

Vice-Chairperson Paap called the regular meeting of the Planning Board to order at 7:00PM. Members present were, Lou Villanova, Patricia Marini, Christopher Paap, and Doug Flye. Also present were Norm Druschel, Building Inspector; Michael Simon, Engineer for the Town (LaBella Engineering); Donald Young Attorney for the Town (Young Law of WNY), and Brett Malafeew, Code Enforcement Officer. Chairperson Landry, Planning Board Chairperson, was not present.

Vice-Chairperson Paap asked the Board if there were any corrections that needed to be made regarding the minutes of September 11, 2023. Mr. Flye made a motion, seconded by Mr. Villanova, to accept the minutes of the September 11, 2023 meeting. Patricia Marini abstained since she was not present at the September meeting. All other members were in favor. Motion carried.

Vice-Chairperson Paap addressed the first item on the agenda:

1. Application of Josette Montebella and Thomas Metelenis of 1570 Route 441 for approval of a Special Use Permit to run a dog boarding, grooming, obedience training, and retail store business at 1570 Route 441, Town of Walworth, and County of Wayne. Property is zoned R-Residential. (Public Hearing)

Vice-Chairperson Paap opened the public hearing at 7:02PM.

Josette Montebella of 1570 Route 441 came forward to speak before the Board. Ms. Montebella said she proposes to move her current business, Future K9 Care, from 420 Haley Road to 1570 Route 441. Ms. Montebella said the business is currently closed at 1570 Route 441, but there was previously a dog boarding, day care, grooming, training, and retail facility. Mr. Druschel said the kennel was closed 6-8 months ago. Ms. Montebella said they do not want to change any structures. Mr. Druschel said the property has its own septic system for the dog kennel. Mr. Young asked if Ms. Montebella proposes to operate the business as a home occupation. Ms. Montebella said she will live on the property and operate the kennel. Mr. Young said he is not sure that a retail business can be operated under a home occupation permit. Mr. Malafeew said the business was previously operated as a Special Use permit. Vice-Chairperson Paap said the 1993 permit previously issued for this property includes retail. Ms. Marini asked if Ms. Montebella would sell accessory items for the dogs. Ms. Montebella said she would sell training supplies for the dogs. Mr. Villanova asked if she would have a limit of how many dogs would be on the property at one time. Ms. Montebella said there is space for 60 dogs.

Vice-Chairperson Paap asked the Board if this application could be set aside to give Mr. Young the opportunity to review the application and the previous permit. Mr. Flye made a motion, seconded by Mr. Villanova, to close the public hearing. All members were in favor. Vice-Chairperson Paap closed the public hearing at 7:10PM.

Vice-Chairperson Paap addressed the second item on the agenda:

2. Application of Michael Callarama of 4068 Cream Ridge Road for approval of a Subdivision and Site Plan at 392 Mildahn Road, Town of Walworth, and County of Wayne. Property is zoned R-Residential (Daycare Overlay). (Public Hearing)

Don Lewis of D.H. Lewis Engineering PLLC came forward to speak before the Board on behalf of Michael Callarama. Mr. Lewis said the applicant proposes to subdivide this property into 3 lots that will be on septic not public sewer. Mr. Lewis said Mr. Druschel witnessed soil tests on the property. Mr. Lewis asked if he could address the comments he received from Mr. Simon in a letter dated October 3, 2023. Mr. Simon said that Mr. Lewis has not responded to his comments. Vice-Chairperson Paap said the Board will listen to Mr. Lewis's replies to the comments.

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

RE: Aquino Subdivision – Mildahn Road
Proposed Subdivision and Site Plan Approval
LaBella Project No. 212141.182

Dear Mr. Landry and Planning Board Members:

LaBella Associates has reviewed the proposed subdivision and site plan submitted by D.H. Lewis Engineering, PLLC dated September 15, 2023.

This applicant is proposing to subdivide the existing 4.72+/- acre site at the corner of Mildahn Road and Gananda Parkway, Tax Map Number 61114-00-329107, into three (3) parcels. Lot 1 will be .684 +/- acres, Lot 2 will be 3.025 +/- acres, and Lot 3 will be 1.014 +/- acres. All the lots are proposed with the construction of new homes.

We offer the following summary of our findings and observations, and we would be happy to discuss these items in more detail at your upcoming Planning Board meeting.

- 1) An existing stormwater swale on the western parcel boundary conveys runoff from an upgradient 24" culvert that crosses Gananda Parkway. The Town of Walworth will require that the existing western boundary swale be cleaned and a 20' easement be provided to allow the Town to properly maintain this stormwater management practice (SMP) in the future. Check dams should be placed every 50 feet within the swale once it is cleaned.
- 2) An additional existing stormwater swale conveys runoff from another upgradient 24" culvert that crosses Gananda Parkway. It appears that this SMP flows to the southwest as it enters the proposed Lot 2, and eventually connects to the western boundary swale. However, the site topography does not appear to show this swale as a well-defined channel. We recommend this stormwater feature be verified and that any additional grading and stabilization of this SMP be included on the grading plan.
- 3) The proposed utility plan shows that the two (2) existing parcels on the north side of Mildahn Road have onsite wells. As such, the proposed onsite sanitary systems must meet NYSDOH design requirements for separation distances. Upgradient systems require a separation distance of 200' from the existing well. The system on Lot 2 does not meet this requirement and must be relocated. It should be noted that there are public sanitary sewers across from the proposed development however the applicant has chosen to develop individual septic systems for each of the proposed lots.
- 4) Also, it is uncertain if the existing parcels located south of Mildahn Road use existing wells to provide water service. This must be verified to ensure that the sanitary system for Lots 1 and 3 also meets the above requirement.

Thank you for the opportunity to review the project on your behalf. Please feel free to call us if you have any questions.

Sincerely,

LaBella Associates



Michael A. Simon, Civil Regional Leader

Mr. Lewis said grading will be done and a drainage easement will be provided to the Town to address the first 2 comments. Mr. Lewis addressed comments 3 & 4 and said the neighboring houses are on municipal water per Wayne County Water and Sewer Authority. Mr. Druschel said one house is not on municipal water per Wayne County Water and Sewer Authority. Mr. Simon asked Mr. Lewis to get it in writing from Wayne County Water and Sewer Authority that the neighboring houses are on municipal water.

Vice-Chairperson Paap asked if there were any more comments from the Board and Town staff. No more issues were brought forward. Vice-Chairperson Paap opened the public hearing at 7:21PM. Vice-Chairperson Paap asked if there were any comments from the public. No issues were brought forward. Ms. Marini made a motion, seconded by Mr. Flye, to close the public hearing at 7:22PM. Vice-Chairperson Paap closed the public hearing. Ms. Marini made a motion, seconded by Mr. Flye, to table the application pending receipt of the verification in writing from Wayne County Water and Sewer Authority that the neighboring houses are on municipal water. All members were in favor. Vice-Chairperson Paap tabled the application at 7:23PM.

Vice-Chairperson Paap addressed the third item on the agenda:

- 3. Concept discussion by Donna Salatino of 3816 West Walworth Road for proposed business development at 3816 West Walworth Road, Town of Walworth, and County of Wayne. Property is zoned Hamlet.**

Donna Salatino of 3816 West Walworth Road came forward to speak before the Board. Ms. Salatino said she has 4 concepts to discuss with the Board.

Ms. Salatino said she proposes having a horse boarding facility since there is an existing horse barn and 7 acres of land, and horses were kept on the property until approximately 2 years ago. Ms. Salatino said the barn is not 100 feet away from the side property line. Mr. Malafeew said the barn is approximately 60 feet from the property line. Ms. Salatino said the property has always been for horses with the pasture, arena, and boarding. Ms. Marini asked if the applicant would need a use variance because it does not meet the setback requirement for housing of animals. Mr. Young said it would require a variance if the use has been abandoned for 12 months and it is not compliant with the zoning. Mr. Young said the variance is heard before the Zoning Board for an exception to the setback. Mr. Young said horse boarding is allowed as a Home Occupation.

Ms. Salatino said she proposes moving her existing decal business, Graphics Design, into a barn on the property on November 1, 2023. Vice-Chairperson Paap asked if the vehicles would be coming onto the property. Ms. Salatino said there would be one car at a time, and it would be trailered. Mr. Flye asked if the equipment is associated with cutting vinyl and vehicle heat wraps. Ms. Salatino said it is not major industrial equipment. Vice-Chairperson Paap asked if this would require a Special Use Permit. Mr. Malafeew said this falls under a Home Occupation Permit.

Ms. Salatino said she proposes converting the arena on the property into car storage for approximately 45 cars. Vice-Chairperson Paap asked if the cars will be stored long term. Ms. Salatino said the cars are usually stored for the winter, approximately 6 months. Vice-Chairperson Paap asked if this would also be a Home Occupation business. Mr. Flye asked if there is difference between storing 2 or 3 cars versus 45 cars indoors to be considered a business. Vice-Chairperson Paap asked if there are safety regulations for storing vehicles. Mr. Young said this will require more research by the Town.

Ms. Salatino said she proposes putting an apartment with a 1-car garage into another existing building on the property. Mr. Malafeew said the apartment can be done under the Building Department. Ms. Marini asked if it would require a separate septic system with relation to the other operations that are being proposed. Mr. Malafeew said the Building Department would look at the size of the septic system when reviewing the building permit application.

Ms. Salatino said she plans to begin the first 2 concepts or businesses this year, and the next 2 concepts in the future.

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

Vice-Chairperson Paap returned to the first item on the agenda:

Application of Josette Montebella and Thomas Metelenis of 1570 Route 441 for approval of a Special Use Permit.

Mr. Young suggested he and the Board have a brief recess for an attorney-client discussion. Vice-Chairperson Paap called for a recess at 7:48PM. Vice-Chairperson Paap called the meeting back to order at 8:06PM.

Vice-Chairperson Paap said the application is being deferred back to the Code Enforcement Officer as a pre-existing nonconforming use and continuation of a Special Use Permit. Vice-Chairperson Paap there is no vote required by the Board.

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

Doug Flye made a motion, seconded by Lou Villanova, to adjourn the meeting. All members were in favor. Vice-Chairperson Paap adjourned the meeting at 8:07PM.

Respectfully Submitted,

Barbara Goulette, Clerk