

Gene Bavis, Chairman 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, Karel Ambroz and Deb Amsler . Also present was Phil Williamson, Code Enforcement Officer, Norm Druschel, Building Inspector, Brendan Bystrak, Town Engineer (LaBella Associates), Marlene Hall and Robert Plant (alternates)..

Rick Johnson made a motion, seconded by Elaine Leasure to approve the minutes of July 14, 2014 as written:

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

Motion carried.

1. Application for Preliminary and Final Subdivision Approval for 2-lot Simple Realty Subdivision to subdivide house and one acre from total acreage of 39 acres. Property is located at 310 Atlantic Avenue and is owned by Samuel and Marilyn Pietrosante. Property is zoned: RR-1: Rural Residential – 1 acre (Public Hearing).

Timothy Voellinger of Greene Land Surveying, PLLC, Newark, NY spoke to the Board about the application. The Pietrosante's and the potential buyers of property were also present. Mr. Voellinger said that the project involves subdividing a one acre lot, including the house and outbuildings, from the northwest corner of a 39 acre parcel. The remaining 38 acres will be retained by the Pietrosante's. There is no development proposed for the vacant land at this time. It is presently farmland.

Brendan Bystrak, Town Engineer reviewed the subdivision application as well as the survey map entitled "Pietrosante Subdivision, 301 Atlantic Avenue", prepared by Greene Land Surveying, PLLC, dated July 16, 2014. The Board was in receipt of a review letter from Brendan Bystrak, dated August 8, 2014.

The letter included these comments:

- The proposed subdivision creates a new parcel in the Towns RR-1 Zoning District Front Setback – 40' minimum, 21.5' existing (pre-existing nonconforming) Side, Rear, Frontage, Lot area and depth to width ratio (conformance with code)
- The pre-existing shed is located within 8.5 ft. from the side yard boundary where code required a minimum of 15 ft. (pre-existing nonconforming).
- Norm Druschel, Town of Walworth Building Inspector, was uncertain about the exact location of the septic system for this residence. The survey map noted that location of the septic tank along the southwestern corner of the dwelling and the survey notes that the leach lines are located inside the fenced area (per owner). It is unclear if the pool or shed are located over the leach lines.
- The survey also noted a well off the southeastern corner of the driveway. The Wayne County Water and Sewer Authority was contacted and they confirmed that there is no public water supply along Atlantic Avenue in the vicinity of the home. The current well is located approximately 70 feet from the septic system. Existing or proposed disposal fields have a minimum separation distance of 100 feet if located upgrade or 200 feet if downgrade. Topography is not provided on the survey, but in either case the existing well location does not appear to meet these standards as a pre-existing condition.
- Brendan Bystrak spoke with the NYSDOH regarding the existing well and septic system locations. Because these are pre-existing conditions, the NYSDOH under normal circumstances would not require modification to obtain the minimum required separation distances. However, if there was any evidence of well impairment based on analytical attesting or if the septic system has failed with surface effluent identified then modifications would be required.
- On July 22, Brendan Bystrak spoke with Mike Greene who indicated that the existing well was tested and is impaired. Mr. Greene indicated that the buyer, seller and lender are all aware of the issue and that either a new well or connection to the public water supply is needed. If a new well is going to be installed, LaBella Associates request that all NYSDOH and Town standards are verified prior to drilling the new well.

Mr. Voellinger said that the comments from LaBella Associates had been addressed.

Chairman Bavis stated for the record that the existing well does not comply with current standards and it is contaminated. The solution to the problem is a new properly located well or to connect to the public water supply.

Karel Ambroz questioned the location of the leach field. Discussion ensued. As the septic system is preexisting and the west property line near the septic leach lines is not being changed; the proposed subdivision will not impact the septic.

The proposed location of the new well would be at the far southeast corner of the lot, approximately 170 ft. from the closest septic system component (as shown on map). Chairman Bavis asked where the nearest public water connection would be. Brendan Bystrak said that it would be approximately 900 feet away at the corner of County Line and Atlantic Avenue.

The prospective buyers of the house said they are well aware of the situation with the well and have already spoken with a well drilling service. The sale of the house is contingent upon having a potable water source for the residence.

The Board was in receipt of a letter from the Wayne County Department of Economic Development and Planning that stated that at its regular meeting on July 30, 2014, the Wayne County Planning Board reviewed the referral and determined it to have no intermunicipal or countywide impact and recommended this referral be returned to the Town to be handled as a local matter.

The Board members concurred that they did not have a problem with the subdivision as presented, as long as a safe potable water supply to the residence is available.

Chairman Bavis opened the public hearing.

There were no comments from the public.

Deb Amsler made a motion, seconded by Rick Johnson to close the public hearing.

Motion carried.

After completing Part 2 of the SEQR Short Form, Chairman Bavis asked for a motion regarding SEQR.

Elaine Leasure moved adoption of the following resolution; Board member Karel Ambroz seconded the motion:

**SEQR RESOLUTION – NEGATIVE DECLARATION
SUBDIVISION 310 ATLANTIC AVENUE**

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 serve as Lead Agency to conduct an environmental review under Section 617.7 of the New York State Codes, Rules and Regulations (NSSCRR) of the proposed action to subdivide the property at 310 Atlantic Avenue.

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 impacts, or 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
	Elaine Leasure	Aye
	Chairman Bavis	Aye
	Deb Amsler	Aye
	Karel Ambroz	Aye

Motion carried.

Karel Ambroz made a motion, seconded by Rick Johnson for Preliminary and Final Subdivision Approval for 2-lot Simple Realty Subdivision to subdivide house and one acre from total acreage of 39 acres with the following conditions:

- Satisfaction of the Town Engineer comments
- A safe potable water supply to the residence
- If a new well is proposed that it shall be located on the property in conformance with the Town an NYSDOH regulations for separation distances.

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

Motion carried.

2. Other

The ***Town of Walworth Workplace Violence Prevention Policy Procedure***, adopted May 15, 2014 was distributed to the Planning Board members.

Chairman Bavis adjourned the meeting at 7:53 P.M.

Gail Rutkowski, Clerk