

Chairperson Landry called the regular meeting of the Planning Board to order at 7:05PM. Members present were Chairperson Landry, Christopher Paap, Lou Villanova, Patricia Marini, and Elaine Leasure. Also present were Norm Druschel, Building Inspector; Phil Williamson, Code Enforcement Officer; Michael Simon, Engineer for the Town (LaBella Engineering) and Donald Young, Attorney for the Town (Young Law of WNY).

Chairperson Landry asked the Board if there were any corrections that needed to be made regarding the minutes of September 12, 2022. Ms. Marini made a motion, seconded by Mr. Paap, to accept the minutes of the September meeting. All members were in favor. Motion carried.

Chairperson Landry addressed the first item on the agenda:

1. Application of Lori Woods of 4007 West Walworth Road for Special Use Permit to operate a dog training facility at 4007 West Walworth Road, Town of Walworth, and County of Wayne. Property is zoned Hamlet. (Public Hearing)

Ms. Leasure made a motion, seconded by Ms. Marini, to open the public hearing. All members were in favor. Chairperson Landry opened the public hearing at 7:07PM.

Lori Woods of 4007 West Walworth Road came forward to speak before the Board. Chairperson Landry asked what the hours of operation would be for the dog training facility. Ms. Woods said the hours will be Monday through Friday 4:30PM to 8:30PM and Saturday 9AM to 5PM. Ms. Marini asked if it will be open on Sundays. Ms. Woods said it may be open on Sundays for 1 or 2 people.

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

Carla Boerman of 4124 West Walworth Road came forward to speak before the Board. Ms. Boerman said she believes this business will be a great addition to the community.

Chairperson Landry asked if there were any more comments from the Board. No more issues were brought forward. 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 Ms. Marini, to close the public hearing. All members were in favor. Chairperson Landry closed the public hearing at 7:10pm.

Patricia Marini made a motion, seconded by Lou Villanova, to accept approval of the SEQR and final approval of the Special Use Permit for the dog training facility at 4007 West Walworth Road.

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 New Life Bible Church of 560 Atlantic Avenue, Macedon, and Robert Marlowe 135 Gilbert Drive, Rochester, for Final approval of a 2-lot subdivision at 560 Atlantic Avenue, Town of Walworth, and County of Wayne. Property is zoned RR1-Rural Residential 1. (Public Hearing)

Ms. Leasure made a motion, seconded by Ms. Marini, to open the public hearing. All members were in favor. Chairperson Landry opened the public hearing at 7:12PM.

Justin Gass of 429 Atlantic Avenue came forward to speak before the Board. Mr. Gass asked what the plan is for the property. Chairperson Landry stated this application is for a simple subdivision with no plans for development.

Mr. Simon said the existing lot is currently approximately 50 acres of which the church property will maintain 43 acres and the new lot created is approximately 7 ½ acres, and at this time there are no plans for any development. Mr. Simon said in the future, should there be any proposed development, the applicant would need to come back in for a site plan, but it would not need a public hearing if it came in as a single-family home.

The surveyor from Greene Land Surveying, PLLC representing the applicants came forward to speak before the Board. Chairperson Landry said there were no questions for the representative.

Chairperson Landry made a motion, seconded by Mr. Villanova, to close the public hearing. All members were in favor. Chairperson Landry closed the public hearing at 7:16pm.

**TOWN OF WALWORTH
FINAL APPROVAL RESOLUTION
NEW LIFE BIBLE CHURCH SUBDIVISION
560 ATLANTIC AVENUE**

At a meeting of the Planning Board of the Town of Walworth held on the 11th day of October 2022, 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 61115-00-457270 which currently consists of 50.6+/- acres, as shown on map prepared by Greene Land Surveying dated August 19th, 202. Two new lots will be created, the first lot will be 43.1+/- acres and the second lot will be 7.5+/- acres , and;

WHEREAS, that the Planning Board has previously 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 and Town staff, 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 Final approval for the New Life Bible Church Subdivision.

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 11th day of October 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

Christopher Paap made a motion, seconded by Elaine Leasure, to accept approval of the SEQR and final approval of the New Life Bible Church Subdivision as written.

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 John August of Walworth Plaza LLC for Preliminary approval of a Site Plan Modification at Walworth Plaza, 2140 Walworth-Penfield Road, Town of Walworth, and County of Wayne. Property is zoned B-Business. (Public Hearing)

Ms. Leasure made a motion, seconded by Ms. Marini, to open the public hearing. All members were in favor. Chairperson Landry opened the public hearing at 7:16PM.

John August of Walworth Plaza LLC came forward to speak before the Board. Mr. August said he is requesting a minor site plan modification for 2,500 feet of paving and a special use permit to permit a Safelite Auto Glass store to occupy a space in the Walworth Plaza. Mr. August said this store is designed to be a hub store to serve an area between a 10- and 15-mile radius from Walworth. Mr. August said they have struggled with leasing the retail side of this plaza since it was built and are thrilled to have Safelite Auto Glass sign up to utilize all of the remaining space which is approximately 4300 feet. Ingress and egress into the building will be only from the rear through a 12 foot by 12-foot door, and there would be no visibility from in front of the shopping center. The storefront will remain unchanged except for one entry door going into their waiting room from the front. Mr. August said they need to provide 10 parking spaces for their customers and employees in the rear of the center, and they propose to add pavement 25 feet wide by 112 feet long. Mr. August said the area behind this retail was previously approved by this Board for a 9,600-foot addition for Tops Supermarket. Mr. August said all the storm water and parking calculations were accommodated in the original application, so the storm water has the capacity and was designed to handle this and up to another 9,600 feet of building. Mr. August said they are not adding any square footage to the building. Mr. August said Safelite does auto and truck glass, and they work on sensors and safety features in a car that use cameras or sensors. Mr. August said their hours of operation will be 7:30AM to 5PM Monday through Saturday, and all work would be inside the building. Mr. August said the use is compatible with the center and a good addition to the community, and it will not affect the community with noise, traffic, or any negative ramifications.

Mr. Simon said he sent an email to the Planning Board and Town Staff: I concur with Mr. August's letter in that the site was originally designed for a large expansion and the stormwater facility was presumably to accommodate this. Regardless, the parking expansion proposed is negligible relative to any stormwater runoff and should have no impact to the stormwater facility.

Chairperson Landry asked if there were any comments from the Board or Town staff. No issues were brought forward.

Chairperson Landry asked Mr. Young if the Board can approve this application and the application for a Special Use Permit. Mr. Young said the Site Plan is exempt from having to go before the Wayne County Planning Board so the Board can handle that tonight. Mr. Young said the Special Use Permit is not exempt from Wayne County Planning Board review.

Chairperson Landry asked if there were any comments from the public. No issues were brought forward. Ms. Leasure made a motion, seconded by Mr. Villanova, to close the public hearing. All members were in favor. Chairperson Landry closed the public hearing at 7:27pm.

Elaine Leasure made a motion, seconded by Lou Villanova, to accept final approval of the Walworth Plaza LLC Site Plan Modification.

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

Motion carried.

Chairperson Landry addressed the fourth item on the agenda:

4. Application of John August of Walworth Plaza LLC for approval of a Special Use Permit to operate an auto glass business at Walworth Plaza, 2140 Walworth-Penfield Road, Town of Walworth, and County of Wayne. Property is zoned B-Business. (Public Hearing)

Chairperson Landry said this application for a Special Use Permit will be referred to the Wayne County Planning Board as discussed with the previous application for Walworth Plaza LLC.

Chairperson Landry turned the meeting over to Elaine Leasure since he had a conflict of interest with the next item on the agenda.

Ms. Leasure addressed the fifth item on the agenda:

5. Application of Bradley Kennedy of K2 Brewing, Inc. for a Special Use Permit to operate a craft brewery/restaurant/events center at 4320 Canandaigua Road, Town of Walworth, and County of Wayne. Property is Zoned RR-1 and seeking rezone to B:General Business. (Public Hearing)

Patricia Marini made a motion, seconded by Christopher Paap, to open the public hearing. All members were in favor. Chairperson Landry opened the public hearing at 7:29pm.

Michael Ritchie, PE of Costich Engineering, D.P.C. representing Lori Kennedy of K2 Brewing, Inc. came forward to speak before the Board. Mr. Ritchie said the applicant is requesting Special Use Permit approval to allow for a brewery operation and a restaurant at the recently rezoned property at 4320 Canandaigua Road since the Town Board voted to rezone the property to General Business. Mr. Ritchie said K2 Brewing on Empire Boulevard in Penfield has been in business 5 years and has been very successful, so they are looking to expand. Mr. Ritchie said they would like to have a restaurant, craft brewery, and event center on the property and felt that the existing Freewill Elementary School checked all the boxes since water, sewer, parking, and the space needed are already in place. Mr. Ritchie said they are not proposing any site plan improvements at this time since they are planning to start on interior improvements, but there may be a need for that in the future and it could include additional parking. Mr. Ritchie said he received a comment letter from the engineer for the Town and said he and the applicant can adequately address the comments in the letter.

October 10, 2022

Mr. Dennis Landry, Planning Board Chair
Planning Board Members
Town of Walworth
3600 Lorraine Drive
Walworth, NY 14568

**RE: K2 Brewing Inc.
4320 Canandaigua Road
Special Use Permit
LaBella Project No. 212139.30**

Dear Mr. Landry and Planning Board Members:

LaBella Associates has reviewed the K2 Brewing Special Use Permit application prepared by Costich Engineering dated September 16th, 2022, and offer the following for your consideration.

It is our understanding that the SEQR process has been completed by the Town Board through the re-zoning process. The Planning Board should be clear on what they are approving with this application and what will be needed for site plan approval in the future. In discussion with the design engineer for the project it is the intention of the applicant to obtain a Special Use Permit from the Planning Board in order to get started on interior improvements. The applicant is aware that any exterior improvements will require the applicant to return to the Planning Board for site plan approval. Some considerations for future site plan approval are noted below.

1. The concept plan that accompanied the application notes "possible parking expansion". When will this occurs stormwater management will need to be provide. How many parking spaces currently exist on the site? Will the existing parking spaces accommodate the initial proposed uses? The application indicates a number of possible uses including wedding receptions which may require more parking than is conceptually shown.
2. What is the location of the existing septic system/leach field.
3. The hours of operation should be documented with any conditions of approval.
4. The application notes there are currently no plans for outdoor seating, this should also be noted and conditioned.
5. The subsurface wastewater treatment from the brewing operations will need approval and possibly a SPDES Permit from NYS DEC, this also should be a condition of approval prior to any Certificate of Occupancy.

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
Sr. Project Manager
Cc via email – Mike Richie, PE, Costich Engineering
Don Young, Esq.

Ms. Leasure asked if there were any comments from the Board.

Ms. Marini asked what will be done to the facility and will it impact the requirement for the wastewater system. Mr. Ritchie said the property is on septic and the wastewater from the brewery operation is mostly water which is not good for a septic system so the applicants are planning to install a pre-treatment system that treats the brewery water and have hired a consultant that specializes in these designs. Mr. Ritchie said they will be underground tanks and there are no real above ground improvements related to this.

Mr. Paap asked if the applicants will move in equipment and start production or will they wait for septic and site plan approval to start production. Mr. Ritchie said the pre-treatment septic and bringing in the equipment will be part of the first phase in order to start brewing. Mr. Ritchie said at the end of the first phase the applicants will be ready to brew, and open the tap room, kitchen, and restaurant. Ms. Marini asked how much of the building will be utilized for the taproom and the kitchen. Ms. Kennedy said the cafetorium is to be used for the taproom and it already has a commercial kitchen, the large gym will be used for production, the small gym will be for small leagues, and the classrooms will have dart board and pool tables and be used as private rooms or conference rooms for parties with approximately 30 people. Ms. Kennedy said the wing to the right of the entrance will not be used right away. Mr. Young said the applicants are asking for a Special Use Permit for a brewery, restaurant to serve food and alcohol, and an event center to host weddings and events. Ms. Kennedy agreed and said they will not be doing weddings immediately, but they will be they will do corporate events or private parties in the classrooms.

Mr. Ritchie said they propose to use the existing 100 parking spaces, and when the business expands and there is further need the applicant will return to the Planning Board for approval. Mr. Young asked what the capacity of the building is. Ms. Kennedy said the architect should be able to provide that information once he is involved.

Ms. Marini said the application refers to a retail area. Mr. Ritchie said they will not have third-party vendors come in to sell merchandise.

Mr. Simon asked where the existing leach field is located. Mr. Ritchie pointed out the location on the map. Mr. Simon said he assumes the operation will have a substantially larger amount of discharge than there was with the school functions with the volume of beer that is being made. Ms. Kennedy said most of the water they use goes into the beer, and most of the water that goes in the wastewater, or the treatment plant is used for cleaning so it will be time released or dosed as to not flood the system. Ms. Kennedy said they would not use as much of the sewage part as the school because they wouldn't have the same number of people. Mr. Simon asked if the byproduct of the pre-treatment would be taken to a landfill. Mr. Kennedy said the byproduct is spent grain and will go to a local farmer to feed his cows. Mr. Simon asked if the tanks are being proposed as part of the Special Use Permit. Mr. Ritchie said yes, they would be required as part of the brewery operation. Mr. Simon asked Mr. Ritchie if he will need any special permits from DEC or SPDES permits for this type of discharge. Mr. Ritchie said 10,000 gallons per day is the threshold and he does not anticipate exceeding the threshold. Mr. Simon said the Town would like to see the design of the pretreatment facility by the accredited person, and he does not have a problem with placing the tanks underground. Mr. Simon asked if they propose to have any outside equipment exposed at this time and said the Planning Board would want to see photos of this equipment relative to the building. Ms. Kennedy said the kitchen cooler could have a facade built around it. Mr. Kennedy said the grain silo and any outside chillers for the brewing would be on the back side. Mr. Simon said there is not enough information for the site plan at this time.

Ms. Kennedy said they plan to close the purchase of the property by the end of the year and begin the interior renovations a week or two after that. Mr. Young said the Board can approve the Special Use Permit with conditions before approving the Site Plan. Mr. Simon said there should be no exterior improvements before the site plan is approved. Mr. Simon said the applicant will need to go to the Building Department for permit approval for the interior renovation, and to the Planning Board for site plan approval showing the exterior improvements.

Mr. Druschel asked if there is a wastewater treatment area on the north side of the building. Mr. Ritchie said this is before it reaches the septic system, and the applicant will have the system tested to see if it is functioning properly.

Ms. Leasure asked if there were any more comments from the Board or Town staff. No more issues were brought forward. Ms. Leasure asked if there were any comments from the Public.

Dennis Landry of 365 Jacobs Road came forward to speak before the Board. Mr. Landry said the occupation for peak time for students was over 500 plus about 40 to 50 staff.

Lawrence Welker of 700 Jacobs Road came forward to speak before the Board. Mr. Welker said applicants have put a lot of work on this and are making an effort to make this project work and he is in support of them getting the Special Use Permit with the stipulations the engineer and the lawyer are speaking about.

Carla Boerman of 4124 West Walworth Road came forward to speak before the Board. Ms. Boerman said she concurs with Mr. Welker that this project is a win for the school district who can use the money because of a decreased pilot with Ginna Nuclear Power Plant, and it would be a boom for the Town with tax revenue by putting the building on the roll for taxes. Ms. Boerman said this will be beneficial to the community with the sports activities and party rooms. Ms. Boerman said aesthetics of this property is better than the aesthetics of the Highway Department, which is in the area, and said the building has been for sale for years.

Ms. Leasure asked if there were any more comments from the Public. No more issues were brought forward.

Ms. Marini asked the applicant if they are planning to seek any tax abatements. Ms. Kennedy said they don't know at this time, but they have only met with economic development, the SBA, and RG&E.

Ms. Leasure read correspondence from Angel Perry, and she does not have her address but the correspondence states she is a Walworth resident: "I am unable to attend Tuesday's meeting however I would like the board to know that I am in Support of the K2 plans for a brewery & restaurant.. Thank You. ~ Angel Perry (Walworth resident)".

Mr. Paap made a motion, seconded by Ms. Marini, to close the public hearing. All members were in favor. Ms. Leasure closed the public hearing at 8:09pm.

Ms. Leasure said the Board can not vote on this application tonight since this was sent to the Wayne County Planning Board and they have 30 days to respond. Ms. Leasure said the 30 days are 2 days from now, but the Board is willing to schedule a special meeting after that time at which time we would be able to vote, and the applicant is welcome to attend the meeting. Mr. Young said the meeting could be Monday, October 17, 2022. The Board agreed to have the special meeting Monday, October 17, 2022 at 1:00pm. Mr. Young said the meeting will be advertised in the Wayne County Times and on the Town of Walworth website.

Mr. Young asked the Board how they would like to define the events that would be allowed under the special use permit. Mr. Young said it could be called a small event center for private parties and he will add that to the draft of the Resolution.

Mr. Druschel asked when the applicant plans to open the restaurant. Ms. Kennedy said it will probably be 6 months after they obtain the building and the permit. Mr. Druschel asked if the restaurant will be open to the public or strictly for parties. Ms. Kennedy said it will be opened to the public. Mr. Druschel asked if they plan to have car or motorcycle shows. Ms. Kennedy said don't have any plans for that at this time, but they would be open to the idea if it is allowed.

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 Ms. Marini, to adjourn the meeting. All members were in favor. Chairperson Landry adjourned the meeting at 8:21 PM.

Respectfully Submitted,

Barbara Goulette, Clerk