

**TOWN OF SWEDEN**  
**Planning Board Minutes**  
**January 14, 2019**

An Organizational Meeting of the Town of Sweden Planning Board was held on Monday, January 14, 2019, at the Town Offices, 18 State Street, Brockport, New York, commencing at 7 p.m.

Members present: Richard Dollard, David Hale, Craig McAllister, Arnie Monno, Matthew Minor, Wayne Rickman, David Strabel.

Also present: Nat O. Lester, III, Planning Board Counsel; James Oberst, P.E., MRB; Kris Schultz, Schultz Associates.

Chairman McAllister called the meeting to order at 7 p.m., and asked everyone present to say the Pledge of Allegiance.

Correspondence was passed to members for review.

Moved by Mr. Minor, seconded by Mr. Dollard, that the Planning Board Schedule and Rules and Regulations for 2019 be approved.

*Chairman McAllister – Aye*  
*Mr. Dollard – Aye*  
*Mr. Hale – Aye*  
*Mr. Monno – Aye*  
*Mr. Minor – Aye*  
*Mr. Rickman – Aye*  
*Mr. Strabel – Aye*

Moved by Mr. Dollard, seconded by Mr. Monno, that the minutes of December 10, 2018, be approved.

*Chairman McAllister – Aye*  
*Mr. Dollard – Aye*  
*Mr. Hale – Aye*  
*Mr. Monno – Aye*  
*Mr. Minor – Aye*  
*Mr. Rickman – Aye*  
*Mr. Strabel – Aye*

Moved by Mr. Monno, seconded by Mr. Strabel, that the regular meeting be adjourned to the public hearing.

*Chairman McAllister – Aye*  
*Mr. Dollard – Aye*  
*Mr. Hale – Aye*  
*Mr. Monno – Aye*  
*Mr. Minor – Aye*  
*Mr. Rickman – Aye*  
*Mr. Strabel – Aye*

The Public Hearing began at 7:04 p.m.

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Chairman McAllister read the notice of public hearing and affidavit of publication.

**Zablotski Subdivision 150 - 152 Capen Road. 098.03-1-14.**

Chairman McAllister asked if there was anyone present with comments, questions or concerns regarding this application. There were none.

Moved by Mr. Strabel, seconded by Mr. Dollard, to adjourn the public hearing to the regular meeting.

*Chairman McAllister – Aye  
Mr. Dollard – Aye  
Mr. Hale - Aye  
Mr. Monno – Aye  
Mr. Minor – Aye  
Mr. Rickman – Aye  
Mr. Strabel – Aye*

The Public Hearing ended at 7:05 p.m.

**Zablotski Subdivision 150-152 Capen Road. 098.03-1-14.**

Mr. Kris Schultz addressed the Board. He stated that this property is an estate and the reason for the subdivision is for marketing the property. Town Engineer, James Oberst, indicated that he is satisfied with all that was addressed, and has signed the plan. Mr. Minor asked if the buildings were all on one side of Capen Road, which was confirmed by Mr. Schultz.

Moved by Mr. Hale, seconded by Mr. Strabel,

WHEREAS, the Town of Sweden Planning Board has received an application for subdivision approval of the Zablotski Subdivision, located at 150 - 152 Capen Road, which was accepted for review on December 10, 2018, and

WHEREAS, the Town of Sweden Planning Board held a public hearing on January 14, 2019, and all persons wishing to be heard were heard, and

WHEREAS, the Planning Board has reviewed the Short Environmental Assessment Form, Agricultural Data Statement, and comments of the Town Engineer, and Monroe County Planning and Development,

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board declares itself Lead Agency for the environmental review of this application, and determines that the Zablotski Subdivision is an unlisted action which will not have a significant impact on the environment, and grants the subdivision preliminary approval,

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the final hearing be waived, the Zablotski Subdivision be granted final approval contingent upon receiving all required signatures, and the Chairman be authorized to sign the mylar.

*Chairman McAllister – Aye  
Mr. Dollard – Aye  
Mr. Hale - Aye  
Mr. Monno – Aye  
Mr. Minor – Aye  
Mr. Rickman – Aye  
Mr. Strabel – Aye*

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**Villas at Brandon Woods – 1636, 1638 Nathaniel Poole Trail. 084.01-1-61 and 084.01-1-62 AND 1639, 1641, 1643, 1645 Nathaniel Poole Trail. 084.01-1-84-87.**

Chairman McAllister stated that it was his understanding that all was filed properly and the Town Engineer is satisfied and has signed the plan.

Counsel Lester said that the maintenance agreement was filed on January 9, 2019; a copy of which has been provided by Mr. Schultz. Mr. Strabel indicated that whoever buys the property will do so with the easements filed and will be responsible for maintenance of the pond. Chairman McAllister added that the Town has the ability to do work and charge any fees back to the owner.

Mr. Minor questioned how the “pond,” which was illegally subdivided, becomes legal so that the parcels do not stand alone from Section II. Counsel Lester replied the property owner has the choice to not develop the land or to move forward by linking the pond to any future development. For now, the Town has permission to maintain the pond, if necessary; and then pass any costs onto whoever owns the Section II. Mr. Schultz stated that the owner of record on the two pond parcels is currently Phil Nothnagle LLC, and it is his intention to sell the undeveloped land and two pond parcels to Mr. Licciardello. The Town Engineer will review the drainage to prove the pond is adequate, or if necessary, to modify when the proposed application for the Section II is before the Board. Mr. Minor asked if the easement agreement indicates that the pond has to accept drainage water. Mr. Schultz replied yes, it is a stormwater pond for the Villas at Brandon Woods Subdivision including Section 1, the balance of property, the Spectra (plaza) parcel, and the two pond parcels. Counsel Lester added that the agreement references how the development was originally designed and approved to accept drainage water. Mr. Schultz agreed.

Chairman McAllister explained that if the Section II property is sold to someone who does not agree to accept the stormwater drainage to the two pond parcels, then the Town can shut down all the rest of the properties in that subdivision based on the drainage to that pond. In turn, the property owners could sue the owner because it shows in the agreement that he bought it as such. Mr. Schultz added that they have the ability to document on future plans that the pond is an integral part of the subdivision. The best part of said agreement is that it puts maintenance on the individual and not the Town, and as indicated before, the Town would have the right to fix any problems and chargeback to the owner. Counsel Lester reported that these charges can be added to the Town/County tax bill, but until the owner pays the tax bill, the Town would not be reimbursed.

Mr. Minor is concerned that whoever owns the pond could stop paying taxes at some point and it would end up being properties without taxation. Mr. Schultz replied that is always the concern for all developments with ponds. The final approval of Section II can indicate that ownership of the pond parcels is to stay with that Section.

Mr. Schultz asked for approval for the resubdivision. The plans have been signed by the Town Engineer.

Moved by Mr. Hale, seconded by Mr. Strabel,

WHEREAS, the Town of Sweden Planning Board has received an application for resubdivision approval of the Villas at Brandon Woods - Lots 106, 107, CR2 located at 1636 and 1638 Nathaniel Poole Trail respectively, and Lots 113, 114, 115, 116, DR3 located at 1639, 1641, 1643, 1645 Nathaniel Poole Trail respectively, which were accepted for review on December 10, 2018, and

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WHEREAS, the Town of Sweden Planning Board has reviewed the comments from the Town Engineer, and

WHEREAS, the Town of Sweden Planning Board acknowledges that the Town Board, through a consolidated review, completed an environmental review of the Villas at Brandon Woods, Section I, Subdivision and Site Plan, and granted a negative declaration of significant environmental impact on April 24, 2007,

NOW, THEREFORE BE IT RESOLVED, that the Planning Board grants preliminary approval to the resubdivisions,

NOW, THEREFORE, BE IT RESOLVED, that the final hearing be waived, and the Villas at Brandon Woods - Lots 106, 107, CR2 and Lots 113, 114, 115, 116, DR3 Resubdivisions be granted final approval, and the Chairman be authorized to sign the mylar.

*Chairman McAllister – Aye  
Mr. Dollard – Aye  
Mr. Hale - Aye  
Mr. Monno – Aye  
Mr. Minor – Nay  
Mr. Rickman – Aye  
Mr. Strabel – Aye*

**Mantisi Solar Farm Subdivision, Site Plan and Special Use Permit. 7397 Fourth Section Rd. 083.02-1-22  
Hibsch Solar Farm Subdivision, Site Plan and Special Use Permit. 7131 Fourth Section Rd. 083.01-3-21.1**

Moved by Mr. Minor, seconded by Mr. Rickman, to grant the request to withdraw the application of the Mantisi Solar Farm Subdivision, Site Plan, and Special Use Permit, and the application of the Hibsch Solar Farm Subdivision, Site Plan and Special Use Permit from Planning Board review.

*Chairman McAllister – Aye  
Mr. Dollard – Aye  
Mr. Hale - Aye  
Mr. Monno – Aye  
Mr. Minor – Aye  
Mr. Rickman – Aye  
Mr. Strabel – Aye*

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**Helios Energy Solar Farm Subdivision, Site Plan & Special Use Permit. Lake Road and Swamp Rd.**  
**098.04-1-2.1**

Chairman McAllister stated that he received two emails requesting an extension for the application of the Helios Energy Solar Farm Subdivision, Site Plan and Special Use Permit, one for 30 days and one for 90 days.

Moved by Mr. Rickman, seconded by Mr. Dollard to grant the request for a 30-day extension of the Helios Energy Solar Farm Subdivision, Site Plan and Special Use Permit application.

*Mr. Monno asked if there should be a specific date for the extension. Counsel Lester suggested that the Board grant the extension until the second meeting in February, which is February 25, 2019. The Board agreed.*

*ChairmanMcAllister – Aye*

*Mr. Dollard – Aye*

*Mr. Hale - Aye*

*Mr. Monno – Aye*

*Mr. Minor – Abstained*

*Mr. Rickman – Aye*

*Mr. Strabel – Aye*

Meeting was adjourned by motion at 7:38 p.m.

Respectfully submitted,  
Kathleen Roberts  
Deputy Town Clerk