

Chairman Larry Ruth called the Planning Board Meeting to order at 7:37 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.

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

Motion carried.

Karel Ambroz made a motion, seconded by Gene Bavis, to approve the minutes of March 19, 2008 with one correction on page 683, under item 1, paragraph 3, line 3 (Phase 11), should read (Phase II).

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

Motion carried.

1. Recertification of Site Plan for Lot 2 of the Ratcliffe Subdivision located at 299 Jacobs Road, east of County Line Road. Also, discussion of the detached garage. Property is zoned: RR-1.

Michael Macaluso owner of the property was present to discuss the application. Mr. Macaluso stated that he is ready to begin construction of a modular home on the property and understands that the Town of Walworth requires a 1½-car attached garage with a minimum of 350 square feet to be constructed at the same time the single-family home is built. Currently there is a 12' x 28' structure on the property that he would like to convert into a detached garage. The existing structure has 334 square feet, 16 square feet short of what is required.

Chairman Ruth questioned whether Mr. Macaluso had spoken to anyone from the Town? Mr. Macaluso stated that he had discussed the situation with Norm Druschel who suggested that he appear before the Planning Board.

Gene Bavis stated that it was his understanding that the Planning Board could grant a waiver to allow a detached garage, instead of an attached garage, but questioned whether Mr. Macaluso needed to go before the Zoning Board of Appeals to get a variance to allow a garage that was less than the 350 square feet size requirement. Phil Williamson stated that he thought it was possibly within the jurisdiction of the Planning Board to waive the size requirement as well, but that he would need to consult with the Town Attorney to determine whether the matter needed to be looked at by the Zoning Board of Appeals or not.

Chairman Ruth questioned the applicant as to how he intended to convert the building? Mr. Macaluso stated that the building is currently used only for storage, but if he got the go ahead from the Board it would be simple enough to pour a floor and replace the double barn door with a garage door so that it could be utilized as a garage. Gene Bavis questioned whether the garage is located in a position on the property that would lend itself to be used as a garage. Mr. Macaluso stated that the existing driveway leads to the proposed home, but he would add a driveway to the garage as part of the conversion. Mr. Macaluso pointed out the location of the driveway on the site plan. Gene Bavis remarked that the latest site plan does not show the detached structure and told the applicant that the map needs to be revised to include the building.

Karel Ambroz stated, "I would like the opportunity to look at the property and the barn before I voted." Mr. Ambroz also questioned how old the structure was? Mr. Macaluso replied, "about two years".

The Board was in receipt of a letter from Stephen R. Shelley, P.E. of Shelley Associates, dated April 8, 2008 that stated,

"This is to advise the Town of Walworth that I have reviewed the plan of Lot 2 of the Ratcliffe Subdivision and Site Plan designed by Kreiling Associates, drawing number 02-2067, last reviewed on October 11, 2002 and filed at the Wayne County Clerk's Office, map #M025569 and certify that the plan for this lot and proposed improvements conform with current Walworth Town Code and NYSDOH and NYSDEC Standards, however, I recommend that the size of the septic tank be increase to 1,250 gallons for a 3 bedroom house or 1,500 gallons for a 4 bedroom house in order to provide an increased detention time of household wastes."

Gene Bavis made the motion, seconded by Elaine Leasure to table the application until the April 23, 2008 worksession.

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

Motion carried.

**2. Extend Preliminary Approval for Rolford Heights Sections 5 & 6 that was originally granted on May 8, 2006, for another six-month period (4th extension).
Property is zoned: R**

The Board was in receipt of a letter from Laurence E. Heininger, P.E., dated April 10, 2008 requesting the Planning Board extend the preliminary approval for Rolford Heights Section 5 and 6 for another six-month period. This will be the 4th extension.

Gene Bavis made a motion, seconded by Karel Ambroz to extend preliminary approval for Rolford Heights Section 5 and 6 for another six-month period from May 8, 2008 to Nov. 8, 2008.

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

Motion carried.

3. Application of Amy Johnson for Home Occupation – Major Category B, to operate a horse-boarding stable at property located at 4240 Ontario Center Road, 2 miles north of intersection of Route 441 and Route 350. Property is zoned: RR-1. (Public Hearing).

The applicant was not present to discuss the application for the Home Occupation – Major Category B, to operate a horse-boarding stable.

Gene Bavis questioned if Amy Johnson was the owner of the property since her address on the application was listed as Webster. Phil Williamson clarified that Ms. Johnson was the owner of the property and she resided in Webster, but her partner Francine Chandler would be living at the house at the Ontario Center Road address.

Chairman Ruth asked if the public hearing had been advertised? Gail Rutkowski stated that it was advertised and she did not know why there was no one present to discuss the application. Chairman Ruth said that without anyone present to answer questions it would be his recommendation that the application be tabled until the next regularly scheduled meeting. Gene Bavis remarked, "I have no problem with that, but there are folks here tonight that may not be able to come to the next meeting, and if they have comments that they would like to put on the record, I think they should be given the opportunity. Of course they are welcome to come back next month."

Chairman Ruth opened the public hearing.

David Wilbert, 4418 Ontario Center Road was present and stated he owned a fruit growing operation just north of their property and spoke in support of the applicant. "From what I can see they have spent a lot of time and did a lot of improvements and I think we should welcome them with open arms to our community. It is an agricultural endeavor and frankly I don't know why this is in front of this board? I do welcome them and hope they are successful".

Chairman Ruth answered, "The reason is that they have applied for a Home Occupation and it is a requirement of our Town Code that they have to come before the board and explain exactly what they would like to do." Mr. Wilbert asked, "Are there other horse board operations in Walworth and have they had to come before the Board?" "What is the difference between a horse farm and a dairy farm?" Gene Bavis answered, "Yes there are other horse boarding operations that they also have had to come before the Board." Mr. Bavis added, "The difference is that you are not just dealing with your own animals, you are boarding animals for other people; you are performing a service for others." "Yes, it is agricultural, and I don't think the Board has any problems with it, but we have to go through the steps."

Linda Conant was present and explained that she has operated a horse boarding operation on Barnes Road in the Town of Macedon, called True Colors Equestrian Center since 2004. She also has been through the process with the Town of Macedon for her operation and has an interest in finding out more about this facility. She added, "I love what I do, and I don't have

anything against others else doing the same thing, except than it is competition, especially in a tight economy.” She asked if anyone present knew what type of lesson programs this facility would offer? Chairman Ruth responded that he did not know the answer to that question. The only information he had at this time is that the facility would provide board for as many as 28 horses and there are 34 acres of land.

Cam Zuller, president of the Walworth Sportman’s located across the road from the facility was present. Mr. Zuller stated, “I have nothing against business, our only concern is that being an existing business across the road, some of our hobbies don’t coincide with other people’s hobbies. I’m concerned that down the road, there will be complaints about gunshots, etc and I just want to make sure that the applicant understands what is going on across the road from them.”

Deb Amsler stated, “At the worksession, Amy Johnson said she had spoken with someone from the club.” Mr. Zuller responded that she did speak with a member of the club. Mr. Zuller said that she had expressed that she want a 30-day warning before a shoot. Mr. Zuller said it was explained that they have a special use permit which has certain requirements that they must adhere to. Chairman Ruth said, “We understand your concern, but I don’t think it should present a problem to you, especially since there has been dialog with her about exactly what your rights are and what your business entails”.

Deb Amsler stated, “At the previous worksession, the concern was brought up about “putting horses across from a gun club”. “Amy Johnson assured us at the last meeting there won’t be any problems with horses and their sensitivity to gunshots, so hopefully it will all work out.”

Chairman Ruth said, “I am confident enough to say to you, that should a problem be generated it is not going to put a burden on the Sports Club.”

Gene Bavis made a motion, seconded by Deb Amsler to table the public hearing until the May 12, 2008 Planning Board meeting.

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

Motion carried.

4. Other – Azzano Subdivision

David T. Corretore of Webster, attorney for Steve Azzano was present to speak to the Board. At the last worksession a concern was raised as to who is responsible for the maintenance of the rain gardens. Mr. Corretore presented to the Board a draft deed covenant that he had drawn up in response to that concern. Mr. Corretore stated, “I’m here for an education; I’m happy to take this anywhere it should go. Is this what you are looking for? Are there any concerns? Who should I be aiming at? I’m open to commentary.”

Phil Williamson said there is not a final conclusion as to how drainage issues will be handled. Additional engineering information is needed before any final decision is made. The rain gardens are only one of the alternatives being considered.

Carl Hewings, along with Norm Druschel will be walking the site to evaluate the project and soil conditions. Mr. Corretore will be in contact with Mr. Hewings and Denise Munson, Town Attorney as the project moves forward.

Karel Ambroz made a motion, seconded by Deb Amsler to adjourn the meeting.

Chairman Ruth adjourned the meeting at 8:55 P.M.

Gail Rutkowski, Clerk

