

Chairman Gene Bavis called the regular meeting of the Planning Board to order at 7:31 P.M. Members present were Chairman Gene Bavis, Elaine Leasure, Rick Johnson, Marlene Hall (alternate), Deb Amsler and Karel Ambroz. Also present Phil Williamson, Code Enforcement Officer, Norm Druschel, Building Inspector, Jody Allen, Town Engineer (LaBella Associates).

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

Motion carried.

Deb Amsler made a motion, seconded by Elaine Leasure to approve the minutes of May 13, 2013 as presented.

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

Motion Carried.

Chairperson Bavis introduced Jody Allen of LaBella Associates who will be filling in for Brendan Bystrak who has been assigned to another project.

1. Application of David Chilson for Preliminary & Final Subdivision Approval for a 2-lot Realty Subdivision located at 4671 Walworth-Ontario Road; approximately 1,484 ft. south of Smith Hill Road. Property is zoned: RR-1: Rural Residential 1 acre. (Public Hearing).

Fred Shelley of Shelley Associates was present to represent the applicant David Chilson. Mr. Chilson is in the process of purchasing the property from James Reno and the 2-lot realty subdivision is for mortgage purposes. The Board was in receipt of a subdivision map entitled, "D. Chilson Subdivision", prepared by Shelley Associates, P.E., L.S., P.C., 3730 Walworth-Ontario Road, P.O. Box 42, Walworth, NY 14568 dated August 8, 2013.

Mr. Shelley explained that the applicant is proposing to subdivide the existing 77 acre parcel into two lots. Lot #1 is to be 27 acres and Lot #2 is to 50 acres. Lot #1 has the existing house with a driveway onto Walworth-Ontario Road. There is no development proposed for Lot #2 at this time and the applicant will retain both properties. If in the future Lot #2 were to be developed, the developer would need to come before the Planning Board for all necessary approvals.

Jody Allen, Town Engineer has reviewed the application (LaBella review letter dated and reported that it complies with current zoning requirements and has prepared the SEQR documentation (Part II – SEQR short form).

The Wayne County Planning Board reviewed the application at their regular meeting on August 28, 2013 and recommended approval of the Preliminary/Final Subdivision (letter from Wayne County Planning Board, dated September 3, 2013).

The Board had no questions or comments.

Chairperson Bavis opened the public hearing.

There was no public comment.

Elaine Leasure made motion, seconded by Rick Johnson to close the public hearing.

Motion carried.

Rick Johnson moved adoption of the following resolution; seconded by Karel Ambroz:

**SEQR RESOLUTION – NEGATIVE DECLARATION
D. Chilson Subdivision
4671 Walworth-Ontario 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 serve as Lead Agency to conduct an environmental review under Section 617.7 of the New York State Codes, Rules and Regulations (NYSCR) of the proposed action to subdivide the property at 4671 Walworth-Ontario Road into two 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 impact 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, 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
	Elaine Leasure	Aye
	Chairman Bavis	Aye
	Karel Ambroz	Aye
	Deb Amsler	Aye

Motion Carried.

Elaine Leasure made a motion, seconded by Rick Johnson for preliminary and final subdivision approval for property located at 4671 Walworth-Ontario Road.

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

Motion Carried.

2. Application of Mark Boss for Preliminary & Final Subdivision Approval for a 2-lot Realty Subdivision located at 703 Walworth-Penfield Road; approximately 1,300 ft. east of West Walworth Road (boundary line adjustment to convey approximately 3.7 acres from 703 Walworth-Penfield Road to 677 Walworth-Penfield Road). Property is zoned: R – Residential (Public Hearing).

Fred Shelley of Shelley Associates was present representing the applicant Mark Boss of 677 Walworth-Penfield Road. The Board was in receipt of a subdivision map entitled, "Boundary Line Adjustment between 677 & 703 Walworth-Penfield Road", prepared by Shelley Associates, P.E., L.S., P.C., 3730 Walworth-Ontario Road, P.O. Box 42, Walworth, NY 14568, dated July 31, 2013.

Mr. Shelley explained that the applicant is proposing to adjust a boundary line between Lot 1, owned by Mark and Virginia Boss (677 Walworth-Penfield Road) and Lot 2, the Estate of Mark Voelckers (703 Walworth-Penfield Road). The adjustment would increase the size of the lot owned by Boss and decrease the size of the lot owned by Voelckers by 3.7 acres. Both lots have a single-family residence. An affidavit of record owner was provided by Estate of Mark Voelckers (Cathy E. Voelckers).

Jody Allen, Town Engineer has reviewed the application (LaBella review letter dated September 9, 2013) and reported that it complies with current zoning requirements and has prepared the SEQR documentation (Part II – SEQR short form).

The Wayne County Planning Board reviewed the application at their regular meeting on August 28, 2013 and determined it to have no intermunicipal or county wide impact and recommended this referral be returned to the Town to be handled as a local matter (letter from Wayne County Planning Board, dated September 3, 2013).

Elaine Leasure questioned if the septic system and well were located entirely on the lands to be retained by Voelckers. Fred Shelley answered yes.

Chairman Bavis opened the public hearing.

There was no public comment.

Elaine Leasure made motion, seconded by Rick Johnson to close the public hearing.

Motion carried.

Elaine Leasure moved adoption of the following resolution; seconded by Karel Ambroz:

**SEQR RESOLUTION – NEGATIVE DECLARATION
Boundary Line Adjustment
677 & 703 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 serve as Lead Agency to conduct an environmental review under Section 617.7 of the New York State Codes, Rules and Regulations (NYSCRR) of the proposed action to subdivide the property at 4671 Walworth-Ontario Road into two 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 impact 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, 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
Elaine Leasure Aye
Chairman Bavis Aye
Karel Ambroz Aye
Deb Amsler Aye

Motion Carried.

Karel Ambroz made a motion, seconded by Deb Amsler for preliminary and final subdivision approval to convey 3.7 acres from 703 Walworth-Penfield Road to 677 Walworth-Penfield Road.

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

Motion Carried.

3. Other: Concept discussion by Dana 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 1 acre.

Dana and Kristin Brown appeared before the Board. They are planning to purchase the 31 acre property at 4846 Lincoln Road currently owned by Vince and Jennifer Flannery. Mr. Brown said they own and operate an animal rehab clinic on Kennedy Road in Penfield and their residence is on an adjoining property. They intend to purchase the property at 4846 Lincoln Road from the Flannery's to run a horse boarding and training facility. The Browns will employ their current horse trainer who will work and live in the house on the property.

In 2007, the Flannery's were granted a Home Occupation, Major Category B permit to operate a horse boarding stable and training facility. The property includes the residence, a horse boarding stable, storage barn for farm equipment and indoor riding arena. There is also a pasture area, trail and a wooded area at the back of the property. Since the home occupation does not travel with the transfer of property, any new owner would need to apply for a Home Occupation, Major – Category B.

Mr. Brown explained that they would like to make a few minor changes to the property. They would be looking to add a 100 ft. x 200 ft. outdoor riding arena and possibly add some outside runs to the stalls. Repairs will be done to the existing storage barn. In the future they may clear some of the wooded area for some additional pasture. Currently there is a maximum of 25 horses on the property and they would like to expand to a maximum of 30 horses (2 or 3 of the horses would be owned by the trainer). They will continue to utilize the existing trail, but may add a cross country course for horse jumping and dressage.

Chairman Bavis asked for clarification from Phil Williamson if the owners are required to live on the property. Phil Williamson read from the Town Code Section 143.1A(3) – Home Occupation – "The owner or the tenant of the premises where the dwelling unit is located is required to obtain a

home occupation permit (to conduct such home occupation) from the Town of Walworth.” Mr. Brown said that his wife, Kristin will be on the property riding most days and also suggested that if anyone had any concerns about upkeep of the property they could drive by the other properties they own on Kennedy Road in Penfield and would see that they are very well maintained. Norm Druschel, Fire Marshall and Building Inspector must certify that the all structures and proposed use comply with the New York State Uniform Fire Prevention of Building Code.

Karel Ambroz posed several questions regarding the home occupation: hours of operation, if there would be adequate parking, whether there would be horse shows or other events held, and if there would be a tack shop or retail store associated with horse boarding.

Mr. Brown said that there would be similar hours of operation, 8 AM to 8 PM, 7 days a week. There would only be two or three small horse shows a year with a maximum of 30 people. Currently there is parking for 10 cars on the property and space for 5 horse trailers, with additional parking on the grass. Mr. Brown stated that he felt there would be adequate parking. There are no plans for tack shop.

The Board members concurred that they did not see any problem with the home occupation and felt that the operation will blend with the character of the neighborhood.

Chairman Bavis informed the applicant that his next step would be complete a formal application.

4. Other: Concept discussion - Project overview of the development of a 10 acre parcel located at 2140 Walworth-Penfield Road proposed to be developed with a TOPS Market. Property is zoned: B – Business.

At a previous meeting, Chairman Bavis asked to be recused from any business related to the proposed Tops Market as he owns adjacent property. Elaine Leasure will serve as chairperson throughout the review of this project and Marlene Hall will serve as alternate Planning Board Member. (At this point Chairman Bavis left the panel and sat in the audience and Elaine Leasure took over as Chairperson) Jerry Goldman, Attorney representing JADD Development was asked to provide a project overview. Mr. Goldman began by introducing other persons involved with the project: David Dworkin (project engineer), John August and Jeff Saeger (JADD Development), Bob Bringley, PE (Marathon Engineering) and Lou Terragnoli (Tops). Tony Evans of Orchard View Development was also present.

(The Board was in receipt of a concept subdivision plan and site plan, prepared by Marathon Engineering, 39 Cascade Drive, Rochester, NY 14614.)

The project is located on the south side of Walworth-Penfield Road. The 10-acre parcel is zoned Business. Mr. Goldman explained that they are proposing a subdivision resulting in a 7-acre parcel and two outparcels for future occupancy; one approximately 2-acre parcel and one 1-acre parcel. Only the 7-acre parcel will be developed at this time and will include:

- a 42,600 square foot Tops Friendly Markets grocery store, with room for a future 9,600 sq. ft. expansion
- a 6,500 sq. ft. retail building for lease
- Fueling island

There will be two new curb cuts along Walworth-Penfield Road, a two-lane ingress/egress drive on the western side of the property and three lanes (one ingress, two egress with a median) on the eastern side across from Teresa Drive.

Jerry Goldman said that along the south is a stormwater management facility that will address drainage issues on the site.

The project will include a dedicated water main and public sewers are available for the project.

The concept plan shows what Tops feels are ample parking spaces in the front of the building. Additional “banked parking” may be added in the future.

A traffic analysis will be performed. Wayne County Highway will also be asked for their input regarding any traffic issues.

The project conforms to applicable codes regarding setback requirements, building coverage, green space and parking. The Town Zoning Ordinance has specific requirements regarding signage that must be adhered to or, if necessary, a variance will be requested from the Zoning Board of Appeals.

The Tops project engineers want to maximize the amount of green space on the site. The code typically recommends 25% green space, but this proposal shows 39% green space. The objective is for the development to fit into the character of the neighborhood while providing a needed service to the community. The building will be tastefully done in earth tones and natural materials. An elevation drawing showing the front view of the building was distributed to the Planning Board members.

Elaine Leasure invited the Board to ask questions.

- Deb Amsler asked the size of the proposed building compared to the Tops in Ontario. The Ontario Tops is approximately 47,000 sq. ft.
- Karel Ambroz asked if the storm water management facility would impact neighboring properties.
The storm water management facility will actually benefit the drainage on nearby properties by capturing storm water draining from the other properties and directing the water by swales toward the stormwater management facility and slowly discharge at the southeast corner. The rate and flow of storm water off site will be substantially lower than it is now.
- Rick Johnson asked about the hours of operation.
The store is not currently planning to be open 24/7 but the applicant will be requesting approval for this so they have the option to be open 24/7 in the future. The store hours will likely be from 6 AM to 11 or 12 PM.
- Rick Johnson asked about the lighting plan.
The lighting plan will take into consideration the residential neighbors to the north and the southeast. The proposed elevation of the building is to be 16 feet lower than Walworth-Penfield Road and this should help reduce the impacts of the lighting. The lights along Walworth-Penfield Road are 14-16 ft. in height and the Tops lighting will not exceed that height and most likely will be lower. All lighting on the property will be "dark sky compliant". The fuel island will have LED lights that are tucked under the canopy and will be dimmed at closing with security lights only.
- Marlene Hall asked if they were planning on closing off entrance to the professional building.
The developer is working with the owners to the Professional Building to tie into the Tops driveway, but this is not yet finalized.
- Deb asked about the retail space
The proposal shows four tenants, but a retailer would be able to lease two spaces if needed.
- Karel Ambroz questioned the hours the fuel island would be open and whether there would be the ability to buy gas with a credit card after closing.
The fuel island will have the same hours as the store and will have a full-time attendant on duty at all times. There will be no ability to buy gas with a credit card when it is closed.

There were no further questions for the Board. Elaine Leasure thanked the representatives of the project for their input.

The applicant is trying to work through the process and obtain approval in 2013 for a 2014 construction and will be submitting a complete application relatively soon. The completed subdivision/site plan application and all supporting documentation will be sent to the Wayne County Planning Board for their review prior to scheduling a public hearing with the Walworth Planning Board to request approval of the project. The public hearing will be advertised.

5. Other: Master Plan Committee to discuss “draft” committee recommendations with the Planning Board.

Chairman Bavis rejoined the panel after the TOPS concept discussion and asked Tom Yale to report on the “draft” committee recommendations.

Tom Yale, Chairperson for the Master Plan Committee was present, along with the other members of the committee.

Tom Yale reported that the Master Plan Committee has been meeting monthly and discussed many topics and will be reporting their recommendations to the Town Board at the regularly scheduled meeting on October 17, 2013.

The following “Compilation of Master Plan Committee Discussions” was distributed to the Board and the members were encouraged to speak up if they have any comments. Tom Yale said that he would take any comments and concerns for consideration to the final Master Plan Committee meeting that will be held prior the presentation before the Town Board. If the Board enacts any new laws, they will come back to the Planning Board (public hearing).

COMPILATION OF MASTER PLAN COMMITTEE DISCUSSIONS

CLUSTER DEVELOPMENT:

- Cluster Development will be permitted.
- Recommendation for minimum acreage.
- The following wording should be added: “Provisions, satisfactory in the sole discretion of the Town Board, shall be made to assure the proper maintenance of all nonpublic areas and facilities for the common use of occupants of any cluster housing development of any type without expense to the general taxpayers of the Town of Walworth. The instrument incorporating provisions for the proper maintenance of all nonpublic areas and facilities for the common use of occupants of any cluster development shall be approved by the Town Attorney of the Town of Walworth as to form and legal sufficiency before any approval action is taken by the Town Board.
- Identify Tax District to support maintenance of public space (sidewalks, lighting, maintenance and drainage).

ALTERNATIVE ENERGY:

- Certified Installer should be required.

ALTERNATIVE ENERGY: outside boiler units (steam pots)

- Town needs to set up guidelines for them (NYS has some guidelines including required Stack height)
- Establish minimum lot size to have in order to install one, including what zoning areas they can be in (possibly only in Ag. Districts)
- Should have same set back regulations as barns
- Must be installed by a qualified installer
- Must be an established permit process

HYDRO-FRACKING:

- Should be a fee to the town for removal of resources to pay for infrastructure repair (this could affect all natural resources)
- Town needs to define what a subsurface resource is
- Town needs to establish minimum lot size for harvesting natural resources (this can be mineral specific)
- Including set back of operations guidelines

TOWN HOUSES:

- Town needs to define a town house (currently lacking from code books)
- Town needs to set a certain number of units per structure (recommendation is 4)
- Set a minimum sq. footage for each unit
- Recommend they only be in cluster developments, not in hamlet

- Need to have a garage requirement
- Must have an HOA (home owners association) by a NYS recognized management company.
Exterior maintenance cost covered by HOA fee

PUPPY MILLS:

- Research Gorham denial
- Regulate as a business
- Town Board set breeding limit as to what is a mill -Town Board set acreage in comparison to Kennels -Proper disposal of waste is a concern

MOTO CROSS:

- This is a civil matter, if people want to ride on property with friends, town has rules about noise requirement -Town should only be involved if it is a for profit venture like Hogback (i.e. set up as a business)

BARNs:

- Town should allow people to build a barn on a lot without a primary structure -Issue was brought up about town staff interpreting code differently each time asked about it (not an issue MPC can take care, of as it is a personal issue)

WATER DISTRICTS:

- The recommendation is that property in a Water District, the balance of the land will be included to follow the property lines.

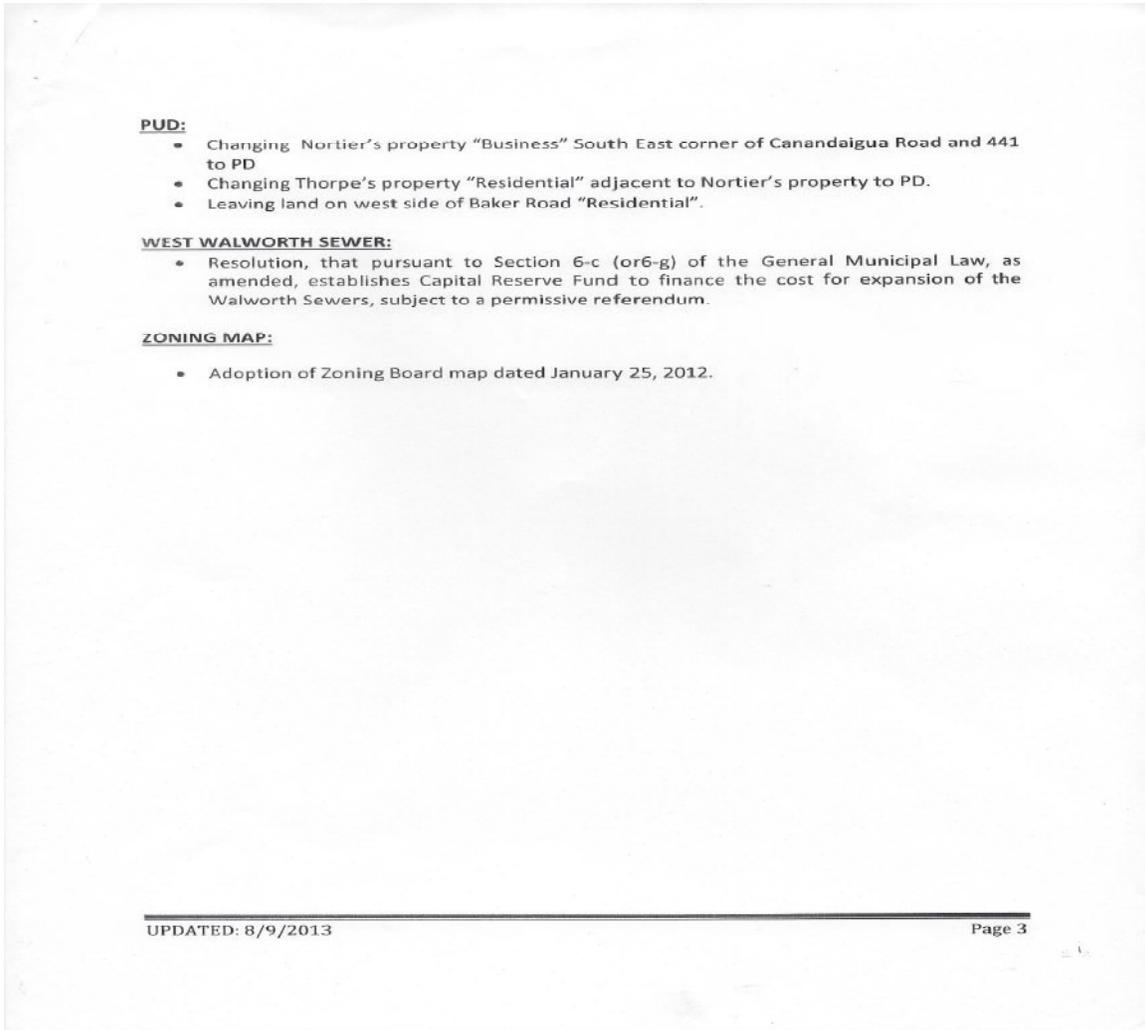
TIFFANY AND ATLANTIC:

- The recommendation is to extend Industrial Zoning, north-west side of Atlantic Avenue from Tiffany Road to power lines which is now zoned Residential.

MANUFACTURED HOMES: No action

RV CAMPGROUNDS:

- Propose New Local Law to the Code of the Town of Walworth; Amending by repealing Chapter 70 CAMPGROUNDS AND RECREATIONAL VEHICLE PARKS Adopted on July 1, 2010 by Local Law No. 5-2010.
- New Recreational Vehicle overlay footprint with acreage minimum limitation Business and/or PD with 200 Acreage.



Larry Ruth said he would like to encourage the Planning Board to make comments.

Planning Board members had the following comments:

- Karel Ambroz spoke about some of the main intersections in town, such as Atlantic Avenue and Route 350, Tiffany Road and Atlantic Avenue and County Line Road and Atlantic Avenue. He suggested that the Committee may want to look at changing the zoning to allow some business or commercial uses for some of these major intersections. The PUD is the most versatile zoning that allows "mixed use" that incorporates a variety of residential types and nonresidential uses.
- Chairperson Bavis commented that there seems to be somewhat of a negative look at town houses and questioned why there can't be townhouses in a hamlet district and why they should be limited to 4 units. He felt that are compatible in a residential neighborhood, although he recognizes the need for rules governing them. Phil Williamson commented there should be some type of architectural review process.
- Phil Williamson said that the Committee may want to take another look at the Moto Cross issue and the 75 ft. distance they must be from a residence.

Tom Yale said the Committee would take into consideration the above comments and thanked the Planning Board. He also thanked the Master Plan Committee for all their hard work as well as Susie Jacobs for taking minutes at all of the meetings.

Chairman Bavis adjourned the meeting at 9:02 PM.

Gail Rutkowski, Clerk

