

Chairperson Larry Ruth called the regular meeting of the Town of Walworth Planning Board 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, Norm Druschel, Building Inspector and Thomas Yale, Planning Board Liaison.

Elaine Leasure made a motion, seconded by Deb Amsler to approve the minutes of the January 12, 2009 meeting as presented.

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

Motion carried.

1. Concept discussion of Aimee Pfeiffer for possibility of operating a Cats Only Boarding Facility to be located at 3621 Stalker Road. Property is zoned: R-Residential.

Aimee Pfeiffer was present along with her husband to discuss her plans to open a Cats Only Boarding Facility, to be called, "For the Love of Cats", located at 3621 Stalker Road.

Ms. Pfeiffer explained that she would like to convert the present 2-car garage (400 sq. ft.) into "For the Love of Cats. The only change to the exterior of the garage would be a walkway to the garage door and a shed. Planning Board members were given a diagram of the layout of the interior space. The idea is to construct cat suites 3.5 ft. wide, 3.5 ft. long and 6 ft. high. The suites will include ledges and possibly a catwalk. Each cat will have his or her own food, litter and bed. The facility would be open for short-term cat boarding (from a few days, a week or a few weeks). Advertising would be primarily by website, and perhaps a small sign on the garage.

Ms. Pfeiffer stated that she did not anticipate an increase in traffic, as drop off for clients will be by appointment only and pick up will be staggered as well. Also, the business will start small with only 6 suites initially, perhaps increasing to 10 depending on the growth of the business. Chairman Ruth questioned if the facility would be open 7 days a week? Ms. Pfeiffer answered that it would be, but the number of cats boarded at any one time would vary and would not be constant. She would anticipate greater use during the holidays and school vacations.

Deb Amsler questioned if there would be an outdoor area for the cats? Aimee Pfeiffer answered that there would not be an outdoor area, but there would be a play area in the center of the facility.

Ms. Pfeiffer was questioned as to whether the Board of Health had any specific requirements that must be complied with? Ms. Pfeiffer commented that she has done extensive research and did not see any specific requirements mentioned. Ms. Pfeiffer did indicate that she would have one or two area veterinarians look at the facility prior to it opening. She also said she would carry limited liability insurance.

Gene Bavis questioned the size of the property. Ms. Pfeiffer stated that it was approximately $\frac{3}{4}$ of an acre. Gene Bavis questioned Phil whether cat boarding was the same as dog boarding that requires a minimum of five acres of land. Phil Williamson stated that he could find nothing in the Town Code indicating that five acres are required. As Cat Boarding was not mentioned in the Town Code, it was his interpretation that this type of operation would be considered a Home Occupation Minor. Phil Williamson stated that he would check with the Town Attorney. If it is determined that the operation does indeed fall under a Home Occupation Minor, it would not be necessary for the Planning Board to take further action. Once that is established, an application for a Home Occupation Minor would need to be completed and filed with the office of the

Town Clerk. The applicant must comply with the terms as set forth in Section § 180-43.1 Home Occupation Minor.

Phil Williamson commented that he would notify the Aimee Pfeiffer within two weeks regarding the determination, after he consults with Denise Munson, Town Attorney.

The Planning Board members concurred that they had no problem with the concept, but agreed that the Town Attorney should be consulted.

2. 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.

There was no one present to discuss the concept.

3. Concept discussion of Ronald Wrightstone for possible 2-lot subdivision of land and residential site plan for property located at 967 Kuttruff Road. Property is zoned: RR-1 – Rural Residential 1.

Michael Sponable, P.E., John A. Greene & Associates, 211 West Avenue, Newark was present representing the owner Ronald Wrightstone. A map entitled, "Plan of Land to be developed by Mr. & Mrs. Ronald Wrightstone", dated November 21, 2008 was given to the Planning Board members for their review.

Michael Sponable explained that the Wrightstone's are looking to downsize and would like to subdivide the property. They intend to sell their existing house and 3.162 acres and build a new home on the remaining 1.033 acres.

Perk test and deep hole have been conducted and witnessed by the Town.

The site plan shows driveway access onto Kuttruff Road on the westerly side of the lot. The residence will be built uphill from the existing drainage swale. There is an existing 18" culvert under Kuttruff Road.

Gene Bavis stated that his only comment would be that some type of screening between the two lots be considered. Norman Druschel commented that the property is already quite wooded.

The Board members concurred that they were agreeable to the concept.

4. Concept discussion of David Wilbert for possible 2-lot subdivision of land for property located at 4441 Wal-Ontario Road. Property is zoned: RR-1 – Rural Residential 1.

Michael Greene, of John A. Greene & Associates, 211 West Avenue, Newark was present representing David and Diane Wilbert, owners of the property located at 4441 Walworth-Ontario Road. A map entitled "Subdivision Plan of Land owned by David & Diane M. Wilbert, dated January 6, 2009 was given to the Board for their review.

Mr. Greene explained that the owners intend to subdivide the 10.814 acres parcel into two parcels. The owners would like to sell the existing house and two barns along with 6.235 acres, leaving a remaining parcel of 4.578 acres.

The question was asked if the farm lane at the south of the property was for access to the back parcel, which is also used owned by the Wilbert's? Norm Druschel stated that it was. The question was asked if there were any plans to develop the 4.578-acre parcel? Mr. Greene stated that he was not aware of any. Norm Druschel commented that the back parcel is currently used as a fruit orchard and the developmental rights have been sold. If the Wilbert's were to merge the two parcels together, the 4.578-acre parcel may not be able to be developed in the future, as well. That possibility should be considered.

Gene Bavis commented that the owner should also be made aware that one of the barns on the property is only 65 feet from the property line and could not be used to house animals, according to Town Code. The suggestion was made that if the plan were to be reconfigured so that the barn was at least 100 feet from a property line, the barn could then house animals and would be a more attractive to potential buyers. Any lot housing animals must also be 5 acres. Mr. Green stated that he would inform his client.

The Board suggested that there should be ways to reconfigure the subdivision so that both lots would be 5 acres and the barns located 100 feet from the property line. As long as the comments of the Board are considered, the Planning Board was agreeable to the concept.

Discussion ensued as to whether either of the above two subdivisions could be handled as a waiver of subdivision approval, instead of a public hearing. Since both lots have been previously subdivided, wouldn't they both have to come before the Planning Board again? Deb Amsler questioned how far back one must look. Gene Bavis commented that in the past it was his recollection that it was five years. Phil Williamson stated that there wasn't any specific length of time mentioned in the Town Code, only that it was at the Planning Boards discretion. He further explained that the reason behind the code in the first place, was so that an owner would not repeatedly subdivide a property, one lot at a time and request a waiver each time, as a way to circumvent appearing before the Planning Board. Tom Yale commented that this is an area of the Town Code that needs to be looked at for possible revision and clarification.

After discussion, the Planning Board members concurred that both subdivisions should be advertised for a public hearing.

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

Gail Rutkowski, Clerk

