

**TOWN OF SWEDEN  
Planning Board Minutes  
February 10, 2014**

A regular meeting of the Town of Sweden Planning Board was held on Monday, February 10, 2014, at the Town Offices, 18 State Street, Brockport, New York, commencing at 7 p.m.

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

Absent: David Hale

Also present: James Oberst, MRB, Nat O. Lester, III, Planning Board Counsel, Walter Windus, Kris Schultz, PE, Schultz Associates, A.J. Barea, LS, Jim Missell, LS, Ray Perry, Velocitel, Roberto Battisti, Eric McCracken, Hossein Ghazanfari

The meeting was called to order at 7 p.m. by Chairman McAllister.

Correspondence was passed to members for review.

Moved by Mr. Monno, seconded by Mr. Strabel, that the minutes of January 27, 2014, be approved as amended:

*Page 1, 2<sup>nd</sup> paragraph, should read, 20 to 30 cars a day stopping by.*

*Page 2, 1<sup>st</sup> paragraph, should read, heading northerly it will be tucked behind the hedgerow.*

Ayes – 5

Abstain – W. Rickman

Moved by Mr. Minor, seconded by Mr. Dollard, that the regular meeting be adjourned to the public hearing.

Ayes – 6

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

**Colby Resubdivision. 2730 Colby Street. 084.03-1-22.11**

Mr. Jim Missell addressed the Board. He is representing Steve and Brenda Ruether and is requesting preliminary and final approval tonight. Mr. Battisti, the property owner to the west is conveying 15 ft. of land to the east, the Ruether property. Updated plans were distributed.

Chairman McAllister asked if there were anyone from the public with questions, comments or concerns. There were none.

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

Ayes – 6

Mr. Missell has addressed the three comments from MRB.

1. A note has been added to the plan that no new development is proposed.
2. All existing structures have been shown on both lots.
3. Wetlands and buffer have been shown on the plan from reference material and are well outside the structure area.

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Mr. Minor asked if Lot R3 has a house on it. Mr. Missell stated it does not, just a pole barn.

Moved by Mr. Strabel, seconded by Mr. Minor,

WHEREAS, the Town of Sweden Planning Board has received an application for approval of the Colby Resubdivision, located at 2730 Colby Road, and

WHEREAS, the Town of Sweden Planning Board held a public hearing on February 10, 2014, and all persons wishing to be heard were heard, and

WHEREAS, the Planning Board has reviewed the Short Environmental Assessment Form, Agricultural Data Statement, comments received from the Town Engineer, Environmental Conservation Board, and Fire Marshal,

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board determines that the Colby Resubdivision is an unlisted action which will not have a significant impact on the environment and grants Preliminary Approval,

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the final public hearing be waived, that the Colby Resubdivision be approved contingent upon receiving the required signatures, and the Chairman be authorized to sign the mylar.

Ayes – 5  
Abstain – W. Rickman

**AT&T Cell Tower Amended Site Plan. 411 Ogden/Sweden TL Road. 099.04-2-2.21**

Mr. Ray Perry addressed the Board. The Board requested the site plan showing the generator be displayed. The original cell tower application was approved by the Town Board. Mr. Perry will locate the original site plan for the next meeting.

The generator will be located on a 5 ft. by 10 ft. concrete pad, and the double-wall tank will hold up to 210 gallons (80% capacity) of diesel fuel. Mr. Strabel asked if there would be an EPA number on site. Mr. Perry stated yes.

Mr. Strabel asked if there was a generator on site now. Mr. Perry stated no, just the ability to wheel a portable one to the site.

Mr. Monno stated there is an existing house on the abutting property, and a driveway to the cell tower site. Mr. Strabel asked if the driveway was adequate for diesel fuel deliveries. Mr. Perry stated yes.

Moved by Mr. Minor, seconded by Mr. Monno, that the AT&T Cell Tower Amended Site Plan be accepted for review.

*The Board requested the approved original site plan be included with this application. The signature block will need to be updated for final approval.*

Ayes – 6

The public hearing will be March 10, 2014.

**Ghazanfari Acres – Lots 1 and 2. 1353 West Sweden Road. 112.02-1-7.1**

Mr. A.J. Barea addressed the Board. The applicant owns approximately 70 acres and is proposing to subdivide Lot 1 with the existing structures. The remaining acres will be farmland.

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Mr. Barea explained that the existing structure is a combination of additions over the last 180 years. Mr. Monno stated that the original owner of the property is Mr. Staples.

Moved by Mr. Minor, seconded by Mr. Dollard, that the Ghazanfari Acres, Lots 1 and 2, be accepted for review.

Ayes – 6

The public hearing will be March 10, 2014.

**Five Sons Vineyards Site Plan. 1356 West Sweden Road. 113.01-1-4.11**

Chairman McAllister stated that this Board has never reviewed a winery or horse arena application in its history, so there are many questions and issues to discuss. There will be a conference call with Mr. Bob King, agricultural expert, tomorrow to sort out what can and cannot be approved.

Mr. Monno asked what the address of the tastings room is. The Clerk stated 1360 W. Sweden Road is Mr. Mesiti's residence and 1356 W. Sweden Road will be the tastings room address. Mr. Monno suggested now might be the time to petition for public water. Chairman McAllister stated the Comprehensive Plan doesn't show public water to ever be installed on W. Sweden Road. Since the Comprehensive Plan is under review, public water can be recommended for this area. Mr. Strabel stated it is still an affordability issue.

Mr. Schultz read over his responses to the comments submitted at the Public Hearing on January 27, 2014. See attached letter, dated February 5, 2014, for written responses.

Mr. Minor asked the Board if the responses were read and are there any additional questions of Mr. Schultz.

Mr. Schultz highlighted the following responses:

- The distance between the septic system and well exceeds the requirements of MCDOH.
- The well water usage is less than half if it were developed into a single family residence.
- Confirmed with Mr. Mesiti that the grapes are not washed, water used for cleanup, which will either be mulched or taken off site.
- The hours of operation were changed from 10 a.m. to 10 p.m., which was Mr. Schultz' idea due to it staying lighter longer in the summer. Mr. Mesiti was fine with it from 10 a.m. to 6 p.m.
- Mr. Minor asked if a Special Use Permit would be required. Chairman McAllister stated a Special Use Permit can't be approved because the tastings room is a retail operation, which is prohibited in a residential zoned property. The applicant has applied to be included in an Ag District. Attorney Lester asked if it turns out the property cannot be included in an Ag District, how will the applicant proceed. The applicant would have the option of applying for a Use Variance.
- Mr. Oberst asked what the status of MCDOT approval was. Mr. Schultz stated plans have been submitted, reviewed and comments received and addressed. To date, there are no obstacles in submitting for a permit.
- Chairman McAllister requested that the references to a Special Use Permit be changed to Use Variance in his submitted responses. Mr. Schultz will update accordingly.

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Mr. Schultz stated Mr. Mesiti is proposing to include growing hops for draft beers in the future. This will require another public hearing with that application.

Discussion took place how many cases can be produced from a good year, i.e., 5,000 cases from 5 acres.

**OTHER**

Mr. Strabel distributed drawings of parking lot improvements to the Wegmans Plaza in front of the former Chase Pitkin store. He met with Mr. Marty Hermann, Site Coordinator, to discuss improvements. They include:

- Pulling back curbing/median 5 ft. to 10 ft. at Lake Road intersection due to trucks hitting it.
- Changes to handicap signs.
- Double width of current concrete pad in back of building.
- Put concrete by front doors instead of asphalt.
- Will lose some parking spaces repaving parking lot with 10 ft. x 20 ft. spaces, formerly 9 ft. x 20 ft.

The Board agreed no approval would be necessary as it will still remain impervious surface.

The Clerk asked per the email she sent regarding façade changes to the Aldi's store, if Planning Board approval would be required. The Board discussed the proposed changes and agreed approval would be required, especially since façade changes to other businesses have required it.

The meeting was adjourned on motion at 9 p.m.

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**Planning Board Clerk**