

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, 2nd paragraph, should read, 20 to 30 cars a day stopping by.

Page 2, 1st 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.

Planning Board Clerk

February 5, 2014

Town of Sweden
18 State Street
Brockport, NY 14420

Attn.: Chairman Craig McAllister

Re.: Public Hearing comments for the Five Sons Vineyard
1356 West Sweden Road
Town of Sweden

Dear Craig:

Written comments were provided to the Planning Board by Pat Pawlaczyk, James D'Amico and Hossein Ghazanfari at the January 21 meeting. A copy of these comments is attached.

As requested, the following responses are provided for each comment.

Regarding the Pat Pawlaczyk comment letter:

The new septic field will be 145' from the closest well and is located down slope. These conditions exceed the Monroe County Health Department requirements.

The site distance has been measured and meets the requirements of the Monroe County Department of Transportation.

The existing vineyard is not irrigated and there is no plan to start because it hasn't been necessary. If it becomes necessary in the future, water would be drawn from the new pond. The water consumption for the tasting building is calculated to be 165 gallons per day. There is no significant use of water in the wine making process other than water used to clean up spills or to rinse equipment after use. This amount of water would be less than fifty gallons per day. This site is approved for the construction of a single family house with a four bedroom house having a typical water consumption of 440 gallons per day, or more than double the amount anticipated with the current application. There have been no reported cases of wells going dry in the immediate area, even with the fact that the last few years have been considered to be drought conditions.

There is no anticipated impact to wetland Ho9 and the North Branch of Black Creek. The plan meets all of the separation requirements set out by the NYSDEC. This plan has been reviewed by the NYSDEC as part of the January 14, 2014 Monroe County Planning review. Any agricultural

by-products will be composted or collected by the local solid waste hauler such as Integrated Waste, or Suburban Disposal.

Yes, I believe SEQR review is required for all Board actions. The Town Conservation Board has completed their review of the Site Plan and recommends a negative declaration.

I don't believe the Town's Master Plan mentions wineries.

I believe products sold at the Tasting Building will be the products of the farm, so I would not consider this a true retail business.

I believe any special events would require an additional permit from the Town of Sweden.

The planned hours of operation would be from 10:00 am to 10:00 pm. Definitely not like a bar, which typically closes at 2 am.

I don't believe the Town would regulate the size of the winery. Just as I don't believe the Town regulates the amount of corn a farmer plants or the number of cows he has, I suspect they would not regulate the size of the vineyard. The number of people using the tasting building is regulated by code and is based on the building size and amenities. The sanitation is designed for a maximum of 20 visitors plus one employee.

No applications to the TTB or SLA have been submitted at this time.

The Monroe County Department of Transportation has completed their initial review of the plans as part of the January 14, 2014 Monroe County Planning review.

Noise will be controlled by the local law enforcement agency.

Lighting is proposed for safety purposes and is anticipated to be motion controlled and dark sky compliant.

The owner of the wine tasting operation would have the same responsibility as any owner of a restaurant or bar that serves alcohol.

Regarding the court case Rivendell Winery V. Linda Donovan, my opinion is that this case is significantly different from Mesiti's application so as not to provide any basis for concern. Excerpt from court case "at the time of application for site plan approval, the property, Rivendell Winery" consisted of a single family dwelling, no vines, grapes or other crops planted, and no plans to lease additional land for planting vines. They also proposed a picnic area open to the public, which would encourage additional consumption of the wine on site.

Regarding the James D'Amico comment letter:

Noise and Nuisance, as address above.

Environmental impact, as addressed above.

The will not be a significant increase in the amount of traffic. The tasting building is set up for a maximum of 20 quests.

The MCDOT regulated access and sight distance requirements as noted above.

Special events would require a separate permit.

The wine tasting building is set more than 180 feet from your property and close to 200 feet from his house.

Existing customers will be directed to the northerly driveway from the parking lot. The arrows on the site plan were intended to show the proposed circulation of emergency vehicles. Mr. Mesiti is willing to add additional screening to eliminate impacts to Mr. D'Amico's property. I would recommend the planting of pines on the west and south sides of the existing entrance drive as opposed to an eight-foot tall solid privacy fence. I don't believe eight foot fences are allowed in the Town of Sweden. Fences require maintenance and usually only really provide temporary screening.

The anticipated water consumption and impacts on wells was addressed above.

The plan for wastewater and solid waste disposal was addressed above.

The environmental impacts were addressed above.

The planned water consumption was addressed above. The amount of water quoted by Mr. D'Amico to produce a gallon of wine is his opinion and is not supported by any facts. The well water concerns were also addressed above.

There is no anticipated release of high B.O.D. or C.O.D. waste from this site.

There will be no impact to adjacent wetlands as addressed above.

The SEQR process was addressed above.

Regarding comment on Town Comprehensive Plan, no comment.

I believe Mr. Mesiti hopes to produce up to 5000 cases of wine in a good year.

I believe Mr. Mesiti plans on using outside resource if necessary, depending on demand and productivity of his vineyard.

The site plan shows a 20 space parking lot with lighting provided for safety as described above. There should be minimum impact to your property due to the separation and screening.

Taxes are determined by the Tax Assessor. I believe you would need to provide a number of comparable house sales in your area that demonstrate the assessed valuation of your property is significantly above these comparables to obtain a reduction in your taxes from the Assessor.

A special use permit can include conditions such as hours of operation, etc.

A special use permit can include conditions such as hours of operation, etc.

Regarding the Hossein Ghazanfari comment letter:

1. Irrigation has not been used nor is planned, as addressed above.
2. Traffic concerns were addressed above.
3. The tasting building is set up for a maximum of 20 guests. There should be no measurable increase in the local crime rate.
4. Property values were addressed above.
5. There should be no impact to the zoning and taxes for properties around the site.
SEQR was addressed above.
The referenced court case was addressed above.

This concludes my responses to the submitted comments provided at the January 27, 2014 public hearing. I would be happy to provide additional comments to any of the concerns expressed by the neighbors as requested by your Board.

Sincerely,



Kris Schultz, P.E.L.S.