

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

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

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

Also present: James Oberst, MRB, Nat. O. Lester, III, Planning Board Counsel, A.J. Barea, LS, Kris Schultz, Schultz Associates, Adam Mesiti, Hossein Ghazanfari, Matthew Prater

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

Correspondence was passed to members for review.

Moved by Mr. Dollard, seconded by Mr. Monno, that the minutes of February 24, 2014, be approved.

Ayes – 7

The public hearing for AT&T Cell Tower Amended Site Plan was cancelled. A legal notice will be publicized once the hearing is rescheduled.

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

Ayes – 7

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

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

Chairman McAllister asked if there were anyone present with comments, questions or concerns.

Matthew Prater, 1186 Ladue Road – Mr. Prater asked if there was any proposed development on the big lot. Mr. Barea stated no. He explained that the sole purpose of the application was for subdivision only. Any proposed development on Lot 2 is subject to site plan approval. Mr. Prater confirmed with Mr. Ghazanfari, owner of the property, that he does not plan to sell the property or develop it at this time. Mr. Barea continued by stating Lot 1, five acres, will include the house and barn.

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

Ayes – 7

Chairman McAllister continued review of this application.

MRB Comments

1. Location of well has been shown on the plan.
2. Approximate location of the wetlands has been shown on the plan, which is mostly in the woods.

County Comments

1. Similar comments regarding the wetlands.
2. Standard comments addressed.

ECB and Fire Marshal Comments – no concerns.

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Mr. Barea stated the name of the subdivision has been revised from Ghazanfari Acres to Ladue-West Sweden Road Subdivision, Lots A and B, per the owner's request.

Mr. Minor requested the water statement be added to the plan. Mr. Barea will add that note.

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

WHEREAS, the Town of Sweden Planning Board has received an application for approval of the Ladue-West Sweden Road Subdivision, a two lot subdivision, located at 1353 West Sweden Road, and

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

WHEREAS, the Planning Board has reviewed the Short Environmental Assessment Form, comments received from the Town Engineer, Monroe County Planning and Development, Environmental Conservation Board, and Fire Marshal,

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board determines that the Ladue-West Sweden Road Subdivision 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 Ladue-West Sweden Road Subdivision be approved contingent upon receiving the required signatures, and the Chairman be authorized to sign the mylar.

Mr. Monno requested the driveway be shown on Lot A. The Board stated that it wasn't required for subdivision approval. Mr. Monno stated it would make it complete since the existing septic and well are shown. Mr. Barea stated he will add the driveway.

Ayes – 7

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

Chairman McAllister stated this application is for approval of a building, not specifically a tastings room. Mr. Strabel asked for clarification. Mr. Mesiti stated the approval is for the building right now and once the property becomes part of an Ag District, the opening of a tastings room can move forward. Mr. Schultz added the preliminary indication is that the property will be moved into an Ag District.

Mr. Hale wondered what the difference between someone growing grapes on their property, processing them and then selling them, and old Henion Orchard growing apples, processing them and selling apple cider on East Avenue. Mr. Schultz stated no significant difference except this is something new. There are different regulations controlled by different government agencies.

Mr. Schultz added since the last meeting, the DOH has reviewed the plans and signed them. The original approved location of the septic system was used. Mr. Mesiti will have to remove approximately 15 vines.

Mr. Strabel questioned the issue regarding the neighbor to the west concerned about the headlights from customers' cars shining on his property. Mr. Schultz stated the arrows are shown for the path the customers would take. Mr. Schultz is proposing placing pines along the west side of the existing drive approximately 10 ft. off the edge of pavement instead of installing a fence. This would allow for a better buffer instead of a fence. Chairman McAllister asked what the first floor elevation would be for the neighbor's house. Mr. Schultz stated approximately two feet higher or lower.

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Mr. Minor confirmed with Mr. Schultz that this project is for an amended site plan approval; a residential building with a proposed agricultural use. The plan shows details for the use of the property once it is made part of an Ag District, and in the interim, it shows how the residents' concerns will be addressed from the public hearing.

Mr. Oberst asked if everything shown on the site plan will be built in one phase, i.e., tastings room, parking lot, etc. Mr. Schultz replied yes, and if the property is not accepted into an Ag District, the structure will remain a storage building.

Mr. Monno asked if the PIF should be resubmitted due to the updated information. Mr. Schultz didn't think so. Mr. Oberst asked if the tastings room reference should be removed. Mr. Schultz stated he understands that it is not an allowed use so it could be on the plan. Attorney Lester and the Board disagreed. Mr. Schultz will remove all references to the tasting room. He will also go through the application forms and change any references to a tasting room as well.

Chairman McAllister asked for clarification of the trees being planted. Mr. Schultz recommends planting the trees at every cross of the parking lot and driveway; 4 trees, 15 ft. on center, 8 to 10 ft. off the edge of pavement, which would provide a good shield.

Mr. Monno asked for clarification regarding the grinder pump. Mr. Schultz stated it's just a pump; semi-positive displacement corkscrew pump.

Mr. Dollard asked if the sign detail on the plan was still needed. Mr. Schultz wished to leave the sign detail on the plan because it still could be used to identify the farm.

Mr. Oberst asked for the status of the County DOT approval. Mr. Schultz stated the plan has been reviewed, comments received, and a permit for construction must still be obtained. The County would like to visit the site.

Mr. Minor asked for status of the access easement. Mr. Schultz remarked it is pending, private between two owners, nothing the Town needs to worry about. Mr. Minor explained that if one of the lots is sold, access could be denied to the other lot. Attorney Lester requested that the easements be recorded ahead of time. Mr. Schultz stated he will take care of that, which is good planning.

Chairman McAllister summarized the two primary concerns from the public hearing: (1) tastings room will increase drinking and driving, and (2) the amount of water used in the process. The tastings room is not being approved at this time so it is not an issue any longer and it was determined the amount of water used is technically less than if a residence was built. The applicant will provide a buffer to the neighbor with the pine trees.

The water statement should be added to the plan. It was determined that another public hearing doesn't need to be held; the application has been modified to less than what was originally requested.

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

WHEREAS, the Town of Sweden Planning Board has received an application for approval of the Five Sons Vineyards Site Plan, formerly the Walker Resubdivision approved September 26, 1994, located at 1356 West Sweden Road, and

WHEREAS, the Town of Sweden Planning Board held a public hearing on January 21, 2014, and all persons wishing to be heard were heard,

NOW, THEREFORE, BE IT RESOLVED, since the site plan is for an agricultural purpose, the Planning Board determines that this is a Type II action which will not require further review,

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Five Sons Vineyard Site Plan be approved contingent upon the required changes, receiving the required signatures, and the Chairman be authorized to sign.

The changes include, and as detailed in the above minutes, the planting of the pine trees to provide a buffer to the neighboring property to the west, removal of references to the tasting room on the plan and on all applications where necessary, completion of a utility cross access easement, and the Town's water statement added to the plan.

Ayes – 7

OTHER

Mr. Minor confirmed with the Attorney Lester that Aldi's did not require a public hearing to move forward with an amended site plan approval.

The meeting was adjourned on motion at 8 p.m.

Planning Board Clerk