

TOWN OF SWEDEN
Planning Board Minutes
August 11, 2014

A regular meeting of the Town of Sweden Planning Board was held on Monday, August 11, 2014, at the Town Offices, 18 State Street, Brockport, New York, commencing at 7 p.m.

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

Absent: Richard Dollard, David Hale.

Also present: Adam Freeman, Land Tech, Timothy Harris, Passero Associates, Richard Maier, DDS Engineers, Janet McKinney, Joan Lavell, Tom Lavell, Robert Banks, Beverly McKinney, Alan Snyder, Michael and Janice Waeghe, John McCurn, Frank Lapinski, Kirk Olsen, Charilla Conner, Rawlin and Darlene Sams, Kathy Beaumont, Michael and Jane Mincher.

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 regular meeting be adjourned to the public hearing.

Ayes – 4

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

Waeghe Subdivision – 4 lots. Sweden Walker Road. 069.04-1-5.11

Chairman McAllister welcomed those in attendance and explained that the application is for subdivision and will entertain any comments, questions or concerns to subdivision of property only.

Mr. Richard Maier addressed the Board. He presented an updated map in response to the Town Engineer's comments, which now shows the existing wetlands and floodplain. Also, sight distance is shown from both access points, Sweden Walker Road and Owens Road. Mr. Maier stated the sight distance is unlimited from both roads.

Mr. Maier stated he knows this property well. He surveyed it when it was the Waller Subdivision and has worked closely with the Waeghes over the last year in acquiring the abandoned railroad from CSX. In doing so, Lot 1, 12 acres, was created with an access off Sweden Walker Road. Access from Owens Road is available too. Mr. Maier reiterated that this is just a subdivision with no development proposed at this time.

Janet McKinney, 4415 Sweden Walker Road – Ms. Kinney stated she understands that there are no plans at this point, but would like to state for the record, if this project is to allow four-wheeling, then she would be opposed to it because of the noise. She owns the first house after the railroad tracks and her tenants were not happy with all the noise from the previous activities and would consider it a negative impact.

Michael Mincher, 4245 Sweden Walker Road – Mr. Mincher asked if the applicant could expand on what his intentions are for the property since his previous application for rezoning was denied. He doesn't feel the neighbors would be opposed to a residential subdivision.

Chairman McAllister stated that when the applicant proposes development, a whole new application, accept for review and public hearing would be completed for the proposed development. The subdivision process is

TOWN OF SWEDEN
Planning Board Minutes
August 11, 2014

making sure proper angles and bearings are in place; it doesn't affect the zoning or what the proposed development is. Mr. Minor added it is changing the property lines. Mr. Mincher stated it is hard to be opposed to just that.

Rawlin Sams, 4197 Sweden Walker Road – Mr. Sams' question is if one of the lots is sold to an individual or group and there is a change in development, would the neighbors be notified? Chairman McAllister reiterated that a subdivided lot can be sold without notification; however, any proposed development would require a whole new application process to be followed with proper notification. Mr. Sams asked for clarification as to what developing the site means. Chairman McAllister stated changing the demographics, construction. If there are no changes to the site, then there would be no need for a new application. Mr. Sams stated if he used it for four-wheeling, then there would be no application necessary. Chairman McAllister stated that is correct as long the use is permitted for that zoning, otherwise; a rezoning application with the Town Board would be required. Mr. Sams stated the neighbors are concerned that the applicant now owns the railroad, especially for entering and exiting. For the last rezoning application, the applicant wanted to use the County right-of-way.

Planning Board Counsel Lester expanded by saying any new application will require a legal notice in the paper and notification to residents within so many feet of the project. If rezoning is required, it would be decided by the Town Board; the Planning Board doesn't have that jurisdiction.

Frank Lapinski, 4016 Sweden Walker Road – Mr. Lapinski asked if it was correct that a reason for this subdivision did not have to be given. Chairman McAllister stated that is correct. Any lot created from a larger parcel must have legal access to a dedicated road so that it is not landlocked, which is why the Waeghes purchased the trolley line.

Michael Mincher – Mr. Mincher stated that it should be noted that there is a trolley line and the railroad line and that the Waeghes purchased the railroad line for access to their lots. Chairman McAllister thanked Mr. Mincher for the correction.

Janet McKinney – Ms. McKinney clarified that the railroad line could be a dedicated road, but it is not. Maintenance, security and safety would be the applicant's responsibility. Chairman McAllister stated it is just serving as an access at this point.

Planning Board Counsel Lester asked Mr. Maier if all the lots have their own frontage/access so that no ingress/egress easements and/or shared driveways are needed. Mr. Maier stated that is correct; the railroad line is 66 ft. at Sweden Walker Road and 103 ft. wide at Owens Road. East Canal Road has its own frontage.

Beverly McKinney, 4407 Sweden Walker Road - Ms. McKinney questioned if Mr. Waeghe realizes that there has been a lot of drainage issues over the years, especially where the railroad line meets Sweden Walker Road. Ms. McKinney explained that the drainage problems began with the widening of the road by the State at Sweden Walker Road and Rte. 31. A State representative visited the site recently and could see how the drainage had become worse on their side of the railroad line, possibly due to a blockage. She wanted to alert Mr. Waeghe that he may have inherited drainage problems with the purchase of the railroad line. Chairman McAllister stated that may be a factor if Mr. Waeghe decides to develop his property and drainage issues would have to be addressed at that time.

TOWN OF SWEDEN
Planning Board Minutes
August 11, 2014

Janet McKinney – Ms. McKinney added that drainage issues are still a concern with her basement flooding twice this year.

Frank Lapinski – Mr. Lapinski stated that, while he appreciates that each Board at the Town has its own responsibilities and functions, however, he would want each Board to work hand in hand, i.e., this Board would be aware of the details of the past rezoning application with the Town Board by the applicant. Chairman McAllister stated the Planning Board receives the Town Board minutes via email.

Beverly McKinney – Ms. McKinney wanted to state one more thing, which was that there is a large natural gas line along the south side of the railroad, close to the fence, where activity is not to take place too close to. Chairman McAllister stated this would be another matter to review during any proposed development.

Rawlin Sams – Mr. Sams asked if new markers were added when the property was surveyed. Mr. Maier stated he did not set any new markers at the property corners.

Chairman McAllister asked if there were any more questions, comments or concerns. There were none.

Moved by Mr. Monno, seconded by Mr. Rickman, to adjourn the public hearing to the regular meeting.

Ayes – 4

Golden View Ranch Resubdivision and Amended Site Plan. 7487 Fourth Section Road. 082.02-1-32.

Chairman McAllister summarized that, when the Board last reviewed this project, final approval was given for the riding arena as a private use because the applicant hadn't received a variance from the State to use as a commercial entity without a sprinkler system. Once the variance was granted, the applicant would come back to the Planning Board for septic system approval and approval for the commercial use. The variance was granted and the recommendation from the County was to change the lot line, with the additional purchase of land, to incorporate the septic system on the same lot as the riding arena, which brings us to tonight's application for resubdivision and amended site plan.

Mr. Adam Freeman addressed the Board. The only thing not mentioned was that the Special Use Permit application still needed to be approved. The Planning Board Counsel is presently working on the conditions of the Special Use Permit.

Mr. Freeman stated the applicant purchased the Carnes Subdivision, located on the northeast corner of Fourth Section Road and West Sweden Road, which had an approved site plan showing two approved septic locations. The septic system location on the northern part of the property is going to be used for the riding arena utilizing a pump. Mr. Freeman explained the boundary lines to the Board as shown on the plan.

Mr. Minor requested that Lot 1 show solid property lines. The previously approved site plan will stay the same.

Mr. Monno requested floor elevations of the barn shown. Mr. Freeman stated the surveyors haven't done the as built drawings for the barn yet.

Moved by Mr. Minor, seconded by Mr. Monno, that the Golden View Ranch Resubdivision and Amended Site Plan be accepted for review.

Ayes – 4

TOWN OF SWEDEN
Planning Board Minutes
August 11, 2014

The public hearing will be September 8, 2014.

Banks Trucking Site Plan. 2314 Colby Street. 084.04-1-31.12

Mr. Tim Harris addressed the Board. He distributed updated plans to the Board requesting final approval. The plans have received MCDOH approval and the Town Engineer's approval on the SWPPP. Mr. Harris stated he did not print a mylar for tonight's meeting as he wanted to make sure the Board was satisfied and didn't have any further questions.

Mr. Minor questioned the location of the business sign shown on the plans and that it should be noted that this Board does not approve types of signs, just the location for sight visibility. The Building Department will approve the sign.

Moved by Mr. Minor, seconded by Mr. Rickman,

WHEREAS, the Town of Sweden Planning Board has received an application for approval of the Banks Trucking Site Plan, located at 2314 Colby Street, and

WHEREAS, the Town of Sweden Planning Board held a public hearing on March 11, 2014, and all persons wishing to be heard were heard, and

WHEREAS, the Planning Board determined that the Banks Trucking Site Plan was an unlisted action which would not have a significant impact on the environment,

NOW, THEREFORE, BE IT RESOLVED, that the Banks Trucking Site Plan be approved contingent upon receiving all required signatures, and the Chairman be authorized to sign the mylar.

Mr. Monno asked what the MCDOH status of approval was for this project. The Board stated an approval letter was received, and the updated mylar needs to be signed.

Ayes – 4

Mr. Strabel arrived to the meeting.

Waeghe Subdivision – 4 lots. Sweden Walker Road. 069.04-1-5.11

Chairman McAllister continued review of this application. He explained that he spoke with the Town Engineer and determined that the wetland delineation was requested because most other towns require that information in determining if the lot is buildable or not. The Town of Sweden does not require this for subdivision.

Mr. Maier stated that the wetlands shown are from the National Wetland Mapping website, which shows that access is available from the railroad line, but they were not delineated.

Chairman McAllister asked how angles and bearings can be provided when staking was not done. Mr. Maier explained that the location of the corners of the properties have been found, just not through walking the site and staking the corners.

Mr. Minor asked where the gas line is. Mr. Maier stated along the south side of the railroad bed, by Lot 3; no easements were noted.

Planning Board Counsel Lester asked what the Operating Easement is shown on the map. Mr. Maier stated CSX still had rails in place at the time of closing. Since that time, they have been removed, but left the ties.

Mr. Monno questioned, if Lot 1 was the first developed, the road would abruptly end with the rail bed split.

**TOWN OF SWEDEN
Planning Board Minutes
August 11, 2014**

Discussion followed. It was determined that the rail bed, at this time, is just to show access for Lot 1 and Lot 3, and it is a private access, not a road.

Mr. Minor confirmed that the trolley bed is still owned by the County.

MRB Comments

1. Wetland mapping done.
2. Floodplain mapping done.
3. Sight distance is at least 1000 ft. to the north, and the Sweden Walker intersection can be seen. Sight distance is not an issue.

County Comments

1. Removed property line, which County didn't know why it was shown.

Mr. Monno asked for clarification regarding questions on the PIF relative to monumentation and the nearby airport. Mr. Maier addressed both points, no issues.

Mr. Maier updated the PIF form relative to the project being within so many feet of a hazardous waste site, keeping in mind that no development is proposed.

The Board reviewed Part II of the SEQR form and finds little to no impact with this application.

Moved by Mr. Minor, seconded by Mr. Rickman,

WHEREAS, the Town of Sweden Planning Board has received an application for approval of the Waeghe Subdivision, 4 lots, located at Sweden Walker Road, and

WHEREAS, the Town of Sweden Planning Board held a public hearing on August 11, 2014, and all persons wishing to be heard were heard, and

WHEREAS, the Planning Board has reviewed the Project Information Form, Short Environmental Assessment Form, Agricultural Data Statement, comments received from the Town Engineer, Monroe County Planning and Development, Environmental Conservation Board, Building Inspector/Storm Water Manager, Highway/Sewer Superintendent, and Fire Marshal,

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board declares itself as Lead Agency for review of this project,

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Planning Board determines that the Waeghe Subdivision, 4 lots, 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, and the Waeghe Subdivision, 4 lots, be approved contingent upon receiving all required signatures, and the Chairman be authorized to sign the mylar.

Ayes – 4
Abstain – D. Strabel

Moved by Mr. Strabel, seconded by Mr. Rickman, that the minutes of July 14, 2014, be approved.

Ayes – 5

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

Planning Board Clerk