

Chairperson Johnson called the regular meeting of the Planning Board to order at 7:00PM. Members present were Chairperson Rick Johnson; Lou Villanova; Elaine Leasure; Marlene Hall; and Dennis Landry. Also present were Norm Druschel, Building Inspector; Donald Young, Attorney for the Town (Young Law of WNY); Michael Simon, Engineer for the Town (LaBella Engineering); and Phil Williamson, Code Enforcement Officer. Due to the COVID-19 pandemic and to comply with CDC social distancing, the meeting was held via video conferencing, accessible live to the public.

Chairperson Johnson said that the legal notice heading stated that this was a Zoning Board of Appeals meeting and in the body of the notice it said Planning Board. Chairperson Johnson apologized for any confusion this may have caused.

Chairperson Johnson asked the Board if there were any corrections that needed to be made regarding the minutes of April 13, 2020. Mr. Landry made a motion, seconded by Mr. Villanova, to accept the minutes of the April meeting. Ms. Leasure and Ms. Hall abstained as they were not present at the April meeting. All other members were in favor. Motion carried.

Chairperson Johnson addressed the first item on the Agenda:

**1. Application of Jason Calder for Preliminary and Final Approval for 3-Lot Subdivision. The property is located 3622 High Street, Town of Walworth, and County of Wayne. Property is zoned Hamlet. (Public Hearing)**

Michael Greene of Greene Land Surveying, PLLC came forward to speak before the Board on behalf of Jason Calder. Ms. Hall asked if the lots are too small to be being building lots. Mr. Simon said the minimum lot size for that Hamlet District is ¼ acre since they are on public utilities, and these lots are well over ¼ acre. Mr. Landry asked if the 75-foot frontage is within the Town regulations. Mr. Greene said 70 feet is the minimum width with public utilities on the lot. Mr. Druschel said the Planning Board has the option to waive the required depth to width ratios.

Chairperson Johnson asked if there were any comments from the Board. There were no more issues brought forward.

Mr. Landry made a motion, seconded by Ms. Leasure, to open the public hearing. All members were in favor. Chairperson Johnson opened the public hearing at 7:21 PM. Chairperson Johnson asked if there were any comments from the public. There were no issues brought forward. Ms. Leasure made a motion, seconded by Ms. Hall, to close the public hearing. All members were in favor. Chairperson Johnson closed the public hearing at 7:22 PM.

Chairperson Johnson read the SEQR Part 2, questions 1 through 11.

**Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"**

|   | No, or small impact may occur  | Moderate to large impact may occur                   |
|---|--|--|
| 1. <u>Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?</u>  | <input checked="" type="checkbox"/>  | <input type="checkbox"/>                             |
| 2. <u>Will the proposed action result in a change in the use or intensity of use of land?</u>   | <input checked="" type="checkbox"/>  | <input type="checkbox"/>                             |
| 3. <u>Will the proposed action impair the character or quality of the existing community?</u>   | <input checked="" type="checkbox"/>  | <input type="checkbox"/>                             |
| 4. <u>Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?</u>                      | <input checked="" type="checkbox"/>  | <input type="checkbox"/>                             |
| 5. <u>Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?</u>            | <input checked="" type="checkbox"/>  | <input type="checkbox"/>                             |
| 6. <u>Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?</u> | <input checked="" type="checkbox"/>  | <input type="checkbox"/>                             |
| 7. <u>Will the proposed action impact existing:</u><br>a. public / private water supplies?<br>b. public / private wastewater treatment utilities?                                 | <input checked="" type="checkbox"/><br><input checked="" type="checkbox"/> | <input type="checkbox"/><br><input type="checkbox"/> |
| 8. <u>Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?</u>                                   | <input checked="" type="checkbox"/>  | <input type="checkbox"/>                             |
| 9. <u>Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?</u>                     | <input checked="" type="checkbox"/>  | <input type="checkbox"/>                             |
| 10. <u>Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?</u>  | <input checked="" type="checkbox"/>  | <input type="checkbox"/>                             |
| 11. <u>Will the proposed action create a hazard to environmental resources or human health?</u>   | <input checked="" type="checkbox"/>  | <input type="checkbox"/>                             |

All members agreed there will be no or small impact to each question.

**TOWN OF WALWORTH  
PRELIMINARY & FINAL APPROVAL RESOLUTION  
CALDER SUDIVISION  
HIGH STREET**

At a meeting of the Planning Board of the Town of Walworth held on the 11<sup>th</sup> day of May 2020, at the Town Hall in said Town, Board member \_\_\_\_\_ moved adoption of the following resolution; Board member \_\_\_\_\_ seconded the motion:

**WHEREAS**, the Planning Board of the Town of Walworth has reviewed the proposed action to subdivide the property at 3622 High Street, as shown on map prepared by Greene Land Surveying dated March 6, 2020. The subdivision will consist of an existing 1.8+/- acre lot into three new lots on tax account number 63114-15-682323. Lot 1 will be a .87 acre lot with an existing home, Lots 2 and 3 will both be .45 acre lots and;

**WHEREAS**, Planning Board has reviewed Part 1 of State Environmental Quality Review (SEQR) Short Environmental Assessment Form (EAF) completed by the Applicant and;

**WHEREAS**, the Planning Board has completed Part 2 & 3 of the EAF therefore;

**BE IT RESOLVED**, that the Planning Board has determined that the proposed action is an "Unlisted Action" as defined under SEQR and based on the information and supporting documentation provided by the applicant, the Board determined that the proposed action will not result in any significant environmental impacts.

**BE IT FURTHER RESOLVED**, that the Planning Board hereby grants Preliminary and Final Subdivision approval for the Calder Subdivision with the following conditions;

1. All consultant and Planning Board comments and map adjustments be addressed prior to plan signatures.
2. Map is duly filed in the Wayne County Clerks Office.
3. A fee of \$650.00 per residential lot a part of this subdivision shall be paid to the Town, all in lieu of a set side of additional parkland, such monies being due prior to the issuance of a building permit.

Upon being put to a vote, the resolution was \_\_\_\_\_ . AYE\_\_\_ NAY\_\_\_

STATE OF NEW YORK:  
COUNTY OF WAYNE: ss  
TOWN OF WALWORTH:

I, Aimee Phillips, Town Clerk of the Town of Walworth, Wayne County, New York, DO HEREBY CERTIFY that I have compared the foregoing resolution duly adopted by the Planning Board of the Town of Walworth on the 11th day of May, 2120 with the original thereof now on file in my office, and the same is a correct and true copy of said resolution and of the whole thereof.

DATED: 2020  
(SEAL)

\_\_\_\_\_  
Town Clerk

Ms. Leasure made a motion, seconded by Mr. Landry, to adopt the Preliminary & Final Approval Resolution as written.

|            |                     |     |
|------------|---------------------|-----|
| Roll Vote: | Chairperson Johnson | Aye |
|            | Dennis Landry       | Aye |
|            | Lou Villanova       | Aye |
|            | Marlene Hall        | Aye |
|            | Elaine Leasure      | Aye |

Motion carried.

Chairperson Johnson addressed the second item on the Agenda:

**2. Application of Robert DeBree of 686 Development, LLC for Preliminary and Final Approval for a Site Plan for the property located at 686 Route 441, Town of Walworth, and County of Wayne. Property is zoned B-Business. (Public Hearing)**

Mr. Druschel said this application was removed from the agenda since Mr. Simon did not received the SWPPP (Storm Water Pollution Prevention Plan) and a written reply from the engineer to his written comments for this project so he could have time to review them for this meeting. Mr. Druschel said he told Mr. DeBree we could put him on the agenda for the June Planning Board meeting if Mr. Simon received the pertinent information.

Chairperson Johnson addressed the third item on the Agenda:

**3. Application of Shawn Evans of 580 Beaver Creek for Home Occupation-Minor to operate a home-based firearms company at 580 Beaver Creek, Town of Walworth, and County of Wayne. Property is zoned PD-Planned Development. (Public Hearing)**

Chairperson Johnson said we have a notarized application from Mr. Evans and a copy of his Federal Firearms License. Mr. Evans of 580 Beaver Creek came forward to speak before the Board. Mr. Evans said his Federal Firearms License (FFL) allows him to buy, sell, legally transport, and distribute firearms across the country. Mr. Evans said he plans on doing a few transactions a month mostly for friends and family.

Mr. Landry asked if Mr. Evans will have any stock of ammunition or weapons at his home. Mr. Evans said he will have some stock and it will be secured in a dedicated locked room within a gun safe. Mr. Evans said he is only allowed to distribute rifles, not handguns, at this time. Mr. Druschel asked if the ammunition will be in a secure room with fire separation. Mr. Evans said the room is insulated and separated with ¾ inch drywall. Mr. Druschel said he would like to do a fire inspection on the location. Mr. Evans said he is a volunteer fireman and was in the marine corp., so he is aware of precautions and safety and takes it seriously.

Mr. Williamson read Walworth Town Code 180-43.1 Home Occupation Minor (1) (d): Is not involved in the keeping of a stock-in-trade on the premises and is not engaged in the purchase of goods for resale or sale of goods where the stock-in-trade or goods are kept or stored on the premises at any time for any length of time except

stock-in-trade or goods which may be purchased for resale on the premises, provided that the stock-in-trade or goods are sold in conjunction with services rendered on the premises for the benefit of clients, patients, students, customers or business or professional associates. Mr. Williamson said there should not be a constant inventory of the stock because this is not set up for a retail operation and Mr. Evans can not generate a lot of additional traffic in the neighborhood because he is selling large volumes. Mr. Williamson asked how the sales would be made. Mr. Evans said the majority of the sales will be web-based and very few clients will come to his home. Mr. Evans said he will not have more than 3 or 4 guns in stock at one time. Mr. Williamson said this will be very closely monitored by the ATF (Bureau of Alcohol, Tobacco, Firearms and Explosives).

Ms. Leasure asked if he has done this business before. Mr. Evans said he just got his license and is just starting. Ms. Leasure asked Mr. Evans if he will place a sign in front of his house. Mr. Evans said he will not, but the neighbors are very supportive of his business.

Mr. Young asked if it is an issue that Mr. Evans has stock and trade. Mr. Williamson said he does not know how to interpret the wording in the Town Code. Mr. Landry said the code states you are not to have stock at the home for any length of time. Mr. Evans said the stock is going to be slightly larger than what he has in his own personal inventory, and he will purchase the stock and then market it to sell. Ms. Leasure asked what a reasonable amount of time is.

Mr. Landry asked if mailing ammunition is allowed. Mr. Evans said under the FFL he is allowed to receive wholesale ammunition to his home for resale purposes and he can mail it to anyone licensed under FFL in New York State. Mr. Evans said he cannot mail out firearms and is required to sell firearms to a local FFL or directly to the purchaser.

Chairperson Johnson asked if there were any more comments from the Board. There were no more issues brought forward.

Chairperson Johnson asked if there were any comments from the public. There was no one present from the public. Mr. Landry made a motion, seconded by Ms. Leasure, to open and close the public hearing. All members were in favor. Chairperson Johnson opened and closed the public hearing at 7:26 PM.

Chairperson Johnson asked Mr. Evans if it would be acceptable if Mr. Druschel inspects the area as Walworth Fire Marshal. Mr. Evans said he will make an appointment with Mr. Druschel for the inspection.

Mr. Landry made a motion, seconded by Ms. Leasure, to approve the Home Occupation Minor.

|            |                     |     |
|------------|---------------------|-----|
| Roll Vote: | Chairperson Johnson | Aye |
|            | Dennis Landry       | Aye |
|            | Lou Villanova       | Aye |
|            | Marlene Hall        | Aye |
|            | Elaine Leasure      | Aye |

Motion carried.

Chairperson Johnson asked if there was any other business to come before the Planning Board. No more issues were brought forward.

Mr. Landry made a motion, seconded by Ms. Leasure, to adjourn the meeting. All members were in favor. Chairperson Johnson adjourned the meeting at 7:27 PM.

Respectfully Submitted,

Barbara Goulette, Clerk