

**TOWN OF WALWORTH  
BUILDING DEPARTMENT  
3600 Lorraine Drive  
Walworth, New York 14568**

**DETERMINATION(S) OF AUTHORIZED TOWN OFFICIAL**

**Background:** The Town of Walworth (the “Town”) has received communications and comments regarding the process for the Town Planning Board’s (the “Planning Board”) review of Applications of Windward Lake Homes, LLC (the “Applicant” or “Developer”) for approval of a Subdivision and Site Plan (the “Applications”) at 1 Country Club Drive, Town of Walworth, County of Wayne (the “Property”). Those comments have related to, among others, the lawful process for preliminary/final plat plan approval, subdivision approval, and site plan approval. In response to those comments – which the Town treats as a request for an interpretation or decision – the Town makes this Determination by the undersigned Authorized Town Official.

The Applications seek approval to construct and develop 47 single-family residential buildings on an approximately 214.37-acre parcel (the “Project”). The proposal requires the following Planning Board approvals:

- a. Subdivision approval for the subdivision of 31.6 acres into individual residential lots (NY Town Law 276 and Walworth Code Chapter 151, Article III); and
- b. Site plan approval for the overall site design. The Planning Board’s review for this Project is based on the Application that was submitted, as amended (NY Town Law 274-a and Walworth Code Chapter 151, Article IV).

The Property is zoned PD-Planned Development.

**Procedural History:**

- August 11, 2025: Applicant submitted to the Planning Board Applications for Major Subdivision (Plat) Approval and Site Plan Approval.
- September 16, 2025: Applicant submitted to the Planning Board a Letter of Intent. The Town determined that the Applications were sufficiently complete to commence Planning Board review and the Applications were added to the agenda for the October 14, 2025 Planning Board Meeting.
- October 14, 2025: The Planning Board opened the public hearing on the Applications. The public comment periods and hearings remain open.
- October 15, 2025: Applicant submitted to the Planning Board an amended Letter of Intent and updated application materials.
- November 26, 2025: Based on the amended letter of Intent and updated application materials, the Town Code Enforcement Officer notified the Applicant of deficiencies in the Applications and requested that the Applicant provide:
  - a special use permit application to the Town Board;
  - Wetland Delineation Report;
  - ACOE & NYSDEC approvals/acceptance of Wetland Delineation Report;
  - Project SWPPP; and
  - Overall Master Plan/ Phasing Plan.

**Issues:** Prior to submission of the Application, the Developer, affiliated persons or entities, and/or the Developer’s representatives allegedly made statements and engaged in discussions regarding the possibility of a larger project than that ultimately proposed in the Application. Such a larger project would have involved more extensive modifications to the existing property, greater site disturbance, and the construction of substantially higher number of residential units.

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1. **Question:** In reviewing the Application, does the Planning Board need to consider the Project that was actually submitted or must it consider other potential variations of the Project that were not submitted to the Planning Board?
  - a. **Determination:** In deciding the Application, the Planning Board may only consider the Application that is actually before it. It may not instead review the Application as if it were different from the Project proposed in the written, submitted Application. However, the Planning Board may consider larger possible project alternatives during the SEQRA review process.
  
2. **Question:** Can the Planning Board proceed with review of the Application for Subdivision and Site Plan Approval after the identified deficiencies are addressed?
  - a. **Determination:** Yes.
    - i. Subdivision and Site Plan Applications are reviewed pursuant to Town Code Chapter 151. The procedure for such Subdivision review is established by Town Code Chapter 151, Articles III and IV.
    - ii. Informational meetings and concept meetings are optional, not mandatory. See Walworth Code 151-5(1)(a) (" ... Due to the detailed nature of the information for consideration of a preliminary plat and the cost for information required for concept application, **the subdivider may schedule** an informational meeting conference to discuss informally his/her/its project with the Board in order to help determine the feasibility of the proposed subdivider's layout and various requirements that may be required. If the subdivider desires an informational meeting ...") (emphasis supplied) and 151-14 (A) ("A preapplication site plan conference **may be held** between the Board and the site plan applicant prior to the preparation and submission of a formal site plan..." (emphasis supplied).
    - iii. If neither is requested, an applicant may request preliminary plat plan and subdivision approval prior to or concurrently with a subdivision and site plan application. Id.
    - iv. Here, the Planning Board received an application on approved Town forms for site plan and/or subdivision approval. The Application expressly sought "Preliminary plat plan approval," "Final plat plan approval," and "Site Plan Approval."
    - v. The Planning Board may integrate the procedures for site plan approval, subdivision approval, and SEQRA. Walworth Code 151-22. The Town Code does not prohibit an applicant from submitting a combined application for subdivision and site plan approval that concurrently requests preliminary plat plan approval and final plat plan approval.
    - vi. Upon request to be added to the Agenda, the Planning Board properly added the Applications to the Agenda, noticed the Applications, and opened the public comment period.
    - vii. Accordingly, the Planning Board may review the combined application as part of the same process, and such process is authorized by the Town Code and New York State Law.
    - viii. The Planning Board's procedure to-date and announced procedure going forward concerning the Windward Project and related Applications have complied with New York State Law, the Town Code, and lawful procedure.

Name of Authorized Official:



Date:

2/24/2026