

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, Dennis Landry, and Marlene Hall. Also present were Norm Druschel, Building Inspector, and Phil Williamson, Code Enforcement Officer. Michael Simon, Engineer for the Town (LaBella Engineering) was present via phone. Due to the COVID-19 pandemic and to comply with CDC social distancing, the meeting was held at the Walworth Town Hall, accessible live to the public.

Chairperson Johnson asked the Board if there were any corrections that needed to be made regarding the minutes of October 13, 2020. Ms. Leasure said Mr. Villanova's name was spelled incorrectly. Ms. Leasure made a motion, seconded by Mr. Villanova, to accept the minutes of the October meeting as corrected. Mr. Landry abstained since he was not present at the October meeting. All other members were in favor. Motion carried.

Chairperson Johnson addressed the second item on the Agenda:

2. Application of Bethany & Daniel Coleman for a Home Occupation-Major Category B to operate a landscaping business at Sunset Drive (Tax Map # 62114-19-6222004), Town of Walworth, County of Wayne. Property is zoned PD-Planned Development. (Public Hearing)

Chairperson Johnson said the Home Occupation Major Category B application has been submitted so the Planning Board can review it, and the Board will take action once the property has been occupied.

Chairperson Johnson addressed the first item on the Agenda:

1. Application of Bethany & Daniel Coleman for Preliminary and Final approval for a Site Plan for the property located at Sunset Drive (Tax Map # 62114-19-6222004), Town of Walworth, County of Wayne. Property is zoned PD-Planned Development. (Public Hearing)

Greg McMahan of McMahan LaRue Associates, P.C., 822 Holt Road, Webster, NY; and Bethany and Daniel Coleman came forward to speak before the Board. Mr. McMahan said the Colemans are proposing to purchase approximately 6.5 acres at the end of Sunset Drive and build their residence, a single-family home, with an adjacent pole barn to use in conjunction with the family business. Mr. McMahan said there will be a driveway to the home off the end of the street with a short extension to the pole barn, and the property will be served with both water and sewer. Chairperson Johnson asked Mr. McMahan if he received a letter from the Engineer for the Town, Michael Simon, dated November 3, 2020.

Mr. Rick Johnson, Planning Board Chair
 Planning Board Members
 Town of Walworth
 3600 Lorraine Drive
 Walworth, NY 14568

**RE: Coleman Residence Site Plan Review
 Sunset Drive
 LaBella Project No. 212141.134**

Dear Mr. Johnson and Planning Board Members:

LaBella Associates has reviewed the Coleman Residence Site Plan prepared by McMahan LaRue Associates, P.C. dated September 2020 and offer the following for your consideration.

The application includes the construction of a single family home and a pole barn on tax account number 62114-19-622005.

1. The plan is scaled at 1"=40', this should be corrected on the Legend.
2. The plan should note the setbacks to property lines from the home and pole barn.
3. There is a structure called out as a trailer with a nearby shed on the western most property line which crosses on to the adjacent property (T/A # 62114-19-590017). Is this a fixed structure and who is the owner?
4. Existing fencing crosses the northern property line at parcels T/A# 62114-19-619024, 62114-19-641003, and 62114-19-649025. Is or will this be addressed.
5. There is a concrete pad and an electrical box just south of the northern property line at parcel T/A# 62114-19-619024. Are either of these items associated with that property?
6. Is there an easement over the 8" watermain that comes into the property from Sunset Drive? If not, one should be developed and granted to the Town of Walworth and Wayne County Water and Sewer Authority.
7. The meter pit should be located at an easement or ROW line. Verify preferred model/manufacturer with WCWSA.
8. The clean out for the gravity sanitary sewer should be located at the property/ROW line.
9. Will a turnaround for the pole barn be needed in order to maneuver landscaping equipment in and out of the barn? Any outdoor security lighting for the pole barn should be noted. Preferably down cast LED fixtures.

Please feel free to contact our office with any comments or questions you may have in this regard. Thank you.

Respectfully submitted,
LaBella Associates



Michael A. Simon
 Project Manager

Mr. McMahon said he received the letter and takes no exception to the comments. Mr. McMahon said the objects mentioned in the letter that appear on the property at this time are the neighbors' and they will need to be addressed at the closing by the attorneys. Mr. McMahon said, to the best of his knowledge, there is an easement at the end of Sunset Drive, and libers and pages will be added to the abstract.

Chairperson Johnson opened the public hearing at 7:09PM. Michael Miller of 3241 Sunset Drive came forward to speak before the Board. Mr. Miller said he is for small businesses, but he has questions about the Home Occupation as to how a commercial enterprise would affect the character of the neighborhood. Mr. Miller asked how many people will be employed by the business; will there be any signage; will there be any customers coming and going from the property; will all of the equipment and inventory be stored inside; and will there be any storage of mulch or dirt? Chairperson Johnson said there will be no storage of mulch or dirt on the property. Mr. Miller asked if there will be heavy equipment stored on site. Chairperson Johnson said there will be mowers and trailers picked up in the morning and brought back to the property at the end of the day, and the Colemans agreed. Mr. Williamson said the matter before the Planning Board is the application for a site plan and the Board will not be able to discuss the Home Occupation application at this meeting because they need the Attorney for the Town interpretation. Mr. Williamson said Walworth Town Code 180-17 PD Districts: Planned Development discusses residential, commercial and non-residential uses, public and private institutional recreation facilities, open space, and Home Occupation Minor, not Major Category A or B. Mr. Williamson said if this application falls under commercial use, it may require a Special Use Permit, not a Home Occupation. Chairperson Johnson said the Home Occupation application will be advertised. Mr. Miller asked if the trees on the property and near the border are going to stay. Mr. Williamson said the Town does not have any guidelines or regulations that would prohibit a property owner from cutting trees. Mr. Miller asked where the Town will put the plowed snow from the street since at this time the snow is being dumped at the end of Sunset Drive where this proposed driveway will be placed. Chairperson Johnson said that will be up to the Highway Superintendent.

Chairperson Johnson asked if there were any comments from the Board. Ms. Leasure asked if the applicants are planning to leave as many trees as possible. Ms. Coleman said they will leave as many trees as possible, clearing enough for the driveway, house, barn, and a little back yard. Ms. Coleman said the east side trees and perimeter trees will remain.

Mr. Villanova asked if there will be enough room for a fire truck to access the property and turn around. Mr. McMahon said they propose a 15-foot wide driveway so there is enough room for emergency vehicles and there will be enough room for them to turn around. Mr. McMahon said the fire hydrant is within the required distance.

Mr. Druschel asked what the distance from the end of the pavement to the house is. Mr. McMahon said it is approximately 250 feet. Mr. Druschel said the Engineer for the Town suggested that the Town should have an easement since the Highway Department may need to push snow to the right and left of this hammerhead. Mr. Druschel asked if there will be an easement on the proposed water main that comes into the property. Mr. McMahon said they will add the required easements to the plans. Mr. Landry asked if lot 77 and 78 on the plan have been combined. Mr. Miller said they have been combined. Mr. Simon asked if lots 77 and 78 are land locked. Mr. Druschel said lot 77 and 78 were purchased by Mr. Miller and attached to lot 76 to form 3241 Sunset Drive.

Chairperson Johnson asked if there were any more comments from the public. No more issues were brought forward. Ms. Leasure made a motion, seconded by Mr. Landry, to close the public hearing. All members were in favor. Chairperson Johnson closed the public hearing at 7: 28PM. Chairperson Johnson asked if there were any comments from the Board. No issues were brought forward.

Mr. Landry made a motion, seconded by Ms. Hall, to grant preliminary approval of the site plan at Sunset Drive, Tax Map # 62114-19-6222004.

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

Motion carried.

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. Ms. Leasure made a motion, seconded by Mr. Landry, to accept the SEQR. All members were in favor. Motion carried.

Chairperson Johnson submitted the preliminary and final approval resolution to the Board as written.

TOWN OF WALWORTH
 PRELIMINARY and FINAL APPROVAL RESOLUTION
 COLEMAN RESIDENCE SITE PLAN
 TA NO. 62114-19-622005 SUNSET DRIVE

At a meeting of the Planning Board of the Town of Walworth held on the 9th day of November 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 develop a single family home and pole barn on Tax Map Number 62114-19-622005, as shown on the map prepared by McMahon LaRue Associates, P.C. dated September 2020. and;

WHEREAS, the 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 Parts 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 Site Plan approval for the property at TA No. 62114-19-622005 Sunset Drive.

Upon being put to a vote, the resolution was _____ . AYE ____ NAY ____

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

I, _____, 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 November, 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. Leasure made a motion, seconded by Ms. Hall, to accept the Preliminary and Final Resolution for the Coleman Residence Site Plan with the condition that the nine comments in Mr. Simon's letter dated November 3, 2020 are addressed to Mr. Simon's satisfaction.

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

Motion carried.

Ms. Leasure read the parks and recreation fee script.

Parks and Recreation Fee Script:

In order to impose recreation fees, the Planning Board must evaluate the present and anticipated future needs for park and recreation facilities in the Town of Walworth based upon projected population growth to which the particular subdivisions will contribute. The population in the Town of Walworth is growing at a fast rate, that over the last several years, the Town has issued numerous building permits per year for new homes, that the master plan of the Town indicates that there is a major demand for new parks, playgrounds, baseball fields, soccer fields and other recreation facilities and that in the immediate neighborhood of the proposed subdivision there is a need for additional facilities. Based upon this need for new parks, playgrounds, baseball fields, soccer fields and other recreational facilities:

"I move that the Board find (1) that a proper case exists for requiring the developer to show on the plat a park or parks suitably located for playgrounds or other recreational purposes; and that (2) that a suitable park or parks of adequate size cannot be properly located in any such plat or is otherwise not practical. Therefore, a parks and recreation fee, in lieu of construction of a park within the subdivision, shall be assessed on each lot in an amount established by the Town Board and same shall be paid prior to the issuance of a building permit and said requirement for the payment of parks and recreation fee shall be noted on the plat.

Ms. Leasure made a motion, seconded by Mr. Villanova, to accept the parks and recreation fee script. All members were in favor. Motion carried.

Ms. Coleman asked what the next step would be for them since they do not plan to purchase the property unless they get the Home Occupation. Chairperson Johnson said now that the site plan has been approved, application for the Home Occupation will go to the Attorney for the Town for review. Mr. Williamson said the Attorney will review the Home Occupation application and come back with an opinion as to what the applicant could do. Mr. Williamson said this would be considered a Home Occupation Minor if it involves only one truck. Ms. Coleman said the Home Occupation will involve 3 trucks which would be kept on the property. Mr. Williamson said that would be bigger than a Home Occupation Minor. Mr. Williamson said the Planned Development allows commercial and service business, so the Attorney for the Town will look at what is allowed, and then the Town will inform the applicants in writing so they will know if the Home Occupation will be allowed under the Town law before they purchase the property. Chairperson Johnson said the Board needs to wait for the Attorney's opinion.

Chairperson Johnson asked the Board if the proposed Planning Board schedule for the year 2021 is acceptable to the Board. Mr. Landry made a motion, seconded by Mr. Villanova, to accept the 2021 Planning Board calendar as written. All members were in favor. Motion carried.

Chairperson Johnson adjourned the meeting at 7:39PM.

Respectfully Submitted,

Barbara Goulette, Clerk