

**TOWN OF SWEDEN
Planning Board Minutes
November 19, 2018**

A regular meeting of the Town of Sweden Planning Board was held on Monday, November 19, 2018, 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.

Absent: David Strabel

Also present: James Oberst, P.E., MRB; Kip Finley, Indus Development; Kris Schultz, Schultz Associates; Robert Fitzgerald, Fitzgerald Engineering; Tim Harris, Passero Associates; Ryan Brandt, Rochester's Cornerstone Group; Ernie Haywood, Lifetime Assistance; Diane Hillman and Gary Mault. Nat O. Lester, III, Planning Counsel, arrived at 7:25 p.m.

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. Monno, seconded by Mr. Hale, that the minutes of October 22, 2018, be approved.

*Chairman McAllister – Aye
Mr. Dollard – Abstain
Mr. Hale - Aye
Mr. Monno – Aye
Mr. Minor – Aye
Mr. Rickman – Abstain
Mr. Strabel – Absent*

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

*Chairman McAllister – Aye
Mr. Dollard – Aye
Mr. Hale - Aye
Mr. Monno – Aye
Mr. Minor – Aye
Mr. Rickman – Aye
Mr. Strabel – Absent*

The Public Hearing began at 7:02 p.m.

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

Harrison – Root Amended Site Plan – 90 Root Road. 099.04-2-9.15.

Chairman McAllister asked if there was anyone present with questions, comments or concerns. There were none.

Written comments were received from Leonard Cacciatore, owner of 383 Beadle Road, opposing the request for change.

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

Chairman McAllister – Aye
Mr. Dollard – Aye
Mr. Hale – Aye
Mr. Monno – Aye
Mr. Minor – Aye
Mr. Rickman – Aye
Mr. Strabel – Absent

Public Hearing ended at 7:04 p.m.

Mault Estate Subdivision – 9 Lots. 411 White Road and Redman Road. 098.02-2-30.1 and 098.01-110.11.

Mr. Kris Schultz addressed the Board. He was hired to prepare a subdivision map at the request of the estate that would create a number of parcels to allow them to transfer title to the heirs. It was done, such that each of the parcels would meet code for development in the future. There are no proposed improvements planned at this time. The family has expressed a desire to keep the land farming and have no interest in developing the land or selling it for development. Mr. Schultz added that for estate purposes, they are creating the parcels that would be deeded to the heirs. Attorney Dan Schum of Spencerport is representing the estate and has had an opportunity to look through this. It is a straight-forward subdivision of the land.

Moved by Mr. Rickman, seconded by Mr. Dollard, that the Mault Estate Subdivision be accepted for review.

*Chairman McAllister – Aye
Mr. Dollard – Aye
Mr. Hale – Aye
Mr. Monno – Aye
Mr. Minor – Aye
Mr. Rickman – Aye
Mr. Strabel – Absent*

The Public Hearing will be December 10, 2018.

1000 Transit Way Amended Site Plan – 084.01-1-1.113.

Mr. Kris Schultz addressed the Board. The applicant is proposing to change the Verizon sign on the north face of the building and add an awning measuring 3 feet by 14 ½ feet. It would bring more attention to the building and get you out of the rain when entering the front door. Since it was a significant change to the plan, it makes sense to do an amended site plan. The information on the plan is based on an as-built survey. What you see on the amended plan is what is actually there.

Moved by Mr. Hale, seconded by Mr. Rickman, that the 1000 Transit Way Amended Site Plan be accepted for review.

*Chairman McAllister – Aye
Mr. Dollard – Aye
Mr. Hale – Aye
Mr. Monno – Aye
Mr. Minor – Aye
Mr. Rickman – Aye
Mr. Strabel – Absent*

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Dollinger's Subdivision – Updated Access Easement.

Chairman McAllister asked if this was placed on the agenda to be re-signed. He indicated that Planning Counsel suggested that it could be done without going through a re-subdivision.

Mr. James Oberst asked if Mr. Schultz could go through what changes were made. Mr. Kris Schultz explained that the applicant is selling the hotel and retaining the out parcel closest to Lake Road for potential development. Several reciprocal easements were created between the two lots. The map was filed and prior to closing the buyer's attorney pointed out several contract stipulations limiting how the out parcel would be accessed along with a few other items. They were asked to change the map.

Jim Oberst asked why the original storm water management pond easement was not shown on the amended map. Mr. Schultz indicated this was done prior to SWPPP. There was an easement around the pond potentially going to the Town if the Town ever wanted to do maintenance, but there was no burden given to the Town to own and maintain the pond. The improvements were private so there was no need to provide easements to the Town. The easements shown were just over the top of existing utilities. The easements would be between Lots 1 and 2.

For example, a sanitary sewer runs along the south property line that services Lot 2. It is an easement across Lot 1 for the purposes of Lot 2 being able to maintain their sewer. Along the east side of Lot 1 is the water main that feeds the hotel, so an easement is given to Lot 2. There is a storm sewer that runs into the pond that picks up drainage on Lot 1 and directs it into the pond on Lot 2 so there is an easement on Lot 2 given to Lot 1.

The access easement, instead of being a smaller easement that covers the entrance, the contract said they will give them the full 60 ft. width all the way back to the point where Lot 1 turns south. They are giving the entire 60 ft. with the idea that in the future they could come in on the roadway and would turn at some point along that existing asphalt drive to come into Lot 1. The reason behind the change was the buyer did not want to potentially encumber the hotel property if they wanted to do something in the future. They felt it would be better to see how Lot 1 may develop.

Mr. Schultz said they are hoping to get the property transferred before the end of the year and are asking to have the amended mylar signed. It is an amended subdivision plan. The purpose of the amendment is the change in the private easements that were originally depicted on the plan. Mr. Oberst was concerned that if the owner does not maintain the pond there is no way for the Town to go in and take care of any issues. The Town would have to back charge the owner. Mr. Schultz said, at this point, the Town would be in that position. With the development of Lot 1, and the new storm water regulations, there will have to be some sort of maintenance agreement filed. That will be part of the negotiations between the owners of Lot 1 and 2.

Mr. Schultz said they were not notified of the specifics of the contract until the day before the closing. Mr. Oberst asked if any easements were changed or just eliminated. Mr. Schultz said they eliminated a reciprocal cross-access and utility easement that blanketed the entrance and came across the parking lot. The concern was that if any future expansion occurred to the west of the building, the existing easement would prevent that.

Mr. Oberst asked how far the cross-access agreement extends on the amended plan. Mr. Schultz answered to the northeast corner of Lot 1 with the entire 60 feet to be used. Mr. Oberst requested a legal description for the change in the easement. This easement is between private owners, so the attorneys can reference it as the recorded map or file an addendum.

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Mr. Oberst asked if the 30 ft. easement on the west side of Lot 1 was still being proposed to the Town. Mr. Schultz said that was covering the sanitary sewer on the original subdivision plan. They left it as proposed because it was not recorded. They can get that easement recorded if the Town requests that. When the amended map is recorded then the easements are recorded and become official.

Mr. Oberst indicated he was not ready to sign the amended mylar. Chairman McAllister agreed and wanted to wait for Planning Counsel to review the easement agreements.

Planning Counsel, Nat O. Lester, III arrived. Mr. Schultz explained the need for the amended map. Counsel Lester asked if the lot sizes were changed. Mr. Schultz said no. Mr. Oberst pointed out the 30 ft. utility easement to the town for the existing sewer that appeared on the original as proposed. Mr. Oberst asked if we wanted to keep that proposed or get that filed. Counsel Lester suggested that it be done now with the others. Mr. Schultz will provide the legal description. Counsel Lester would like to review the easement agreements. Mr. Minor added that the easements should be filed first. Mr. Schultz will get the agreements to Counsel Lester for review. The map should be filed with the easement agreements. Counsel Lester does not want the amended map released until the easement agreements are reviewed. Discussion took place as to procedures moving forward. Counsel Lester suggested that SEQR be addressed. Mr. Oberst would like to review the amended plan based upon the easement descriptions and explanations provided by Mr. Schultz at this meeting.

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

WHEREAS, the Town of Sweden Planning Board has received an application for approval of an amended subdivision plan for the Dollinger's Subdivision at 4908 Lake Road South to clarify access easements, and

WHEREAS, the Planning Board has listened to comments from the Town Engineer and Planning Counsel, and

NOW, THEREFORE, BE IT RESOLVED, the Planning Board declares itself Lead Agency for the environmental review of this amendment and determines that the amended subdivision is an unlisted action which will not have a significant impact on the environment, and

NOW, THEREFORE, BE IT FURTHER RESOLVED, the amended subdivision is approved contingent upon approval of the Town Attorney and upon receiving all required signatures, and the Chairman be authorized to sign the mylar.

Chairman McAllister – Aye
Mr. Dollard – Aye
Mr. Hale – Aye
Mr. Monno – Aye
Mr. Minor – Aye
Mr. Rickman – Aye
Mr. Strabel – Absent

Harrison-Root Amended Site Plan. 90 Root Road. 099.04-2-9.15.

Mr. Fitzgerald addressed the Board. He believes all of the Town Engineer's comments have been addressed. The measurements of the proposed pole barn were confirmed to be 40 ft. by 60 ft. as indicated on the site plan. Mr. Fitzgerald summarized a few of the comments. The site distance, front and side setbacks, driveway width of 14 ft. (client wanted 12 ft. but due to the distance from the road, 14 ft. is required), clarification of the silt fence as well as areas of disturbance, and bulk standards which have been added. There is a note stating that this is not to be used for something that is not permitted. A comment letter and revised plan have been given to

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the Town Engineer. Mr. Oberst indicated he has received the information, but is not ready to sign. Mr. Fitzgerald clarified that the site plan is for a “garage” instead of a house, and he will work with the Town Engineer to satisfy his concerns.

Chairman McAllister indicated that the Building Inspector has reviewed the plan, agrees with the Town Engineer, and therefore, has no other comments. Comments were received from the Environmental Conservation Board. The Fire Marshal has indicated a need for 5 inch building address numbers posted at the roadway. No further comments. Mr. Fitzgerald will make sure the Fire Marshal’s comments are addressed.

Mr. Minor asked if the original plan included the front setback. Mr. Fitzgerald indicated 409 ft. The setbacks and dimensions of the driveway bubble were discussed. The driveway bubble is 25 ft. by 40 ft. Mr. Minor said that the driveway would be at the owner’s discretion as long as it was no more than 250 ft. The standard water and agriculture statements have been indicated. Chairman McAllister said that it still requires MCDOH review.

Moved by Mr. Hale, seconded by Mr. Rickman,

WHEREAS, the Town of Sweden Planning Board has received an application for approval of the Harrison-Root amended site plan located at 90 Root Road, and

WHEREAS, a public hearing was held by the Planning Board on November 19, 2018, and all persons wishing to be heard were heard, and

WHEREAS, the Planning Board has reviewed the comments of the Town Engineer, the Building Inspector, the Environmental Conservation Board, and the Fire Marshal,

NOW, THEREFORE, BE IT RESOLVED, the Planning Board declares itself Lead Agency for the environmental review of this project, and

NOW, THEREFORE, BE IT FURTHER RESOLVED, the Planning Board determines that the amended site plan is an unlisted action which will not have a significant impact on the environment, and

NOW, THEREFORE, BE IT FURTHER RESOLVED, the amended site plan be approved, and all required signatures are obtained, that the Chairman be authorized to sign.

Chairman McAllister – Aye
Mr. Dollard – Aye
Mr. Hale – Aye
Mr. Monno – Aye
Mr. Minor – Aye
Mr. Rickman – Aye
Mr. Strabel – Absent

Frances Apartments II-2 Lots Subdivision and Site Plan. Owens Road. 084.01-1-19.143, 19.11.

Nat O. Lester, III, Planning Counsel recused himself from the discussion.

The Planning Board received the Town Engineer’s comments dated November 16, 2018. There were several outstanding items to address. Mr. Minor was very concerned with the number of items still remaining and requested the project not be moved forward until the engineers worked together to resolve the majority of the issues prior to the meeting.

Mr. Tim Harris from Passero Associates addressed the Board. The applicant is asking for a conditional approval. Mr. Oberst said there are a lot of comments to address, but nothing that would substantially change the project. Chairman McAllister indicated that they still need the wording for the easements that must be

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reviewed by the Town Attorney as well as a stormwater maintenance agreement and the Town Engineer's comments addressed.

Moved by Mr. Hale, seconded by Mr. Monno,

WHEREAS, the Town of Sweden Planning Board has received an application for approval of the Frances Apartments II Subdivision and Site Plan located on Owens Road, and

WHEREAS, the Planning Board held a public hearing on October 22, 2018, and all persons wishing to be heard were heard, and

WHEREAS, the Town Board as Lead Agency for a Coordinated Environmental Review on October 23, 2018, made a "determination of non-significance for the action," and

WHEREAS, the Planning Board has reviewed the comments of the Town Engineer, the Sweden Fire Marshal, the Sweden Building Inspector, the Environmental Conservation Board and Development Review Committee.

NOW, THEREFORE, BE IT RESOLVED, the Planning Board grants the Frances Apartments II Subdivision preliminary approval.

Chairman McAllister – Aye
Mr. Dollard – Nay
Mr. Hale – Aye
Mr. Monno – Aye
Mr. Minor – Nay
Mr. Rickman – Aye
Mr. Strabel – Absent

Mr. Minor recommended that a signature line for counsel should be added to the plan when review and approval of any easements are required for a project. The Board agreed. Also, he highly recommends that when a project has many items remaining for review, the project should not be on the agenda. The majority of the items should be addressed between the engineers prior to the meeting. Chairman McAllister suggested that when the Clerk receives the latest updates prior to the meeting, and if too many, he be notified and the project may not be included on the agenda for that meeting. Mr. Minor was in agreement.

The meeting was adjourned on motion at 8:20 p.m.

Respectfully submitted,
Karen M. Sweeting, Town Clerk