

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, Elaine Leasure, Larry Ruth, Deborah Amsler and Karel Ambroz. Also present was Phil Williamson, Code Enforcement Officer, Norm Druschel, Building Inspector and Carl Hewings, Town Engineer.

Elaine Leasure made a motion, seconded by Deb Amsler to approve the minutes of the January 21, 2009 with the following correction: page 721 (last paragraph, line 2) should read, "Gene Bavis questioned Phil...."

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

Motion carried.

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

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

Motion carried.

**1. Application of Cindy Polisse for Modification of Special Use Permit (to add 18 additional seats & office/storage area) for Feathered Bye Friends Café, located at 2263 Wal-Marion Road. Property is zoned: B-1 – Business. (Public Hearing)**

Cindy Polisse was present to discuss the application. Chairman Ruth asked if the Board had any concerns. The Board concurred that all concerns had been addressed at the worksession. The only question was whether the hours would remain the same? Cindy Polisse responded that the hours would not change.

Chairman Ruth explained that the Wayne County Planning Board cancelled its January 28, 2009 meeting due to the weather and did not take action of this month's three referrals (Feathered Bye Friends, Salvatore's & Azzano's). Based on General Municipal Law, the municipality may take action on the referral(s) without County Board approval, if the Planning Board fails to make a recommendation within thirty days from the date the County received the application (letter from Wayne County, dated 1/29/2009 in Planning Board files).

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.

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 approve the application of Cindy Polisse for Modification of the Special Use Permit to make renovations to the Feathered by Friends Café to add 18 additional seats, an office/storage area and an ice-cream take-out window. This modification is subject to the following condition:

1. All conditions from the original Resolution whereby the Special Use was granted, dated 11/14/2007 are complied with.

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

Motion carried.

**2. Application of Salvatore Fantauzzo for Special Use Permit to operate a sit-down and take-out pizzeria operation, called Salvatore's Pizzeria, to be located at 3719 Wal-Palmyra Road. Property is zoned: B-1 - Business. (Public Hearing).**

In the absence of Salvatore Fantauzzo, several other employees of the company were present. There were no questions as the Planning Board members concurred that all concerns had been adequately addressed at the worksession.

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.

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

Motion carried.

Gene Bavis made the motion, seconded by Karel Ambroz to approve the application for a Special Use Permit as follows:

Resolution

After considering the factors set forth in Chapter 180-53(B) of the Town of Walworth Municipal Code and the application for Special Use Permit approval, I move that the Board find:

- (1) the location and size of the proposed use, the nature and character of the operation involved, the size of the site in relation to the proposed use and the location is:
  - (a) in harmony with the orderly development of the zoning district in which it is located.
  - (b) does not prevent the orderly and reasonable use of permitted or legally established uses in the district where the proposed use is to be located or permitted or legally established uses in adjacent use districts.
  - (c) does not prevent the orderly and reasonable use of adjacent property or properties in adjacent districts, and
- (2) the location, nature and character of the operation involved in the proposed special use and the height of structure does not unreasonably discourage or prevent the appropriate development and use of adjacent lands and buildings in the district or land and buildings in adjacent use district or unreasonably impair the value of land within the district where the special use is proposed or in the adjacent use district, and
- (3) the use will be in harmony with and promote the general purposes and intent of Chapter 180 of the Town of Walworth Municipal Code, and
- (4) the public health, safety, welfare, comfort, convenience or the order of the adjacent land, surrounding neighborhoods in the Town of Walworth will not be affected by the proposed use in its location, and
- (5) the application for special use be granted upon the following conditions:
  1. Hours of Operation are: Sun. thru Thurs. 11:00 A.M. - 9:00 P.M.  
Fri. and Sat. 11:00 A.M. – 10:00 P.M.
  2. Ten parking spaces for customers in front of building. Three parking spaces in the back of property for staff.
  3. Property to be maintained in a neat and orderly manner.
  4. Sign as permitted by Town ordinance.

- 5. The applicant will adhere to all Federal, State and Local Codes, as apply to the particular use.
- 6. This Special Use Permit will be subject to review for violation or change of circumstance.

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

Motion carried.

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

Chairman Ruth opened the public hearing. There were no comments from the public.

Steven Azzano was present, along with his engineer, Mr. Joseph Pullen. Mr. Pullen stated that he had made a few revisions, based on comments from Parrone Engineering. He has revised the grading and changed the symbol for the fence so it is easily determined on the map. The driveway profiles have been developed and drainage calculations for the culverts and hydraulic calculations for water services have been completed. The environmental assessment has been revised to encompass the entire 27-acre parcel. Mr. Pullen commented that he did not need a SWPP because the parcel being developed is less than 5-acres.

Carl Hewings responded that Mr. Pullen must comply with DEC Permit regulations. The applicant must be aware that if in the future he decides to develop the back portion of the property he will be subject to storm water management regulations on the entire property. Norm Druschel concurred with Carl Hewings that DEC Permit regulations must be complied with.

Gene Bavis asked, "How wide is the access strips at the south and north lines of the property?" Mr. Pullen responded that it 40 feet on the north line and 60 feet on the south line. Gene Bavis questioned, "Is 40 feet on the north line wide enough?" Mr. Pullen commented that it is his understanding that there are no plans to develop the back acreage. Carl Hewings responded that if there is any possibility of development of the back land in the future, a 60 ft. right-of-way is needed. Gene Bavis added, "There must be adequate room for emergency vehicles to turn around." The suggestion was made that even though the applicant has no plans to develop the back lands at this time, it may be wise to make the change to 60 ft. now.

Gene Bavis questioned if the 12/10/2009 map was the latest revision. Mr. Pullen said that there was another revision on January 5, 2009. The Planning Board members concurred that they did not want to grant preliminary approval until the Town Engineer had a chance to review the latest revision.

Chairman Ruth questioned, "Would it be possible for the preliminary and final approval to be granted at the same time?"

Phil Williamson emphasized that the Town Engineer must review the final plans to make sure that all requirements of the Town of Walworth code and storm water management issues are met to his satisfaction. The public hearing can be advertised for both preliminary and final approval once Carl Hewings informs the Town that the Final Plat is ready.

Elaine Leasure made a motion, seconded by Deb Amsler to close the public hearing and take no further action until the Town Engineer has had the opportunity to review the latest revision of the map.

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

Motion carried.

**4. Application of Home Leasing, LLC for installation of a sign for the Gananda Senior Housing facility. Property is zoned: PD – Planned Development.**

The Planning Board was in receipt of a drawing showing the design of the proposed sign for the Gardens Senior Living community. The size of the sign is 4 ft. x 8 ft. with an overall height of 6 ft. and complies with current zoning (section §180-40).

Karel Ambroz commented that when driving by the site he observed that there was already a sign installed. Phil Williamson responded that the sign that is now in place is a temporary construction sign. Phil further commented that a building permit must be obtaining prior to placement of the proposed sign and the location of the sign must comply with zoning setback requirements.

Elaine Leasure made a motion, seconded by Deb Amsler to approve the installation of a sign for The Gardens Senior Living community.

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

Motion carried.

Gene Bavis made a motion, seconded by Elaine Leasure to adjourn the meeting.

Chairman Ruth adjourned the meeting at 8:10 PM.

Gail Rutkowski, Clerk

