

Chairman Larry Ruth called the meeting to order at 7:35 P.M. Members present were Gene Bavis, Elaine Leasure, Larry Ruth, Deborah Amsler and Peter Schillaci. Also present were Phil Williamson Carl Hewing, Parrone Engineering.

Gene Bavis made a motion, seconded by Pete Schillaci to approve the minutes of June 11, 2007 as written.

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

Motion carried.

1. Continuation of concept discussion of Craig & Betsy Kota for 3-Lot Subdivision, located at 120 Mildahn Road. Property is zoned: R.

Karen Kosten of Civil Solutions in Penfield was present representing the applicants, Craig & Betsy Kota. Ms. Kosten explained that she came before the Board at the May worksession when she gave a brief overview of the proposed 3-lot subdivision. The total acreage is 12.88 acres and the intent is to divide the property into two building lots: Lot 1 (3.8 acres) and Lot 2 (7.8 acres). Lot 3 (1.3 acres) will be joined with the neighboring parcel of David Ragaisis on Mildahn Road. Ms. Kosten stated complete site plans would be provided for the two building lots.

At this time, preliminary perk tests have been completed on both Lots 1 and 2. The results of the perks on Lot 1 are very good, in the 13-15 minutes rate. Lot 2, the westerly lot, perks were in the 21-27 minute rate for three of the holes with one 50-minute hole. Ms. Kosten stated that she intends to dig two or three more holes uphill to see if the Lot 2 perks improve. The Ms. Kosten added that there is ample room to work with in designing the septic systems and anticipates standard septic systems for both lots.

Karen Kosten stated that after taking into consideration the comments from the Board at the last worksession in regards to driveway width of the two building lots, she has come up with a design that splits the access width of 60 feet into a 22 feet driveway for Lot 1 and 38 feet driveway for Lot 2. Mr. Kosten explained that because of the topography of the land and the existence of a drainage swale on the west side of the property, making each driveway 30 feet isn't feasible. Ms. Kosten did state that she will continue to look at the plan, and once final grading is done, there may a way to make the narrower driveway slightly wider.

Karen Kosten questioned the Board about the depth-to-width ratio of the lots. The total width is 406 feet and the intent is to subdivide the parcel down the middle so that each building lot will be 203 feet. According to the calculations the lot geometry of both lots did not meet the width-to-depth ratio. Phil Williamson read from Section 180-10 (d) Lot Geometry which states, "For flag lots or other irregularly shaped lots, the Planning Board shall determine, at its sole discretion, the permissibility of such lots after considering drainage, topography, vegetation patterns, geological formations, lot shape and dimensions and, in exercising its discretion taking into considering the proposed development in such lots' impact upon the harmonious development of the community in the interest of good planning and public health, safety and general welfare of the neighborhood and the community." Phil Williamson further stated that there were other irregularly shaped lots on this road and therefore this lot would fit in the general environment of the neighborhood.

Gene Bavis recommended that a request be made of the Planning Board for a waiver of depth-to-width ratio for the smaller building lot.

Chairman Ruth asked if there were any plans for future subdivision. Ms. Kosten replied that there was not.

The Board concurred that there were no further concerns and was supportive of the concept.

2. Discussion of Angelo Affronti for Modification of Home Occupation- Major, Category B to operate a small excavating business at 656 Jacobs Road. Property is zoned: RR-1

Angelo Affronti was not present to discuss modification of the existing Home Occupation, Major, Category B to operate a small excavating business at 656 Jacobs Road. Phil Williamson presented to the Board some pictures of the property that showed improvements, such as the berm, that have been made to the property. Mr. Williamson stated that Mr. Affronti will need to come before the Board at a future worksession to discuss the matter.

3. Discussion of Derek Herring for Special Use Permit to operate an auto repair shop at 2249 Walworth-Marion Road. Property is zoned: B-1

Derek Herring was not present to discuss the application. Phil Williamson, Code Enforcement Officer stated that Mr. Herring is living in the Albany area and was not able to be present for the meeting. Mr. Williamson stated that Ronald Wildey currently owns the auto repair shop and intends to lease the building to Derek Herring who plans to relocate to the Walworth area within the next couple of weeks. The business will operate as an auto repair shop per the same conditions of the original Special Use Permit, approved on May 15, 1997.

Chairman Ruth questioned if there were some issues in regard to the property and DEC involvement because of the possibility of gas residue? Mr. Williamson stated that he was not aware of this, but would check into it prior to the public hearing.

4. Concept discussion of Steve Azzano for a 10-Lot Subdivision and Site Plan for property located at 5185 Lincoln Road, south of Haley Road. Property is zoned: RR-1.

C. Newton Gowdy, L.S., of Lyons was present, along with the applicant, Steve Azzano, 1633 Brick Church Road, Ontario. Mr. Gowdy explained that Steve Azzano, owner of the property, came before the Planning Board at the May 14, 2007 meeting and was granted subdivision approval to divide off a 1.224-acre parcel from the total acreage. The 1.224-acre parcel includes a farmhouse, garage and barn, as well as a new septic system and is being sold to another party. Mr. Gowdy explained that he is coming before the Board at the worksession to discuss plans for the remainder of the land. Gene Bavis questioned the total size of the remaining parcel. Mr. Azzano responded that it was approximately 27 acres.

Mr. Gowdy presented a concept drawing to subdivide the property and was seeking Board input. Gene Bavis noted that it appeared that Lots, 2, 3, 4 and 5 did not conform to the proper zoning requirements. Mr. Gowdy questioned the recent changes to the zoning. Phil Williamson clarified that the most significant change is that there is no longer an RR-2 district. All RR-2 properties are now classified as RR-1 with a 1-acre minimum lot requirement. Mr. Williamson stated that the concept drawing appears to calculate the acreage from the center of the road. It needs to be calculated from the right-of-way back, not including any part of the right-of-way.

Gene Bavis stated, "This plan looks like it is laid out so there are many flag lots with all separate driveways. I think there are way too many flag lots. I would prefer to see a public or private road if the back land is to be developed into lots. Perhaps you can have a Homeowner's Association."

Discussion ensued about other ways to subdivide the property so that that the front lots would be in conformance with the one-acre requirement; yet maintain the proper width-to-depth ratio. Mr. Gowdy stated that lots 3, 4 and 5 may have to be reduced to two lots. Gene Bavis suggested putting a road down the center of the property in the vicinity of lot 3 which would easily make lot 2 a wider lot. Pete Schillaci stated, "By putting in a dedicated road it may allow you to increase your density." Gene Bavis stated, "You may need to increase the number of lots to recover the cost of building the road."

Deb Amsler questioned what other options there would be other than a dedicated cul-de-sac road. Chairman Ruth stated, "There would be a private cul-de-sac road with a Homeowner's Association".

Deb Amsler questioned, "How many homes can be on a shared driveway before you need to have a Homeowner's Association?" Gene Bavis responded, "Four or more."

Steve Azzano stated that he envisions building large estate size homes on the rear lots and would like those lots to be approximately five acres. He stated that he did not feel that the topography of the land would yield itself to building a road in the middle of the property in the vicinity of lot 3. Further, adequate space for septic systems is a factor that needs to be considered when deciding the proper location for either a private or public road. Pete Schillaci questioned whether any perks and deep hole tests have been done. Steve Azzano responded that preliminary perks had been conducted and the soil perks well.

Chairman Ruth suggested that alternative of having two common driveways on each side of the property. Steve Azzano stated that this is what he essentially is proposing. Each house would have 20 feet of the 60-foot driveway. Pete Schillaci said, "Would that be done with cross easements?" Mr. Azzano answered, "Exactly."

Gene Bavis suggested getting legal interpretation as to whether each homeowner owning 20 feet of the driveway meets the legal requirements of the flag, even if there are cross easements. Phil Williamson stated that he would check with the Town Attorney.

Discussion ensued about the location of the driveway and the length of the flag and the impact on safe access for emergency vehicles. Phil Williamson suggested that instead of having a driveway width that reduces from 60 feet, down to 40 feet and then down to 20 feet, the 60-foot right-of-way be maintained all the way from Lincoln Road to the back lots.

Deb Amsler pointed out that the proposed layout shows that Lot 11 would be left with a thin strip of land that would be of little use to the homeowner yet would still be paying taxes. Phil Williamson concurred and stated that it was his opinion that lot 11 would not be attractive to a prospective buyer and could lead to problems with maintenance and issues with the neighbors down the road. Chairman Ruth suggested that if a jog was put in the driveway it could be moved along the southern property line.

After further discussion, Steve Azzano stated that he would go back to the drawing board and try to design a plan with a driveway down the center of the property. This would probably involve some earthwork to make it happen. Gene Bavis stated that even with a center road, he would still urge considering a private road with a Homeowner's Association. Pete Schillaci again suggested making some of the lots a little smaller and increasing the number of lots to cover the costs. Gene Bavis stated, "I understand where you are coming from about building large houses, but large houses don't necessarily want large lots. There are lots of people looking to downsize their lots in favor of not having to maintain them."

5. Concept discussion of Kimberly Brown for a 2-Lot Realty Subdivision and Site Plan for property located at 5245 Fosdick Road. Property is zoned: RR-1.

Kimberly Brown of 5245 Fosdick Road was present to discuss subdividing her property and building a new home on it. She has discussed this with both Norm Druschel and Phil Williamson and both suggested coming before the Board at a worksession for input.

A rough sketch was provided to the Planning Board that showed the proposed subdivision. Ms. Brown explained that the entire parcel is 25 acres and the intent is to subdivide 5 acres with the existing home and barn and build a new home on the remaining 20 acres. Ms. Brown intends to keep ownership of both parcels.

Gene Bavis explained that there is 219 feet of road frontage with an irregularly shaped lot with a jog that becomes wider in the back. The proposed driveway would be at the north side of the existing house. Gene Bavis explained that the irregularity of the parcel poses some challenges in subdividing the lot and would result in the parcel with the existing house being rather odd shaped once subdivided. The Planning Board did not see this as being significant.

Pete Schillaci questioned how the parcel is currently being used. Ms. Brown answered that it is used as pasture.

Gene Bavis asked if any perks had been done. Ms. Brown responded that she had done some preliminary perks with Norm Druschel and the soil perked well, within 5 minutes.

Gene Bavis questioned if the barn currently housed animals? Ms. Brown answered that it did not, but it did at one time." Chairman Ruth stated that even though the lot was five acres it would not be wide enough to house animals.

Discussion ensued about the size of the lot and conforming to width-to-depth ratio. It may be necessary to obtain a waiver from the Planning Board.

Kimberly Brown questioned, "Can you have two residences on one property?" Phil Williamson answered, "Yes, you can have two principal residences on the same parcel, but you have to make sure it can be legally subdivided in the future. Also, each parcel would need to be one acre."

Since Ms. Brown will own both parcels, can she have an easement over one property to get to the other? Discussion ensued about a request to subdivide that would create a landlocked parcel. Can access be given by the granting of a permanent easement? Phil Williamson said that he would consult with Art Williams, Town Attorney.

Discussion ensued about the location and width of the driveway to the new house. Ms. Brown stated that she has already built a new driveway to the north side that falls within the property lines of the smaller lot and would like to extend that driveway.

Ms. Brown thanked the Board for their input.

The meeting was adjourned at 8:41 P.M.

