

Chairman Gene Bavis called the regular meeting of the Planning Board to order at 7:30 P.M. Members present were Chairman Gene Bavis, Rick Johnson, Elaine Leasure, Marlene Hall (alternate), Deb Amsler and Karel Ambroz. Also present Phil Williamson, Code Enforcement Officer, Norm Druschel, Building Inspector, Jody Allan, Town Engineer (LaBella Associates) and Denise Munson, Town Attorney, Tom Yale (Planning Board Liaison).

Rick Johnson made a motion, seconded by Karel Ambroz to dispense of the reading of the formal legal notice.

Motion carried.

Karel Ambroz made a motion, seconded by Rick Johnson to approve the minutes of October 15, 2013 with one correction, page 977: 3. Other, 2nd paragraph, last sentence should read: The public hearing will be held on Tuesday, November 12, 2013.

Roll Vote:	Rick Johnson	Aye
	Elaine Leasure	Abstained
	Marlene Hall	Aye
	Chairman Bavis	Aye
	Karel Ambroz	Aye
	Deb Amsler	Abstained

Motion Carried.

Chairman Bavis explained that said that he would be recusing himself from the 4th item on the agenda, the Application of Walworth Plaza LLC (TOPS project) public hearing and Elaine Leasure, Vice Chair would take over. Alternate Marlene Hall will be a voting member.

1. Renewal of Approval of the Site Plan for 161 Atlantic Avenue and 171 Atlantic Avenue, west of County Line Road, originally prepared by Passaro Associates and approved by the Planning Board on August 19, 2009. Property is zoned: RR-1 Rural Residential 1 – 1 acre.

William Calder, property owner was present regarding re-approval of the Site Plan for 161 and 171 Atlantic Avenue, originally prepared by Passero Associates and approved by the Planning on September 14, 2009.

Chairman Bavis read the following letter addressed to William Calder from John Caruso, P.E. PMP, Passero Associates, dated November 4, 2013:

“As a condition of re-approval for lots #161 and #171 Atlantic Avenue, the Town of Walworth is requiring an updated certification of the design engineering for the individual waste water systems. By this letter I am re-certifying the design engineering for those systems, as shown on lots R-3B and R-3C on the originally approved design plans titled “Re-subdivision of Lot 3 of the O’Brien Subdivision” and dated August 2009.

Please note that additional erosion control (siltation fencing) will need to be installed between the proposed homes and proposed leach fields. This is the only modification from the original design plans and is required by the Town of Walworth.”

Norm Druschel said that the plan was updated to show erosion control details. An MS4 Stormwater Pollution Prevention Plan (SWPPP) has been submitted to the Town.

Karel Ambroz made the following motion, seconded by Elaine Leasure to approve the re-certification of the site plan for both 161 and 171 Atlantic Avenue for a 12-month period of time, beginning November 12, 2013.

Roll Vote:	Rick Johnson	Aye
	Elaine Leasure	Aye
	Chairman Bavis	Aye
	Deb Amsler	Aye
	Karel Ambroz	Aye

Motion Carried.

2. Application of Katherine Cooman for 2-Lot Realty Subdivision to subdivide a portion of her property at 4350 West Walworth Road and convey 3.687 acres to adjoining property owner, Thomas and Kimberly Cooman at 922 Atlantic Avenue. The conveyance of 3.687 acres will increase the parcel size from 1.374 acres to 5.061 acres. Property is zoned: RR-1 – Rural Residential 1 – 1 acre.

David A. Weisenreder, P.E., Costich Engineering, P.C., Inc. , 217 Lake Avenue, Rochester, New York 14608 was present, along with Linda Pembroke, POA for Katherine W. Cooman. Mr. Weisenreder explained that Katherine Cooman (4350 West Walworth Road, intends to subdivide a portion of her property and convey it to her son and daughter-in-law, Thomas and Kimberly Cooman (922 Atlantic Avenue). Thomas and Kimberly Cooman currently own a 1.374 acre parcel residential parcel that fronts on Atlantic Avenue. When the proposed 3.687 acre conveyance is combined with the existing 1.374 acre parcel the resulting lot are will be 5.061. A subdivision map, prepared by Costich Engineering, dated 09/13/2013 was provided for review.

Mr. Weisenreder read a letter from the Wayne County Planning Board, dated 10/31/2013:

“At its regular meeting on October 30, 2013, the Wayne County Planning Board reviewed the above reference referral and recommended approval of the Preliminary/Final Subdivision Plan with the following comments:

- 1) The proposed lots should be configured with enough area to contain an existing an/or construct a new septic system that will meet NYS Department of Health regulations,
- 2) The proposed lots should be configured with enough area to obtain an existing and/or construct a new driveway that will meet AASHTO (American Association of State Highway and Transportation Officials) recommendation for sight distance and
- 3) Future plans (if any) for the total acreage should be considered.”

Mr. Weisenreder said that part of the driveway and the road access of the Thomas and Kimberly Cooman property are currently on Katherine Cooman’s property. With the conveyance of land, the 5.061 acres would include the entire driveway. Discussion ensued about sight distance of the existing driveway. The sight distance is 375 ft. and has been in the same location for 50 years with no problems. Given the topography the existing driveway is the safest location.

Chairman Bavis opened the public hearing.

There were no comments from the public.

Elaine Leasure made a motion, seconded by Karel Ambroz to close the public hearing. Motion carried.

Karel Ambroz made a motion, seconded by Rick Johnson for preliminary and final subdivision approval for property located at 4350 West Walworth Road.

Roll Vote:	Rick Johnson	Aye
	Elaine Leasure	Aye
	Chairman Bavis	Aye
	Deb Amsler	Aye
	Karel Ambroz	Aye

Motion Carried.

3. Application of Dana and Dr. Kristin Brown for Home Occupation, Major – Category B to operate a horse boarding and training facility at 4846 Lincoln Road. Property is zoned: RR-1: Rural Residential.

The applicants, Dana and Dr. Kristin Browne, DVM were present to answer questions from the Board. They previously appeared before the Board at the September meeting and the Board was receptive to their plans for a home occupation, Major – Category B to operate a horse boarding and training facility. Mr. Browne explained that they are the owner and operator of TheraVet Acres Rehab and Fitness in Penfield and have a purchase offer in on the Flannery property at 4846 Lincoln Road. Dr. Browne’s training Troy Wing will live on the premises and operate the facility. The plans are to keep the character and operation of the property much the same as the current operation with only a few improvements planned.

Immediate upgrades include:

- New outdoor sand riding ring (approx.. 100 x 200 ft.) north of house
- Upgrades to the small barn (fix up stalls, and add several outdoor paddocks)
- Reconfigure tack room into larger space and create a grain room to get grain out of aisles and away from pest/rodents, etc.
- Remove small paddock area and convert to larger pasture area (reseed with grass)

Upgrades within the two to three years include:

- Cross Country Course
- Larger barn modifications to allow more light and air in via installation of top half of Dutch doors in read block walls of each stall
- Indoor wash stall for winter use
- Land clearing for additional pasture

Chairman Bavis asked the Board if they had any questions. Karel Ambroz asked about signage. Mr. Brown said that there would be a new sign that would be the same size and in the same location as the one currently there. There will not be any additional lighting on the property.

The Board did not have any further questions for the applicant.

Chairman Bavis opened the public hearing.

There were no comments from the public.

Karel Ambroz made a motion, seconded by Deb Amsler to close the public hearing. Motion carried.

Elaine Leasure made the following motion, seconded by Deb Amsler:

Having received an application of Home Occupation Major – Category B at 4836 Lincoln Road, for the purpose of operating a horse boarding and training equine facility and after hearing all parties wishing to speak for or against the request, I move the request for a Home Occupation, Major-Category B be granted because it does meet the criteria set forth in the definition of Home Occupation Major Category B in Section 180-43.1D(2): Occupation Major, Category B.

1. The property is in full compliance with the provision of Chapter 180 of the Municipal Code of the Town of Walworth.
2. The occupation use is incidental, secondary and/or subordinate to the use of the dwelling unit for residential purposes.
3. No other Home Occupation, Major – Category A or Home Occupation, Major – Category B is conducted on the premises.
4. The proposed Home Occupation, business or profession will not employ more than one (1) person on the premises who does not reside on the premises. Trainer Troy Wing will be living on the premises and operating the facility.
5. The Fire Marshall and Building Inspector will certify that the structures and proposed use comply with the New York State Uniform Fire Prevention of Building Code as applicable to the Town of Walworth Municipal Code Chapter 180.
6. The proposed home will be advertised by a sign that is in full compliance with Chapter 180-40(E)(1).
7. Hours of operation will be 8 A.M. – 8 P.M (seven days a week).
8. There will be a maximum of thirty (30) horses boarded on the property.
9. Manure will either be stockpiled and removed or spread on-site according to town regulations and within the setbacks prescribed by the Town Code.
10. There will a maximum of three (3) small horse shows a year (with 15-20 participants at any one show). All vehicles will be accommodated on the property. All shows would be during weekend daytime hours only.

- 11. The proposed home occupation use is not involved in keeping of a stock in trade on the premises and is no engaged in the purchase of goods for resale or sale of goods where the stock in trade or goods are kept or stored on the premises at any time for any length of time.
- 12. The proposed occupation, business or profession proposes to store all goods, materials, equipment and inventory including vehicles inside the house or an accessory building except storage of tractor and some implements, which is impractical or the applicant is unable to provide storage for.

Roll Vote:	Rick Johnson	Aye
	Elaine Leasure	Aye
	Chairman Bavis	Aye
	Deb Amsler	Aye
	Karel Ambroz	Aye

Motion Carried.

4. Application of Walworth Plaza LLC for Preliminary and Final 3-Lot Subdivision Approval for 9.8 acres to be subdivided into three out parcels. One parcel (approx. 6.9 acres) will contain a new 42,600 sq. ft. Tops Friendly Market grocery store, with room for a future 9,600 sq. ft. expansion and a new 6,500 retail building with associated parking. Applicant is also seeking Preliminary and Final Site Plan approval for the one parcel to be developed. Property is located at 2140 Walworth-Penfield Road, approximately 1000 ft. west of the corner of Walworth-Palmyra Road. Property is zoned: B – Business. (public hearing)

Chairman Bavis recused himself and vice Chairperson, Elaine Leisure took over as acting Chair for this project.

Chairperson Leasure gave a brief introduction and said that the public hearing will have two parts: the subdivision of the property into three parcels and then the preliminary and final site plan approval. The Tops representatives will have a chance to present their information, the planning board will ask their questions, town employees will make their comments and then the floor will be open for public comments.

Chairperson Leasure asked for a motion to declare the Planning Board as Lead Agency for the project for SEQR.

Karel Ambroz made a motion, seconded by Rick Johnson to declare the Planning Board Lead Agency. Motion carried.

Chairperson Leasure opened the public hearing for subdivision portion of the project.

Chairperson invited the applicant to make a presentation on just the Subdivision portion of the application.

Jerry Goldman, attorney and agent for Walworth Plaza LLC introduced key people involved in the project. Mr. Goldman explained that the request is for a 3-Lot Subdivision to be located on the south side of Walworth-Penfield Rd, approximately 1000 feet east of Walworth-Palmyra Road, opposite Teresa Drive. The 10 acres parcel is zoned B – Business. The proposed subdivision will result in a 7 acre parcel to be developed and two outparcels, one 2.00 acres to the west and one 1.00 acre with frontage on Walworth-Penfield Road, both for future occupancy. The three parcels will have cross easements in place for access. There will be two access points on the County Road. Mr. Goldman said that they have worked closely with County officials on the best location. As they move forward with future development of the two parcels; there will be no additional accesses onto Walworth-Penfield Road.

The 7.0 acre parcel will contain:

- a 42,674 sq. ft. TOPS Friendly Market, with room for a future 9,600 sq. ft. expansion
- a 6,500 sq. ft. retail building
- a gas fueling island

Mr. Goldman briefly discussed drainage and storm water management. Storm water runoff from the storm sewers and swales enter a detention pond at the southwest corner of the property. The system is design so that the rate of runoff from the property will be less than pre-existing conditions in the area. There will be cross easements in place for the overall management of the property. This project will actually provide for a planned and engineering approach to storm water management in this area.

Chairperson Leasure noted for the record that the following review letters have been received and are on file at the Town Hall:

- Recommendation letter from LaBella Associates, Town Engineer
- Review/comment letter from LaBella Associates, Town Engineer
- Review/comment letter from Wayne County Planning Department dated October 31, 2013
- Review/comment letter from County of Wayne Department of Public Works dated October 23, 2013
- Updated Review/comment e-mail from County of Wayne Department of Public Works dated November 12, 2013.

Jody Allan was asked if she had any comments and she that she did not.

Elaine Leasure asked each Planning Board member if they had any questions regarding the subdivision and they did not. Karel Ambroz said that it was important for the public to know that even though they are not asking questions now, the Planning Board members have received and reviewed extensive information, and have had questions answered at previous worksessions, etc.

Chairperson invited the public to speak regarding the subdivision of the land only.

There were no comments from the public.

Rick Johnson, made a motion, seconded by Karel Ambroz to close the public hearing on the subdivision of the land. Motion carried.

Rick Leasure moved adoption of the following resolution for a Non-Conditioned Negative Declaration regarding SEQR; seconded by Deb Amsler:

**SEQR RESOLUTION – NEGATIVE DECLARATION
TOPS Subdivision
2140 Walworth-Penfield Road**

RESOLVED that in accordance with the New York State Environmental Quality Review regulations (SEQR), the Planning Board of the Town of Walworth announces its intent to service as Lead Agency to conduct an environmental review under Section 617.7 of the New York Codes, Rules and Regulations (NYSCRR) of the proposed action to subdivide the property at 2140 Walworth-Penfield Road into three lots.

FURTHER RESOLVED, that the Planning Board has determined that the proposed action is an “Unlisted Action” as defined under SEQR.

FURTHER RESOLVED, that the Planning Board, in its capacity of Lead Agency, has caused to be prepared an environmental assessment of the significance of potential environmental impacts associated with the above-listed action. The Planning Board declares that, based on the environmental assessment which has been prepared, the action will result in no major impact, nor cause significant damage to the environment, and the preparation of an Environmental Impact Statement is not warranted. A Negative Declaration under SEQR is therefore issued for this project.

Roll Vote:	Rick Johnson	Aye
	Marlene Hall	Aye
	Elaine Leasure	Aye
	Deb Amsler	Aye
	Karel Ambroz	Aye

Motion carried.

(Original Resolution filed in the office of the Town Clerk)

Karel Ambroz made a motion, seconded by Deb Amsler to grant preliminary and final 3-lot subdivision plan approval with the following condition:

- 1) That the comments from County of Wayne Department of Public Works and the Town Engineer are addressed to the satisfaction of both parties.

Roll Vote:	Rick Johnson	Aye
	Marlene Hall	Aye
	Elaine Leasure	Aye
	Deb Amsler	Aye
	Karel Ambroz	Aye

Motion carried.

Chairperson Leasure asked Mr. Goldman to speak on the site plan.

Jerry Goldman said that the project is designed to take place on the now subdivided 7 acres parcel as shown on the site plan. Mr. Goldman began by thanking the town staff and the Planning Board for their valuable input throughout the process. Mr. Goldman said representatives also attended the Wayne County Planning Board on October 30, 2013. The Wayne County Planning Board in a letter dated October 31, 2013 recommended approval of both the subdivision and site plan with comments. The site development is fully compliant with all town codes in regard to lot size, location, proposed parking and setback requirements. The only variance that is being requested is for signage related to commercial development.

Mr. Goldman then asked Robert Bringley of Marathan Engineering to expand upon some of the engineering aspects of the project. Robert Bringley said that he met with Kevin Rooney, P.E., Wayne County Superintendent of Public Work regarding the suggestions in the October 23, 2013 review letter. In response to his concerns and recommendations by the Wayne County Planning Board the developer has agreed to the following:

- Widening the shoulder/right-turn lane for eastbound traffic (on Walworth-Penfield Road)
- A left-turn lane for westbound traffic (on Walworth-Penfield Road) to access the eastern driveway.
- Addition of a crosswalk across from Teresa Drive.

Mr. Bringley said that the two entrances were important for truck circulations (to reduce the amount of backing up and maneuvers on the site) and also for access for future development of the 2-acre parcel to the west.

There are a total of 239 designated parking spaces, but only 188 are to be constructed at this time which the developer feels will be sufficient to meet the demands of customers and employees. The remainder of the spaces proposed for future expansion will only be constructed if necessary.

The developer will be paying for improvement required to connect this development to the municipal sanitary sewer located on the north side of Walworth-Penfield Road and once constructed dedicated back to the Town of Walworth. The sanitary sewer district will be extended to include the Plaza and professional office building and the property directly to the west. It will be extended to the east to allow the temporary ambulance building to connect into the sanitary sewer, instead of pumping up to Church Street. The Town of Walworth Sewage Treatment Plant has the capacity to handle the projected discharges from the site.

Mr. Bringley discussed lighting at some length. A lighting plan has been submitted to the Town and there are provisions in place to mitigate the impact of lighting. The hours of operation will be from 6:00 AM to 12 PM (store) and 6:00 AM to 11 PM (fuel island). The lights will be put on a timer so that some of the lights will be turned off or dimmed upon closing with security lighting only on the fuel island. Mr. Bringley explained that the Tops store is 18 ft. lower than the center line of the road and the fuel island is 14 ft. lower which will reduce the impact of the lighting. Additionally, the store itself is 320 ft. from the road. The recessed lighting on the fuel canopy at the fuel island is dark sky compliant to reduce the spillage of light onto nearby properties. The light poles are 30 ft. high.

Chairperson Leasure noted for the record that the following review letters have been received and are on file at the Town Hall:

- Recommendation letter from LaBella Associates, Town Engineer
- Review/comment letter from LaBella Associates, Town Engineer
- Review/comment letter from Wayne County Planning Department dated October 31, 2013

- Review/comment letter from Wayne Department of Public Works dated October 23, 2013.
- Updated Review/comment email from County of Wayne Department of Public Work dated November 12, 2013,
- Review/comment letter from the Town of Walworth Fire Department dated October 31, 2013.

Chairperson Leasure asked for a motion to declare the Planning Board as Lead Agency for the project for SEQR related to the Site Plan.

Karel Ambroz made a motion, seconded by Rick Johnson to declare the Planning Board as Lead Agency for the project for SEQR related to the Site Plan. Motion carried.

Chairperson Leasure asked the Jody Allan, Town Engineer for the project for her comments.

Jody Allan said that she has met with the applicant several times to review engineering details that were primarily technical in nature. Ms. Allan said that all comments on such key matters as traffic, lighting, water, sanitary sewer and drainage have been addressed to her satisfaction. If the project is approved the sanitary sewer district extension will need to go before the Town Board for approval prior to installation of the sanitary sewer improvements. Ms. Allan said she had also talked with Kevin Rooney regarding the proposed changes

Chairperson Leasure invited questions from the Planning Board members.

Karel Ambroz stated that that lighting concerns are an issue to those residents living across the road from the site and wanted to be sure that the developer would set up a time to meet with those residents. The developer, as he previously stated, agreed to set up a meeting with the residents.

Mr. Ambroz asked if something had changed regarding tying in the entrance to the professional building with western entrance to the Tops plaza. Mr. Bringley said that he had discussed this with the owner of the professional building and they wanted to maintain their own identity. The entrance to the professional building will be relocated approximately 60 ft. to the west. The line of tree will need to be removed, but new landscaping will be provided. Karel Ambroz then asked how relocating the entrance would affect sight distance. The sight distance of the professional building will actually be improved when the entrance is relocated. The

Rick Johnson thanked the applicant for providing all the information and keeping all updated throughout the entire process.

Chairperson Leasure asked what the width of the western entrance is at the mouth. The width at the entrance is 105 ft.

Karel asked if a 35 ft. turn radius is enough to handle a tractor trailer coming in and out and Mr. Bringley said that a computerized auto turn analysis was done and 35 ft. is adequate. Also, by widening the shoulder it allows for a bigger swing.

She also asked if there would be any lighting at the entrance. There will not be any lighting at the entrance.

The Board had no further comments.

Chairperson Leasure invited the public to share their comments.

Chairperson Leasure read into the record three letters that had been submitted.

Stephanie Williams, 3900 Orchard Street

"I am writing to ask that you reconsider the approval of Walworth Plaza LLC. As a community member who care to see Walworth do well, I feel approving this application is a step in the opposite direction of what the town's goals are for Walworth's progress.

It's important to clarify that I do not necessarily oppose the idea of a grocery store in Walworth. However, I feel the proposed location is not the right fit for the area from a safety and planning perspective. In my opinion, it would be a waste of time and resources to build a commercial plaza in what appears to be a cramped parcel of land when Walworth residents have the option of a TOPS and a Wegman's equal distance from the center of town. Logistically, I fear it would contribute to an already congest hot spot on 441 during evening hours, even if lands were expanded. Aesthetically, I fear a TOPS built on the proposed site would appear inappropriately out of place.

Today's young families are attracted to towns with character and community and the loss of an active business district in the Walworth Hamlet is a shame. I consider Walworth to be a hidden gem with a wealth of potential for growth while still celebrating and honoring the past. I ask that you do your due diligence in exploring what it would take to revitalize Main Street and recruit local entrepreneurs to open up shop as an alternative to this proposal.

As someone who has left town and came back – twice – I hope to someday settle and raise my children in Walworth. My family chose Walworth for a reason, I am thankful to have been brought up with the best of both worlds (even if I said differently growing up).

I understand the need for the town to generate revenue and create local jobs for our neighbors, really I do, but I urge you to consider the long-term effects of approving any and every business application that comes our way. Approving the application of Walworth Plaza LLC, in my opinion, is selling Walworth out. There are several other options to consider and if you truly cared for Walworth's future, you would see why building a commercial plaza in a hamlet would be unwise.

I do my best to pick my battles wisely and realize I am in the vocal minority of this debate. Please understand that I would not speak up if I didn't feel as passionate as I do about the future of this town. Thank you for your consideration."

Linda Nau, 3414 Woodlands Circle

"We support in any way possible the opening of a Tops Supermarket in Walworth. As someone who lives in the Gananda Community, I welcome the addition of this store to this area. I do not appreciate having to travel to Penfield in order to grocery shop. I like the variety of merchandise that Tops carried. Their prices are usually significantly lower than Wegman's and the service just as friendly. Please encourage them to the join the Walworth Community.

Dennis and Joan Muoio, 3480 Teresa Drive

"We are out of town and unable to attend tonight's meeting in person. As Walworth residents for the past 35 years, we feel that it is in the best interest of the town and residents of Walworth to approve the application of the Walworth Plaza LLC. The increase to local employment, positive effects on property values and addition to the tax base are of course, beneficial enhancements. In our opinion, the addition of the established supermarket would be a surefire convenience to local residents. We ask that the row of standing pines remain in place and be used to beatify the project."

Gerald Cala, 2132 Johnny Lane

Jerry Cala spoke regarding the following concerns to the TOPS proposal:

- Adequate visual screening for residents directing facing development, such as specimen street trees (flowering trees for example) and berms.
- One In-Only entrance at western end of property, accessible from the east bound land only.
- Pedestrian friendly access to the store that would include: a crosswalk and stoplight at Teresa Drive and Route 441 and a walkway from intersection leading to the store (eliminating the need to walk through a busy parking lot).
- Situate gas station along eastern property line opposite Teresa Drive in order to distance it from being directly in front on any residence on the north side of Rte. 441.
- Create architecture that fits a residential village setting by dividing the façade to appear as several smaller store fronts with gable roof lines (more like a colonial village). More like Fairport and Pittsford.
- Use of conservative signage.

Mr. Cala said, "I'm hoping that the 'TOPS Friendly Market' slogan extends to some of these recommendations."

David Lynch, 2129 Walworth-Penfield Road

Mr. Lynch said he lived directly across the street and voiced the following concerns:

- Illumination – If the illumination is on 30 ft. poles, the drop off from the road to the parking lot is only 12 ft. The site plan does not consider landscaping along the front. He suggested a berm with low level shrubs to block the light from the fuel island.
- Agreed that the crossroad is positive, but still expressed major concerns in regard to traffic despite a crosswalk.

- Traffic – the traffic moving along Walworth-Penfield Road in both directions does not obey the 30 mph speed limit and even with the proposed crosswalk, he still expressed concerns. He also expressed major concerns about access and turning points into the parking lot.

Dorothy French, 2119 Walworth-Penfield Road

Dorothy French spoke on behalf of herself and her husband, Herman who live directly across from the western entrance/exit. The following concerns were raised:

- Dorothy French agreed with her neighbor, David Lynch regarding the lighting at the western entrance and spillage of light onto her property and into her windows.
- Mrs. French said, "From a marketing standpoint, if Tops wants to capture business especially from the Gananda area; the Route 441 corridor near Canandaigua Road would be a much better site."
- Expressed concerns about the western entrance at the top of the hill and motorist who don't obey the 30 mph speed limit and lack of a police presence.
- Property values will decrease the value of her house that they work hard to maintain.
- Mrs. French said that nobody involved with the project had contacted them to discuss any concerns that they may have.

Dennis Roach, 3803 Teresa Drive

Mr. Roach spoke in favor of the project stating the potential for needed services (perhaps a bank or pharmacy), and employment opportunities in the area. He expressed that diligence of the developer and engineers in mitigating some of the concern of the residents. He stated that some of the fears may not come to pass. He expressed that the additional revenue to the Town will help keep taxes low.

Steve MacNeal, Chairman of the Board of Fire Commissioners

Steve MacNeal asked who was responsible to maintain the system from the ambulance building to the TOPS property and what would happen if the ambulance building is taken down in the future as it is only temporary.

Steve McNeal - 3376 Hunter Circle

Steve McNeal spoke in support of the project as a resident and past president of the Walworth Hamlet Association. He expressed sympathy for the concern expressed by the residents, but felt that this could be the boost that the hamlet of Walworth needs to regenerate itself. He said that he grew up in Walworth, left and came back and remember hanging out at the hardware store with his friends to hang out and would like to see similar business in town.

Derrick Winters, 3688 Main Street

Derrick Winters said, "I know traffic was mentioned and I recommend that a Traffic Study could be done if it hasn't been done already. It is only two lanes all the way to Penfield. I travel each day to Rochester and the thought of 293 parking spaces with 18 wheelers and traffic is a concern. I have moved here from the Boston area and I enjoy the small town atmosphere and I would like to keep it small. I don't know why there can't a strip mall will small businesses, why we have to have a large corporation." He expressed that there were be a "snowball effect" by allowing Tops to come to the area. He also said he also fears that with Ginigaw Park nearby, kids will be dodging 18 wheelers.

(Chairperson Leasure told the applicant that a complete Traffic Impact Study was conducted by SRF Associates (on filed at the Town Hall/Building Dept.)

Gene Bavis, 3655 Main Street

Gene Bavis expressed that the western entrance should be one-way only entrance with no exit. This would help to mitigate some of the lighting issues, particularly for the French's and Lynches across the street. He did not feel that it would impact traffic circulation, as trucks could still enter the western access and exit the east access. Although the sight distance is adequate, the sight distance would be better if exiting further east. He also would encourage additional screening (street trees).

Laura Secaz, 3819 Teresa Drive

Mrs. Secaz said that her husband and she are both very much in favor of the project as they enjoy walking around town. She said it would be fabulous to keep her business and her money right here in Walworth. She said that there are a number of businesses that have moved out, such as S&L Café and the proposed Tops may encourage other business to move into Walworth and foster growth in the town. She also mentioned the job opportunities for the residents. Although she sympathized with the people that live directly across from the property, she said that new types of lighting does not “spill” out onto neighboring properties and may not be as much of an issue as the neighbors expect. She also stated that a grocery store could potentially increase property values, as some residents welcome such services within walking distance.

Ken Morrison, resident of Palmyra

Ken Morrison spoke in support of Tops, saying that the variety and quality of the food, such as seafood and meats would be a benefit to the Town and nearby communities. The gas prices are competitive with other businesses.

John O’Toole, Captain of the Walworth Fire Dept. and resident of Snowberry Crescent

John O’Toole said that he reviewed the site plan and in a letter dated October 31, 2013 made several comments:

- Recommended moving the fire hydrant on the NE corner of the store to a position approximately 200 feet north, to provide better access in the event of a fire
- Recommendation of installing a Knox Box key system to be used after hours in the event of an emergency.

Jerry Pinkley, 2132 Mykola Road

Jerry Pinkley spoke in favor of the project, saying that the area is in need of a grocery store. He said that he shops regularly at Tops in Canandaigua and Ontario and is totally in support of the project saying it was a “perfect spot”.

Lynn Howard, 3640 Main Street

Lynn Howard said that although she does not necessarily disagree with the fact that Walworth needs a grocery store she did not agree with the location. She has five children that for years have walked along Route 441 to get to Ginegaw Park and feels it is a safety concern for the children walking to the park, people walking dogs and pushing baby strollers. She said she is speaking from the heart when she says she would feel terrible if someone pulling in and out of the parking lot were to hit one of those people. She said that she does not feel that an establishment of this magnitude belongs in this town. She also said that to drive by and see a parking lot and a huge cement building in Walworth would ruin the character of the Town. She said, “Not every place has to have a grocery store of that magnitude. We don’t have to be like Ontario or Macedon; it is not just about the money. We are a family. I care about children and my neighbors. I pray that you really consider seriously your decision.” She said that we should focus on other buildings in Town that have fallen in disrepair, such as the Academy Building and the old Grange Hall.

Stephanie Williams, 3900 Orchard Street

Stephanie Williams thanked the Chairperson for reading her letter. She said nine years ago her Mom vocally opposed the Orchard View Development, but the Town allowed Tony Evans to proceed forward. She said that even though the residents don’t want what Mr. Evans is bringing to this Town he keeps doing it anyways and she would hope that he would focus his energies on developments that were more beneficial to the town. She said that she agreed with Lynn Howard’s comments. Ms. Williams thanked the Board for having an open mind and addressing concerns of the residents.

Chairperson Leasure asked Mr. Goldman to address some of the concerns of the residents.

Mr. Goldman made the following points in response to the concerns:

- A mid-block crossing is typical of a development such as Tops and the presence of a crosswalk serves to educate drivers to slow down.
- There are limited locations in the Town of Walworth that are zoned Business. The site is in full-compliance for this use. The properties across the road are zoned Hamlet which allows for mixed use.

- The developer will consider reducing the height of the light poles from 30 ft. to 25 ft. and still provide adequate lighting. Mr. Goldman said that the design of the proposed lighting does not produce much spill light on the adjacent properties.
- The developer will consider landscaping along the road in front of Tops (south side of the road), but that there are some challenges because of the grade change and the ability to sustain the trees. They will take another look at this issue.
- The developer will set up a meeting with neighbors to discuss lighting issues and possible landscaping (street trees) on the north side of the road.

Robert Bringley said that he would like to meet with the neighbors to discuss lighting issues and the possibility to adding landscaping (and what type of trees) on the north side of the road to cut down the shine from headlights.

The Traffic Study results were discussed briefly. The traffic study did indicate the need for a two-way exit as shown on the plans. Most of the traffic is local and the increase of traffic is not significant. The peak traffic generated is 430 trips (many of the motorists are already passing by the site). Peak traffic would be the weekday evening rush hours between (4:00 PM and 6:00 PM) and Saturday midday. Deb Amsler asked how many 18-wheelers could be expected daily. Lou Terragnoli (Tops representative) said that it would average two daily. Many products are delivered by smaller trucks, such as bakery and beer trucks.

Chairperson Leasure asked the residents if anyone else would to comment further.

Jane Cala, 2132 Mykola Road

Jane Cala asked if sight distance at the western entrance had been taken into consideration when the traffic study was done. Jody Allen said that the sight distance exceed requirements for the speed zone. Walworth-Penfield Road is under the jurisdiction of the Wayne County Highway Department.

Gerry Cala, 2132 Mykola Road

Gerry Cala said that he would like to see some speed control from the police force, perhaps radar detection or a sign (lighted) that shows how fast drivers are going. Elaine Leasure said that these concerns should be brought to the attention of the Town Board.

Lynn Howard, 3640 Main Street

Ms. Howard clarified for the Board that she was most concerned about traffic (cars and delivery vehicles, including 18-wheelers) pulling in and out of the Tops parking lot (not the cars travelling along Walworth-Penfield Road). It is a real safety concern.

David Lynch, 2129 Walworth-Penfield Road

In closing he said that none of the neighbors have ever been contacted by the developer and asked for their input or comments. He feels that it is an injustice that he takes personally.

There were no further comments from the public.

Karel Ambroz made a motion, seconded by Rick Johnson to close the public hearing. Motion carried.

Chairperson Leasure asked for a motion regarding SEQR for the site plan.

Rick Leasure moved adoption of the following resolution for a Non-Conditioned Negative Declaration regarding SEQR; seconded by Deb Amsler:

**SEQR RESOLUTION – NEGATIVE DECLARATION
TOPS Site Plan
2140 Walworth-Penfield Road**

RESOLVED that in accordance with the New York State Environmental Quality Review regulations (SEQR), the Planning Board of the Town of Walworth announces its intent to service as Lead Agency to conduct an environmental review under Section 617.7 of the New York Codes, Rules and Regulations (NYSCR) of the proposed action to obtain Site Plan Approval to construct a 42,674 +/- SF Tops Friendly Markets grocery store with a future 9,600 +/- SF addition and fueling islands and a 6,500 +/- SF retail building with associated parking, access drives and utilities on a 6.9 +/- acre parcel.

FURTHER RESOLVED, that the Planning Board has determined that the proposed action is an "Unlisted Action" as defined under SEQR.

FURTHER RESOLVED, that the Planning Board, in its capacity of Lead Agency, has caused to be prepared an environmental assessment of the significance of potential environmental impacts associated with the above-listed action. The Planning Board declares that, based on the environmental assessment which has been prepared, the action will result in no major impact, nor cause significant damage to the environment, and the preparation of an Environmental Impact Statement is not warranted. A Negative Declaration under SEQR is therefore issued for this project.

Roll Vote:	Rick Johnson	Aye
	Marlene Hall	Aye
	Elaine Leasure	Aye
	Karel Ambroz	Aye
	Deb Amsler	Aye

Motion carried.

(Original Resolution filed in the office of the Town Clerk)

Chairperson Leasure asked the Board to consider a motion for preliminary approval of the site plan.

Rick Johnson made a motion, seconded by Karel Ambroz to grant preliminary approval of the site plan for 2140 Walworth-Penfield Road with the following conditions:

- A. That the comments from County of Wayne Department of Public Works and Town Engineer are addressed to the satisfaction of both parties.
- B. That the Applicant obtain any necessary permits and/or approvals from the following agencies:
 - Wayne County Sewer and Water – extension of municipal water and sewer mains and approval of backflow prevention plans
 - Wayne County Highway Department (CR 205) – highway access permits
 - NYSDEC – extension of public sewers
 - NYSDOH (Geneva District Office) – extension of public Water Main
 - NYSDOH (Geneva District Office) – approval of backflow prevention plans
 - NYSDEC – SPDES Permit
 - NYSDEC – waiver to disturb more than 5 acres at a time
 - NYSDEC – PBS permit for the fueling station.
- C. The application must prepared a Map, Plan and Report for the Extension of Walworth Sewer District #1. The district must be approved and extended by the Walworth Town Board prior to installation of the proposed sanitary sewer improvements by the Developer.
- D. The requested variance for the signage for the site must be obtained, or the Applicant must resubmit a signage package that fully complies with the Zoning Requirements. The Applicant came before the Zoning Board of Appeals on December 2, 2013.

Roll Vote:	Rick Johnson	Aye
	Marlene Hall	Aye
	Elaine Leasure	Aye
	Karel Ambroz	Aye
	Deb Amsler	Aye

Motion carried.

Chairperson Leasure asked the Board to consider a motion for final approval of the site plan.

Rick Johnson made a motion, seconded by Karel Ambroz to grant final approval of the site plan for 2140 Walworth-Penfield Road with the following conditions:

- A. That the comments from County of Wayne Department of Public Works and Town Engineer are addressed to the satisfaction of both parties.
- B. That the Applicant obtain any necessary permits and/or approvals from the following agencies:
 - Wayne County Sewer and Water – extension of municipal water and sewer mains and approval of backflow prevention plans
 - Wayne County Highway Department (CR 205) – highway access permits
 - NYSDEC – extension of public sewers
 - NYSDOH (Geneva District Office) – extension of public Water Main
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 - NYSDEC – SPDES Permit
 - NYSDEC – waiver to disturb more than 5 acres at a time
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- D. The requested variance for the signage for the site must be obtained, or the Applicant must resubmit a signage package that fully complies with the Zoning Requirements. The Applicant came before the Zoning Board of Appeals on December 2, 2013.

Roll Vote:	Rick Johnson	Aye
	Marlene Hall	Aye
	Elaine Leasure	Aye
	Karel Ambroz	Aye
	Deb Amsler	Aye

Motion carried.

Karel Ambroz made a motion, seconded by Deb Amsler to adjourn.

Chairperson Leasure adjourned the meeting at 9:45 P.M.

Gail Rutkowski, Clerk

