

Chairperson Johnson called the regular meeting of the Planning Board to order at 7:00PM. Members present were Chairperson Johnson; Lou Villanova; Dennis Landry; and Marlene Hall. Also present were Norm Druschel, Building Inspector; Phil Williamson, Code Enforcement Officer; and Michael Simon, Engineer for the Town (LaBella Engineering). Elaine Leasure, Planning Board member, was absent from the meeting.

Chairperson Johnson thanked Gene Bavis for his years of service as the Planning Board Chairman and he welcomed Marlene Hall as a permanent member of the Planning Board.

Chairperson Johnson asked the Board if there were any corrections that needed to be made regarding the minutes of December 9, 2019. Mr. Landry made a motion, seconded by Mr. Villanova, to accept the minutes of the December meeting. Ms. Hall abstained since she was not present at the December meeting. All other members were in favor. Motion carried.

Chairperson Johnson addressed the first item on the Agenda:

**1. Application of Sandra Lee Allen of 5585 Lincoln Road for Preliminary and Final Approval for a Subdivision for the property located at 5585 Lincoln Road, Town of Walworth, and County of Wayne. Property is zoned RR1-Rural Residential 1. (Public Hearing)**

Chairperson Johnson asked Mr. Simon if he is ready to go forward on this application. Mr. Simon said he reviewed the plans provided by Greene Land Surveying, PLLC and has prepared the SEQR Part 2 and Preliminary Resolution for the Board to consider. Mr. Simon said this application will need to be referred to Wayne County Planning Board before final approval can be given by the Walworth Planning Board since the property borders Ontario, NY.

Timothy R. Voellinger of Greene Land Surveying, PLLC came forward to speak before the Board on behalf of Sandra Lee Allen. Mr. Voellinger said the applicant proposes to subdivide 51.447 acres into 4 parcels: lot 1 would be 2.438 acres; lot 2 would be 6.915 acres and has an existing barn on which Dave Allen plans to build a home; lot 3 would be 7.561 acres; and lot 4 would be 34.533 acres.

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

Mr. Landry made a motion, seconded by Ms. Hall, to close the public hearing at 7:09pm. All members were in favor.

Chairperson Johnson read the SEQR (Short Environmental Assessment Form) Part 2 in which all the items listed will have little or no impact since this subdivision will not result in a significant adverse environmental or personal impact. The Planning Board members agreed.

Mr. Landry read the proposed Preliminary Approval Resolution, provided by Michael Simon, Engineer for the Town.

**TOWN OF WALWORTH  
PRELIMINARY APPROVAL RESOLUTION  
ALLEN SUBDIVISION  
LINCOLN AND WHITNEY ROAD**

At a meeting of the Planning Board of the Town of Walworth held on the 13<sup>th</sup> day of January 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 Tax Map Number 63116-00-502695, as shown on map prepared by Greene Land Surveying dated October 31, 2019. The existing 51.48 acre lot will be subdivided into parcel into four new lots, Lot 1 – 2.44 acres with an existing residence, Lot 2 – 6.9 acres with an existing barn, Lot 3 – 7.56 acres vacant and Lot 4 – 34.53 acres vacant, 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 Subdivision approval for the Allen Subdivision.

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 13<sup>th</sup> day of January, 2020 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)

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 Town Clerk

Ms. Hall made a motion, seconded by Lou Villanova, to adopt the Preliminary Approval Resolution.

Roll Vote:	Chairperson Johnson	Aye
	Dennis Landry	Aye
	Lou Villanova	Aye
	Marlene Hall	Aye

Motion carried.

Chairperson Johnson addressed the second item on the Agenda:

**2. Application of Bruce Howlett, Lehrwood Estates, LLC for 1112 E. River Rd., Avon, NY 14414 for Preliminary Approval for a 98 Residential Lots known as Lehrwood Estates Subdivision. The property is located on Mildahn Road approximately 1500 feet west of intersection of Mildahn Rd & Gananda Parkway, Town of Walworth, and County of Wayne. Property is zoned R- Residential. (Continuation of Public Hearing)**

Chairperson Johnson asked Mr. Simon if he had any comments on this project. Mr. Simon said the applicant made a presentation to the Board at the Planning Board meeting on December 9, 2019 and the Planning Board adopted the resolution declaring themselves Lead Agency on this project under the State Environmental Quality Review (SEQR) Act. Mr. Simon said a letter was sent on December 11, 2019 to the involved and interested agencies with plans of this project so they could offer their comments for the applicants to address to which the agencies had 30 days to respond designating whether they have an objection to this Board being the Lead Agency. Mr. Simon said we did receive responses from the involved and interested agencies, and now we can begin the SEQR process of which the applicant completed Part 1 and LaBella Engineering can now complete Part 2. Mr. Simon said the Planning Board will then determine if there is enough information provided by the applicant for the Board to make a determination of significance, such as supporting documentation for wetlands, archeological, traffic impacts, and numerous categories. Mr. Simon said the Planning Board would have the opportunity to grant preliminary and then ultimately final approval only after the SEQR process is complete so there is no action the Board can take at this meeting. Mr. Simon said he sent engineering comments to the applicant's engineer on December 18, 2019 and they submitted response comments on January 13, 2020. Mr. Simon said there are issues that will need to be worked out with Town staff and the Planning Board input, such as lighting, sidewalks, street trees, mailboxes, the open space area, a sewer district and possibly a storm water management district.

Chairperson Johnson said New York Consolidated Laws, Town Law - TWN § 277-4(b) states that: Land for park, playground or other recreational purposes may not be required until the planning board has made a finding that a proper case exists for requiring that a park or parks be suitably located for playgrounds or other recreational purposes within the town. Such findings shall include an evaluation of the present and anticipated future needs for park and recreational facilities in the town based on projected population growth to which the particular subdivision plat will contribute. Chairperson Johnson asked if LaBella could do this evaluation and what the cost would be. Mr. Simon said he will look into it and work with Mr. Williamson.

Chairperson Johnson said the public hearing is still open, but the Board will not be taking any action or taking any comments from the Board or the public at this meeting. Chairperson Johnson said the Board will listen to the engineer on the project for the members of the public that are in attendance.

Matt Tomlinson of Marathon Engineering came forward to speak before the Board on behalf of Mr. Howlett. Also present was Bruce Howlett, the developer on the project. Mr. Tomlinson said he has been corresponding with Mr. Simon and his office at LaBella, as well as the Town Sewer Department to work through pump station information and determining what if any improvements need to be done to the Town's system to allow the additional sewer flows. Mr. Tomlinson said he has been following up with the involved and interested agencies with engineering information. Mr. Tomlinson said Wayne County Water and Sewer Authority is subject to NY State Health Department approval and he has made application to the Health Department. Mr. Tomlinson said Wayne County DOT asked for a widened shoulder on the access to Gananda Parkway, and he is also proposing a re-grade to allow better site distance at Gananda Parkway. Mr. Tomlinson said he will meet with the Town of Walworth Highway Superintendent to discuss cutting into Mildahn Road during construction. Mr. Tomlinson said the open space will have a conservation easement, but the land will be attached to lot 14 and owned by this single lot. Mr. Tomlinson said he has received a letter of jurisdictional determination agreeing with his consultant's wetland delineation from the NY State DEC, and protection of the wetland will be ensured during the construction process. Mr. Tomlinson said there is a 100-year Flood Plain on the property that entirely falls within the wetland, and they will establish the base flood elevation so it will not impact any of the structures being built.

Mr. Tomlinson said they are proposing to establish street trees along Gananda Parkway and at the rear of the lots, a berm with landscaping to screen a neighbor to the west of the development, and plantings in the stormwater management area. Mr. Tomlinson said they plan to defer to the home builder on mailbox location, but they will work with the Town staff as to their preference. Mr. Tomlinson said he will make application for approval to the Town Board for the districts in the development after preliminary approval is granted by the Planning Board. Mr. Tomlinson asked the Board if they had any feedback on placing sidewalks in this development. Mr. Tomlinson said sidewalks will have an impact on utility layout, cost and design of the project; there is not a sidewalk network in the area to connect to; and maintenance would be required by Town. Chairperson Johnson said the Board will need to consult Town staff before they can make an educated statement on sidewalks. Mr. Tomlinson said he will pursue the issue with the Town Board.

Mr. Landry made a motion, seconded by Mr. Villanova, to continue the public hearing at the next Planning Board meeting. All members were in favor.

Chairperson Johnson said when engineering approval is given by the Engineer for the Town, the public hearing will be open for anyone to speak on the project, and the signs showing the property is up for review before the Planning Board will remain in place until the application is resolved by the Planning Board. Mr. Williamson said the matters that were discussed at this meeting have not been open to public comment because there are a number of outstanding issues that need to be addressed by the engineers.

Chairperson Johnson asked if there was any other business before the Board.

A member of the public said she was concerned about the speed limit on Mildahn Road. Mr. Williamson said the State of NY establishes speed limits, not the Town, but she may write a letter to the Town of Walworth Supervisor so the Supervisor can present it to the Town Board and then to the State of NY. Another member of the public said he is concerned about the rain run-off from the development effecting the Everwild development which neighbors this project. Mr. Tomlinson said he is required by the DEC to have no impact on the Flood Plain or the Wetlands, and this development will not affect the swale leading to Everwild. Another member of the public asked about the front setback on the proposed lots, the storm water management plan, the proposed homes, the moving of dirt off site during construction, the 5 proposed driveways on Mildahn Road and site distances. Mr. Landry said these issues are still in discussion and will be addressed in the SEQR process. Chairperson Johnson said the Board wants public comments when the issues have been addressed by the engineers and the Board has everything in hand to make an appropriate comment and evaluation.

Chairperson Johnson adjourned the meeting at 7:50PM.

Respectfully Submitted,

Barbara Goulette, Clerk