

**TOWN OF SWEDEN
Planning Board Minutes
October 23, 2017**

A regular meeting of the Town of Sweden Planning Board was held on Monday, October 23, 2017, at the Town Offices, 18 State Street, Brockport, New York, commencing at 7 p.m.

Members present: David Hale, Craig McAllister, Matthew Minor, David Strabel.

Absent: Richard Dollard, Arnie Monno, Wayne Rickman.

Also present: Nat O. Lester, III, Counsel, James Oberst, MRB, Kris Schultz, Schultz Associates; Gregory Bly, County Office; James Donohue; Michael Schuff; Ken Breiner.

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. Hale, seconded by Mr. Strabel, that the minutes of September 25, 2017, be approved.

Ayes – 4

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

Ayes – 4

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

Spinosa Subdivision and Site Plan. Beadle Road. 099.03-1-25.1

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

Donohue Subdivision – Section 2. West Sweden Road. 128.01-1-1.11.

Chairman McAllister asked if there were any questions, comments or concerns.

Mr. Gregory Bly presented the plan for everyone to see.

Michael Schuff, 1700 West Sweden Road – Mr. Schuff asked if any markers were found and shown on the plan. Mr. Bly indicated where the markers were located.

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

Ayes – 4

Leonard T. Lavell-Lot 4 Amended Site Plan. 6443 Canal Road. 069.04-1-9.4.

Mr. Kris Schultz addressed the Board. He explained that the septic system was relocated, which is a significant change, requiring amended site plan approval. The DOH has already approved the new location.

Moved by Mr. Minor, seconded by Mr. Strabel, that the Leonard T. Lavell-Lot 4 Amended Site Plan – be accepted for review.

Mr. Strabel asked if this project could receive an expedited approval. The Board agreed.

Ayes – 4

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Mr. Hale confirmed with the Board that this application for amended site plan is solely for the purpose of relocating the septic system. Mr. Oberst, Town Engineer, asked if both the original and updated perc/deep-hole data should be on the plan. Mr. Schultz indicated that the original septic system detail remains valid for many years should a second septic system be installed. Both details have dates as to when approval was granted in order to differentiate between the two systems. An updated signature block should be added to the plan for the Town Engineer and Chairman. The DOH has already signed the plan.

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

WHEREAS, the Town of Sweden Planning Board has received an application for amended site plan approval of the Leonard T. Lavell-Lot 4 Subdivision, located at 6443 East Canal Road, which was accepted for review on October 23, 2017, and

WHEREAS, the Planning Board has reviewed the Short Environmental Assessment Form, Site Plan application, and comments of 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 Leonard T. Lavell-Lot 4 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 Leonard T. Lavell-Lot 4 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.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the public hearing be waived and the Leonard T. Lavell-Lot 4 Amended Site Plan, dated August 18, 2017, be granted approval, contingent upon all required signatures being obtained, and the Chairman be authorized to sign.

Ayes – 4

Spinosa Subdivision and Site Plan. Beadle Road. 099.03-1-25.1

Chairman McAllister continued review of this application.

MRB Comments – October 4, 2017

1. DOH should approve the septic system.
2. A line showing the area of disturbance has been added to the plan. Driveway is already in place.
3. There is electric running to the existing barn.
4. The SEQR form and the plan identify the area of disturbance as .85 acres. Should the disturbance exceed 1-acre, a SWPPP will be required.

Mr. Hale asked for information regarding the Niagara Mohawk access. Mr. Schultz explained that the powerline R.O.W. cuts through many parcels, with or without easements. The property owner has to crossover the access to get to the other side. The properties maintain one tax account number. This is the way it was done years ago.

Extensive discussion took place regarding whether the property to the north is a landlocked parcel as shown on the map even though it is owned by one person and is under one tax account number. There is no easement in place that grants access to this property. It should be noted on the plan that it is not a developable lot because it is recognized as a landlocked parcel.

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Counsel Lester confirmed with Mr. Schultz that there is no legal access to the property to the north. Mr. Schultz added just a prescriptive easement whereby over many years, one has accessed this property by crossing over it. Counsel Lester asked that the title abstract be sent to him. He will draft legal verbiage for the final approval.

5. MCDOT will review the existing driveway with associated improvements.
6. All trees to be removed and/or protected will be clearly identified on the plan.
7. Per MCDOH, the plan should show a minimum 10 ft. separation distance between the proposed septic tank and the dwelling.

SW Manager/BI Comments

1. It was noted that the area of disturbance is .85 acres, no SWPPP required.
2. The area of disturbance will be outlined on the plan.

Fire Marshal – No Comments

ECB Comments

- The proposed storage barn will be used for lawn mowers, and anything else that won't fit into the garage, but nothing harmful to the environment.

DRC Comments

1. Any wetlands are located far north, not near any developable area.
2. There is no gas line at this location on Beadle Road. DOT will review; no culvert necessary. DEC had no comments due to disturbance is not close to the wetlands.

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

WHEREAS, the Town of Sweden Planning Board has received an application for approval of the Spinosa Subdivision and Site Plan, located on Beadle Road, which was accepted for review on September 11, 2017, and

WHEREAS, the Town of Sweden Planning Board held a public hearing on October 23, 2017, and all persons wishing to be heard were heard, and

WHEREAS, the Planning Board has reviewed the Short Environmental Assessment Form, Permit A, Agricultural Data Statement, comments from the Town Engineer, Fire Marshal, Building Inspector/Stormwater Manager, Environmental Conservation Board, and Monroe County Planning and Development,

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board declares itself Lead Agency for the environmental review of this application, and determines that the Spinosa Subdivision and Site Plan are unlisted actions which will not have a significant impact on the environment, and grants the subdivision preliminary approval.

Ayes – 4

Donohue Subdivision-Section 2. West Sweden Road. 12.01-1-1.11.

Mr. Greg Bly addressed the Board. Mr. Bly is requesting preliminary and final approval for a two-lot subdivision on behalf of James Donohue, applicant and property owner.

Chairman McAllister stated he doesn't see any changes from the original submission as far as showing the exception parcel as a legal subdivision. Mr. Bly disagreed as the subdivided lot was previously approved by the Planning Board in 1988. The proposed 27-acre parcel is proposed as a 2-lot subdivision. At the last

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meeting, it was represented as 33 acres, which included the previously approved subdivided lot. Mr. Bly showed the approved map to the Board with page and liber. Chairman McAllister requested the proposed plan be corrected to show a solid boundary line between the exception parcel and previously approved lot.

Counsel Lester explained the exception parcel was carved out by deed in 1982 without Planning Board approval. The exception parcel is now owned by Mr. Spragins. Mr. Donohue was granted a 1-lot subdivision approval in 1988 with the remaining lands. The Planning Board should have addressed the exception parcel at that time, but didn't.

Chairman McAllister would like to see the current plan corrected. Counsel Lester asked if Mr. Spragins would be amicable to joining in the application for subdivision approval of his property. Mr. Donohue offered to contact Mr. Spragins. The Board discussed having to survey Mr. Spragins' property, and whether all setback requirements would be met. If Mr. Spragins doesn't wish to participate, the Board will have to figure out how to proceed at the next meeting.

Chairman McAllister reiterated that if the boundary lines could be set, the Board could accept the exception parcel as a pre-existing lot. Counsel Lester added if Mr. Spragins joins in the application, his property would become Lot 3 of the subdivision application.

Mr. Bly explained that if Mr. Spragins joins in the application, it opens up the gore area in trying to figure out who owns what. Counsel Lester suggested utilizing boundary line agreements. Mr. Donohue's attorney would have to look into that. Mr. Strabel tried to clarify what lines are surveyed and what areas need clearing up. Discussion took place regarding how the original surveys may have been done differently. Counsel Lester asked why the Board would approve this plan with a note to the effect that the owners are questionable. Mr. Bly anticipated that Mr. Donohue's attorney would clear up any discrepancies.

Mr. Bly continued reviewing MRB Comments.

1. Note #4 added regarding no new development.
2. Boundary line discrepancies should be clarified.

DRC Comments

- Notes 1, 2, and 3 are regarding wetlands, which should be determined.
- Ag Data note has been added.
- Stream corridor isn't affected as there is no new development proposed.
- Monumentation will be checked.
- Any proposed accesses in the future for Lots 1 and 2 will be reviewed by MCDOT.

Mr. Bly added the DEC is not involved for subdivision approval.

To summarize, Mr. Donohue's attorney will obtain boundary line agreements for the gore area. Mr. Donohue will contact Mr. Spragins to join in the application for his property, Lot 3. Mr. Donohue's attorney will contact Counsel Lester to determine verbiage. Once boundary line agreements are in place, Mr. Bly will remove from the plan the wording, title to this area uncertain.

The Board will meet prior to the November 13 meeting at 6:30 p.m. to discuss the Spinosa application.

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OTHER

Rezoning of 4740 Lake Road and 25 Crestview Drive

Mr. Kris Shultz briefly explained the applicant's goal in support of the rezoning application. The details of the proposed development were presented.

Chairman McAllister commented that the proposed site plan is nicely designed; however, the Board has to comment on the proposed zoning, B-1.

Chairman McAllister's first impression is absolutely not because under B-1 zoning, any commercial business could be built that is permitted, which would not be a good buffer to the residential zoning across the street. Possibly, MR-1 zoning would be a better buffer.

Mr. Hale commented that this property has a long history of rezoning applications while he has been a Planning Board Member and still believes B-1 zoning is a bad idea for the Crestview Drive area.

Mr. Schultz asked why then does the Comprehensive Plan recommend B-1 zoning at that intersection. Chairman McAllister stated he and David Hale represented the Planning Board during the last update and doesn't remember that being proposed. The review process was complicated whereby all revised maps were not reviewed prior to adoption.

The Board agreed that going from single family zoning to multiple residence zoning to retail-commercial zoning is better planning.

Mr. Schultz suggested putting qualifiers on the rezoning, such as required landscaping, restricting type of development, i.e., Heritage Square rezoning. Counsel Lester suggested Incentive Zoning be looked into as a better option for rezoning.

Mr. Strabel agreed that Incentive Zoning or Retail-Commercial Zoning with restrictions is a better transition than full Retail-Commercial zoning.

Mr. Hale added he considers it spot zoning when a relatively small piece of property is developed for the benefit of a specific individual.

In summary, the Planning Board is against rezoning the Lake Road/Crestview Drive property to B-1 because it is not a good transition or buffer to the residential zoning across the street. Possibly, multiple residence zoning would be a better transition.

The meeting was adjourned on motion at 9 p.m.

Respectfully submitted,
Phyllis Brudz
Planning Board Clerk