

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; Donald Young, Attorney for the Town (Young Law of WNY); and Michael Simon, Engineer for the Town (LaBella Engineering). Elaine Leasure, Planning Board member, was absent from the meeting.

Chairperson Johnson said there was a change to the agenda and the third item, the application of Bruce Howlett, Lehrwood Estates, LLC, has been postponed. Chairperson Johnson said the public will be able to speak to this application since the public hearing is still open.

Chairperson Johnson asked the Board if there were any corrections that needed to be made regarding the minutes of January 13, 2019. Mr. Landry made a motion, seconded by Mr. Villanova, to accept the minutes of the January meeting. All other members were in favor. Motion carried.

Chairperson Johnson addressed the first item on the Agenda:

1. Application of Daniel Kummerow of 121 Beverly Drive, Rochester, NY 14625 for Final Approval for a Subdivision and Site Plan for the property located at 304 Whitney Road, Town of Walworth, and County of Wayne. Property is zoned RR1-Rural Residential 1. (Public Hearing)

Donald Lewis of D.H. Lewis Engineering PLLC came forward to speak before the Board on behalf of Daniel Kummerow. Mr. Lewis said he addressed comments from the Engineer for the Town, Mike Simon, and provided revised site and subdivision plans to him.

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

Mr. Landry made a motion, seconded by Mr. Villanova, to open the public hearing. All members were in favor. Chairperson Johnson opened the public hearing at 7:02 PM. Chairperson Johnson asked if there were any comments from the public. There were no issues brought forward. Mr. Landry made a motion, seconded by Mr. Villanova, to close the public hearing. All members were in favor. Chairperson Johnson closed the public hearing at 7:03 PM.

Chairperson Johnson said the Walworth Planning Board received a letter from the Wayne County Planning Board dated February 6, 2020 stating the Board recommended this referral be returned to the Town to be handled as a local matter.

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

**TOWN OF WALWORTH
FINAL APPROVAL RESOLUTION
KUMMEROW SITE PLAN and SUBDIVISION
WHITNEY ROAD**

At a meeting of the Planning Board of the Town of Walworth held on the 10th day of February 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 property located on Whitney Road, Tax Map Number 62116-00-080761, as shown on map prepared by R. Morris Surveying PLS dated October 26, 2019 revised through January 18th, 2020. The 25.71 acre parcel will be subdivided into two lots, the first being 1.0 +/- acres and the second, remaining lands, being 24.71 +/- and;

WHEREAS, the Planning Board has reviewed the Site Plan for a single family residence as shown on plans prepared by DH Lewis Engineering dated November 3, 2019, revised January 14th, 2020 and;

WHEREAS, the Planning Board has completed the State Environmental Quality Review (SEQR) process and determined that the proposed action will not result in any significant environmental impacts; and

WHEREAS, the Planning Board has reviewed all application materials and related information, and has reviewed the Comprehensive Plan and the Parks and Recreation Master Plan to determine whether a proper case exists for requiring that a park or parks be suitably located for playgrounds or other recreational purposes within the Town, including 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.

NOW, THEREFORE BE IT RESOLVED, that with regard to parks and recreational facilities, the Planning Board finds as follows:

- A. That the proposed subdivision will increase the population of the Town of Walworth and will create additional need and/or further demand for recreational facilities within the Town; and
- B. The Parks and Recreation Master Plan of 2019 (the "Rec Plan") provides that the Town's growth rate indicates a demand for continued enhancement of the quality and quantity of parks and recreational facilities in Town (p. 14); and
- C. The Rec Plan clearly finds that there is a need for "expansion of our parks, our trails and indoor facilities in the Town of Walworth and expansion . . ." (at p. 8), including:
 - a. A strategy focusing on a number of improvements to existing parks (pgs. 8-9 of the Rec Plan); and
 - b. The development of outdoor recreational facilities, including athletic field, picnic areas, etc. (p. 24); and
 - c. The development of indoor facilities (p. 24); and

- D. While the Rec Plan does allow for land acquisition (but only in the north, center and west of Town), its primary focus is the improvement and development of its existing parklands, including that the Town shall seek a fee in lieu of parkland equal to \$650.00 per new residential lot to fund such improvements; and
- E. Given the above, the proposed development supports a proper case for requiring that a park or parks be suitably located for playgrounds or other recreational purposes within the Town pursuant to Town Law Section 277(4); and
- F. The Town currently has a number of acres of parklands that are undeveloped, and it appears that additional vacant or minimally developed parklands would not be suitable in addressing the Town’s parks needs; and
- G. Given the above, including the size and location of the particular land involved in this application, as well as given the fact that the Rec Plan calls for improved parks, including outdoor and indoor recreational facilities, the Planning Board finds that a suitable park cannot be located on the subject lands, and thus, a sum of money shall be provided in lieu thereof; and
- H. Such sum of money in lieu thereof shall be equal to \$650.00 per residential included in the subject subdivision, per the Rec Plan, which sum shall be deposited into a trust fund to be used by the Town exclusively for park, playground or other recreational purposes; and

BE IT FURTHER, RESOLVED, that the Planning Board hereby grants Final Site Plan and Subdivision approval for the Kummerow with the following conditions;

- 1. All consultant and Planning Board comments and be addressed prior to plan signatures.
- 2. Map is duly filed in the Wayne County Clerk’s Office.
- 3. Per the above, 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, as set forth herein, 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 10th day of February, 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)

 Town Clerk

Mr. Landry made a motion, seconded by Mr. Villanova, to adopt the Final 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 Sandra Lee Allen of 5585 Lincoln Road for 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)

Timothy R. Voellinger of Greene Land Surveying, PLLC came forward to speak before the Board on behalf of Sandra Lee Allen. Chairperson Johnson said the Walworth Planning Board received a letter from the Wayne County Planning Board dated February 6, 2020 stating the Board recommended this referral be returned to the Town to be handled as a local matter.

Mr. Voellinger asked the Board if they had any questions. 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. Young said the Final Approval Resolution provided by Michael Simon, Engineer for the Town, has the same findings as the Resolution previously read at this meeting. Mr. Simon said the Final Approval Resolution for the Allen Subdivision has a an added condition that on the lot that currently has a barn, a primary structure will be constructed within two years of the date of the filing of the subdivision plan in the Wayne County Clerk’s Office.

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

At a meeting of the Planning Board of the Town of Walworth held on the 10th day of February 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 – 6.92+/- acres with an existing barn, Lot 3 – 7.56+/- acres vacant and Lot 4 – 34.53+/- acres vacant, and;

WHEREAS, the Planning Board has completed the State Environmental Quality Review (SEQR) process and determined that the proposed action will not result in any significant environmental impacts; and

WHEREAS, the Planning Board has reviewed all application materials and related information, and has reviewed the Comprehensive Plan and the Parks and Recreation Master Plan to determine whether a proper case exists for requiring that a park or parks be suitably located for playgrounds or other recreational purposes within the Town, including 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.

NOW, THEREFORE BE IT RESOLVED, that with regard to parks and recreational facilities, the Planning Board finds as follows:

- I. That the proposed subdivision will increase the population of the Town of Walworth and will create additional need and/or further demand for recreational facilities within the Town; and
- J. The Parks and Recreation Master Plan of 2019 (the “Rec Plan”) provides that the Town’s growth rate indicates a demand for continued enhancement of the quality and quantity of parks and recreational facilities in Town (p. 14); and
- K. The Rec Plan clearly finds that there is a need for “expansion of our parks, our trails and indoor facilities in the Town of Walworth and expansion . . .” (at p. 8), including:
 - a. A strategy focusing on a number of improvements to existing parks (pgs. 8-9 of the Rec Plan); and
 - b. The development of outdoor recreational facilities, including athletic field, picnic areas, etc. (p. 24); and
 - c. The development of indoor facilities (p. 24); and
- L. While the Rec Plan does allow for land acquisition (but only in the north, center and west of Town), its primary focus is the improvement and development of its existing parklands, including that the Town shall seek a fee in lieu of parkland equal to \$650.00 per new residential lot to fund such improvements; and
- M. Given the above, the proposed development supports a proper case for requiring that a park or parks be suitably located for playgrounds or other recreational purposes within the Town pursuant to Town Law Section 277(4); and
- N. The Town currently has a number of acres of parklands that are undeveloped, and it appears that additional vacant or minimally developed parklands would not be suitable in addressing the Town’s parks needs; and
- O. Given the above, including the size and location of the particular land involved in this application, as well as given the fact that the Rec Plan calls for improved parks, including outdoor and indoor recreational facilities, the Planning Board finds that a suitable park cannot be located on the subject lands, and thus, a sum of money shall be provided in lieu thereof; and
- P. Such sum of money in lieu thereof shall be equal to \$650.00 per residential included in the subject subdivision, per the Rec Plan, which sum shall be deposited into a trust fund to be used by the Town exclusively for park, playground or other recreational purposes; and

BE IT FURTHER, RESOLVED, that the Planning Board hereby grants Final Subdivision approval for the Allen Subdivision with the following conditions;

- 4. All consultant and Planning Board comments and be addressed prior to plan signatures.
- 5. Map is duly filed in the Wayne County Clerk’s Office.
- 6. A primary structure will be constructed on Lot 2 within two years of the date of the filing of the subdivision plan in the Wayne County Clerk’s Office.
- 7. Per the above, 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, as set forth herein, 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 10th day of February, 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)

Town Clerk

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

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

Motion carried.

Chairperson Johnson addressed the third item on the Agenda:

- 3. Application of Bruce Howlett, Lehrwood Estates, LLC for 1112 E. River Rd., Avon, NY 14414 for Preliminary Approval for 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 said this is a continuation of the public hearing and asked if there were any comments from the public. There were no issues brought forward. Chairperson Johnson said we will continue the public hearing until a later date.

Chairperson Johnson addressed the fourth item on the Agenda:

- 4. Concept Discussion by Dawn McCracken for proposed Subdivision and Merger for property located at 3515 View Pointe Drive, Town of Walworth, and County of Wayne. Property is zoned R- Residential.**

Robert Price of 675 Rookery Way came forward to speak before the Board on behalf of his daughter, Dawn McCracken. Mr. Price said that Ms. McCracken would like to purchase 50 square feet from a property that borders behind her property on Farmview Drive. Mr. Price said Ms. McCracken proposes to purchase the property since it is in the Penfield School district and she would like her son to attend the Penfield School for a program they may suit him better than the program he participates in at Wayne Central School in Ontario, NY.

Chairperson Johnson asked Ms. McCracken if she has discussed buying the property with the individuals who own the property bordering her back line. Ms. McCracken said she is in discussion with one of the property owners. Chairperson Johnson asked if there were any comments from the Board. Mr. Landry said he would advise Ms. McCracken should follow up with the Penfield and Wayne School Districts since her property would fall within both of those districts. Mr. Williamson said this Planning Board will only address this simple subdivision. Chairperson Johnson said Ms. McCracken should talk to the neighbor she would like to purchase the property from and then fill out an application to bring before the Planning Board.

Chairperson Johnson asked if there was any other business before the Board. There were no issues brought forward.

Mr. Landry made a motion, seconded by Mr. Villanova, to adjourn the meeting. All members were in favor. Chairperson Johnson adjourned the meeting at 7:28PM.

Respectfully Submitted,

Barbara Goulette, Clerk