

**TOWN OF SWEDEN  
Planning Board Minutes  
October 25, 2010**

A regular meeting of the Town of Sweden Planning Board was held on Monday, October 25, 2010, at the Town Offices, 18 State Street, Brockport, New York, commencing at 7 p.m.

Members present: Richard Dollard, William Hertweck, Craig McAllister, Matthew Minor, Arnold Monno, David Strabel

Absent: David Hale

Also present: James Oberst, P.E., MRB, Kris Schultz, Cory Tufano, L.S., Kip Finley, P.E., Daryl Martin, Ed Summerhays, L.S., Jett Mehta, Councilperson Patricia Connors, Dan and Sandra Colaprete, William Liberto, Joanne Bocach, David Smith, MD

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. Dollard, that the minutes of September 13, 2010, be approved.

Ayes – 5  
Abstain – Mr. Minor

Moved by Mr. Minor, seconded by Mr. Dollard, that the minutes of September 27, 2010, be approved.

Ayes – 6

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

Ayes – 6

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

**Hampton Inn Site Plan. Lake Road. 099.02-1-7.21**

Mr. Kip Finley, Razak Associates, addressed the Board. He introduced Mr. Jett Mehta and Mr. Daryl Martin. He briefly explained the project and presented a rendering of the building.

Mr. Finley added that the following two proposed area variances were approved:

- Free-standing signage height of 25 ft. instead of 20 ft., and
- Side buffer zone requirement on the south side of 1.5 ft. instead of 7.5 ft.

Comments from the Town Engineer were received. The Town's storm water code has a more stringent threshold than the State's requirements, and therefore, a storm water quality treatment for the site must be done. The easiest solution is to use an underground, hydro-dynamics vortex-type of chamber because there isn't enough room for ponds on the site.

The Chairman asked if there were any questions. There were none.

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**DC & TC Enterprises Site Plan. Sweden Walker Road. 099.02-1-7.21**

Mr. Kris Schultz addressed the Board. He explained that an 8,400 sq. ft. pole barn-type construction is proposed to service the applicant's business of driving trucks and maintenance of the trucks. Also, a residence is proposed for the east side of the property. A berm is proposed around the entire property.

Engineer comments have been received. A storm water pond is proposed for the southeast corner of the development. The site will be serviced by public water and an in-ground septic system. Discussion took place regarding the sanitary sewer and that it drains to the south. There will be floor drains. It was requested that a check valve be installed so that the waste is not pumped back into the house.

The chairman confirmed that the business included only the applicant's transport vehicles. If that changes, the applicant understands a special use permit would be required.

It was determined that the types of transport vehicles are 2 tractor-trailers that haul 10 cars each. There will be driveways off both roads. It was further clarified that the applicant's son buys antique trucks and would like to store them in the pole barn, too.

It was stated that there are two types of zoning on this property; Retail-Commercial and Residential. The Town's zoning map has been changed to reflect the two types of zoning.

The only lighting proposed is on the building.

The chairman asked if there were any questions. There were none.

**Ledgedale Airpark Resubdivision. Eisenhower Drive/Sweden Walker Road. 084.04-1-17.11, 22.3, 25.002**

Mr. Ed Summerhays addressed the Board. An overlay of the subdivision was presented and reviewed. The applicant is proposing merging three lots into one, totaling 30.497 acres.

Comments have been received from the Town Engineer and Environmental Conservation Board with no major concerns.

Mr. Summerhays confirmed that there is no proposed development for the site and that the neighbor's horse pasture is not located on the applicant's site.

The Chairman asked if there were any questions. There were none.

**The Brownhill Resubdivision. Colby Street. 084.04-1-30, 31, 32, 33**

Mr. Ed Summerhays addressed the Board. The applicant is proposing merging four parcels into one, totaling 2.972 acres with an existing structure and shed on one parcel, as well as a concrete slab on another parcel where the house burned.

Comments have been received with no major concerns or questions.

It was discussed that when the original lots were subdivided from the airport, the 200 ft. depth requirement was short minimally, and a variance was granted for a substandard-sized lot.

The Chairman asked if there were any questions. There were none.

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

Ayes - 6

**Sweden Farmette Subdivision. Lake Road and Beadle Road. 099.03-1-30, 31**

Mr. Cory Tufano, DDS Engineers, addressed the Board on behalf of Richard Maier. The property is located on the northeast corner of Lake Road and Beadle Road. The applicant is proposing subdividing the ±77.23 acre-parcel into six lots.

It was noted that there was no agricultural data statement. Mr. Tufano stated there was no farmland adjacent to the parcel within 500 ft. The Board requested the agricultural data form be completed and that the agricultural statement be added to the plan. Mr. Tufano agreed.

Moved by Mr. Minor, seconded by Mr. Monno, that the Sweden Farmette Subdivision be accepted for review.

Ayes – 6

The public hearing will be November 22, 2010.

**The Ash Grove Subdivision. Reed Road.128.01-1-13.1 (part of)**

Mr. Cory Tufano addressed the Board. The property is located on the north side of Reed Road and is ±64.74 acres. The applicant is proposing subdividing the property into three lots; one lot will have the farmhouse and barns and the other two will remain vacant. There is no proposed development.

Discussion took place as to whether the silo structure was located on the property line and if the barn was the required 10 ft. from the property line. Mr. Tufano stated the silo is a concrete slab and that the barn meets the required setback. The Board asked if there were any animals housed in the barn. Mr. Tufano stated not that he is aware of. He was reminded if there were, the barn would be in violation of the setback code for housing animals, which is 100 ft.

Moved by Mr. Minor, seconded by Mr. Strabel, that The Ash Grove Subdivision be accepted for review.

Ayes – 6

The public hearing will be November 22, 2010.

**6076 Brockport-Spencerport Road Amended Site Plan. 084.01-1-28**

Mr. Kris Schultz addressed the Board. He explained that the property would change from a hair salon to a doctor's office. The applicant is proposing upgrades to the parking and the elimination of the curb cut on Rte. 31. The proposal includes eliminating the parking spaces by the building except for the two handicap spaces. Four additional spaces have been added immediately east of the building and the entrance off Owens Road has been made wider for ease of getting in and out. There are no proposed changes to the building.

Mr. Schultz explained that this site has many pre-existing, nonconforming issues. It was determined the applicant does not need to go before the Zoning Board of Appeals for these issues. The applicant would like to be able to complete the improvements while blacktop is still available. The intent is to open as soon as possible.

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Mr. Schultz explained that the front and side setbacks don't meet code and there isn't a 24 ft. green buffer along the right-of-way. The green space has been slightly decreased, but still meets code. The building coverage meets code as well.

It was determined that drainage is good and that sidewalks run on the south side of Rte. 31 all the way to Wal-Mart. The existing sign straddles the property line and has been moved. The applicant doesn't intend to have any signage at this time.

Moved by Mr. Monno, seconded by Mr. Hertweck, that the 6076 Brockport-Spencerport Road Amended Site Plan be accepted for review.

*Mr. Schultz asked if a public hearing is still necessary when pre-existing, nonconforming issues are involved. The answer was yes and that the initial public hearing has never been waived. The Board requested the public hearing be moved up a meeting to facilitate the completion of blacktop.*

Ayes – 6

The Public Hearing will be November 8, 2010.

**Hampton Inn Site Plan. Lake Road. 099.02-1-7.21**

The Chairman continued review of this application.

Mr. Oberst stated the biggest issue is that storm water quality still needs to be addressed; the other items are straightforward.

Mr. Mehta asked Mr. Finley to forward to MRB the Phase I Environmental Audit, which was completed by LaBella Associates. Mr. Finley agreed.

**MRB's Comments:**

1. Approved area variances will be noted on the plans.
2. Phase I environmental audit will be forwarded to MRB.
3. Signature block will be revised.
4. Turning template will be added to the plans.
5. SWPPP will be completed and a NOI will be submitted to NYSDEC.
6. Swale at the back of the property will be cleaned.
7. Mr. Finley isn't aware of a drainage easement along the back of the property, but there is a DOT easement on the east side where the culvert comes across and into the property, and then it ends part way back. There are sanitary easements along the back. Mr. Oberst's concern is if the swale north of the site next to Friendly's isn't maintained, it will impact the hotel site. A sanitary easement would allow access to the Highway Department. Mr. Oberst asked if the sanitary easement coincides with the drainage; depends on how the easement is written. The question is if there is a storm water easement. Discussion followed. It was determined that the developer of the Hampton Inn should re-establish the ditch at the back of the property. Mr. Finley stated the sanitary sewer easement to the Town could be amended to include storm water. Mr. Oberst asked if north of the property could be investigated to see if there is a dedicated drainage easement or if the sanitary sewer easement could allow the Town to take care of the drainage, too. Mr. Finley stated if there isn't an easement already in place, then one will have to be obtained from the neighboring property.

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8. Mr. Finley stated there is one pipe along the south side, which is carrying all of DOT's drainage from down the hill, across and through the hotel site. The developer would like to treat the hotel's storm water from the site before outlet. As far as the two inlets that go into DOT system, there is a lot of flow and difficult for the developer to treat. To summarize, Mr. Finley will research the property, but will most likely find that it is a sanitary sewer easement, which doesn't address storm water, and the easement will need to be amended by the Town. Mr. Oberst will look at the plans for the professional building to see if there are any easements. Mr. Finley suggested using filters or drop liners for the catch basins to treat the water quality. Mr. Oberst would consider that option.
9. Mr. Oberst noted that the stone apron is going over the sanitary to protect it and then to the swale. Mr. Oberst stated at the northwest corner there is a "DI," and a note that the curb cut continues through. Also, north of the parking area, the grass strip will meet up with the pavement for Friendly's. Mr. Finley stated the land is very flat and drainage tends to go north for most of the parking lot. Mr. Finley added the grass strip would be heavily landscaped with trees every 25 ft. so there will be a visual barrier there. Lighting and landscaping plans have not been done yet until the Planning Board has accepted the general layout of the site.
10. SWPPP will include erosion control and construction sequencing, etc.
11. Temporary stockpile was moved at the last minute; water, gas and electric were switched around.
12. The dumpster enclosure will be split-face block painted same color as the building.
13. Backflow prevention will be done. Full sprinkler system may require a pump.
14. Engineer's backflow report for this facility's RPZ will be done.
15. No irrigation system planned to support the proposed landscaping.
16. Lighting will be dark sky compliant and a plan will be submitted.
17. Traffic control plan will be shown on the site plan.
18. Snow will be stored towards the front and back.
19. A concrete truck washout area will be shown on the plans.
20. A note will be added to the plan stating a surveyed record drawing is required to be submitted to the Town prior to the C of O.
21. A landscape plan including a plantings table will be provided.
22. Utility profiles will be submitted.
23. Building elevations have been done (one left with the Board). A 11"x17" color elevation will be provided to the Board.

There is a safety concern for the patrons because there is no sidewalk for walking on Lake Road should a patron want to go to a store/restaurant. Possibly, an easement to the bank could be done so the patrons could cut through to the bank, and to the sidewalk to go shopping. Mr. Finley will investigate all options.

Discussion took place regarding saving blacktop and the base to take care of parking. It was requested to make sure there's enough stone base. Mr. Finley agreed.

ECB's Comments:

- Positive feedback that the six existing trees are being retained in the pine hedgerow; two lost to the dumpster
- The two Lake Road trees will be retained
- PIF, page 2, more grass
- PIF, page 7, update "after" column

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Fire Marshal's Comments:

- Change street name from Bethel Drive to Bader's Way on location map; will take care of
- F.D.C. connection is to be a 4" Storz
- Stripe parking lot accordingly in front of the F.D.C.; note handicap is 8' now  
There is plenty of parking.

County Comments:

- Standard comments - all addressed

Review will continue at the November 22 meeting.

**DC & TC Enterprises Site Plan. Sweden Walker Road. 099.02-1-7.21**

Chairman McAllister continued review of this application. Mr. Schultz addressed the Board.

MRB Comments: (Dated 10/21/10)

1. SWPPP and design calculations still under review.
2. Property to the south has undefined swale. Will contact owners of property, and, if necessary, redirect discharge to the east.
3. Photo of pole barn structure, typical maintenance building, was presented for building elevation. Earth tone colors will be used. It was determined that the 50 ft. by 50 ft. building is a proposed storage building, not for trucks.
4. Deep hole tests just completed and will note results, which were pretty good. DOH has completed its review with a possible in ground system. Mr. Oberst asked if there was a mineral calc, none.
5. It will be noted on the plan that the business is for private use, however, should that change, the applicant is aware that special permits are required. It was recommended that any updates to the building be taken into consideration now prior to the business servicing the public.
6. Note should be added to the plan that this facility will not store bulk petroleum, bulk fuel or any other flammable products.

County Comments:

- Comments have been addressed.

ECB Comments:

- Positive comments received.

Fire Marshal Comments:

- No fuel storage onsite and no fire alarm.

The project will be on the November 8 agenda for environmental/final approval.

It was determined that there is no culvert on the Sweden Walker curb cut, only on Colby Street. Mr. Schultz will confirm that the County doesn't have an issue with a pump and gravity flow to the same distribution box; worse case, separate boxes could be installed. A larger system was suggested with split lines in the bed; house discharges to half and the facility to the other half.

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**Ledgedale Airpark Resubdivision. Eisenhower Drive/Sweden Walker Road. 084.04-1-17.11, 22.3, 25.002**

Chairman McAllister continued review of this application. Mr. Ed Summerhays addressed the Board.

MRB Comments:

- Overlay of existing subdivision was submitted (meeting copy)

ECB/Fire Marshal Comments:

- None

County Comments:

- Address corrected
- #4, No culvert/access to lot – will submit letter

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

WHEREAS, the Town of Sweden Planning Board has received an application for approval of the Ledgedale Airpark Resubdivision located on Eisenhower Drive/Sweden Walker Road; and

WHEREAS, the Planning Board held a public hearing on October 25, 2010, and all persons wishing to be heard were heard; and

WHEREAS, the Planning Board has reviewed the comments of the Town Engineer, Environmental Conservation Board, Fire Marshal and Monroe County Planning and Development;

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board determines that the Ledgedale Airpark Resubdivision is an unlisted action which will not have a significant impact on the environment.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Ledgedale Airpark Resubdivision be granted Preliminary approval.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the final hearing be waived and the Ledgedale Airpark Resubdivision be granted final approval and the Chairman be authorized to sign the mylar.

Ayes – 6

**The Brownhill Resubdivision. Colby Street. 084.04-1-30, 31, 32, 33**

Chairman McAllister continued review of this application. Mr. Ed Summerhays addressed the Board.

MRB/ECB/Fire Marshal Comments:

- None

Mr. Summerhays explained that per the monumentation law of Monroe County, three control points have to be shown or set. It was requested, if possible, to set the fourth point.

Moved by Mr. Strabel, seconded by Mr. Minor,

WHEREAS, the Town of Sweden Planning Board has received an application for approval of the Brownhill Resubdivision located on Colby Street; and

WHEREAS, the Planning Board held a public hearing on October 25, 2010, and all persons wishing to be heard were heard; and

WHEREAS, the Planning Board has reviewed the comments of the Town Engineer, Environmental Conservation Board, Fire Marshal and Monroe County Planning and Development;

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board determines that the Brownhill Resubdivision is an unlisted action which will not have a significant impact on the environment.

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NOW, THEREFORE, BE IT FURTHER RESOLVED that the Brownhill Resubdivision be granted Preliminary approval.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the final hearing be waived and the Brownhill Resubdivision be granted final approval and the Chairman be authorized to sign the mylar.

Ayes – 6

**Discussion: Part 1, Resolve Demolition Permits and Part 2, Procedure for Voiding Site Plans**

The Chairman asked if the Planning Board should review demolition permits. Discussion followed and it was determined that demolition permits are covered under the building code and that there are no issues with it staying the same.

There is currently no process for voiding a site plan after a demolition permit is issued. Without reviewing demolition permits, the Board won't know if a site has been demolished until something new is proposed for development.

The Board made a recommendation to the Building Department that when a demolition permit is issued to include the following statement on the permit:

*“There may be impact by demolishing a commercial building, please see §175-11, B, (9).”*

A copy of the demolition permit would then be filed in the building department file. Ideally, if possible, a copy should be filed in the original site plan file. It was determined that there will be no change to the procedure for voiding site plans.

**Wind Energy Conversion Systems**

Copies of the law were distributed. There are different versions, i.e., residential (up to 100 ft. tall), industrial (up to 200 ft. tall). The residential version is looking at changing the height requirement for wind towers from 36 ft. to 100 ft. with fall zones and setback requirements. The industrial version will go through a complete review, including a long form EAF, zoning variances, etc. Discussion followed.

Please respond to the Town Clerk or to the Planning Board Clerk by November 5 with any comments.

The meeting was adjourned on motion at 9:45 p.m.

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**Planning Board Secretary**