

Chairperson Landry called the regular meeting of the Planning Board to order at 6:30PM. Members present were Chairperson Landry, Patricia Marini, Lou Villanova, Doug Flye, and Christopher Paap. Also present were Norm Druschel, Building Inspector; Brett Malafeew, Code Enforcement Officer; Tim McMullen, Assistant Building Inspector, and Michael Simon of LaBella Engineering.

Chairperson Landry asked the Board if there were any corrections that needed to be made regarding the minutes of September 9, 2024. Doug Flye made a motion, seconded by Lou Villanova, to accept the September 9, 2024 minutes. All members were in favor.

Chairperson Landry addressed the first item on the agenda:

1. Application of Michael Frederes as Trustee of 4667 Lewis Road for approval of a Subdivision at 4667 Lewis Road, Town of Walworth, and County of Wayne. Property is zoned RR1-Rural Residential 1. (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 6:31PM.

Tim Casper of JCW Land Surveying, PLLC representing the applicant came forward to speak before the Board. Mr. Casper said the applicant proposes to move the property line about 10 feet. Chairperson Landry said the neighbor’s garage and driveway are on Mr. Frederes’ property, so Mr. Frederes is selling this little piece of the property to the neighbor. Mr. Casper agreed.

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

Christopher Paap made a motion, seconded by Lou Villanova, to close the public hearing. All members were in favor. Chairperson Landry closed the public hearing at 6:32PM.

Doug Flye made a motion, seconded by Christopher Paap, to accept the SEQR and Resolution as written. All members were in favor.

**TOWN OF WALWORTH
FINAL RESOLUTION
FREDERES BOUNDARY LINE ADJUSTMENT
LEWIS ROAD**

At a meeting of the Planning Board of the Town of Walworth held on the 15th day of October 2024, 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 adjust a lot line by 10 feet from Tax Map Number 62115-00-773638 to Tax Map Number 62115-00-666569 as show on a map prepared by JCW Land Surveying dated September 16, 2024 and;

WHEREAS, the 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; now 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 adverse environmental impacts; and

BE IT FURTHER RESOLVED, that the Planning Board hereby grants Final approval for the Frederes lot line adjustment located on Lewis Road.

Upon being put to a vote, the resolution was _____. AYE ____ NAY ____

STATE OF NEW YORK:
COUNTY OF WAYNE: ss
TOWN OF WALWORTH:

I, Jenna Camacho, 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 15th day of October 2024 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: 2024

(SEAL)

Town Clerk

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 with access from Walworth-Ontario Road, 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 6:33PM.

Mike Greene of Greene Land Surveying, PLLC and Nick Graziose of Gerber Homes & Additions came forward to speak before the Board. Mr. Greene said the applicant is proposing a 7-lot subdivision, and he addressed the comments from LaBella.

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September 9, 2024

Mr. Michael A. Simon
Labella Associates, D.P.C.
300 State Street, Suite 201
Rochester, New York 14614

Re: Orchard View Trail Site Plan (Job No. 24-7036)
Response to Comments

Dear Mr. Simon:

The following is our response to your comments dated September 6, 2024. Our responses are as follows.

3.
 - c. The road and ground along the Walworth-Ontario Road, slopes away from the pavement. Therefore it is our belief that a culvert is not required. The slope of the existing ground across the site is steep enough that it is our belief that drainage will flow down hill across the driveway, therefore gutters will not be necessary.
 - d. The size of the turnaround has been increased to the 120 foot hammerhead. The hammerhead is the same size on each sheet.
 - g. The crown has been removed from the driveway section detail.
4.
 - c. A CPS 7 (diminimus HOA) will be obtained from the Attorney General's office with appropriate documents provided to the town. This document does not allow the driveway to be "separated" into its own parcel.
5.
 - c. It is our understanding that the water main and sanitary sewer is to be bored under the wetlands. A note stating this has been added to the plans.

d. Since it is our understanding that the water and sewer are to be bored, it is our belief that delineation of the wetland is unnecessary, as it was done previously and documented by HBMA Architecture, Engineering, & Land Surveying, PLLC., last revised February 8, 2007.

6.

b. The easement consolidation will be discussed.

7.

a. The yards have been graded and the limits of disturbance have been revised. The disturbance is still under the five acre residential threshold established by the NYSDEC.

9. ****The remaining portion of the storm water management facilities being discussed in this comment will need to be investigated.

10. It is our desire to be attached to the existing storm water permit.
If you have any further questions or comments, please feel free to contact us.

Sincerely,
Michael G. Sponable, P.E.
Greene Land Surveying, PLLC.

Mr. Greene said the driveway cross section is fixed, they added swales along the driveway, made sure the hammerhead matched on all the sheets, and crowned the road. Mr. Greene said the proposed de minimis HOA for the private drive does not allow the HOA to own property and only controls maintenance of the driveway. Mr. Graziose said this drive will be under a de minimis HOA with shared ownership so he does not see that it will be dedicated in the future. Mr. Simon said the road detail is not on the plan. Mr. Greene said he needs to correct the wording on the plan. Mr. Graziose said he received the requirements from the Town and said they can make the change to the width.

Mr. Greene said the water and sewer are going to be bored under the wetlands. Chairperson Landry said the delineation of the wetlands is only good for 5 years and it has been more than 5 years since the previous delineation was done, so the Town needs it redone. Chairperson Landry said the Planning Board will need the delineation of the wetland before they can move forward on this application. Mr. Greene said the applicant is trying to improve the water pressures by connecting this section to the road. Mr. Greene said they will provide the necessary easement descriptions to the Town attorney.

Mr. Greene said they are proposing less than 5 acres of disturbance so they will not be creating any new storm facilities. Chairperson Landry said they will be disturbing more than 5 acres by where they put the dirt when they dig the holes for the houses. Mr. Simon said the plan states the area to be disturbed is 4.4 acres and asked if they intend to grade anything beyond the grading around the houses. Mr. Greene said the south lots are being regraded, but the 4 lots on the north side will not be disturbed. Mr. Simon said that will be a relatively small footprint and small yard for those lots.

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.

Donald Byrnes of 3853 Teresa Drive came forward to speak before the Board. Mr. Byrnes said he is a member of the Walworth Fire Department and the water pressure in that area is adequate, but the fire department would like a second water line put in and not have a water hammer.

Tom Wallenhorst of 3898 Teresa Drive came forward to speak before the Board. Mr. Wallenhorst asked if this project would connect Walworth-Ontario Road to Teresa Drive or Mykola Road. Mr. Landry said this is not going to connect since this will be a private drive that will be a dead end, but the water and sewer will connect. Mr. Wallenhorst asked if this would be a small development. Mr. Landry states the plan is for 7 houses off Walworth-Ontario Road.

John Hewitt of 2132 Mykola Road came forward to speak before the Board. Mr. Hewitt asked when the water line might be going through and wants to know what is happening with the land off the end of Mykola Road. Mr. Hewitt said there are piles of dirt, he is concerned about runoff, and he would like to know if it will get graded and hydroseeded. John Graziose of Gerber Homes & Additions came forward to speak before the Board. Mr. Graziose said Gerber's intention is to finish grading and seeding it hopefully next week.

Daniel Teske Sr. of 3947 Walworth-Ontario Road came forward to speak before the Board. Mr. Teske asked if there has been any changes to the map. Mr. Teske was given the current map for this project to satisfy the FOIL he submitted to the Walworth Town Clerk. Mr. Teske said his house is not on the map. Mr. Greene said he can add Mr. Teske's house to the plan. Mr. Teske said his house will be in violation of the Code once the road is put in and his property becomes a corner lot because of the setbacks, and the value of his house will decrease. Mr. Landry said his property will not become a corner lot because this is not a dedicated road. Mr. Teske said there will be problems financing the houses being built because it is a private drive. Mr. Teske said this subdivision has to be approved by the fire and highway department. Mr. Landry said he spoke with the Fire Department, and they have no objections. Mr. Druschel said the side setback for Mr. Teske's area is 15 feet, but his property is pre-existing non-conforming. Mr. Malafeew said his buildings will not be in question because they are pre-existing non-conforming. Chairperson Landry said this is a private drive so his property will not be a corner lot.

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

Christopher Paap made a motion, seconded by Patricia Marini, to adjourn this public comment until a later date. All members were in favor. Chairperson Landry adjourned the public hearing until next month at 6:56PM.

Mr. John Graziose asked if this application could have conditional approval. Chairperson Landry said the Board is not prepared to grant the approval.

Chairperson Landry addressed the second item on the agenda:

3. 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 is not present at this meeting and requested to come before the Board next month.

Chairperson Landry addressed the fourth item on the agenda:

4. Modification of Approved Subdivision of Orchard View Estates-Section 6, Town of Walworth, and County of Wayne. Property is zoned R- Residential. (Public Hearing)

Doug Flye made a motion, seconded by Christopher Paap, to open the public hearing. All members were in favor. Chairperson Landry opened the public hearing at 6:58PM.

Nick Graziose and John Graziose of Gerber Homes & Additions came forward to speak before the Board. Mr. Nick Graziose said he is looking for clarification on the walking paths in section 6. The current approved site plan does not include a walking path to the far west of the property, so he is looking to confirm there is no walking trail there.

Chairperson Landry said the Town does want to accept any more properties.

Patricia Marini made a motion, seconded by Lou Villanova, to remove the request for a trail on the northern part of Orchard View section 6. All members were in favor.

Mr. Nick Graziose said the original plan calls for 4' x 4' posts, but the applicant would like to propose a fiberglass post for the open space markers. Mr. Druschel said he doesn't have a problem with the fiberglass posts.

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

Mr. Nick Graziose said the grade is very steep on the existing phase, so they are requesting that the sidewalks be removed from the site plan. Chairperson Landry said he spoke with the Highway Department and their comment was: if you can drive up it, you can walk up it. Chairperson Landry said they do not want the sidewalks removed.

Mr. Nick Graziose said the current utilities are very deep in section 6B, so they are requesting a utility grade change. Mr. Simon said he spoke with the original engineer on this project, and he said the previous developer wanted deep basements with gravity plumbing. Chairperson Landry said this change is approved.

Chairperson Landry asked if there were any comments.

David Grantham of 2112 Mykola Road came forward to speak before the Board. Mr. Grantham said his basement has flooded twice since he bought the house 8 years ago, and a neighbor up the street had his basement flood also. Mr. Grantham said the first time was due to his sump pump, but the second time there was so much water the storm sewers couldn't handle it, and his neighbor had a similar issue. Mr. Grantham said he is concerned that the construction going on now taking away soft ground will create more problems. Mr. Simon said the storm utilities were designed for a 10-year storm, and some of

these storms have surpassed this. Mr. Malafeew asked Mr. Grantham to call the Walworth Building Department and set up an appointment for them to meet him at the site. Mr. Druschel said there is a second pond to go in off Mykola Road, and Gerber has been required to clean the existing pond. Mr. Grantham said Gerber has made changes to improve the grading.

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

Christopher Paap made a motion, seconded by Doug Flye, to close the public hearing. All members were in favor. Chairperson Landry opened the public hearing at 7:09PM.

Chairperson Landry asked if there was any other business. No more issues were brought forward.

Doug Flye made a motion, seconded by Lou Villanova, to adjourn the meeting. All members were in favor. Chairperson Landry adjourned the meeting at 7:10PM.

Respectfully Submitted,

Barbara Goulette, Clerk