

**WALWORTH TOWN BOARD – REGULAR MEETING
3 JUNE 2010**

Presiding Supervisor Plant called the regularly scheduled Town Board meeting, County of Wayne, State of New York, held at the Walworth Town Hall, 3600 Lorraine Drive, Walworth, NY to order at 7:30 PM with the Pledge to the Flag.

<u>PRESENT:</u>	Robert Plant	Supervisor
	Thomas Yale	Councilman
	Frank Maciuska	Councilman
	Patricia Marini	Councilwoman
	Susie Jacobs	Town Clerk
	Mike Frederes	Highway Superintendent
<u>ABSENT:</u>	Suzi Hawkins-Mance	Councilwoman

OTHERS PRESENT: Rob Burns, Sewer Superintendent; Jacqueline Van Lare, Recreation Director; Karen Ambroz, Sole Assessor; Ed Parrone, Engineer for the Town; Denise Munson, Attorney for the Town; Town Newspaper Reporter, 60 Residents and Students.

MINUTES:

Motion by Councilwoman Marini to table the Minutes of May 20, 2010 as presented.

Seconded by Councilman Maciuska.

Adopted: Vote Ayes 4 Nays 0

CORRESPONDENCE:

Susie Jacobs, Town Clerk, had nothing to enter into record.

PUBLIC PARTICIPATION:

No one present offered any comments.

COMMITTEE / DEPARTMENT REPORTS:

The following Reports were presented by their respective liaison to the Town Board.

SEWER – GO OUT TO BID AUTHORIZATION – NEW OR UPGRADE FIRE DETECTION SYSTEM

Motion by Councilman Maciuska to authorize Rob Burns, Sewer Superintendent, to go out to Bid for a New or Upgrade Fire Detection System for the Waste Water Treatment Plant.

Seconded by Councilwoman Marini.

Discussion: Bids to be open on July 1, 2010 at 10 AM.

Adopted: Vote Ayes 4 Nays 0

MILITARY ANNOUNCEMENT – IAN MURRAY

Motion by Councilwoman Marini read and entered into record the following:

Petty Officer, 2nd Class, Ian Murray of the United States Coast Guard will be returning to Walworth on July 7th from a voluntary tour of duty in Kuwait. Ian will be deployed on August 15th in Oklahoma. Ian is the son of Christine and John Murray. We welcome Ian home and extend our appreciation for his service.

Seconded by Councilman Maciuska.

Adopted: Vote Ayes 4 Nays 0

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LICENSE AGREEMENT AUTHORIZATION – MARKS PIZZERIA

Motion by Councilwoman Marini authorizing Town Supervisor to enter into License Agreement with Marks Pizzeria outlining the conditions of that permit.
Seconded by Councilman Maciuska.

Adopted: Vote Ayes 4 Nays 0

USE OF GINEGAW PARK – WALWORTH LIONS CLUB

Motion by Councilwoman Marini authorizing the Use of Ginegaw Park to Walworth Lions Club for their annual Festival in the Park on July 23th – July 24th, 2010.

Seconded by Councilman Maciuska.

Adopted: Vote Ayes 4 Nays 0

BOY SCOUT – EAGLE RANK PRESENTATION:

Kevin Frederes, Geoffrey C. Savage and Richard Lee Carley, III, were recognized for outstanding accomplishments in attending the Boy Scout Rank of Eagle, the highest achievement in Boy Scouts.

PUBLIC HEARING 7:40 PM – MASTER PLAN - SEQR:

Supervisor Plant declared the Public Hearing opened.
Time: 7:40 PM.

Susie C. Jacobs, Town Clerk, stated that the notice of Public Hearing for Master Plan - SEQR was duly published two (2) times in the Town's official newspaper on May 23, 2010 and May 30, 2010, with the same dates being posted at the Town Hall. Copies are available to the public.

Motion by Councilman Maciuska to waive the reading of the Legal Notice.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 4 Nays 0

No one wished to comment.

Motion by Councilman Yale to close the Public Hearing.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 4 Nays 0

Time: 7:43 PM.

PUBLIC HEARING 7:45 PM – MASTER PLAN:

Supervisor Plant declared the Public Hearing opened.
Time: 7:45 PM.

Susie C. Jacobs, Town Clerk, stated that the notice of Public Hearing for Master Plan was duly published two (2) times in the Town's official newspaper on May 23, 2010 and May 30, 2010, with the same dates being posted at the Town Hall. Copies are available to the public.

Motion by Councilman Maciuska to waive the reading of the Legal Notice.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 4 Nays 0

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The following persons wish to be heard:

1. Spoke in **FAVOR** of the Master Plan because it keeps property active on tax roll without providing school aged resident. There is a larger demand for RV Campgrounds. NYS is out of money and if NYS Parks close there will be an over flow of campers patronizing private campgrounds. Commend the Town Board on aligning the Master Plan with the zoning.
2. Spoke and questioned how this change actually impacts our assessments? He is concerned because there is no analysis on the financial impact.
3. Spoke in **FAVOR** supporting the upscale RV Park and anyone who wants to start a business. The economic benefits will be important to this region.
4. Spoke in **FAVOR** stating that it will bring revenue without a burden on the School / Town taxes. The more developed commercial property the Town has the more financial revenue from a tax base and residential. Money is tight for everyone. We need to increase revenue and traffic which means revenue. He also supports the townhouses and the cluster housing project.
5. Spoke and commented that property owners have concerns for property values in relation to a campground. She presented data where properties that have bought / sold in a rural area with a neighboring campground have increased.
6. Spoke in **FAVOR** because a Master Plan that encourages growth and business, you can't qualify that plan with only the businesses you like or don't like in my neighborhood because there is not one business that everyone like. Business supports business.
7. Spoke in **FAVOR** because he commends the start of a business in Walworth. The town can only benefit, property remains on tax roll, people can prosper – it's a win-win situation for everyone in the hamlet.
8. Spoke and **OPPOSED** because he is surrounded on three sides of the proposed campground. He'll have a loss of privacy, smoke and people wandering around my land who have no business there. As far as property values go, it's not what they sold for but what they were assessed at when they sold. As far as businesses go, he doesn't think it is going to do much. He is not against the campground; put it where it is zoned commercial like 441.
9. Spoke and commented that she sees both sides. She is concerned about campfires and parties. She feels it is good for the local business community and she hopes that the residents will be allowed to vote on this issue.
10. Spoke and **OPPOSED** regarding commercial enterprise in a residential area; it is wrong to do. Residential is residential for a reason and commercial is commercial for a reason. The imposition of a commercial entity into that residential area imposes on those people and it affects many. He doesn't believe that it is going to benefit the local community as it was stated it would.
11. Spoke and **OPPOSED** as a resident who moved here for peace and quiet. She stated that taxes never go down or remain the same; they always go up. Besides the campfires, there will also be barking dogs. It sounds great for those who don't live in the surrounding area but those that live there; it is an entirely different issue.

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12. Spoke in **FAVOR** as an avid camper. She has never had any problems whatsoever with other campers, with dogs, with juvenile delinquents or anything of the sort especially with well run and maintained campgrounds.

13. Spoke and **OPPOSED** by stating that he doesn't know anyone who supports it that will have it in their backyard. There is not an increase in tax revenue and there will be more traffic on any town road that has a campground. Everyone wants it except in their own backyard.

14. Spoke and **OPPOSED** and understands that this is not about the Boynton Road campground but that is what started this process. Changing the residential zoning for everyone it might be you who is opposed to a campground.

15. Spoke and **OPPOSED** due to lack of it not being specific enough and it has some serious flaws.

16. Spoke and **OPPOSED** because she bought her house in a quiet residential area and she stated that commercial property should go in specific places zoned commercial, not in a residential area. She gave an example of 441, which is zoned commercial.

17. Spoke and **OPPOSED** and questioned why a camper would come to Walworth. She mentioned all the other beautiful places to go/camp such as Sodus, the Finger Lakes and Fairhaven. If you come to Walworth, you have the local businesses but what other attractions/entertainment is there. Why would anyone want to come to Walworth for camping whether it is upper-scale or lower-scale? When it comes to development, the only ones who benefit are developers and sales people leaving the owners to struggle. She indicated that data was provided that the Town Board is trying to keep its small town feel but feels that this is in opposition to that. She is concerned with littering and lack of recreational activities in the surrounding area. This may be creating more problems than it benefits. People may be ruining their financial life.

18. Spoke and **OPPOSED** that any 40+ acre parcel in an RR1 is now designated as a commercial area. This will allow anyone with a parcel of that size to come in and put in what they like within the residential district. If there is going to be a commercial enterprise, he believes that the proper process would be to rezone that particular parcel through whatever due process it is, a commercial piece of property. Having commercial pieces of property scattered within a residential area is fundamentally wrong.

No one further wished to comment.

Motion by Councilman Maciuska to close the Public Hearing.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 4 Nays 0

Time: 8:10 PM.

**PUBLIC HEARING 7:47 PM – PROPOSED LOCAL LAW NO. 5 OF THE YEAR
2010 RV PARK - SEQR:**

Supervisor Plant declared the Public Hearing opened.

Time: 8:11 PM.

Susie C. Jacobs, Town Clerk, stated that the notice of Public Hearing for proposed Local Law No. 5 of the Year 2010, RV PARK - SEQR was duly published two (2) times in the Town's official newspaper on May 23, 2010 and

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May 30, 2010, with the same dates being posted at the Town Hall. Copies are available to the public.

Motion by Councilman Maciuska to waive the reading of the Legal Notice.

Seconded by Councilman Yale.

Adopted: Vote Ayes 4 Nays 0

Spoke in **FAVOR** by stating some beneficial experiences about camping such as camping is not a cheap sport. A lot of money is spent on equipment and necessities. Campers are responsible and trustworthy abiding by camp rules. The proposed campground is an upscale campground. The area would be private due to buffers such as trees, which limits visibility from the surrounding area (i.e. campfires, barking dogs, etc.). She feels that the concerns that people have would not be a concern (i.e. seeing smoke from campfires because they are at night, barking dogs would not be permitted). Campers are not transient people.

Motion by Councilman Yale to close the Public Hearing.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 4 Nays 0

Time: 8:15 PM.

**PUBLIC HEARING 8:00 PM – PROPOSED LOCAL LAW NO. 5 OF THE YEAR
2010 - RV PARK:**

Supervisor Plant declared the Public Hearing opened.

Time: 8:20 PM.

Susie C. Jacobs, Town Clerk, stated that the notice of Public Hearing for PROPOSED Local Law No. 5 of the Year 2010 - RV PARK was duly published two (2) times in the Town's official newspaper on May 23, 2010 and May 30, 2010, with the same dates being posted at the Town Hall. Copies are available to the public.

Motion by Councilman Maciuska to waive the reading of the Legal Notice.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 4 Nays 0

Denise Munson, Attorney for the Town, made the following comments to Proposed Local Law No. 5 of 2010 – RV Parks:

1. Designating a section for the amendment in the Town of Walworth Code Book would need to be determined. Discussion ensued.
2. Water supply and sewage disposal needs to be worded with subject to approval by the Engineer for the Town.
3. Typographical error on Management Duties of Licensee, §94-17 needs to be removed.

The following persons wish to be heard:

1. In **FAVOR** because the Proposed Local Law is more restrictive and exceeds the requirements in many areas. He presented data on water requirements. He feels that it is a win-win situation. Most campers spend an average of \$100 a day in the community.

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2. In **FAVOR** because it benefits the community and gives wholesome family valued activity that teaches respect to families. It brings revenue to our community and we need that.
3. Commented about his mixed feelings on the RV Park and he discussed his concerns regarding the commercial enterprise in a residential area. There is no reference to the noise or noise control in the Proposal Local Law. He is also concerned about the number of sites and the density of people and therefore, noise.
4. Commented and asked what does this mean to me as a taxpayer? Is it going to lower my taxes or raise my taxes? Will it be a benefit/detriment to the town? There are no numbers to support that either way.
5. Spoke and **OPPOSED** after reading the proposed ordinance because the purpose of it was to benefit the general public utilizing such parks and facilities. I am much more concerned about how it benefits the people of Walworth rather than the general public. In general, the people using the campground will not be Walworth residents but people external to this area. The benefit seems to be to the operator and he applauds the entrepreneurship. The Planning Committee tried to balance the needs of the town and developers and I question whether they have been able to do that. The tax revenue benefit will be minimal. It will affect the surrounding neighbors because of decreased property values, loss of privacy, increased traffic, construction delays, etc. He suggested that the minimal parcel size be 100 acres and the setbacks be 500 feet instead of 100 feet, which is not very far for a density of 300 campsites times two or three people. The ordinance also includes a Sales of Camping Trailers section. Sales of camping trailers by a park operator should be strictly removed.
6. Spoke, **OPPOSED** and presented petitions with 106 signatures that also want to enjoy their peaceful, quiet neighborhoods along with 13 non-residents who will be affected by this because it borders the Town of Marion. Discussion ensued. He indicated that due to the size of the RV Park, residents would be affected (i.e. vehicles in the area, amount of additional people in the area, noise, campfires and dogs). It will destroy his peace of mind, which is the reason he moved here for a quiet residential area. He is not asking for a special exemption for himself but uphold the rural residential zoning laws that the town has established that protects the people that live in residential areas from this type of development. He wants his rights protected.
7. Spoke and **OPPOSED** by reading a prepared statement. In summary, he talked about what brought him to Walworth, how he learned of a draft proposal presented in 2009 for "Camp Walworth", how he followed the process that brought about Proposed Local Law No. 5, his concerns about having a large scale RV Park/Campground of which he shares common land border. He shared concerns i.e. increase in overall traffic, new and unwelcome dangers to those who enjoy walking, jogging and cycling, additional noise coming from RVs, influx of transient strangers, security of neighborhoods and residents, campfires/smoke, depreciation of property values, the impact on wildlife and the financial impact in quality of life.
8. Spoke and **OPPOSED** and read a prepared statement in which she states that she and her husband purchased a piece of land with the intention of living on one of the most private roads in Walworth, which includes waking up each morning to the sight of wildlife, the sound of country living and just plain peace and quiet. She realizes that there is an economic benefit but the negative impact on our peaceful neighborhoods would far exceed these benefits.

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9. Commented that we all would like to see Walworth develop in some way. He believes that it fits the vision of a rural community. We should all work toward the same goal to build a better Walworth.

10. Spoke in **FAVOR** as a resident with 22 years of law enforcement experience and would like to discuss public safety. He referred to factual data so that this would not be hysteria, hype or misinformation. According to the Wayne County Bureau of Tourism, there are nine (9) campsites in the County of Wayne. The average number of calls to area campsites is 2.7/year per campsite. Emergency police calls average less than one percent per campsite. Yes, traffic increased but emergency police calls were very, very small. He also referred to calls to the area of Boynton Road.

11. Spoke and **OPPOSED** stating that people have moved here for the fresh air. Their rights as citizens of the Town are being trampled on because they purchased rural residential neighborhoods and watched it being turned into commercial overnight.

12. Spoke and **OPPOSED** indicating that although he is a camper, a campsite belongs in a commercial area and not in a residential area. He addressed the lack of water on Boynton Road and inquired who would be responsible for providing the water lines to the area because an adequate supply of municipal water must be available to the campground per Proposed Local Law No. 5. Discussion ensued.

Council members indicated that they would take a three minute recess to sign student attendance forms.

13. Spoke in **FAVOR** from his experience as a developer in town. He reiterated that developers pay for everything that goes into this Town. He believes that everyone should be given a chance. The Town of Walworth must grow.

14. Spoke and **OPPOSED** the idea due to the fact that she is in a residential area and commercial should be zoned commercial. We should not be rezoning residential areas.

15. Commented that if Proposed Local Law No. 5 isn't about Boynton Road then what other site locations have been proposed.

16. Spoke in **FAVOR** by stating that rural areas are residential areas. People that want to go to an area to relax and get away from it are not going to go to a suburb or commercially zoned area. They want to get away; they want to go to a rural area. Consequently, most rural areas are residential.

17. Commented that on an assumption that it isn't Boynton Road, which is residential, why do you have to change the zoning so that it is in a residential area?

18. Spoke in **FAVOR** indicating that Boynton Road is not the only area being considered for the campground. There are five (5) other properties being looked at.

19. Spoke in **FAVOR** stating that they are longtime campers and specific rules must be followed.

20. Commented on how a RV campground would benefit Walworth. A "service building" located within the campground would benefit the campground and not

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The local businesses. There was a concern about the enforcement of laws such as property maintenance.

21. Spoke in **FAVOR** by commenting that people are not looking at the big picture. It is a balance of businesses and residential not only to maintain our tax rate but to lower the tax rate and keep property values where they are or greater. Walworth is a great town.

No one further wished to comment.

The Town Board reviewed the Wayne County Planning Department recommendations for Local Law No. 5 and Master Plan. Discussion ensued.

Motion by Councilman Yale to close the Public Hearing.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 4 Nays 0

Time: 9:07 PM.

PETITION REVIEWED AND ACCEPTED:

Petition 1: We the undersigned resident of the Town of Walworth, oppose Proposed Local Law No. 5 of the year 2010, a Local Law adding Recreational Vehicle Parks and Campgrounds to the Walworth Town Code.

Residents: 106 signatures

Non-residents: 13 signatures

Petition 2: We the undersigned Walworth residents SUPPORT the proposed changes in zoning as they apply to amending the Walworth Master Plan allowing the establishment of an RV Park facility in the Town of Walworth.

Residents: 85 signatures

Non-residents: not presented

Businesses: 9 signatures

Motion by Councilwoman Marini to accept the presented petitions.

Seconded by Councilman Maciuska.

Adopted: Vote Ayes 4 Nays 0

JUSTICE COURT – PETTY CASH INCREASED:

Motion by Councilman Yale authorizing the increase of Justice Court Petty Cash \$100.00 from \$75.00.

Seconded by Councilman Maciuska.

Roll call vote:	Councilman Maciuska	Aye
	Councilwoman Marini	Aye
	Councilwoman Hawkins-Mance	Absent
	Councilman Yale	Aye
	Supervisor Plant	Aye

Motion carried.

BUILDING DEPARTMENT – PETTY CASH:

Motion by Councilman Maciuska to change the original Building Department - Petty Cash to a Cash Drawer – Town Clerk's Office.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 4 Nays 0

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ADJOURNMENT:

Motion by Councilman Yale to adjourn.

Seconded by Councilwoman Marini and unanimously carried.

Time: 9:15 PM.

Respectfully Submitted,

Susie C. Jacobs
Town Clerk

DRAFT