

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, attended the meeting via phone and therefore was unable to vote.

Chairperson Johnson asked the Board if there were any corrections that needed to be made regarding the minutes of February 10, 2020. Mr. Landry made a motion, seconded by Ms. Hall, to accept the minutes of the February meeting. All members were in favor. Motion carried.

Chairperson Johnson addressed the first item on the Agenda:

1. Application of Jamie Goodno of 469 Haley Road for Preliminary and Final Approval for a Subdivision for the property located at 469 Haley Road, Town of Walworth, and County of Wayne. Property is zoned RR1-Rural Residential 1. (Public Hearing)

Chairperson Johnson opened the public hearing at 7:03PM. Jamie Goodno of 469 Haley Road came forward to speak before the Board. Mr. Goodno said he would like to subdivide the property at 469 Haley Road into 2 parcels as it was originally. Chairperson Johnson asked if there were any comments from the Board. Mr. Landry asked if the issue with water in the driveway has been resolved. Mr. Goodno said it was. 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 at 7:05PM.

Chairperson Johnson said the SEQR lists 11 items in which there is no or small impact and the proposed action will not result in any significant adverse environmental impact. All members were in favor. The motion carried.

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

**TOWN OF WALWORTH
PRELIMINARY & FINAL APPROVAL RESOLUTION
GOODNO SUBDIVISION
HALEY ROAD**

At a meeting of the Planning Board of the Town of Walworth held on the 9th day of March 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 63116-00-406536, as shown on map prepared by Greene Land Surveying dated January 31, 2020. The existing 16.5+/- acre parcel will be subdivided into parcel into two new parcels, Parcel 1 will be 1.3+/- acres with an existing residence and Parcel 2 will be 15.2+/- acres which is 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 Short 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 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 Preliminary and Final Subdivision approval for the Goodno Subdivision 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 9th day of March, 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. Landry made a motion, seconded by Ms. Hall, to adopt the Preliminary and Final Approval Resolution as written.

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

Motion carried.

Chairperson Johnson addresses the second item on the agenda.

2. Recertification of Site Plan for the property located on Lot 2 at the corner of Boynton Road and Walworth-Marion Road. Property is zoned RR1 - Rural Residential 1.

Chairperson Johnson read a letter from Michael G. Sponable, P.E. of Greene Land Surveying, PLLC dated February 26, 2020 stating:

We have reviewed the plans that have been prepared by Schulz Associates, titled Fields Crossroads Subdivision, project number 06.257, last revised on February 9, 2007. It is our belief that a house can be constructed on Lot 2, if the erosion control features and procedures that are listed on this plan are adhered to. This includes the silt fence downhill of the development and stone check dams along the driveway. Any other potential erosion should be minimal.

The septic system design was also reviewed. Using the soil test information and design data that was provided on the plans, the septic system for Lot 2 appears to have been designed properly for today's New York State Department of Health requirements.

Therefore, it is our overall belief that the plans prepared by Schulz Associates generally comply with the typical requirements of the Town of Walworth.

Chairperson Johnson said this is a one-year recertification from this date of March 9, 2020, all the soil studies have been done, and he does not see any environmental impact on this. Mr. Druschel said the contractor could not be present at this meeting and asked Mr. Druschel to answer any questions the Planning Board may have. Chairperson Johnson asked if there was any comment from the Board. Mr. Landry asked if the contractor had any plans to build in the near future. Mr. Druschel said he is waiting for the Planning Board approval so he can begin.

Mr. Landry made a motion, seconded by Mr. Villanova, to approve the recertification. All members were in favor. Motion carried.

Chairperson Johnson addresses the fourth item on the agenda.

3. Other: Discussion regarding a seasonal temporary tent in the parking lot at Walworth Plaza LLC, 2140 Walworth-Penfield Road. Property is zoned B-Business.

Kim Krisher of 295 Lake Road, Ontario came forward to speak before the Board. Ms. Krisher said she is proposing to sell seasonal live flowers, vegetables and herbs from a 30' x 60' tent in the Tops Grocery parking lot at 2140 Walworth-Penfield Road from May 1, 2020 through June 30, 2020 for 7 days a week. Chairperson Johnson asked what the location

of the tent in the parking lot would be. Ms. Krisher said she is proposing to erect the tent in the northwest corner between the first and second row of parking spaces and racks would also go around the tent. Ms. Krisher said they would require a 4000 square foot space which would take up 16-20 parking spaces. Mr. Druschel said there will still be accessibility for fire apparatus. Mr. Landry asked if this would inhibit fuel deliveries. Mr. Druschel said he does not see a problem with the fuel trucks since the fuel tanks are on the east side of the parking lot. Chairperson Johnson asked if Tops Grocery is agreeable. Ms. Krisher said she has a lease agreement with Tops. Mr. Villanova asked Ms. Krisher what she will do about security at night. Ms. Krisher said they will lower the flaps on the tent but there are no locks since she has found that in her similar operations in Webster and East Rochester, flowers are not desirable items for theft. Ms. Hall asked if the Planning Board will need to approve this operation every year. Mr. Williamson said Mr. Druschel will need to issue a temporary operating permit which can be issued each year so she will not need to come before the Board each year. Ms. Krisher said she would like to start running this operation from April 1st through June 30th next year. Mr. Druschel said the temporary operating permit is for less than 180 days.

Chairperson Johnson addresses the third item on the agenda.

3. Application of Bruce Howlett, Lehrwood Estates, LLC of 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 the intersection of Mildahn Road and Gananda Parkway, Town of Walworth, and County of Wayne. Property is zoned R-Residential. (Continuation of Public Hearing)

Matt Tomlinson of Marathon Engineering came forward to speak before the Board on behalf of the applicant, Bruce Howlett. Mr. Howlett was also present. Mr. Tomlinson said they have met with Town staff and outside agencies to address technical comments and SEQR impacts. Mr. Tomlinson said he is requesting preliminary approval for this application at this meeting and would like to have final approval at the next Planning Board meeting in April 2020 so they can start phase 1a & 1b which will be the north half of the project. Mr. Tomlinson said during the first phase they will construct the stormwater management facilities, overall earth working utilities for the northern section, the roadcut to Gananda Parkway, the watermain to the northern section, offsite sanitary sewer, sidewalks for the northern section, pump station upgrades; and the park and recreation fees will be paid prior to obtaining the building permits for the individual residences. Mr. Tomlinson said they are still working through some pump station discussions, but they have supplied the engineer for the town the required technical information. Chairperson Johnson asked if the 3-way stops will go in during the construction on the Northern section. Mr. Tomlinson said they will go in as the roads go in as shown on the plans.

Chairperson Johnson asked if there was any comment from the Board. No issues were brought forward.

Chairperson Johnson asked if there was any comment from the public. Kim Wyman came forward to speak before the Board. Ms. Wyman asked what the front and side setbacks would be for the lots in this development. Mr. Williamson said the front and side setbacks have been determined as per the cluster development plan approved by the Walworth Town Board. Ms. Wyman asked if the stormwater management is located in the wetlands. Chairperson Johnson said the stormwater management is shown on the plans in the south east corner of the property. Ms. Wyman asked if certain lots go into the wetlands. Chairperson Johnson said some lots buffer the wetland and there will be markers at the end of those properties delineating the wetland. Ms. Wyman asked if there will be internal streetlights. Chairperson Johnson said there will be streetlights at each intersection. Ms. Wyman asked if the conservation area or open area will be owned by the Town. Mr. Williamson said the Town is not interested in accepting open land, and the land will be part of lot 14. Ms. Wyman asked where the drainage district is located. Mr. Young said the drainage district is Town Line. Ms. Wyman asked if there are any pictures of the proposed homes. Mr. Landry said they are similar to the houses on the corner of Route 250 and Five Mile Line Road. Ms. Wyman asked if they are building berms. Chairperson Johnson said soil will be contained in the development and trees will be planted. Ms. Wyman asked if there will be a traffic analysis. Chairperson Johnson said the traffic analysis is part of the SEQR and will be addressed by the engineer for the town. Mr. Young said the lot sizes, density, lights, open spaces, park fees, and sidewalks have been decided at the Town Board level when they approved the cluster subdivision. Mr. Tomlinson said all stormwater currently discharges to the wetland and will continue to discharge to the wetland and will meet all the requirements of the DEC. Mr. Tomlinson said there will not be any wetland encroachment but a portion of the storm water facility will be in the 100' buffer outside the wetland which will be permitted with the State DEC. Mr. Tomlinson said internal lights will be installed at all intersections as part of the development. Mr. Tomlinson said the Town is not going to own the wetland but it will have a conservation easement over it so the land will be protected. Mr. Tomlinson said they do not plan to move any earthwork offsite and they will use excess soil to fill some rear yards. Mr. Tomlinson said one street tree per lot will be provided, there will be some landscaping where rear yards back to each other, and a buffer will be installed to the existing home west of the development. Ms. Leasure asked if the open space connected to lot 14 will include the retention pond. Mr. Tomlinson said lot 14 will include the retention pond.

Chairperson Johnson asked if there were any more comments from the public. No more issues were brought forward.

Mr. Landry made a motion, seconded by Ms. Hall, to close the public hearing. All members were in favor. The public hearing closed at 7:38 pm.

Chairperson Johnson asked LaBella to assist in the SEQR (State Environmental Quality Review) process. Mr. Simon of Labella Engineering and Alexandra Vitulano, Environmental Analyst of LaBella Engineering, came forward to speak before the Board. Mr. Simon said LaBella did not find any significant environmental impacts that were not being mitigated. Ms. Vitulano addressed highlights of Part 2 & 3 of the SEQR and how they may be mitigated to make a determination of significance. Ms. Vitulano said a Storm Water Prevention Plan (SWPPP) was prepared so that the same amount of water is being discharged as was previous to this development by creating 2 ponds, 1 detention pond and 1 a bioretention facility, to control the flow rate. Ms. Vitulano said the DEC wetland to the south of the proposed lots will be flagged during construction and a permit will be required from the DEC to do this work. Ms. Vitulano said the proposed project will result in an increased flow to the existing pump stations so the developer will be required to upgrade the Everwild and Dewbury pump stations. Ms. Vitulano said the proposed project will not result in any negative impacts on

the environment in regard to surface water. Ms. Vitulano said this project will remove 26 acres of agricultural land from use from approximately 314,000 acres of certified agricultural land in Wayne County which represents about .02% of the overall land in Wayne County and therefore the impact will be small. Ms. Vitulano made corrections to number 9 on Part 2 of the SEQR: It should read Esthetic not Athletic, and number 13 on Part 2 should read: sidewalk should be required on one side.

Chairperson Johnson asked if there was any comment from the Board. No issues were brought forward.

Mr. Simon said the applicant’s traffic engineer prepared a letter stating that the capacity of Mildahn Road is approximately 1600 vehicles per hour per lane and currently there are approximately 670 vehicles per day for both lanes. Mr. Simon said there will be a small impact to the road network. Mr. Simon said the 3-way stops in the Northern part of the development should result in less through traffic.

Mr. Young said the Town Board updated and approved the Cluster Subdivision Approval with 15 conditions which are included in the Resolution Approving Preliminary Planning Board Subdivision and SEQR Determination. Mr. Young summarized the conditions.

RESOLUTION APPROVING PRELIMINARY SUBDIVISION AND SEQR DETERMINATION FOR THE RESIDENTIAL SUBDIVISION COMMONLY KNOWN AS “LEHRWOOD ESTATES SUBDIVISION”

Councilperson _____ moved the following Resolution for adoption. Seconded by Councilperson _____, to wit:

WHEREAS, Marathon Engineering has made application on behalf of its client, Lehrwood Estates, LLC (the “Applicant”) to the Town of Walworth to construct a residential subdivision comprising 98 residential lots on a ~76 acre parcel at or about Mildahn Road commonly known and referred to as “Lehrwood Estates Subdivision” (the “Application”); and

WHEREAS, as part of such Application, the Applicant requested approval to proceed as a cluster subdivision pursuant to Section 180-18 of the Walworth Town Code, which cluster request was conditionally approved by the Walworth Town Board; and

WHEREAS, the Planning Board has received and fully reviewed all application materials, documents and other information relevant to the Application, including those comments submitted during the public hearing held on March 9, 2020 by the Planning Board relative to the application; and

WHEREAS, the Planning Board 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.

WHEREAS, the Planning Board has considered the State Environmental Review Act (“SEQR”) with respect to the Application.

NOW, THEREFORE, BE IT, RESOLVED, that the Planning Board hereby adopts and approves the attached Parts 2 and 3 of the SEQR EAF, and hereby issues a Negative Declaration; and be it, further

RESOLVED, that the Planning Board hereby approves the preliminary subdivision application, subject to the following conditions:

1. That all those conditions and requirements a part of the Walworth Town Board’s cluster subdivision approval resolution be satisfied as required therein; and
2. That all engineering comments submitted by the Town Engineer be satisfied to the Town Engineer’s satisfaction; and
3. That all comments by the Town’s highway department be satisfied to the satisfaction of the Town Highway Superintendent; and
4. That all sewer infrastructure, including the Everwild and Dewbury Pump Station, be properly installed, upgraded and otherwise suitable to the satisfaction of the Town Engineer; and
5. That all required improvement districts, including, but not limited to, a sewer district, a sidewalk district and a lighting district, be properly formed and implemented to the satisfaction of the Town Engineer and the Town Attorney; and
6. That all open space be preserved to the satisfaction of the Town Engineer and Town Attorney, including pursuant to proper easement(s); and
7. That all Codes, standards and requirements applicable to the Application be complied with, unless specifically waived, varied or otherwise formally dispensed with; and
8. That, with respect to parks and recreational facilities, the Planning Board finds and directs 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 Building Department has advised that the Town continues to issue numerous building permits year after year for residential homes, thus also indicating growth within the Town and continued demand for parks and recreation facilities; and
- L. 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
- M. 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
- N. 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
- O. 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
- P. 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 or is otherwise not practical, and thus, a sum of money (commonly known as a parks and recreation fee) shall be provided in lieu thereof; and
- Q. Such sum of money in lieu thereof shall be equal to \$650.00 per residential lot 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
- R. Per the above, a fee of \$650.00 per residential lot a part of this subdivision shall be paid to the Town, all in accordance with Town Law Section 277 and in lieu of a set side of parkland, as set forth herein, such monies being due prior to the issuance of a building permit.

Chairperson Johnson asked if there were any more comments from the Board. No more issues were brought forward. Mr. Landry made a motion, seconded by Ms. Hall, to accept the Resolution as written.

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

Motion carried.

Chairperson Johnson said this application will be referred to the Wayne County Planning Board and then should come back to the Planning Board at the April meeting for final approval.

Chairperson Johnson asked if there was any other business to come before the Planning Board. Chairperson Johnson adjourned the meeting at 7:57 pm.

Respectfully Submitted,
Barbara Goulette, Clerk