

Chairperson Landry called the regular meeting of the Planning Board to order at 7:00PM. Members present were Chairperson Landry, Christopher Paap, Lou Villanova, Patricia Marini, and Doug Flye. Also present were Norm Druschel, Building Inspector; Michael Simon, Engineer for the Town (LaBella Engineering), and Brett Malafeew, Code Enforcement Officer.

Chairperson Landry welcomed Doug Flye, as the new Planning Board member, and Brett Malafeew, as the new Code Enforcement Officer.

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

Chairperson Landry addressed the first item on the agenda:

**1. Application of Samuel Cypressi of 4324 Ontario Center Road for approval of a 4-lot Site Plan for the property located at 4322 Ontario Center Road, Town of Walworth, and County of Wayne. Property is zoned RR1-Rural Residential 1. (Public Hearing)**

Mr. Paap made a motion, seconded by Ms. Marini, to open the public hearing. All members were in favor. Chairperson Landry opened the public hearing at 7:02PM.

John Graziose of Gerber Homes came forward to speak before the Board on behalf of Samuel Cypressi. Mr. Graziose said this property was recently before the Planning Board and approved for a 4-lot subdivision. Mr. Graziose said they are coming before the Board for approval for the septic systems and water service. Mr. Graziose said there is wetland in the front so they will be in the back portion of the property, and the existing driveway will give a buffer to existing homes.

Chairperson Landry asked if Mr. Graziose saw the comments from LaBella Engineering. Mr. Graziose said he did. Chairperson Landry said the Board is not ready to move on this application until the comments are addressed and reviewed by the Engineer for the Town. Mr. Simon said he received responses from Green Land Surveying late this afternoon, but he has not had a chance to review them.

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

Mr. Simon provided Mr. Graziose comments from the fire department. Mr. Druschel said the hoses on the fire trucks are 1200 feet, so the fire department is asking that a second hydrant be installed near the back of the property to provide fire protection to the 2 existing houses behind the property in the application. Mr. Graziose said they are proposing to put in a hydrant to cover the 4 houses they are building and then the homeowners in the back could extend the watermain further. Mr. Graziose said the homeowner in the back is selling this property to Gerber Homes, and Gerber Homes is building 4 houses. Chairperson Landry asked if there is a retention pond on either of these properties. Mr. Druschel said there is not a pond. Mr. Druschel said the Town can check the legalities of the hydrant requirement with the Department of NY State.

Mr. Druschel asked if the water main will be dedicated. Mr. Graziose said the water main will be dedicated to Wayne County Water Authority.

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

William Rohlin of 4368 Ontario Center Road came forward to speak before the Board. Mr. Rohlin said he is the neighbor to the north, and he is concerned with the drainage. Mr. Graziose said they propose to install a swale, so the water runs to the swale at the road. Mr. Rohlin said all the water drains to his property now since he is lower than the other properties. Mr. Graziose said he can walk the property with Mr. Rohlin.

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

Mr. Villanova made a motion, seconded by Mr. Paap, to close the public hearing. All members were in favor. Chairperson Landry closed the public hearing at 7:20PM.

Ms. Marini made a motion, seconded by Mr. Flye, to table the application. All members were in favor.

Chairperson Landry addressed the second item on the agenda:

**2. Re-approval of Final Plans of Lehrwood Estates Subdivision Section 2, Mildahn Road, Town of Walworth, and County of Wayne. Property is zoned R- Residential.**

Matt Tomlinson of Marathon Engineering came forward to speak before the Board on behalf of Lehrwood Estates. Mr. Tomlinson said most of the conditions in the draft resolution sent by the Attorney for the Town are consistent with what they received previously. Mr. Tomlinson said they are working on an easement and right-of-way dedication package to give to Mr. Simon, Engineer for the Town, and Don Young, attorney for the Town, to start the process of dedication of the road. Mr. Tomlinson said the developer and builder are planning to work on Section 2B in the spring of 2023. Mr. Tomlinson said section 2A has already been filed with the County.

Chairperson Landry asked what more needs to be done on this section. Mr. Tomlinson said the reapproval of the plat was to file and create the 19 lots on the west side of the property where the road goes to the cul-de-sac. Mr. Simon said one of the conditions is to complete the turnarounds on the pond. Mr. Tomlinson said that is on the punch list.

**TOWN OF WALWORTH PLANNING BOARD RESOLUTION  
FOR LEHRWOOD ESTATES, SECTION 2, FINAL SUBDIVISION APPROVAL**

At a meeting of the Planning Board of the Town of Walworth held on the \_\_\_\_ day of \_\_\_\_\_, 2023, at the Town Hall in said Town, Board member \_\_\_\_\_ moved adoption of the following resolution; Board member \_\_\_\_\_ seconded the motion:

**WHEREAS**, Marathon Engineering has made application on behalf of its client, Lehrwood Estates, LLC (the "Applicant") to the Town of Walworth to construct a residential subdivision comprising 50 residential lots on approximately 55.4-acres at or about Mildahn Road commonly known and referred to as "Lehrwood Estates Subdivision, Section 2" (the "Application"); and

**WHEREAS**, as part of such Application, the Applicant requested approval to proceed as a cluster subdivision pursuant to Section 180-18 of the Walworth Town Code, which cluster request was conditionally approved by the Walworth Town Board during the time of Preliminary Subdivision consideration; and

**WHEREAS**, the Planning Board has received comments from the Town Engineer, LaBella Associates, dated July 9, 2021; and

**WHEREAS**, the Planning Board has received and fully reviewed all application materials, documents and other information relevant to the Application, and finds that the Application is in general conformance with the overall approved preliminary subdivision; and

**WHEREAS**, the Comprehensive Plan and the Parks and Recreation Master Plan to determine whether a proper case exists for requiring that a park or parks be suitably located for playgrounds or other recreational purposes within the Town, including an evaluation of the present and anticipated future needs for park and recreational facilities in the Town based on projected population growth to which the particular subdivision plat will contribute; and

**WHEREAS**, the Planning Board issued a SEQRA Negative Declaration during the overall preliminary subdivision application process; and

**WHEREAS**, on July 12, 2021, the Planning Board conditionally approved the Final Subdivision Section 2 Application, and re-approved the same after expiration thereof on February 14, 2022, but sufficient time has passed such that said approval has since expired; and

**WHEREAS**, the applicant has re-applied seeking the same approval, with the same plans and the same project as approved on July 12, 2021, essentially requesting a "re-date" of the approved plans.

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Board hereby re-approves the Final Subdivision Section 2 Application, as depicted on the Final Section-2 Plans for Lehrwood Estates Subdivision, prepared by Marathon Engineering, dated May 20, 2021, subject to the following conditions:

1. That all those conditions and requirements a part of the Walworth Town Board's cluster subdivision approval resolution be satisfied as required therein; and

2. That all engineering comments dated submitted by the Town Engineer on July 9, 2021 be satisfied to the Town Engineer's satisfaction; and
3. That all comments by the Town's highway department be satisfied to the satisfaction of the Town Highway Superintendent; and
4. That all sewer infrastructure, including the Everwild and Dewberry Pump Station, be properly installed, upgraded and otherwise suitable to the satisfaction of the Town Engineer; and
5. That all required improvement districts, including, but not limited to, a sewer district, a sidewalk district and a lighting district, be properly formed and implemented to the satisfaction of the Town Engineer and the Town Attorney, all prior to issuance of any certificates of occupancy; and
6. That all open space be preserved to the satisfaction of the Town Engineer and Town Attorney, including pursuant to proper easement(s), all prior to signature on the Final plans / issuance of Building Permits; and
7. That all Codes, standards and requirements applicable to the Application be complied with, unless specifically waived, varied or otherwise formally dispensed with, including but not limited to relative to any security required to be provided; and
8. That all easements relative to public improvements and utilities be addressed to the satisfaction of the Town Engineer and the Town Attorney, all prior to signature on the Final plans / issuance of Building Permits;
9. A turnaround at the terminus of both of the pond access roads be constructed, the turnarounds should be large enough for a 10-wheel dump truck turn around. Alternatively, the 2 access roads can be connected to go all of the way around the pond. The new road/turnarounds should be constructed with the same level of detail as the existing road.
10. That comments from Jason Monroe, Wayne County Water and Sewer Authority, submitted on July 12, 2021 via e-mail be addressed, where said comments include the following:
  1. Individual water service taps should avoid being constructed under driveways planned for proposed lots on the opposite side of the road;
  2. A watermain easement will need to be provided for the wet tap and axillary piping crossing Lot 30 at the Plumegrass Run and Mildahn Road intersection; and
  3. A 3-way valve will be required at the Plumegrass Run and Verbena Lane.
11. That, with respect to parks and recreational facilities, the Planning Board finds and directs as follows:
  - A. That the proposed subdivision will increase the population of the Town of Walworth and will create additional need and/or further demand for recreational facilities within the Town; and
  - B. The Parks and Recreation Master Plan of 2019 (the "Rec Plan") provides that the Town's growth rate indicates a demand for continued enhancement of the quality and quantity of parks and recreational facilities in Town (p. 14); and
  - C. The Building Department has advised that the Town continues to issue numerous building permits year after year for residential homes, thus also indicating growth within the Town and continued demand for parks and recreation facilities; and
  - D. The Rec Plan clearly finds that there is a need for "expansion of our parks, our trails and indoor facilities in the Town of Walworth and expansion . . ." (at p. 8), including:
    - a. A strategy focusing on a number of improvements to existing parks (pgs. 8-9 of the Rec Plan); and
    - b. The development of outdoor recreational facilities, including athletic field, picnic areas, etc. (p. 24); and
    - c. The development of indoor facilities (p. 24); and

- E. While the Rec Plan does allow for land acquisition (but only in the north, center and west of Town), its primary focus is the improvement and development of its existing parklands, including that the Town shall seek a fee in lieu of parkland equal to \$650.00 per new residential lot to fund such improvements; and
- F. Given the above, the proposed development supports a proper case for requiring that a park or parks be suitably located for playgrounds or other recreational purposes within the Town pursuant to Town Law Section 277(4); and
- G. The Town currently has a number of acres of parklands that are undeveloped, and it appears that additional vacant or minimally developed parklands would not be suitable in addressing the Town's parks needs; and
- H. Given the above, including the size and location of the particular land involved in this application, as well as given the fact that the Rec Plan calls for improved parks, including outdoor and indoor recreational facilities, the Planning Board finds that a suitable park cannot be located on the subject lands or is otherwise not practical, and thus, a sum of money (commonly known as a parks and recreation fee) shall be provided in lieu thereof; and
- I. Such sum of money in lieu thereof shall be equal to \$650.00 per residential lot included in the subject subdivision, per the Rec Plan, which sum shall be deposited into a trust fund to be used by the Town exclusively for park, playground or other recreational purposes; and
- J. Per the above, a fee of \$650.00 per residential lot a part of this subdivision shall be paid to the Town, all in accordance with Town Law Section 277 and in lieu of a set side of parkland, as set forth herein, such monies being due prior to the issuance of a building permit.

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 \_\_\_ day of \_\_\_\_\_, 2023 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: 2023

(SEAL)

\_\_\_\_\_  
 Town Clerk

Christopher Paap made a motion, seconded by Doug Flye, to accept final approval of the Lehrwood Estates, Section 2, Final Subdivision with the conditions that the engineering comments and conditions listed on the Resolution are met.

Roll Vote:	Chairperson Landry	Aye
	Doug Flye	Aye
	Christopher Paap	Aye
	Patricia Marini	Aye
	Lou Villanova	Aye

Motion carried.