

Chairperson Landry called the regular meeting of the Planning Board to order at 7:00PM. Members present were Chairperson Landry, Christopher Paap, Lou Villanova, and Elaine Leasure. Also present were Norm Druschel, Building Inspector; Phil Williamson, Code Enforcement Officer; and Donald Young, Attorney for the Town (Young Law of WNY). Planning Board member Patricia Marini was not present

Chairperson Landry asked the Board if there were any corrections that needed to be made regarding the minutes of August 8, 2022. Mr. Paap made a motion, seconded by Mr. Villanova, to accept the minutes of the August 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 Home Occupation-Major Category B to operate a dog training facility at 4007 West Walworth Road, Town of Walworth, and County of Wayne. Property is zoned Hamlet. (Public Hearing)

Chairperson Landry said this application will be deferred. Mr. Williamson said Ms. Woods will file for a Special Use Permit and come before the Board at a later date.

Chairperson Landry addressed the second item on the agenda:

2. Application of David Furguson of 4200 County Line Road and Adam Lamb of 4214 County Line Road for Preliminary and Final approval of a 2-lot subdivision at 4200, 4202, 4220 and 4224 County Line Road, Town of Walworth, and County of Wayne. Property is zoned RR1-Rural Residential 1. (Public Hearing)

David Furguson and Adam Lamb came forward to speak before the Board. Mr. Lamb said the applicants plan to subdivide and square up the lots all the way back. Mr. Lamb said the lots will be merged with existing lots and will not be land locked.

Chairperson Landry asked if there were any more comments from the Board or town staff. No more 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. Villanova, to close the public hearing. All members were in favor. Chairperson Landry closed the public hearing at 7:04pm.

Christopher Paap made a motion, seconded by Lou Villanova, to accept the preliminary and final resolution as written.

TOWN OF WALWORTH
PRELIMINARY and FINAL RESOLUTION
LAMB-FURGUSON SUBDIVISION
COUNTY LINE ROAD

At a meeting of the Planning Board of the Town of Walworth held on the 12th day of September 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 approve lot line adjustments (Subdivide) Tax Map Numbers 61115-00-068075 and 61115-00-066044, as shown on map prepared by R. Morris Land Surveying dated August 3rd, 2022. There are currently 4 existing lots and with the lot line adjustments there will be 2 lots. The first lot at Tax Map Number 61115-00-068075 is currently 1.06+/- acres and the newly created lot will be 12.17+/- acres and second lot at Tax Map Number 61115-00-066044 is currently 1.11+/- acres and the newly created lot will be 6.75+/- acres. These lot line adjustments will eliminate 2 existing land locked parcels.

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 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 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 Preliminary and Final approval for the Lamb-Furguson 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 12th day of September 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
	Lou Villanova	Aye

Motion carried.

Chairperson Landry addressed the third item on the agenda:

3. Application of New Life Bible Church of 560 Atlantic Avenue, Macedon, and Robert Marlowe 135 Gilbert Drive, Rochester, for Preliminary 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)

Elaine Leasure made a motion, seconded by Lou Villanova, to open the public hearing. All members were in favor. Chairperson Landry opened the public hearing at 7:05pm.

The applicant did not come forward to speak before the Board. Frederick Kuhn of 4325 Cream Ridge Road came forward to speak before the Board and he has lived at this address since 1969. Mr. Kuhn said the property is this application backs up to his property and the land behind his property is very wet. Mr. Kuhn said houses built near his were built on grade with no basements. Mr. Kuhn said most of the septic lines and sump pumps discharge back there per the codes at the time.

Judith Markowski of 4403 Cream Ridge Road came forward to speak before the Board. Ms. Markowski asked if the culverts on Atlantic Avenue drain to the north, and has the property been perked. Mr. Druschel said they do drain to the north, and it has not been perked. Ms. Markowski said the sign advertising that this property is under review should have been posted on Cream Ridge Road instead of Atlantic Avenue.

Chairperson Landry asked if there were any comments from the Public. No more 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 7:15pm.

Ms. Leasure asked if the Board knew of any future plans for this property. Chairperson Landry said this is a simple subdivision.

Elaine Leasure made a motion, seconded by Lou Villanova, to accept the preliminary resolution as written.

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

At a meeting of the Planning Board of the Town of Walworth held on the 12th day of September 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 current has 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, 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 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 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 Preliminary approval for the New Life Bible Church Subdivision and refers this application to the County Planning Board.

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 12th day of September 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
	Lou Villanova	Aye

Motion carried.

Chairperson Landry addressed the fourth item on the agenda:

4. Application of Gerber Homes of 1260 Ridge Road, Ontario, NY 14519 for Preliminary approval of a 59-lot Subdivision at 3553 West Walworth Road, Town of Walworth, and County of Wayne. Property is zoned Hamlet. (Public Hearing)

Elaine Leasure made a motion, seconded by Lou Villanova, to re-open the public hearing. All members were in favor. Chairperson Landry opened the public hearing at 7:16pm.

Al LaRue of McMahon LaRue Associates P.C came forward to speak before the Board. Mr. LaRue submitted a conventional zoning plan to the Board that has 52 lots that fit in accordance with existing zoning. Mr. LaRue said 3 lots were eliminated since they are difficult to build on due to needing fill and 2 lots were eliminated for detention. Mr. LaRue said they moved the existing large pond away from the sanitary sewer, and the drainage swale cuts off drainage that now goes to the neighbors. Mr. LaRue said he wants to move to the Town Board to act on the cluster approval.

Mr. LaRue said the side setbacks in the cluster plan will be 7.5 feet on one side and 15 feet on the other with a 30-foot front setback. Mr. LaRue said he will submit a Long Environmental Assessment Form. Mr. Young said Mr. LaRue needs to provide the updated cluster table that shows the setbacks.

Ms. Leasure asked how many lots are in the plan. Mr. LaRue said there are 52 lots with the cul-de-sac being 25 lots.

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

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

Frances Palma of 433 Highfield Drive came forward to speak before the Board. Ms. Palma said she spoke with someone in the office of the Attorney General of the State of New York who noted that the land is New York State Department of Environmental Conservation Wetlands. Ms. Palma said the person she spoke with at the office of the Attorney General noted that the SEQR is to have public participation and he provided her with the SEQR handbook, the New York State Department of Environmental form, and the application for access to records pursuant to the New York State Freedom of Information Law. Ms. Palma said the representative at the office of the Attorney General, Jeremy, said that he is concerned that the Town Planning Board previously resisted development in this area, especially with the existing neighborhood being 25 years old. Ms. Palma said there is a forest where there used to be fields and there's removal or destruction of fauna. Ms. Palma read to the Board the requirements listed on the SEQR. Mr. Young said SEQR was completed for this project years ago and this Board is likely going to look at the project how it is situated today against how it was situated in the past and update the SEQR as necessary. Ms. Palma would like to see the environmental assessment long form. Chairperson Landry said the long form will be filed once the application for cluster approval comes back from the Town Board to the Planning Board. Mr. Young said the Board intends to complete the SEQR process in accord with SEQR when it is needed to be done. Chairperson Landry said there hasn't been any resistance on this project by the Board and the original developer just never developed it. Ms. Palma submitted a FOIL request for this project and said she will email it to the Town Clerk. Ms. Palma said no decision to approve, fund, or directly undertake should be made until SEQR requirements are met and if an agency does not comply, the citizens may take legal action under Article 78 of the New York State Civil Law.

Joseph Williams of 3530 Scenic way came forward to speak before the Board and said he has lived at this address for 2 years. Mr. Williams said he loves the neighborhood, and he will be very disappointed if this project goes through. Mr. Williams said he thinks it's disgusting to cram all this stuff like this, and there is wildlife, such as barred owl on this location.

Chairperson Landry asked if there were any more comments from the public. No more issues were brought forward. Chairperson Landry asked for a motion to close public comment. Mr. Villanova made a motion, seconded by Mr. Paap, to close public comment. All members were in favor.

Mr. Young said he and the Board are well aware of SEQR and know that it is a requirement in order to move forward. Mr. Young said they will ask the applicant for additional information relative to SEQR to complete the process. Chairperson Landry said the Board is trying to address the concerns of the public.

Elaine Leasure made a motion, seconded by Lou Villanova, to move this application to the Walworth Town Board.

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

Motion carried.

Mr. Young explained to the public that cluster is a subset of subdivision and is part of the subdivision process where the Town Board looks at it before the Planning Board can make an approval. Mr. Young said this was approved previously via cluster, but we required the applicant to go through cluster approval again since it has been such a long time. Mr. Young said the application will come back to the Planning Board to go through the subdivision process and SEQR as usual.

Chairperson Landry addressed the fifth item on the agenda:

5. Concept discussion by Thomas and Linda Yale for proposed Subdivision for property located at 2081, 2121, and 2141 Sherburne Road, Town of Walworth, and County of Wayne. Property is zoned R- Residential.

Thomas Yale of 2121 Sherburne Road came forward to speak before the Board. Mr. Yale said on the 9.47-acre lot, the state intends to chop of a 75-foot-wide piece of property which will provide access to the backlands. Mr. Yale said the property is zoned Hamlet not Residential and Chairperson Landry agreed. Mr. Yale said he also proposes to remove the existing wedge-shaped piece of property and add it to his own. Mr. Yale said he has no plan to sell the 52-acre parcel.

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. Paap, to adjourn the meeting. All members were in favor. Chairperson Landry adjourned the meeting at 7:54 PM.

Respectfully Submitted,

Barbara Goulette, Clerk