

Chairman Larry Ruth called the regular meeting of the Town of Walworth Planning Board to order at 7:33 P.M. Members present were Gene Bavis, Elaine Leasure, Larry Ruth, Deb Amsler and Karel Ambroz. Also present was Phil Williamson, Code Enforcement Officer, Norm Druschel, Building Inspector and Carl Hewings, Town Engineer.

Deb Amsler made a motion, seconded by Elaine Leasure to dispense of the reading of the formal legal notice. Motion carried.

Deb Amsler made a motion, seconded by Gene Bavis to approve the minutes of August 19, 2009 as presented.

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

Motion carried.

1. Application by Ray Fletcher of 468 Haley Road for Waiver of Procedure and Approval Requirements for 2-Lot Realty subdivision of land located at 482 Haley Road (reconfiguration of lot lines). Property is zoned: RR-1.

There was no one present to discuss the application. Ray Fletcher of 468 Haley Road appeared before the Board at the July worksession and explained that he would like to purchase a 10 ft. strip of land from his neighbor, Antonio Pagan of 482 Haley Road. Mr. Fletcher was informed at the worksession that the Board had no problems with the concept, but the 10 ft. strip would need to be merged with the original parcel under one tax account number.

The Board was also in receipt of a formal application and a letter from Mr. Fletcher, dated August 13, 2009 requesting a waiver of procedure and approval requirements to allow the matter to proceed administratively. An Affidavit signed by Antonio Pagan is on file allowing Mr. Fletcher to request the waiver.

The Board had no further concerns.

Karel Ambroz made a motion, seconded by Deb Amsler:

Having received a written request for a waiver of normal subdivision procedure and approval (per 151-6 of SUBDIVISION of LAND) for the following, Raymond Fletcher, property located at 482 Haley Road, I move for the waiver of normal subdivision procedure and approval with the condition that subdivision plans shall be reviewed and subject to approval by the Code Enforcement Officer and Town Engineer in accordance with the conditions of this chapter.

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

Motion carried.

2. Application by William Calder for Preliminary and Final 3-Lot Subdivision & Site Plan (Re-Subdivision of Lot 3) of the O'Brien Subdivision located at 129 Atlantic Avenue, at the northwest corner of Atlantic Avenue & County Line Road. Property is zoned: RR-1. (Public Hearing).

Michael Braun, Passaro Associates was present along with his client, William Calder, owner of the property that he very recently purchased from the O'Briens.

Mr. Braun explained that the proposed project site is located at the northwest corner of Atlantic Avenue and County Line Road. The driveways of the proposed 3 lots will access onto Atlantic Avenue. The homes will have private septic systems and public water.

At the August 19, 2009 worksession, the engineer was asked to recalculate the sight distance along Atlantic Avenue to reflect the speed limit of 45 mph in the westbound direction and 55 mph in the eastbound direction. The updated sight distance data has been submitted and both intersection and stopping sight distances exceed the NYS DOT standards. The updated site plan shows the addition of a turnaround for all three driveways.

A complete Storm Water Pollution Prevention Plan (SWPPP) has been prepared to address erosion and sediment control issues and has been submitted to the Town Engineer for his review.

Larry Ruth read a letter from the Wayne County Planning Board, dated August 27, 2009 that read:

At its regular meeting on August 26, 2009, the Wayne County Planning Board reviewed the above referenced referral and recommended approval of the preliminary/final site/subdivision plans with the following conditions:

- 1) each lot should have American Association of State Highway and Transportation Officials (AASHTO) recommended sight distances
- 2) consideration should be given to constructing the Lot R3-C driveway on County Line Road
- 3) a Wayne County Highway driveway permit will be needed for each Atlantic Avenue road cut
- 4) vehicles should not be permitted to back out from the proposed lots to Atlantic Avenue (i.e. driveway turnarounds should be required) and
- 5) storm water and erosion and sediment control measure must be Phase II NYSDEC regulations.

Mr. Braun stated that he was present at the Wayne County Planning Board meeting to discuss the driveway access onto Atlantic Avenue. Mr. Braun acknowledged that consideration was given to having the driveway access of Lot R3-C on County Line Road, but the decision was made that the driveway should remain as is. Having a driveway access onto County Line Road, a short distance way from the Atlantic Avenue intersection could create a potentially unsafe situation. All factors considered, having the driveway access of Lot R3-C on Atlantic seemed to be the more favorable location.

Carl Hewing stated that all items had been address to his satisfaction.

Larry Ruth opened the public hearing. There was no public comment.

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.

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

I move to grant preliminary and final subdivision approval of the re-subdivision of Lot 3 of the O'Brien subdivision:

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

Motion carried.

Karel Ambroz made the following motion, seconded by Deb Amsler to grant site plan approval 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 purposes including the acquisition of property.

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

Motion carried.

Chairman Ruth made the following statement, "Although I support this, my support comes from the fact that you meet all the regulations and codes. I would like to state for the record that I am concerned about the number of driveways coming out onto Atlantic Avenue. There is another parcel of land yet to be dispensed with, east of this one, and it certainly will generate at least one more driveway, if not more. I just want to go on record to say that I do share the same concern as the County, about the number (of driveways)."

3. Continuation of the public hearing for the application of Home Leasing, LLC for Preliminary & Final Subdivision & Site Plan approval for property located at Eagles Roost Lane and Gananda Parkway. Property is zoned: PD - Planned Development. (Public Hearing).

The Board was in receipt of a map entitled, "Gananda Properties Eagles Roost Lane Subdivision Plat", dated May 2009. Jeff Leenhouts of Home Leasing, LLC was present along with Michael Connor of BME Associates.

Chairman Ruth stated that the public hearing had been tabled at the August 10, 2009 meeting to allow additional time for Jeff Leenhouts to meet with the residents to discuss his plans for the land and also the possibility of the homeowners considering the option to purchase the property.

Mr. Leenhouts stated that he had opportunity to speak with some of the homeowners and at this point it was decided to move forward with the subdivision approval process, as there was no one in the position to purchase the parcel at this time. Mr. Leenhouts acknowledged the concerns of the residents as outlined in the petition signed by over 100 residents. He expressed his willingness to create a buffer between the existing houses and the two new lots to lessen the impact of any future development. He also stated that there was no active marketing of the property at this time and he did not have any timetable for development of the property.

Chairman Ruth read a letter from Michael Connor of BME Associates to Carl Hewings, Town Engineer, dated June 8, 2009 that read in part:

"We have received your comment letter, dated May 22, 2009 and on behalf of the developer, we offer revised plans and the following responses for your review.

1. The overall distance along Eagle Roost Land has been corrected. Record bearings have been added to the plat for reference purposes.
2. We have placed the Lot 2 clean out for the proposed sanitary sewer lateral on the edge of the existing easement as requested.
3. We have forwarded copies of the design plans to the Wayne County Water and Sewer Authority as requested.
4. Wayne County Water and Sewer Authority performed a flow test on June 4, 2009. We have added the hydrant flow test results to the Utility Plan and attached the water supply calculations indicating that there is adequate water pressure to service the proposed home on Lot 1.
5. We have adjusted the proposed driveway culvert and also the sanitary lateral to a 6" PVC at the minimum slope of 1.00 percent, to provide cover and cross over the proposed 12' HDPE storm pipe. We have also included a profile for your review."

After reviewing the plans, Carl Hewings, responded in a letter dated, June 16, 2009 that read:

"We have reviewed plans submitted by your office to the Town of Walworth for the Eagles Roost Lane Subdivision for Final Plat Plan and Site Plan Approval, we offer the following comments.

1. The Design Engineer should address all the issued that were raised at the last Planning Board hearing, held on June 8, 2009.
2. A Storm Water Pollution Prevention Plan will need to be prepared for the project if more than one acre of land will be disturbed."

Discussion ensued regarding whether or not the project disturbed more than one acre. Mr. Connor of BME Associates calculated that that the area disturbed is less than one acre (41,000+ sq. ft.) although it is close to one acre (43,569 sq. ft). Carl Hewings clarified for the Board that if less than one acre is disturbed all that is required is erosion control. If it is more than one acre, post construction storm water management issues that are defined by the DEC are required. Norm Druschel stated that the DEC can impose substantial penalties for MS4 noncompliance. The fact that the area disturbed was so close to one acre was discussed at length and whether it would be wise to prepare the complete SWPPP to avoid any future issues.

After a lengthy discussion back and forth between those present (Planning Board members, Carl Hewings, Town Engineer, Mr. Connor of BME Associates and Jeff Leenhouts), Mr. Leenhouts agreed that he would rather prepare the Storm Water Pollution Prevention Plan (SWPPP) now, than be required to produce it later.

Elaine Leasure made a motion, seconded by Gene Bavis to continue the public hearing. Motion carried.

James Richardson of 589 Crows Nest Lane

Mr. Richardson thanked Mr. Leenhouts for his flexibility in meeting with some of the residents. Mr. Richardson said that he sympathized with Mr. Leenhouts and realizes that this is property that he has owned for a long time and now wants to do something with it. He stated, "We have been enjoying the luxuries of the property for awhile and I realize that it is not up to the Board to determine whether or not we have been wronged by Ryan Homes. There were all kinds of things said and many questioned asked about this particular space prior to purchase. There were things implied that turned out to be otherwise. That being said, Jeff has been flexible in discussion about creating some kind of berm or buffer that would isolate us from the Parkway and the other houses and if that is something we can actually count on I think that would be great. This is what I would hope for."

Mr. Richardson also commented about the traffic situation coming off Gananda Parkway and turning right onto Crows Nest Lane. "It is a scary turn and one of the reasons is the 55 mph speed limit in both directions. It is scary to think of additional driveways in that location. Is there a traffic control devise, such as a light or speed reduction that could improve the safety of that section of highway?"

Gene Bavis stated that the State of New York Department of Transportation controls the speed limits. Mr. Richardson was told that the avenue to pursue would be to submit a neighborhood petition to the Town Board, who in turn could refer the matter to the State to request a review and traffic study.

Lillian Zoyack of 577 Crows Nest Lane

Lillian Zoyack commented, "My concern is that when we went to buy the lot Ryan Homes told us that it would be forever wild. The reason we liked the lot and decided to buy it was that it was so close to Gananda Parkway that we thought they would never build anything behind here. My main concern is that I would hope you could save a lot of the trees. I'm still concerned about the traffic. People promise you the world...we bought a premium lot and now look. If you could promise to do a buffer so we don't have to look at Gananda Parkway from our backyard, it would be appreciated. We were told it is a premium lot and we paid extra for it. We thought the town owned it. That is all I have to say."

There were no other 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.

A lengthy discussion ensued about providing a buffer between the proposed subdivision and the new lots.

Phil Williamson read Section 151.41 Preservation of natural features:

"The Planning Board shall, wherever possible, establish the preservation of natural features which add value to developments and to the community, such as large trees or groves, watercourses, historic spots, vistas and similar irreplaceable assets. No trees with a diameter of 12 inches or more shall be removed unless such tree is within the right-of-way of a street or located within the area a building or structure is to be erected as shown on the final plat or site plan as approved by the Planning Board. In all other cases, however, no tree with a diameter of 12 inches or more shall be removed without specific prior approval by the Planning Board."

Gene Bavis stated that the larger (12-inch diameter) trees should be identified on the map, so that the Town could enforce Town Code Section 151.41. Phil Williamson also told the Board that there was an area of trees that are identified on the map as "trees to remain".

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

I move to grant preliminary and final subdivision and Site Plan Approval of the Eagles Roost Lane and Gananda Parkway Subdivision with the following conditions:

- 1) All trees with a diameter of 12 inches or larger must be identified on the site plan.
- 2) 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.

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

Motion carried.

4. Other – Seeker Subdivision, 2060 Watson-Hulbert Road

Phil Williamson informed the Board that he had been notified that the Town of Penfield had received preliminary and final approval from the Penfield Planning Board on August 13, 2009 to allow for the subdivision of 2060 Watson-Hulbert Road into three lots. The subject parcel extends into the Town of Walworth, but the creation of the two additional lots was proposed solely within the Town of Penfield. The Town of Penfield failed to notify the Town of Walworth Planning Board of the proposed subdivision that is within 500' of the Town line, prior to approval. Monroe County Mapping would not accept the approved map until they received notification from the Town of Walworth it is okay to do. The Board was in receipt of a copy of the approved map.

The Planning Board concurred that that they did not find any impact from the approved subdivision. Phil Williamson said that he would follow up with the Town of Penfield.

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

Chairman Ruth adjourned the meeting at 9:07 P.M.

Gail Rutkowski, Clerk