

Gene Bavis, Chairman called the regular meeting of the Planning Board to order at 7:31 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, Brendan Bystak, Town Engineer (LaBella Associates, P.C.), Mark W. Tayrien, J.D., AICP (LaBella Associates, P.C.), 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.

Deb Amsler made a motion, seconded by Karel Ambroz to approve the minutes of December 12, 2011 as written.

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

Motion carried.

1. Application of Arline B. Christ for preliminary and final subdivision approval for resubdivision of an existing parcel into 2 lots and conveying approximately 9/10 of an acre to adjacent neighbor, Charles Brucato. Property is located at 4384 Cream Ridge Road, 650 ft. south of Atlantic Avenue. Property is zoned: RR-1. (Public Hearing).

Fred Shelley, Shelley Associates, P.E., L.S., P.C., was present to represent the applicant. Mr. Shelley explained that he came before the board at the December 12, 2011 meeting to present the concept and the Board was satisfied with it.

Brendan Bystrak, LaBella Associates, P.C., Town Engineer reviewed the subdivision plan and supporting documentation, including a map of the "Resubdivision of Lands of Christ", prepared by Mr. Frederick Shelley L.S., dated December 2, 2011 and made only minor comments in a letter dated 1/9/12. The proposed resubdivision would transfer ownership of 0.960 acres between neighbors, no new parcels would be created and no new development was proposed., One drawing clarification was requested: to note on the existing rear lot line of Lot 26 (Charles Brucato, 3392 Cream Ridge Road) the annotation "former parcel line".

Chairman Bavis opened the public hearing.

There were no comments from the public.

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

Karel Ambroz made a motion, seconded by Elaine Leasure to grant preliminary and final subdivision approval as presented with the following condition:

- 1) All comments in the January 9, 2012 letter from LaBella Associates are addressed to the satisfaction of the Town Engineer.
- 2) The application is classified as a Type II Unlisted Action and a Negative Declaration was declared.

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

Motion carried.

2. Application of Mr. and Mrs. Bennett Dunstan for preliminary and final site plan approval for property located on Route 441, approximately 522 ft. west of Orchard Street. Property is zoned: R – Rural Residential. (Public Hearing).

Fred Shelley, Shelley Associates was present, to represent the Dunstans who were also present. Mr. Shelley explained that the application was for a site plan for a single-family dwelling on approximately 92 acres located on Route 441, across the road from Lorraine Drive. Mr. Shelley explained that he came before the board at the December 12, 2011 meeting to present the concept and the Board was satisfied with it. The Board was in receipt of a map entitled, "Preliminary/Final Plan Dunstan Site Plan", prepared by Shelley Associates, P.E., L.S., P.C., 3730 Walworth-Ontario Road, P.O. Box 42, Walworth, NY 14568, dated 11/09/2011, Rev. 12/13/2011.

Chairman Bavis read the letter from the County dated December 19, 2011:

"At its regular meeting on December 14, 2011, the Wayne County Planning Board reviewed the above-referenced referral and recommended approval of the prelim/final site plan with the following comments:

- 1) Emergency vehicle access should be provided for (which appears to be),
- 2) Given the parcel acreage (approx. 92 acres), future plans for the remainder of the land should be considered/discussed,
- 3) Screening should be considered between the proposed and nearby houses to help them remain compatible,
- 4) The applicant should be aware that the parcel appears to contain FEMA flood zone, NYSDEC and national wetland area and therefore all applicable regulation should be adhered to and
- 5) Based on the distance from the road, water service should be confirmed to meet NYS Uniform Fire Prevention and Building Code regulations (i.e. there should be adequate flow for fire suppression)."

Chairman Bavis asked if the site plan called for any type of screening, such as trees. Fred Shelley said that there were no trees on the site plan, as the proposed house was 400 ft. from any adjoining homes. The existing homes are less than 100 ft. from one another, so he felt that this site plan was compatible with the neighborhood. Chairman Bavis said that he would suggest planting a few trees as a neighborly gesture, but would not make it a condition of approval.

Fred Shelley said he had received word from the Wayne County Water and Sewer Authority that they had reviewed the plan and said it was okay for approval.

Fred Shelley said that he had received the Town Engineer review letter dated January 9, 2011, and there were several minor technical comments. Brendan Bystrak agreed that the comments were minor and expressed that the site plan was ready for approval.

Karel Ambroz asked if there were any plans to subdivide the property and Fred Shelley said there were no plans for subdivision.

Chairman Bavis opened the public hearing.

David Reville, 3877 Orchard Street questioned how waste water was going to be handled. He expressed concern about manure management and where the manure lagoons would be located. Fred Shelley said that at this time the site plan was for a proposed 4-bedroom home with public water supply and served by a private septic system. Mr. Shelley responded that there has been some discussion of a future agricultural operation, but at this time the site plan is for the residence only. No manure lagoons are planned at this time.

There were no other comments from the public.

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

Elaine Leasure made the following motion, seconded by Karel Ambroz:

I move, the action be classified as a SEQR Type II, Unlisted Action and a Negative Declaration be declared.

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

Motion carried.

Elaine Leasure made a motion, seconded by Karel Ambroz to grant preliminary and final site plan approval as presented, with the following conditions:

- 1) All comments in the January 9, 2012 letter from LaBella Associates are addressed to the satisfaction of the Town Engineer.
- 3) After reviewing the Site Plan the Town of Walworth Planning Board has determined that a suitable park or parks of adequate size cannot be properly located in any such Site Plan and is otherwise not practical. Therefore, a payment to the Town (the amount having been determined by the Town Board and found in Town Code Section 180-58 paragraph E (13)) shall be assessed at the time of issuance of a building permit. Said sum shall, be used by the Town exclusively for neighborhood parks, playgrounds or other recreational purposes including the acquisition of property.

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

Motion carried.

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

Vincent Costanzo was present to answer questions that Planning Board posed about the request for a Special Use Permit to operate a used auto sales business at 787 Plank Road. He had appeared before that Board on several occasions about the matter. At the December 12, 2011 Planning Board meeting, the public hearing was tabled to allow the Town Engineer the opportunity to review the application in its entirety and complete Part 2 of the Short Form SEQR.

There had been some confusion at the December meeting as to whether or not Mr. Costanzo had changed the application to include doing limited repairs for the general public. After some discussion at the December meeting, Mr. Costanzo agreed to stick with the original submission for a used auto sales business with repairs for cars for resale only. He agreed that he would come back before the Planning Board for a modification to the Special Use Permit, if he decides to change the scope of his business in the future.

After the December meeting, Mr. Costanzo submitted an accurate application and SEQR short form for review by the Town Engineer. All mention of doing repair work for the general public had been removed from the documentation.

Chairman Bavis said that the application would not have to go back to the County for review, as Mr. Costanzo had agreed to stay with the original application (doll-up & repairs of cars for resale, only) and not do any car repairs for the general public.

Town Engineer, Brendan Bystrak reviewed the application, plan and supporting documentation and summarized his finding to the Board in a letter dated January 9, 2012.

He said that the Plan by ACE Architecture indicates 8 (8' x 20') parking space on the south side of the building and 14 additional parking spaces on the west side of the property along the creek. He also reviewed the application for SEQR and said it was an Unlisted Action under SEQR's regulations and completed Part II of the SEQR short form and provided a draft Negative Declaration for consideration by the Planning Board.

Chairman Bavis opened the public hearing.

There were no comments from the public.

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

Motion carried.

Karel Ambroz made the following motion, seconded by Elaine Leasure:

I move, the action be classified as a SEQR Type II, Unlisted Action and a Negative Declaration be declared.

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

Motion carried.

Deb Amsler made the following motion, seconded by Steve MacNeal:

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 and size of the proposed use, the nature and 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 which the proposed use is to be located or permitted or legally; established used in adjacent 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 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 application for special use be granted upon the following conditions:
 1. Hours of Operation

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| Monday – Friday | 7 A.M. – 8 P.M. |
| Saturday | 8 A.M. – 6 P.M. |
| Closed Sunday and Major Holidays | |
 2. Property to be maintained in an aesthetically pleasing manner through use of landscaping, screen storage area/s, property maintenance, etc.
 3. No wrecked car on premises.
 4. Minor mechanical repairs, doll-up and oil changes for autos for resale only.
 5. All right-of-ways to be kept open. Displayed vehicles should not impeded sight distance.
 6. Maximum number of cars on property will be 22.
 7. Toxic/hazardous materials should be properly stored, handled and disposed of
 8. Sign as permitted by Town Ordinance.
 9. Copy of Dealer license needs to be on file and sign posted on building.
 10. Compliance with all federal, state and local laws.
 11. Special Use Permit will be subject to review for violation or change of circumstance.

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

Motion carried.

4. Twilight Valley RV Resort 4500 Boynton Road – continuation of the Public Hearing

Chairman Bavis asked Don Lewis, project engineer to update those present on the project.

Don Lewis said that he had received some minor comments for plan details from the Department of Health. Mr. Lewis said that he has discussed the comments with the Town Engineer. Mr. Lewis also reported that he had appeared before the Town Board about the implementation of the Water District. "Aside from the revised entrance plan that was submitted at the December Planning Board meeting and suggestions on fencing and signage, that is where we stand at the moment".

Chairman Bavis asked the Board if they had any concerns or questions regarding the documentation presented to the Planning Board at the December meeting by Nixon Peabody, LLC representing a group of landowners in the vicinity of Boynton Road.

Steve MacNeal said that there was reference on page 5 of the documentation to, "Approval from the County, State and Town Engineer for an adequate and safe septic system. Did we get approval from the County Engineer? Is there a County Engineer?" Phil Williamson said there was no County Engineer and that any approval would be granted by the State Health Department.

Elaine Leasure commented that in a couple of places in Nixon Peabody letter there was mention of "possible judicial action" and she asked Denise Munson, Town Attorney to comment.

Denise Munson said, "Certainly in a highly contested development project, pretty much any decision could be subject to an Article 78 proceeding and judicial action. In this particular case, what is before you...a lot of these issues are issues that have been addressed before. You were aware of these issues, many of them right from the get go. The County letter of November 9th does indicate that it 'has concerns', however it also indicates that you have dealt with some of these issues, so they are or will be in compliance with local and state law. Do I see anything glaring that would indicate that I should require you to order more reports or do another study...I'm not recommending that to you right now. If you feel that you have sufficient information before you...information that you have gleaned from many months of the process, I am not suggesting that you need anything more right now."

Jared C. Lusk, Nixon Peabody, LLP, Attorneys at Law, 1300 Clinton Square, Rochester, NY 14604

Mr. Lusk presented the following letter dated January 9, 2012:

Dear Mr. Bavis and Members of the Town of Walworth Planning Board:

Please accept this letter and enter it as part of the record regarding the Planning Board's review of the Application submitted by TJKK Properties LLC and Kevin Heald (the "Applicant") for the Twilight Valley RV Resort (the "Project") off of Boynton Road (the "Site") in the Town.

At the Planning Board's December 12, 2011 meeting, we submitted a detailed letter; with exhibits) explaining the deficiencies with the Application and how the Project does not comply with the New York State Environmental Quality Review Act ("SEQRA") or the Town's Zoning Code ("Zoning Code"). A copy of our December 12, 2011 letter and exhibits was also provided to the Applicant's Engineer. To date, we have not received any response from the Applicant addressing any of the concerns raised in our letter.

I. Soils

The Zoning Code (Chap. 70) requires the Applicant to provide an "adequate and safe sewage system." As set forth in our December 12, 2011, there are serious and significant issues regarding the ability of the soils to accommodate a private, on-site septic system. The Applicant has provided no additional information to address any of the concerns detailed in our December 12, 2011 letter.

What is needed, and what was requested by the neighbors and the Wayne County Planning Board in its May 25, 11 letter, is an additional percolation test; one that is performed, inspected, and certified by a qualified independent third party engineer. This is the only way to accurately

determine the suitability of the soils, and the Applicant's refusal to agree to such a test is troubling. For example, regarding the depth to groundwater, as provided for in the Custom Soils Report on Boynton Road (Exhibit C to our December 12, 2011 letter) the New York State Department of Health provides that no on-site septic system is permitted where the depth to suitable soil material is less than twelve (12) inches. Here, pictures were submitted to the Planning Board showing groundwater at levels that appear to be less than twelve (12) inches (see Exhibit D to our December 12, 2011 letter). If true, the property does not have suitable soil material necessary to handle an on-site septic system, whether it be a standard or "raised bed" septic system.

Suitability of the soils is a crucial issue, and one that the Planning Board must be certain is answered correctly, not only for purposes of complying with the Zoning Code, but also to protect the surrounding area and prevent groundwater contamination, which is almost impossible to remediate after the fact. The only way to know for sure that the soils are safe and adequate is to have a percolation test performed, inspected, and reviewed by an independent third party engineer.

II. Safety

Safety, of both the nearby residents and occupants of the RV Park, continues to remain a serious and significant issue. The Applicant, in its revised plans, attempts to address this issue by installing a four (4) foot height, wire grid fence, to portions of the Site. This is a half-hearted attempt at best. First, at a height of four (4) feet, the proposed fence does not act as a barrier for people (including children) to climb over. Second, the wire grid does nothing in the way of a visual or noise barrier. Third, fencing only a portion of the Site, and not committing the fence the entire Site, is pointless. Someone can easily walk around the fence. Thus, the proposed partial fencing provides no measure of safety or any real barrier between the Project and the neighborhood.

As recommended by the Wayne County Planning Board, the entire Site should be fenced. Additionally, the fence should be of a type and design that will provide both a physical and visual buffer (e.g. board on board fence), and be at a height of at least six (6) feet. This will reduce the potential for trespassing as well as minimize the Project's visual impact on surrounding properties.

The Applicant's proposed fence falls well short of the Zoning Code's site plan approval requirements. This results in the very real possibility of not only trespass by individuals onto adjacent properties, but dangers associated with such activity, including, but not limited to, children and individuals falling into, and potentially drowning, in ponds located on adjacent properties. Additionally, such an inadequate barrier subjects all adjacent property owners to potential liability for injury that may occur on their properties by users of the RV Park.

III. Compatibility

As explained in our December 12, 2011 letter, in order to receive site plan approval, the Zoning Code requires that the Project be compatible and harmonize with the neighborhood, protect property values, and preserve and enhance the appearance and beauty of the community. The County Planning Board, in its recommendation of denial, noted that the Project "is not compatible with the surrounding land uses." (see Exhibit E, December 12, 2011 letter).

The Project, even with the minor revisions made by the Applicant, continues to be incompatible with the surrounding land use. Since it initially proposed the Project, the Applicant had done little, if anything, to harmonize the Project with the surrounding residential community.

Based on the foregoing, the issues raised in our December 12, 2011 letter, and the comments received from the public, the Applicant failed to demonstrate that it meets the requirements for site plan approval. Despite the revised plans submitted by the Applicant, there exist serious and significant issues regarding the Project and its compliance with the Zoning Code. A percolation test should be performed, observed, and reviewed by an independent third party engineer in order to determine the suitability of the soils to accommodate the Project. Additionally, significant improvements, including proper fencing, is necessary in order to address the Project's impact on noise, visual, and safety. The Applicant has failed to propose any real mitigation measures that would address these issues. Accordingly, we respectfully require that the Planning Board deny the site plan application.

Should you have any questions, or need additional information, please do not hesitate to contact me. Very truly yours, Jared C. Lusk

William Hughes – 4667 Boynton Road

Mr. Hughes presented the following statement:

At the December Planning Board meeting I presented some aerial images of the area around the proposed RV Park on Boynton Rd. Based on that, I concluded that there were about 40 residences within three quarters of a mile of the proposed site. Since then I have reviewed the property tax records on the Wayne Count web site and gathered the assessed value and detail land type breakout for Boynton, Hall Center and Smith Hill Roads.

The point being made here is that an RV park in this area is not compatible with the evolution of the land use in either Walworth or Marion in this neighborhood. It is not consistent with any other such comparable commercial ventures in Wayne and surrounding counties.

Based on the property records:

Properties located between 4000 and 5000 Boynton and Hall Center Roads plus those on Smith Hill Rd. between 2500 and Hall Center Rd. 500 house numbers is approximately 5000 feet and from the proposed site north this would include properties on Goosen Rd. as well as Arbor Rd. plus a few on Walworth Ontario Rd. which are not included here.

109 parcels

95 with a primary site

Average parcel is 10.7 acres

\$12,321,250 in assessed value

55% of the assessed value and 47% of the parcels are in Walworth with 45% and 53% respectively in Marion.

Only one parcel within this area shows any wetlands in the detail breakout. This parcel has an address of 4500 Boynton Rd. and has 32 of the 80 acres listed as wetland. According to maps this is on the northern end of the property which is where the initial development of Twilight Valley RV Park is proposed according to the site plan. 40% of this parcel is assessed as wetlands and there are no other wetland assessments within the area stated.

If the area is reduced to properties between 4250 and 4750 on Boynton and Hall Center Roads and none on Smith Hill Rd. it encompasses an area of a bit less than one half mile from the proposed site.

45 parcels

44 with a primary site

Average parcel is 14.2 acres

\$5,126,650 in assessed value

51% of the assessed value and 47 of the parcels are in Walworth with 49% and 53% respectively in Marion.

Reducing the affected area by half in the north south direction, the number of sites and assessed value is approximately one half. Additional scaling can be done using a simple proportion.

The Walworth and Marion Planning boards have controlled the number of parcels and allowed primary sites to be defined. The assessment for each parcel is based upon a value for each of the land use types and a value for dwellings and other buildings. When looking at similar and comparable RV parks and camping area with Wayne and surrounding counties and the nature of their location, none are located in an area with as many residences in close proximity as the proposed area for Twilight Valley. All comparable sites appear to be truly rural areas with 1 to maybe 5 or 6 residences within a mile of the campground or park.

An RV park at the proposed Boynton Rd. site does not fit the character and nature of the area as it has been defined over the years under the guidance and control of the towns. It certainly is not consistent with comparable park areas and totally incompatible with the Boynton Rd. and Hall Center Rd. neighborhood. In addition it is proposed on the only parcel of land in the area that has 40% of the parcel assessed as wetlands. No other parcel, even with standing water most, if not all year, has any portion assessed as wetland by either Walworth or Marion.

The negative impact to the area presented by the residents and the Wayne County Planning Board are real potentials affecting a very significant number of residents and properties. The magnitude of the impact is mostly speculative and can only be fully verified once the damage is done with the park built and operational. No positive factors of having an RV park in this area or even within either of the towns have been presented.

We all have been waiting many months for the motion to approve the Twilight Valley site plan with the residents holding their breath that the right thing will be done and the motion defeated. It is

now time for the Walworth Planning Board to get a motion to deny an RV Park at this site on the table and a simple majority of the voting member will put this to rest. The nature of the area as determined by both the residents and the towns over the years will be preserved. At least it will not be suddenly changed and disrupted plus negative impact on financial investments and the health and well-being of the residents due to traffic, smoke, noise, potential trespass and possible ground water contamination.

Douglas Weeks – 2614 Smith Hill Road

Mr. Weeks read the following statement:

Mr. Chairman, at the 12/12/11 Walworth Planning Board meeting you noted an interest in information regarding property valuation concerns relative to the Twilight Valley RV Resort proposal. I have some comments and new information I'd like to share with you on this subject as an aid to your decision making.

I've spent some time researching real estate market activity and trends in the area of the proposed project site. Generally speaking we are aware that the housing market has softened in recent years, however this area has been relatively immune to any radical shifts unlike some areas at the national level. More recent history, within the past year to two, has shown the area to be relatively stable as evidenced by local assessment valuations and county wide single family home year-on-year median sales price data.

More specifically, I sought data on properties for sale in the vicinity of the proposed site, of which there are two that adjoin it. The Kennedy property to the east at 44125 Hall Center Rd. in Marion and the DiGravio property to the south at 4394 Boynton Rd. in Walworth. I subsequently spoke to the realtors for each property and learned that while in more recent history they felt stability for the area was better than most and improving, they have seen some properties selling somewhat below assessed valuation, in the -5% range on average. Specific details for each property are as follows:

- The Kennedy property, commonly referred as to "the dome house" has been on the market for about two years. The original list price was \$134,000 and now it sits at \$114,900, a 14% decline. Several parties have shown interest during the listing period. To the agent's high ethical credit, it was shared that there was either a concept or actual proposal before the town for an RV park on Boynton Rd. Of those parties 50% were no longer interested in the property, while the other 50% were indifferent. Currently, a sale is pending.
- The DiGravio property has been on the market for about nine months. The original list price was \$89,900 and is now \$69,900, a 22% decline. At the time of purchase, several very interested parties were bidding against each other to obtain this highly desirable piece of land. Since listing, several parties have shown interest and again to the agent's high ethical credit, it was shared that there is a proposal under view by the town for an RV park on Boynton Rd. No further interest in the property was shown upon learning this.

Interestingly, although each property is uniquely different, there is a common trend between them based on a common theme. On average these properties show an 18% decline in list price, a downward trend well beyond the area average. The realtors agreed that even the concept of an RV park on Boynton Rd. is having a significantly negative impact on the currently listed properties for sale. Additionally it was felt that this downward trend would translate to any future property sales in the area. Given that property values are determined by market valuation, over time this negative trend will ultimately translate into loss of property value in the neighborhood. Any loss due to this proposal is unacceptable.

While there are many factors that influence market value there is clear evidence that the Twilight Valley proposal is already creating a detrimental impact on property in the neighborhood. This impact is based on the mere thought that an RV park may exist. Damage is already being done. No amount of mitigation can resolve this because it's not about how tall a fence is or how high a berm can be built. It's simply about whether or not an RV park exists. This is property devaluation in its most elemental form.

In summary, I believe the trends are real; they will be pervasive if the RV park proposal is approved and will seek to undermine property values rather than protect them. As such I wish to encourage you to deny this proposal. Respectfully submitted, Douglas Weeks

Diane DiGravio – 4394 Boynton Road

I had no idea where to start when directing this letter to be read this evening. I've been at this podium many times and in front of an audience for two years attempting to provide our officials solid evidence that Twilight Valley RV Resort is indeed not compatible with our neighborhood on Boynton Road. Tonight my words are not about data or evidence, but rather I stand before you tonight wearing my heart on my sleeve.

I am going to share with you the journey I have taken over the last two years. Although it is intense I will make it brief in my now 4-1/2 minutes. We have been instructed to bring up some new points as these public hearings continue, so although some of the information is redundant, there is a new point to be made. The DiGravio's had a dream. Our dream was to build a home on one of the most pristine roads within our County and to live our lives in peace and harmony surrounded by nature. Our dream was threatened as we learned of the proposed Twilight Valley project to be located right next to our private parcel. My journey began as I kicked my heels up and expressed my rejection of the project. I began to dissect the project looking into every aspect of what was being proposed. I found discrepancies along the way and I began to pick it apart.

I spent several months setting up phone calls, setting up meetings and conferencing to share my findings. My contacts included the Attorney General's Office, our Senator Mike Nozzolio, Daniel Wiener and Rick Healy, County District Attorneys. I spoke with the Department of State, the Association of Towns, Daniel Thayer, Congressman, Marty Aman from the Water Authority, Nick Rich the Director of Health, the DEC on multiple occasions and this is just too name a few. I spent over a year learning about the SEQR process. I drove to Buffalo to meet with Jim Mostrowski, a libertarian author for one of the world's largest political websites, in an attempt to learn the ins and the outs of the political system. I even drove to Queensbury New York to discuss our situation with "We the People Foundation", a non-profit organization created to educate citizens on how to protect and defend individual rights as guaranteed by the Constitution of the United States.

Between the phone calls, the meetings, the research, the foils, the files, my journey was very extensive. I set out to fill in the gaps and educate myself and indeed I did just that. Laws, my legal rights as a citizen, the way our political system and municipalities function, the environmental quality review process is all so crystal clear right now; however, there is something that really baffles me to this point and I'm uncertain it will ever be clear. The new point I wish to make here is based on the word "trust". Many of the contacts I have made over the past year have explained the various processes and many have expressed the fact that we have to trust the decision of our lead agency to do what is best with the land in question. This is where it kind of all falls apart for me; the issue of trust...a new topic that has not been discussed so far. How can we trust our representatives who have not shown us trust thus far, as demonstrated by the decision of a negative declaration and questions that have never been answered for me. Uncertainties about the SEQR process and relying heavily on the Town Engineer who has run the show since the inception of this project. Granted there is a new engineer on board; however this was the same engineer who was supposed to be representing the citizens of the town as a whole, but in the e-mail that I just presented to all of you on this panel. There is an e-mail exchange between Mr. Lewis and Mr. Hewings (that obviously was not for my eyes, nor your eyes). My husband and I had asked for a fence around our parcel for legitimate reasons and deserve to be part of the discussion. Why was Mr. Lewis privy to this information and the DiGravios were not when we were asking for it for legitimate reasons? How can we have trust when we have been neglected for so many months?

I have been asked by so many people, 'why do you continue with this race? And my answer is it is home to many of us. The next question asked is 'why do I work so hard and put so much time and energy into this battle?' My answering this, I am closing with my statement. I wish to share with you a quote from a gentleman who is my mentor, my confidant, my colleague and a very dear friend, Ed Currier. Almost all of us in the audience know who Ed Currier is. Ed has always told me, 'Keep my feet on the ground and never stop reaching for the stars'. On days that I felt completely wiped out by this whole entire battle, I recalled Mr. Currier's words. But in this case, the stars are not in the sky, but home in bed because I spent valuable time being Mommy and I attempted to bring peace and harmony to this neighborhood. As a moved away from my dreams, by building someplace else, I hope to someday pass the dreams to my sons.

This project has broken up the Walworth community, it has soured folks in neighboring communities and it has taken away the trust that we all had for our panels here. Folks, do the right thing, bring the trust back. Thank you."

Fred Nudd, Jr. – 4897 Arbor Road

Fred Nudd told the Board that over the past year, he sent letters to the Planning Board on multiple occasions and had asked if the Board received the letters and had indications that they had not, so he presented each Board member with the letter.

Mr. Nudd brought up points about the SEQR Process and the errors made and inconsistencies in the data provided by the developer's engineer. "Those things are still not resolved to the satisfaction of the Law", according to Mr. Nudd.

Mr. Nudd told the board that on New Year's Day he did stopping/sight distance measures. The eastbound stopping distance was 355, using NYS ASTO standards. The minimum recommendation is 430 to 553 ft. This is before taking into consideration a down slope of greater than 3%. Mr. Nudd stated that it would be an accident prone area because of the narrow shoulder and guardrails.

Brian Bannerman – 4543 Boynton Road

Brian Bannerman said he had no new data. He said his biggest issue was, "Is the land use compatible with surrounding properties and harmonious with the neighborhood? Unfortunately, almost every member of the community has stood up at the Walworth Planning Board podium, the Town of Marion Planning Board podium or the Wayne County podium to speak about this project. "If the entire neighborhood opposes this project, "how can it possibly be harmonious?"

Linda Seavert – 4597 Boynton Road

Linda Seavert said, "We all had dreams when we purchased our property that we would be able to live a quiet, peaceful life. My husband and I built our dream home hoping to live there forever. If any one of you came into our neighborhood, park in one of our driveways, sit on our front porches, and listen to what you hear. You would hear nothing, You hear quiet, you hear tree branches breaking, you hear rabbits running through the sticks in the woods. You hear deer crashing through the woods. You smell fresh clean air, clean sky and ground. You will not have this if you allow this project. No amount of berm, no amount of tree, no amount of fence is going to make it fit harmonious with the neighborhood. Everything will change. I beg of you to please uphold our dreams rather than just one family's dream.

Barbara Heald – Developer for the Boynton Road Project

Barbara Heald made the following statement:

"We have yet to get up before you. We know that many of you are angry. It has been a very long two years, actually three years for us since we started this whole discussion about it, our dream. The funny thing is that when I listen to your the research you did and your dreams about it being quiet, peaceful and surrounded by nature, that is exactly what our dream is for this project."

Barbara Heald continued by saying that the 12 acres are in the middle of 87 acres where the actually campers would be located, surrounded by drumlins on both sides. The office is 300 ft. off the road. "You are surrounded by an ocean of trees. It is harmonious back there. You literally do hear all the things you spoke about, the deer, yes really that is our dream..."

"We spent two years investing in this....for every single sentence and word you have written to the Town, it came before us, our engineer and the Town engineer, for us to provide options and opportunities to help support and change those things so that we come together with this. When the lawyer came forth and said that we need to work together, we have worked together for two years. You may not have seen it or heard it, but honestly you have read it. I have binders full of all of our responses back to all of your questions and concerns. We have done our best to answer all your questions and concerns. We spent our life's savings on engineers; both the Town and our own."

Dana White – 4480 Boynton Road

Dana White thanked Elaine Leasure for taking the time to visit his property that day.

"Sitting here and hearing the Heald's say that this will be harmonious when I sit on a hill 60 ft. above the site....all the noise, all the smoke, the overwintering of campers, that is not harmonious. Yes, it is peaceful and it is quiet up there and that is why I like it and why we moved there. To think you are going to put several hundred people in my backyard and I'm not going to notice it and it is going to be harmonious, I don't think so. If you go to Junius Ponds you see the overwintering of campers with blue tarps and it is an ugly sight. For six months of the year, there will be air pollution, noise pollution, possible trespass; the other six months I will be able to look out my windows and see a campground covered with blue tarps."

Wayne Pembroke – 4613 Boynton Road

Wayne Pembroke said, "When I heard her (Barbara Heald) talk about their dream; it is one person's dream but they are trampling on dreams of 40 people, ruining their dream of having a quiet area. It was zoned residential and it still should be. As far a wildlife impact...the SEQR report is a bunch of baloney. You cited the fact that deer would come back in the wintertime. Yeah, they probably would, but what about the rest of the wildlife. What about the birds that nest there? I did a very comprehensive study on that area a couple of years ago. There are nesting birds (scarlet tanagers, pileated woodpeckers, wood thrush) all kinds of very sensitive birds and that is the time of the year that they would be nesting there. You have 300 people, dogs, bicycles and kids. Kids will be kids they will just totally drive the wildlife out of there. There will be a tremendous negative impact on the environment."

Duane Piede – 4713 Boynton Road

Wayne Piede said, "You are representatives of the Town of Walworth, I ask you, 'Who benefits from the campground?' It is essentially the people you camp there, not the Walworth residents. The Walworth residents will be either disadvantaged or indifferent. There will not be a significant increase of tax revenue from the campground. Please consider that and do the right thing."

Fred Nudd, Jr. – 4897 Arbor Road

Fred Nudd said that last week he came before the Town Board and brought up the question of the Town Engineer (Parrone). Mr. Nudd claimed that he had done research that lead him to believe the Town Engineer "does not have credentials as an engineer". Mr. Nudd said he did not have all the answers and had asked the Town Board to look into it.

There were no further comments from the public.

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

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

Chairman Bavis asked for a motion on the site plan. Discussion ensued regarding a list of conditions.

Elaine Leasure made a motion, seconded by Deb Amsler to approve the Twilight Valley RV Resort Site Plan with the following conditions:

1. Applicant obtains approval for a municipal water supply for the campground.
2. Applicant obtains a Licensing Agreement issued by the Town Board, with input from the Planning Board on conditions. Licensing Agreement requires annual approval from Town Board.
3. The applicant will secure approvals and permits from the following jurisdictional agencies, including but not limited to:
 - a. NYS Dept. of Health,
 - i. Public Water Supply and backflow Prevention
 - ii. Campground (septic systems)
 - iii. Swimming Pool
 - b. NYS Dept. of Conservation
 - i. Wetland Permit
 - ii. Annual SPEDS Permit,
 - iii. SWPPP, MS4 Acceptance Letter, and NOI,
 - c. Wayne County Water and Sewer Authority
 - d. Town Highway Department
 - e. Town Fire Marshal
 - f. Town Engineer

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

Motion denied.

Chairman Bavis adjourned the meeting at 8:58 P.M.

Gail Rutkowski, Clerk

DRAFT