

Chairman Larry Ruth called the meeting to order at 7:34 P.M. Members present were Elaine Leasure, Larry Ruth, Deborah Amsler and Peter Schillaci. Gene Bavis was absent. Also present were Paul Russell, Norman Druschel and Phil Williamson.

Peter Schillaci made a motion, seconded by Elaine Leasure to approve the Planning Board minutes of April 10, 2006, as presented. Motion carried.

**1. Discussion of Application of Wanda Arnold and Wendy Murray, owners of Children's Continuous Care to expand day care facility on the south side of the existing building. Property zoned: RR2: Daycare Overlay District.**

Wanda Arnold, of 1631 Waterford Road was present to discuss the application. Ms. Arnold and her sister Wendy Murray are owners of the Children's Continuous Care located at 369 Mildahn Road. They are seeking to expand their daycare facility on the south side of the existing building. The intent is to add another toddler room and another infant room to accommodate a total of 18 additional children. Ms. Arnold stated that there is a continuing need for qualified daycare in the community and a current waitlist of 15 infants and toddlers. A diagram of the proposed design and a site plan were presented to the Planning Board.

Chairman Ruth questioned whether the current septic system is adequate? Paul Russell, Town Engineer questioned the percentage increase of children? Wanda Arnold responded that currently there are 80 children and the plans are to add an additional 18 children which would be approximately 20%. Ms. Arnold further stated that the increase in water volume would be minimal, since hand washing is the primary usage. Paul Russell stated that the current septic system would be adequate. Ms. Arnold stated that in the future there may be a need for a separate building to house school age children, and at that time they may form their own water and sewer district.

Elaine Leasure questioned if the current parking would be adequate? Ms. Arnold answered that the parking would be adequate at this time, noting that many of those on the waitlist already have an older child enrolled at the center. She further stated that if another building were to be constructed in the future, additional parking would be needed.

Chairman Ruth questioned if the hours of operation would remain the same? Wanda Arnold answered yes; the hours are 6:30 AM to 6:00 PM.

There were no further questions from the Board.

Chairman Ruth stated that the next step is to advertise for the public hearing at the June 12<sup>th</sup> meeting.

**2. Conceptual discussion of the possibility for C and L Auto Sales to locate an Auto Sales business at property located at the intersection of Wal-Penfield and Wal-Palmyra Road. Property zoned: B1.**

Mr. Louis Packard of 3531 View Pointe Drive, Walworth was present to discuss the application. Mr. Packard stated that he is the owner of C & L Auto Sales in the Town of Macedon and has 20 years experience in the auto industry. Mr. Packard further explained that C & L is a family-run business with a solid financial reputation that has been in business since 1987.

Mr. Packard was present to propose a plan of expansion into the Town of Walworth, at the intersection of Wal-Penfield and Wal-Palmyra Road, Mr. Warren Bell's old garage. The renovation plan would include new roof, landscaping, blacktop driveway and garage doors. Mr. Packard stated that the renovations to the property would be an asset to the Town of Walworth. The plan is to display up to 12 vehicles at any one time, for resale to the public. Mr. Packard stated that he is eager to bring business into the Town of Walworth.

Pete Schillaci questioned if any environmental study have been conducted and if there were any gas tanks in the ground. Norm Druschel stated that two gas tanks were

removed in 1996. There is one empty tank under the building, but the DEC has declared there is no contamination.

Phil Williamson, Code Enforcement Officer, stated that the proposed business is located in a B-1 District and read from Chapter 180-14 (C) (3) (g) Special permit uses which stated "Other uses not specifically listed but deemed by The Planning Board to be similar in nature and compatible with the purpose and intent of a B-1 District." Mr. Williamson stated that C & C Auto is located across the street and is a similar type business; therefore, the proposed business would be compatible to other businesses in the neighborhood, in his opinion.

Peter Schillaci questioned if Mr. Packard would perform auto repairs on the cars he intends to sell? Mr. Packard responded that he doesn't do repair work himself, but sends the cars out to reputable garages for repairs. Chairman Ruth questioned whether Mr. Packard would be using the bays to do doll-up work on the cars before resale? Mr. Packard said he would vacuum and clean the cars, but would not do paint work.

Phil Williamson stated that Mr. Packard needs to complete an application for a Special Use Permit and suggested presenting a parking layout to the Planning Board. County approval is needed and a public hearing must be held before Special Permit Use is granted.

There were no further questions from the Board.

**3. Conceptual discussion of subdivision of property located at 1870 Wal-Penfield Road. Discussion of several options to subdivide 20 acres of property to build a church, parking lot, driveways and residential lots. Property zoned: Hamlet**

Susan Knight of 4068 Electronics Road, Marion was present to discuss the conceptual plan to subdivide 20 acres of property located at 1870 Wal-Penfield Road. Ms. Knight stated that church leaders are seeking input from the Planning Board before proceeding further and possibly purchasing the property.

Ms. Knight stated that the plan would be to use the west half (10 acres) to build a Kingdom Hall of Jehovah's Witnesses church, parking lot and driveway. The remaining 10 acres to the east would be subdivided into residential building lots. Three different options (diagrams) to subdivide the property were presented to the Planning Board.

Larry Ruth questioned whether the residential lots with homes would be for a parsonage or church use? Ms. Knight answered no, that they would be individually owned. Chairman Ruth asked if the intent was for the sale of the three lots to offset the cost of purchasing the property? Ms. Knight responded that the seller was not willing to break up the property and there were several individual members of the church interested in living near the church for convenience.

Chairman Ruth stated that the options that require a driveway onto Route 441 would not be looked at favorably by the Planning Board because of safety issues in regard to accessing onto a major highway. Chairman Ruth stated that the Town Board would need to grant a waiver to extend the driveways over Town property onto Lorraine Drive and could not speak for the Town Board as to whether that would be allowed.

Ms. Knight stated that there are two existing driveways with culverts onto Route 441 that are currently being used by the farmers and questioned whether they would be considered preexisting and okay to use? Paul Russell responded that there is a difference between the farmer who accesses the road several times yearly and a high volume of church traffic. He further stated that the intersection of Route 441 and Route 350 already has a high incidence of accidents and additional accesses onto Route 441 could make the intersection even more dangerous. From a safety standpoint, Mr. Russell would recommend access onto Lorraine Drive, but again stated that this would need approval from the Town Board.

Susan Knight questioned whether it would be possible to share the gravel driveway going back to the cell tower. Larry Ruth said that it is a 911 tower owned by

several companies and there were legal issues involved, so that would not be a possibility.

Ms. Knight asked if the Planning Board would support a common drive? Larry Ruth responded that under the circumstances, the Planning Board would not have a problem, but recommended seeking legal counsel.

There was consensus among all members of the Planning Board that option 1 was preferable to the other two options. Deborah Amsler suggested moving the driveway to the other side so that residences and the church could use the same access onto Lorraine Drive.

Susan Knight questioned if the lot sizes on Option 1 were within code? Larry Ruth stated that they were in compliance with the 2-1/2 to 1 width to depth ratio required.

Susan Knight questioned what standards would need to be met to build a road and dedicate it to the Town. Paul Russell stated that the requirements would be a 60-foot right-of-way, 22 feet in width, cross-section of 12" of stone base with two layers of asphalt and a concrete gutter. Peter Schillaci suggested that it would be hard to justify a dedicated road for only three houses and the cost may be prohibitive.

Ms. Knight questioned if the Planning Board would support Option 3 and the possibility of selling the west side of property to a developer. Larry Ruth stated that the challenge of access would still exist. Ms. Knight said that there is an individual who has expressed interest in building a duplex and it was her understanding that the area was zoned Hamlet for multi-family dwellings. Paul Russell responded that multi-family would be allowed, but there are no public sanitary sewers on the site. Ms. Knight asked if there would be a problem with a septic system for a church? Larry Ruth responded that perk tests would need to be done, but if the land perks and a system can be devised to handle the capacity of the church and residences, there would not be a problem.

Ms. Knight questioned if there would be any way to estimate the future taxes. Larry Ruth stated that taxes are based on fair market value. Phil Williamson suggested calling Karen Ambroz, tax assessor.

Ms. Knight questioned if a small windmill would be allowed? Peter Schillaci suggested contacting Bret DeRoo at the Wayne County Planning Board and as they are currently discussing windmills as an alternative source of power in Wayne County.

Ms. Knight stated that one individual would like to construct a garage to store equipment for a small landscaping business and to work on his own cars. At a later time, he would construct a residence. Would this be permitted? Phil Williamson answered that this would not be permitted, as the principal residence must be constructed before any accessory structures are added.

There were no further questions.

- 4. Application of Ann Hansen for 5-lot subdivision of property located on the east side of Boynton Road approximately 1/2 mile North of Route 441. Ann Hansen is selling 7.36 acres to Mark and Jane Houlihan, her neighbors to the north. Lot 2, 1.12 acres, will be combined with the Houlihan's existing 1.4-acre frontage lot of approximately 2.55 acres. Lot 3, 6.24 acres, will be combined with the Houlihan's existing 4.7-acre back lot for a total rear lot of approximately 10.9 acres. Property zoned: RR-2.**

Larry Heining of HBMA was present to discuss the application. Ann Hansen, owner of the property and Mark and Jane Houlihan, her neighbors to the north were also present. Mr. Heining explained that Ms. Hansen is selling 7.36 acres of her property to the Houlihans that will be combined with their back parcel of 4.72 acres. Since the Houlihan's frontage parcel is not changing the subdivision will be a four-lot subdivision, not a five-lot subdivision that was previously considered. Ms. Hansen's residence is on Lot 1 and she has recently drilled a new well 15 feet off the house. Previously the well was at the north, on land that is being sold to the Houlihans.

Larry Heininger clarified to the Board that the application is for subdivision approval only. Ann Hansen will be seeking site plan approval for Lots 2 and 3 at a later date. A final subdivision map will be provided by May 12<sup>th</sup> in preparation for a public hearing on June 12<sup>th</sup>.

Discussion ensued regarding the location of the leach field and houses on lots 2 & 3. Larry Heininger explained that originally pumps were to be used, but the plan now is for the system to drain by gravity to the leach field. Because of the topography and preliminary perk test results, the leach field and houses must be in a precise location for the leach field to work correctly. Chairman Ruth stated that any prospective buyers must be made aware of this.

Larry Ruth questioned who would own the long driveway. Larry Heininger answered that the driveway would be shared. Lot 2 will own 35 feet of the driveway and Lot 3 will own 45 feet. Ann Hansen is eventually planning on selling her present home and building a residence on Lot 3. Lot 3 would have access to the Marion town line that has snowmobile and hiking trails.

Elaine Leasure questioned the grading easement. Larry Heininger responded that this would be a temporary easement to allow for proper grading of the driveway to the back lots.

There were no further questions from the Board.

Chairman Ruth adjourned the meeting at 8:47 P.M.

Gail Rutkowski, Clerk