

Chairperson Larry Ruth called the regular meeting of the Town of Walworth Planning Board to order at 7:35 P.M. Members present were Gene Bavis, Elaine Leasure, Larry Ruth and Deborah Amsler. Karel Ambroz was absent. Also present was Phil Williamson, Code Enforcement Officer Norm Druschel, Building Inspector and Carl Hewings, Town Engineer.

Elaine Leasure made a motion, seconded by Gene Bavis to approve the minutes of the August 10, 2009 with following correction, page 756, 16. R.O.W. be changed to right-of-way.

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

Motion carried.

**1. Continuation of public hearing by Janet O'Brien for Realty Subdivision of Land to subdivide a 3.6 acre parcel from remaining lands located on the north side of Atlantic Avenue and the west side of County Line Road (Lot 3). Property is zoned: RR-1 – Rural Residential (Public Hearing).**

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

Janet O'Brien, owner of the property was present. Mrs. O'Brien explained that she has already appeared at a previous worksession and is now coming before the Board for subdivision approval prior to transferring the property over the Mr. William Calder.

Carl Hewing stated that he has reviewed the latest map, prepared by James Leoni of Bileschi Land Surveying, dated 8/13/2009 and responded in a letter to the Planning Board dated August 17, 2009. The primary concern was in regard to the 40 ft. access right-of-way off County Line Road. Mr. Williamson explained that this was only a scaled measurement and would need to be surveyed to verify that it is correct.

Phil Williamson stated that the Town is only trying to protect the O'Briens in the event that the remaining lands were to be sold in the future. If the lands were to be surveyed later, and found to be less than 40 ft. there could be a potential problem accessing the back lands.

Phil Williamson read from Town Code Section §180-34 Minimum width of access right-of-way for residential lots: The minimum width of the access right-of-way for residential lots shall be as follows, unless specifically waived by the Planning Board.

<u>Minimum Access</u> (length of Access in feet)	<u>Width per Lot</u> (feet)
0 to 250 ft.	20
251-500 ft.	35
over 500 ft.	60

Phil Williamson commented that the Planning Board would have the right to waive the 35 ft. minimum access width, in the future if it were for the benefit of all parties. Mr. Williamson further commented, "The only thing we want to do is to make sure that it is entered into the record that it was addressed and identified as a potential problem (*minimum access width*) because it was not surveyed; it was scaled from a map and may not be correct as far a the dimension goes. In no way do we want to hold up the approval process."

Phil Williamson also said that the notation on the map (upper right hand) regarding the remaining lands of Janet O'Brien implies that the balance of the O'Brien lands does not have to be surveyed at the time of any future subdivision and this is incorrect; therefore, the notation should be removed from the map and made a condition of approval. The letter from Brendan Bystrak of Parrone Engineering, dated 9/11/2006 only relates to the subdivision that was created in 2006. Since then two subdivisions have been created by deed, without the Planning Board being aware of the subdivisions. The letter was taken out of context and was not meant to imply that any future subdivision owned by the O'Briens do not have to be surveyed.

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

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

Motion carried.

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

I move that the action be classified as a Type II action and a Negative Declaration is declared; no further action is required under SEQR.

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

Motion carried.

Gene Bavis made a motion, seconded by Elaine Leasure to grant preliminary and final subdivision approval with the following condition:

- 1) Removal from the subdivision map of the entire notation at top right corner of the map that refers to the letter from Brendan Bystrak of Parrone Engineering to Phil Williamson, dated 9/11/2006.

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

Motion carried.

**2. Concept discussion by William Calder for Re-Subdivision of Lot 3 of the O'Brien Subdivision & 3 Lot Site Plan located at 129 Atlantic Avenue, at the southwest corner of Atlantic Avenue & County Line Road. Property is zoned: RR-1.**

Kim Jong, of Passero Associates was present representing William Calder who is in the process of purchasing Lot #3 of the O'Brien Subdivision (see above). Mr. Jong explained that the three lots will have separate raised bed septic systems. Perk and deep hole tests have been witnessed by the Town. It is proposed that the water main will be extended to the west side of the already approved single lot owned by William Calder; just past the driveway. Mr. Jong has spoken with Mike Simon of the Wayne County Water and Sewer Authority and they have requested installation of a minimum 8" water main. The proposed driveway access is off of Atlantic Avenue.

Carl Hewings told Mr. Jong that he has reviewed plans and since it is over a graded acre the SWPP needed to include post construction practices for all three lots that appeared to have been omitted.

Gene Bavis brought up the concern of the Wayne County Planning Board about access onto Atlantic Avenue. Phil Williamson told the Board that he had discussed sight distance with Bret DeRoo and Mr. DeRoo verified that the sight distance meets or exceeds D.O.T standards. Phil Williamson suggested that the engineer redo the sight distance calculations as they were based on a speed limit of 45 mph, instead of 55 mph (Atlantic Avenue changes from 45 mph in Monroe County to 55 mph in Wayne County). Phil Williamson stated that Bret DeRoo has been made aware of the discrepancy. The application will be discussed at the next County Planning Board meeting on August 26<sup>th</sup> at 7:00 p.m.

Chairman Ruth suggested that considering the County's reluctance of having road cuts onto Atlantic Avenue, it may be beneficial for the applicant and his engineer to be present at the County Planning Board meeting to explain their position regarding driveway access.

Gene Bavis suggested that having a turnaround on each of the driveways would be a good idea considering the high traffic volume and speed of traffic on Atlantic Avenue. The turnaround should be added to the site plan. There was also discussion about the possibility of constructing the driveway of Lot R3C to access on County Line Road, instead of Atlantic Avenue, which would be one less road cut onto Atlantic.

Chairman Ruth explained that if the County were to recommend denial of the subdivision, it would require a super majority vote by the Town of Walworth Planning Board to override the recommendation of the County.

Mr. Calder told the Planning Board that he will be hooking up to the Town Water with two hydrants at his own expense. Once the project is completed, the water main will be dedicated to the Town.

The developer, at the preconstruction meeting prior to any right to commence construction, shall pay to the Town of Walworth, by certified check an amount equal to 3% of the approved professional engineering cost estimate for construction facilities to be dedicated, and for the inspection fees (Town Code §Section 151-45).

Norm Druschel, Building Inspector must inspect the construction of the water main from beginning to end and witness the testing to ensure that all Town requirements are met.

Chairman Ruth adjourned the meeting at 8:05 P.M.

Gail Rutkowksi, Clerk