

Chairman Larry Ruth called the meeting to order at 7:36 P.M. Members present were Gene Bavis, Larry Ruth, Deborah Amsler and Peter Schillaci. Also present were Phil Williamson, Norm Druschel and Carl Hewing, Town Engineer. Elaine Leasure was absent.

Gene Bavis stated that there was a correction to the Planning Board minutes of May 23, 2007. Paragraph 1 – should read, “Members present were Gene Bavis, Elaine Leasure, Larry Ruth and Peter Schillaci. Deborah Amsler was absent.

Peter Schillaci made a motion, seconded by Gene Bavis to approve the minutes of May 23, 2007 as corrected.

Roll Vote:	Gene Bavis	Aye
	Elaine Leasure	Absent
	Larry Ruth	Aye
	Deborah Amsler	Abstained
	Peter Schillaci	Aye

Motion carried.

1. Application of Vincent & Jennifer Flannery for Home Occupation, Major – Category B for a horse boarding – training operation located at 4846 Lincoln Road. Property is zoned: RR-1.

Vincent and Jennifer Flannery, owners of the property located at 4846 Lincoln Road, were present to answer any questions regarding their application to operate a horse boarding training operation.

Pete Schillaci questioned if there were any changes to the application since it was presented at the May 23, 2007 worksession? Vincent Flannery stated that there had not been any changes.

Gene Bavis questioned whether there had been a recent fire inspection of the facility? Norm Druschel responded that a fire inspection was done in 2004. Gene Bavis stated that an updated fire inspection should be conducted. Chairman Ruth concurred and stated an updated fire inspection should be a condition of approval. Norm Druschel agreed to reinspect the property.

Chairman Ruth opened the public hearing.

There were no comments from the public.

Chairman Ruth closed the public hearing.

Pete Schillaci made the following motion, seconded by Deborah Amsler:

After a complete and thorough review of the Application for a Home Occupation Major Category B, the application is in conformance with the Town Code requirements and can be approved. I MOVE that the Planning Board approved this application subject to the following conditions.

1. Home use in the property shall continue to be in full compliance with the criteria and requirements for a Home Occupation, Major – Category B Permit as set forth in Chapter 180.43.1(E)(2)(a)(b)(c)(d)(e)(f)(g)(h).
2. The occupational use is incidental, secondary and/or subordinate to the use of the dwelling unit for residential purposes.
3. No other Home Occupation, Major-Category A or Home Occupation, Major-Category B is conducted on the premises.
4. The Fire Marshall and Building Inspector must certify that the structure and proposed use comply with the New York State Uniform Fire Prevention of Building Code as applicable to the Town of Walworth Municipal Code Chapter 180.
5. Hours of operation – 8 AM – 8 PM (7 days a week).
6. The parcel is 30.98 acres. Manure is spread according to Town Code regulations.
7. There shall be a maximum of twenty-five (25) horses boarded in the horse stable located on the property.
8. A separate riding arena on the property is used for training and lessons.
9. A storage barn on the property is used for farm equipment.

- 10. Parking is between arena and horse barn as shown on map provided by applicant. Typically there will be no more than ten (10) cars parked at any one time.
- 11. There are no employees other than Vincent & Jennifer Flannery.
- 12. The number of people using the facility at one time varies, but typically there are less than fifteen (15) people at one time. Occasionally, there may be group events with a few more people.
- 13. There will not be horse shows held at the facility.
- 14. There will not be is no sale of goods, such as tack equipment on the property.
- 15. There are five (5) horse trailers, owned by the boarders, which are parked on the property. Location of parking shown on map provided by the applicant.

Roll Vote:	Gene Bavis	Aye
	Elaine Leasure	Absent
	Larry Ruth	Aye
	Deborah Amsler	Aye
	Peter Schillaci	Aye

Motion carried.

2. Application of Ed Jones for Special Use Permit to operate an auto sales shop at 2320 Walworth-Marion Road. Property is zoned: B-2

Edmund Jones was present to discuss his application for a Special Use Permit to operate an internet-based wholesale car business on property located at 2320 Wal-Marion Road. Medco Machine, which is owned by his parents, will continue to operate as a machine shop. Mr. Jones. Intends to lease the front portion of the building as office space for his business.

Pete Schillaci stated that if there were no changes to the application since it was presented at the May 23, 2007 worksession, he did not have any problems with it. Gene Bavis stated, "I recall that you must get Planning Board approval prior to you being able to get the State License". Mr. Jones stated, "Yes". Mr. Bavis commented that Planning Board approval would be contingent upon Mr. Jones obtaining the license. There were no further questions from the Board.

Chairman Ruth opened the public hearing.

There were no comments from the public.

Chairman Ruth closed the public hearing.

Pete Schillaci made the following motion, seconded by Deborah Amsler:

After a complete and thorough review of the Application for a Special Use Permit for Edmund Jones to operate an auto sales shop we find the application in conformance with Town Code and can be approved with the condition that the permit will be effective upon the applicant obtaining a State Dealer License and a Fire Inspection by the Building Inspector being conducted on the property. I MOVE approval of this application subject to the following conditions:

- 1. Hours of Operation: Showings Primary by Appointment (Usually nights and weekends).
- 2. Office space for Wholesale Cars Direct will be located in front of the Medco Machine Building. Medco Machine will continue to be used as a machine shop.
- 3. No wrecked cars on premises.
- 4. No mechanical repairs, oil changes or painting of autos.
- 5. Maximum number of used cars parked on property as designated on map provided by applicant will be six (6).
- 6. The Fire Marshall or Building Inspector will certify that the structure is safe for the proposed use.
- 7. Sign as permitted by Town Ordinance. Applicant will not place a sign at the roadside.

8. Copy of Dealer license needs to be on file with the Building Dept. and posted on the building according to State Law.
9. Compliance with all state and local laws.
10. This Special Use Permit will be subject to review for violation or change of circumstance.
11. The Special Use Permit is issued to the Applicant and not the Owner of the property.

Roll Vote:

Gene Bavis	Aye
Elaine Leasure	Absent
Larry Ruth	Aye
Deborah Amsler	Aye
Peter Schillaci	Aye

Motion carried.

3. Application of Richard DeVrieze for 3-lot Realty Subdivision of property located at 715 Jacobs Road & 4789 Lincoln Road. Property is zoned: RR-1.

The Board was in receipt of a letter from Frederick Shelley, P.E. of Shelley Associates, dated June 8, 2007 requesting to postpone the public hearing of the application until the August 2007 Planning Board meeting.

4. Application of Conrad Russell for 2-lot Realty Subdivision of property location at 1879 Sherburne Road. Property is zoned: R

Mr. Newton Gowdy was present along with Conrad Russell, owner of the property. Board members were in receipt of a map, prepared by Mr. Gowdy showing the proposed Realty Subdivision. Mr. Gowdy explained that the intent is to subdivide the existing house along with 2.066 acres of land from the total acreage of 5.0 acres. In the future Mr. Russell intends to build a home for himself on the remaining 2.934 acres. Mr. Russell is not seeking site plan approval at this time.

Mr. Gowdy stated that sight distance from the driveway to the west is 313 ft. that is slightly less than the state requirement of 318.7 computed or 325 rounded. The speed limit on Sherburne Road is 45 mph. Mr. Gowdy stated that by raising the elevation of the driveway, the minimum sight distance could possibly be achieved. Mr. Gowdy stated that further engineering and review of the topography would need to be done to make the determination as to whether modifications would result in meeting sight distance requirements. Carl Hewings concurred that further engineering is warranted. Phil Williamson stated for the record that sight distance is dictated by the State Department of Transportation, and not by the Town or the County.

Conrad Russell stated that the driveway is using the original curb cut. Gene Bavis commented that this is a preexisting nonconforming situation, but since a change is being made, the driveway must be in conformance with Town Law. Conrad Russell questioned, "Is there the possibility of a waiver." Gene Bavis stated, "I'm not aware of the fact that the Planning Board would have a right to waive a sight distance requirement. I would suggest seeking legal advise from the Town Attorney about what can and cannot be done in regard to sight distance."

Phil Williamson reminded the Planning Board that at this time Mr. Russell is seeking approval to subdivide the property and that issues such as sight distance, etc. are part of the site plan approval process.

Gene Bavis questioned the need to subdivide the property now, since Mr. Russell wasn't going to build his new home for some time. Mr. Russell stated that he preferred to subdivide the land now, so that the interest of his family is protected in the future. Gene Bavis stated, "What good is subdividing if there is not a safe sight distance? What is the rush? Can we delay it a month to check the topography and get an interpretation from the Town Attorney? Also, there is a need for a leach field that works, or the possibility of hooking up to the Town sewer. These are issues that need to be worked out. I discourage subdivision of parcels like this, until you are sure it is going to work."

Deborah Amsler stated that she did not see a reason why Mr. Russell would need to go through additional engineering expenses at this time for issues that relate to site plan approval. Chairman Ruth added that this is a simple realty subdivision and it was his opinion that it could be approved at this time, as long as Mr. Russell understands that further engineering must be done before a plot plan can be submitted and approved. Mr. Bavis stated, "I'm going to abstain from this vote, because I don't think we should be doing it now. I won't vote no, but I am not going to vote for it."

Discussion ensued about the possibility of lowering the speed limit on Sherburne Road. Gene Bavis stated that the speed limit on Sherburne Road used to be 55 mph and had already been reduced once to the current 45 mph. Mr. Russell stated that regardless of the impact that

reducing the speed limit would have on the sight distance in his particular case, he still was of the opinion that the speed limit should be reduced to insure the safety of the neighborhood children. Mr. Russell further stated that with growth of the Parks and Recreation programs, there has been increasing traffic in and out of the Town Complex. He noted that the speed limit on Lorraine Drive was 30 mph. Gene Bavis stated that he agreed that the speed limit was too high in view of the fact there are many more homes on Sherburne Road and a second access to the park across the street and would be supportive of taking the necessary steps to reduce the speed limit. Chairman Ruth and all members present were in agreement. Chairman Ruth stated that he would make this recommendation to the Town Board.

Mr. Williamson suggested that Mr. Russell bring his concerns about reducing the speed limit to the attention of the Town Board. The Town Board would have to request the reduction from the State Department of Transportation. It may be necessary to get a petition from the residents of Sherburne Road.

Chairman Ruth opened the public hearing.

There were no comments from the public.

Chairman Ruth closed the public hearing.

Peter Schillaci made the following motion, seconded by Deborah Amsler:

I MOVE, that the subdivision plan approval be granted with the understanding that site plan approval is not contingent upon the subdivision approval.

Roll Vote:	Gene Bavis	Abstained
	Elaine Leasure	Absent
	Larry Ruth	Aye
	Deborah Amsler	Aye
	Peter Schillaci	Aye

Motion carried.

5. Other

Phil Williamson stated that Angelo Affronti will be coming before the Planning Board at the June 20th worksession to discuss modification of a Home Occupation Permit. Phil Williamson stated that Mr. Affronti had made substantial changes to the property by the addition of a berm with trees and the removal of stock materials from the property. Mr. Williamson encouraged the Board to drive by and see the work that has been accomplished so far.

Chairman Ruth adjourned the meeting at 8:38 PM.

Gail Rutkowski, Clerk