

Chairman Larry Ruth called the meeting to order at 7:30 P.M. Members present were Gene Bavis, Larry Ruth, Deborah Amsler and Peter Schillaci. Elaine Leasure was absent. Also present were Paul Russell, Norm Druschel and Phil Williamson.

Pete Schillaci made a motion, seconded by Gene Bavis to dispense with the formal reading of the legal notice. Motion carried.

Gene Bavis made a motion, seconded by Pete Schillaci to approve the minutes of May 8, 2006 meeting as presented. Motion carried.

Deb Amsler made a motion, seconded by Pete Schillaci to approve the minutes of the May 17, 2006 Work Session as presented. Motion carried.

1. Request of Mr. Charles Paparone, Jr. to extend the site plan approval for lots #3 and #4 of the Carl Scalzo Subdivision located on Plank and Fosdick Roads. Property is zoned RR-1.

There was no one present to discuss the application. Larry Ruth stated that since the letters presented by Charles Paparone Jr. for Board consideration were undated, Paul Russell recommended that the discussion be tabled until more timely information is submitted.

Gene Bavis made a motion, seconded by Pete Schillaci to table this application until dated letters are submitted that show compliance with current Town standards.

Roll Vote:	Gene Bavis	Aye
	Larry Ruth	Aye
	Deb Amsler	Aye
	Pete Schillaci	Aye
	Elaine Leasure	Absent

Motion carried.

2. Application of Wanda Arnold and Wendy Murray for modification of previously approved Special Use Permit for Children’s Continuous Care located at 869 Mildahn Road to allow expansion of existing daycare facility. Property is zoned RR-2 Daycare Overlay District. (Public Hearing)

Mr. Al Pardi, architect for Children’s Continuous Care, along with the applicants, Wanda Arnold and Wendy Murray were present to discuss the application. Mr. Pardi presented a drawing of the proposed expansion of the existing facility. The 30’ by 35’ addition will provide a new toddler and new infant room. The design will blend well with the existing building, using the same materials (windows, shingles, siding).

Paul Russell, stated that from an engineering standpoint the plan is acceptable. The only recommendation would be that during the building permit phase, substantiation of the capacity of the sewage disposal system be made.

Norm Druschel stated that he would work closely with the builder during the construction phase, with a checklist, to make ensure that all codes are satisfactorily met. Phil Williamson stated that there have been no complaints from the public in regard to the operation of the facility or it’s maintenance.

Larry Ruth opened the public hearing.

There were no public comments.

Pete Schillaci made a motion to close the public hearing seconded by Gene Bavis.

Motion carried.

Pete Schillaci made a motion, seconded by Gene Bavis that after complete and thorough review of the Application for a Modification of a Special Use Permit for Wanda Arnold and Wendy Murray of Children’s Continuous Care, we find that the application is in conformance with Town Code and can be approved subject to the following condition.

- 1. The applicant can substantiate adequate septic system capacity before the building permit is issued.

Roll Vote:	Gene Bavis	Aye
	Larry Ruth	Aye
	Deb Amsler	Aye
	Pete Schillaci	Aye
	Elaine Leasure	Absent

Motion carried.

- 3. Application of Louis Packard for Special Use Permit to allow existing building and property located at 3719 Walworth-Palmyra Road, at the corner of Route 441 and Walworth-Palmyra Road, to be used for auto sales. Property is zoned B-1 (Public Hearing).**

Mr. Louis Packard was present to discuss the application. He explained that he is purchasing the property with the intent of fixing the property up to display 10 to 12 vehicles for display and sale to the public.

Pete Schillaci questioned if there would be adequate parking for 10 to 12 sale cars and employees. Will there be a clear vision zone at the corner? Mr. Packard said there was adequate sight distance.

Mr. Schillaci questioned how many employees would be working at any one time? Mr. Packard answer, “two or three”. He further stated that he was thinking of paving the grassy area behind the building for employee parking. Gene Bavis stated that without an instrument survey it could not be determined where the property lines are?

Chairman Ruth asked whether there was any certified statement that the property has been cleaned up. Mr. Packard said the property was cleaned up in 1993, and he is doing an environmental study now to make sure the property is okay.

Chairman Ruth read a letter, dated June 2, 2006 from the Wayne County Planning Board:

“At its regular meeting on May 31, 2006, the Wayne County Planning Board reviewed the referral of C&L Auto and recommended approval of the special use permit provided that: 1) toxic hazardous materials are properly disposed of, 2) sight distances are maintained and not impeded due to vehicle parking or display areas 3) the number of display vehicles are limited and 4) the site is maintained in an aesthetically pleasing manner as it is located on the corner of highly traveled roads.”

Gene Bavis stated that he did not see how any determination could be make without a scale drawing to make sure that the plan will work, where the building is situated on the property and the location of the edge of the right-of way. This does not have to be an engineering drawing, but does need to be a scale drawing that shows all property lines.

Gene Bavis mentioned that there are two entrances to the property and the sketch shows one of them blocked off. Mr. Packard stated that this was intentional and the plan was to have one entrance on Walworth-Ontario Road.

Phil Williamson read from the Town Zoning Code:

Off-street Parking. A(12). Minimum parking space requirements. Other commercial enterprises: one parking space for each 300 square feet of gross floor area.

Discussion ensued regarding the Town Code and its interpretation. Deb Amsler asked for clarification of the Town Code. Phil Williamson stated that if it was determined that

the gross square footage was 1500 square feet, 5 spaces on the property must be specifically designated for customers and employees, in addition to the spaces designated for vehicles for sale. Off street parking would be available for additional customer parking.

Larry Ruth opened the public hearing.

Gerald Cala – 2132 Johnny Lane

Gerald Cala was present and stated that he is pleased that Mr. Packard intends to fix up the building and improve the appearance of the corner. He came to the public hearing hoping that Mr. Packard had diagrams of the improvements being made to share with the public. Mr. Packard stated that improvements would include a new roof, landscaping and new garage doors.

There were no further comments from the public.

Larry Ruth stated that businesses in Town have expressed concern that if a new business in town did not have adequate parking, customers would park in their lots. The consensus of the Board was that this was not a criteria that can be used to determine whether a special use permit is granted or not.

Gene Bavis made a motion, seconded by Pete Schillaci to keep the public hearing open and table any further discussion on the application until the Wednesday, June 21, 2006 meeting, so that Mr. Packard can obtain a scale drawing of the property.

Roll Vote:	Gene Bavis	Aye
	Larry Ruth	Aye
	Deb Amsler	Aye
	Pete Schillaci	Aye
	Elaine Leasure	Absent

Motion carried.

4. Application of Ann Hansen for final approval for 4-lot subdivision for property located at 4074 Boynton Road, approx. 1 mile north of Walworth-Marion Road. Property is zoned RR-2 (Public Hearing).

Ann Hansen was present along with the Larry Heininger of HBMA to discuss the application. Larry Heininger explained that Lot 1 is Ann Hansen’s existing house, Lot 2 is the parcel being sold to the neighbors, Mark and Jane Houlihan, and Lots 3 and 4 will be subdivided for building lots.

Paul Russell stated that he has reviewed the subdivision plan and from an engineering standpoint has found it to be satisfactory.

Lengthy discussion ensued in regard to issues around the shared driveway.

Larry Heininger Chairman Ruth read a letter, dated June 2, 2006 from the Wayne County Planning Board:

“At the regular meeting on May 31, 2006, the Wayne County Planning Board reviewed the Hansen Subdivision final site plan, and final subdivision plan and recommended approval provided that the driveways are constructed to a standard that will compensate emergency vehicle access. Planning Department staff would also suggest that the sight distances from the proposed shared driveway should meet American Association of State Highway Transportation Officials recommendations.”

Chairman Ruth read a letter from Christopher Mumford of Lacy Katzen LLP, dated June 12, 2006 that stated in part:

“We propose to establish a reciprocal access and maintenance easement so that the owners of the two lots will have access and will each be responsible for an apportionment share of the maintenance.”

Paul Russell stated the letter from Christopher Mumford was inadequate and the applicant must provide a legal document that is specific as to who is to maintain the driveway and the costs to each party.

Phil Williamson stated that a letter was sent to the Walworth Fire Department for input in regard to the driveway, but there has been no response to date.

Larry Ruth opened the public hearing.

Jonathan Simmonds - 4427 Boynton Road

Jonathan Simmonds stated that he has a concern in regard to septic systems and the lots being too close together and too small. He further stated that he is very concerned over the shared driveway.

Larry Ruth stated that a shared driveway is permissible but a document must be drawn up and because of the driveway length (over 500 feet) it must be a certain width.

Paul Russell stated that the septic systems were designed in accordance with County and State regulations and meets all requirements. Larry Heining further stated that deep hole tests were done on April 13th and perk tests were done on May 8, 2006 and both tests exceed all standards. The minimum lot size is one acre and both lots exceed this requirement.

Larry Ruth stated that there is no further subdivision plans pending. Any further subdivision plans would have to come before the Board.

There were no further concerns from the public.

Gene Bavis made a motion, seconded by Pete Schillaci to close the public hearing.

Gene Bavis made a motion, seconded by Pete Schillaci that the 4-lot subdivision be approved with the following conditions.

- 1) Subject to Town Code 180.43.2 a note be added to the subdivision plan that the Superintendent of the Highways and the Town Engineer approve the driveway design.
- 2) The applicant submits a legal agreement that specifies the terms and conditions for maintenance and repair of the common drive.
- 3) The applicant submits a request for waiver from the Town Standard for the access driveway width.

Roll Vote:	Gene Bavis	Aye
	Larry Ruth	Aye
	Deb Amsler	Aye
	Pete Schillaci	Aye
	Elaine Leasure	Absent

Motion carried.

5. Application of Ann Hansen for final 2-lot site plan approval for property located at 4074 Boynton Road, approx. 1 mile north of Walworth-Marion Road. Property is zoned RR-1 (Public Hearing).

Paul Russell stated that since the updated drawings were not received in a timely manner, the Board did not have time to review them and it was his recommendation that the application be tabled until the next meeting.

Larry Ruth opened the public hearing.

There were no comments from the public.

Deb Amsler made a motion, seconded by Gene Bavis keep the public hearing open and table any further discussion of the application until the Wednesday, June 21, 2006 meeting.

Roll Vote:	Gene Bavis	Aye
	Larry Ruth	Aye
	Deb Amsler	Aye
	Pete Schillaci	Aye
	Elaine Leasure	Absent

Motion carried.

Gene Bavis made a motion, seconded by Deb Amsler to adjourn.

Motion carried.

Meeting adjourned at 9:50 P.M.

Gail Rutkowski, Clerk