

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

Gene Bavis requested that the minutes of June 12, 2006 be amended to include the following:

While no "formal statement of findings was made, the reasons justifying a waiver for access width were stated by Gene Bavis in response to a question posed by Jonathan Simmonds. Bavis noted that waiver was appropriate here for the following reasons:

1. the topography.
2. a limited amount of road frontage south of the existing home on the parcel (appropriately 80 feet instead of the required 120 feet).
3. a common driveway with a legally prepared driveway agreement would be developed.
4. allowing it would not have a negative impact on health and safety or be detrimental to the character of the neighborhood.

Gene Bavis also asked that on page 567, under conditions 3) that the word "driveway" be omitted.

The amended sentence should read, "the applicant submits a request for waiver of the Town Standard for the access width."

Gene Bavis, made a motion, seconded by Pete Schillaci to approved the minutes with the above corrections.

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

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.**

The documentation requested at the June 12, 2006 meeting was not submitted, therefore the request to extend site plan approval cannot be considered at this time.

- 2. 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 stated that per the request of the Board at the June 12th meeting, he submitted a more detailed drawing of the property that showed 13 proposed parking spaces.

Gene Bavis and Paul Russell also visited the site and took measurements of the property and both submitted a drawing. Chairman Ruth stated that there were some discrepancies between Mr. Packard's drawing and the two others.

Chairman Ruth stated that the building is against the back property line and lies at an angle on the lot. The dimensions of the lot from the south corner of the building going east is 44' and from the north corner going east is 46'. The distance measured from the bank on the south side of the property to the edge of the sidewalk is 52'. Considering those measurements, the Board calculated that 12 spaces would be the maximum allowed on the property. Chairman Ruth stated that since the two bays in the garage

would not be used for repairs, another two cars could be displayed in the building. Chairman Ruth further explained, that of the 10 spaces outside, a certain number must

be designated for customers and employees. Discussion ensued as to how many parking spaces must be designated for that purpose.

Phil Williamson read from the Town Code § 180.39. Off-street parking. A. Minimum parking space requirements. The following parking spaces shall be provided and satisfactorily maintained by the owner of the property for each building which, after the effective date of this chapter, is erected, enlarged or altered for use for any of the following purposes: (12) Other commercial enterprises: one for each 300 square feet of gross floor area.

Further discussion ensued in regard to interpretation of the code. Mr. Williamson stated that the building is not being enlarged or altered in any way; therefore, it would be his interpretation that the square foot of gross floor area would not need to be considered to designate employee and customer off-street parking.

Gene Bavis stated that he felt that there should be three spaces designated for customer/employee parking. Mr. Packard's daughter spoke from the floor and said that since it is a family business, only one employee parking space would be needed since they can carpool. The question was raised if there may be room for three cars in the building? Chairman Ruth stated that the maximum parking spaces would be 12 (including the two cars parked inside and the two spaces dedicated to customer and employee parking).

Mr. Packard questioned using the grassy area behind the building for employee parking. Gene Bavis stated that the property line is right at the corner of the building and one would have to cross the neighbor's property to gain access to the area. There is also a fire hydrant behind the building next to the old fire hall. Mr. Bavis stated that because of these concerns, the Board could not legally say Mr. Packard has access to that area for parking vehicles.

Discussion ensued regarding the conditions of the Special Use Permit.

Larry Ruth opened the public hearing.

There was no public comment.

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

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

Motion carried.

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

After a complete and thorough review of the Application for a Special Use Permit for Louis Packard/C&L Auto we find the application in conformance with Town Code and can be approved with conditions. I move approval of this application subject to the following conditions:

- The hours of operation: 10 A.M. – 6 P.M. Monday – Thursday
10 A.M. – 5 P.M. Friday
10 A.M. – 2 P.M. Saturday
Closed Sundays and Major Holidays
- Property to be maintained in a neat and orderly manner by the applicant.
- No wrecked cars on the premises.
- No mechanical repairs, oil changes or painting of autos.
- All right-of-ways must be kept open.

- 6. Consider the request of Janet O'Brien for 2-lot subdivision located at 115 Knollwood Drive. The property to be subdivided is located on the north side of Atlantic Avenue and west of County Line Road. And further consider the granting of a waiver per Town of Walworth Code 151-6 Waiver of procedure and approval requirements, at the next regulary scheduled Planning Board meeting. Property is zoned RR-2.**

Janet O'Brien was present to discuss the application. She stated that she has a potential buyer for a 2-acre parcel that she would like to subdivide off the larger parcel. Gene Bavis questioned if they plan to divide off additional parcels. Mrs. O'Brien stated that this is the plan at this time. Gene Bavis suggested drawing a scale drawing with an overall subdivision plan instead of the piecemeal approach.

Gene Bavis stated that preliminary perk tests should be done to make sure that the land is developable. Mr. Bavis stated that he did not think there would be issues in regard to sight distance.

Chairman Ruth suggested meeting with Phil Williamson or Norm Druschel at the Town Hall for guidance in drawing up a subdivision plan.

The meeting was adjourned at 8:56 P.M.

Gail Rutkowski, Clerk

