

\*A Proclamation was read by Councilperson Muesebeck Memorializing Wayne “Jack” Mazzarella prior to the opening of the public hearing.

Memorializing Wayne “Jack” Mazzarella

WHEREAS, Jack Mazzarella served the greater Brockport Community as a teacher for 35 years influencing thousands of students’ lives; and

WHEREAS, in 1967 he established an airport in the Town of Sweden which is still a functional, vital entity; and

WHEREAS, he served in the Brockport Fire Department for many years and continued on as an Exempt and as the Chaplain; and

WHEREAS, he was an active parishioner at the Nativity BVM and volunteered as a Cantor, built barbeque pits and initiated the drive-through chicken barbeque; and

WHEREAS, he was a long-time volunteer at Lakeside Memorial Hospital and repaired beds at the Nursing Home; and

WHEREAS, he undertook the repair of hundreds of bicycles for children and community members; and

WHEREAS, he volunteered in many other organizations including the Western Monroe Historical Society and the Brockport College Alumni Association.

NOW, THEREFORE, BE IT RESOLVED:

That the Town Board of the Town of Sweden, on behalf of all its citizens, memorializes Wayne “Jack” Mazzarella for unparalleled service to this community and thanks his family for his contributions.

IN WITNESS WHEREOF, we have hereunto set our hands and the seal of the Town of Sweden this twenty-ninth day of August 2017.

Signed by:

Supervisor Robert Carges  
Deputy Supervisor Robert Muesebeck  
Councilperson Mary Rich  
Councilperson Lori Skoog

PUBLIC HEARING

At 7:07 p.m. Supervisor Carges called to order a public hearing located at the Town Hall, 18 State Street, Brockport, New York on Tuesday, August 29, 2017. The purpose of the public

hearing was to hear all persons interested in the re-zoning of the vacant land on Sweden Walker Road – approximately 12.83 +/- acres of Tax Account No. 069-04-1-5.111.

Mike and Janice Waeghe, 4327 Sweden Walker Road, Brockport, New York, the owners of the vacant land on Sweden Walker Road in the Town of Sweden, have submitted to the Town Board an application to re-zone the vacant land currently zoned Residential (R-1) to Recreation-Commercial (B-3) for the purpose of holding “mud run” events three to four times each year involving recreational racing of off-road vehicles.

Town Board Members present were Supervisor Robert Carges, Councilperson Robert Muesebeck, Councilperson Mary Rich and Councilperson Lori Skoog. Also present were Finance Director Leisa Strabel, Town Attorney Jim Bell, Planning Clerk Phyllis Brudz and Town Clerk Karen Sweeting.

Visitors present were Joan Hamlin, Chris Hamlin, Susan Smith, Joan Lavell, Rick & Kathie Holzschuh, Janet McKinney, Julie & Frank Lapinski, Jean & John McCurn, Steve Conner, Paul Beaumont, Joan & Jim Hare Peggy Weber, John Toepper, Deborah Toepper, Kenneth Toepper, Theresa Tornatore, William Campbell, Peggy Hall, Bill Johnson, Mike Mincher, Norman GianCursio, Darlene & Rawlin Sams, Michael Cunningham, Patricia Hayles, David McKinney, Beverly McKinney, Brian Fisher, Gordon Fisher, Cliff Ashley, Helen Simpson Lee Lee Muesebeck, Ron Mazarrella, Francine Mazarrella, Samantha Mazarrella, Chris Mazarrella, Joe Burris, Blayton Burris, Robert Allen, Brett Chebby, Erich Hoak, applicants Mike and Janice Waeghe and Kristina Gabalski from Suburban News. Others were present but did not sign in.

Supervisor Carges asked Town Clerk Karen Sweeting to read the legal notice published in the Town newspaper. Notice was read.

Mr. Carges introduced Janice and Mike Waeghe. Mike Waeghe addressed some of the concerns that residents had with the events taking place. Access to the property will now be by way of a 65 foot wide driveway that used to be the railroad bed. Any potential spills will be trapped along the drainage area of the field and contained for removal if necessary. Mr. Waeghe tested the decibel level of noise and it recorded at 81 decibels which is within the federal standards. Mr. Waeghe noted the Town Code did not indicate a limit and he is also willing to test the level at any of the neighboring properties. The events will offer raffles and the proceeds donated to charity. They will also have medical staff on site during the events.

Councilperson Rich asked if there are spills, where would the contaminants drain to. Mr. Waeghe answered that any spills would be contained within the drainage ditch and indicated that any potential spills would be engine oil or antifreeze which are both easily contained.

Councilperson Muesebeck asked if emergency personnel would be on site. Mr. Waeghe confirmed yes that EMS would be on standby and would have ambulance on site if required.

Supervisor Carges said he was concerned about the number of events each year and the number of people in attendance. Mr. Waeghe said that approximately 500 – 600 people attended events in the past. The number of trucks at each event varies. He intends on holding no more than four events each year on Sundays – gates to open at 10 am, pits at noon and the event would end by 5 pm. No national events.

Janice Waeghe added that they would encourage noise restrictors.

Supervisor Carges was also concerned with trucks exiting onto Sweden Walker Road leaving high volume of mud. Mr. Waeghe explained that the railroad bed is stone which would allow the majority of mud to fall off before reaching the roadway, although most trucks are brought in and taken out on trailer beds. He is willing to have a “wash down” area and could make it mandatory for trucks before they leave the property.

Supervisor Carges asked if there would be overnight camping. Mr. Waeghe indicated no. Councilperson Rich asked if they were insured. Mr. Waeghe indicated yes.

Resident Brian Fisher hopes the Town Board will deny the application as they did in 2013 due to the issues with noise, trespassing and environmental concerns. Mr. Fisher quoted sections of the Sweden Town Code Chapter 135 Noise. He feels that if passed, it will decrease property values and have a negative impact on his property. He also feels that the trucks are destructive to the land and property. Mr. Fisher is concerned with the collection of junk vehicles on the property and pointed out the Property Maintenance section of the Sweden Town Code. He added that after such events he has found beer cans littering his property. He doesn't feel that this is a suitable location for this type of event and that it negatively impacts the quality of life of the neighbors. (Additional written statement on file in the Town Clerk's Office)

Resident Michael Mincher said that he could deal with one or two events per year and the Waeghe's have been good neighbors. His concern is that once the property is rezoned, what potentially could take place on the property. What else is allowed in the Recreation-Commercial zone? By rezoning, could it allow these types of events each weekend?

Resident Stephen Conner said he agrees with many of his neighbors and is against the rezoning. He didn't feel that the legal notice sent to the neighbors included all the neighbors that are affected by these events. Mr. Conner demonstrated how sound travels. He asked that the rezoning application be denied. (Full statement on file in the Town Clerk's Office)

John Toepper from the Town of Ogden said he only lives 2 ½ to 3 miles from the property and he can clearly hear the noise and doesn't believe it is 80 decibels.

Theresa Tornatore was appearing on behalf of her parents. She stated that they did not want the noise and traffic from these events.

Resident Frank Lapinski pointed out that this application is “essentially the same” as the application submitted in 2013 and it was denied unanimously by the board and he is still against any zone change. He feels that a recreation/commercial zone in the middle of a residential neighborhood is not compatible or appropriate – it is not responsible zoning. Mr. Lapinski is concerned with the noise of the event and also quoted sections of the Sweden Town Code Chapter 135 Noise. He also feels that the rezoning would have a negative impact on neighboring property values. Mr. Lapinski asked the Town Board to deny the application and prohibit any activity on the property that violates the Town Code. (Full statement on file in the Town Clerk's Office)

Cliff Ashley indicated that he used to reside in the area and the noise did not bother him. He stated the previous owners of the property had race cars and the engines could be heard as well as gun shots during hunting season and lawn mowing after dark.

Resident Richard Holzschuh stated that the noise from the event is too loud and is heard more than 3 - 4 times each year. He is not against the event, but feels that it is the wrong location. Neighbors are forced to close their windows due to the noise and the dirt. He also noted safety concerns with the consumption of alcohol. (Full statement on file in the Town Clerk's Office)

Peggy Hall indicated that she owns three vacant parcels on Sweden Walker Road across from the applicant's property. She does not want to see the rezoning application approved. She is concerned about the property values and the noise.

Beverly McKinney owns property on Sweden Walker Road. Mrs. McKinney admitted she doesn't know much about the events, but did state that a farmer that rents the property had some concerns with the levels of dust. Mrs. McKinney is concerned with the access road and the drainage issues and asked that the Waeghe's not remove fencing or landmarks indicating property lines.

John McCurn indicated that he has a problem with the noise and is unable to sit outside.

Janet McKinney said she attended the public hearing for the last rezoning application and is still against any rezoning of the property.

(Written statements from Tom Lavell, Campbell Road and Tim Trostle, Sweden Walker Road on file in the Town Clerk's Office)

No other comments.

Supervisor Carges closed the public hearing at 7:38 p.m.

Respectfully Submitted,

Karen M. Sweeting  
Town Clerk