

Chairperson Landry called the regular meeting of the Planning Board to order at 6:30PM. Members present were Chairperson Landry; Patricia Marini; Lou Villanova; and Kristen Rush, Planning Board Alternate. Also present were Norm Druschel, Building Inspector; Brett Malafeew, Code Enforcement Officer; Tim McMullen, Assistant Building Inspector; Donald Young, Attorney for the Town (Young Law of WNY); and Michael Simon of LaBella Engineering. Doug Flye and Christopher Paap, Planning Board members, were not present.

Chairperson Landry asked the Board if there were any corrections that needed to be made regarding the minutes of July 8, 2024. Patricia Marini made a motion, seconded by Lou Villanova, to accept the July 8, 2024 minutes. All members were in favor.

Chairperson Landry addressed the first item on the agenda:

**1. Application of Steve Cooper of 4164 Walworth-Ontario Road for approval of a 3-lot Subdivision at 4164 Walworth-Ontario Road, Town of Walworth, and County of Wayne. Property is zoned RR1-Rural Residential 1. (Public Hearing)**

Chairperson Landry said the applicant, Steve Cooper, will not be at this meeting and his application has been moved to the September Planning Board meeting.

Chairperson Landry addressed the second item on the agenda:

**2. Application of Gerber Homes & Additions for approval of a subdivision and site plan at VL Mykola Road, and County of Wayne. Property is zoned R-Residential. (Public Hearing)**

Patricia Marini made a motion, seconded by Lou Villanova, to open the public hearing. All members were in favor. Chairperson Landry opened the public hearing at 6:32PM.

Chairperson Landry asked if there were any comments from the public. Daniel Teske Jr. of 3947 and 3959 Walworth-Ontario Road came forward to speak before the Board. Mr. Teske Jr. asked how they can run a public water main from one road to another on a private drive. Mr. Simon said the water main will be dedicated to the Town; it will be owned and operated by Wayne County Water & Sewer Authority; and the Town will have an easement where they have ability for access and maintenance. Mr. Teske Jr. asked if that would make it a public road. Mr. Simon said it would make it a public utility but not a public road.

Daniel Teske Sr. of 3947 Walworth-Ontario Road said once this becomes a public easement his house will be illegal because it is only 15 feet off the lot line, and he has a well that is 10 feet off the lot line. Mr. Teske said his and his neighbor's house are not on the plan submitted with this application. Chairperson Landry said LaBella has requested a list of things that need to be put on the plan, and this application is not being approved tonight. Mr. Teske asked why this application states Mykola Road when this project comes off Walworth-Ontario Road.

John Graziose of Gerber Homes & Additions came forward to speak before the Board. Mr. Graziose said they are proposing a subdivision with a private drive and have submitted site plans. Chairperson Landry said there are a lot of comments from LaBella that need to be addressed, and the Board needs a better site plan showing adjacent houses. Mr. Graziose said the engineer is working on addressing the comments and updating the plans.

Mr. Graziose said fill has been brought into the North Park section and they did get a fill permit from the Town. Chairperson Landry advised that there should not be any work done in the area of this application yet. Mr. Graziose said trees were cleared for the water main. Chairperson Landry said the applicant cleared more than necessary to run water lines through the property without having a building permit.

Chairperson Landry said this application will need to go before the Wayne County Planning Board. Mr. Graziose asked that the application go to the County before the LaBella comments are addressed. Chairperson Landry and Ms. Marini said a complete application needs to go to the Wayne County Planning Board.

Mr. Simon and Chairperson Landry said the Board would like to make this a dedicated road. Mr. Graziose said that does not work for them due to the cost of a dedicated road, plus people like to be on a private drive. Mr. Simon said the access needs to meet the New York State Fire Code. Mr. Graziose said he will ask his son who has done a lot of research on this to reach out to Mr. Malafeew and Mr. Simon, and they will meet the State Requirements. Mr. Malafeew said the drive needs to be at least 26 feet wide at the hydrants and the hydrant locations need to be moved to be 400 foot maximum according to 507.5.1 in the Fire Code.

Chairperson Landry asked what the requirements are for a front yard. Mr. Malafeew said there is no requirement on how much of a front yard needs to be grass. Chairperson Landry said they will be disturbing more than the 5 feet from the house shown on the plan.

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

Mr. Graziose said Gerber would like to stay on the monthly Planning Board agenda so they don't miss any deadline and keep the project moving forward.

Chairperson Landry asked if there were any more comments from the public. Mr. Teske asked how this can be a private road since someone has to maintain it. Mr. Simon said there are a number of private drives within this community that have water. Mr. Simon said the owner will grant an access and utility easement to the Town of Walworth and Wayne County Water and Sewer Authority.

Chairperson Landry asked if there were any more comments from the public. No more issues were brought forward. Chairperson Landry said he would like to close the public hearing for tonight, and it will be re-opened when the applicant returns to the Planning Board. Patricia Marini made a motion, seconded by Lou Villanova, to close the public hearing for this evening. All members were in favor. Chairperson Landry closed the public hearing at 6:50PM. Patricia Marini made a motion, seconded by Kristen Rush, to table the application. All members were in favor. Motion carried.

Patricia Marini made a motion, seconded by Lou Villanova, to adjourn the meeting. All members were in favor. Chairperson Landry adjourned the meeting at 6:51 PM.

Respectfully Submitted,

Barbara Goulette, Clerk