

Chairperson Larry Ruth called the regular meeting of the Town of Walworth Planning Board to order at 7:31 P.M. Members present were Gene Bavis, Larry Ruth, Deborah Amsler and Karel Ambroz. Elaine Leasure was absent. Also present was Phil Williamson, Code Enforcement Officer, Norm Druschel, Building Inspector and Carl Hewings, Town Engineer.

Gene Bavis made a motion, seconded by Deb Amsler to dispense of the reading of the formal legal notice.

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

Motion carried.

Deb Amsler made a motion, seconded by Karel Ambroz to approve the minutes of February 9, 2009.

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

Motion carried.

**1. Application of Ronald Wrightstone for preliminary and final approval of a 2-lot subdivision of land and residential site plan for property located 967 Kuttruff Road, east of West Walworth Road. Property is zoned: RR-1 – Rural Residential 1. (Public Hearing)**

Michael Sponable of John Greene & Associates, 211 West Avenue, Newark was present representing the applicant, Ronald Wrightstone. Mr. Sponable explained that the Wrightstone's are seeking preliminary and final approval to subdivide the property. They intend to sell their existing house and 3.163 acres and build a new home on the remaining 1.033 acres. Mr. Sponable appeared before the Planning Board at the January 21, 2009 worksession and the Board was agreeable to the concept.

The Board was in receipt of the latest revision of the map, entitled, "Subdivision & Site Plan of Land to be developed by Mr. Ronald Wrightstone", dated November 21, 2008, revised March 9, 2009. Mr. Sponable stated that the subdivision meets all zoning requirements. Carl Hewings stated that all comments from the February 24, 2009 letter from Parrone Engineering have been addressed to his satisfaction. Perk and deep-hole tests were conducted on November 5, 2009. Karel Ambroz questioned whether the Town witnessed the tests? Norm Druschel responded that he did witness the perk and deep-hole tests on that date. There were no further questions from the Board.

Chairman Ruth opened the public hearing.

There were no comments from the public.

Gene Bavis made a motion, seconded by Deb Amsler to close the public hearing.

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

Motion carried.

Gene Bavis made the following motion, seconded by Karel Ambroz:

I move the action be classified as a Type II action and the Planning Board requires no further action under SEQR.

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

Motion carried.

Gene Bavis made a motion, seconded by Deb Amsler to grant preliminary approval.

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

Motion carried.

Gene Bavis made the following motion, seconded by Karel Ambroz to grant final subdivision and site plan approval with the following condition:

I move the Site Plan be approved with the following condition:

1. 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 purposed including the acquisition of property.

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

Motion carried.

**2. Application of David & Diane Wilbert for preliminary and final approval of a 2-lot subdivision of land for property located at 4441 Walworth-Ontario Road, south of Smith Hill Road. Property is zoned: RR-1 – Rural Residential. (Public Hearing).**

Mike Greene of John Greene & Associates, 211 West Avenue, Newark was present representing the applicants, David and Diane Wilbert. Mr. Greene stated that that the Wilberts' presently own the entire 10.814 acre parcel and would like to subdivide the property. The intention is to sell off a 6.732-acre parcel along with the residence and barns and retain the 4.082-acre parcel. Mr. Greene stated that the concept was discussed at the January 21, 2009 worksession and the Board had no problems. The Board did suggest that the applicant should consider moving the lot line so that both barns would be 100 feet away from the property line. This change would allow the potential buyer to house livestock in both barns. Mr. Wilbert agreed, and the latest revision of the map, entitled "Subdivision Plan of Land owned by David J. & Diane M. Wilbert", originally dated January 6, 2009 and revised March 9, 2009 reflects this change. Mr. Greene further reported that the comments in the February 24, 2009 letter from Parrone Engineering have been addressed to the Town Engineer's satisfaction. The Planning Board had no further comments.

Chairman Ruth opened the public hearing.

There were no comments from the public.

Gene Bavis made a motion, seconded by Karel Ambroz to close the public hearing.

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

Motion carried.

Gene Bavis made the following motion, seconded by Karel Ambroz:

I move the action be classified as a Type II action and the Planning Board requires no further action under SEQR.

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

Motion carried.

Karel Ambroz made a motion, seconded by Deb Amsler to grant preliminary subdivision approval.

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

Motion carried.

Karel Ambroz made a motion, seconded by Gene Bavis to grant final subdivision approval.

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

Motion carried.

**3. Application of Steven Azzano for Preliminary & Final Approval of a 4-Lot Subdivision of property located on Lincoln Road, south of Haley (north of 5185 Lincoln Road). Property is zoned: RR-1 – Rural Residential. (Public Hearing).**

Steven Azzano was present along with his engineer, Mr. Joseph Pullen, of Rookery Way, Macedon.

Chairman Ruth read a letter from the Wayne County Planning Department, dated February 27, 2009 which read:

“At its regular meeting on February 25, 2009, the Wayne County Planning Board reviewed the above reference referral and recommended approval of the Preliminary/Final Subdivision/Site Plan with the following conditions: 1) all driveway sight distances must meet American Associate of State Highway Transportation Officials (AASHTO) recommendations, 2) stormwater and erosion and sediment control measures must meet Phase II NYSDEC regulations should 1 acre or more soil be disturbed by the development and 3) proposed access to the interior land must meet local regulations.

The Board did question if future plans for the remainder of the parcel are known. The Board recommended the area variance be handled as of no county impact, provided that the hardship criteria required to grant the variance are met at the local level.”

Phil Williamson stated that no setback variance is required. Town Code §180-10(D) changed lot width from 250 ft. at front setback to 100ft. at front set back (LL#6-2007).

Chairman Ruth opened the public hearing.

Mr. Don Hyatt, 5241 Lincoln Road expressed concern about drainage on his property. “I live next door and I’m wondering about drainage. As of now the way the land lays, it actually drains right my way. I was just wondering how that houses are going to be raised for draining so that it actually doesn’t actually run my way all the time.”

Carl Hewings responded, “The same drainage patterns that are already there will be maintained.”

Chairman Ruth commented, “What you are saying is, that it won’t increase, but there won’t be any decrease in drainage? Is that what we are saying?” Carl Hewings responded, “There won’t be any decrease, that is true.”

Mr. Hyatt further commented, “I know the previous owner and the rock runs through the property. I don’t know how high these houses are going to be off the foundation. The higher the house, the more the fill and the higher it will be. Is all this planned into it?”

Joseph Pullen responded, “Based on the deep hole tests we were down 5 or 6 feet and we did not find any rock. It doesn’t mean there is not rock at 7 or 8 feet.”

Chairman Ruth stated, “I think the question is, ‘Are you going to be able to put the basement floor low enough so that the house level will not increase drainage?’ Mr. Pullen responded, “The level of the house does not change the drainage pattern and runoff factor.” Chairman Ruth said, “In other words, you aren’t going to bank it up with dirt?” Mr. Pullen answered, “Right, we are maintaining the existing patterns so that we don’t create any problems anywhere else.”

Joseph Pullen also mentioned that right now there is sparse grass and if you are putting in dense lawns drainage may actually improve.

Phil Williamson said, "The Town's criteria is that engineering is done in such a way that it doesn't create problems down the street, it doesn't necessarily eliminate problems that already exist."

There were no further comments from the public.

Phil Williamson stated for the record that Wayne County Highway Driveway permits will be required for all four lots prior to construction.

Gene Bavis made a motion, seconded by Deb Amsler to close the public hearing.

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

Motion carried.

Gene Bavis, made the following motion, seconded by Karel Ambroz:

I move the action be classified as a Type II action and the Planning Board requires no further action under SEQR.

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

Motion carried.

Gene Bavis made a motion, seconded by Karel Ambroz to grant preliminary subdivision approval.

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

Motion carried.

Gene Bavis made a motion, seconded by Deb Amsler to grant final subdivision & site plan approval with the following conditions:

1. 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 purposed including the acquisition of property.
2. All driveway sight distances must meet American Associate of State Highway Transportation Official (AASHTO) recommendations.
3. All engineering concerns about the driveway profiles for Lot #1 and Lot #3 (as stated in the 3/6/2009 letter from Wayne County Highway Department) are addressed to the satisfaction of the Town Engineer.

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

Motion carried.

**4. Concept discussion of Jeff Leenhouts of Home Leasing for two-lot realty subdivision of land at Eagles Roost and Gananda Parkway. Property is zoned: PD-Planned Development.**

Jeff Leenhouts was present and presented a map prepared by BME Associates, Fairport, entitled Eagles Roost Lane Site Plan, dated September 2008. He explained that the intention is to subdivide the property with a total acreage of approximately 3 acres with access off of Eagles Roost into two building lots.

Mr. Leenhouts explained that there are a few issues to be considered. There will need to be an easement on the back lot so that the Gananda sign can be maintained. Also, a neighbor has erected a play set that encroaches 60 feet into this parcel. Mr. Leenhouts said he will approach the homeowner, to explain the plan to subdivide and offer to help move the play set. Chairman Ruth pointed out that beyond the fact that the neighbor does not own the land where the play set stands, there could be a potential liability issue if someone were to get hurt.

Karel Ambroz commented that the lots are very close to Gananda Parkway. Mr. Leenhouts stated that is a line of pine trees that provide a buffer and he hopes to preserve them.

Gene Bavis stated that the final map must show exact dimensions and square footage of both parcels.

Discussion ensued about the location of the house on the back parcel and whether it could be moved back. Jeff Leenhouts said that it probably could be placed further back, but the topography slopes upward and a longer driveway would increase the expense.

Phil Williamson stated that both lots far exceed minimum zoning requirements.

The Planning Board had no problem with the concept. The next step would be to complete an application to come before the PB.

**5. Concept discussion of John Casciani for two-lot realty subdivision of land for property located at 1168 Whitney Road. Property is zoned: RR-1 – Rural Residential**

John Casciani of Webster, the owner of the property located at 1168 Whitney Road was present. He explained that the property is 11.425 acres and he would like to subdivide the existing house and one-acre of land from the remainder of the parcel. The house is presently undergoing renovations. The Board was in receipt of a map showing the proposed subdivision.

The parcel will be 132 ft. at the road and 330 ft. deep and meets the depth to width ratio (2-1/2 to 1) required in the RR-1 zone. Mr. Casiani explained that the proposed subdivision also leaves 132 ft. frontage on the land east of the one-acre parcel. He explained that if the remaining 10.425 acres were to be further subdivided in the future, there would not be a hardship created in meeting the required depth to width ratio on the land to the east.

Chairman Ruth commented, "It looks like you have had the foresight to carve out the one-acre parcel in such a way to avoid any problems in the future. All too often someone will take a chunk out of a piece of land because it has existing buildings on it, and by the time they carve it up, it difficult for someone to buy the other pieces that are left."

Karel Ambroz asked if there were any future plans for the larger lot? Mr. Casciani stated, "I don't have any plans for the larger lot."

Gene Bavis questioned, "Is your goal that there will be two owners of these two parcels, or it will all be kept under one ownership?" Mr. Casiani answered, "That is a good question. I can see it being two owners. Right now I own the whole parcel."

The Board members concurred that there did not appear to be any problems with sight distance.

Gene Bavis stated that if there was future development, perk test must be conducted and witnessed by the Town.

Gene Bavis commented that it was important to verify that when you subdivide the property that the septic system is actually on the one-acre lot. Mr. Casciani stated that it is a conventional system and he has already determined that it is entirely within the lot, right behind the driveway.

The Board informed the applicant should be aware that there is a 5-acres minimum requirement to house animals.

The Board concurred that they had no problem with the concept, but it was suggested that the applicant may want to wait until there is a potential buyer prior to having the final engineering done.

**6. Gananda Senior Apartments – SEQR**

Gene Bavis made the following motion, seconded by Deb Amsler:

I move the action be classified as a Type II action and the Planning Board requires no further action under SEQR.

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

Motion carried.

Chairman Ruth adjourned the meeting at 8:40 P.M.

Gail Rutkowski, Clerk