

Chairman Ruth called the regular meeting of the Town of Walworth Planning Board to order at 7:30 P.M. Members present were Gene Bavis, Elaine Leasure, Larry Ruth, Deborah Amsler and Karel Ambroz. Also present was Phil Williamson, Code Enforcement Officer and Norm Druschel, Building Inspector.

Elaine Leasure made a motion, seconded by Gene Bavis, to dispense with the formal reading of the legal notice.

Motion carried.

Gene Bavis made a motion, seconded by Karel Ambroz, to approve the minutes of January 23, 2008 as written.

Roll Vote:	Gene Bavis	Aye
	Elaine Leasure	Aye
	Larry Ruth	Aye
	Deborah Amsler	Aye
	Karel Ambroz	Aye

Motion carried.

1. Application of Marc and Donna White for Special Use Permit to operate a kitchen and bath showroom, to be called Whitewood Kitchens and Baths, Inc.; to be located at 2263 Wal-Marion Road. Property is zoned: B-1. (Public Hearing)

Marc and Donna White were present to discuss the application for a Special Use Permit to operate a kitchen and bath showroom at 2263 Wal-Marion Road. They previously appeared before the Board on January 14, 2008 to discuss the scope of their business. They had no further comments or questions for the Board.

Chairman Ruth was in receipt of a letter from Wayne County dated February 5, 2008 that stated:

“At its regular meeting on January 30, 2008, the Wayne County Planning Board reviewed the referral of Marc White of a Special Use Permit and determined it to be of no intermunicipal or countywide impact. The Board recommended this referral be returned to the Town to be handled as a local matter.”

Karel Ambroz questioned Norm Druschel about parking at the plaza. Norm Druschel stated that the parking had been reviewed and there was adequate parking spaces designated for the businesses at the plaza to satisfy zoning requirements. Discussion ensued about the parking at the west side of the lot (east of the garage). Norm Druschel explained that Joseph Englert has not yet re-stripped the parking area. Once the area is re-stripped there will be two spaces that run parallel to the garage (north/south). Additional parking is behind the plaza. Norm will speak to Mr. Englert.

Chairman Ruth stated the parking is a matter to be discussed with Joseph Englert and does not have any impact on this Special Use Permit. Furthermore, because most of the business will be mainly by appointment, there will be a limited volume of traffic at any one time. Also, the products will be shipped directly to the project location, thereby eliminating large deliveries and vehicles at the showroom location.

The Board had no further questions or concerns.

Chairman Ruth opened the public hearing.

There were no comments from the public.

Elaine Leasure made a motion, seconded by Gene Bavis to close the public hearing.

Roll Vote:	Gene Bavis	Aye
	Elaine Leasure	Aye
	Larry Ruth	Aye
	Deborah Amsler	Aye
	Karel Ambroz	Aye

Motion carried.

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

After hearing all parties wishing to speak for or against the request, I move the request for a Special Use Permit be granted as is appropriate under Chapter §180-53, the Comprehensive Plan of the Town and to protect the health, safety and/or general welfare of the public. The approval is granted with the following conditions:

1. Hours of operation: 7:00 AM to 10:00 PM, seven days a week, excluding major holidays.
2. All orders will be shipped directly to the jobsite and will not be delivered to the business location.

Roll Vote:	Gene Bavis	Aye
	Elaine Leasure	Aye
	Larry Ruth	Aye
	Deborah Amsler	Aye
	Karel Ambroz	Aye

Motion carried.

Chairman Ruth wished the Whites success with their new business venture.

2. Request for Waiver of Subdivision and Approval Requirements for 2-Lot Realty Subdivision for property of Betty Buchiere, located at 4999 Lincoln Road. Property is zoned: Hamlet.

There was no one present to discuss the application. Patricia Buchiere, daughter-in-law of Betty Buchiere, previously appeared before the Board at the December 10, 2007 meeting to discuss the 2-Lot Realty Subdivision. Patricia's Buchiere resides at 600 Plank Road. The two properties are adjacent to each other and Patricia Buchiere intends to purchase a portion of her mother-in-law's property and add it to her own. The Board did not have any problems with the concept at the previous meeting.

The Board was in receipt of a letter from Betty Buchiere, dated February 4, 2008 requesting a waiver of normal subdivision procedure and subdivision approval requirements to allow the matter to proceed administratively instead of through a public hearing.

The application will also need to be sent to the County for their review.

Elaine Leasure made the following motion, seconded by Gene Bavis:

Having received a written request for a waiver of normal subdivision procedure and subdivision approval (per 151-6 of Subdivision of Land: Site Plan Review) for the following: Property of Betty Buchiere, located at 4999 Lincoln Road:

I move for the waiver of normal subdivision procedure and subdivision approval based upon the Board finding:

- (1) The proposed subdivision will result in two lots, parcels, plots or sites.
- (2) The proposed subdivision will not result in either of the two lots, parcels, plots or sites, by reason of the subdivision being in violation of Chapter §180 Zoning.

- (3) The proposed subdivision will not, in any possible situation, result in any lot, parcel, plot or site contiguous to the subdivided property being in violation of Chapter §180, Zoning or town Construction Specification and Design Standards. The Board, in its consideration of these criteria, may assume that each of the subdivided lots, parcels, plots or sites;
 - (a) Will or may in the future be owned by the owner of a contiguous lot, parcel, plot or site: and/or
 - (b) Will or may in the future be combined into one tax account number with a contiguous lot, parcel, plot or site.

Roll Vote: Gene Bavis Aye
 Elaine Leasure Aye
 Larry Ruth Aye
 Deborah Amsler Aye
 Karel Ambroz Aye

Motion carried.

Gene Bavis questioned the wording of the script for waiver of procedure and approval requirement, namely, "who verifies that the above conditions have been met"? Phil Williamson stated that when the Planning Board grants a waiver, the responsibility is passed onto the Town Engineer and Code Enforcement Officer to review the map and verify that all conditions have been satisfactorily met. Phil Williamson said he would consult with Art Williams, Town Attorney to clarify the wording of the script.

Chairman Ruth adjourned the meeting at 8:01 P.M.

Gail Rutkowski, Clerk

