

Chairman Larry Ruth called the worksession of the Town of Walworth Planning Board to order at 7:30 P.M. Members present were Gene Bavis, Larry Ruth, Deb Amsler and Karel Ambroz. Member absent: Elaine Leasure. Also present was Norm Druschel, Building Inspector and Phil Williamson, Code Enforcement Officer.

Karel Ambroz made a motion, seconded by Deb Amsler to approve the minutes of the October 12, 2010 meeting as written.

1. Concept discussion of Matthew Lignelli for special use permit to install a vertical axis wind turbine at 419 Everwild Lane. Property is zoned: R – Residential.

Mr. Matthew Lignelli, homeowner stated that he came before the Board about two years ago to discuss installing a Vertical Axis Wind Turbine on the rooftop of his house. At that time, the Town of Walworth Municipal Code did not have any code regulations in place regarding wind energy. In 2009, Local Law No. 5 - Wind Energy Facilities was adopted in response to the need for such a law.

Mr. Lignelli told the Board that he has spent the last couple of years perfecting the design of the wind turbine and has obtained a patent for it. He is now ready to install the turbine on top of his house and is appearing before the Board to answer any questions and to seek concept approval for a Special Use Permit to install the unit. He commented that the wind turbine was small (55' x 36") and unobtrusive and looks much like that of a standard cupola found on many homes in surrounding areas. It will be mounted on the roof like a standard cupola and will match the exterior of his home. He explained that unlike other type of wind generators, it is quiet (silent), looks like a weather vane is environmentally friendly and safe to wildlife. It is designed to operate for winds as low as five mph.

Chairman Ruth asked the cost of such a unit and the anticipated payback time. Mr. Lignelli responded that it would cost \$14,900 and payback time would depend on the winds in the area. A location with higher elevation and stronger winds may have a payback time of 5 years, but he anticipated a 7-8 year payback time on his home, located on Everwild Lane that is at a lower elevation in a subdivision. A 20-year warranty will be offered on the product.

Karel Ambroz asked Mr. Lignelli to explain how the turbine operates. The turbine is designed to produce A/C electricity via a Permanent Magnet Alternator which is rectified to a "clean" DC Signal, then fed through an inverter which changes it back to A/C current which is fed to both the electric. There are no batteries to maintain and excess energy is sold back to the grid. The weight of the unit is 350 lbs.

Chairman Ruth questioned whether he has contacted NESEG? Mr. Lignelli answered that he has spoken to them regarding the process. Once he has obtained approval for a Special Use Permit, he will contact NESEG to fill out a permit to be hooked to the grid. The electric output will be monitored for a year and data will be collected prior to him being able to market the product to the general public. Mr. Lignelli said that he will subcontract a couple machines shops in the Rochester area to manufacture the various components, and he will assemble the wind turbines at his home.

Phil Williamson stated that Town Code allows wind turbines and the next step will be to fill out a formal application for a Special Use Permit. Once the Special Use Permit is granted, Mr. Lignelli will need to apply for a building permit.

The Planning Board members concurred that they had no problem with the concept.

2. Concept discussion of Richard & Nancy Post to subdivide 3.5 acres of land located next to 4807 Lincoln Road, north of Jacobs Road. Property is zoned: RR-1.

Richard Post, 29 Gulf Stream Drive, Penfield was present to discuss the application. A rough sketch of the proposed subdivision was presented to the Board. The intent is to subdivide the 3.5-acre parcel of land into three parcels. Mr. Post would build a home for himself on Parcel #1. The flaglot-shaped parcel would have a 35 ft. driveway access. Parcel #2 would involve deeding a 15 ft. strip of land to Richard DeVrieze at 4807 Lincoln Road that will increase the width of the present driveway from 20 ft. to 35 ft. Parcel #3, would be sold as a separate building lot, measuring slightly more than one acre.

Deb Amsler questioned if the 35 ft. driveway for Parcel #1 conformed to Town Code and Norm Druschel responded that it did.

There were no anticipated problems with sight distance.

Upon questioning by the Board, Mr. Post stated that he is seeking only subdivision approval at this time, although a site plan will need to be done prior to construction of his personal residence in the Spring of 2011.

The Board had no problem with the concept. The next step would be a formal application and to be scheduled for a public hearing.

3. Concept discussion Dave Matthews for subdivision of land at Red Fox Circle. Property is zoned: RR-1.

Fred Shelley of Shelley Associates, 1268 Ridge Road, Ontario was present, representing the owner Daniel Lettro who will soon be the owner of the remaining lands at the end of Red Fox Circle. A map entitled "Concept Plan Red Fox Circle Extension", dated 10/13/2010 was shown to the Board. The map showed a proposed 4-lot subdivision. The lots all comply with Town Code as far as setbacks and sizes. The site is served by public water with individual waste-water treatment systems.

Currently, there is an existing turnaround. The intent is to remove the pavement and extend the turnaround 60 feet. The road will end at the hammerhead and then go to a 14-foot wide common drive to be shared between the four new homes. At each end of the turnaround is a snow storage area. There is a proposed easement across the hammerhead/snow storage area to allow town access for snow removal, and utilities access, etc.

Norm Druschel told the board that he has spoken with Mike Frederes, Highway Superintendent regarding the turnaround. Mike Frederes has agreed to the turnaround instead of a cul-de-sac, but there is still some concern about the Town having the ability to tow vehicles that may be parked illegally in the hammerhead, making it impossible for school buses, snow plows and emergency service vehicles to turn around. This has been an issue in the past. Discussion ensued regarding having the turnaround area dedicated to the Town so that the Town would have the right to have vehicles towed if need be. If the area were to be dedicated, the lot size of proposed parcel A and D would be slightly less than the required one-acre minimum (approximately 1,500 sq. ft. less per lot). The question was raised if this would require a variance from the Zoning Board of Appeals? Phil Williamson indicated that according to town code the Planning Board could grant a waiver to allow for a minimal deviation for lot size.

Chairman Ruth expressed some reluctance to approving the concept until the above-mentioned issues have been ironed out. Phil Williamson advised the Board that prior to the November meeting he will seek legal opinion from the Town attorney, Denise Munson regarding whether or not the turnaround needs to be dedicated to the Town or if the plan can be accepted as is with only an easement in place.

Gene Bavis indicated that he was okay with the concept, and either of the options presented regarding the turnaround. Karel Ambroz stated that although he would prefer a cul-de-sac, he was fine with the turnaround as long as the Mike Frederes agreed to it. The other Planning Board members agreed that they were okay with the concept, also.

4. Concept discussion Dave Matthews for Home Occupation, Major B for dog training facility located at 5151 Lincoln Road. Property is zoned RR-1.

Fred Shelley of Shelley Associates, 1268 Ridge Road, Ontario was present, representing the owner Amanda Pontarella, owner of the 11-3/4-acre property located at 5151 North Lincoln Road. The Board was in receipt of a Site Plan entitled "Concept Plan for Family Dog Obedience Facility, Site Plan", prepared by Shelley Engineering, dated 10/08/2010. The proposed project included the construction of a 7,000 square foot pole barn building, a new paved driveway and parking area with handicap accessibility. The concept plan shows proposed landscaping and plantings. One half of the building is to be used for the owner's personal use as storage. The other half of the building will be used for the Home Occupation, major-category B. The proposed Home Occupation is a dog-training center, specializing in dog obedience. Classes will typically be one hour in length with 3-6 dogs per class. There will be no overnight boarding of dogs. The hours of operation will be between 9 a.m. to 9 p.m., Monday through Saturday.

The property is on public water. The new building will include one handicap accessible bathroom that shall be pumped up to the existing septic system.

Phil Williamson stated that Local Law #1 of the year 2010 amends Town Code Section §180-43.1A, Home Occupations, Major B, paragraph 2 and reads as follows:

"(g) Any occupation, business or profession that offers skilled services, excluding and excepting services in connection with motorized equipment and vehicles, upon the submittal of a written application and provided that the Planning Board determines the use qualifies as a Home Occupation, Major-Category B and complied with the requirements set forth in §180-43.1D and any other reasonable conditions as may be established by the Planning Board."

Mr. Williamson stated that this amendment give the Planning Board leeway to grant a Home Occupation, Major Category B as long as the use fits in with the characteristics of the neighborhood.

The Planning Board members were in agreement that they had no problem with the concept as presented.

5. Concept discussion of Philip & Anna Prinsen for simple realty subdivision of property located at 1124 Whitney Road. Property is zoned: RR-1.

The applicant was not present. The Board was in receipt of a map entitled, "Subdivision Plan, Lands of Philip & Anna Marie Prinsen", prepared by William A. Seymour, licensed Land Surveyor, 2055 Kenyon Road, Ontario, NY 14519. The Board did not see any problem with the concept, as it is a simple realty subdivision. A formal application must be completed and sent to the County as it borders a neighboring town, Ontario.

6. Concept discussion of James Kolosek & Mike Ragan for Special Use Permit for auto repair business to be called Crossroad Automotive, LLC for property located at 2249 Walworth-Marion Road. Property is zoned: B.

Mike Ragan was present, along with his business partner, James Kolosek. The applicants are requesting a Special Use Permit to operate an auto repair shop at 2249 Walworth-Marion Road, presently owned by Robert L. Casselman, Jr. who provided an affidavit. Mr. Ragan told the Board that the building has operated as an automotive repair shop for many years in the past and he did not envision many changes. Phil Williamson has met with the applicants to discuss the Special Use Permit.

The Board was in receipt of the following Proposal for a Special Use Permit

Business Plan for: Crossroad Automotive, LLC
2249 Walworth-Marion Road
Walworth, NY 14568

1. Hours of Operation: 7:00 am – 9:00 pm Monday – Friday
7:00 am – 9:00 pm Saturday
No Sunday's or Legal Holiday's
*New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving & Christmas, with the exception of cars being towed to or from the Premises on a 24 hour, 7 day a week basis
2. No more than three repairable vehicles on the property for a period not to exceed ten working days.
3. Minimum of four designated parking spaces for customers.
4. Waste disposal in accordance with State and Local codes for removal of waste.
5. 4 x 6 ft. sign approved in its present location as per sketch on file from previous owner.
6. DVM repair shop license to be on file in the Planning Board file.
7. All materials and parts will be stored inside.
8. No wrecked vehicles to be stored on the premises.

Chairman Ruth raised the concern about parking and asked if there had been any communication with Joe Englert. Mr. Regan stated that he has discussed the parking situation with Joe. A sketch of the parking layout of the garage was given to the Board members. When questioned, Norm Druschel assured the Board that the sketch was the same layout that was approved per the site plan. Mr. Regan stated that after the discussion with Mr. Englert, it was agreed to leave the lines perpendicular to the side of the garage. This would allow for more flexibility in parking and the ability to share and rotate parking spaces between the garage and the Plaza. Deb Amsler questioned if this arrangement would make it so that Joe Englert would be out of compliance with the 40 spaces he needs. Phil Williamson clarified for the board that the garage never had a parking problem. As long as an amicable agreement is reached between the two parties, any parking pattern is okay. Phil Williamson remarked that the garage always had the keys to any of the cars being worked on and would be able to move them if need be.

Karel Ambroz stated that he did not have any problem with the Special Use Permit, but did voice a concern about the limited parking available at the plaza and suggested an engineering study prior to issuing any more Special Use Permits for future businesses at the Plaza.

The public hearing will be scheduled for the November meeting.

7. Concept discussion of Costanza trucking for special use for business located on 787 Plank Road. Property is zoned: B

John Sabastin, owner of the property was present. He told the Board that Vince Costanza notified him and asked if he would be interested in purchasing the property so that he could continue to park his trucks there; an arrangement he had with the former owner, Ray Zientara. John Sabastin agreed to purchase it and is working to fix up the property. He has painted the building, replaced the windows and doors and cleaned up the outside grounds. The intent is for Mr. Costanza to park his trucks in rear of the property and use half of the building to repair the vehicles. The other half of the building will be leased to another business, probably general repairs, somehow automotive related. The Humane Society has expressed some interest in possibly renting the other side to repair and fix up cars to prepare for auction, although there is no signed lease at the present time.

Chairman Ruth asked Phil Williamson is he had any comments. He responded that the zoning has changed and it is now zoned B-Business. The type of business Mr. Costanza wants to operate is legal and allowed in the Business District with the issuance of a Special Use Permit.

Chairman Ruth commended Mr. Costanza on the recent improvements, but because of the history and past problems at the property expressed some concern. "In the past there was a single owner, with two tenants under different operation. If an issue arose with Norm during an inspection, the question arose who was responsible? Was it the owner, was it the tenant, did the right side know what the left side was doing? Are we letting ourselves be open to that situation again?" Mr. Sabastin responded, "No, I can assure you that will not happen."

Gene Bavis said, "I echo Larry's concerns, I guess we need to figure out who is accountable if things don't work out? Mr. Sabastin stated, "I am the owner and at any time if there are any problems just call me and I will have them taken care of within 24 hours." He told the Board that he owns several properties throughout the area and has a good reputation for maintaining them.

Deb Amsler stated, "What you have done so far has been excellent. It looks like a nice business." Other members of the Board commended Mr. Sabastin on the fine improvements.

The Board concurred that they had no problem with the concept.

Chairman Ruth adjourned the meeting at 8:30 P.M.

Gail Rutkowski, Clerk