

**TOWN OF SWEDEN  
Planning Board Minutes  
November 14, 2016**

A regular meeting of the Town of Sweden Planning Board was held on Monday, November 14, 2016, 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, Wayne Rickman, David Strabel.

Also present: Nat O. Lester, III, Planning Board Counsel; Kris Schultz, Schultz Associates; A.J. Barea, PLS; Michael Montalto, Costich Engineering; Janell Vanegas.

The meeting was called to order at 7 p.m. by Chairman McAllister.

Correspondence was passed to members for review.

Moved by Mr. Dollard, seconded by Mr. Rickman, that the minutes of October 24, 2016, be approved.

Ayes – 5  
Abstain – Mr. Hale  
Abstain – Mr. Monno

**4828 Lake Road Subdivision and Site Plan. 084.01-1-2.21**

Mr. Michael Montalto addressed the Board. He explained the applicant is seeking subdivision approval for the sale of a vacant building, previously a Wal-Mart store. There are no physical changes to the site. The plan shows the subdivision of one lot into two; with the larger parking area staying with the vacant building. The project complies with the bulk area requirements except for the 25 ft. side setback and the 7 ½ perimeter buffer zone, which area variances will be needed.

The plaza will have a reciprocal permanent easement agreement with the Town pertaining to stormwater, utilities, and access, stipulating maintenance responsibilities. Should any future changes be proposed to the site, additional Planning Board approval would be required.

Per the Planning Board and Town Engineer, even though there are no physical alterations to the site, site plan approval must be obtained for the newly created lot and the existing plaza.

Chairman McAllister explained that an additional area variance for the 25 ft. front greenspace requirement for the lot including the remaining stores at the plaza will be needed. Mr. Montalto agreed, and added after review by the Town Engineer, there may be other variances required as well.

Mr. Strabel asked if, in the abstract of title search, there was a permanent access easement to Transit Way. Mr. Montalto stated there wasn't one. Chairman McAllister added the driveway to Transit Way was approved as a secondary access and is never to be gated. Mr. Montalto will make sure it's approved that way moving forward. Planning Board Counsel Lester requested the abstract of title and preliminary title report be mailed to the Clerk.

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Moved by Mr. Hale, seconded by Mr. Strabel, that the 4828 Lake Road Subdivision and Site Plan be accepted for review.

*Mr. Minor asked Mr. Montalto to go over the new lot lines one more time. He explained that the old Wal-Mart is an "L" shape. Mr. Strabel asked if parking requirements have been met for both lots. Mr. Montalto stated yes. Mr. Strabel asked if there is a potential client moving in. Mr. Montalto stated not officially at this time.*

Ayes – 7

The Public Hearing will be December 12, 2016.

**Ranson Subdivision and Site Plan – 2 Lots. 316 Root Road. 114.02-1-7.321 and 114.02-1-6**

Mr. Kris Schultz addressed the Board. He explained the applicants are a young couple moving from out-of-state. They have agreed to help the existing neighbor by adding land to their property. The proposed house location is quite a distance back, and will be serviced by a well and septic system. The applicants also purchased a 60 ft. access off Euler Road, which is a separate parcel and tax account number.

The Board discussed the neighbor's lot, which is pre-existing, nonconforming due to its size. By increasing the acreage, the lot is still nonconforming, but no longer pre-existing. The Board discussed whether the neighbor's lot needs to be a legal conforming lot in order to approve the subdivision. Would the neighbor consider applying for a variance? Mr. Schultz stated the neighbor has no interest in obtaining a variance due to the additional cost, and the applicants do not want to delay the project for approval of a variance. The applicants were helping the neighbor as a goodwill gesture.

Mr. Schultz will discuss with the applicants the following options:

- Remove the neighbor's subdivision; obtain approvals only for the applicants' lot.
- Proceed with the submitted plan and apply for a variance.
- Transfer the additional land separately, leaving the neighbor to combine the lands at another time.

Moved by Mr. Strabel, seconded by Mr. Dollard, that the Ranson Subdivision and Site Plan – 2 Lots be accepted for review.

Ayes – 7

The Public Hearing will be December 12, 2016.

**Hedman Subdivision and Site Plan. 593 Root Road. 114.03-1-14**

Mr. Kris Schultz addressed the Board. The applicants are purchasing five acres from family. The proposed house will be located on a hill with an in-ground septic system and well. The applicants are also proposing a future horse barn and indoor riding arena.

Moved by Mr. Monno, seconded by Mr. Strabel, that the Hedman Subdivision and Site Plan be accepted for review.

Ayes – 7

The Public Hearing will be December 12, 2016.

**CY Properties – Lot 2 Subdivision. 824 Reed Road. 114.04-1-9**

Mr. Minor excused himself from this project. The Clerk explained that this project already received final approval contingent upon receiving signatures. However, the MCDOH requested the plan be changed to show

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a new well drilled on the property, instead of the well previously approved in an easement. The change was completed and the plan updated. The Town Engineer has approved and signed the updated plan.

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

WHEREAS, the Town of Sweden Planning Board, on May 9, 2016, granted contingent final approval to the CY Properties Subdivision - Lot 2, located at 824 Reed Road,

WHEREAS, the well has been relocated on the property, and an easement is no longer required, and  
WHEREAS, MCDOH approval has been obtained,

NOW, THEREFORE, BE IT RESOLVED, that the CY Properties Subdivision – Lot 2, be granted final approval contingent upon receiving the Town Engineer’s signature, and the Chairman be authorized to sign the mylar.

Ayes – 6  
Abstain – Mr. Minor

**Anna Bettilyon Acres Subdivision – 2 Lots, Ladue Road. 112.04-1-1.111**

Mr. A.J. Barea addressed the Board. He distributed updated plans per the last meeting showing the access to Lot 2 as 60 ft. with a 45 ft. permanent easement.

Counsel Lester asked why a 45 ft. easement is shown. Mr. Barea stated the easement is so the farmer has more land to cultivate. Counsel Lester recommended removing the permanent easement to show that Lot 2 has a 60 ft. unencumbered access. The use of the access can be determined privately between the property owners. Mr. Barea agreed and will revise the map.

Moved by Mr. Minor, seconded by Mr. Dollard,

WHEREAS, the Town of Sweden Planning Board has received an application for subdivision approval of the Anna Bettilyon Acres Subdivision – 2 Lots, located on Ladue Road, which was accepted for review on September 26, 2016, and

WHEREAS, the Town of Sweden Planning Board held a public hearing on October 24, 2016, and all persons wishing to be heard were heard, and

WHEREAS, the Planning Board has reviewed the Short Environmental Assessment Form, comments of Town Engineer, Fire Marshal, Environmental Conservation Board, and Building Inspector/Stormwater Manager,

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board declares itself Lead Agency for the environmental review of this application, and determines that the Anna Bettilyon Acres Subdivision – 2 Lots is an unlisted action which will not have a significant impact on the environment, and grants the subdivision preliminary approval,

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the final public hearing be waived, the Anna Bettilyon Acres Subdivision – 2 Lots be granted final approval contingent upon the easement being removed from the plan, all required signatures being obtained, and the Chairman be authorized to sign the mylar.

Ayes – 7

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

Respectfully submitted,  
Phyllis Brudz  
Planning Board Clerk