

**TOWN OF SWEDEN  
Planning Board Minutes  
October 28, 2013**

A regular meeting of the Town of Sweden Planning Board was held on Monday, October 28, 2013, at the Town Offices, 18 State Street, Brockport, New York, commencing at 7 p.m.

Members present: Richard Dollard, David Hale, Craig McAllister, Matthew Minor, Arnie Monno, David Strabel.

Also present: James Oberst, MRB, Walter Windus, Building Inspector, Adam Freeman, LandTech Surveying & Planning, Kris Schultz, Schultz Associates, Daniel Stubblebine, Adam Mesiti.

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 9, 2013, be approved.

Ayes – 4  
Abstain – Mr. Hale  
Abstain – Mr. Minor

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

Ayes – 6

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

**J.H. Resubdivision, Amended Site Plan and Special Use Permit E. 2324/2326 Colby Street. 084.04-1-36/37**

Chairman McAllister asked if there was anyone present interested in this application. There were none.

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

Ayes – 6

Chairman McAllister continued review of this application.

Mr. Adam Freeman addressed the Board. He distributed updated drawings.

**MRB Comments**

1. DOH has done their initial review and comments have been forwarded to the Planning Board.
2. The R.O.W. will be left as is.
3. The Fire Marshal's signature line has been added to the plan.
4. Installation of a RPZ will be coordinated with MCWA, if needed.
5. Only waste oil will be stored. A note from DEC has been added to the plan regarding bulk storage.
6. Site statistics have been added to the subdivision plat and zoning note table.
7. Note #8 has been added regarding "as built" plans needed for any changes to the plan.
8. Catalog cut light sheets have been submitted to MRB for review.
9. Plans have a legend showing shading for paved and gravel areas.
10. The septic tank and pump well have been relocated well outside the paved area.
11. No signage is proposed at this time.

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Chairman McAllister questioned the total acreage of the property at .88 acres with a full raised septic system. Mr. Freeman stated it's called a mound system.

Mr. Monno asked that the County specifications for the septic system be shown on the plan.

Discussion took place regarding the Town's requirement of 5 acres for a full raised septic system. The Town code doesn't specifically mention it for commercial-zoned property, only residential. The County used to have a 5-acre requirement, but since has updated its requirements. The Board discussed relying on the expertise of the County for approval until our code could be updated.

The Town Engineer stated that the Town's septic system requirements are only listed under the residential-zoned district. Mr. Strabel asked if the County approved the septic system design on this property, would the Planning Board be satisfied. Mr. Hale asked would the use of the septic system be less or more of a residential dwelling.

The Board requested direction/clarification from Attorney Lester as to how to proceed. Attorney Lester will get back to the Board.

Fire Marshal Comments

1. Fire separation between the repairs and salerooms would not be necessary because the building is so small.
2. Refer to the Mechanical Code of NYS for installation of heating and ventilation equipment.
3. The storage of waste oil was addressed with MRB's comments.
4. There is no floor drain in the building so an oil separator will not be installed.
5. There is an existing intrusion alarm now.
6. A Knox Box will be required, note added to plan. Emergency notify form will be required before C of O is issued, note added to plan.

ECB Comments

1. The storage of waste oil was addressed with MRB's comments. Mr. Strabel asked if there would be any fuel storage and the answer was no.
2. PIF, Part II, should have an answer other than none. No water encountered with deep hole test until a depth of 29 inches.
3. The disturbance is below the threshold of the Town code for a SWPPP, so no storm water proposed.
4. PIF, K, below threshold.
5. Vehicles will be cleaned or repaired before being put on the lot for display so no spreading of contaminants.
6. There are no native species on the property.
7. Vegetative note has been added to the Erosion Control Notes.

Mr. Minor asked that the perimeter buffer zone requirement of 7 ½ feet in width be shown on the plan.

Mr. Dollard requested that the legend be changed to show proposed gravel to asphalt.

Mr. Minor asked that the display parking show it is paved.

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Mr. Strabel asked what the existing structure is used for. Mr. Freeman stated storage and auto repair. However, Chairman McAllister stated a Special Permit E was never approved for the auto repair.

County Comments

1. Final plans will be submitted to DOH. The alignment of the septic system has been revised to cover the separation requirement.
2. No monumentation in this area.
3. General comments addressed.
4. No work proposed in the R.O.W.
5. DEC – archaeological map checked.
6. DOT – no response required; never sent.

Mr. Minor questioned the dumpster enclosure. It was explained that the dumpster enclosure should match the building exterior or a similar look-type. Chain-link fence is not acceptable; white board on board acceptable. Mr. Strabel asked the proposed size of the dumpster. Mr. Freeman stated 10 ft. by 10 ft. Mr. Strabel questioned if that was large enough for possible storage of auto parts; maybe should be bigger.

Mr. Monno asked how the pump line will be protected from freezing underneath the driveway. Mr. Freeman stated a sleeve or concrete through the parking lot will be used as well as insulation.

Moved by, Mr. Hale, seconded by Mr. Minor,

WHEREAS, the Town of Sweden Planning Board has received an application for approval of the J.H. Resubdivision located at 2324 and 2326 Colby Street, and

WHEREAS, the Town of Sweden Planning Board held a public hearing on October 28, 2013, and all persons wishing to be heard were heard, and

WHEREAS, the Planning Board has reviewed the Project Information Form, comments received from the Town Engineer, Monroe County Planning and Development, Environmental Conservation Board, Fire Marshal, and Building Inspector,

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

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the J.H. Resubdivision be granted Preliminary Approval.

**INFORMAL**

**Mesiti Winery**

Mr. Kris Schultz addressed the Board. He introduced Mr. Adam Mesiti, owner of proposed winery/vineyard.

Mr. Mesiti owns approximately 50 acres on east side of West Sweden Road. It is already an existing approved 2-lot subdivision. The vineyard is just under 5 acres of grapes with an additional 5 acres proposed. The vineyard currently has 6 different types of grapes with 3 more types proposed.

Mr. Mesiti explained that the property was previously a horse farm. Mr. Mesiti and his wife love making wine. They visited Cornell and found their soil to be perfect for growing grapes so they started 9 years ago. They currently harvest 18 to 20 thousand pounds of grapes and sell it to wineries along the Niagara wine trail. Their

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goal is to open a farm winery and become part of the Ontario Wine Trail. If all goes well, the winery will produce 20 to 25 thousand bottles a year.

Mr. Schultz stated the first step is to build a tasting room. The business currently falls under the Agricultural and Markets law as a farm winery, all New York products. Once the public is invited and there are other items for sale, it becomes a commercial operation.

Chairman McAllister explained the State strongly suggests that a SEQRA review and approval be completed for any type of winery operation. Mr. Schultz requested tonight's informal to find out what is required, i.e., Special Use Permit. The Board felt that may not be necessary if the business falls under Ag District. Mr. Walter Windus explained if the farm is in an Ag District, you can have producing of products until it steps into the commercial selling, then the Planning Board would require a site plan for public use.

Chairman McAllister explained that the County gets its authority from the State to designate Ag Districts, which there are some areas in the Town of Sweden. Agricultural Law 203 supersedes any Town zoning as long as it identifies what the State determines an agricultural business. He added the farm winery's auxiliary sales can't exceed the gross sales of the product grown onsite.

Discussion took place as to what triggers a SEQRA Type I action.

Chairman McAllister asked if the winery farm has to be sprayed. Mr. Mesiti said yes for fungus and bugs using all non-restricted use pesticide at ground level.

Mr. Hale asked what type of building the Board will be looking at. Mr. Mesiti stated a new building.

Mr. Monno has some concern with the traffic coming in and out on West Sweden due to poor sight distance. He suggested using fill to raise the driveway.

Mr. Schultz asked if a general site plan would be acceptable. The Board stated yes.

Attorney Lester asked if this property is in an Ag District or surrounding properties in an Ag District. Mr. Mesiti stated he files for an Ag Exemption each year. If the property isn't in an Ag District, then the farm winery would fall under local zoning. After further review of Ag District maps, the property is not in an Ag District.

Mr. Windus summarized if the property is not in an Ag District, then a Special Use Permit from the Planning Board must be obtained. Mr. Schultz agreed with Mr. Windus that a Special Use Permit is needed.

Mr. Mesiti was asked what his timeframe is. He stated to get the building constructed in the spring and have a soft opening in the fall. Attorney Lester stated an Ag District is applied for in February so it may behoove Mr. Mesiti to wait for that.

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

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**Planning Board Clerk**