

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

Chairperson Landry asked the Board if there were any corrections that needed to be made regarding the minutes of November 13, 2023. Mr. Flye made a motion, seconded by Mr. Paap, to accept the minutes of the November 13, 2023 meeting. All members were in favor. Motion carried.

Lou Villanova made a motion, seconded by Christopher Paap, to approve the 2024 Planning Board calendar. All members were in favor. Motion carried.

Chairperson Landry addressed the first item on the agenda:

1. Application of Steve Cooper of 4164 Walworth-Ontario Road for approval of a 4-lot Subdivision at 4164 Walworth-Ontario Road, Town of Walworth, and County of Wayne. Property is zoned RR1-Rural Residential 1. (Public Hearing)

Steve Cooper came forward to speak before the Board. Mr. Simon said he spoke with Mike Greene of Greene Land Surveying, PLLC, engineer for the applicant, and Mr. Greene said he would not be able to attend this meeting. Mr. Cooper said he will address comments on the letter from Michael Simon of LaBella Associates dated December 5, 2023.

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

RE: Scooper Subdivision Application
4164 Walworth-Ontario Road, Walworth, NY
LaBella Project No. 212141.189

Dear Mr. Landry and Planning Board Members:

LaBella Associates has reviewed the proposed preliminary site plan submitted by Greene Land Surveying, PLLC, dated November 17, 2023. The applicant is proposing to subdivide one (1) parcel (ID# 63115-00-812000) into a total of four (4) parcels. This parcel is zoned RR-1 Single Family Residential.

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

- 1) The shape of the proposed lots is somewhat unconventional, the applicant should explain the purpose of the configuration.
- 2) The Subdivision Plan should show all existing driveways and property access locations. It is proposed that Lot 2 & 3 and 3 & Lot 4 will share a common ingress and egress area. A written agreement should state that this shared access is guaranteed in perpetuity.
- 3) Article IV District Regulations; Section 180-10 RR-1 Districts: Single-Family Residential; subsection A.(2) states that a barn must be located at least 100 feet from all property lines. The proposed subdivision plan shows that the existing barns, which will become part of Lots 3 and Lot 4, do not meet this requirement and may require a variance prior to the approval of this subdivision. The required front set back in this district is 60 feet, Town staff should determine if this is met for the barn on Lot 4.

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

cc (via e-mail): Barbara Goulette, Clerk, Town of Walworth
Scoop Real Estate Holding, LLC
Greene Land Surveying, PLLC

Mr. Cooper said the reason there is unconventional carving out of the lots is to meet the 1-acre minimum requirement for a parcel. Mr. Cooper said he would prefer to get a variance and make one of the lots less than 1 acre as it was before 2015. Chairperson Landry said the applicant would need to go before the Zoning Board to get a variance.

Mr. Cooper said all of the properties as currently shown could have their own driveway, and there is no immediate intent to sell any of these properties. Mr. Simon said the plan shows a 10-foot easement to the driveway between lot 2 and lot 3, and this easement should be filed. Chairperson Landry said the Walworth Town Code does not normally allow for a barn on a property without a primary residence. Mr. Cooper said he intends to build a house on the 37-acre lot in the future. Mr. Simon asked if the property line on lot 3 could be adjusted so the barn could remain on lot 3 and lot 4 would be vacant land. Mr. Cooper said he would prefer to combine lot 3 and 4. Chairperson Landry said he should also show a driveway on lot 1.

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. No issues were brought forward. Doug Flye made a motion, seconded by Christopher Paap, to close the public hearing. All members were in favor. Chairperson Landry closed the public hearing at 7:37PM.

Chairperson Landry addressed the second item on the agenda:

2. Application of Pavan Kumar Tallavajhula for a Site Plan and Special Use permit for a proposed U-Haul Parking and Self-Storage facility at 686 Walworth-Penfield Road, Town of Walworth, and County of Wayne. Property is zoned B-Business (Public Hearing)

Pavan Kumar Tallavajhula came forward to speak before the Planning Board.

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 7:38PM.

Mr. Tallavajhula said he previously came before the Planning Board for a concept discussion and now has a more detailed drawing of his proposal. Chairperson Landry said he has issues with the 10% grade at the road, so he proposed that Mr. Tallavajhula reduce the grade to 8% and add pavement. Mr. Tallavajhula said he the Highway Department said the drive can start at 5% then drop, and he is open to the Planning Board recommendations. Mr. Tallavajhula said he needs to move forward on the proposal so he does not lose out on this opportunity. Mr. Simon said he received these revised plans about 2 weeks ago which did not allow him enough time to review them before this meeting. Mr. Simon said the applicant will need a permit from New York State Department of Transportation. Mr. Tallavajhula said the permit is in process and should be approved before the end of the month. Chairperson Landry said the applicant will need to return to the Planning Board with a different grade and with pavement, but his application does not need to go before the Wayne County Planning Board.

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.

Mark Boss of 677 Walworth-Penfield Road came forward to speak before the Board. Mr. Boss said he lives across the road from the property in this application, and he lives on a shared driveway with 4 families on a curve. Mr. Boss said he is concerned with traffic hazards since most people do not drive 55mph there. Chairperson Landry said the Planning Board addressed the grade and that will give a better line of sight coming out of the property. Mr. Simon said the Town requires that for 50 feet there is a maximum of a 3% grade before getting out to the road.

Chairperson Landry asked if there were any more comments from the Public. No more issues were brought forward. Doug Flye made a motion, seconded by Christopher Paap, to close the public hearing. All members were in favor. Chairperson Landry closed the public hearing at 7:26PM.

Chairperson Landry addressed the third item on the agenda:

3. Application of Sonbyrne Sales, Inc. for a Site Plan and Special Use permit for a proposed Byrne Dairy Retail Store and Fueling Facility at 1828 Penfield-Walworth Road, Town of Walworth, and County of Wayne. Property is zoned Hamlet. (Public Hearing)

Lou Villanova made a motion, seconded by Christopher Paap, to open the public hearing. All members were in favor. Chairperson Landry opened the public hearing at 7:27PM.

Christian Brunelle, Executive Vice President of Byrne Dairy, came forward to speak before the Board. Mr. Brunelle said minor changes have been made to the plan since it was presented to the Planning Board at the November 13, 2023 meeting. Mr. Brunelle said they found out Walworth-Penfield Road is County Road 205 and added it to the plan. Mr. Brunelle said he was in contact with Zach Stark of the NYS DOT and they are in discussion regarding the curb cut. Mr. Brunelle said when he gets conceptual approval from NYS DOT, he will have his engineers work on the grading plan and SWPPP. Mr. Brunelle said he spoke with Kevin Rooney, Wayne County Highway Superintendent of Public Works, who had no issues with the curb cut, and he will get something in writing from Mr. Rooney before the next meeting.

Chairperson Landry asked if the sewer will be tied into Ginegaw Park. Mr. Brunelle said that will be addressed once the grading plan is determined so they can look at gravity versus pump. Mr. Simon said he and Mr. Joswiak discussed the preference for the Town is to continue with the gravity sewer to the east along the county road, and there will be some coordination with the Wayne County Ambulance who is in process of doing a site plan along that route and will be bringing up a leg of sewer. Chairperson Landry said there is a high-pressure gas line that runs along there. Mr. Simon said the Town may be amenable to give an easement through their property to keep the sewer away from the gas line, and the property between the Town property and 1828 Penfield-Walworth Road may give an easement if we put in the lateral so they will be able to connect to the sewer. Mr. Simon said if the sewer is put in to the south, Mr. Joswiak said it is flat, so it has issues and he needs to pump it out.

Mr. Brunelle said the lighting plan changed as shown in the updated plan he submitted, with zero flood candles and dark sky compliance. Mr. Simon said the DOT will not permit any light spillage into the right-of-way. Mr. Brunelle said they fixed the Ag Data Statement and Special Use Permit application and submitted it to the Town today.

Mr. Paap asked what time of day snow removal will take place on the property. Mr. Brunelle said a local contractor will be hired. Mr. Paap said he is concerned that the houses across the street will be disturbed by the noise from the plows at 3am or 4am. Mr. Brunelle said they can control that.

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 comments from the Public. No issues were brought forward. Doug Flye made a motion, seconded by Christopher Paap, to close the public hearing. All members were in favor. Chairperson Landry closed the public hearing at 7:36PM.

Chairperson Landry addressed the fourth item on the agenda:

4. Application of Tony Evans of 8 Millstone Ridge Road, New Milford, CT for approval of a 2-lot Subdivision at VL Teresa Drive, Town of Walworth, and County of Wayne. Property is zoned R-Residential. (Public Hearing)

David Grantham of 2112 Mykola Road came forward to speak before the Board. Mr. Grantham said he is the President of the HOA in the area of the proposed subdivision, and he is representing Tony Evans. Mr. Grantham said Mr. Evans is no longer sponsor of the HOA and he sold property he owned in the area to Gerber Homes. Mr. Grantham said the property with the pond belongs to the HOA, and the property to the north of the pond is to go to Gerber Homes so it needs to be subdivided.

Chairperson Landry said the pond will be landlocked so the Town will need an easement to access the pond. Mr. Grantham stated he received a comment letter from Michael Simon of LaBella Engineering dated December 5, 2023.

December 5, 2023

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

RE: Orchard View Estates Subdivision Application

Dear Mr. Landry and Planning Board Members:

LaBella Associates has reviewed the proposed subdivision application submitted by Orchard View Development, LLC dated October 18, 2023. The applicant is proposing to subdivide parcel with the ID# 63114-11-505686 into two (2) parcels. It would be recommended that a "Letter of Intent" be provided for the record which clearly states the need and purpose of the proposed subdivision.

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 aerial overlay should be provided to show the limits of the retention pond relative to the property lines. Who is the Cottage Association and have they been informed of this proposal.
- 2) The Town should request an easement of over the retention pond and the 25' access from Teresa Drive to the pond.
- 3) The NYSDEC short environmental assessment form (SEAF) states that the southern subdivided parcel (Parcel "C") contains the stormwater retention pond and will not be disturbed or modified. It is also stated that the Cottages Association will maintain this stormwater management practice. Any current or future agreements with associated cost for continued maintenance should be provided to the Town.

Thank you for the opportunity to review the project on your behalf. We feel it would be appropriate to use the upcoming meeting to further understand this application prior to making any formal decisions. Please feel free to call us if you have any questions.

Sincerely,

LaBella Associates



Michael A. Simon, Civil Regional Leader

cc (via e-mail): Barbara Goulette, Clerk, Town of Walworth
Orchard View Development, LLC. Attn: Anthony R. Evans

Mr. Grantham said there is a 25-foot-wide trail to the pond. Mr. Druschel said the Town has a 20-foot easement from the storm drain to the pond, but it is fairly inaccessible due to the grade and trees. Mr. Simon said the surveyor needs to show the easement to the Town of Walworth for access to the pond on the plan.

Mr. Grantham asked if this application will be on the agenda for the next Planning Board meeting. Chairperson Landry said the application will be put on the Planning Board January agenda.

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. No issues were brought forward. Doug Flye made a motion, seconded by Christopher Paap, to close the public hearing. All members were in favor. Chairperson Landry adjourned the meeting at 7:48PM.

Lou Villanova made a motion, seconded by Christopher Paap, to adjourn the meeting. All members were in favor. Chairperson Landry adjourned the meeting at 7:49PM.

Respectfully Submitted,

Barbara Goulette, Clerk