Vice Chairperson Paap called the regular meeting of the Planning Board to order at 6:30PM. Members present were Vice Chairperson Paap, Patricia Marini, Lou Villanova, and Doug Flye. Also present were Brett Malafeew, Code Enforcement Officer, Don Young, Attorney for the Town. Chairperson Landry, Planning Board Member, was not present.

Vice Chairperson Paap addressed the first item on the agenda:

1. **Application of Daniel Shade for approval of a special use permit for property at or about 647 Walworth-Penfield Road, Walworth, NY (but with a mailing address of Macedon, NY), County of Wayne, and zoned Hamlet District. In sum and substance, this application primarily concerns approval of an ice cream shop combined with an existing antique store, all as more particularly described in plans on file in the Town Clerk's Office. A public hearing will be held for this application.**

Vice Chairperson Paap asked for a motion to open public comment.
Patricia Marini made a motion, seconded by Doug Flye to open the public comment. All members were in favor.

Vice chairperson Paap asked if anyone is here to speak to that. No issues were brought forward.

Vice Chairperson Paap asked for a motion to close public comment.
Patricia Marini made a motion, seconded by Doug Flye to close public hearing. All members were in favor.

Vice Chairperson Paap asked for a motion to approve the resolution with the correction to the address of 647 Walworth-Penfield Rd as written.

Patricia Marini made a motion, seconded by Doug Flye to vote to approve the resolution with the correction to the address of 647 Walworth-Penfield Rd as written.

Patricia Marini made a motion, seconded by Doug Flye to approve the resolution with the correction to the address. All members were in favor.

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 SEPTEMBER 14, 2026

RESOLUTION TO APPROVE SITE PLAN AND SPECIAL USE PERMIT FOR ICE CREAM SHOP ON PROPERTY AT OR ABOUT 647 WALWORTH-PENFIELD ROAD

WHEREAS, site plan and special use permit applications (sometimes collectively referred to herein as the "Application") were filed with the Town of Walworth by Daniel Shade (the "Applicant"), regarding the Applicant's proposal to operate an ice cream shop (the "Project") on property at or about 647 Walworth-Penfield Rd., Walworth, NY (the "Property"), all as more fully detailed in the application materials on file with the Town; and

WHEREAS, the Application was referred to the Wayne County Planning Board, which approved the Application.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board has carefully considered and taken a hard look at all potential environmental impacts of the Application, including that it has considered the Application and all relevant information, and finds that, as it pertains to the State Environmental Quality Review Act Short Form EAF

Part 2, all items identified are found to have "No, or Small Impact . . .," including for all those reasons set forth in the record of the Planning Board, and that such Part 2 be issued in accordance with such findings; and, be it further

RESOLVED, that, as per the above, the Application will not result in any significant adverse environmental impacts, that a negative declaration is hereby issued, and that the Short EAF Part 3 be completed in accordance with such negative declaration; and, be it further

RESOLVED, that, in relation to site plan application, a) the Planning Board hereby waives any additional requirements relative to site plan mapping given that the structure housing the Project is already existing and further mapping is thus unnecessary, and b) the Planning Board has carefully considered all relevant information submitted, including but not limited to the Application materials, as well as any other relevant information submitted, and, in consideration the same, and in consideration each of the criteria/factors for the granting of the requested and site plan, and the Board hereby issues approval of the site plan application, in accordance with the Application materials, subject to the conditions set forth herein; and, be it further

RESOLVED, that, in relation to the special use permit application, the Planning Board has carefully considered the relevant standards, criteria and/or requirements for approval in the Walworth Town Code (the "Code"), including but not limited to at Chapter 180 as it relates to the application for special use permit, and the Planning Board finds that, subject to the conditions set forth herein, the Application meets such standards, criteria and/or requirements, in sum, as follows:

The Application is consistent with the harmony of the area and the public health, safety and welfare: Upon information and belief, the Property has historically been used in a commercial capacity (to sell antiques) and is thus consistent with the character of the area. The structure that will be utilized in association with the Application is existing and is sufficient to support the Project. Given that no new structures are being proposed, there are no potential impacts that would otherwise result from further development. The proposal is consistent with the current zoning of Property, which permits the use where a special use permit is obtained. The Property provides sufficient parking. Finally, the proposal will avoid any significant adverse impacts, as confirmed via the Town's SEQR negative declaration.

AND, BE IT FURTHER, RESOLVED, that, based upon said findings, the Planning Board hereby grants approval of the special use permit application in accordance with the Application materials, subject the conditions set forth herein; and, be it further

RESOLVED, that approval of the Application is subject to the following conditions:

1. The approval shall permit the operation of an ice cream shop. Any change in type of restaurant shall require further approval in accordance with applicable Code.

2. All outstanding comments of the Town of Walworth shall be addressed, including but not limited to:
    a. Comments of the Engineer for the Town, to the satisfaction of the Engineer for the Town or designee; and
    b. Comments of both the Building Inspector and Code Enforcement Officer of the Town, all to the satisfaction of the respective commentor or designee, including but not limited to:
        i. That a sufficient barrier (such as bollards) shall be placed between the parking area and the outside seating area to help protect against entry of vehicles into the outside seating area.

3. Obtain any necessary permits and approvals required from other governmental agencies and address relevant outstanding comments of the same, all to the satisfaction of the Town Building Inspector or designee.

4. The Project shall be compliant with applicable Building and Fire Code, all to the satisfaction of the Town Building Inspector.

The above resolution was offered by _Patricia Marini_ and seconded by _Doug Flye_ at a meeting of the Planning Board held on September 14th, 2026. The following vote was then taken:

Vice Chairperson Paap - Aye

Lou Villanova - Aye

Patrica Marini - Aye

Doug Flye - Aye

Vice Chairperson Paap addressed the second item on the agenda:

2. **Application of Norbut Solar Farms, LLC for approval of an amendment to the existing site plan and special use permit for property located at or about 1045 Kuttruff Road, Walworth, NY in the County of Wayne, and zoned RR-1. In sum and substance, this application primarily concerns revision of the previously approved solar facility to remove the battery energy storage system and related facilities (such as water), all as more particularly described in plans on file in the Town Clerk's Office.**

Vice chairperson Paap stated we closed public hearing at last month's meeting and there are no additional comments to be brought up.

Vice Chairperson Paap asked if there is anyone from Norbut to speak on this.

Victor Ciaccia from Norbut Solar Farms approached the board. Mr. Ciaccia said he came in front of the board last month, which they were waiting to hear back from county. Mr. Ciaccia stated he is here to answer any other questions for the board.

Vice Chairperson Paap asked if we heard back from county, Patricia Marini said yes.

Vice Chairperson Paap asked for a motion to approve the amendment to the existing plan for Norbut.

Don Young asked if that is for the written resolution, the draft.

Vice Chairperson Paap stated yes and apologized.

Patricia Marini made a motion to approve, seconded by Lou Villanova. All members were in favor.

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 AUGUST 10, 2026

RESOLUTION TO AMEND APPROVAL FOR SITE PLAN AND SPECIAL USE PERMIT FOR SOLAR ENERGY SYSTEM PROJECT BY NORBUT SOLAR FARM, LLC, ON PROPERTY AT OR ABOUT 1010 ATLANTIC AVE., 1045 KUTTRUFF RD., AND 4251 CANANDAIGUA RD., WALWORTH, NY, 14568

WHEREAS, site plan, subdivision and special use permit applications made by Norbut Solar Farm, LLC (the "Applicant") regarding the Applicant's proposal to develop a 5 +/- MW AC Medium to Large Scale Solar Energy System located on property at or about 1010 Atlantic Ave., 1045 Kuttruff Rd., and 4251 Canandaigua Rd., Walworth, NY, 14568 (the "Property") were approved by the Town of Walworth Planning Board on or about Oct. 14, 2025,

including after the completion of environmental assessment pursuant to the New York State Quality Review Act ("SEQR"), as well as the acquisition of waivers by the Town Board in relation to the applications; and

WHEREAS, the Applicant has now filed an application to amend the site plan and special use permit approvals, in sum and substance, to remove the previously approved battery energy system and related infrastructure (including water utilities), as well as to slightly modify the interior of the approved solar energy system, resulting in an overall reduction in the lot coverage the project, with such amended application including a revised plan set entitled "NSF Walworth EPC" dated on or about June, 2026 (the "Amended Application"); and

WHEREAS, the Planning Board has carefully considered all relevant documentary, testimonial, and other evidence/materials submitted, including but not limited to the relevant prior materials associated with the proposal, and any other relevant information submitted to the Planning Board.

NOW, THEREFORE, BE IT RESOLVED, that, given that the scope and impact of the proposal has been reduced in size and scope by removal of the associated battery energy storage system, and that the proposal otherwise remains materially similar to the original application, the Planning Board finds that the original SEQR analysis is sufficient and applicable to the Amended Application, including the negative declaration, and that no further SEQR analysis is required; 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 site plan, and at Chapter 180 as it relates to the special use permit, and based upon and subject to the conditions set forth herein, the Planning Board finds that the Amended Application meets such standards, criteria and/or requirements; and, be it further

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

1. All those conditions (the "original conditions") set forth in the original approval resolution approved by the Planning Board on October 14, 2025, which such conditions are incorporated herein and made a part hereof by reference, but a) with such original conditions being modified to reflect the Amended Application, including that any associated plans (e.g., the decommissioning plan) be reflective of the Amended Application, and b) excepting any original conditions only to the extent they deal with the battery energy storage system and related infrastructure that has been removed under the Amended Application.

2. Any additional comments of the Town of Walworth flowing out of this Amended Application shall be addressed to the satisfaction of the Town, including but not limited to those in any comment letter of MRB issued in September of 2026.

3. The above Resolution was offered by _Patricia Marini_ and seconded by _Lou Villanova_ at a meeting of the Planning Board held on September 14, 2026.

Following discussion thereon, the following roll call vote was taken and recorded:

Vice Chairperson Paap – Aye

Lou Villanova - Aye

Patrica Marini - Aye

Doug Flye - Aye

Vice Chairperson Paap asked the board to make a motion on last month's minutes for August 10th. Doug Flye made a motion, seconded by Patricia Marini, to accept the minutes for August 10th Planning Board minutes. All were in favor. Motion carried.

Patricia Marini made a motion, seconded by Doug Flye to close the Planning Board meeting. All members were in favor. Vice Chairperson Paap closed the meeting at 6:33PM.

Respectfully Submitted,

Kennahdy Williams, Clerk