

**TOWN OF SWEDEN
Planning Board Minutes
May 9, 2016**

A regular meeting of the Town of Sweden Planning Board was held on Monday, May 9, 2016, at the Town Offices, 18 State Street, Brockport, New York, commencing at 7 p.m.

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

Also present: James Oberst, P.E., MRB; Nat O. Lester, III, Planning Board Counsel; Laurie Schindler, Store Crafters; Christian Yunker, CY Properties LLC; Wendy Meagher, Meagher Engineering; Paul Romano; Robert Klein.

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. Rickman, that the minutes of April 25, 2016, be approved.

*Mr. Hale recommended changing low quality to low intensity under Harbor Freight, 3rd paragraph.
The Board agreed.*

Ayes – 6
Abstain – Mr. Hale

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

Ayes – 7

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

CY Properties – Lot 1 Subdivision, 924 Reed Road. 114.03-1-16.

CY Properties – Lot 2 Subdivision, 824 Reed Road. 114.04-1-9.

Chairman McAllister asked if there was anyone present with questions, comments or concerns for either of these two applications. No one responded.

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

Ayes – 7

Lanni Amended Site Plan. 650 Shumway Road. 084.03-1-6.21.

Ms. Wendy Meagher addressed the Board. She explained that the elevation of the home was lowered by two feet, which in turn, created a disturbance over 1 acre. A SWPPP was prepared and submitted to the Town Engineer for review. Mr. Oberst had some minor changes to the plan which were addressed. The SWPPP was reviewed and looks good. The only items left are the contractor's certification number and signing of the MS4.

Mr. Strabel asked for a summary of the work done. Ms. Meagher stated while the configuration stayed exactly the same, the finished floor of the home was lowered two feet, which, in turn, lowered the septic system and reduced the amount of fill required. In order to make the grading work, the hill was cut back slightly resulting in more disturbance. Was there always a swale going around the house? Ms. Meagher stated the swale was better defined to prevent drainage from going onto the neighbor's property.

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Moved by Mr. Minor, seconded by Mr. Monno, that the Lanni Amended Site Plan be accepted for review.

Ayes – 7

Mr. Strabel confirmed with Mr. Oberst that the revised plans before the Board reflect the comments of the May 2 letter. Mr. Oberst stated all comments have been addressed.

Moved by Mr. Strabel, seconded by Mr. Dollard,

WHEREAS, the Town of Sweden Planning Board has received an application for approval of the Lanni Amended Site Plan, located at 650 Shumway Road, which was accepted for review on May 9, 2016, and

WHEREAS, the Planning Board has reviewed the Site Plan Application, Short Environmental Assessment Form, and comments from the Town Engineer,

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board declares itself Lead Agency for the environmental review of this application, and determines that the Lanni Amended Site Plan is an unlisted action which will not have a significant impact on the environment, and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Planning Board determines the Lanni Amended Site Plan is appropriate in the interest of the public health, safety and general welfare, and no undesirable change will be produced in the character of the neighborhood or no detriment to nearby properties will be created, and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the hearing be waived and the Lanni Amended Site Plan dated May 3, 2016, be granted approval, contingent upon all required signatures being obtained, and the Chairman be authorized to sign.

Mr. Minor confirmed that the approval is contingent upon MCDOH's approval and required signatures being obtained. Mr. Oberst stated that is correct.

Ayes – 7

Econolodge Amended Site Plan.650 Shumway Road.083.02-1-15.1.

No one was present to discuss this project.

Harbor Freight Tools Amended Site Plan. Sweden Corners Plaza. 084.01-1-4.11.

Ms. Laurie Schindler addressed the Board. She explained all of the following Board's requests were accepted: the repaving of the parking lot, installing a dumpster enclosure, and adding a stop sign. Also, the notch in the façade will be removed to create a more balanced look. The Board reviewed the updated plans.

Additionally, Ms. Schindler was pleased to report that the owners of the plaza, Gibraltar Management, had agreed to repave the whole plaza parking lot.

Chairman McAllister asked if the Town Engineer had any other comments. Mr. Oberst was all set.

The Board thanked Ms. Schindler for her efforts in helping to improve the whole plaza.

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

WHEREAS, the Town of Sweden Planning Board has received an application for amended site plan approval of the Harbor Freight Tools/Sweden Corners Plaza Amended Site Plan, located at 6615 Brockport-Spencerport Road, which was accepted for review on April 25, 2016, and

WHEREAS, the Planning Board has reviewed the Project Information Form, Short Environmental Assessment Form, and comments from the Town Engineer,

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NOW, THEREFORE, BE IT RESOLVED, that the Planning Board declares itself Lead Agency for the environmental review of this application, and determines that the Harbor Freight Tools/Sweden Corners Plaza Amended Site Plan is an unlisted action which will not have a significant impact on the environment, and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Planning Board determines the Harbor Freight Tools/Sweden Corners Plaza Amended Site Plan is appropriate in the interest of the public health, safety and general welfare, and no undesirable change will be produced in the character of the neighborhood or no detriment to nearby properties will be created, and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the hearing be waived and the Harbor Freight Tools/Sweden Corners Plaza Amended Site Plan dated May 9, 2016, be granted approval, contingent upon all required signatures being obtained, and the Chairman be authorized to sign.

Ayes – 7

CY Properties – Lot 1 Subdivision, 924 Reed Road. 114.03-1-16.

Chairman McAllister continued review of the application. Mr. Yunker addressed the Board. Updated copies of the plan were distributed for the Board's review, which reflect MRB's comments.

Mr. Monno asked if the lot was big enough for well and septic per ECB's comments. The Board agreed that the lot is pre-existing, nonconforming due to the age of the house. Mr. Monno further explained that adding more land to the subdivision will give the potential owner options for the future as far as the septic system, and shouldn't hurt the farmer with so many acres remaining.

Mr. Yunker stated that the intent was to minimize the loss of farmland as much as possible. He added that this lot drains very well so there are options should the well or septic need to be repaired. Mr. Monno stated he still would like to see additional land added to this subdivision.

Planning Board Counsel asked Mr. Monno if there was some test that would alleviate his concerns. Maybe a perc test could be done. Mr. Monno stated that wouldn't be necessary, adding land to the subdivision would be the preferred option.

Moved by Mr. Hale, seconded by Mr. Dollard,

WHEREAS, the Town of Sweden Planning Board has received an application for approval of the CY Properties Subdivision – Lot 1, located at 924 Reed Road, which was accepted for review on April 11, 2016, and

WHEREAS, the Town of Sweden Planning Board held a public hearing on May 9, 2016, and all persons wishing to be heard were heard, and

WHEREAS, the Planning Board has reviewed the Short Environmental Assessment Form, comments of Town Engineer and Environmental Conservation Board,

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board declares itself lead agency for the environmental review of this application, and determines that the CY Properties Subdivision – Lot 1 is an unlisted action which will not have a significant impact on the environment and grants Preliminary Approval, and

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NOW, THEREFORE, BE IT FURTHER RESOLVED, that the final hearing be waived and the CY Properties Subdivision – Lot 1 be granted final approval contingent upon obtaining all required signatures, and the Chairman be authorized to sign the mylar.

Ayes – 5
Nay – 1
Abstain – Mr. Minor

CY Properties – Lot 2 Subdivision, 824 Reed Road. 114.04-1-9.

Chairman McAllister continued review of the application. Mr. Yunker addressed the Board. Updated copies of the plan were distributed for the Board's review, which reflect MRB's comments.

Mr. Hale suggested that the potential buyer may want to see if this stucco house may qualify as a historical listing because it is over 50 years old. This could potentially provide the owner with some tax incentives. Mr. Yunker stated the proposed owner is very interested in restoring the house. The new owner should contact Mr. Strabel, Chairman of the Landmarks Advisory Committee, if interested.

Mr. Monno asked if there were other wells on the property. Mr. Yunker wasn't aware of any other wells. It was asked if the easement to the well will be kept mowed in case the well has to be repaired. The easement area will be farmed, but the new owner can access it whenever the need arises. The water line to the well is new this past year, and the power line runs along it from the house.

Planning Board Counsel requested a copy of the easement document that will be recorded at the County, which addresses maintenance, rights of ingress and egress, and whether it's a permanent or temporary easement. The Clerk can provide Attorney Lester's contact information.

Chairman McAllister questioned whether the land will be farmed right to the road between the two parcels. Mr. Yunker stated that area will not be farmed as it is now a parking area after an old barn was demolished. The edge of cultivation is back at the subdivision's property line. The 137 ft. between the two parcels will be kept as the main access to the farm.

Mr. Monno reiterated his sentiments from the first application that more land should be added to this subdivision in order to include the existing well. He added, from his knowledge of the previous owner, the well is a very good one.

Mr. Dollard asked if the well is exclusively for the house's use. Mr. Yunker replied yes, the water for the farmland is delivered to the site from the home farm in Elba.

Attorney Lester asked for clarification as to why the well has to stay in an easement. Mr. Yunker replied because the easement is part of the main access to the farmland, the owner doesn't want to sell that land. The mortgage lien must be released.

The Town Engineer requested the MCDOH review the plan, specifically the well location, and provide an opinion to the Planning Board. Chairman McAllister suggested the plan be submitted to the DOH for site plan review as the well might not be looked at for subdivision approval.

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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 CY Properties Subdivision – Lot 2, located at 824 Reed Road, which was accepted for review on April 11, 2016, and

WHEREAS, the Town of Sweden Planning Board held a public hearing on May 9, 2016, and all persons wishing to be heard were heard, and

WHEREAS, the Planning Board has reviewed the Short Environmental Assessment Form, comments of Town Engineer and Environmental Conservation Board,

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board declares itself lead agency for the environmental review of this application, and determines that the CY Properties Subdivision – Lot 2 is an unlisted action which will not have a significant impact on the environment and grants Preliminary Approval, and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the final hearing be waived and the CY Properties Subdivision – Lot 2 be granted final approval contingent upon the approval of the easement and the release of the mortgage lien within two weeks after Counsel receives appropriate documents, the MCDOH's opinion be requested with a 30-day waiting period, and obtaining all required signatures, and the Chairman be authorized to sign the mylar.

Ayes – 5

Nay – 1

Abstain – Mr. Minor

The meeting was adjourned on motion at 8:30 p.m.

Planning Board Clerk