

Chairman Larry Ruth called the meeting to order at 7:32 P.M. Members present were Gene Bavis, Elaine Leasure, Larry Ruth, Deborah Amsler and Peter Schillaci. Also present were Paul Russell, Norman Druschel and Phil Williamson.

Gene Bavis made a motion, seconded by Elaine Leasure to approve the Planning Board minutes of March 13, 2006, as presented. Motion carried.

**1. Discussion of Application of Mr. & Mrs. Paul Pellittieri and their parents Mr. & Mrs. Lesley Smith for waiver of normal subdivision procedures for 2-lot subdivision of property located on 5060 Lincoln Road. The Pellittieri's request to subdivide 4.8 acres so that their parents can construct a residence on a one-acre parcel. Property zoned RR-1.**

David Matthews of Matthews Consulting was present representing the applicants Mr. & Mrs. Paul Pellittieri and their parent Mr. and Mrs. Lesley Smith. The Pelletier's have owned the 4.8-acre parcel for about 18 years and their parents now wish to construct a home so the families can be closer together in the parent later years. Mr. Matthews stated that the home would be constructed on a 1-acre parcel out of the 4.8-acre parcel with all existing and proposed structures complying with the required setbacks for a RR-1 zoning district.

Phil Williamson questioned whether there was a written request for a waiver of normal subdivision procedures. Paul Russell responded that there was a letter from Matthews Consulting, dated February 22, 2006 requesting a waiver of normal subdivision procedures.

Gene Bavis questioned the width to depth ratio. He stated that the frontage of the 1-acre parcel is 76 feet and the depth is 339 feet, which exceeds the 2.5 to 1 ratio requirement. Chairman Ruth stated that this was not a problem, but there should be a written request for a waiver of any width to depth ratio that may impact the created parcels.

Chairman Ruth stated that the Board has no further concerns and will consider the waiver of normal subdivision procedures at the April 10<sup>th</sup> meeting.

**2. Discussion of Application of Mr. Richard Carley Jr. for waiver of normal subdivision procedures for 2-lot subdivision of property located on 2336 Smith Hill Road. It will consist of a 1-acre parcel with an existing residence and an 18-acre parcel that will remain undeveloped. Property zoned: R-2.**

Richard Carley, Jr. of 475 Bills Road was present and explained that he recently purchased 19 acres of property located on 2336 Smith Hill Road with the intent of fixing up the existing house for resale. He would like to subdivide one acre to sell with the house and hold onto the remaining 18 acres for recreational use.

Gene Bavis questioned whether there was any intent for future subdivision of the 18 acres. Richard Carley responded that his intent was strictly recreational use at the present time, but "one never knows what the future holds". Mr. Carley further stated that he could envision two separate building sites, but the property dropped off steeply in the back and would not be suitable for building. Deb Amsler questioned at what point the property dropped off. Mr. Carley stated, "about halfway".

Larry Ruth questioned, "What is your definition of recreational?" Mr. Carley answered, "hunting, primarily; perhaps, hiking and camping". Chairman Ruth asked whether there was any intent to use the property for snowmobiling or four-wheeling. Mr. Carley stated at this time he did not currently own either, but he could not say that he definitely would not in the future.

Chairman Ruth suggested that Mr. Carley consider a two acres minimum lot size for the existing house in keeping with the harmony of the neighborhood. Peter Schillaci stated that since the zoning requirements allow for a one-acre lot size, he had no problem with the one-acre request by the applicant.

Chairman Ruth stated the next step would be to advertise for a public hearing would be held April 10<sup>th</sup>.

**3. Request of Raymond Zientara for Special Use Permit for property located at 787 Plank Road. Property zoned: Hamlet**

Raymond Zientara, 1400 Hogan Road, Webster owner of the property located at 789 Plank Road was present. Mr. Zientara stated that the building has four bays with a cement wall separating the building into two sections with two bays each. Mr. Zientara has a prospective tenant interested in renting one side of the building at this time. Gene Bavis questioned whether Mr. Zientara has a tenant for the other side. Mr. Zientara responded that he did not have anyone lined up at this time, but hopes to have both sides rented in the future. Mr. Zientara said that the previous tenant was evicted from the property as of July 1, 2005. Phil Williamson stated that the Special Use Permit has lapsed.

Gene Bavis stated that it was his recall that there were several issues that needed to be addressed in regard to code enforcement. Phil Williamson answered that Mr. Zientara is working with Norm Druschel to clean up the property and meet NYS Code. He further stated that he has made much progress in the cleanup effort.

Elaine Leasure questioned the purpose of the Special Use Permit. The prospective tenant, Vaseli Durman stated that he is seeking to use the two bays for general repair and 15-car auto sales. Gene Bavis questioned whether he was a licensed dealer for the State of New York and if he currently has a license to run a repair shop. Mr. Durman answered no, but stated that he would be applying for both.

Pete Schillaci questioned Mr. Zientara about the 10 wheelers that are parked on his property. Mr. Zientara stated that that he has allowed a neighbor to temporarily park them on his property and noted that they are licensed.

Gene Bavis questioned the total acreage of the property. Mr. Zientara answered that it was approximately 3 acres with the building approximately in the middle of the property. Mr. Bavis stated that because of confusion in the past, it is important to define what part of the land itself will be rented with each side of the building.

Phil Williamson stated that before any final decision, it would be necessary for legal consult. Gene Bavis mentioned that it was his understanding that in the past, both the tenant and the owner of the property had to complete an application.

Mr. Zientara was advised by Chairman Ruth to provide a scale drawing as to what portion of the land would go with what each portion of the building. Further, there would need to be 100% approval by Norm Druschel and Phil Williamson before granting a permit. Chairman Ruth stated the Board would not proceed further until there is a formal application submitted.

**4. Discussion of Robert Doyle for 2-lot subdivision of property located at 1346 Hennessey Road. Property zoned: RR-1**

Robert Doyle, Jr. of 4135 Selby Way, Williamson was present and spoke on his father's behalf. His father, Robert Doyle, Sr. owns 1.75 acres of property at 13 Hennessey Road. The intent is to sell the house and one acres of land. Robert Doyle, Jr. would like to purchase the smaller piece of the property that has a 30' x 40' pole barn. Larry Ruth stated that in an RR-1 district each parcel must be one acre.

Gene Bavis questioned Phil Williamson if it would be possible to go before the Zoning Board of Appeals and request a waiver to divide off  $\frac{3}{4}$  of an acre to keep the house and one acre in conformance and have one nonconforming lot. Phil Williamson responded that he would recommend seeking legal consul to see whether this could be done.

Gene Bavis questioned if the applicant would consider the purchase an additional  $\frac{1}{4}$  acre from a neighbor so that both lots would be one acre? Pete Schillaci stated that it would still be necessary to consider the setback requirements for the house and the pole barn. Additionally, it is necessary to have safe access onto the highway.

Chairman Ruth stated that there is too little information at this time, to provide much direction. An application must be submitted along with a rough sketch and a survey map. Chairman Ruth suggested meeting with Norm Druschel or Phil Williamson to determine whether it would be beneficial to consider further action.

**5. Discussion of Melissa A. Cannan for Home Occupation (Category B) located at 4768 Lewis Road to operate a landscaping business. Property zoned: RR-1**

Shawn Cannon of 4768 Lewis Road was present and explained that he hopes to erect a pole barn in the future and operate a landscaping business from that location. Mr. Cannon stated that he had received a letter from Phil Williamson in regard to an unregistered Home Occupation. Mr. Cannon stated that he had purchased his residence in August 2005 and has run into drainage issues. Mike Frederes, Highway Superintendent has looked at the problem. Mr. Cannon recently spoke with Supervisor Plant. Supervisor Plant said that the drainage problem is on the list, but it would be at least three years before the situation would be addressed. Paul Russell had spoken to Supervisor Plant regarding the conversation with Mr. Cannon.

Discussion ensued regarding the drainage issues. Mr. Cannon explained that when he purchased the property there was no indication of drainage problems. When Mr. Cannon began clearing the property he found that the previous owner had covered the drainage channel with all kinds of items that blocked the pipe. When the debris was removed, the drainage problems became apparent.

Shawn Cannon originally hoped to put two pole barns on his properties in the area that is currently covered with water, but because of the drainage issues, he decided to put the pole barn directly behind his house as that is the only area dry enough. Mr. Cannon stated that because of the proximity of the neighbor, it would not be his first choice, but he didn't see any alternative since he cannot afford to wait three years. Chairman Ruth stated a line of confers would provide a privacy barrier between the neighbor.

Chairman Ruth questioned how far back from the house he proposed to construct the pole barn? Mr. Cannon responded that it would be between 100 and 150 feet away from the house. He is not considering putting up a second pole barn behind the first because the land becomes wet again.

Elaine questioned if Mr. Cannon is storing equipment on the property at this time. Mr. Cannon responded that he currently has four pickup trucks with plows on the property, but he is not storing other equipment on the property at this time. Mr. Cannon said that he does bring equipment onto the property on the weekends to clean up his own property, but it is not there for the purpose of his business. Chairman Ruth questioned where Mr. Cannon is storing his equipment now. Mr. Cannon responded, "Ricky's Towing on Linden Avenue, East Rochester.

Discussion ensued regarding placement of the driveway to the proposed pole barn.

Chairman Ruth stated that Mr. Cannon should submit an application before further action.

**6. Application of Ann Hansen for 5-lot subdivision of property located on the east side of Boynton Road approximately ½ 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.**

There was no one present to discuss this application.

**7. Discussion of Dennis Tabor, for proposed 8-lot subdivision to be called Fields Crossroads Subdivision of 56 acres of land located at the corner of Boynton Road and Walworth-Marion Road. Property zoned: RR-2**

Dennis Tabor of 46 Orchard Terrace, Sodus was present and stated that he has revised the plan since the March work session. The revised plan shows 8 lots, instead of 10.

Mr. Tabor stated that several changes had been made to address concerns by the Board regarding the hazards of accessing onto Walworth-Marion Road. Lots 1 and 2 would have turn-around driveways, and backing out onto Walworth-Marion Road would not be permitted. No driveways shall surpass a 10% grade. Each will have adequate sight distance as determined by the Wayne County Department of Transportation engineer. If necessary, there could be just one shared driveway entrance off of Walworth-Marion Road, which would service Lots 1 & 2. From this shared entrance, the driveway would branch off to the individual home sites. All other lots would access onto Boynton Road.

Dennis Tabor stated that preliminary perk tests and deep hole tests once the lots are approved.

Paul Russell stated that he recently met with Dennis Tabor and had explained to him that he still has concerns in regard to public safety. The Walworth-Marion Road is a main corridor into Rochester and access onto this main thoroughfare should be protected now and into the future. He further stated that the Master Plan clearly recommends increasing roadway safety and discouraging curb cuts on major roads. Therefore, Mr. Russell cannot recommend approval of this plan. The recommendation would be that the Board requires that all accesses would be onto Boynton Road, which would allow controlled access onto Walworth-Marion Road. Since Dennis Tabor is not interested in building a road because of the expense, Mr. Russell suggested he consider flag lots for Lots 1 and 2.

Chairman Ruth stated that he shares Mr. Russell's concerns and further stated that although the Board generally does not encourage flag lots, in this case it may be the best solution.

Gene Bavis concurred that he would not be inclined to approve any plan that would access onto Walworth-Marion Road. Gene Bavis stated that his first preference would be a cul-de-sac design, secondly a shared drive and his last choice a flag lot configuration onto Boynton Road.

Elaine Leasure also concurred with Paul and stated that she had a problem with the turn around driveway as a deed restriction. Although it may initially sound like a good idea, "sooner or later someone will back into the road". Pete Schillaci also concurred that he would not recommend approval of this plan.

Deb Amsler was not in agreement and stated that she does not favor flag lots. Ms. Amsler further stated that her stance on the subject has not changed and she does not have a problem with access onto Walworth-Marion Road.

Discussion ensued in regard to several ways that Mr. Tabor could design a plan that would be acceptable to the Planning Board. Mr. Tabor was receptive to the Planning Board's ideas. Chairman Ruth said that the Board would look at the new plan at the April 10th meeting and if the plan were acceptable the next step would be the public hearing on May 8, 2006.

Chairman Ruth adjourned the meeting at 9:16 pm.

Gail Rutkowski, Clerk