

Chairman Larry Ruth called the meeting to order at 7:33 P.M. Members present were Gene Bavis, Elaine Leasure, Larry Ruth, Deborah Amsler and Peter Schillaci. Also present were Phil Williamson, Norm Druschel and Brendan Bystrak.

Gene Bavis made a motion, seconded by Pete Schillaci to approve the minutes of March 12, 2007.

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

Motion carried.

1. Application of Frank & Toby Affronti for a 4-lot subdivision & site plan approval of three building lots on Lincoln Road approximately 882' South of Jacobs Road. Property is zoned: RR-1

Gene Bavis made a motion, seconded by Pete Schillaci to resume the discussion of the Frank and Toby Affronti application that was tabled at the March 12, 2007 Planning Board meeting. Motion carried.

Deb Amsler questioned whether the Town had any responsibility related to the easement? Larry Ruth stated that the reason that the Town Attorney should review the easement is to make sure that the easement is drawn up properly. Brendan Bystrak clarified that the map clearly states that easement is for the benefit of lots, 1, 2 and 3 and does not identify the Town of Walworth or Wayne County as having any responsibility. Gene Bavis stated that satisfactory review of the easement agreement by the Town Attorney be a condition of approval. The Board concurred with Mr. Bavis.

The Board had no further concerns.

Chairman Ruth closed the public hearing.

**TOWN OF WALWORTH
PLANNING BOARD
RESOLUTION**

**RE: Affronti Subdivision
Subdivision & Site Plan Approval
Tax # 061.115-0000-750.616**

WHEREAS, Frank and Toby Affronti, has made application for subdivision and site plan approval, and

WHEREAS, this is a Type II action and no further SEQRA determination is necessary; and

WHEREAS, the applicants engineer and surveyor, Lakeside Engineering, PC, has provided a written response and revised drawings to the Town Engineers for review, and

WHEREAS, a public hearing was duly advertised and held on March 12, 2007; and

WHEREAS, In order to impose a parcs and recreation fee, the Planning Board must evaluate the present and anticipated future needs for park and recreation facilities in the Town of Walworth based upon projected population growth to which the particular subdivisions will contribute. The population in the Town of Walworth is growing at a fast rate, that over the last several years, the Town has issued numerous building permits per year for new homes, that the master plan of the Town indicates that there is a major demand for new parks, playgrounds, baseball fields, soccer fields and other recreational facilities and that in the immediate neighborhood of the proposed subdivision there is a need for additional facilities. Based upon this need for new parks, playgrounds, baseball fields, soccer fields and other recreational facilities:

I MOVE that the Board find (1) that a proper case exists for requiring the Developer to show on the plat a park or parks suitably located for playgrounds or other recreational purposes: and (2) that a suitable park or parks of adequate size cannot be properly located in any such plat or is otherwise not practicable. Therefore, a parks and recreation fee, in lieu of construction on a park within said parcel and/or lot, shall be assessed on each lot in an amount established by the Town Board and same shall be paid prior to the issuance of a building permit and said requirement for the payment of parks and recreation fee shall be noted on the plat.

NOW, THEREFORE, upon consideration by the Planning Board, of all written and oral submissions and testimony by the applicant and public comment, and the Planning Board having given this matter due deliberation; it is

RESOLVED, that the Planning Board of the Town of Walworth grants Subdivision and Site Plan Approval based upon the following findings of fact; and subject to compliance with the following conditions of approval:

FINDINGS OF FACT

1. The proposed area to be developed is in a RR-1 Zoning District, (Single Family Residential) as permitted by town code section 180-10.
2. The proposed lots will be on a private driveway and will be service by the a public water system.
3. The proposed area to be developed is not in a sewer district, lots will be serviced by private - individual septic system.
4. Lot 3 does not meet the required lot width of 250 feet measured at the front setback (§180-10-D) as discussed at the Public Hearing held on March 12, 2007. The planning board has the ability to provide a minimum deviation from this requirement (§180-10-F-4-a) and supports a maximum deviation of 10 feet, requiring a minimum lot width of 240 feet at the front setback as shown on the submitted drawings.
5. These three (3) lots are considered flag lots and the proposed length of the driveway is over 1,000 feet for all the proposed homes. Town Code 180-10-F-(4)-(d) requires the Planning Board’s consideration to create the lots as depicted on the subdivision and plans.
6. That the applicant has chosen to install individual water services to each home and seek a variance from the Department of State with the installation of residential sprinkler systems in lieu of a water main extension and fire protection with conventional fire hydrants as required in the New York State Building Code.

CONDITIONS OF APPROVAL

1. The applicant will obtain all required approval signatures and have map filed in the Wayne County Clerks office as required by town code.
2. Satisfaction of all the Town Engineer comments, dated February 19, 2007 and March 16, 2007.
3. Receipt of the New York State Variance “Waiver” for hydrants within 400 feet of the dwellings and installation of residential sprinkler systems in the proposed homes.
4. That access and turnarounds for emergency services be developed to the homes that will meet all town criterion and support H-20 loading.
5. Review to the satisfaction of Town Attorney the Common Access, Utility, Snow Storage, Grading and Easement to benefit of Lots 1, 2 and 3.

Motion Carried.

The within Resolution was moved by Planning Board Member, Eugene Bavis, seconded by Peter Schillaci, Planning Board Member, and voted upon by members of the Planning Board as follows:

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

Motion Carried.

Adopted by the Planning Board on: March 21, 2007.

2. Discussion of Steven Azzano to subdivide farmhouse and barn from the remaining property located on 5185 Lincoln Road. Property is zoned: RR-

Steven Azzano of 1633 Brick Church Road, Ontario was present to discuss property located on 5185 Lincoln Road. Mr. Azzano stated that the total acreage is approximately 29 acres. He is seeking to subdivide the farmhouse and approximately 1.4 acres off of the remaining land. Pete Schillaci stated that the applicant and a future buyer should realize that the barn on the 1.4 acres could not be used to house animals, per zoning regulations. Mr. Azzano stated that he understood and that the barn has a concrete floor and is used as a garage and would not be suitable for animals. Mr. Azzano stated that the house, garage and barn would all be located on the 1.4 acres that measures approximately 150' wide and 275' deep. Pete Schillaci questioned whether the septic for the house is located within on the 1.4 acres?" Mr. Azzano stated, "yes, it is in to the south side of smaller garage. Gene Bavis questioned if the property is serviced by public water? Mr. Azzano responded, "yes".

Gene Bavis asked if the remaining 27+ acres would be sold as one parcel? Mr. Azzano responded that he has spoken with a builder and would like to sell building lots on the remaining acreage. Mr. Azzano did not have a concept drawing of the remaining acreage to present to the Board at this time. He would like to sell the 1.4 acres off in the near future, prior to selling of the remaining land.

Discussion ensued on how Mr. Azzano intends to configure the remaining land. Mr. Bavis asked what the total frontage would be? Approximately 790 feet. How much frontage on the property south of the property that he intend to divide out? Approximately 280 feet. Mr. Azzano stated that his thought at this time would be to put a driveway on the south side of the farmhouse to gain access to the back of the property for the placement of four additional lots of approximately five acres each. Gene Bavis stated that an agreement would need to be drawn up among those serviced by the driveway. Gene Bavis asked, "How many separate lots are you thinking about?" Mr. Azzano replied, "no more than eight".

Pete Schillaci questioned if perk tests have been done on the property? Mr. Azzano replied that Newt Gowdy, of Lyons has done some preliminary deep hole testing and reported that the land appeared high and dry with gravelly soil and he did not foresee any problems with the property perking. Further perk tests will be done in the later this spring. Pete Schillaci asked what the land is presently used for? Mr. Azzano, replied that it was at one time an apple orchard, but now it is vacant land.

Chairman Ruth stated that he did not a problem with the two-lot subdivision, but the Planning Board would like to see a concept drawing on the configuration of the remaining 27+ acres at some time in the future rather than taking it one lot at a time. The Board concurred with Chairman Ruth. Mr. Azzano stated that Newt Gowdy was preparing a map of the two-lot subdivision, but he did not have a problem will providing a preliminary plan of the remaining property.

3. Discussion of Conrad Russell of 1879 Sherburne Road to subdivide one parcel into two. Property is zoned: R.

Conrad Russell, owner of the property was present to discuss his intent to subdivide the property. A rough sketch was presented to the board. Mr. Russell stated that he presently owns slightly less than five acres and he is seeking to split the property into two parcels, approximately the same size (2¼-2½ acres). He explained that he would like to build a second home behind the existing home with a 30 feet access off from Sherburne Road east of the existing parcel.

Gene Bavis questioned, "How many feet of road frontage would there be?" Mr. Russell answered, "Approximately 400 feet.

Chairman Ruth questioned whether there would be any buffering between the two homes, since one is behind the other. Mr. Russell responded that that there already is a landscape buffer of trees, lilac bushes and shrubbery.

Pete Schillaci questioned if the 30-foot access width was adequate? Norm Druschel responded that the plan meets all zoning regulations in regard to minimum width of access right-of-way for residential lots. Chairman Ruth further explained that the width would be 30' for only a 60' stretch and would widen to 100'.

Discussion ensued about whether a fire sprinkler variance would be needed. After further discussion the recommendation was made to move the location of the house back by approximately 25 feet so that a sprinkler system would not be needed.

The possibility of hooking into the Town Sewer was discussed. Mr. Russell stated that the existing house is on septic, but it was his understanding that his house was the last home within the sewer district. It would need to be verified by the Town that the house falls within the sewer district.

The Board concurred that they did not have any problems with the concept.

Mr. Russell asked what the next step would be. Chairman Ruth responded that he would need to submit a completed application for subdividing property, along with engineered drawings for review. A public hearing for subdivision and site plan approval would be held at a regularly scheduled meeting.

2. Discussion of Mark Crane for sign and special use permit for pizza shop to be located at 2056 Walworth-Penfield Road. Property is zoned: B1.

Mark Crane, owner of Mark's Pizzeria was present to discuss the possibility of buying the property located at 2056 Walworth-Penfield Road (previously the Old Auction House property) and renovating the building for a pizza shop on the first floor and apartment building on the second floor. He is seeking Board input in regard to the feasibility of the proposal before moving forward.

Phil Williamson stated that the property is located in a B1 Zoning District. The Building Code does allow for mixed occupancy in the B1 District. The Zoning Code would require that a special use permit be issued for the Pizza Shop.

Gene Bavis asked if he was interested in the house that sits next door and to the rear of the building. Mr. Crane explained that the two properties had been subdivided and he does not plan on purchasing the adjacent home. Peter Schillaci questioned whether both buildings were still on the same septic system? Gene Bavis recommended looking into the septic situation with the present owner of the property.

Mark Crane explained to the Board that his lease is not up at the current location in Town for some time. Would he be able to use the building for something else until it was converting to the pizza shop? The Board did not see any problem with converting the second floor to residential, prior to putting the pizza shop on the first floor, as long as all Building Codes are met.

3. Review placement of Sign for Fairway Dental at Gananda Office Park

Phil Williamson, Code Enforcement Officer presented a picture to the Board showing where the lettering and logo will be placed on the building for the Dental Office located on Mayberry Place. Mr. Williamson is simply advising the Board of the signage that will be placed on the building and stated that the size and location are in compliance with Town code. The Planning Board member concurred that the signage was attractive and they had no objections.

4. Presentation of updated Walworth Zoning Map by Norm Druschel and Brendan Bystrak.

Norm Druschel and Brendan Bystrak presented a power point presentation of the proposed changes to the current zoning map. Brandan Bystrak explained that this is the fifth amendment to the current zoning map. The total area to be revised is 6,877 acres. There will be 49 acres added the PD district, 7.8 acres to the RR-1A district, 308 acres added to the Hamlet district, 1 acre added to the Town Office Parks, 19 acres added to the B1 District and 65 acres added to the B2 District.

Zoning areas to be lost are 81 acres of the Industrial that is currently south of Route 441 and west of West Walworth Road that will be split between the PD and the B2 districts. 236 acres of R district will be eliminated. The largest change will be the elimination of the RR-2 district that will be combined with the RR-1 district, creating 6,400 new acres of RR-1 zoning. The Adult Overlay District will be reduced by 25 acres.

Brendan Bystrak explained that the current zoning map has some parcels that were in two different zones. The proposed map follows property lines so all parcels will be within the same zone.

A public hearing is scheduled for the April 5th Town Board meeting. The project is scheduled for adoption at the Town Board meeting of May 17, 2007.

Chairman Ruth adjourned the meeting at 8:35 P.M.

