

Chairman Larry Ruth called the regular meeting of the Town of Walworth Planning Board to order at 7:32 P.M. Members present were Elaine Leasure, Larry Ruth, Deb Amsler and Karel Ambroz. Gene Bavis 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 Karel Ambroz to dispense of the reading of the formal legal notice. Motion carried.

Elaine Leasure made a motion, seconded by Deb Amsler to approve the minutes of June 17, 2009 as presented.

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

Motion carried.

1. Application of Mark & Patricia Ziembra for site plan approval for property located on Route 441, south side, 1700 ft. west of Canandaigua Road. Property is zoned: PD – Planned Development.

Mike Greene, of John A. Greene & Associates, Filkins Road, Newark was present representing the applicants, Mark & Patricia Ziembra.

Chairman Ruth read a letter from the Wayne County Planning Department dated, June 28, 2009 that stated:

“At its regular meeting on June 24, 2009, the Wayne County Planning Board reviewed the referenced referral and recommended approval of the preliminary/final site plan with the condition that sight distances are confirmed to meet American Association of State Highway and Transportation recommendations. The Board understands that access sight distances are documented to exceed AASHTO recommendations for minimum safe stopping distances on a 55 MPH road (450’ is recommended where 487’ is field measured to the east and greater than 1000’ is documented to the west). However, there was a concern that vehicles may travel at speeds greater than the posted speed limit on this section of NYS Rt. 441. Therefore, the Board felt site access could be made safer by relocating the driveway further west which would improve the sight distance that is available to the east.”

Chairman Ruth also read a letter from Carl Hewings, Parrone Engineering, dated July 6, 2009 that stated that they had reviewed the project for site plan approval and offered the following comments:

1. Design Engineer is to submit plan to the Wayne County Sewer and Water Authority for review and comments.
2. Design Engineer is to provide the measured setbacks for the PD zoning.
3. Design Engineer is to add north arrow to plan.
4. Design Engineer is to add the appropriate water service notes and detail to the plan.
5. Design Engineer should add additional silt fence and check dams to the plan.

Carl Hewing stated that all the above issues had been addressed to his satisfaction.

Mike Greene stated that he had done a field study and relocating the driveway further west would actually make the sight distance worse. Carl Hewing stated that it was the engineering responsibility to check sight distance and he has reviewed the findings against the code requirements and they have been met to his satisfaction.

Deb Amsler made a motion, seconded by Elaine Leasure to site plan approval with the following condition:

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	Absent
	Elaine Leasure	Aye
	Larry Ruth	Aye
	Deborah Amsler	Aye
	Karel Ambroz	Aye

Motion carried.

2. Application of John Casciani to subdivide residence and one acre from 11-acre parcel located at 1168 Whitney Road at the intersection of S. Slocum Road. Property is zoned: RR-1 – Rural Residential (Public Hearing).

John Casciani, owner of the property was present and explained that the intent is to subdivide the existing home with one acre from the remaining 11.5 acre parcel. Mr. Casciani explained that the house has been remodeled by Mike Green and there is a buyer under contract to purchase the house and one acre. Mr. Casciani stated, "I have no plans for the remaining acreage, but I do want to be prepared to transfer title to the new owner for house and one-acre."

Chairman Ruth read a letter from the Wayne County Planning Department dated, June 28, 2009 that stated:

"At its regular meeting on June 24, 2009, The Wayne County Planning Board reviewed the following referral and determined it to be of no intermunicipal or countywide impact. The Board recommended this referral be returned to the Town to be handled as a local matter provided that Lot No. 1 is configured so that the existing septic system meets NYS Department of Health regulations (required Separation distance, etc.)."

Chairman Ruth also read a letter from Carl Hewings, Parrone Engineering, dated July 6, 2009 that stated that they had reviewed the project and offered the following comments:

1. The Agricultural Date Statement is incomplete.
2. Please provide measure front setback from the right-of-way.

Karel Ambroz questioned what the setback of the house and Mr. Casciani said it was 35.2 feet. Mr. Ambroz asked if the septic system was entirely on the one-acre parcel and Mr. Casciani said that he had verified that it was.

Chairman Ruth opened the public hearing.

John Benard, 1236 Whitney Road, neighbor to the east commented, "I heard the man say that he doesn't have any plans for the remaining 10 acres, but that is a concern. Nobody is going to subdivide one-acre from eleven acres and not do anything with the remaining ten acres. The concern is that I'm going to be living next door to a housing development."

Chairman Ruth commented, "We did broach that subject when it first came before this Board. It is of interest to us, but the fact that they do not have any plans at this time, does not deter action on this." John Benard responded, "I get that, but I'm sure we will be back here in six month or a year and we will address it then." He further commented, "Many of the houses in the immediate vicinity are situated on five or six-acre parcels and would hate to see the character of the neighborhood changed, much less the traffic and everything that goes along with a housing development, such as additional expenses to the school system."

Phil Williamson commented that the minimum size lot in the RR-1 zoning district is one acre and as long as the owner complies with all zoning requirement they can develop their own property as they choose. Mr. Benard responded, "Well, I've said my piece, I'm very concerned about what is going to happen to the remaining 10 acres that clearly is going to be developed. Nobody sets aside a 10 acre parcel and pays taxes on it forever."

Ted Rivera, 5631 Slocum Road, Town of Ontario spoke, "I live just over the Walworth Town line and I have some of the same concerns. I also am on a five-acre parcel and feel a housing development is not in keeping with the character of the neighborhood. In the event that the owner chooses to develop the property, what would be the process?" Chairman Ruth explained that any further development would have to come before the Planning Board. Phil Williamson clarified that placing a sign on the property and posting the legal notice in the Town paper is how the public is notified. Letters are not sent to individual homeowners. Ted Rivera also questioned the regulations in regard to septic systems. Chairman Ruth answered that perk tests would need to be conducted. Chairman Ruth further stated that that there are many variables that need to be looked at; such as driveway placement and the width-to-depth ratio, to determine how the land could be subdivided and meet all zoning requirements.

Mark Chandler, prospective owner of the property also expressed concern about what the plans were for the remaining property and questioned Mr. John Casciani as to why he didn't sell the house with the entire acreage in the first place? Mr. Casciani explained that he had reached an agreement with Mr. Mike Green for Mr. Green to renovate the building, and purchase along with the house the minimum one acre of land that the Town of Walworth requires. Mr. Casciani stated, "What we are trying to do now, is create the one acre so you can close on your mortgage."

There was further discussion back and forth between Mr. Casciani and Mr. Chandler regarding the remaining 10 acres. Mr. Casciani stated that he wanted to be completely upfront and did not want to imply that the land would not be developed in the future. Mr. Casciani stated that he would be willing to discuss the possible purchase of additional land by Mr. Chandler or any neighboring property owners. At this time, he hasn't explored all the options for the remaining land, and simply did not know. Mr. Casciani stated that he was open to further communication with Mr. Chandler or anyone else. Chairman Ruth stated that it would be up to the two parties involved to keep in touch. Chairman Ruth reminded those present, "the issue before the Board at this time is the subdivision of the existing home and one acre from the remaining property."

There were no further comments from the public.

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

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

Motion carried.

Karel Ambroz made a motion, seconded by Deb Amsler to approve the subdivision of property located at 1168 Whitney Road with following conditions:

1. The Agricultural Data Statement is completed.
2. The front setback of 35.2 feet is added to the subdivision map.

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

Motion carried.

3. Application of William Calder for 1-lot site plan approval for property located at 129 Atlantic Avenue (north side). Property is zoned: RR-1 – Rural Residential (Public Hearing).

William Calder owner of the property was present along with his son who intends to build a house on the property located at 129 Atlantic Avenue. The Board was in receipt of a Site, Utility and Grading Plan, prepared by John Caruso of Passero Associates, Rochester, NY dated June 2009.

Chairman Ruth opened the public hearing. There was no one else present to speak for or against the application.

Chairman Ruth read a letter from the Wayne County Planning Department dated, June 29, 2009 that stated:

"At its regular meeting on June 24, 2009, the Wayne County Planning Board reviewed the above referenced referral and recommended approval of the preliminary/final site plan with the condition that the driveway is constructed to meet the Town's requirement for emergency vehicle access."

Chairman Ruth questioned Carl Hewings as to whether the driveway met the standards for emergency vehicle access. Mr. Hewings responded that the proposed driveway was 16 feet wide and complied with recommendations.

Carl Hewings stated that he had sent a letter, dated July 6, 2009 to Mr. Calder's engineer, John F. Caruso of Passero Associates with eight items that needed to be addressed:

1. The Design Engineer shall submit plans to the Wayne County Sewer and Water Authority for their review and comment.
2. Provide water pressure calculations and hydrant flow data.
3. The Design Engineer shall provide a letter giving permission to perform offsite grading.
4. The proposed 15" HDPE culvert pipe has no slope
5. The Design Engineer should consider placing check dams on either side of the proposed driveway.
6. On Sheet 2 of please remove one of the Temporary Construction Access details
7. If the amount of area to be disturbed is greater than one acre for this project a Stormwater Pollution Prevention Plan will be necessary for the project.
8. The Third drop box invert for the conventional drop box system has flow going in the reverse direction.

Carl Hewings stated that Passaro Engineering has not responded to the letter. Chairman Ruth suggested that Mr. Calder contact his engineer in regard to the outstanding eight items. The Board members concurred that the public hearing should be tabled since they did not have all the information needed to make a decision. Carl Hewings stated that if he had the requested information by Friday, August 17, 2009 he could review the plan so that it could be acted upon at the meeting on Wednesday, July 22, 2009.

Deb Amsler made a motion, seconded by Karel Ambroz to table the public hearing until Wednesday, August 22, 2009 worksession.

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

Motion carried.

- 4. Application of Virginia Boas for site plan approval for second principal dwelling on one lot (Walworth Town Code Section 180-22) for property located at 3864 Downs Road. Property is zoned: RR-1 – Rural Residential (Public Hearing). WITHDRAWN BY APPLICANT**
- 5. 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). WILL BE HEARD AT THE AUGUST MEETING.**
- 6. Application of Home Leasing, LLC for site plan approval for one-lot located at the corner of Hance Road and Gananda Parkway. Property is zoned: PD - Planned Development. (Public Hearing).**

Ryan Destro, of BME Associates, Fairport, was present representing Home Leasing. Mr. Destro briefly explained the project. The site plan is for a one-lot residential development located on the southeastern side of the Hance Road and Gananda Parkway intersection. The municipal boundary line divides the parcel with 0.503 acres in the Town of Walworth and 0.344 acres in the Town of Macedon. The total parcel size is 0.847 acres. The proposed single-family home is will be constructed on the Town of Walworth parcel. Access is off of Hance Road. A proposed water service will be connected to an existing watermain along Hance Road to serve the proposed single-family home. A sanitary sewer lateral is proposed from an existing sanitary sewer along the south side of Gananda Parkway, to serve the single-family home.

Chairman Ruth read a letter from the Wayne County Planning Board, dated June 3, 2009 that read:

“At its regular meeting on May 27, 2009, The Wayne County Planning Board reviewed the above referenced referral and recommended denial of the preliminary/final subdivision plan as there was a concern that the proposal will create an unsafe traffic impact based on the following factors:

- 1) the high speed at which traffic can turn onto Hance Road from the Parkway, given the alignment of Gananda Parkway and Hance Road.
- 2) the proximity of the proposed driveway to Gananda Parkway and
- 3) the limited available sight distance.

The Board also feels it is important for the Town of Macedon to review this referral.

A copy of the site plan was sent to the Town of Macedon and it was reviewed at their June 8, 2009 Planning Board meeting and the following comments were sent to the Town of Walworth:

Home Leasing – Gananda Parkway/Hance Road – One-lot realty subdivision – Referral from Walworth – This lot is split between the towns of Walworth & Macedon with the residence completely sited within Walworth. Board discussed the speed of traffic coming off Gananda Parkway, a driveway turnaround, front setback for the house and possibly turning the house 90 degrees. A motion was made by Kevin Rooney, seconded by Tom Morrison, for referral back to Walworth with the following concerns: (1) proximity of driveway to intersection – traffic speed making the turn from Gananda Parkway; (2) short length of driveway – consider a turnaround; (3) consider a 60 ft. front setback for the house. All in favor: motion carried.

Karel Ambroz also expressed concern about the driveway sight distance, but felt that the hammerhead turn around was a good compromise. Discussion ensued regarding the sight distance issue.

Phil Williamson commented on the front setback of the house, "I would suggest leaving the house as it is (and not turning it 90 degrees), so that the house fronts on Hance Road, since that is the address."

Chairman Ruth opened the public hearing.

James Kendall, 3291 Hance Road spoke about concerns of traffic off of Hance Road ending up in the ditch across the way and wanted to be the sure the town was aware of this. Mr. Kendall also questioned whether hooking into the existing sewer lateral would affect drainage on his property. It was explained the drainage would not be affected and any landscaping would have to be restored to the original condition. Phil Williamson further stated that the restoration of the landscaping in the responsibility of the developer and not the Town.

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

Karel Ambroz made a motion, seconded by Deb Amsler to approve the site plan 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 purposes including the acquisition of property.
- 2) The Site Plan be revised to include a hammerhead turnaround
- 3) Any property restoration of landscaping that is disturbed on adjacent properties in the process of hooking into the existing sanitary sewer is the responsibility of the developer.

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

Motion carried.

Elaine Leasure made a motion, seconded by Deb Amsler to adjourn the meeting.

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

Gail Rutkowski, Clerk