

Chairman Gene Bavis called the regular meeting of the Planning Board to order at 7:32 P.M. Members present were Chairman Gene Bavis, Elaine Leasure, Rick Johnson, Marlene Hall, and Deborah Amsler. Karel Ambroz was absent. Also present was Phil Williamson, Code Enforcement Officer. Norm Druschel, Building Inspector, Denise Munson, Town Attorney and Steve Metzger (LaBella Associates).

Deb Amsler made a motion, seconded by Elaine Leasure to approve the minutes of January 14, 2013 as presented.

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

Motion carried.

Chairman Gene Bavis welcomed Marlene Hall as a member of the Planning Board to serve as an alternate in the event that someone is absent or has to recuse him/herself.

1. Planning Board Lead Agency Declaration for the pending application regarding The proposed indoor/outdoor sports facility to be called "Your Sports Depot", located at 856 State Route 441. Property is zoned: Business.

Phil Williamson informed the Board that all interested and/or involved agencies had been notified and responded in writing that they had no objection to the Walworth Planning Board declaring itself lead agency in the environmental review process for the "Your Sport's Depot" project.

Elaine Leasure made the following motion, seconded by Rick Johnson:

I move, that the Planning Board declare itself Lead Agency in the matter of the "Your Sports Depot" Project located at 856 State Route 441.

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

Motion carried.

2. Recertification of the Site Plan for Lot #2, Phase 2 of the Azzano Subdivision located on Lincoln Road. Property is zoned: RR-1 – Rural Residential.

Chairman Bavis read the following letter addressed to the Planning Board from Stephen R. Shelley, PE of Shelley Associates, dated January 31, 2013:

"This letter is submitted on behalf of the owner of the above listed parcel proposing to construct a new 3 bedroom house on said parcel. The original subdivision and site development plans were prepared by Joseph A. Pullen, P.E. and Paul E. Kocher, L.S. and approved by the Planning board on April 13, 2009. The map was filed in the WCCO as map #28842.

Shelley Associates,, PE, LS, PC certifies that we have reviewed the subdivision and site plan as approved by the Town for compliance with the Town Zoning Ordinance and NYS DOH Design Handbook for individual residential wastewater treatment systems.

The plans were prepared appear to be consistent with the current requirements of the Town of Walworth Zoning Code and the WWTS sizing is consistent with the current requirements of the NYSDOH standards as recently revised February 3, 2010 for a 3 bedroom house.

We offer the following suggestions to the Town based on our review of the plans:

- The WWTS Line Inverts (Sheet #2) for Lot 3 should be considered as the bottom of the absorption trench NOT the pipe invert to maintain a maximum depth of pipe of 18". Per the NYSDOH "Red Book", "pipe shall be installed as shallow as possible (while meeting cover requirements) and no deeper than 18 inches."
- The developer of the parcel is subject to the NYSDEC General Permit requirements for construction activities and it appears that greater than 1 acre of land area will be disturbed by this development. The lot developer is required to prepare and maintain on site a Basic Erosion and Sediment Control Plan and submit a Notice of Intent and MS4 acceptance form to the DEC a minimum of 5 days prior to any ground disturbance."

Rick Johnson made a motion, seconded by Deb Amsler to approve the recertification of the site plan for Lot #3 of the Azzano Subdivision for a 12-month period, beginning February 11, 2013 with the above two suggestions as conditions of the recertification.

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

Motion carried.

3. Application by Kent & Diane MacAfee for preliminary and final approval for a 2-lot subdivision. Applicant seeks to convey 2.39 acres to neighbor, Steven Gallaher. Property is located at 845 Burrows Road, approximately 776 ft. east of Lincoln Road. Property is zoned: RR-1 – Rural Residential.

Mr. Timothy Voellinger was present to discuss that application. The concept was discussed at the previous Planning Board meeting and all members were agreeable.

The Board was in receipt of a map entitled, "MacAfee Subdivision", prepared by Mr. Timothy Voellinger, L.S. of John Greene & Associates, 784 Filkins Road, Newark, NY 14513, dated December 10, 2012. The map shows that Kent and Diane MacAfee are conveying 2.395 acres to their neighbors to the north, Steven and Amy Gallaher. The MacAfee's will retain 5.920 acres (Lot 1). The 2.395 acres will be initially landlocked, but will be merged with Gallaher's residential parcel (Lot 2 – Tax map 61116-00-810016) as indicated on the subdivision map. At the last meeting there was some discussion about the acreage and Mr. Voellinger said that he has spoken to Brendan Bystrak and the acreage on the survey as presented was correct.

Chairman Bavis questioned if the application had been sent to the Wayne County Planning Board? Phil Williamson said that he had researched and found that certain local zoning and subdivision applications are excepted from referral and County review if there is no intermunicipal or countywide impacts.

* (See Agreement on next page signed March 1993 by Marvin Decker, Chairman of Wayne County Board of Supervisors and Frank Guelli, Town Supervisor. #4. Subdivision plan amendments where no additional lots are created and where there is no change to access points and no new access points are proposed to county or state roads.)

AGREEMENT TO EXCEPT REFERRAL AND REVIEW OF
CERTAIN LOCAL ZONING AND SUBDIVISION APPLICATIONS

Draft: December 1992

I. Authority

In accordance with Sections 239-m and 239-n of Article 12-B of the General Municipal Law of the State of New York, as amended by the Laws of 1991, Wayne County is authorized to enter into agreements with each municipality in Wayne County to except the County Planning Board referral and review of certain local zoning and subdivision actions otherwise required by Section 239m and n of NYS General Municipal Law.

II. Purpose

The purpose of this agreement is to eliminate the need for local referral and county review of certain local zoning and subdivision actions that do not have intermunicipal or countywide impacts.

III. Local Zoning and Subdivision Actions to be Excepted from Referral and Review

All matters listed in Sections 239-m and 239-n of Article 12-B of the General Municipal Law of the State of New York shall be submitted for review and recommendation by the County Planning Board in accordance with the criteria and guidelines set forth in Sections 239-1, 239-m and 239-n, except the following actions shall, with the execution of this agreement, be excepted from referral and review by the County Planning Board.

1. Permits for temporary structures and temporary signs used during construction.
2. Setback variances for accessory structures such as swimming pools, storage sheds, garages and the location of freestanding signs and for additions to residential buildings, unless the variance would allow the structure to be closer to a county or state highway or abutting county or state land than the existing principal structure.
3. Reductions in minimum floor area requirements and lot coverage requirements.
4. Subdivision plan amendments where no additional lots are created and where there is no change to access points and no new access points are proposed to county or state roads.

- 5. Dimensional variances for fences unless the fence is on a portion of the property adjacent to a county or state highway or the boundary of other county or state land or drainage channel or unless the fence is to be located in an area of special flood hazard.
- 6. Variances or permits to illuminate signs as long as the illumination is from a constant (non-flashing, non-intermittent) source.

IV. Optional Review

Nothing shall prevent the municipal board having jurisdiction over local zoning and subdivision actions excepted from referral and review by the County Planning Board by this agreement, from submitting such matters to the County Planning Board for review prior to taking final action. Once such matters are received by the County Planning Board, the review authority conferred on the County Planning Board under Section 230-m and 239-n shall be in force.

VI. Conditions of Agreement

- 1. Activate Agreement - in order to have this agreement take force, it must be signed by the Chairman of the Wayne County Board of Supervisors and the chief elected official of the municipality. The agreement may be amended with the approval of the Chairman of the Wayne County Board of Supervisors and the chief elected official of the municipality.
- 2. Termination of Agreement - If the County Planning Board finds that to carry out the purposes of review as listed in Section 239-1 of the General Municipal Law of the State of New York, an amendment to this agreement is needed and the municipality fails to agree with the amendment, the agreement may be terminated by resolution of the County Planning Board by providing written notification of termination to the chief elected official of the municipality. The municipality may terminate this agreement at any time by having the chief elected official submit a notice of termination in writing to the County Planning Board. Upon the termination of this agreement, all local zoning and subdivision actions subject to the review of the County Planning Board under Sections 239-m and 239-n of the General Municipal Law of the State of New York, shall be submitted to the County Planning Board in accordance with the requirements of Sections 239-m and 239-n.

Marcus Bavis
Chairman, Wayne County Board of Supervisors

3-9-93
Date

Frank J. Gull
Supervisor/Mayor of the
Town/Village of Walworth

3-4-93
Date

The Planning Board members had no further questions.

Chairman Bavis opened the public hearing.

There were no comments from the public.

Elaine Leasure made a motion, seconded by Deb Amsler to close the public hearing.

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

Motion carried.

Rick Johnson made a motion, seconded by Elaine Leasure for preliminary and final subdivision approval as presented.

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

Motion carried.

- 4. **Concept discussion by Steve MacNeal for a Site Plan to erect a pole barn for commercial storage on Lot #2 of the Englert Subdivision, located at Walworth-Ontario Road. Property is zoned: B – Business. WITHDRAWN BY APPLICANT.**
- 5. **Other: Concept discussion by Barbara Stoops regarding subdivision of land at 2219 Smith Hill Road. Property is zoned: RR-1 – Rural Residential.**

Barbara Stoops was present with a rough concept sketch of a 4 or 5 Lot-Subdivision of the 45-acre family homestead of John Traas at 2219 Smith Hill Road. John Traas, brother of Barbara Stoops and owner of adjoining property, located at 4894 Wal-Ontario road would get approximately 25 acres of wooded area behind his home. Barbara Stoops presently lives at Smith Hill Road and would gain additional acreage surrounding her home to the east, west and south as well as across Smith Hill Road to the north. The original farmhouse and barn would be subdivided off. Discussion ensued as to whether or not the barn could stand alone, as the town code states that there can be no accessory structure without a primary structure. Barbara Stoops told the Board that the barn lot may stay with the farmhouse, as the tenant wants to purchase the house and has expressed interest in the barn, too if financing can be arranged. The fourth lot would be an L-shaped parcel to the west of Barbara stoops property that could access both Smith Hill and Walworth-Ontario Roads. This would be a potential building lot for another family member in the future.

The Planning Board members concurred that they are agreeable to the concept. Barbara Stoops was advised to work with Phil Williamson and Norm Druschel regarding minimum lot size and code requirements. The next step would be to complete and formal application and hire a licensed surveyor to prepare a subdivision map.

6. Other: Tom Yale overview to the Board regarding the upcoming Master Plan Committee.

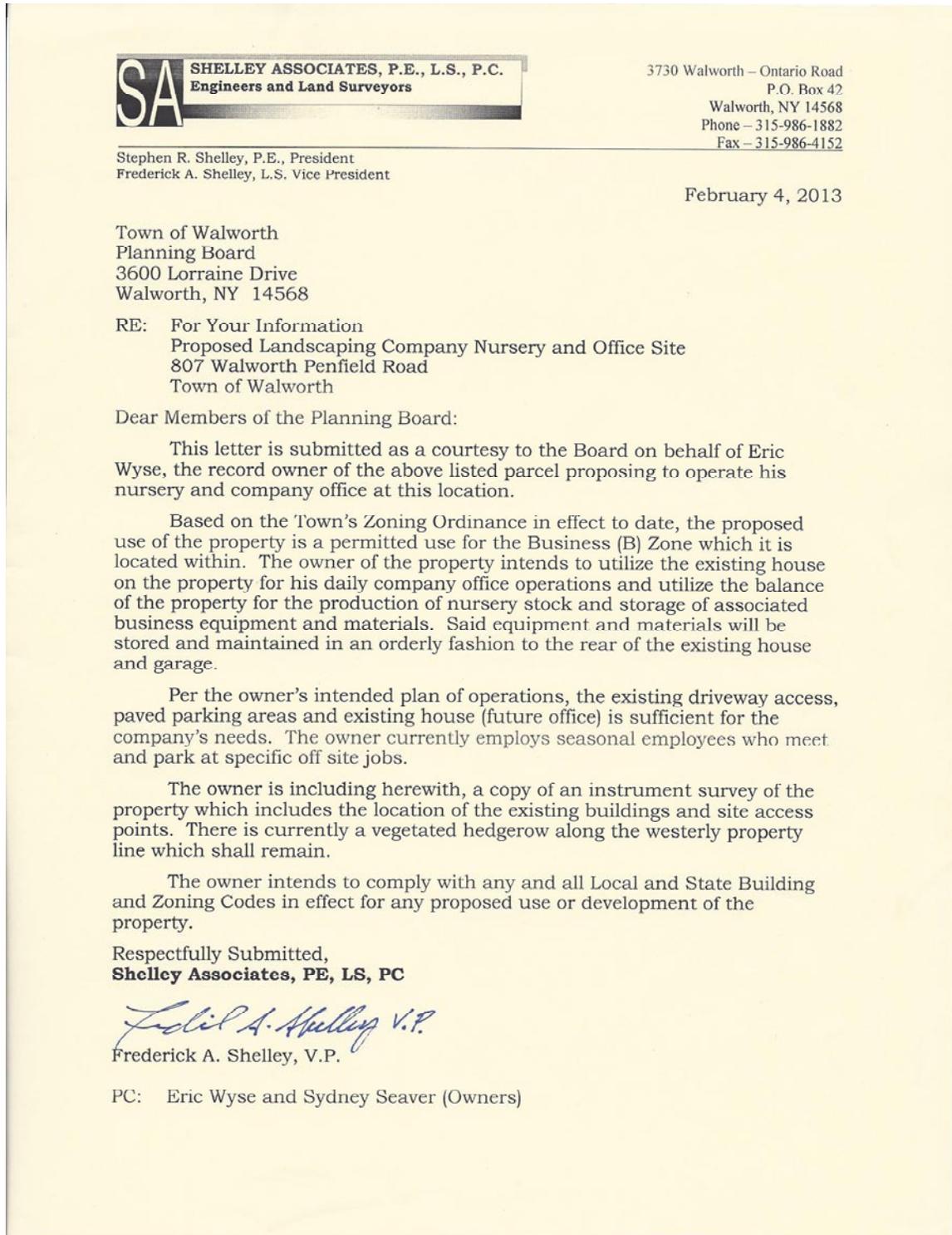
Tom Yale has agreed to head up the Master Plan Committee which has a tentative start date of Thursday, March 14th. The Committee will probably meet once a month, but occasionally may meet twice monthly. The committee will consist of 10 to 12 members to serve on the work group. A work group is not a public meeting. Mr. Yale also chaired the Committee the last time they met in 2009-10. He is asking that all members make a commitment to serve throughout the entire duration that the Committee is in force. Rick Johnson volunteered to serve on the Committee. Deb Amsler spoke up and said that she was on the previous Master Plan Committee and would be willing to be part of the Committee again.

The latest revision to the Master Plan and any addendums will be distributed at the first meeting. Susie Jacobs is putting together a packet of information. The first task will be to review and discuss the current Master Plan and decide what topics to focus on. There will be input regarding possible topics from the Town Supervisor and others but the final decision on the direction the Master Plan will take and the meeting schedule will be up to the Committee members. A list of possible topics was distributed to the Planning Board and discussion ensued. Tom Yale said that although additional topics for discussion are welcome, at some point suggestions need to be shut off, otherwise the Master Plan Committee would do on indefinitely.

Tom Yale explained that the Master Plan Committee makes recommendations to the Town Board to be acted upon. The Planning Board and Zoning Board may make suggestions to Master Plan Committee, but only the Town Board takes action. Tom Yale commented that Rick Johnson keep the Planning Board up-to-date on what happens at each Master Plan Committee meeting and report back to the Committee any concerns.

7. Other: Letter from Eric Wyse

Chairman Bavis said that the following letter had been received from Fred Shelley, Shelley Associates on behalf of Eric Wyse regarding a proposed landscaping Company Nursery and Office Site at 807 Walworth-Penfield Road. Chairman Bavis said that it was information only and did not require any action from the Board.



Chairman Bavis adjourned the meeting at 8:21 P.M.

Gail Rutkowski, Clerk

