

Chairperson Landry called the regular meeting of the Planning Board to order at 6:30PM. Members present were Chairperson Landry, Lou Villanova, Doug Flye, and Chris Paap. Also present was Jacob Zoghlin, Attorney for the Town (Underberg & Kessler LLP). 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 from the February 9th Planning Board meeting. Doug Flye made a motion, seconded by Lou Villanova, to accept the February 9th Planning Board minutes. All members were in favor. Motion carried.

Chairperson Landry addressed the first item on the agenda:

1. Application of WO Walworth Solar, LLC for approval of a Site Plan and a Special Use Permit at 5325 Walworth-Ontario Road, Town of Walworth, and County of Wayne. Property is zoned RR1-Rural Residential 1.

Chairperson Landry said public comment has been closed already and the SEQRA has been approved.

Chris Paap made a motion, seconded by Lou Villanova to vote to approve the resolution with conditions as written.

AS ACTED UPON DURING A DULY NOTICED OPEN MEETING OF THE PLANNING BOARD OF THE TOWN OF WALWORTH, COUNTY OF WAYNE, STATE OF NEW YORK, HELD AT THE WALWORTH TOWN HALL AT 3600 LORRAINE DRIVE, WALWORTH, NEW YORK ON MARCH 9, 2026

RESOLUTION TO APPROVE SITE PLAN AND SPECIAL USE PERMIT FOR SOLAR ENERGY SYSTEM PROJECT BY WO WALWORTH SOLAR, LLC, ON PROPERTY AT OR ABOUT 5325 WALWORTH-ONTARIO RD

WHEREAS, site plan and special use permit applications (sometimes collectively referred to herein as the "Application") were filed with the Town of Walworth Planning Board (the "Planning Board") by WO Walworth Solar, LLC (the "Applicant"), regarding the Applicant's proposal to develop a ~4 +/- MW AC Medium to Large Scale Solar Energy System (the "Project") to be located on property at or about 5325 Walworth-Ontario Rd, Walworth, NY (the "Property"), all as more fully detailed in the application materials on file with the Town; and

WHEREAS, on January 22, 2026, in accordance with the New York State Quality Review Act ("SEQR"), the Planning Board, as the lead agency, issued a negative declaration for the Project; and

WHEREAS, the Application has been the subject of numerous Planning Board meetings, including hearings held at such meetings; and

WHEREAS, the Application has been referred to the Wayne County Planning Board, which approved the Application without conditions; and

WHEREAS, the Applicant has submitted a "Grazing Plan" in order to allow the occupation of pre-existing Active Agricultural Lands; and

WHEREAS, the Planning Board has carefully considered all relevant documentary, testimonial, and other evidence/materials submitted, including but not limited to the SEQR EAF, the Application materials, the Applicant's responsive comments and supplementary submittals, including, e.g., Applicant's numerous subsequent submittals responding to the Town's commentary such as the Applicant's submittals on or about September 12th and September 15th 2025 relating to compliance with / satisfaction of applicable Code and Special Use Permit requirements, relevant plans and reports, relevant commentary, reports and materials submitted by consultants and officials of the Town, any relevant correspondence and oral testimony from the public, State, County and local agencies, and any other relevant information submitted.

NOW, THEREFORE, BE IT RESOLVED, that, based upon the submittal of the "Grazing Plan," and without any finding or otherwise as may concern real property taxation, the Planning Board finds and determines as it relates to the Town's Zoning Code only, that, given the number of animals included (approximately from 20 up to 60), the length of time the animals will be continuously present on the Property (from spring [April/May] until the fall [around October]), given that the Agricultural Lands exceeding the 50% threshold comprises only 1.42 acres but that the grazing will be far more extensive – approximately 10x the exceeded area - and given other details of the Grazing Plan, the Planning Board hereby finds that the Project incorporates an onsite activity or program which substantially and materially provides for the use of the land as a farm operation, and the Planning Board finds that the Project shall thus be permitted such exceedance; and, be it further

RESOLVED, that, after such careful consideration, including after considering the standards, criteria and/or requirements for approval in the Walworth Town Code (the "Code"), including but not limited to at Chapter 151 as it relates to the application for site plan, and at Chapter 180 as it relates to the application for special use permit, and based upon and subject to the conditions set forth herein, the Planning Board finds that the Application meets such standards, criteria and/or requirements, including but not limited to for those reasons as detailed in Application materials, including as it relates to the special use permit for those reasons specifically inclusive of those set forth in Applicant's September 2025 submittals of a) the Code and response matrix and b) responses to the 180-54 special use permit standards; and, be it further

RESOLVED, that, based upon said findings, the Planning Board hereby grants approval for the Application, including approval of the special use permit application and approval of the site plan application, all in accordance with the Application materials, and all subject to the following conditions:

1. All outstanding comments of the Town of Walworth shall be addressed, including but not limited to: comments of the Engineer for the Town, to the satisfaction of the Engineer for the Town or designee.
2. The Project shall comply with the Town's Solar Local Law / Town Code unless waived or otherwise specifically dispensed with by the Town in accordance with such Law / Code.
3. Final review, acceptance and approval by the Town of the emergency response plan, the decommissioning plan, and the operation and maintenance plan, all by the Town Code Enforcement Officer or designee upon advice of the Town's Engineer or designee, all prior to issuance of a building permit for the Project. The Project shall operate in compliance with and shall otherwise comply with such approved plans.
4. The Grazing Plan shall be considered a de facto part of the operations and maintenance plan, shall be attached thereto, and shall be required to be complied with throughout the life of the Project.
5. The Applicant shall provide, and the same shall be subject to review and approval by the Town by way of its Code Enforcement Officer or designee, decommissioning security in an amount to be approved by the Town's Engineer based on review of a decommissioning cost estimate, and the security shall be approved by the Town Board, all prior to issuance of a building permit for the Project. Said decommissioning security shall be maintained in accordance with the Code.
6. To the maximum extent practicable, as determined by the Code Enforcement Officer or designee (including, e.g., the Town's Engineer), insofar as it is located on MSG 1-4 soils, the Project shall be constructed, monitored, and decommissioned in accordance with the current version of the NYS Department of Agriculture and Markets' "Guidelines for Solar Energy Projects - Construction Mitigation for Agricultural Lands."

7. The Project shall remain in compliance with the landscaping and vegetation provided and approved by the Planning Board as part of this approval, including specifically but not limited to that the existing vegetation called to remain and which will provide material screening to adjacent residential properties shall be kept and maintained throughout the life of the Project.
8. Before beginning operations, the Project will be subject to inspection by the Town Code Enforcement Officer to determine compliance with Town Code requirements and conditions of this approval.
9. A Stormwater Maintenance Agreement shall be provided to the Town and subject to final acceptance and approval of the Town prior to issuance of a certificate of compliance / operation of the Project.
10. All necessary easements, including any access/utility easements, shall be provided to the Town Building Department and subject to final acceptance and approval of the Town, including that the same shall be recorded and filed to the satisfaction of the Town prior to issuance of a certificate of compliance / operation of the Project.
11. The Applicant will provide a CESIR study and any subsequent agreement for the Project from the relevant electric utility to the Town Building Inspector.
12. After completion, the Applicant shall provide to the Town Building Inspector a post- construction certificate from a Professional Engineer registered in New York State that the project complies with all applicable codes and industry practices and has been constructed and is operating according to the design plans and conditions of approval.
13. All up to date contact information for the applicants, developers, and landowners are to be provided to the Town of Walworth Code Enforcement Officer prior to issuance of a permit or construction beginning and kept up to date with the Town.
14. No permits shall be issued until the NYSDEC Acknowledgement letter has been received by the Town of Walworth.
15. The wetlands boundaries as identified on the site plans and within the Wetland Delineation Report are to be delineated in the field and no disturbance is permitted within these boundaries unless authorized by Army Corps of Engineers and the associated approval letter forwarded to the Town of Walworth, all to the satisfaction of the Code Enforcement Officer or designee.
16. A preconstruction meeting with the Town of Walworth, once all conditions of approval have been met, is required to be held prior to issuance of any permit or construction beginning, all to the satisfaction of the Building Inspector or designee.
17. All means of shutting down the Solar Energy System Facility shall be placed in a location approved by the Code Enforcement Officer and clearly marked. A Knox® box shall be required for access by the local fire department. Initial and annual site-specific training shall be offered to the Code Enforcement Officer(s), Fire Departments, Emergency Response, Wayne County Emergency Management System, and Police Departments, with expenses for such training covered by the Owner/Operator.

18. No certificate of compliance shall be issued until the Dept. of Ag. and Markets NOI process is completed, and any required mitigation is implemented, all to the satisfaction of the Town Code Enforcement Officer or designee.

Chairperson Landry - Aye
Lou Villanova - Aye
Christopher Paap - Aye
Doug Flye - Aye

Motion carried.

Chairperson Landry addressed the second item on the agenda:

2. Concept discussion by Aaron Preston for a Storage Facility at 2140 Walworth Penfield Road, Town of Walworth, and County of Wayne. Property is zoned B-Business.

John August, an owner of the Tops Plaza and Aaron Preston, the applicant, approached the Board. Mr. August said Mr. Preston had a contract to purchase the property which was contingent on the sale of the previous property which fell through, but Mr. Preston is still interested. Mr. August said there has been prior interest in storage as well and is seeking comments.

Mr. Preston explained that the parcel sits behind Tops and he has built a similar project before in Williamson that has worked out well.

Chairperson Landry asked if there were any easements and what the West side driveway was.

Mr. August said there is an easement and there are no plans for the driveway behind the building that Safelight uses.

Chairperson Landry asked if there were plans for an additional driveway off the West side.

Mr. Preston said it is a rough plan drawn by the people the buildings are purchased from who are not very familiar with the property.

Chairperson Landry asked if there is an egress planned as there is only one.

Mr. August said the plan is showing the cut on the West side of the property, but they can go around the front or back of the building.

Chairperson Landry asked what the plans are for lighting and fencing.

Mr. Preston said there isn't electricity and solar lights would likely be used. Mr. Preston said there are buildings around the property, so the fencing would be minimal.

Chairperson Landry asked about snow removal.

Mr. August said extra storage space would be provided behind Tops if it couldn't be handled on site.

Mr. Paap asked if there was room for emergency vehicles.

Chairperson Landry said there was an egress and this is a concept, so it can be adjusted when the final plans are submitted.

Mr. August asked if a Special Use Permit was required or just Planning Board approval.

Chairperson Landry said they should call the Town to get direction.

Chairperson Landry addressed the third item on the agenda:

3. Receive Determination/Communication from Building Department's Authorized Individual Dated February 24, 2026

Chairperson Landry said there are copies of the determination letter available to be reviewed.

Chairperson Landry addressed the fourth item on the agenda:

4. Application of Windward Lake Homes, LLC for approval of a Subdivision and Site Plan at 1 Country Club Drive, Town of Walworth, County of Wayne. Property is zoned PD-Planned Development. (Public Hearing). The application is tabled at the applicant's request, and no action will be taken.

Chairperson Landry said this has been tabled at the applicant's request and there will be no action taken.

Chris Paap made a motion, seconded by Lou Villanova, to continue the public hearing. All members were in favor. Chairperson Landry opened the public hearing at 6:37PM.

Lamont Thomas of 725 Rookery Way approached the Board. Mr. Thomas said there was a document from the Town Board about an expenditure of \$14,000 to update the Town code. Mr. Thomas asked if Chairperson Landry was familiar with this being signed off on.

Chairperson Landry said he has not received anything about this, and the public hearing is not meant to be a back and forth, only a place to give a statement.

Mr. Thomas asked why the code is being updated and how it affects Windward Lake either positively or negatively as it is a document the Planning Board uses.

Chairperson Landry said this would be a Town Board issue as opposed to a Planning Board issue as the Planning Board does not have any control over it.

Phil Williamson of 727 Wood Hill Drive came forward to speak to the Board. Mr. Williamson said the \$14,000 is to contract MRB Group to view and make any changes necessary to the Town design criteria and specifications for construction and has nothing to do with Town code.

Billie Bosdyk of 1212 Fairway 18 came forward to speak to the Board. Ms. Bosdyk said Jason Calder came to her home this week and told her she was not permitted on his property anymore. Ms. Bosdyk said she had been a member of Blue Heron of 21 years and she knows five other people banned from his property. Ms. Bosdyk said Jason Calder said her husband has called the liquor authority 100 times which is not true and this is the type of person the Planning Board is dealing with.

David Sadowsky of 1230 Fairway 18 came forward to speak to the Board. Mr. Sadowsky said he has been before the Planning Board both in Walworth and Irondequoit where he previously lived. Mr. Sadowsky said the Irondequoit Planning Board would ask for people in favor of a project to come forward and then those that were not in favor to come forward to give The Planning Board an idea of what the general sentiment was. Mr. Sadowsky asked if there is anybody here in favor.

Chairperson said the Board is being addressed and not the audience.

Mr. Sadowsky asked the Planning Board if anyone was in favor.

Chairperson Landry said he will not answer right now and there is a procedure to be followed. Chairperson Landry said the information was given to the public as soon as possible and nothing is being hidden. Chairperson Landry said the Planning Board is not pushing this through and intends to follow every code and check every box before proceeding further with this project.

Mr. Sadowsky said the Planning Board should ask for people in favor of this project to come forward. Mr. Sadowsky said we are taking a gem out of this community when there are hundreds of acres of corn and soybean fields available because the land was purchased relatively cheaply.

Chairperson Landry said this is not a debate whether residents want it or not, but for concerns to be voiced. Chairperson said he will not ask people to come up who are for or against the project but will open public comment.

Mr. Zoglin told Mr. Sadowsky that Mr. Sadowsky is at the three-minute limit and needs to wrap it up, so comments can be included in the record, but after finishing if there is more to put forward, please send it in writing, so everything is received.

Mr. Sadowky said he is looking for the positives in this development.

Chuck Gremke of 651 Rookery Way approached the Board. Mr. Gremke said while he is not an attorney, he has always been taught that in contractual matters there is a big difference between the words "may" and "shall." Mr. Gremke said the Town Official that has made this determination has said "may," but the Town code says "shall." Mr. Gremke said he cannot find the word "may" in the Town code and only "shall," so Mr. Gremke believes that is an incorrect determination.

Mr. Zoglin said that particular point was about preapplication site plan conference that may be requested.

Mr. Gremke said in the Town code everything on the preliminary plat is "shall" statements and Mr. Gremke thinks the Town official is misinterpreting "shall" as "may."

Mr. Zoglin said he believes what is being said is that things are allowed to happen concurrently.

Mr. Gremke said that is not the procedure as it is supposed to go through preliminary plat and approval in time for the final proof that was made or disapproved. Mr. Gremke said the way the Town Official Determination shows is that everything is done concurrently.

Chairperson Landry said if there is verbiage to correct, it will be corrected.

Gene Goff of 3442 Woodland Circle approached the Board. Mr. Goff said the third item on the agenda is the Determination of Authorized Town Official and the description does not mention Windward Lake. Mr. Goff said the letter specifically mentions the applicant twice and their intent to build 47 homes on 41 acres and without adding the applicant's name to the agenda item it obfuscates the contents of the letter. Mr. Goff asks that future agenda item states the applicant's name.

Mr. Goff said the Determination of Authorized Town Official document states that The Planning Board may only consider the project that is actually before it. Mr. Goff said this is a unique situation and if only the 41 acres are being considered then the implications of the effect on the Master Plan golf community are not being considered.

Chairperson Landry said that these things will come up when the project is looked at and approved. Chairperson Landry said there will be questions about what will be done with the rest of the property in the near future and the applicant will need to give a determination about that. Chairperson Landry said the process and rules are being followed.

Chairperson Landry asked if there were any comments from the public. Nobody approached

Chris Paap made a motion, seconded by Lou Villanova, to adjourn the public comment. All members were in favor.

Doug Flye made a motion, seconded by Chris Paap to close the Planning Board meeting. All members were in favor. Chairperson Landry closed the meeting at 6:54pm

Respectfully Submitted,
Heather Behrendt, Clerk

