

Chairman Larry Ruth called the regular meeting of the Town of Walworth Planning Board to order at 7:37 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.

Gene Bavis made a motion, seconded by Deb Amsler 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 July 22, 2009 as presented.

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

Motion carried.

**1. Application of 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. Property is zoned: RR-1 – Rural Residential (Public Hearing).**

Janet O'Brien owner of the property was present. She stated that she is seeking to subdivide a 3.6-acre parcel from the remaining land located on the north side of Atlantic Avenue and west wide of County Line Road. The potential buyer, Mr. William Calder is intending to add the property to the 2.2-acre parcel that he has previously purchased from the O'Brien's. The Board was in receipt of an instrument survey map, entitled Lot 3 of the O'Brien Subdivision to be conveyed being located at Atlantic Avenue situated in Part of Town Lot 129", dated June 14, 2009, prepared by James M. Leoni, of Bileschi Land Surveying, 435 Reynolds Arcade, Rochester.

Phil Williamson explained that Carl Hewings has reviewed the instrument survey and based upon his review regarding the submittal to Parrone office on August 5, 2009 generated a letter, dated August 6, 2009 that listed 12 items that needed to be addressed prior to approval from this Board (Planning Board file). Phil Williamson stated that the letter was faxed to Mr. Leoni, but there has not been a response as of this meeting.

Discussion ensued about several items in the letter, particularly regarding dimensions shown on the map, which Mr. Hewings indicated in his letter, are shown as scaled, but need to be surveyed. Janet O'Brien was given a copy of the letter and told the Planning Board that she would connect with Mr. Leoni and see that the items were addressed. The title of the updated map should reflect that this is a subdivision and not an instrument survey map.

Chairman Ruth was in receipt of a letter from the Wayne County Planning Board, dated July 31, 2009 that read as follows:

"At its regular meeting on July 29, 2007 the Wayne County Planning Board reviewed the above reference referral and recommended approval of the preliminary/final subdivision plan with condition that any driveway proposed to provide access to the newly created lot should be developed on the less traveled County Line Road rather than Atlantic Avenue, should site conditions permit."

Chairman Ruth opened the public hearing.

There was no one present from the public.

Chairman Ruth stated that considering the outstanding items, the Board would not be able to act at this meeting, but if Mr. Leoni could update the map and provide the additional information by 4:00 P.M., Thursday August 13<sup>th</sup>, the Town Engineer would have time to review the map and it could be put on the agenda for the Wednesday, August 19, 2009 worksession. Otherwise it could be tabled to the September meeting.

Janet O'Brien indicated that she is anxious to get this subdivision approved, so Mr. Caldor can move forward with his plans.

Elaine Leasure made a motion, seconded by Gene Bavis to table the public hearing until August 19, 2009 provided that the updated plans from Mr. Leoni are delivered to the Town by the end of the workday on Thursday, August 13, 2009.

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

Motion carried.

**2. 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).**

Chairman Ruth told the Planning Board that the applicant had requested that the public hearing be tabled for another month to allow more time to meet with concerned residents.

Gene Bavis made a motion, seconded by Elaine Leasure to table the public hearing until the September 14, 2009 Planning Board Meeting.

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

Motion carried.

**3. Application of Virginia Boas for Home Occupation, Major – Category B to operate a Horse Boarding facility, located at 3864 Downs Road, approximately ¼ mile north of Route 441. Property is zoned: R (Public Hearing).**

Heather Calmes was present representing her aunt, Virginia Boas who lives at the 3864 Downs Road where the horse boarding operation will be located. A notarized affidavit was provided by Mrs. Boas, giving her niece permission to speak on her behalf. Gene Bavis questioned if Heather Calmes also lived at that address? She stated that she did not; she lived at 1600 Penfield-Walworth Road, but would she would the one operating the horse boarding facility from the Downs Road address. The intention of the business would be the boarding of horses, lessons, training, horse shows and tack shop.

A Site Plan prepared by MAS Engineering, 55 Ashley Street, Lyons, New York, dated April 10, 2009 was shown to the Planning Board. The location of the existing house and three existing barns (that do not house animals) is shown on the map. The location of a new barn, an outdoor riding arena and parking for cars and horse trailers was also on the map. A proposed two-acre lot for a new residence on the same parcel was also shown, but Ms. Calmes said that her original plans to build have been postponed indefinitely. The entire parcel is 82.59 acres. The Board did not see any problems with the Site Plan as presented.

The Board questioned Ms. Calmes about the Home Occupation Major - Category B.

- Larry Ruth: What is currently happening on the property?  
Now I just have my own horses and I give riding lessons.
- Deb Amsler: How many horse do you intend to board?  
I currently have 11 of my own and probably would not board more than 5.  
Gene Bavis: Less than 20?  
Yes.
- Elaine Leasure: What about shows?  
Yes, I plan on having horse shows on the property.
- Gene Bavis: How many horses during a show? And how many shows?  
I would think 20-30 horses maximum. Probably two to six events (shows) per year.
- Gene Bavis: I have a question about the selling tack on the property? He asked Phil Williamson to clarify Town Code Home Occupation Major, Category B (9). "The proposed home occupation use is not involved in the keeping of a stock in trade on the premises and is not engaged in the purchase of goods for resale or sale of goods where the stock in trade or goods are kept or store on the premises at any time for any length of time."

Phil Williamson stated that a tack shop associated solely with horse boarding would be permitted. This would not be classified as a "retail operation".

- Elaine Leasure: What would be the hours of operation?  
8:00 A.M. – 8:00 P.M. seven days a week.
- Chairman Ruth: Are there any provisions for sanitary facility during horse shows and also for those using the facility on a daily basis for lessons, etc.?  
Heather responded that she if having a port-a-potty delivered during the next week and a porta-potty will be available at all times.

Discussion ensued about selling of horses. Heather Calmes explained that she is not a horse trader and will not be having any horse auctions at the facility. She primarily provides lessons and matches individuals with her own horses and will sell owned horses to individuals if they desire to buy. After more discussion the Board concurred that they did not have any problems with her selling horses now and then with the understanding there will not be auctions and the maximum of horses stalled at the property will not exceed 20.

Gene Bavis expressed some concern about the horse shows and the additional traffic that would be generated and whether or not this would be a potential nuisance to the neighbors. The Board concurred that there should be a maximum number of shows yearly. Phil Williamson stated that all conditions of the Home Occupation would have to be abided by.

Chairman Ruth questioned what a typical horse show would entail? Ms. Calmes said that horse shows are usually a one-day event from 9:00 A.M. to 5:00 P.M. Although the number of horses will vary from show to show, a typical show would be between 20-30 horses and between 10-15 trailers. Gene Bavis questioned, "Would there be many additional cars." Ms. Calmes responded, "not too many extra cars." Discussion ensued about parking for horse shows. Ms. Calmes told the Planning Board that event parking would be north of the outdoor arena. The designated parking would be for day-to-day use. All parking would be at least 200 ft. off the road. Gene Bavis commented that as long as all vehicles were parked on the property and there is no parking on the shoulder of the road (or in any right-of-way) he did not see a problem with the parking situation.

Norm Druschel stated that he has not done a final inspection or issued a certificate of compliance on the new barn and he would like to see that as a condition of approval.

Phil Williamson stated that the Home Occupation Major, Category B would be issued to Virginia Boas, the owner of the property.

Chairman Ruth opened the public hearing.

There were no comments from the public.

Elaine Leasure made a motion, seconded by Karel Ambroz to close the public hearing.

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

Motion carried.

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

Having received an application of a Home Occupation Major – Category B at 3864 Downs Road, for the purpose of operating a horse boarding operation, including lessons, training and horse shows and after hearing all parties wishing to speak for or against the request, I move the request for a Home Occupation, Major-Category B be granted because it does meet the criteria set forth in the definition of Home Occupation Major Category B in Section 180-43.1D(2): Occupation Major, Category B.

1. The property is in full compliance with the provision of Chapter 180 of the Municipal Code of the Town of Walworth.
2. The occupational use is incidental, secondary and/or subordinate to the use of the dwelling unit for residential purposes.
3. No other Home Occupation, Major-Category A or Home Occupation, Major-Category B is conducted on the premises.

- 4. The proposed Home Occupation, business or profession cannot employ more than one (1) person on the premises who does not reside on the premises.
- 5. The hours of operation are 8:00 A.M. – 8:00 P.M. (seven days a week)
- 6. The parcel is 82.59 acres.
- 7. Manure is to be spread according to Town Code regulations.
- 8. There shall be a maximum of twenty (20) horses boarded on the property.
- 9. The number of people using the facility at one time varies, but typically there are less than fifteen (15) people at any one time.
- 10. There will be parking for ten (10) cars and four (4) horse trailers on the property as shown on the map.
- 11. Riding lessons will be given at the facility.
- 12. There will be a maximum of six (6) horse shows per year.
- 13. Tack equipment will be sold on the premises.
- 14. The Fire Marshal or Building Inspector shall certify that the structure or structures are safe for the proposed use of the property.
- 15. Sanitary facilities (porta-potty) must be available at all times.
- 16. All vehicles must be parked on the property and not in any right-of-way.

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

Motion carried.

**4. Discussion of Modification of the Site Plan to add greenhouse to the Senior Housing Facility.**

Phil Williamson explained to the Board that the applicant, Home Leasing, LLC has decided that they would like to add two structures related to the garden at the Senior Housing Facility for the enjoyment of the residents. A sketch plan has been provided and has been forwarded to the Town Engineer.

Phil Williamson commented that Carl Hewing has reviewed the sketch and responded that the site plan revision to add the two structures related to the garden have no engineering consequences. The grading is the same and there is no impact on drainage.

Phil Williamson said that this would be a modification of the Site Plan and will need to come before the Planning Board at a later date and would be put on the agenda once the revised Site Plan is provided.

**5. Other –**

Chairman Ruth asked Phil Williamson when the Planning Board would have the opportunity to review the ordinance before the Town Board in regard to energy. He replied that the Town Board had adopted the two energy laws at their meeting the previous week. Since the Town Board had not forwarded the laws to the Planning Board prior to their adoption an after the fact review by the Planning Board was all that remained. If the Planning Board needs to they can contact the Town Board and voice their concerns.

Karel Ambroz made a motion, seconded by Elaine Leasure to adjourn the meeting.

Chairman Ruth adjourned the meeting at 8:41 P.M.

