

Chairperson Bavis called the regular meeting of the Planning Board to order at 7:30PM. Members present were Chairperson Bavis, Elaine Leasure, Rick Johnson, and Lou Villanova. Also present was Phil Williamson, Code Enforcement Officer; Norm Druschel, Building Inspector; and Michael Simon, Engineer for the Town (LaBella Engineering). Dennis Landry, Member; and Marlene Hall, Alternate, were absent from the meeting.

Chairperson Bavis asked the Board if there were any corrections that needed to be made regarding the minutes of March 11, 2019. There were no issues brought forward. Rick Johnson made a motion, seconded by Lou Villanova, to accept the minutes of the March meeting as written. All members were in favor. Motion carried.

Chairperson Bavis addressed the second item on the Agenda since the applicant for the first item was not present:

2. Application of Kevin Tomko for Preliminary and Final Approval for a Site Plan for the property located at 915 Kuttruff Road, Town of Walworth, and County of Wayne. Property is zoned RR1-Rural Residential (Public Hearing).

Chairperson Bavis opened the public hearing at 7:33PM.

Chairperson Bavis said that this application appears to be an agricultural pursuit and the Planning Board only needs to approve the site plan for the proposed structure that will have a bathroom and septic system attached to it. Mr. Williamson agreed. Chairperson Bavis said the only retail products being sold will be farm products that are produced on the farm so it can be considered a farm stand.

Kevin Tomko of 915 Kuttruff Road came forward to speak before the Board. Mr. Tomko said his proposed plans include things he hopes to add in the future. Mr. Tomko said he plans to farm certified organic so running water and a septic system is required. Mr. Druschel said he witnesses the perc test on this property.

Mr. Simon addressed the comments in his letter to the Planning Board in regards to this project:

April 4, 2019

Mr. Gene Bavis
Planning Board Chair
Town of Walworth
3600 Lorraine Drive
Walworth, NY 14568

**RE: Tomko Organic Farm
Kuttruff Road
Site Plan Review
LaBella Project No. 212141.110**

Dear Mr. Bavis and Planning Board Members,

LaBella Associates has reviewed the above reference plan prepared by SECOR Building Solutions dated March 7, 2019. We offer the following comments for the Boards consideration.

1. The drawings have existing contours only. A grading plan and finish floor evaluations for all of the buildings should be provided.
2. The Site Plan Review Application Project Description includes a single family residence but the drawings do not include information about the residence. If the residence is not be contemplated as part of this application it should be removed from the plans. A separate site plan review will be required in the future.
3. The perc test was performed on 12/14/2018 by David Secor as per note 1/ Dwg. L-2. No witness to the test is listed.
4. The Septic System Design basis is noted as a new 3 bedroom dwelling for the barn/farm store, how was the water usage determined.
5. Calculations for the water service sizing should be provided.
6. Design and NYS DOH approval for a backflow prevention device should be provided, a drain within the building will be required for this device.
7. The application indicates the total acreage to be physically disturbed is 2 acres but no SWPPP is included.
8. Erosion and sediment controls should be shown on the plans.
9. A restoration plan of the disturbed areas should be provided.
10. Water and Electric service are shown to the New Barn/ Farm Store only. Will gas or other utilities be provided to the buildings.
11. Architectural renderings of the proposed buildings should be provided.
12. Proposed solar panels are indicated but are not detailed.
13. The number of parking spaces at the New Barn/ Store should be based upon the Zoning code, currently 6 spaces are shown. The handicapped space needs to be a paved surface. The current parking layout does not allow for a place for the end spaces to back out to turn around.
14. The sight distance at the drive entrances should be provided. Is there a need for two entrances?
15. All proposed lighting should be provided on the plans.
16. What will the hours of operations be? Is this seasonal only?

17. The septic system needs to provide inverts for the finished floor of the building, invert leaving the building, septic tank outlet, distribution box invert and the high invert of all of the leach lines. Grading over the system need to be provided. The septic system references to the residence should be removed as this is not being proposed at this time.
18. A cross section of the driveway materials should be provided.
19. Details of the sign should be provided, size, height color, lighting. It should conform to all zoning sign requirements.
20. Is the privacy fence along the east property line existing or proposed?
21. The names of the adjacent property owners should be added to the plans.

Please contact our office with any questions you may have in this regard.

Respectfully submitted,
 LaBella Associates
 Michael A. Simon
 Sr. Project Manager
 CC Via Email: SECOR Building Solutions
 Kevin Tomko

Chairperson Bavis asked which items are relevant to the proposal that the Planning Board is considering for this project. Mr. Simon said:

- #1: The plans need to show floor elevations since this affects the septic system performance.
- #2: Is not applicable.
- #3: It needs to be noted on the plan that Mr. Druschel witnessed the perc test.
- #4: The size of the septic system should be based on water usage.
- #5: Is relevant.
- #6: NYS DOH and the Wayne County Water & Sewer Authority require nonresidential facilities have backflow prevention device.
- #7: Is not applicable.
- #8: The plan needs to show grading and a silt fence if there is excessive grading.
- #9: Is not applicable.
- #10: Will gas or other utilities be provided to the building?
- #11: Is not applicable.
- #12: The solar array will require a building permit. Mr. Williamson said the Town Law does not allow any more than 1000 square feet for a ground solar system.
- #13: The number of parking spaces needs to be sufficient for this project and the handicap spaces may need to be paved.
- #14: The sight distances need to be provided.
- #15: All proposed lighting should be on the plan.
- #16: Is not applicable.
- #17: The septic system needs to provide inverts for the floor, invert leaving the building, septic tank outlet, distribution box invert and high invert of the leach lines. Grading over the system needs to be provided.
- #18: Is not applicable.
- #19: Mr. Williamson and Mr. Druschel can work with the applicant on the sign regulations.
- #20: Is the fence on the east property line existing or proposed?
- #21: Provide the names of the adjacent property owners on the plans.

Mr. Tomko asked the board if they had any questions. There were no issues brought forward.

Chairperson Bavis said the SEQR Part 2 lists no or small impact and Part 3 states the proposed action will not result in any significant adverse environmental impact. The Board members agreed that the proposed project will have no or small impact.

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

Elaine Leasure made a motion, seconded by Rick Johnson, to close the public hearing. All members were in favor. Chairperson Bavis closed the public hearing at 7:51 PM.

Ms. Leasure read the proposed Resolution, provided by Michael Simon, Engineer for the Town:

**TOWN OF WALWORTH
 PRELIMINARY APPROVAL RESOLUTION
 TOMKO SITE PLAN
 KUTTRUFF ROAD**

At a meeting of the Planning Board of the Town of Walworth held on the 8th day of April 2019, at the Town Hall in said Town, Board member Elaine Leasure moved adoption of the following resolution; Board member Rick Johnson seconded the motion:

RESOLVED, that the Planning Board of the Town of Walworth has reviewed the proposed action to construct a 1,730+/- square foot Barn/Farm Store with associated parking, utilities and subsurface waste disposal system on a 24.8 acre parcel at 915 Kuttruff Road, tax parcel 61115-00-952056.

FURTHER RESOLVED, that the Planning Board has determined that the proposed action is an "Unlisted Action" as defined under SEQR. Based on review of Part 1 of the Short Environmental Assessment Form (EAF) and supporting

documentation provided by the applicant, the Board has completed Part 2 and 3 of the EAF and has determined that the proposed action will not result in any significant environmental impacts;

FURTHER RESOLVED, that the Planning Board hereby grants preliminary Site Plan approval for the Tomko Site Plan.

Upon being put to a vote, the resolution was adopted . AYE 4 NAY 0

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 ___ day of April, 2019 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: 2019

(SEAL)

Town Clerk

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

Elaine Leasure made a motion, seconded by Rick Johnson, to adopt the Preliminary Approval Resolution.

Roll Vote:	Chairperson Bavis	Aye
	Rick Johnson	Aye
	Elaine Leasure	Aye
	Lou Villanova	Aye

Motion carried.

Chairperson Bavis moved to the first item on the Agenda:

1. Application of Nathan Jenny for Preliminary and Final Approval for a Three Lot Subdivision and Site Plan for the property located at 3200 Valley Drive, Town of Walworth, and County of Wayne. Property is zoned PD-Planned Development. (Public Hearing)

Chairperson Bavis opened the public hearing at 7:54 PM.

Nathan Jenny of 3200 Valley Drive came forward to speak before the Board. Mr. Jenny said he is only looking for approval for the subdivision at this time. Mr. Simon said Mr. Jenny has replied to his comments from his letter dated March 6, 2019:

Mr. Gene Bavis
Planning Board Chair
Town of Walworth
3600 Lorraine Drive
Walworth, NY 14568

**RE: Jenny Subdivision
Town of Walworth, New York
LaBella Project No. 212141.108**

Dear Mr. Bavis and Planning Board Members,

LaBella Associates reviewed the subdivision sketch plan dated 02/13/2019 for the above referenced project as prepared by Gambino Surveying, and site plans prepared by John Shields, PE dated June 9, 2016 revised through August 25, 2016 and offer the comments below:

General Comments:

1. The final subdivision plan needs to be stamped and signed by the licensed surveyor and the site plans signed and stamped by a licensed engineer.
2. It appears two new lots (2 & 3) are being created for a total of 3 lots, this should be verified.
3. Although the application states that both subdivision and site plan are being requested, there is not sufficient information to grant subdivision or site plan approval at this time. A detailed grading plan with a proposed house foot prints and an erosion and sediment control plan needs to be provided.
4. A reciprocal access and utility easement between all of the lots needs to be provided.
5. Will iron pins be set at the new property corners?
6. The liber and page of the existing easements should be noted on the subdivision plans.

7. The distance to the Town of Macedon border should be verified in order to determine if this needs to go to County Planning Board for review.

We will send a copy of this directly to the applicant’s Surveyor and Engineer and will work with them to clarify any of the above comments. A more detailed review will be completed upon future plan submission. Please contact our office with any questions you may have in this regard.

Respectfully submitted,
LaBella Associates
Michael A. Simon

Mr. Simon said that the applicant has addressed the comments in the letter related to the subdivision.

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

Elaine Leasure made a motion, seconded by Lou Villanova, to close the public hearing. All members were in favor. Chairperson Bavis closed the public hearing at 7:56 PM.

Chairperson Bavis said the SEQR Part 2 lists no or small impact and Part 3 states the proposed action will not result in any significant adverse environmental impact. Rick Johnson made a motion, seconded by Lou Villanova, to accept the SEQR. All members were in favor. The motion carried.

Ms. Leasure asked if lot 2 is being sold and Mr. Jenny is retaining lot 1 & 3. Mr. Jenny said that is correct.

Ms. Leasure read the proposed Resolution, provided by Michael Simon, Engineer for the Town:

**TOWN OF WALWORTH
PRELIMINARY & FINAL APPROVAL RESOLUTION
JENNY SUBDIVISION
VALLEY DRIVE**

At a meeting of the Planning Board of the Town of Walworth held on the 8th day of April 2019, at the Town Hall in said Town, Board member Elaine Leasure moved adoption of the following resolution; Board member Rick Johnson seconded the motion:

RESOLVED, that the Planning Board of the Town of Walworth has reviewed the proposed action to subdivide the property at the terminus of Valley Drive, Tax Map Number 62113-07-545968, as shown on map prepared by Gambino Surveying dated February 13, 2019, revised through March 27, 2019. A 4.1+/- acre parcel will be subdivided into three lots, Lot 1 being 2.9+/- acres, Lot 2 being .6+/- acres and Lot 3 being .6+/- acres.

FURTHER RESOLVED, that the Planning Board has determined that the proposed action is an “Unlisted Action” as defined under SEQR. Based on review of Part 1 and completion of Part 2 of the Short Environmental Assessment Form and the information and supporting documentation provided by the applicant, the Board hereby determines that the proposed action will not result in any significant environmental impacts;

FURTHER RESOLVED, that the Planning Board hereby grants preliminary and final approval for the Jenny Subdivision with the following conditions:

- 1. All Planning Board, town staff and consultant comments are fully addressed;
- 2. Future development of Lots 2 & 3 will require site plan approval by the Planning Board;
- 3. All required Agency approvals have been obtained and;
- 4. A copy of the filed map at the Wayne County Clerk’s Office (liber and page) is provided to the Town Building office.

Upon being put to a vote, the resolution was adopted . AYE 4 NAY 0

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 8th day of April, 2019 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: 2019

(SEAL)

Town Clerk

Elaine Leasure made a motion, seconded by Rick Johnson, to adopt the Preliminary & Final Approval Resolution.

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

Roll Vote: Chairperson Bavis Aye
 Rick Johnson Aye
 Elaine Leasure Aye
 Lou Villanova Aye

Motion carried.

Chairperson Bavis said he attended the Walworth Town Board meeting on April 4, 2019, and the Mildahn Road project was discussed and will be turned over to the Planning Board to determine what the proper cluster plan might be.

Chairperson Bavis said the Planning Board will be asked to make a recommendation to the Town Board. Mr. Johnson asked if the Town Board discussion was in regards to the wetlands involved in this project. Mr. Simon said he plans to make a recommendation to the Town Board for future projects, not including this one on Mildahn Road. Mr. Simon said in his recommendation, a cluster development would not include state and federally regulated wetlands or steep slopes in the calculation of how many houses can be built in the development since this land is unbuildable. Mr. Simon said that the development on Mildahn is proposed to be 102 lots which is less than the 115 lots that could be allowed at this time.

Mr. Williamson read the following Walworth Town Board Resolution:

RESOLUTION 91-19: TO SEND THE CLUSTER DEVELOPMENT PLAN FOR MILDahn ROAD TO THE PLANNING BOARD FOR DELIBERATION REGARDING DENSITY OF PROJECT

Councilman Ruth moved the following Resolution and moved its adoption. Seconded by Councilman Ambroz to wit:

WHEREAS, Marathon Engineering has presented plans to the Town Board for discussion regarding a proposed development on Mildahn Road; and

WHEREAS, Marathon Engineering presented plans that may not meet Town Code requirements for density limits; and

WHEREAS, Marathon Engineering requested the Town Board's opinion concerning this Town Code and whether it would approve such a plan as it is proposed;

BE IT RESOLVED that the Town Board, having considered the developer's concept presentation for a cluster development plan for property located along Mildahn Road, refer the matter to the Planning Board for formal application and review as required for a preliminary plan as set forth in Chapter 151, Subdivision of Land; Site Plan review, and conformance with the Town's Construction Specifications and Design Standards. If upon completion of such review, if in the Planning Board's judgement, the proposed development is appropriate, the Planning Board shall transmit the sub-divider's application and other required documentation to the Town Board for review and consideration pursuant to §278 of the Town Law.

Adopted this 4th of April, 2019 at the meeting of the Town Board.

Mr. Williamson also read Walworth Town Law 180-18:

A. Purpose and intent. The purpose and intent of cluster development shall be to enable and encourage flexibility of design and development of land in such a manner as to promote the most appropriate use of land, to facilitate the adequate and economical provision of streets and utilities and to preserve the natural and scenic qualities of open land.

E. ... in order to carry out the intent and objectives of this section and which results in a permitted number of building lots or dwelling units which shall in no case exceed the number which could have been permitted, in the Planning Board's judgment, if the land were subdivided into lots conforming to the minimum lot size and density requirements of Chapter 180, Zoning, applicable to the district in which the subdivider's land is situated.

Mr. Williamson stated that the Planning Board has latitude to not consider the wetland since there is no way to build on that land. Chairperson Bavis said that the cluster development should come before to the Planning Board before the Town Board so they can review it and make a recommendation to the Town Board. Mr. Williamson said the Town Board must specify the maximum number of lots permitted.

Chairperson Bavis asked if there was any other business before the Board. No other issues were brought forward. Chairperson Bavis adjourned the meeting at 8:10PM.

Respectfully Submitted,

Barbara Goulette, Clerk