

Gene Bavis, Chairman called the regular meeting of the Planning Board to order at 7:30 P.M. Members present were Chairman Gene Bavis, Elaine Leasure, Steve MacNeal, Deborah Amsler and Karel Ambroz. Also present was Norm Druschel, Building Inspector and Phil Williamson, Code Enforcement Officer, Carl Hewings, Town Engineer and Denise Munson, Town Attorney.

Elaine Leasure made a motion, seconded by Karel Ambroz to dispense with the formal reading of the public hearing. Motion carried.

Elaine Leasure made a motion, seconded by Deb Amsler to approve the minutes of November 14, 2011 as written.

Roll Vote:	Steve MacNeal	Aye
	Elaine Leasure	Aye
	Gene Bavis	Aye
	Deb Amsler	Aye
	Karel Ambroz	Aye

Motion carried.

Karel Ambroz made a motion, seconded by Steve MacNeal to approve the 2012 Planning Board Calendar. Motion carried.

1. Dunstan Site plan located at Penfield-Walworth Road 520 ft. west of Orchard Street (concept discussion).

Fred Shelley, Shelley Associates, P.E., L.S., P.C. was present to represent the applicants, Mr. and Mrs. Bennett Dunstan. The proposal is for a single-family residence on a 92-acre parcel. Soil tests have been performed and there is a design for a private waste-water treatment system. The parcel is served by public water. Access is off of Route 441. The Board was in receipt of a map entitled, "Preliminary/Final Plan – Dunson Site Plan", dated 11/09/2011.

Chairman Bavis asked about the wetlands on the property. Mr. Shelley said that the residence is not in the 100 ft. wetlands buffer area.

Chairman Bavis asked how many acres were wetlands. Mr. Shelley said that he had not measured, he would estimate about 10.

Carl Hewings reported that he had prepared a list of comments to Shelley Associates that were minor in nature:

- 1) Provide check dams in swales along the driveway.
- 2) Provide sight distances at the intersection of the driveway and Penfield-Walworth Road in both (east and west) directions.
- 3) Provide hydrant flow data for the adjacent water hydrants and analysis of water service pressure at house.
- 4) A SWPPP is required that addresses erosion and sediment control and a NOI must be filed along with MS4 SWPP Acceptance Form.

There were no further questions from the Board.

The Planning Board Clerk said that the application had been sent to the County for their review.

The Board concurred that had no problems with the concept.

2. Resubdivision of Lands of Arline Christ located at 4384 Cream Ridge Road (concept discussion)

Fred Shelley, Shelley Associates represented the Christ's and their application. The Christ's own approximately 3.3 acres on 4384 Cream Ridge Road and plan to sell about 9/10 of an acre to Chris Bracatto, the neighbor directly to the north. It is simple-realty subdivision with no new construction proposed. One shed on that portion will be conveyed and meets the Town zoning ordinance as far as setbacks. The 9/10 acre-parcel will be merged with the existing parcel with his house. The parcel will be 110 ft. wide and 580 ft. deep. The Board was in receipt of a map entitled "Resubdivision of Lands of Christ", prepared by Shelley Associates, P.E., L.S., P.C., dated 11/30/2011.

The Board had no further questions or concerns and the Town Engineer was also satisfied with the concept.

3. Simple-Realty Subdivision of Land for the Estate of Stuart Huntley, Property located at 2430 Walworth-Marion Road. (concept discussion)

Linda VerPlank, executor for the estate of her father Stuart T. Huntley was present to answer questions regarding the realty subdivision of approximately 76 acres of land located at 2430 Walworth-Marion Road. She reported that she has two prospective buyers. One wants to purchase 40 acres and the other approximately 36 acres. A tax map showing the proposed subdivision was provided to the Board. No new construction is proposed at this time, although she could not speak of future plans the buyers may have.

The 40-acre parcel has an established 30 ft. culvert driveway installed by the County several years ago. The 36-acre parcel has a 20 ft. right-of-way on the east side of 2400 Walworth-Marion Road. There is also access on the west side before the creek. A driveway would have to be installed.

Chairman Bavis said that there is a hill and sight distance is an issue that would need to be checked. Linda VerPlank said, "Even though the culvert is already there?" Chairman Bavis said even though the culvert is there, it may not meet sight distance for a home. An engineer should verify sight distance to assure safe access.

The Board concurred that they had no problems with the proposal as long a sight distance is verified.

4. Application of John Sebastian/Vincent Costanzo for Special Use Permit to operate a used auto sales and service business at property located at 787 Plank Road. Property is zoned: Business (Public Hearing).

Mr. Vincent Costanzo was present to discuss the application for a Special Use Permit to operate used auto sales business at 787 Plank Road. A joint application has been completed by John Sebastian owner of the building and Vincent Costanzo, prospective tenant of the east side of the building. At the present time, the westside of the building has not been leased. Mr. Costanzo appeared before the Board at the August worksession and then again at the November 14, 2011 public hearing. At the November meeting the decision was made to table the public hearing until the December meeting, as the short form SEQR document was not included with the application.

Mr. Vincent Costanzo showed the Board a copy of a map that showed spaces for 22 cars (19 spaces along the eastside of the building and 8 spaces in the front). Mr. Costanzo said that 22 would be the maximum, although he did not intend to have that many cars to start with. Chairman Bavis expressed concern that there would not be enough parking for another tenant. Mr. Costanzo said he was "fussy about what kind of business would go in the other side". It would not be another car sales business and there would plenty of parking on the west side for a small business. Karel Ambroz said, "I'm concerned, I don't want to see it turn into a junkyard". Mr. Costanzo assured that it would not be a junkyard.

Chairman Bavis said that he notice there had been an addition to what was on the SEQR short form, saying "minor repair for the general public" and "it was my understanding that we were looking at a car dealership where the only work that would be done would be on the cars for resale". Mr. Costanzo said, "I have discussed this with Norm. I do not want to open up a full-service center, but I would like to registered as a repair shop so I would be able to make repair to other cars on a limited scale, I would not be doing engine jobs".

Chairman Bavis asked Phil Williamson what was submitted to the County? Mr. Williamson said that the submittal to the County said that it was a used car dealership with repairs and doll-up to the cars for resale only. The submission made no mention of minor repairs for the general public. Chairman Bavis said that it appears to be a "different kind of business now" and the County did act upon the application with the changes. Denise Munson agreed that since changes had been made to the original submission, the County should be made aware of any changes. The Board was in receipt of letter, dated November 1, 2011 recommended approval of the special use permit with conditions.

Discussion ensued and Mr. Costanzo said that he would rather stick with the original submission for a used auto sales business with repairs for cars for resale only, as he did not want to delay the decision and have to send the application back to the County. Chairman Bavis suggested that if Mr. Costanzo decides that he would like to be a registered repair shop in the future, that he come back before the Planning Board for a modification to the Special Use Permit.

Chairman Bavis asked for public comment.

There were no comments from the public.

Steve MacNeal commented that the application would need to have the phrase "minor repair to general public" removed from the SEQR document and Part II of the short form SEQR would

need to be completed by the Town Engineer prior to the issuance of the Special Use Permit. Carl Hewings said that he had not had a chance to review special use permit application or look at the SEQR so he did not feel that he could immediately complete Part II of the SEQR.

Karel Ambroz said that while he understood that the applicant was anxious to get approval so he can open his business, he felt that the public hearing should be tabled to give Carl Hewings the opportunity to review the Special Use Application and SEQR in its entirety.

Discussion continued as to whether or not the determination of significance (negative declaration) could be made that evening. Deb Amsler asked if there were any problems with the application. Norm Druschel said the building complies with Town Code and all fire and safety issues have been addressed to his satisfaction. There is a c of o on the building. Some of the Planning Board members felt that the matter was straightforward and rather than delay the applicant further, Part II could be completed that evening, but after further discussion, the Board came to the agreement that the public hearing should be tabled until January to allow Carl Hewing opportunity to review and comment on the application for the Special Use Permit. Mr. Costanzo expressed his frustration that the decision was going to be delayed yet again.

Steve MacNeal made a motion, seconded by Karel Ambroz to table the public hearing until the January 9, 2012 Planning Board meeting.

Roll Vote:	Steve MacNeal	Aye
	Elaine Leasure	Aye
	Gene Bavis	Aye
	Deb Amsler	Aye
	Karel Ambroz	Aye

Motion carried.

5. Application of Home Leasing, LLC for preliminary and final site plan approval for seasonal cabin and fish pond on property located west of Canandaigua Road. Property is zoned: PD – Planned Development (Public Hearing).

Jeffrey Leenhouts, representative for Home Leasing, LLC was present along with engineer Martin Janda, BME Associates, Fairport, NY. Jeff Leenhout explained that they are seeking site plan approval to build a seasonal cabin with septic system and a minnow pond next to the existing fishpond. The cabin will be used by the family for recreational use and will not be a year-round residence. An existing well will provide water. The Board was in receipt of a map entitled, "Gananda Cabin and Pond prepared by BME Associates", dated 8/11, rev. 10/20/11.

Initially, the project was situated on two parcels and an area variance would have been necessary for pond setback. However, the two parcels have since been merged together so the request for an area variance is no longer necessary. The Town Assessor has received confirmation from the County that the merge has taken place.

Karel Ambroz asked about driveway construction? Mr. Leenhouts said that it would be gravel and "seasonal" for the family and not for the public or commercial use. Access will be off Canandaigua Road.

In a letter generated by Parrone Engineering, dated 10/21/11 the following comments were made by the Town Engineer:

- 1) Provide check dams in swales along the driveway.
- 2) Provide silt fence between the cabin grading and the existing pond.
- 3) Provide silt fence between the driveway grading and the existing pond.
- 4) The NYSDEC website shows that there are "checkzone" areas adjacent to the proposed minnow pond. The applicant shall show the limits of that mapping on the plan and have a qualified biologist address the need for delineation of sensitive habitat per DEC requirements.
- 5) A SWPPP is required that address erosion and sediment control.

A response letter from BME Associates, dated 11/8/2011 offered the following responses"

- 1) Check dams have been added along the driveway.
- 2) Silt fence has been added to the plans between the cabin grading and the existing pond.
- 3) Silt fence has been added to the plans between the driveway grading and existing pond.

- 4) The plans show the limits of the field delineated NYSDEC wetland, as well as the 100 ft. wetland adjacent area. The minnow pond is located beyond the 100 ft. wetland adjacent area.
- 5) Per the current NYSDEC SPDES General Permit, a basic SWPPP consisting of the project plans will be filed as required for this project (more than 1 acre but less than 5 acres).

Carl Hewings was asked if he had reviewed the revised plans yet and said that he had not.

Chairman Bavis asked the Town Engineer if the comments were minor enough for the site plan to be approved with conditions and Mr. Hewings said that they were.

Chairman Bavis opened the public hearing.

There were no comments from the public.

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

The Short Environmental Assessment Form was completed and it was determined that the project was a Type 2 unlisted action and will not have any significant adverse environmental impact and a negative declaration was declared.

Karel Ambroz made a motion, seconded by Deb Amsler to accept the SEQR determination. Motion carried.

Elaine Leasure made motion, seconded by Karel Ambroz for preliminary and final site plan approval, as presented with the following condition:

- 1) All comments in the October 21, 2011 are addressed to the satisfaction of the Town Engineer.

Roll Vote:	Karel Ambroz	Aye
	Deb Amsler	Aye
	Steve MacNeal	Aye
	Elaine Leasure	Aye
	Gene Bavis	Aye

Motion carried.

6. Other - Twilight Valley RV Resort – “Public discussion on County comments pursuant to General Municipal Law 239”. (Public Hearing).

Chairman Bavis asked for a motion to reopen the public hearing.

Steve MacNeal made a motion, seconded by Elaine Leasure to reopen the public hearing. Motion carried.

Chairman Bavis said that at the November 14th public hearing the comments of Wayne County Planning Board were reviewed in detail. The developer was asked to work on the site plan to mitigate some of the County concerns. Chairman Bavis asked Don Lewis to update those present on the status of the project.

Don Lewis, AEY Enterprise explained that after the November 14, 2012 meeting, a letter dated November 18 summarizing the concerns and comments that the Planning Board felt needed to be addressed:

- 1) Driveway alignment – to minimize impacts of headlight on the Bannerman residence by moving the driveway to the south and extension of the berms.
- 2) Signage along the property boundary regarding trespassing
- 3) Signage along proximity of natural resources, such as the areas of the wetlands, drumlin and stormwater management facility to educate the park patrons
- 4) Physical barrier (fencing) type and location, particularly Dana White’s property.

Don Lewis stated that he had sent an e-mail to the Board on November 28, 2011. Attached to the e-mail was the revised entrance location and a copy of the style of the fence (per R.O.W. NYSDOT).

Don Lewis said that the driveway had been moved approximately 45 ft. to the south and straightened out so the vehicles that exit the park will not shine into the Bannerman property. The berms were extended and the vegetation shifted to best mitigate the situation.

Don Lewis spoke of the concern of fencing along the White's property. To mitigate the concern it was decided to fence the entire east line of the property and 50 ft. up the north and south lines of the property. The other area of concern was fencing along the DiGravio property. Mr. Lewis proposed looking at fencing for the DiGravio property during Phase 3 when the project is in closer proximity, and not at this time.

The property along the neighboring properties (White, Amelle, Kennedy, Schoonmaker) will be posted with two-sided signs on standard galvanized fencing spaced 50 ft. on center. The sign facing the neighbor would say "no trespassing" and facing the campground – "Limit of Twilight Valley RV Resort Property...Please be respectful of the neighbor's property and do not trespass".

Chairman Bavis said that he had not received the e-mail, but after investigation of the matter it was discovered that it was sent. Chairman Bavis asked for hard copies.

Chairman Bavis made a few comments regarding the County letter. He expressed concern that the County was using some "flawed reasoning for suggesting turning down the site plan". The County's comment was that the soil maps showed that the soils were not ideal in the area.. Chairman Bavis said that while the soil maps are alright for general review, the engineering showed that the soils passed. According to review the drainage has also been addressed. Chairman Bavis said that he was "most concerned about compatibility". He asked the public to address the noise, smoke, visual, property values and commercial vs. residential aspects during the public hearing. He also said, "My other thinking is that this is seasonal, opened six month a year", he said, "I think it is unrealistic to believe that if the project is turned down, nothing will happen there." So, what are the other scenarios of what will happen there....it could be residential (housing development)....it could be farmed (in another town someone threatened a pig farm when turned down). The other possibility is it could be used for other purposes, such as for noisy recreation (dirt bikes, ATVs).

Chairman Bavis said that he has an open mind and is listening and hadn't made up his mind yet how he would vote.

Chairman Bavis asked the Board for their thoughts on the issue and what concerns they would like to address.

Elaine Leasure spoke of fencing. Elaine Leasure said that she would not like to have the woods disturbed to put in fencing as the woods provide a natural barrier. The animals are part of the charm of the natural environment and should be maintained. She felt that animal crossing area of some sort would be needed. For most people, signs should be enough, but if anyone really wants to trespass they will find a way. It was suggested that if a problem arises, it could be reviewed as part of the annual permit and a fence could be added at that time. Steve MacNeal said that he agreed and the elevation of the White property will serve as a natural barrier.

Deb Amsler commented that her opposition of the fence is that it is "an all or nothing thing." Partial fencing and a four ft. high fence will stop most people, but there is always "a bad apple in the bunch" that will find a way over. She expressed that the cost to fence the entire property would be excessive for the developer.

There were no further comments from the Board.

Chairman Bavis invited the public to comment, asking them to respect the five-minute time limit.

Gregory R. Nearpass, Attorney-At-Law, Nixon Peabody, LLP, 1300 Clinton Square, Rochester, NY 14604

Gregory Nearpass, attorney at Nixon Peabody, 1300 Clinton Square, Rochester, New York 14604 opened by saying the he was present to represent property owners that live in the immediate vicinity of the proposed Twilight Valley RV Resort. He said, "In certain instances we represent the interest of the community when a particular project has demonstration that it does not comply with State or Local requirements or will result in serious and significant impacts to the community...the Twilight Valley RV Resort is one of those projects."

Mr. Nearpass distributed a letter, dated December 12, 2011 to the Planning Board. Attachments to the letter included: Exhibit A – Case Study (See It's Greener Now, Inc. v. New York State, Index No. 8269-08 (Sup Ct. Albany County 2009) – rescinding a negative declaration because new information was received regarding the project's impact to water quality). Exhibit B - Letter from NYSDEC – Natural Heritage Program to Diane DiGravio, dated 10/26/2010. Exhibit C - "Custom Soils Resource Report for Wayne County, New York, Boynton Road", prepared by the U.S. Department of Agriculture, dated 8/24/2010. Exhibit D – photograph of test hole, & Exhibit E – letter from Wayne County Planning Board, dated November 9, 2011 recommending denial for Final Site Plan, Phase 1 and Preliminary Site Plan, Phase 2 & 3 for Twilight Valley RV Resort.

Mr. Nearpass summarized portions of the letter:

"We have reviewed the record of the Application, including the Negative Declaration issued by the Town of Walworth Planning Board in accordance with the New York State Environmental Quality Review Act on February 23, 2011 (the "Negative Declaration"), as well as the subsequent letter from the Town of Marion Planning Board, dated April 7, 2011 and letter from the Wayne County Planning Board, dated November 9, 2011 and request the Planning Board to take the following actions:

- 1) Rescind the Negative Declaration, as provided for by SEQRA, thus requiring the preparation of an environmental impact ("EIS") for the Project;
- 2) Amend the Negative Declaration, as provided for by SEQRA; and
- 3) In any event, deny the Application.

Mr. Nearpass stated that "that there are "inadequacies" in the information provided and a "failure to respond to concerns raised by the public or by other agencies". He asked the Planning Board not to "rush to judgment", saying that there was "not a legal requirement compelling the Board to act tonight" and said that the "public hearing should remain open". Mr. Nearpass also said that he was "not made privy to the new information that the applicant submitted a week or so ago" and questioned whether those changes need to go back to the Wayne County Planning Board for their review and assessment of those changes.

Mr. Nearpass said that in light of new information, SEQRA needs to be amended or rescinded as new information demonstrates that there is in fact potentially significant adverse environment impact associated with this project. Mr. Nearpass contends that the Negative Declaration issued on February 23, 2011 was based on information provided by the applicant's engineer. Mr. Nearpass contends that while this was appropriate there were "inconsistencies" and "inadequate information" provided by the applicant's engineer. "In Part 1 of the the Environmental Assessment Form completed by the applicant was noted that the site does not contain "any species of plant or animal life that is identified as threatened or endangered." Information provided by the NYSDEC indicated the possibility of one or more threatened species. Mr. Nearpass said, "There is additional due diligence that the applicant needs to pursue to demonstrate that this is not an issue".

Mr. Nearpass also spoke on the issue of "compatibility with adjoining/surrounding land uses with ¼ of a mile". Mr. Nearpass said, "This project could not be more incompatible with the surrounding land use ...this surrounding land use is single-family residential, with agricultural farm operations. The project introduces a completely new use to the area; intense, clustered development for of up to 148 RV sites.

Mr. Nearpass spoke of ground water and water quality issues and the possibility of contamination from the proposed on-site septic systems in light of the new information provided in the U.S. Department of Agriculture (the Boynton Road Soils Report). The Board did not have this report when the negative declaration was made. Mr. Nearpass contends that the applicant has failed to provide a technical report that specifically addresses the septic issue and the Engineering Report, dated June 24, 2011 stating that the on-site septic system is designed in accordance with DEC guidelines, and will require a SPDES General Permit is not enough.

Mr. Nearpass also spoke on fencing. As recommended by the County, the entire parcel needs to be fenced..."I understand that there is a cost to fencing, but what is the cost of not fencing. The woods is not a natural barrier, one can walk through them". Chairman Bavis said that his time was up and Mr. Nearpass said, "I hope you will read what has been submitted".

Dana White – 4480 Boynton Road

Dana White read the following prepared statement:

"My name is Dana White and I reside at 4480 Boynton Rd. Our 10 acres lie in the middle of the proposed Twilight Valley campground and will be surrounded on 3 sides by this development. The Wayne County Planning Board has made several recommendations to the Walworth Planning Board on this and states that overall this development should be turned down, which most here tonight feel is the right decision.

The County recommends a second driveway for emergencies and is required by the Town in other developments. In a disaster, a bottleneck would almost certainly occur in the rush to get campers out and emergency vehicles in. The Town Engineer says another driveway is not practical. I see no problem since my driveway goes up the very same drumlin. Since when does cost to the Developer trump safety?

Increased setbacks, better use of berms, landscaping and fencing are also recommended. I find an increase to setbacks ironic, since the Walworth Master Planning Committee initially recommended 250 feet and Town Board changes it to 100 feet. Up to the last meeting I had no berms or fencing around my property. After I brought this up, the Walworth Planning Board said to have the developer put up a 4 ft. fence along the back of my property and to post the other two sides. I don't really believe that posted signs will be much of a deterrent and that fencing all three sides is the only option. Why should I have had to say anything about this at all? Isn't it the town's duty to look after my interests and not just the developers?

Smoke and the dangers from fires started by campers is a major issue. Up to 60 campfires will create large quantities of smoke and due to the location of my house this smoke will rise and enter my house causing health issues. Other properties will also be affected and campfire smoke is much more cancer causing than tobacco smoke. How many hours a day, how many days a week is the smell of smoke acceptable in my house and on my property? Campfire smoke is not in the character and harmony of the neighborhood thus creating a detriment. This board should No to Twilight Valley.

All property values directly affected by Twilight Valley will go down, some more than others. Does the town plan to compensate homeowners for their losses? I expect to lose 30-50 thousand dollars alone. That is what a realtor told me to expect and that's even if someone wants to buy a house surrounded on three sides by a campground. Once again this board should vote No to Twilight Valley.

The over wintering of campers should be strictly forbidden. I will have a bird's eye view of these from both my yard and house. This visual pollution will be an eyesore much like a junkyard and is not in the character and harmony of the neighborhood. This board should vote no to Twilight Valley.

Boynton Road is a quiet residential neighborhood. We have people from all walks of life including active military, a policeman, veterans, retirees and other law-abiding taxpayers who moved here for the peace and quiet of county living. To have our dreams shattered by a campground built by an owner whose goal is to make a profit with no intent to occupy the land is ludicrous. Why should we all suffer for another man's gain?

My home was here first. You, the Planning Board, allowed the subdivision to create this island situation and in doing so should accept responsibility for protecting me. Now I ask that you step up and do the right thing and say NO to a commercial development that clearly impacts my property in a very negative way. This matter should have been rejected from the very beginning – far too much has been invested by all concerned on a fundamentally flawed plan. Please end this now, without further expense, financial loss, and hard feelings, I urge you to do this as your neighbor, and ask you to put yourselves and your families in my situation.

In closing, I would like to re-extend my invitation to see what I will be dealing with. A member of both the Wayne County Planning Board and the Marion Planning Board came out without being asked. I thanked them for their time and consideration on this matter and I hope the Walworth Planning Board will do the same. I urge you to please take me up on this offer to see what I will be dealing with and see for yourselves what it really looks like, not just a small square on the site plan. Let me know what you would want, or how you and your families would feel if you were in my situation. Thank you for your time."

Jared Lusk, Attorney-At-Law, Nixon Peabody, LLP, 1300 Clinton Square, Rochester, NY 14604.

Jared Lush discussed a few more points made in the letter, He opened by saying that the application does not comply with Chapter 70 of the Town Code for standards for site plan approval, which Zoning Code § 70-8 requires for all campground development.

To summarize, the Town Code requires an "adequate and safe sewage system". Although we heard that the Planning Board Chairman disagrees with the County's evaluation regarding the septic systems, there "has been no credible evidence that the system works. There appears to be disparaging comments on record regarding the veracity and efficiency of the perk tests. There are problems, and once the septic systems are in and everything starts flowing there will be difficulty if everything isn't right". Further, he said that he has not seen any independent engineering report by a neutral third party regarding the septic system.

Mr. Lusk also read from Walworth Zoning Code §Section 151-16 regarding the impact to the neighborhood:

B. Neighborhood. The site plan and architectural plan shall be of a character as to harmonize with the neighborhood, to accomplish a transition in character between areas of unlike character, to protect property values and to preserve and enhance the appearance and beauty of the community.

"The application is clearly deficient in this regard", Mr. Lusk said. He contends that for the Boynton Road residents their homes are their primary investment and we must insure that adequate safeguards, such as signage and fencing are in place to protect their investment. "Once the decision is made, we can never go back"

Mr. Lusk commented on access and circulation saying that the applicant has failed to mitigate the traffic impacts associated with the Project. He also said that he had not had a chance to review the new traffic plan submitted and also said that Wayne County should have the opportunity to review the new plan. He commented that in light of the fact that driveway was relocated, "Was there enough information, and accurate information before the Planning Board initially to grant the negative declaration in February?"

Mr. Lusk commented on Chairman Bavis' comment about alternatives to this project that would probably have less of an impact on the neighborhood, saying that the proper way to examine that would be through the SEQRA process, either with more information as part of the EAF or an environmental impact statement to discuss alternatives to this project. "We can't forget and brush under the carpet the issues regarding the septic".

Mr. Lusk also said that he had not seen any comments from the Chief of the Fire Department regarding fire safety concerns. The importance of a second means of egress was mentioned in light of the volume of traffic. Mr. Lusk also said that a lighting photometric plan should be submitted to determine the lighting impacts proposed by the Project, and what mitigation measures can be used to limit the amount of light pollution and spillage onto adjacent properties.

Mr. Lusk concluded by saying, "The Site Plan is woefully deficient with regard to the Town's Standards".

Doug Weeks – 2614 Smith Hill Road read the following prepared statement:

"With regard to comments from the Wayne County Planning Board on the Twilight Valley RV Resort proposal, I would like to offer some words of encouragement and support to you as our representatives. This has been an emotional and challenging road for everyone involved. I do not envy the Planning Board's role in this, and to that end, many potentially impacted individuals have worked extremely hard to educate and inform you of specific concerns we have. Ironically, while we have seemingly been at odds in this matter, I believe we all share the same goal...living in the neighborhood and community in harmony, through proper planning and use of the Town's land. Undoubtedly, that is the very essence of why you have dedicated your time and energy in service to the residents of this town, and why residents continue to oppose an RV Resort at this location.

Through the continued solitary and determined efforts of the neighborhood, along with strong recommendations of your peers, in Marion and the Wayne County Planning Board, an abundance of information has been provided for you to harvest. As you continue to review this proposal, it is my sincere hope that you utilize the tremendous support and wisdom within these resources and see fit to deny this proposal."

Brian Bannerman - 4543 Boynton Road

Mr. Bannerman began by saying the new site plan showing the location of the entrance was better than before but still did not solve the problem. The first turn you make by the store still puts the headlines for a brief moment on my house. There is a five ft. berm, but my house is at first story elevation and the berm does not solve the problem. Mr. Bannerman commented, "My real concern is that on at least three different occasions, I listened to Mr. Lewis tell you and the Wayne County Planning Board this driveway could not be moved because of minimum sight distance...three different times he said that, and suddenly when it is the deciding factor it can be moved. You ask your own Town Engineer today if it meets the minimum sight distance, he didn't say yes...they plan on putting some warning signs down the road, so it tells me that this is no longer in compliance with the minimum sight distance. I don't know, but that is the feeling I am getting and maybe you should be getting as well."

Mr. Bannerman also spoke regarding noise, "what we have is a commercial venture, an office, a patio, large parking lot, a maintenance yard, a five-lane driveway and a queuing area for large diesel type buses that are going to sit. We have the first phase of 60 sites and 100 plus people coming and going Friday through Sunday. They will make a lot of noise." Mr. Bannerman said

he was police officer in the City of Rochester and one of his primary responsibilities as a noise enforcement specialist is writing tickets for noise violations. Mr. Bannerman said, "Last meeting we heard from our Town Attorney regarding the Walworth Sportman's Club and we were told that the noise ordinance is too vague to be enforced. Mr Bannerman asked, even if there was an enforceable noise ordinance, who is going to enforce it? I have a real feeling that there is going to any true noise enforcement when this becomes a problem. I can tell you from my personal experience that this project is going to create a lot of noise. It is going to create more noise than a residential area...it is a recreational area."

"I appreciate the effort that has been made to mitigate the concerns, but it does not address the core of the problem," Mr. Bannerman said. "There is going to be a lot of smoke, too."

Alan Schoonmaker – 4385 Hall Center Road (Town of Marion resident).

Mr. Alan Schoonmaker began by addressing the issue of fences. "It is fine with you, because you don't have to have 1,046 ft. of your boundary with campers on the other side. "You say woods is a deterrent...I say woods are an invitation". He also said that his neighbor Gerald Kennedy's property is within 62 ft. of the campground. "There has to be a fence", said Mr. Schoonmaker.

Mr. Schoonmaker took six pictures in June 2011 that he submitted to the Town Engineer. Mr. Schoonmaker said, "On July 5 he took picture of three perk tests that were 10 inches deep (ruler in the hole). How can anything be passed with 10 inch perk test holes?" He also showed pictures taken the day of the meeting showing the deep holes were still full of water and he said that the "should perk throughout the year". Mr. Schoonmaker said that he had researched on-line and in books and perk hole tests should be between 24 and 36 inches deep. He also addressed the comments from the County regarding Bombay soils were not "drainable". Mr. Schoonmaker said that he agreed with the County.

Mr. Schoonmaker also told Mr. Heald that if there were no posted signs on his side of the property and if there was a fence, he would not have been able to go onto the property to take pictures. Mr. Heald spoke from the floor saying that Mr. Schoonmaker had been told not to trespass.

Duane Piede – 4713 Boynton Road

Mr. Duane Piede read the following prepared statement:

"My name is Duane Piede and I have resided at 4713 Boynton Road for over 12 years. I have made my feeling known on this campground proposal many times before and do not wish to repeat my many issues and concerns with this Project out of respect for all of our time and patience.

I ask you to recall the training that you all received on May 25, 2011 from Parrone Engineering. That training contained the following segment, I quote:

"The Planning Board of Walworth shall aim to promote the health, safety, convenience, and general welfare of the community through the process of guiding and controlling the development of the use of land. The Board shall also bring about a better organized efficient and desirable place to live and work."

Please note that this Mission says nothing about facilitation commercial development at the expense of residential neighborhoods, I ask you to consider how, in good conscience, you can approve a commercial campground venture in the heart of a peaceful rural residential neighborhood and be consistent with your Mission as a Planning Board. There is ample evidence from multiple sources that this proposal has serious issues impacting health, safety, convenience, and the general welfare.

Planning Board and Town Boards come and go, but bad decision live forever. Please don't let Twilight Valley by your legacy project. A YES decision only starts a new chapter of rejection and conflict. A NO decision ends a flawed idea that should have never gotten this far. Please stand up for you community and vote NO."

Diane DiGravio – owner of property to the south of Twilight Valley

Diane DiGravio said, "I am actually here to ask a question." She commented regarding a portion of the Wayne County Planning Board letter of November 9, 2011 (page 3) that was never addressed. In regard to on-site traffic, the Board felt that: a second access to the parcel should be added, at least for emergency use (i.e. protected with a crash gate). I'm just posing a question, "Are there any plans for an egress for this project?" Chairman Bavis said, "The developer did not propose one and the Town Engineer made some comments about it. Diane DiGravio said, "It was not commented on at the last meeting, it was completely skipped over." Chairman Bavis said, "He did say at the last meeting that it wasn't practical....whether you agree

or disagree that is what he said.” Chairman Bavis was asked if he would like to elaborate and he did not. Diane DiGravio asked if she would get an answer at the end of the meeting or if it would be something she would have to ponder for another month or two?

Wayne Pembroke – 4613 Boynton Road

Wayne Pembroke read the following prepared statement:

“In regard to the proposed Twilight Valley RV Park and the traffic concerns stated by the Wayne Count Planning Board, I would like to address the serious safety issue of traffic volume at the intersection of Boynton/Daansen Roads and the Walworth-Marion Road.

On November 30, 2011, and again on December 2, 2011, I conducted my own fact-finding audit of traffic at the above location from 4-6 PM. In included a Friday, as that’s when most campers would be arriving at the campground.

The results on Wednesday, November 30th were 570 eastbound, 377 westbound, 43 northbound and 33 southbound for a total of 1024 in that two hour time period. On Friday December 2nd tallies were 570 eastbound, 393 westbound, 50 northbound and 31 southbound for a total of 1044. The bottom line was an average of 8 vehicles entering this intersection every minute!

With vehicles traveling at 55 mph, a heavy slow moving southbound camper on Boynton Rod will have great difficulty managing the Boynton Road rise onto the Walworth-Marion Road without being hit.

What surprised me most was the amount of westbound traffic. This means campers making a left turn onto Boynton would stack up creating a serious traffic hazard for cars coming over the hill from the west. A person in an eastbound car can’t see the intersection until physically at the yellow traffic sign at the top of that hill Your engineer agreed this is a problem, one the cannot be fixed. In their four-page list of rejections to the RV Park, the Wayne Count Board stated that “existing traffic counts on Walworth-Marion Road” show “one of the highest county road volumes”. This traffic hazard is one of the safety issues I hope you will weigh heavily when making you decision.

You have been presented with a mountain of evidence that this campground is not a good fit for this neighborhood and would be detrimental to many Walworth citizens, as well as putting at risk the geological underpinnings of a large sensitive area. If you approve this plan, you do so over the strong objection of the nearby residents, over the objections of the Marion Planning Board over the unanimous rejection of the Wayne Count Planning Board. I urge you not to take these lightly. The consequences of allowing this “mistake” to be built will leave a legacy behind I don’t think any of you want. “An ounce of prevention is worth a pound of cure.”

You have the right to vote NO and, I believe, you have the responsibility to vote NO!”

Bill Hughes – 4667 Boynton Road

“You started the conversation this evening talking about compatibility”. He explained that there are 40 residences within a ¾ mile radius, with over half of them in the Town of Marion. There are about 20 residences within a ¼ mile radius. Mr. Hughes submitted an image from Pictometry to the Planning Board Clerk that showed the residences within 1000, 2000, and 3000 ft. radius from Twilight Valley.

Mr. Hughes also showed three images from Pictometry that showed three other campsites in the area with far fewer residents within a mile. Most only had four, five or six homes within a mile. “Bottom line to me this is not a compatible use of this property”, said Mr. Hughes. It was his understanding that the developer purchased the property only this past summer, long after many issues were brought to the table, but he proceeded to go on with the project, anyway.

“I don’t think any of us are ready to go ahead and build the Park and find out how much things change, from a qualitative standpoint”. Mr. Hughes expressed that there may be another place in the Town that would be a better fit for an RV Park, “someplace that is more rural...where there are acres and acres of farmland where you may disturb a few rabbits, maybe a few cows and maybe even a pig farm, not 40 people within ¾ of a mile”.

Linda Seavert – 4597 Boynton Road

Linda Seavert read the following prepared statement:

“We believe as members of our planning board, that it is your responsibility to preserve and protect our environment. Because of this responsibility, we believe there is no way you can approve and allow this development, knowing in your heart it will change our existing environment dramatically.

Should you decide to move forward and approve this project our questions to you are:

How will you ensure our property is protected...from Trespassing? Pollutants – smoke, air contaminates, Littering? Noise? Lighting?

How will you ensure and protect us the neighboring properties, that our property will be preserved by this development.

As we have mentioned numerous times, the two culverts under Boynton Road directly affect our property and its value. One drains ground water onto our property, and one drains it off. We remain extremely concerned regarding the blue chemical campers use. We have o wonder, if this chemical can alter the Village of Palmyra's WWTP, which must handle millions of gallons of wastewater, what will it do to our ground water? We also worry about things like, campers washing dishes on their picnic table and dumping their water on the ground.

It is our Planning Board's responsibility to ensure the neighboring land is not negatively impacted by development. The current level of wet land on our property must NOT increase, NOR become contaminated.

If you approve, and this project goes forward, and in future, we are negatively impacted, how do we resolve it? Would the burden of proof be our responsibility? I trust you would never put this burden on us. Any damage or liability to our properties should be the responsibility of this Board, as well as the Town of Walworth as a whole, since they appointed you to this position.

If you cannot answer these questions, the answer to this development must be NO."

Linda Seavert added that the recent change of driveway location on the site plan brings the Twilight Valley entrance closer her property. She said she wasn't sure about sight distance, but felt that "it might be more of a detrimental location for the driveway". She also spoke of noise, smoke, and property values. Being an asthmatic there are health concerns.

Linda Seavert also said that when they bought their 50 acres of land they "banked on the current zoning laws and we now have approximately 1,200 ft. of frontage directly across from this RV Park". She realized that there may be development at some point and said "bring on the homes". "That makes tax income sense, to the Town, County and State. This plan does not make tax income sense." Our second fear is what happens when it fails....will be looking at vacant land or will we live in fear that it will be a mobile home park. Do you want to live across from a mobile home park? I don't think so, and we don't want to either".

Jeffrey Spring – 4664 Boynton Road

Mr. Jeffrey. Spring spoke on noise. "Every one of these RV's will contain a generator. On a cool, summer night with my house having the windows open, with the campers in a tin RV, 148 generators will go on....I don't want to listen to that noise".

Fred Walker – Marion Planning Board, Chairman

Mr. Walker read the following statement:

"Thank you Gene for the opportunity to speak with you this evening. It has been an emotional time for all of you and I totally understand it being a Planning Board Chairman. I have been a member and chairperson for the Marion Planning Board for over 25 years and a retired Science teacher and my name is Fred Walker.

I have always had a great concern for our environment and protecting valuable natural resources. I have attended three of your meetings as the approval process of the proposed RV Resort has moved forward. The Marion Planning Board is concerned and interested in your actions because the proposed resort borders the Marion-Walworth Town line. Two of our Marion Town residents have homes and are immediately adjacent to the proposed property.

At your November meeting I was encouraged to see some dialog taking place among your board members with regard to some of the specific aspects of the proposal and I commend you on starting to converse so the public can hear this. However, what I have not heard at any of the meetings until tonight is the Board members addressing the so-called "elephant in the room" - specifically, is the proposed RV Resort the 'right' use of the land given the surrounding residential areas?'

I continually reinforce to our Marion Planning Board members that their task on the Planning Board is to ensure that land use is consistent with the Town's Comprehensive Development Plan, and yet, continue to protect the values of the Town's property owners. They have two jobs.

If we put aside the majority of the arguments that are presented by the residents who oppose this project--the key decision in my opinion, is whether the proposed RV Resort is consistent with maintaining the residential nature of the immediate area. The residents have elected to live where they do for a variety of reasons, I'm sure. One of the most significant reasons, I believe, has to do with the remoteness and peaceful nature of the immediate area--something they truly treasure and want to maintain.

The RV Resort poses a threat to the very reason they located where they have! This is true for both Marion and Walworth residents. Their tranquil and peaceful area will be potentially impacted by the RV Resort, if it is approved. There will be more traffic, noise and campfire smoke to name just a few.

I am sure that when the residents decided to locate in this area of woodlands and hills they never dreamed that a commercial enterprise would eventually be proposed smack dab in the middle of their neighborhood. From a Planning Board perspective this is something that should be guarded against. I'm here to encourage all of you, Board members, to make a decision that you can be proud of in the future: One that follows good planning guidelines, addresses the concerns of the residents, preserves the neighborhood and protects the environment. It will be a decision that will help strengthen your community and protect our Marion residents at the same time."

Joseph DiGravio – owner of property to the south of Twilight Valley

Mr. DiGravio spoke regarding fencing. "When you said 98% of the people will obey signs and 2% won't. My perspective is that the 98% of people who venture out will be children without adult supervision. I would say 98% of children will not obey it. I have a nine-year old son at home and when he sees that pond there is no sign will stop him from running to that pond to throw rocks. Who is responsible for liability if a child drowns in my pond? I feel that the 98% venturing out will be children".

Debra Dammert – 2630 Smith Hill Road

"I could go on repeat other comments, but you can see we have a great neighborhood and would welcome more great neighbors (houses). I would respectfully ask the Board to make their final vote as if they were a Boynton or Smith Hill Road resident".

Jonathan Simmons – 4427 Boynton Road

"I live in the old Pettey Farm and that area was zoned residential/agricultural when I moved in and I'm okay with a pig farm, but am not okay with a commercial enterprise. I'm not going to repeat everything said, but I will say that as long as this has been going on I haven't heard from Kevin Heald. From where I come from people say what they mean...so Kevin, please tell us your point of view."

Frederick Nudd –4897 Arbor Road

This is the second meeting where the Board is discombobulated with the regard of paper copies at the meeting...I would like to see that well ahead of your meeting everything is in order. I am the engineer that found and brought to your attention the issues regarding soils, smoke, electric, soil removal, nonagricultural spraying, deficiencies of the , custom soils report. All of these show that the EAF was deficient and should have been given a positive declaration."

There were no further comments from the public.

Chairman Bavis asked Carl Hewings and Norm Druschel to address a number of allegations regarding "flaws in the soil testing and perks". Carl Hewings said that a number of perk holes were conducted in an "exploratory fashion to determine the best place for the location of septic tanks and systems". Some of the locations have changed through the past 18 months. Mr. Hewing said that he did not personally witness the tests, but data on the perk tests witnessed by Norm Druschel is consistent with regulations of the State of New York.

Norm Druschel stated that perk tests were done near Mr. Schoonmaker's property and they failed and were relocated. Mr. Schoonmaker took issue with Norm Druschel saying, "the three holes that were 12 inches deep were closer to Mr. White's property than mine, on the west side of that field. You know as well as I where they are." Mr. Druschel said, "No I don't know where they are." Mr. Druschel said, "Every hole I witnessed that day passed and it is on the plan. I resent that my integrity in witnessing the test is questioned and "the someone is taking a soils designation out of a book instead of what I actually witnessed." Mr. Schoonmaker again brought up the pictures showing 12" perk tests.

Resident Diane DiGravio spoke from the floor and said that to her knowledge the Twilight Valley RV Resort Plans were submitted on October 8th, with the actual witnessing of the holes were done on October 13th and October 15th.

Elaine Leasure questioned if the informal traffic study conducted by Boynton Road resident, Wayne Pembroke was in line with the official Stantec Traffic Study. Town Engineer, Carl Hewings said that they were "not markedly different".

Chairman Bavis said that there were several options at this time. 1) close the public hearing, 2) discuss further at the next meeting, and 3) close the public hearing and take a vote.

Resident Fred Nudd said that he thought it was premature to vote in light of new technical information presented.

Elaine Leasure said that she needed more time to read the new information provided by Nixon Peabody, LLP. Steve MacNeal agreed that with "more substantiated" information he also would like additional review time.

Steve MacNeal made a motion, seconded by Deb Amsler to keep the public hearing open.

Roll Vote:	Steve MacNeal	Aye
	Elaine Leasure	Aye
	Gene Bavis	Aye
	Deb Amsler	Aye
	Karel Ambroz	Abstained

Motion carried.

Chairman Bavis adjourned the meeting at 10:04 P.M.

Gail Rutkowski, Clerk