

**TOWN OF SWEDEN
Planning Board Minutes
May 14, 2018**

A regular meeting of the Town of Sweden Planning Board was held on Monday, May 14, 2018, 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.

Absent: James Oberst, P.E., MRB – Excused.

Also present: Nat O. Lester, III, Counsel; Richard Maier, Maier Land Surveying; Amanda MacWilliam.

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. Monno, seconded by Mr. Dollard, that the minutes of April 23, 2018, be approved.

Mr. Hale asked what triggers, if any, are in place, which help residents and/or the Town determine if approval for a home occupation is required. Chairman McAllister stated the Board should discuss this later.

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

Moved by Mr. Rickman, seconded by Mr. Dollard, 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 7:02 p.m.

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

C. White Subdivision – 2 Lots, 913 Reed Road, 129.02-1-1.

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

**TOWN OF SWEDEN
Planning Board Minutes
May 14, 2018**

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

Mr. Hale attended the NYPF Conference, April 21 – 23, and it was recommended that the opening and closing times of public hearings be recorded in the minutes. The Board agreed.

Chairman McAllister – Aye

Mr. Dollard – Aye

Mr. Hale – Aye

Mr. Monno – Aye

Mr. Minor – Aye

Mr. Rickman – Aye

Mr. Strabel – Aye

Public Hearing ended at 7:04 p.m.

Moon and Stars Pie Company. 663 Beadle Road. 114.01-1-10

Ms. Amanda MacWilliam addressed the Board. She explained she would like to start a very small business making homemade fruit pies in her home. She has a home food processor's exemption from the State of New York which allows her to sell food made in her home following very specific guidelines. The plan is to bake 8 to 12 pies one day a week and sell at a farm market. No one will come to the home, and there are no proposed changes to the home or property.

Mr. Hale asked is this the type of home occupation the Planning Board should be addressing. Mr. Strabel commented that Sweden Town Code requires Planning Board approval for home occupations, and this is why the Board needs to discuss it.

Mr. Hale confirmed with Ms. MacWilliam that she will not have a sign or require any additional parking. Mr. Minor also confirmed with Ms. MacWilliam that she will not require a commercial oven. A home processor has to use home equipment. There are no inspections from the Department of Health unless there is a complaint. Chairman McAllister clarified that certification is not required because her business is so small and there are strict guidelines as to what she can sell.

The Board explained that home occupations were reviewed many years ago by the Planning Board, and more recently, by the Zoning Board of Appeals and now back to the Planning Board. For some members, this is the first time approving home occupations.

Mr. Hale's opinion is that this application is not the type of home occupations this Board should be approving, and that it shouldn't be accepted for review for that reason. Mr. Minor agreed.

**TOWN OF SWEDEN
Planning Board Minutes
May 14, 2018**

Moved by Mr. Minor, seconded by Mr. Strabel, that the Moon and Stars Pie Company Home Occupation be accepted for review.

Mr. Monno asked if her neighbors are close to her property. Ms. MacWilliam stated she is on a two acre lot with neighbors on either side of her with the similar size lot. They are within shouting distance of each other. This is a new business.

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

The Public Hearing will be June 11, 2018.

Chairman McAllister suggested a workshop prior to the June 11 meeting at 6 p.m. to discuss home occupations and what triggers need to be put in place as well as the application. Does the applicant require a permit? The Town Engineer has submitted comments for review as well. The Board agreed.

C. White Subdivision – 2 Lots. 913 Reed Road. 129.02-1-1.

Chairman McAllister commented he received an email from the Town Engineer due to his absence stating his concerns for the above project have been addressed, and he is in agreement with the Board should a contingent final be granted. Mr. Maier addressed the Board:

MRB Comments:

1. The approximate location of the septic system has been plotted on the map.
2. There is no stream located on the property. Historical data from the 70s shows a stream, but after working the property twice, there is no stream.
3. Site data has been corrected to read a side setback of 10 ft. The front setback is shown as 30 ft. from the R.O.W. where it should be 75 ft.
4. Mr. Maier is not aware of any existing easements; however, the poles do reside in the R.O.W.
5. Per Real Property Service, an undisclosed tax account number has been determined for an approximate 24 ft. strip of land to Ms. White's Genesee County property. A note has been added to the plan.
6. "Not approved for building" verbiage has been added to Lot 2. Also, a note on the plan that any new development requires site plan approval from this Board.
7. Setbacks have been addressed.

The DRC has not responded to date with comments. The County Surveyor requested additional monumentation.

Discussion followed as to the location of the two lots in the Town of Sweden and additional property the applicant owns in Genesee County. The 24 ft. strip in Monroe County exists as an access to the land in Genesee County.

**TOWN OF SWEDEN
Planning Board Minutes
May 14, 2018**

Moved by Mr. Hale, seconded by Mr. Rickman,

WHEREAS, the Town of Sweden Planning Board has received an application for approval of the C. White Subdivision – 2 Lots, located at 913 Reed Road, which was accepted for review on April 23, 2018, and

WHEREAS, a public hearing was held by the Planning Board on May 14, 2018, and all persons wishing to be heard were heard, and

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

NOW, THEREFORE, BE IT RESOLVED, the Planning Board declares itself lead agency for the environmental review of this application, and determines that the C. White Subdivision – 2 Lots 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 C. White Subdivision - 2 Lots 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

The meeting was adjourned on motion at 7:45 p.m.

Respectfully submitted,
Phyllis Brudz - Planning Board Clerk