

Chairman Larry Ruth called the meeting to order at 7:33 P.M. Members present were Gene Bavis (arrived at 7:20 P.M.), Elaine Leasure, Larry Ruth, Deborah Amsler and Pete Schillaci. Also present was Phil Williamson, Code Enforcement Officer and Norm Druschel, Building Inspector.

Pete Schillaci made a motion, seconded by Deborah Amsler, to dispense with the formal reading of the legal notice.

Motion carried.

Elaine Leasure made a motion, seconded by Deborah Amsler, to approve the minutes of October 17, 2007 as presented.

Roll Vote:	Gene Bavis	Absent
	Elaine Leasure	Aye
	Larry Ruth	Aye
	Deborah Amsler	Aye
	Pete Schillaci	Aye

Motion carried.

1. Application of Cindy Polisse for Special Use Permit to operate a sit-down and take-out family restaurant to be called "Feathered Bye Friends Cafe" located at 2263 Walworth-Marion Road. Property is zoned: B-1. (Public Hearing)

Cindy Polisse, 543 Macedon Center Road, was present to discuss the application for a Special Use Permit to operate a restaurant, "Feathered Bye Friends Café" located at 2263 Walworth-Marion Road. Joe Englert, landlord was also present.

Elaine Leasure questioned whether the building was in compliance? Norm Druschel, Building Inspector stated that he had conducted a fire inspection of the restaurant and had met with the State Health Department and there were no problems. The final item, the fire suppression system was completed that day.

Norm Druschel stated that all building codes have been met. Pete Schillaci questioned if Cindy Polisse has reviewed and agreed to the conditions of the Special Use Permit of the previous tenant, Carole Blaisdell (Carole's Country Kitchen)? Ms. Polisse stated that she had read the conditions to the original Special Use Permit and the only change would be the hours of operation: 4 A.M. to 10 P.M., 7 days a week. The seating capacity is dictated by the State and will remain 32.

Chairman Ruth stated that it was his recollection that there were parking issues that were never addressed with the previous tenant. Norm Druschel stated that there was a space for employee parking in the back of the building and Joe Englert has been instructed to put up an employee parking sign to designate the area. A resident stated for the record that Brown Electric has now moved into the space formerly occupied by the Physical Therapy office and questioned whether that was taken into account. Norm Druschel stated that there was adequate parking for the businesses at the plaza. Chairman Ruth questioned if the only way to get from the employee parking in the back would be along the road. Joe Englert responded, yes.

Chairman Ruth opened the public hearing.

There were no comments from the public.

Elaine Leasure made a motion, seconded by Pete Schillaci to close the public hearing.

Roll Vote:	Gene Bavis	Absent
	Elaine Leasure	Aye
	Larry Ruth	Aye
	Deborah Amsler	Aye
	Pete Schillaci	Aye

Motion carried.

Deborah Amsler made a motion, seconded by Pete Schillaci that the Planning Board adopt the following Resolution pertaining to the application of Cindy Polisse for Special Use Permit approval for property located at 2263 Walworth-Marion Road.

After considering the factors set forth in Chapter 180-53(B) of the Town of Walworth Municipal Code and the application for Special Use Permit approval, I move that the Board find:

- (1) the location an size of the proposed use, the nature an character of the operation involved, the size of the site in relation to the proposed use and the location is:
 - (a) in harmony with the orderly development of the zoning district in which it is located.
 - (b) does not prevent the orderly and reasonable use of permitted or legally established uses in the district where the proposed use is to be located or permitted or legally established uses in adjacent use districts.
 - (c) does not prevent the orderly and reasonable use of adjacent property or properties in adjacent districts, and
- (2) the location, nature and character of the operation involved in the proposed special use and the height of structure does not unreasonably discourage or prevent the appropriate development and use of adjacent lands and buildings in the district or land and buildings in adjacent use district or unreasonably impair the value of land within the district where the special use is proposed or in the adjacent use district, and
- (3) the use will be in harmony with and promote the general purposes and intent of Chapter 180 of the Town of Walworth Municipal Code, and
- (4) the public health, safety, welfare, comfort, convenience or the order of the adjacent land, surrounding neighborhoods in the Town of Walworth will not be affected by the proposed use in its location, and
- (5) the application for special use be granted upon the following condition:
 - 1. Hours of Operation are 4:00 A.M. to 10:00 P.M. (seven days a week).
 - 2. The capacity will be set at 32.
 - 3. The applicant will adhere to all Federal, State and Local Codes, as apply to the particular use.

Roll Vote:	Gene Bavis	Absent
	Elaine Leasure	Aye
	Larry Ruth	Aye
	Deborah Amsler	Aye
	Pete Schillaci	Aye

Motion carried.

2. Application of Wendy Murray & Wanda Arnold for Modification of Special Use Permit to increase number of children at Children’s Continuous Care, located at 369 Mildahn Road. Property is zoned: R-Residential with Daycare Overlay. (Public Hearing).

Wendy Murray and Wanda Arnold were both present to discuss the application. Wanda Arnold stated that she is seeking to modify the Special Use Permit to increase the number of children by 50, bringing the total to 162 children.

The increase of 50 children would be school-age only. The 3,000 square feet lower level of the building which is being finished off to accommodate the school age students. Norm Druschel and the owners have met with the State as to their requirements. The Health Department does not need to be involved as there are no meals being prepared on site.

The question was raised as to whether the septic is adequate to accommodate the additional children. Norm Druschel stated that it was adequate, but will request a letter from David Matthews, Engineer stating that the septic meets requirements and is adequate for the additional number of children.

How many staff will be added? At the present time, only one, but when the program meets capacity there will be four part-time employees.

Will the parking be adequate? Ms. Arnold stated that there is plenty of parking, as well as room for expansion if it becomes necessary.

Chairman Ruth opened the public hearing. There were no comments from the public.

Pete Schillaci made a motion, seconded by Elaine Leasure to close the public hearing. Motion Carried.

Pete Schillaci made a motion, by Elaine Leasure to modify the existing Special Use Permit to increase the student population of Children’s Continuous Care by 50 children subject to the following conditions:

1. All conditions of the original resolution whereby the Special Use Permit and the Site Plan approval were granted, dated September 18, 1998, the Modification of Special Use Permit & Site Plan, dated July 18, 2003 and Modification of Special Use Permit, dated June 12, 2006 be complied with; and
2. Applicant agrees to provide substantiation of adequate septic system capacity.

Roll Vote:	Gene Bavis	Aye
	Elaine Leasure	Aye
	Larry Ruth	Aye
	Deborah Amsler	Aye
	Pete Schillaci	Aye

Motion carried.

3. Application of Dan Streff for Special Use Permit to operate an auto repair shop and used auto sales to be called “Absolute Automotive of New York, LLC” located at 2310 Walworth-Marion Road. Property is zoned: B-2. (Public Hearing).

Dan Streff and Joseph Vinci were present to discuss the Special Use Permit to operate an auto repair and sales facility. The property is currently owned by Mike DeMareo and operates under the name, Wayne County Automotive. Mr. Streff stated that he would like to continue to operate the same type of business as the current owner. The anticipated closing date is the week of November 27, 2007.

Dan Streff stated that he would install a 4’ x 6’ sign, “Absolute Automotive” that would be located by the road. Phil Williamson stated that the sign meets code requirements, but before installing the sign, they need to check with the Highway Superintendent to make sure the location is okay and sight distance is maintained. Pete Schillaci questioned whether it would be lighted? Mr. Streff responded that it would be lighted and on a timer to be turned off by 9:00 P.M.

Norm Druschel stated that he would need to do a fire inspection.

Chairman Ruth questioned whether Mr. Streff and Mr. Vinci had read over the conditions of the original Special Use Permit. Both stated that they have read the Special Use Permit and understand the conditions.

Chairman Ruth opened the public hearing. There were no comments by the public.

Elaine Leasure made a motion, seconded by Pete Schillaci to close the public hearing. Motion carried.

Gene Bavis made a motion, seconded by Deborah Amsler, to approve the Special Use Permit to operate an auto repair shop at 2248 Walworth–Marion under the same conditions as the approval originally granted to Michael DeMareo on October 14, 1996, with the exception of a lighted sign to be installed according to code. The conditions are:

- | | | |
|-------------------------|---------------|-----------------|
| (1) Hours of Operation: | Monday-Friday | 7 A.M. – 6 P.M. |
| | Saturday | 7 A.M. – 1 P.M. |
| | Sunday | Closed |

- excluding the following legal holidays: Thanksgiving, Christmas, New Years Day, Labor Day, Memorial Day and Independence.

(2) Lighted sign as permitted by Town Code.

(3) Waste disposal in accordance with State, Federal and Local Codes for removal.

- (4) A copy of appropriate registrations from State and Federal agencies will be filed with the Town of Walworth on the proper form and registration numbers permitting the operation of an auto repair shop and sale of used cars at the above address.
- (5) Maximum of 22 vehicles, including employees' vehicles, with a minimum of 5 spaces for customer parking.
- (6) All repair and other work on vehicles shall be done inside of the building.
- (7) Will maintain a neat and orderly appearance outside the building. No parts, partially disassembled vehicles, damaged or other inoperable vehicles, waste barrels and/or other containers shall be kept outside of the building. If contract waster removal is used a small waste dumpster with doors and covers will be allowed, however no waste of any type shall be outside the dumpster.
- (8) All cars for sale will be in front of the building line and behind the highway right-of-way.
- (9) Applicants shall comply with all State, Federal and Local rules and regulations in the operation of the business allowed under this Special Use Permit.
- (10) This Special Use Permit shall be subject to review for violation or change of circumstance.
- (11) This Special Use Permit shall be subject to inspection by the Fire Marshall at anytime with prior notice.
- (12) This business shall be subject to an annual inspection and issuance of an Operating Permit by the Building Inspector.
- (13) Applicants acknowledge they have read and understand the conditions of this Special Use Permit and agree to abide by all terms and conditions therein, by signing and returning one copy to the Town of Walworth Building Office.
- (14) Site plan shall remain as that filed at the time of the original Special Use Permit. Map by C. Newton Gowdy dated 9/12/96 and signed by Chairman of Planning Board on 11/5/96, John H. Aman 11/6/96 and Paul H. Russell Jr. Town Engineer 11/10/96.

Roll Vote: Gene Bavis Aye
 Elaine Leasure Aye
 Larry Ruth Aye
 Deborah Amsler Aye
 Pete Schillaci Aye

Motion carried.

4. Concept discussion of Mr. John Spyralatos of 293 Atlantic Avenue to convey 6 acres of land to Mr. George Kasandrinos of 201 Atlantic Avenue. Property is zoned: RR-1.

John Spyralatos was present along with his neighbor, George Kasandrinos . John Spyralatos explained that he would like to sell six acres of his land along with a barn, on the west side of his property, to his neighbor, Mr. Kasandrinos. A sketch of the proposal was provided to the Board. Mr. Spyralatos stated that the present configuration has irregular lot lines and the new configuration would straighten out the lot lines.

The barn would be 125' feet from the property line that is within the setback requirements of an agricultural building to house animals. Norm Druschel confirmed that the setbacks are okay.

The Board did not have any problems with the concept.

Phil Williams stated that he did not think it needed to be submitted to the County as they were simply reconfiguring the lot lines. Mr. Williamson said he would check with the County to make sure that that the process could be handled administratively. Phil Williamson stated that the next step would be to complete an application, along with a letter requesting a waiver of normal subdivision requirement at a Planning Board meeting and to refer the application to the Code Enforcement Officer and Town Engineer for review and approval.

5. Letter from Heather Calmes of 1630 Penfield-Walworth Road requesting administrative approval to subdivide (reconfigure) property. Property is zoned: R

There was no one present to discuss the application for a simple realty subdivision for property at 1630 Wal-Penfield Road. The concept had previously had come before the Planning Board at the August 22, 2007 worksession.

Chairman Ruth read the following letter from the owner, Heather Calmes, that read:

“With respect to the subdivision of my property located at 1630 Walworth-Penfield Road (Route 441) in the Town, please consider this my authorization and request to allow this matter to proceed administratively, rather than proceeding through the lengthy, formal board meeting process.”

Phil Williamson stated that he had consulted with Art Williams, Town Attorney and there were no problems.

Pete Schillaci made a motion, seconded by Deb Amsler: I move, that we waive the normal subdivision procedure requirements and refer the project to the Code Enforcement Officer and Town Engineer for review and approval with the condition that the parcels be subdivided and merged within one year of the date of granting the approval.

Roll Vote:	Gene Bavis	Aye
	Elaine Leasure	Aye
	Larry Ruth	Aye
	Deborah Amsler	Aye
	Pete Schillaci	Aye

Motion carried.

6. Other

Joseph Englert posed a question to the Board. Mr. Englert asked if he would be able to have a horse on a 4-1/2-acre parcel of land that is less than the 5 acres of land required by zoning. He stated in this particular case, all setbacks would be met. Phil Williamson will check with Art Williams, Town Attorney as to whether he could seek a variance from the Zoning Board.

Elaine Leasure, made a motion, seconded by Deb Amsler to adjourn the meeting.

Chairman Ruth adjourned the meeting at 8:22 P.M.

Gail Rutkowski, Clerk