

**RESOLUTION ____ of 2025 OF THE WEBSTER TOWN BOARD TO
GRANT LIMITED RELIEF FROM AN ESTABLISHED SANITARY SEWER EASEMENT AT
819 HOUSTON RD, WEBSTER, NY 14580**

At a regular meeting of the Webster Town Board of the Town of Webster, Monroe County, New York, held at the Town Board Meeting Room, 1002 Ridge Road, Webster, New York on the 16th day of October, 2025 at 7:30 p.m., there were present:

Supervisor Thomas J. Flaherty
Councilwoman Patricia T. Cataldi
Councilman John J. Cahill
Councilwoman Ginny L. Nguyen
Councilwoman Jennifer S. Wright

The following Resolution was offered by _____ and moved its adoption:

WHEREAS, a sanitary sewer easement running through and on the property at 819 Houston Rd., Webster, NY 14580 recorded in the Monroe County Clerk's Office; and

WHEREAS, David and Ewa Turco are the owners of the property located at 819 Houston Rd., Webster, NY 14580, Tax ID # 063.20-2-18; and

WHEREAS, David and Ewa Turco have applied to install an 8'x18' shed and 4' black metal fence, within and through the aforesaid easement, and that in the event the placement and/or height of such fence is not in such conformance, such fence shall not be constructed unless the proper variance(s) is/are received from the Town of Webster Zoning Board of Appeals; and

WHEREAS, the applicants have requested relief from the Webster Town Board to permit the aforesaid privacy fence to exist upon and encroach within said easement; and

WHEREAS, the Town of Webster has the authority to grant the relief requested, and the public good will not be harmed thereby:

Now, Therefore be it Resolved:

1. Pursuant to application of David and Ewa Turco as the owner of the property located at 819 Houston Rd., Webster, NY, Tax ID # 063.20-2-18 and in recognition of the hardship created if the relief sought herein is not granted, the limited detriment to the Town of Webster, and upon consideration of all relevant factors, the Webster Town Board hereby allows the construction of the aforesaid fence and shed which will exist upon and encroach upon the easement affecting 819 Houston Rd., Webster, NY 14580.
2. This Resolution in no way applies to any other encroachment, violations or relief sought by the owners, their successors, grantees or assigns from any other building, structure or zoning violation which may exist on such premises.
3. This relief is granted upon the following conditions:
 - A. The proposed fence and shed shall encroach upon the said easement as proposed as drawn on the survey map prepared by Passero Associates, P.C. dated April 10, 2001.

- B. The proposed fence and shed shall not be expanded to further encroach on or in the easement, nor will it be moved from its permitted places within the easement as shown on the Instrument Survey Map presented to the Town Board, and as referenced above.
- C. Upon the destruction or demolition of the aforesaid fence or shed or any part of thereof, through natural causes or otherwise, the Owners of the fence and shed will not reconstruct them without a specific Resolution of the Town Board authorizing its replacement or reconstruction.
- D. The Owners of the fence and shed shall be solely responsible for any damage caused by or to the fence or shed as a result of the Town's maintenance of said easement, and the Owners, their successors and assigns further agree to indemnify, defend and hold the Town harmless from any and all loss or damage caused to or by the fence and shed as a result of work done by the Town as a result of reasonable and necessary work done by the Town within said easement.
- E. In the event of an emergency, or if the Town deems it necessary or imperative, the Town will have the right to remove or take down all or any part of said fence or shed, without recourse by the Owners or their successors or assigns to such removal or taking down.
- F. This Resolution shall in no way affect the rights, if any, of any other public entities or public utilities in or to said easement.

4 The record Owners of the proposed fence and shed and the Town of Webster will enter into a licensing agreement incorporating all the conditions of this Resolution in form and substance as approved by the Town Attorney, and which will further provide that the Owner, at his expense, will record the licensing agreement in the Monroe County Clerk's Office.

Seconded by _____ and duly put to a vote, which resulted as follows:

VOTE ON MOTION:

| | |
|----------------------------------|---------|
| Supervisor Thomas J. Flaherty | AYE/NAY |
| Councilwoman Patricia T. Cataldi | AYE/NAY |
| Councilman John J. Cahill | AYE/NAY |
| Councilwoman Ginny L. Nguyen | AYE/NAY |
| Councilwoman Jennifer S. Wright | AYE/NAY |

MOTION CARRIED/DENIED

Enter: October 16, 2025

DANENE M. MARR
Town Clerk
Town of Webster