

Chairperson Landry called the regular meeting of the Planning Board to order at 7:00PM. Members present were Chairperson Landry, Christopher Paap, and Elaine Leasure. Also present were Norm Druschel, Building Inspector; Phil Williamson, Code Enforcement Officer; and Michael Simon, Engineer for the Town (LaBella Engineering). Planning Board members Patricia Marini and Lou Villanova were not present.

Chairperson Landry asked the Board if there were any corrections that needed to be made regarding the minutes of April 11, 2022. Ms. Leasure made a motion, seconded by Mr. Paap, to accept the minutes of the March meeting. All members were in favor. Motion carried.

Chairperson Landry addressed the first item on the agenda:

1. Application of Thomas Cherry of 227 NYS Route 441 for Preliminary and Final Approval for a 2-Lot Subdivision for the property located at 227 NYS Route 441, Town of Walworth, and County of Wayne. Property is zoned R-Residential. (Public Hearing)

Ms. Leasure made a motion, seconded by Mr. Paap, to open the public hearing. All members were in favor. Chairperson Landry opened the public hearing at 7:04PM.

Alfred LaRue, L.S. of McMahon LaRue Associates, P.C. came forward to speak before the Board. Mr. LaRue said this 2-lot subdivision will divide a 6.5-acre parcel. Mr. LaRue said all the existing buildings comply with zoning side setbacks and are preexisting-nonconforming in regard to the front setback. Mr. Simon said the front setback requirement is 60 feet and this application shows a 52.81-foot front set back which is preexisting-nonconforming. Mr. LaRue there has not been any abandonment, so the old right of way is still existing.

Ms. Leasure asked if the buildings on the plan are still on the property. Mr. LaRue said they are still there. Mr. Williamson said by subdividing this property the 2 accessory buildings will be on a parcel by themselves. Mr. Williamson said as long as the owner owns both of these parcels, the 2 accessory buildings can remain, but if that parcel is sold the sellers would have to make the buyers aware that they would have to build a principle dwelling according to Walworth Town Code 180-21(E) Accessory buildings: A use is not a permitted accessory use if the principal use is not in place at the time of the creation of the attempted accessory use, except an accessory use in place as a permitted accessory use which is on property that is subdivided resulting in a new subdivided lot or parcel not containing a permitted principal use shall be a permitted accessory use, provided construction of the principal use is commenced within the subdivided lot or parcel within one year of the Planning Board's resolution approving the creation of the subdivided lot or parcel and completed one year thereafter. If no principal use is constructed within one year of the creation of the subdivided lot or parcel, then the accessory building shall not be a permitted accessory use and shall be removed by the owner of the property. Mr. Simon suggested that this should be added to the resolution.

Mr. Simon said he prepared a preliminary subdivision resolution which references the map submitted by Al LaRue and a SEQR resolution because this application needs to go to the Wayne County Planning Board and then return to the Walworth Planning Board next month for final approval.

Chairperson Landry asked if there were any comments from the public. No issues were brought forward. Mr. Paap made a motion, seconded by Ms. Leasure, to close the public hearing. All members were in favor. Chairperson Landry closed the public hearing at 7:09PM. Chairperson. Landry asked if there were any more comments from the Board. No more issues were brought forward.

Ms. Leasure 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 to accept the SEQR as written.

Christopher Paap made a motion, seconded by Elaine Leasure, to accept preliminary approval as written with the addition of Walworth Town Code 180-21(E) for the Cherry Subdivision.

**TOWN OF WALWORTH PLANNING BOARD
PRELIMINARY SUBDIVISION APPROVAL RESOLUTION
CHERRY SUBDIVISION, 227 WALWORTH-PENFIELD ROAD (NYS RT. 441)**

At a meeting of the Town of Walworth Planning Board held on the 9th day of May 2022, Board member _____ moved adoption of the following resolution: Board member _____ seconded the motion:

WHEREAS, the Town of Walworth Planning Board received a subdivision application on or about April 15th, 2022 for the property located at 227 Walworth-Penfield Road, and the applicant is seeking to subdivide a 6.5+/- acre parcel into two lots, where Lot 1 would be approximately .5 acres and Lot 2 would be approximately 6.0 acres as shown on map prepared by McMahan LaRue Associates, dated March 22, 2022; and

WHEREAS, no improvements or development are proposed on the newly created lots at this time and

WHEREAS, the Town of Walworth will refer the subdivision plan and application to the Wayne County Planning Board pursuant to Section 239-n of the General Municipal Law; and

WHEREAS, the Planning Board determines that the proposed action is an Unlisted Action as defined under the State Environmental Quality Review Act ("SEQRA"), and based on the information and supporting documentation provided by the applicant and Town staff, the Planning Board determines that the proposed action will not result in any significant adverse environmental impacts and hereby issues a Negative Declaration; Now, therefore,

BE IT RESOLVED, the Planning Board hereby issues Preliminary Approval of the Cherry Subdivision application.

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 9^h day of May, 2022 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: 2022

(SEAL)

Town Clerk

Roll Vote:	Chairperson Landry	Aye
	Elaine Leasure	Aye
	Christopher Paap	Aye

Motion carried.

Chairperson Landry addressed the second item on the agenda:

2. Application of Jason and Jody Calder of 100 Triple Diamond Way, Webster, NY for Preliminary and Final Approval of a 4-Lot Subdivision for the property located at 3816 West Walworth Road, Town of Walworth, and County of Wayne. Property is zoned H-Hamlet. (Public Hearing)

Ms. Leasure made a motion, seconded by Mr. Paap, to open the public hearing. All members were in favor. Chairperson Landry opened the public hearing at 7:11PM.

Tim Voellinger of Greene Land Surveying, PLLC came forward to speak before the Board. Mr. Voellinger said the Calders propose to subdivide a 46.19-acre parcel into 4 lots in which lot 1 will be 7.16 acres and will include the residence and outbuildings, lot 2 will be a flag lot at 1.24 acres, lot 3 will be 0.77 acres, and the remaining lot will be 37.938 acres.

Ms. Leasure asked if there is an intent to build on the flag lot or any of the other lots. Mr. Voellinger said there is no intent that he knows of for a site plan at this time. Mr. Simon said that he referenced in the resolution that no improvements or development is proposed on the newly created lots at this time and the applicant would need to come back to the Board for site plan approval.

Mr. Paap asked what the minimum width requirement is on a flag lot for the driveway or entrance road. Mr. Simon said the Town requirement is 30 feet. Chairperson Landry asked if the 0.7 acres is big enough to be a building lot. Mr. Druschel said the property is in the Hamlet, so the minimum requirement is 0.5 acres.

Chairperson Landry asked if there were any comments from the public. No issues were brought forward. Mr. Paap made a motion, seconded by Ms. Leasure, to close the public hearing. All members were in favor. Chairperson Landry closed the public hearing at 7:16PM. Chairperson Landry asked if there were any more comments from the Board. No more issues were brought forward.

Chairperson Landry 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 to accept the SEQR as written.

Christopher Paap made a motion, seconded by Elaine Leasure, to accept preliminary approval as written for the Calder Subdivision.

**TOWN OF WALWORTH PLANNING BOARD
PRELIMINARY SUBDIVISION APPROVAL RESOLUTION
CALDER SUBDIVISION, 3816 WEST WALWORTH ROAD**

At a meeting of the Town of Walworth Planning Board held on the 9th day of May 2022, Board member _____ moved adoption of the following resolution: Board member _____ seconded the motion:

WHEREAS, the Town of Walworth Planning Board received a subdivision application on or about April 15th, 2022 for the property located at 3816 West Walworth Road, and the applicant is seeking to subdivide a 45.8+/- acre parcel (measured to road right of way) into 4 lots, where Lot 1 would be approximately 7.0 acres, Lot 2 would be approximately 1.2 acres, Lot 3 would be .7 acres and the remaining lands would be 36.9 acres as shown on map prepared by Greene Land Surveying, dated April 15, 2022; and

WHEREAS, no improvements or development is proposed on the newly created lots at this time and

WHEREAS, the Town of Walworth will refer the subdivision plan and application to the Wayne County Planning Board pursuant to Section 239-n of the General Municipal Law; and

WHEREAS, the Planning Board determines that the proposed action is an Unlisted Action as defined under the State Environmental Quality Review Act ("SEQRA"), and based on the information and supporting documentation provided by the applicant and Town staff, the Planning Board determines that the proposed action will not result in any significant adverse environmental impacts and hereby issues a Negative Declaration; Now, therefore,

BE IT RESOLVED, the Planning Board hereby issues Preliminary Approval of the Calder Subdivision application.

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 9^h day of May, 2022 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: 2022

(SEAL)

Town Clerk

Roll Vote: Chairperson Landry Aye

Elaine Leasure Aye
Christopher Paap Aye

Motion carried.

Chairperson Landry addressed the third item on the agenda:

3. Extension of the approvals that were granted by the Town of Walworth Planning Board on October 15, 2019 for Orchard View Estates-Section 6-Phases A & B. Property is zoned R-Residential.

Evan Gefell of Costich Engineering, D.P.C. and John Graziose of Gerber Homes came forward to speak before the Board. Mr. Gefell said they are asking for an extension of the approvals of the Orchard View Estate Section, Phase A & B plan which was previously approved on October 15, 2019. Mr. Gefell said nothing has changed, and they will work with Mike Simon to address the conditions that are on this approval, establish another letter of credit, and attend a pre-construction meeting. Mr. Simon said he understands that the lots were filed with Wayne County Clerk, so they are approved lots, and this meeting is a request for the Planning Board to authorize the Planning Board Chair to re-date the plans. Mr. Simon said it should be stated that the original conditions of approval are still valid. Ms. Leasure asked how long the recertification should be for. Mr. Williamson stated that it is normally done for 1 year.

Chairperson Landry said this application was not advertised as a public hearing since the plan has been approved previously so there is no public comment. Mr. Simon said it is part of the approved plans to loop the water main and there will be a preconstruction meeting with town staff, the developer and his engineer, the contractor, and Mr. Simon with a detailed agenda. Mr. Graziose said the goal is to start this project in a couple of months.

Christopher Paap made a motion, seconded by Elaine Leasure, to authorize the Planning Board Chairman to re-date the previously approved plans in which the original conditions of approval still stand.

Roll Vote: Chairperson Landry Aye
 Elaine Leasure Aye
 Christopher Paap Aye

Motion carried.

Ms. Leasure said the approval will be for 1 year. All members agreed.

Chairperson Landry asked if there was any other business to come before the Board.

Mr. Williamson said Ryan Homes previously applied for a Modification of Subdivision of Lehrwood Estates Subdivision Section 1, Mildahn Road, Town of Walworth and the Town still has signs posted at this location informing residents that the property is under review. Mr. Druschel said he spoke with Dave Kavanaugh of Ryan Homes, and he understands that Ryan Homes is going to drop that application so he will request that Ryan Homes provides us with a letter stating they are removing the application.

Mr. Simon said he is working with Ms. Goulette, Planning Board Clerk, to make a checklist for internal use for required documents to be submitted with the Planning Board application, including a letter of intent.

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

Respectfully Submitted,

Barbara Goulette, Clerk