Trustee Balcaen

## Public Comments

Before the Public Comments section, Mayor Cahill made two announcements. Mayor Cahill said he accepted the resignation of Karl Laurer, the Chairman of the Historic Preservation Commission. He also said the North Avenue Project is on the agenda, with its own public comments section, to give it more exposure to the public so everyone can understand exactly what is being proposed.

Peter Elder – 59 Dunning Avenue – Said at the December 26, 2013 regular Village Board meeting, the Village Board cancelled the Village Board workshop scheduled for January 7, 2014 without making a motion. He said the Village Board did not adhere to Policy 2-3: Process to Change Dates and Cancel Meetings. He also said he has heard rumors that some things are being discussed in executive sessions that many not be germane to an executive session and referenced Public Officer's Law, Article 7, Section 105, dealing with executive sessions. He ended by asking the Village Board to try to adhere to this law the best they can and to be open.

## Village Board Business

Attorney Jerry Goldman and Architect Jim Fahy presented on behalf of Applicant Morgan Management. They presented amenities in exchange for incentives/relief being granted under Incentive Zoning to develop the property situated on the northwest corner of North Avenue and Kittelberger Park. The project is a multi-family residential project composed of seventy units. The three amenities that were proposed were: 1) rehabilitation/restoration to the exterior of the Baggage Depot building and the creation of a "pocket park" to the west of the building with twelve parking spaces to be utilized by those using the trail system and park, 2) replacement and installation of approximately 800 feet of sidewalk on North Avenue and Kittelberger Park, and 3) construction of a boy/girl bathroom facility at Schantz Park. The amenity package being offered totals in excess of \$200,000.

Mayor Cahill said the issue of sidewalks as an amenity came up at a Planning Board meeting. It was indicated that the sidewalks were not an amenity, and they would have to be installed regardless.

Mr. Goodman said that the sidewalks are an amenity to the extent that they are proposing to install sidewalks that are broader than what would normally be required.

Mayor Cahill reviewed the number of parking spaces with Mr. Goldman.

Trustee Byerts reviewed the number of units with Mr. Goldman.

Mayor Cahill asked how many units are going to be three bedroom units.

Mr. Fahy said the fifty unit building will contain one and two bedroom units, with approximately two-thirds being one bedroom and one-third being two bedroom, modest in size. He also said the townhouses are two bedroom units, with an option of a third bedroom on the ground level. He continued by saying the townhouses are still in conceptual design, but there could be as many as twenty three bedroom units to as few as half of those.

Mr. Goldman reviewed the number of parking spaces again. There are going to be 115 parking spaces.

Trustee Byerts wondered how the determination of the number of three bedroom units was going to be made.

Mr. Fahy said they will make a determination as they move forward into design development. It is not something they will be doing on the fly.

Trustee Byerts wondered if it would be possible to modify approximately less than fifty feet of sidewalk on North Avenue that intersects the bike trail to five feet in width.

Mr. Goldman said they could do that.

Mayor Cahill reiterated the concerns that he has had all along with the magnitude of the project in that area. He has issues with the lack of green space and that there is no place for kids to play other than in the streets and parking lots. He does not understand how the Baggage Depot benefits the Village as a whole, but understands the desire not to tear it down. He appreciates the fact that it is not being turned into a garage and that they are going to rehabilitate it to its original look, but does not see it as an amenity. Instead of a three story building, he would like to see it dropped down to a two story building.

Mr. Goldman said in order to be able to fund the amenities, they need to get a critical mass of units, and therefore, they cannot accommodate bringing it down to a two story building.

## Public Comments on North Avenue Project

Mayor Cahill read a letter from resident Harold Krieger that he read at a prior meeting, because he wanted to read it in the presence of Mr. Goldman and Mr. Fahy. Mr. Krieger stated in his letter that he expects to see stores and businesses on North Avenue, and he is skeptical of Incentive Zoning, citing incentives proposed by Morgan Management.

Donna Rickard – 68 Lapham Park – Read her comments that she made at a prior meeting, because she wanted to read them in the presence of Mr. Goldman and Mr. Fahy. She has an issue with incentives and related it to “you scratch my back, I scratch yours.” She wonders how many children are going to live there, because she is concerned there is no place for them to play. She also asked if there is going to be a 55 and older age limit on who will live there. She is concerned about parking. She said that every child that goes to Webster Schools costs the taxpayers \$12,600. She wonders

who is going to pay for the children that live there to be educated. She said she does not know if they are focusing on families with children and if they are using Federal funds. She said green space, a clubhouse, a playground, and a pool still need to be addressed. She ended by saying, “Three stories... I don’t think so.”

Mr. Fahy – Said they are not discouraging families from moving in, but the apartments are not designed to draw in families, because they are principally one and two bedroom units, heavy on the one bedroom, and smaller in size. He said they are looking more at the empty nester and active senior markets, and they have not put a 55 and older restriction on who lives there. He also said this community will be open to use of the community center, the swimming pool, and the areas at North Ponds Apartments located directly west.

Mr. Goldman – Said Federal funds are not to be used. He could not speak as to why there was a change in zoning, but could say the Incentive Zoning tool was adopted by New York State in the early 1990’s, and some municipalities have adopted it, while others have not. They feel it is appropriate in this particular circumstance. He agreed with Mr. Fahy that they do not anticipate there will be many children coming out of this project, if any. With regard to the number of parking spaces, they are exceeding the standard 1.5 ratio.

Mayor Cahill – Thinks the twelve parking spots will be overflow. As far as families go, he said it cannot be controlled, and it is an unknown.

Mr. Goldman – Said it is natural for kids to play within residential communities rather than at nearby parks. In regards to school district costs, the answer they usual get from school districts in the context of multi-family developments is that it is not an issue, because they are not at capacity in the classrooms.

Christine Gfeller – 223 Mercer Avenue, Gates – Property Manager at North Ponds Apartments – Said she understands about kids playing in the streets. Despite the fact that North Ponds Park is within walking distance and there are paths to it, she said kids do not want to go there to play. She pointed out yardage on the map. She mentioned the clubhouse, pool, and fitness center that are all within walking distance. She said the fitness center is never overcrowded and it has long hours and fob entry. In regards to Baggage Depot, she said it is a great idea, because she has had people complain, not want to move in, and ask if it is a low income area because of it. She said you are not allowed to have more than two people per bedroom in an apartment. From what she sees, a lot of their two bedroom apartments only have one or two people living in them and a majority of their three bedroom apartments have families living in them.

Eric Reynolds – 64 Kircher Park – In response to Mr. Krieger’s letter, he said it does not matter that it is a business area, because we cannot keep businesses alive on Main Street. He said why not put residential there, because businesses do not thrive there. He agrees North Ponds Park is right there, so it is a non-issue. He also said for some reason, people think families are going to be forced to live there, when in fact it is their choice to live there or not. He said right next door is the Storage Depot which has three stories, so what is the difference? He said it is unreasonable to not allow three stories in that area, because the Mayor does not like it. He said he disagrees with the Mayor’s opinion of this. Lastly, he said he does not understand what is going on with the Baggage Depot. He said there was talk at one time that stores were going to be put in it.

Mr. Goldman – Said the exterior of the Baggage Depot is going to be restored, and they will be putting a historical plaque on it to indicate what its historical purpose was.

Peter Elder – 59 Dunning Avenue – Started by saying he thinks this project fits in well with how this area is developing. He mentioned how the Storage Depot located next door applied for and received Article 13 permission to put in lofts, which are residential multiple. He also said he thinks the Baggage Depot helps residents understand the Village's history, and it should be preserved for everyone. In regards to the bathrooms at Schantz Park, he thinks anytime you can develop amenities into a park it is a good thing. However, he wonders if the Village has looked into the cost of maintaining the bathrooms-the cost to clean and stock them with supplies, when and how it is going to be opened and closed, and if any of this has been discussed with the Department of Public Works. He does not recall any outbuildings in any parks right now, so this is going to be something new that has not been done in many years.

Richard Walter – 20 Elm Street – Pointed out a long stretch of green space maintained by RG&E, the Town, and the Village on the map. He said we are better off having kids playing down there rather than vandalizing Veterans Park.

Wayne Conklin – 36 Kathleen Court – Said he has nothing against the Historic Preservation Commission wanting to preserve the Baggage Depot, but spending \$110,000 on shell seems to be a lot of money without getting some other amenity from Morgan Management. He said he lives near Schantz Park, and kids are just going to destroy the bathrooms there. He said we need to look for better amenities that are going to benefit the whole Village.

Donna Rickard – 68 Lapham Park – Said previously Trustee Balcaen suggested that perhaps the public could give their input on different amenities. She said the bathrooms at Schantz Park will not help right in the Village. She said now we are going to have the cost of maintaining those bathrooms and mentioned fiscal responsibility. She thinks this needs to be looked at again.

Eric Reynolds – 64 Kircher Park – Said the bathroom facility at Schantz Park was specifically asked for by the Village Board, and Morgan Management is just doing what the Village Board asked them. He said Morgan Management has asked the Village Board what they want and that was the only thing they brought up. He said there are no parks at the northeast side of the Village, and there was a beautiful place for a park on Lyon Drive. He said the Baggage Depot could have been moved there. He said there are other things that could have been done, but he is not sure if they are available at this point, now that we are three years into it. He ended by saying the Village Board needs to give Morgan Management ideas for amenities, and they cannot just shoot down everything Morgan Management comes to them with, and that is what he is seeing happen.

Mayor Cahill said there is nothing that will make him want this project to go through. He said he is one person on a five person Board. He said his opinion is now and has been in the minority, and he is not going to change it based on pressure or dissatisfaction with the amenities. He ended by saying the other four Board members have ample opportunity to address what Mr. Reynolds spoke about it.

Trustee Lancy said she thinks Matt Chatfield has a list of amenities that he recommends.

Peter Elder – 59 Dunning Avenue – Asked if this project needs to come under Incentive Zoning at all. He said Morgan Management has gone a long way in resolving parking issues and total space used. He also asked if Morgan Management could go through the normal planning process and just apply for variances from the Zoning Board. He said the Village Board has been given a difficult task of finding consensus among five people with different viewpoints to give Morgan Management amenities that they can adopt and afford to make this project go forward.

Mr. Goldman – Said Morgan Management has always had the option to proceed with variances. They are opting to engage in this process to see if they can come to a conclusion that is beneficial and acceptable to both sides. It is their choice to go this route.

Trustee Byerts said it would be nice for residents to give creative ideas for what they would like to have as amenities. He has not had anyone come to him with an idea for an amenity.

Resident at North Ponds Apartments – Said there were challenges with the children playing, but since the clubhouse and pool have been built, it has taken care of some of that. She also suggested turning the Baggage Depot into a museum.

Mayor Cahill and Mr. Goldman said the museum idea was suggested, and it was too costly.

Rick Walter – 20 Elm Street – Asked Attorney White if the Village Board has the right to be influenced by the cost to the school district. He wondered if this was an issue the Village Board is justified in letting influence their opinions.

Attorney White – Pointed out that what is in front of the Village Board is the determination as to whether the incentives requested and the amenities offered are sufficient quid pro quo. He said the impact on the school district could be a valid concern, but it should not be the sole reason why an application is denied. He does not think that is what is happening here. He said the Village Board did not mention it. It was Donna Rickard who mentioned it.

## Village Board Business Continued

Mr. Goldman and Attorney White discussed the steps going forward. In Attorney White's opinion, the application is sufficient. The Village Board was advised that they can either send it to the Planning Board for more input or they can vote to set a public hearing and go through the SEQR process.

Motion Trustee Byerts and Seconded by Trustee Ippolito Jr. to send the North Avenue Project to the Planning Board to review under Incentive Zoning Law, all were in favor and carried.

Motion Trustee Ippolito Jr. and Seconded by Trustee Byerts to approve the Village Board minutes of December 12, 2013, December 26, 2013, and January 2, 2014, Trustee Lancy abstained from the approval of December 26, 2013, Trustee Ippolito Jr., Trustee Byerts, and Mayor Cahill were in favor and carried.

Motion Trustee Ippolito Jr. and Seconded by Trustee Lancy after personal review of claims by Mayor Cahill and Trustee Ippolito Jr. to accept claims totaling: General - \$34,931.31, Water - \$13,557.71, Trust and Agency - \$980.63, and Prepaid - \$8,133.17, all were in favor and carried.

Motion Trustee Byerts and Seconded by Trustee Ippolito Jr. to approve the appointment of Josette Amalfi as Village Clerk and Deputy Village Treasurer contingent upon approval of the Public Officials and Indemnity Agreement by the Village's insurance carrier and with the terms below, all were in favor and carried:

- Term ending March 31, 2015
- Annual salary of \$53,194
- Two weeks of vacation upon commencement
- Start date of Tuesday, January 21, 2014

Motion Trustee Byerts and Seconded by Trustee Lancy to authorize Mayor Cahill to sign the Intermunicipal Agreement with North East Joint Fire District, all were in favor and carried.

## Attorney

Attorney White requested an executive session be held at the end of the meeting to discuss potential litigation. Trustee Lancy wondered if Attorney White knew the approximate date the Robb Cemetery deed was recorded. He said it was in December, and it should be on the Monroe County Clerk's website.

## Office

The Village Board reviewed the Comp. Time and Overtime Report for December 2013.

## Department of Public Works

Motion Trustee Byerts and Seconded by Trustee Lancy to authorize Fritz Hamel to attend "Food Processing Sanitation and Pest Management: A Pest Manager's Recertification Workshop" at a cost not to exceed \$125.00, all were in favor and carried.

Superintendent Swingly said he will have the arborist and equipment proposals related to the tree grant available for the Village Board to review by next meeting.

The Village Board told Superintendent Swingly he could start discussions with the property owners of 39 and 47 West Main Street to convert the expired parking leases into easements. Attorney White feels that easements are a win-win for the Village and property owners.

## Water Department

The Village Board is going to declare the Water Department vehicles as surplus property once Superintendent Swingly is able to sort through everything and recommend the best course of action for them.

Motion Trustee Ippolito Jr. and Seconded by Trustee Byerts to declare the Water Department assets as presented by Superintendent Swingly as surplus property, all were in favor and carried.

## Call In

No phone calls were received.

## Adjournment

Motion Trustee Ippolito Jr. and Seconded by Trustee Byerts to enter into executive session for a personnel issue and potential litigation at 9:08 p.m., all were in favor and carried.

Motion Trustee Byerts and Seconded by Trustee Ippolito Jr. to exit from executive session at 9:43 p.m., all were in favor and carried.

Motion Trustee Lancy and Seconded by Trustee Byerts to adjourn the meeting at 9:43 p.m., all were in favor and carried.

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Jamie Allman, Deputy Village Clerk

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John J. Cahill, Mayor