

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 asked the Board if there were any corrections that needed to be made regarding the minutes of January 9, 2023. Ms. Marini made a motion, seconded by Mr. Villanova, to accept the minutes of the January 9, 2023 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)**

Chairperson Landry said this application is being deferred to next month's Planning Board meeting, but it was advertised as a public hearing. Christopher Paap made a motion, seconded by Doug Flye, to open the public hearing. All members were in favor. Chairperson Landry opened the public hearing at 7:01PM.

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 asked if he could obtain a copy of the proposal for this application. Chairperson Landry told Mr. Rohlin he can visit the Town Hall during regular business hours and view the documents.

Doug Flye made a motion, seconded by Patricia Marini, to close the public hearing. All members were in favor. Chairperson Landry Closed the public hearing at 7:02PM.

Chairperson Landry addressed the second item on the agenda:

**2. Application of Kyle Reynolds of 2 Pembroke Drive, Penfield, NY for approval of a Site Plan at 1497 Route 441, Town of Walworth, and County of Wayne. Property is zoned R-Residential. (Public Hearing)**

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

Chairperson Landry said Mr. Villanova is recusing himself since he is a neighbor to this property.

Kyle Reynolds of 2 Pembroke Drive came forward to speak before the Board. Mr. Reynolds said his engineer, Don Lewis of D.H. Lewis Engineering PLLC, replied to a letter sent by Michael Simon, Engineer for the Town (LaBella Engineering).

February 7, 2023

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

**RE: Reynolds Site Plan Review  
1497 NYS Route 441  
LaBella Project No. 212141.170**

Dear Mr. Landry and Planning Board Members:

LaBella Associates has reviewed the Reynolds Site Plan prepared by D.H. Engineering PLLC dated January 15<sup>th</sup>, 2023, and offer the following for your consideration.

1. It appears that a several variances will be needed, including set backs and lot area. These variances should be noted on the plan. The Site Development Statistics table should include required and proposed information.

2. The West stopping sight distance of 381' appears to be short of the AASHTO recommended 495'. Please provide proposed mitigation measures in this regard. The NYS DOT will need to review and approve this proposed driveway/curb cut.
3. It is noted that the opening of the west end of the existing 12" culvert needs to be verified. Provide information on how and when this will be done.
4. We would recommend a 10' utility easement across the frontage of the property.
5. It is not clear that there is adequate driveway turnaround, provide more detail in this regard.
6. The linear feet of leach lines in the notes do not match the table, this information should be verified.
7. Typically the Town Building Inspector is on site to witness the perc test and deep hole, they are not listed on the plan.
8. Provide a detail of the stabilized construction entrance.
9. The detail sheet should be revised to reference Town of Walworth.

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 – Don Lewis, PE, D.H. Lewis Engineering

Michael Simon  
LaBella Associates  
300 State Street  
Suite 201  
Rochester, NY 14614

February 11, 2023

RE: 1497 NYS Rte. 441 - Revised Site Plan  
Site Plan Review

Mr. Simon;

I am in receipt of your comments dated February 7, 2023 regarding the aforementioned project. This project was formerly reviewed and approved by the Planning Board, NYSDOT, and Town Engineer back in 2016. The following are my responses to those comments:

1. The applicant is obtaining the two side variances for the distances noted on the plan for the house and the detached garage. The front setback shown is an average of the two neighbor's setback as directed by the Code Enforcement Officer per Town Code. This is not a subdivision and therefore is an existing non-conforming parcel for the lot area.
2. The sight distances were reviewed and approved by the NYSDOT, Planning Board, Wayne County Water and Sewer Authority, and town engineer for the location of the road and did not warrant any mitigation.
3. Notation was added stating that this work is to be done when the driveway and its culvert is installed to access the property.
4. The owner will provide the easement if the Town of Walworth has a policy requiring 10' wide easements along the frontage of all new projects.
5. More turnaround area was added at the main house garage area.
6. The leach lines shown are what the detail sheet table calls for.
7. I added Norm's name to the Leach Field Soil Test Results table on the detail sheet. The Town has record of these tests and the plan was previously approved as submitted.

8. A stabilized construction entrance detail was added to the site plan.
9. The detail sheet title was revised to display the Town of Walworth.

Please review the enclosed site plans and contact me with any additional questions or comments.

Thank you,  
Donald H. Lewis, Jr., PE  
Project Engineer

Chairperson Landry asked if more turnaround was added to the plan and if the house was moved a little to the west. Mr. Reynolds said more turnaround was added for safety reasons and the house was moved to allow more room on that side.

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.

Lou Villanova of 1523 Route 441 came forward to speak before the Board. Mr. Villanova said he has a property next to Mr. Reynolds' property. Mr. Villanova provided the Board with pictures of the front of his and Mr. Reynolds' property and said he is not speaking as a Planning Board member but as a resident of Walworth. Mr. Villanova said he does not have a problem with the applicant building on the property, but he has a problem with the water issue. Mr. Villanova said the plan shows that Mr. Reynolds is building a swale on the east side of his property so the water from the property will flow to into an existing culvert on Mr. Villanova's property where there is already an existing water issue. Mr. Villanova said the pictures show that Mr. Reynolds' property is higher than his so all the water will go to the culvert. Mr. Villanova has complained to New York State Department of Transportation about the existing drainage issue to no avail. Mr. Villanova said this project will exacerbate the drainage problem he already has.

Lorraine Rieck of 1485 Route 441 came forward to speak before the Board. Ms. Rieck said she is the neighbor on the west side of Mr. Reynolds, and she is concerned because Mr. Reynolds is seeking a variance to build closer to the lot line than what would normally be allowed. Mr. Simon said it is up to the Walworth Zoning Board to issue this variance if they choose to do so, and it is a condition of approval that any of the variances that are granted by the Zoning Board need to be done within 90 days of the Planning Board approval. Mr. Simon told Ms. Rieck that she would have the opportunity to attend the Zoning Board meeting and discuss her concerns at that time. Ms. Rieck is also concerned about the safety of the driveway at the proposed location. Mr. Landry said the sight distance will be reviewed and the approval will be based on the New York State Department of Transportation (NYS DOT) requirements. Mr. Simon said Mr. Reynolds will need a permit from NYS DOT for the driveway, and it is out of the jurisdiction of the Town. Mr. Simon said a condition of the approval of the site plan is the applicant will need to get a driveway permit from NYS DOT before a building permit can be issued. Ms. Rieck said her leech system is on that side of her property, and she is concerned that he is overbuilding the lot.

Charles Rieck of 1485 Route 441 came forward to speak before the Board. Mr. Rieck said he is concerned that the water that comes off of the pole barn will come onto his property above his leech field, and the property is being overbuilt. Mr. Simon said everything drains to the southeast from the Rieck property toward Mr. Reynolds property and then the swale will bring the water to the right-of-way.

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

Mr. Simon said he will continue to work with the design engineer, Don Lewis, on any modifications. Mr. Simon said if the Zoning Board does not allow any of the variances or they want Mr. Reynolds to adjust any of the buildings, Mr. Lewis will need to revise the plans.

Christopher Paap made a motion, seconded by Patricia Marini, to close the public hearing. All members were in favor. Chairperson Landry closed the public hearing at 7:27PM.

**TOWN OF WALWORTH  
PRELIMINARY and FINAL RESOLUTION  
REYNOLDS SITE PLAN  
1497 NYS ROUTE 441**

At a meeting of the Planning Board of the Town of Walworth held on the 13th day of February 2023, 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 construct a single family and home and detached garage on a .456 acre lot at the above address as shown on map prepared by D.H. Lewis Engineering, PLLC dated January 15<sup>th</sup>, 2023 , 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 and Final approval for the Reynolds Site Plan at 1497 NYS Route 441 with the following conditions;

1. Any needed variances are granted from the Zoning Board of Appeals within 90 days of this approval.
2. All of LaBella’s comments from their February 7, 2023 letter are addressed.
3. A curb cut/driveway permit is obtained from the NYS DOT prior to issuance of Building Permit.

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 February 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

Patricia Marini made a motion, seconded by Christopher Paap, to approve the SEQR and accept preliminary and final approval of the Reynolds Site Plan.

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

Motion carried.

Chairperson Landry asked Mr. Villanova to return to his seat on the Board.

Chairperson Landry addressed the third item on the agenda:

**3. Application of Richard Darron of 2102 Sherburne Road, Walworth, NY for approval of a 5-lot Subdivision at 3615 Baker Road, Town of Walworth, and County of Wayne. Property is zoned PD-Planned Development. (Public Hearing)**

Doug Flye made a motion, seconded by Lou Villanova, to open the public hearing. All members were in favor. Chairperson Landry opened the public hearing at 7:30PM.

Thomas Yale of 2121 Sherburne Road came forward to speak before the Board on behalf of Richard Darron the executor of the Carlyle Darron Estate. Mr. Yale said the parcel is proposed to be divided into a lot of approximately 2.5 acres where the current cell tower is located, a 1.1 acre lot to be sold to a family member, and the remaining lots are a 19.6 acre lot, a 13

acre lot, and a 3 acre lot and are under contract to neighbors. Mr. Yale said the lot containing the cell tower has been drawn to include contractual potentials of the future to have a clean fall zone.

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.

Patricia Marini made a motion, seconded by Lou Villanova, to close the public hearing. All members were in favor. Chairperson Landry closed the public hearing at 7:32PM.

**TOWN OF WALWORTH  
PRELIMINARY and FINAL RESOLUTION  
DARRON SUBDIVISION  
BAKER ROAD**

At a meeting of the Planning Board of the Town of Walworth held on the 13th day of February 2023, 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 an existing 39.2 acre parcel into five new lots, as shown on map prepared by Greene Land Surveying, PLLC dated January 5<sup>th</sup>, 2023 , and;

**WHEREAS**, the new lot totals will be as follows, (note Lot 1 was previously subdivided) Lot 2 equaling 2.5± acres, Lot 3 equaling 1.1± acres and Lot 4 equaling 19.6± acres, Lot 5 13.0± acres, Lot 6 3.0± 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 and Final approval for the Darron Subdivision on Baker Road.

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 February 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 preliminary and final approval of the Darron Subdivision.

Roll Vote: Chairperson Landry Aye  
Doug Flye Aye  
Christopher Paap Aye

Patricia Marini      Aye  
Lou Villanova      Aye

Motion carried.

Christopher Paap made a motion, seconded by Doug Flye, to adjourn the meeting. All members were in favor.  
Chairperson Landry adjourned the meeting at 7:33 PM.

Respectfully Submitted,

Barbara Goulette, Clerk