

Chairman Larry Ruth called the Planning Board Meeting 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.

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

Motion carried.

Deb Amsler made a motion, seconded by Gene Bavis, to approve the minutes of April 23, 2008 as written.

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

Motion carried.

1. Application of Amy Johnson for Home Occupation – Major Category B, to operate a horse-boarding stable, to be called Landmark Stables, Inc. 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).

Amy Johnson of 591 Galbro Circle, Webster was present along with her business partner, Francine Chandler of 4240 Ontario Center Road. Ms. Johnson apologized to the board for missing the April public hearing that was tabled until May, as she was out of town.

Amy Johnson answered questions from the Board regarding the operation. When questioned about the size of the stable and the maximum number of animals it would house, she responded that there would be 15 horse in stalls and 12-15 that will live in the pasture where there are run-in sheds for them. The size of the parcel is 34 acres. The number of horses at the facility at any one time will be 30 horses maximum. Ms. Johnson explained that in addition to boarding horses, riding lesson would be offered but there would be no horse shows. The traffic volume in and out of the facility would be minimal. Gene Bavis asked if she intended to sell any tack and Ms. Johnson replied that she did not.

Karel Ambroz commented that at the April 14th meeting Dave Wilbert who operates a fruit growing business north of the applicant’s property expressed full support of the operation. At that same meeting, another Town resident, Mr. Zuller who is president of the Walworth Sportman’s Club was supportive as well, but expressed some concern about having a horse boarding facility in such close proximity to the club where there are shoots and tournaments held regularly on the weekends. He was concerned about how the gunshots would effect the horses and wanted to be sure that Ms. Johnson was fully aware of the nature of their business and that there would not be any problems down the road.

Amy Johnson addressed concerns expressed at the previous meeting. She said that she had spoken with a member of the Sportman’s Club and prior to purchasing the property she was fully aware of the location of the property and the proximity to the club. Ms. Johnson stated that she realized that the Sportman’s Club has been in operation for many years and will continue to operate under the terms of their Special Use Permit and has no problems with it. She reported that her own horses appear to have already adjusted to weekend shoots. The hours of the tournaments and shoots will be clearly posted in the barn for her customers.

Amy Johnson expressed her desire to be on good terms with all the neighbors. Francine Chandler added that she had talked with both the neighbors to the north and south of the property and everyone is quite excited about the facility. Some of the children of the families have even expressed interest in riding lessons.

Chairman Ruth was in receipt of a letter from the Wayne County Planning Department, dated May 2, 2008 that stated:

“At its regular meeting on April 30, 2008, the Wayne County Planning Board reviewed the referral for the Home Occupation and recommended approval with the following conditions: 1) animal waste should be properly disposed of, 2) any proposed lighting should be “contained” on-site (i.e. no light pollution should be permitted) and 3) either another driveway should be added or the existing driveway should be widened to provide for safe site ingress/egress.”

Chairman Ruth stated that the County had expressed concern about the sight distance because of the slight curve going north and the safety of truck and horse trailers entering and exiting the property. Amy Johnson said that they are considering a second driveway to the north of the existing driveway. The Wayne County Planning Board suggested that the applicant contact the NYS Department of Transportation to pursue the suggested driveway modifications. The Planning Board suggested discussing the possibility of placement of a caution sign along Ontario Center Road with the DOT. Phil Williamson added that the sight distance of 740 feet more than exceeded the State requirement.

Chairman Ruth opened the public hearing.

Evelyn Bower, 4305 Ontario Center Road and Elsie Fletcher, 4304 Ontario Center Road, neighbors to the north, both spoke in support of the horse boarding operation and welcomed the owners to the community. They called the operation "an asset" and commented about how much they have enjoyed watching Ms. Johnson's own ponies that are already on the property.

Greg Arserio, 4147 Ontario Center Road owns a house across the street from the horse farm and south of the Sportsman Club. Although he spoke in support of the facility, he did express some concern about the drainage between his property and the 6 acres owned by Ms. Johnson adjacent to his property. Mr. Arserio stated that he would be willing to work with Ms. Johnson on the existing drainage swale between the two properties. Ms. Johnson was agreeable to the suggestion.

Elaine Leasure made a motion, seconded to Deb Amsler to close the public hearing. Motion carried.

After the close of the public hearing, a resident questioned the strength of the fence near the road. Ms. Johnson responded that it was 800 breakage strength and also electric.

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

Having received an application for a Home Occupation Major-Category B at 4240 Ontario Center Road, for the purpose of operating a horse-boarding operation to be called, Landmark Stables, Inc. and after hearing all parties wishing to speak for or against the request, I move the request for a Home Occupation, Major-Category be granted because it does meet the criteria set forth in the definition of Home Occupation Major Category B in Section 180-43.1 D (2):

1. The property is in full compliance with the provision of Chapter 180 of the Municipal Code of the Town of Walworth.
2. The occupational use is incidental, secondary and/or subordinate to the use of the dwelling unit for residential purposes.
3. No other Home Occupation, Major-Category A or Home Occupation, Major-Category B is conducted on the premises.
4. The proposed Home Occupation, business or profession will not employ more than one (1) person on the premises who does not reside on the premises.
5. The hours of operation are 8:00 A.M. – 8:00 P.M. (seven days a week)
6. The parcel is 34 acres.
7. Manure is to be spread according to Town Code regulations.
8. There shall be a maximum of thirty (30) horses boarded on the property.
9. The number of people using the facility at on time varies, but typically there are less than fifteen (15) people at any one time.
10. There will be parking for fifteen (15) cars and four (4) horse trailers on the property as shown on the map.
11. Riding lesson will be taught at the facility.
12. There will be no horse shows at the facility.
13. There will be no sale of goods, such as tack equipment on the premises.
14. The Fire Marshal or Building Inspector shall certify that the structure or structures are safe for the proposed use of the property.

15. Screening and buffer areas must remain as they are as of today's date.

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

Motion carried.

2. Application of Michael DeMareo for Special Use Permit to operate an Auto Sales Shop at 2241 Walworth-Marion Road. Property is zoned: B-1. (Public Hearing).

Michael DeMareo owner of the property at 2241 Walworth-Marion Road was present. Mr. DeMareo appeared before the Board at the April 23 worksession and had explained that he wanted to move his business, Wayne County Auto Sales that is currently located at 3719 Walworth-Palmyra Road across the street to 2241 Walworth-Marion Road. Mr. DeMareo stated that he is seeking a Special Use Permit for the new location. At the worksession, Mr. DeMareo stated that he would not be operating out of both locations. When questioned, Mr. DeMareo stated that he would either be leasing or selling the property at 3719 Walworth-Palmyra Road. Elaine Leasure questioned whether he would be doing any repair work. Mr. DeMareo stated that he would be doing doll-up and oil changes for the cars he was purchasing to resell, but he would not be doing any repairs or oil changes for the general public.

Larry Ruth commented that there was a lift at the current location and not at the new location. Mr. DeMareo indicated that he would be moving the lift to the new building.

Michael DeMareo stated that he was requesting a maximum number of cars on the lot to be 30, the same as allowed by the Special Use Permit of the previous owners, C & C Automotive.

Elaine Leasure asked what the hours would be? Mr. DeMareo stated that the hours would be 9 A.M. to 6 P.M. (Monday – Friday), 9 A.M. to 2 P.M. (Saturday), closed Sunday and major holidays.

There were no further questions from the Board.

Chairman Ruth opened the public hearing.

There were no comments from the public.

Elaine Leasure made a motion, seconded to Deb Amsler to close the public hearing. Motion carried.

Chairman Ruth closed the public hearing.

Karel Ambroz made the following motion, seconded by Deb Amsler.

Having received an application for a Special Use Permit at 2241 Walworth-Marion Road, for the purpose of operating a Use Auto Sales business to be called, Wayne County Automotive and after hearing all parties wishing to speak for or against the request, I move the request for a Special Use Permit be granted with the following conditions and safeguards as are appropriate under Chapter §180-53, The Comprehensive Plan of the Town and to protect the health, safety and/or general welfare of the public:

1. Hours of Operation:

Monday-Friday	9 A.M. – 6 P.M.
Saturday	9 A.M. – 2 P.M.
Closed Sunday and Major Holidays	
2. Property to be maintained in a neat and orderly manner by the applicant.
3. No wrecked cars on premises.
4. No mechanical repairs, oil changes or painting of autos for the general public. Doll-up and oil changes for the autos purchased for resale will be allowed.
5. All right-of-ways to be kept open.
6. Maximum number of cars on property will be 30.
7. No toxic or hazardous materials stored on property.

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 state and local laws.
11. This Special Use Permit will be subject to review for violation or change of circumstance.
12. Applicant acknowledges he has read and understands the conditions and agrees to abide by them.

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

Motion carried.

Chairman Ruth adjourned the meeting 8:25 P.M.

Gail Rutkowski, Clerk