

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

Chairperson Landry asked the Board if there were any corrections that needed to be made regarding the minutes of May 9, 2022. Mr. Paap made a motion, seconded by Ms. Leasure, to accept the minutes of the May meeting. Ms. Marini and Mr. Villanova abstained since they were not present at the May meeting. All other 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 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)**

Al LaRue of McMahon LaRue Associates, P.C., representing Thomas Cherry, came forward to speak before the Board. Mr. LaRue said Mr. Cherry proposes to divide the homestead from the property. Mr. LaRue said there is no construction anticipated at this point.

Chairperson Landry asked if there were any comments from the Board. No issues were brought forward. Chairperson Landry asked if there were any comments from the public. No issues were brought forward. Ms. Leasure made a motion, seconded by Mr. Paap, to close the public hearing. All members were in favor. Chairperson Landry closed the public hearing at 7:03PM.

Patricia Marini made a motion, seconded by Lou Villanova, to accept final approval for the Cherry Subdivision.

**TOWN OF WALWORTH PLANNING BOARD  
FINAL SUBDIVISION APPROVAL RESOLUTION  
CHERRY SUBDIVISION, 227 WALWORTH -PENFIELD ROAD**

At a meeting of the Town of Walworth Planning Board held on the 13<sup>th</sup> day of June 2022, Board member \_\_\_\_\_ moved adoption of the following resolution; Board member \_\_\_\_\_ seconded the motion:

**WHEREAS**, the Town of Walworth Planning Board (the "Planning Board") received a subdivision application for the property located at 227 Walworth-Penfield Road, Tax Account number 61114-00-097300, and the applicant is seeking to subdivide 6.5+/- acres 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 McMahon LaRue Associates, dated March 22, 2022; and

**WHEREAS**, the Planning Board issued Preliminary Subdivision Approval at the May 9, 2022 Planning Board meeting and referred the subdivision application to the Wayne County Planning Board pursuant to Section 239-n of the General Municipal Law; and

**WHEREAS**, the Planning Board issued a SEQRA Negative Declaration at the May 9<sup>th</sup>, 2022 Planning Board meeting; Now, therefore,

**BE IT RESOLVED**, the Planning Board hereby issues Final Subdivision Approval of the Cherry Subdivision application with the following condition;

Per Town Code Section 180-21F – Permitted accessory uses may be located on a contiguous parcel, provided the owner of record is also the owner of the parcel have the principal use.

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 13<sup>th</sup> day of July, 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)

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Town Clerk

Roll Vote:      Chairperson Landry      Aye  
                 Elaine Leasure              Aye  
                 Christopher Paap              Aye  
                 Patricia Marini                Aye  
                 Lou Villanova                 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 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)**

Tim Voellinger of Greene Land Surveying, PLLC representing Jason and Jody Calder, came forward to speak before the Board. Mr. Voellinger said the Calders are proposing a 4-lot subdivision.

Chairperson Landry asked if there were any comments from the Board. No issues were brought forward. Chairperson Landry asked if there were any comments from the public. No issues were brought forward. Ms. Leasure made a motion, seconded by Mr. Paap, to close the public hearing. All members were in favor. Chairperson Landry closed the public hearing at 7:06PM.

Christopher Paap made a motion, seconded by Lou Villanova, to accept final approval for the Jason and Jody Calder Subdivision.

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

At a meeting of the Town of Walworth Planning Board held on the 13<sup>th</sup> day of June 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 15<sup>th</sup>, 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 Planning Board issued Preliminary Subdivision Approval at the May 9, 2022 Planning Board meeting and referred the subdivision application to the Wayne County Planning Board pursuant to Section 239-n of the General Municipal Law; and

**WHEREAS**, the Planning Board issued a SEQRA Negative Declaration at the May 9<sup>th</sup>, 2022 Planning Board meeting; Now, therefore,

**BE IT RESOLVED**, the Planning Board hereby issues Final Subdivision Approval of the Calder Subdivision application with the following condition;

Any future improvements to the newly created parcels will require review through the Planning/Building Department and Site Plan approval will be required.

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 13<sup>th</sup> day of July, 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
	Patricia Marini	Aye
	Lou Villanova	Aye

Motion carried.

Chairperson Landry addressed the third item on the agenda:

**3. Application of Gerber Homes of 1260 Ridge Road, Ontario, NY 14519 for Preliminary approval of a 59-lot Cluster Subdivision at 3553 West Walworth Road, 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 7:07PM.

Al LaRue of McMahon LaRue Associates P.C., and John Graziose of Gerber Homes, came forward to speak before the Board. Mr. LaRue said they have redesigned the road as an S-curve to remove cul-de-sacs and keep the road grade under 8%. Mr. LaRue said they will change the radius to 150 required by LaBella so he can meet the criteria in the Town Code. Mr. LaRue requested a recommendation to go to the Town Board for Cluster approval.

Chairperson Landry said the remaining cul-de-sac has 27 homes and the Town only allows 20, and some lots on the top half of the road are a little tight. Mr. Paap said some lots are under ¼ acre and the houses already built down the hill have larger lots so they may not fit into the overall aesthetic of the neighborhood. Mr. La Rue said the lots will be extended into the open space shown on the plan. Ms. Marini asked what the proposed setbacks will be for these lots. Mr. LaRue said there will be a 25-foot front setback, 10-foot side setback, and a 40-foot rear setback. Ms. Marini said she has concerns with the setbacks and some of the tiny lots since it could cause problems for emergency services. Mr. Druschel said the setbacks at the Lehrwood development are 15 feet on one side and 7.5 feet on the other side so there is access to the back yard to store recreational vehicles, and there needs to be at least a 7.5-foot setback since the structures need to be at least 15 feet apart for fire protection.

Mr. Graziose said this project was preliminarily approved through the Town Board as a cluster subdivision, and they have made some changes to address design issues and the grade on the road after speaking with town officials. Mr. Graziose said the previous approval had 30 homes on the cul-de-sac, and he requested that the Town waive the requirement of only 20 houses and allow 27 houses. Mr. LaRue said the cul-de-sac was longer in the previously approved plan. Mr. Druschel said the previous approval was done in 2006. Chairperson Landry said the previous approval has expired. Mr. Paap asked if the adjustments are on the plan presented to the Board. Chairperson Landry said it is not. Mr. Paap said he wants to see plans showing the adjustments. Chairperson Landry said he would make a concession to allow 25 homes on the cul-de-sac. Ms. Marini and Mr. Villanova do not want to concede having more than 20 homes on the cul-de-sac.

Chairperson Landry asked there were any more comments from the Board. No more issues were brought forward.

Chairperson Landry asked if there were any comments from the public.

Anthony Paxhia of 3539 View Pointe Drive came forward to speak before the Board. Mr. Paxhia asked if there will be a temporary construction entrance while this project is going since there are a lot of kids in the neighborhood. Mr. Graziose

said the construction of the road should last about 3 months this winter. Mr. Paxhia asked what the depth of the fill will be under the road at the end of View Pointe. Mr. Paxhia asked who will maintain the conservation easements. Chairperson Landry said that will be the owners of the properties responsibility. Mr. Paxhia asked if there could be an entrance off of Route 441. Mr. Paxhia asked if the water will be looped and is there a flow rate test for that. Mr. LaRue said it will be on the preliminary plans. Mr. Paxhia said he wants to see the cul-de-sac limited to 20 houses.

Timothy Kneuer of 3563 View Pointe Drive came forward to speak before the Board. Mr. Kneuer asked if a soil analysis has been done. Mr. LaRue said it has been done. Mr. Kneuer said he is concerned about the tiny lot sizes. Mr. Graziose said the next plan will show the correct larger lot sizes, but the lot widths will remain the same. Mr. Kneuer said where the existing houses are it is not a cluster development so this will not have continuity. Mr. Kneuer said this is the second highest point in Wayne County, so this requires a pump station.

Frances Palma of 433 Highfield Drive came forward to speak before the Board. Ms. Palma said a petition was given to the Board with 300 names. Ms. Palma said it does not matter that there was preliminary approval since too much time has gone by. Ms. Palma asked why not build 30 houses instead of 60 houses and she is not concerned about the profit Gerber Homes makes. Ms. Palma said she wants to see the studies they have come up with, and according to New York State law, residents have the right to see everything 24 hours before the meeting starts. Barbara Goulette, Planning Board Clerk, said the plans are available at the Town Hall to be viewed. Ms. Palma said these are very tiny lots with houses close together and not what the neighborhood is, and this is going to be a problem if there is an emergency.

Michael Goupil of 393 Highfield Drive came forward to speak before the Board. Mr. Goupil said there are 77 homes on roughly ½ acre lots in the neighborhood, but the proposed lots are on average ¼-acre lots. Mr. Goupil asked if there is anything in the Town Code protecting their economic interest if the current home values will be dragged down. Chairperson Landry said there is not.

John LeStrange of 3559 View Pointe Drive came forward to speak before the Board. Mr. LeStrange said you could have larger lot sizes, build a larger home, and then make a larger profit. Mr. Graziose said the new homes in this development are going to start at \$350,00 and up, and the newer homes should be at a higher price point than the existing homes.

Kathleen O'Neill of 3530 View Pointe Drive came forward to speak before the Board. Ms. O'Neill said her house will back up to the cul-de-sac. Ms. O'Neill said her backyard is a mud pit since there is no swale, and she is not confident that it will not get worse with this project. Chairperson Landry said they will be diverting the water from this project to a retention pond. Ms. O'Neill asked who maintains the retention pond. Ms. Marini said the Town Board will decide if they will take dedication of the pond or if there will be a special drainage district. Ms. O'Neill said the small lots in this project do not fit the neighborhood.

Robert Williamson of 3526 View Pointe Drive came forward to speak before the Board. Mr. Williamson said he spent thousands of dollars on drainage, and he has no confidence in this project. Mr. Williamson said the traffic will increase since the size of the neighborhood will double. Mr. Williamson said he moved to this neighborhood for the larger lot size, and his perception of Gerber Homes is greed.

Chairperson Landry asked if there were any more comments from the public. No more issues were brought forward. Ms. Leasure made a motion, seconded by Mr. Villanova, to table the public hearing. All members were in favor. Chairperson Landry tabled the public hearing at 7:55PM.

Chairperson Landry asked if there was any other business to come before the Board. No more issues were brought forward.

Ms. Leasure made a motion, seconded by Mr. Villanova, to adjourn the meeting. All members were in favor. Chairperson Landry adjourned the meeting at 8:00PM.

Respectfully Submitted,

Barbara Goulette, Clerk