

Chairperson Landry called the special meeting of the Planning Board to order at 1:00PM. Members present were Chairperson Landry, Patricia Marini, Lou Villanova, and Christopher Paap. Also present were Kate Powers of LaBella Engineering; Donald Young, Attorney for the Town (Young Law of WNY); Norm Druschel, Building Inspector; Brett Malafeew, Code Enforcement Officer; and Tim McMullen, Assistant Building Inspector. Doug Flye, Planning Board member, was not present.

Chairperson Landry addressed the first item on the agenda:

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

Chairperson Landry said the public comment has been closed for this application.

Christopher Paap made a motion, seconded by Lou Villanova, to accept the SEQR.

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

Motion carried.

Chairperson Landry asked Ms. Powers if she had any comments. Ms. Powers said the outstanding items are likely addressed in the applicant’s resubmission. Mr. Young said the Resolution for this project addresses the SEQR, Special Use Permit, and Site Plan with the conditions that the Town comments are addressed, they have the easements they need, the sewer main agreement is in place, among other things. Mr. Young said the Board is poised to deal with the Resolution by way of conditional approval.

Christopher Paap made a motion, seconded by Patricia Marini, to accept the final approval of the Resolution for Determination on SEQR, Special Use Permit and Site Plan for Byrne Dairy as written.

Resolution for Determination on SEQR, Special Use Permit and Site Plan for Byrne Dairy for a Combined Retail/Convenience Store with Fueling Facility at 1828 Walworth-Penfield Road

WHEREAS, Sonbyrne Sales, Inc. (the “Applicant”) has submitted an application to the Town of Walworth which seeks a Special Use Permit (the “SUP Application”), pursuant to the Walworth Town Code at Section 180-13[D](15), relating to the operation of a combination ~4,232 +/- SF retail/convenience store with a fueling facility at the property at 1828 Walworth-Penfield Rd., Walworth, NY (the “Property”), all as more fully detailed in their application materials on file with the Town; and

WHEREAS, said SUP Application requires the review, referral and recommendation by the Planning Board, followed by review and approval by the Town Board; and

WHEREAS, the Applicant has also submitted an application to the Walworth Planning Board seeking site plan approval (the “Site Plan Application”) relating to the construction of a combination retail/convenience store with a fueling facility at the Property, all as more fully detailed in their application materials on file with the Town; and

WHEREAS, the Walworth Planning Board has declared its intent for lead agency for purposes of the NY State Environmental Quality Review Act (“SEQR”), and either 30 days have passed or other involved agency(ies) have deferred to the Planning Board, and the Walworth Planning Board is now lead agency for purposes of this action; and

WHEREAS, the Walworth Planning Board has carefully considered and taken a hard look at all potential environmental impacts of the Project; and

WHEREAS, the Walworth Planning Board has completed Parts 2 and 3 of the EAF, which are attached hereto, and has carefully considered the information contained therein.

NOW, THEREFORE, BE IT RESOLVED, that based upon all available information, and after examining the relevant issues, pursuant to SEQR, the Walworth Planning Board hereby adopts and approves the attached Parts 2 and 3 of the

EAF, determines that the action will not have a potentially significant adverse impact on the environment, and hereby issues a Negative Declaration; and, be it further

RESOLVED, that, in relation to the Special Use Permit application, the Walworth Planning Board has carefully considered all relevant documentary, testimonial, and other evidence submitted, including but not limited to the Special Use Permit application materials, as well as any information submitted by the Town's consultants, including its Engineers, correspondence and oral testimony from the public, Town residents, various State, County and local agencies, and other information, and makes the following findings:

That the proposed use is similar in nature and compatible with the purpose and intention of the Hamlet District, including, specifically that a) the subject parcel is in an area that is in harmony with the use proposed, including, given that it is proposed at the intersection of two highly traveled thoroughfares; b) the proposal is squarely consistent with the Property as zoned (Hamlet/Multifamily/Neighborhood Business), which zoning seeks to accomplish the purpose of providing "convenient shopping and service-oriented uses that are accessible to neighborhoods . . ." and which the proposed use accomplishes by offering convenient shopping and services; and c) the proposed use is similar in nature to and compatible with other permitted uses in the District, including, for example, "supermarkets and convenience food stores;" and, be it further

RESOLVED, that in consideration of the aforementioned findings, and subject to any conditions set forth herein, the Planning Board hereby recommends to the Town Board approval of the Applicant's Special Use Permit Application for the operation of a combination retail/convenience store with a fueling facility in accordance with its Application; and, be it further

RESOLVED, that, in consideration of all relevant criteria for the granting of the requested site plan approval, including as discussed during the Planning Board meeting, as addressed herein, and as addressed pursuant to SEQR, and subject to any conditions set forth herein, the Planning Board hereby approves the proposed Site Plan Application consistent with the plans on file; and, be it further

RESOLVED, that the approval of the Site Plan Application and the recommendation for approval of the SUP Application are subject to the following conditions:

1. That the SUP Application is subject to final approval by the Town Board; and
2. That the Special Use Permit shall be issued prior to signatures on the Site Plan; and
3. That all written comments of the Town's Engineer be fully addressed, as follows: comments requiring a map change/revision shall be addressed prior to signatures on the Plans, all to the satisfaction of the Town's Engineer and Planning Board Chairman; all other comments shall be addressed prior to issuance of a building permit and/or certificate of compliance, all to the satisfaction of the Town's Engineer and Planning Board Chairman; and
4. That the proposed sanitary sewer shall meet with the approval of the Walworth Sewer Department, requiring signature relative to plans for the same on the final Site Plan, and that the sanitary sewer comply with any applicable specifications and requirements of the Town of Walworth, including the Sewer Department; and
5. That, relative to re-use of the Town's abandoned force main, that an agreement relative to permission to use the same be provided to the Town, all to the Town's satisfaction, all prior to issuance of any building permit; and
6. That any necessary easements for utilities, etc., be submitted to the Town, subject to the approval of the Town, including any additional easement(s) that may be required relative to crossing private property, and the same is/are to be recorded, all prior to beginning work requiring the same, and in any event all prior to issuance of a Certificate of Compliance; and
7. That all necessary permits and approvals be obtained from any other governmental agencies, including but not limited to NY DOT and the County Highway Dept., prior to beginning work requiring the same, and in any event all prior to issuance of a Certificate of Compliance.

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

Motion carried.

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.

Chairperson Landry said the public comment has been closed for this application.

Mr. Young said this application is not subject to Town Board review.

Patricia Marini made a motion, seconded by Christopher Paap, to accept the final approval of the Resolution for Determination on SEQR, Special Use Permit and Site Plan for “U-Haul” as written.

Resolution for Determination on SEQR, Special Use Permit and Site Plan for “UHaul” rental and storage facility at 686 Walworth-Penfield Road

WHEREAS, Padmanabha Pavan Kumar Tallavajhula (the “Applicant”) has submitted an application to the Town of Walworth which seeks a Special Use Permit (the “SUP Application”), all pursuant to the Walworth Town Code at Sections 180-14[C](2)(d) and (f) relating to the operation a combination “UHaul” rental and mini-storage facility, all at the property at 686 Walworth-Penfield Rd., Walworth, NY (the “Property”), and all as more fully detailed in their application materials on file with the Town; and

WHEREAS, the Applicant has also submitted an application to the Town seeking site plan approval (the “Site Plan Application”) relating to the construction and operation a combination “UHaul” rental and mini-storage facility at the Property, all as more fully detailed in their application materials on file with the Town; and

WHEREAS, relative to the NY State Environmental Quality Review Act (“SEQR”), the Walworth Planning Board has carefully considered and taken a hard look at all potential environmental impacts of the Project; and

WHEREAS, the Walworth Planning Board has completed Parts 2 and 3 of the EAF, which are attached hereto, and has carefully considered the information contained therein.

NOW, THEREFORE, BE IT RESOLVED, that based upon all available information, and after examining the relevant issues, pursuant to SEQR, the Planning Board hereby adopts and approves the attached Parts 2 and 3 of the EAF, determines that the action will not have a potentially significant adverse impact on the environment, and hereby issues a Negative Declaration; and, be it further

RESOLVED, that, in relation to the Special Use Permit application, the Planning Board has carefully considered all relevant documentary, testimonial, and other evidence submitted, including but not limited to the Special Use Permit application materials, as well as any information submitted by the Town’s consultants, including its Engineers, correspondence and oral testimony from the public, Town residents, various State, County and local agencies, and other information, and makes the following findings:

Harmony: The subject parcel is in an area that is in harmony with the use proposed, including, given that it is proposed at a highly traveled thoroughfare which can accommodate the traffic. Moreover, the proposal is squarely consistent with the Property as zoned (B Districts: General Business . . .), including that it is a specially permitted use, and given that the zoning seeks to accomplish the purpose of providing “general and commercial goods and services necessary to serve a number of neighborhoods . . .”, which the proposed use accomplishes by offering convenient services; and

Public Health, Safety and Welfare: The use will positively contribute to the welfare of the community given that it will be located at a highly accessible and convenient location and will provide a valuable service, thus aligning with the zoning District’s purpose of providing “general and commercial goods and services necessary to serve a number of neighborhoods . . .” Moreover, it will avoid significant adverse impacts and, including for all those reasons set forth on the record, and as set forth in the Town’s SEQR negative declaration, which is expressly incorporated herein and made a part hereof; and, be it further

RESOLVED, that in consideration of the aforementioned findings, and in consideration each of the criteria for the granting of the requested special use permit, including as set forth herein, and subject to any conditions set forth herein,

the Planning Board hereby approves the Applicant's Special Use Permit Application, such approval limited to the use as applied for in the Application materials; and, be it further

RESOLVED, that, in consideration of all relevant criteria for the granting of the requested site plan approval, including as discussed during the Planning Board meeting, as addressed herein, and as addressed pursuant to SEQR, and subject to any conditions set forth herein, the Planning Board hereby approves the proposed Site Plan consistent with the plans on file; and, be it further

RESOLVED, that the approval of the Site Plan Application and the SUP Application are subject to the following conditions:

1. That the Special Use Permit shall be issued prior to signatures on the Site Plan; and
2. That all written comments of the Town's Engineer be fully addressed, as follows: comments requiring a map change/revision shall be addressed prior to signatures on the Plans, all to the satisfaction of the Town's Engineer and Planning Board Chairman; all other comments shall be addressed prior to issuance of a building permit and/or certificate of compliance, all to the satisfaction of the Town's Engineer and Planning Board Chairman; and
3. That all necessary permits and approvals be obtained from any other governmental agencies, including but not limited to NY DOT (including but not limited to addressing its comments by way of its letter dated February 26, 2024), all prior to beginning work requiring the same, and in any event all prior to issuance of a Certificate of Compliance.

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

Motion carried.

Patricia Marini made a motion, seconded by Christopher Paap, to adjourn the meeting. All members were in favor. Chairperson Landry adjourned the meeting at 1:05PM.

Respectfully Submitted,

Barbara Goulette, Clerk