

**TOWN OF SWEDEN
Planning Board Minutes
December 10, 2018**

A regular meeting of the Town of Sweden Planning Board was held on Monday, December 10, 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, Arnold Monno, Wayne Rickman, David Strabel.

Also present: Nat O. Lester, III, Planning Counsel; Kris Schultz, Schultz Associates; James Oberst, MRB; Tim Harris, Passero Associates; Ryan Brandt, Rochester's Cornerstone Group; Ernie Haywood, Lifetime Assistance; Diane Hillman, Gary Mault, Everett Peake and Don Young.

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. Dollard, that the minutes of November 19, 2018, be approved.

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

Moved by Mr. Dollard, seconded by Mr. Minor, that the regular meeting be adjourned to the public hearings.

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

The Public Hearings began at 7:06 p.m.

Chairman McAllister read the notices of public hearing and affidavits of publication.

Mault Estate Subdivision – 9 Lots. 411 White Road and Redman Road. 098.02-2-30.1 and 098.01-1-10.11.

Chairman McAllister asked if there was anyone present with questions, comments or concerns.

Diane Hillman stated that the legal notice listed two parcel IDs, but her mother owned three parcels. She asked if that was because the third parcel will remain exactly as it is. Mr. Schultz indicated yes.

No other comments.

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

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

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

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

Public Hearings ended at 7:11 p.m.

Zablotski Subdivision – 150-152 Capen Road. 098.03-1-14

Mr. Kris Schultz addressed the Board. He explained that the parcel is a large acre farm that is split by Capen Road. The parcel is linked by the tax account number and the applicant would like to make the parcels separate. A parcel on the north side of Capen Road and a parcel on the south side of Capen Road so they can potentially market the property.

Moved by Mr. Strabel, seconded by Mr. Rickman, that the Zablotski 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 – Aye*

The Public Hearing will be January 14, 2019.

Villas at Brandon Woods – 1636, 1638 Nathaniel Poole Trail. 084.01-1-61 and 084.01-1-62 AND 1639, 1641, 1643, 1645 Nathaniel Poole Trail. 084.01-1-84 – 87.

Mr. Strabel asked what was going on with the storm water retention systems at Brandon Woods. Mr. Kris Schultz explained that this has been an ongoing issue for town officials for the past several years. When Mr. Hassall developed the Villas at Brandon Woods, his intention was to transfer the pond parcels along with the commercial piece to Spectra. At that time the SWPPP regulations did not require a developer to enter into a storm water maintenance agreement with the Town. In the last few years, SWPPP regulations now require these agreements that formally assign perpetual maintenance to the developer. This being prior to those regulations, there was nothing in place.

The properties transferred ownership to Mr. Nothnagle. There were questions as to whether Mr. Nothnagle and the Section 1 residents were responsible for the pond, which encompasses two separate tax parcels. Mr. Schultz said his understanding was that the commercial parcel was to take care of a portion of the cost associated with keeping the pond in order. Section 1 never had those requirements placed on those property owners so those costs are not a part of their monthly maintenance costs. Nothing has progressed with this in several years.

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Mr. Schultz stated that currently there are two buildings that have been constructed and they would like to get a certificate of occupancy on them. The issue of who is responsible for the maintenance of the pond has been brought up again. Fortunately, Steve Licciardello, a builder/developer has entered into a contract with Mr. Nothnagle to purchase the balance of the Villas land, which is everything that is south of Section I. Mr. Schultz prepared plans for Mr. Licciardello that are similar to Section 1, which include double, triple and quad units. As part of the approvals for this next section, Mr. Licciardello will take full responsibility for the pond with an agreement with the Town. He realizes that Section I owners are not responsible for contributing to the maintenance of the pond. Mr. Licciardello has not purchased the property yet, but has an accepted purchase and sale contract with Mr. Nothnagle. Mr. Licciardello cut the trees, pumped the pond, cleaned the mud out of the pipes, and exposed the low drain line. He also provided a topographic survey to Jim Oberst to see if the pond was built with the right geometries for correct storage. Mr. Schultz spoke with Town Attorney Jim Bell before any of the work was done on the pond to see if this was an acceptable path forward.

Mr. Schultz has provided a map of the units and common areas. He is asking for a contingent approval to make sure everything is satisfied before the mylar is signed. Mr. Schultz mentioned that the majority of subdivisions in the Town do not have stormwater agreements. Chairman McAllister said that the big difference with this project is the homeowners' association.

Planning Counsel Mr. Lester said that the pond has two separate tax map numbers so they cannot be added to Section II. Mr. Schultz stated typically with multi-phased subdivisions, the pond is always located at the lowest point in the tract so it be several hundred feet away from a phase. It is totally appropriate for a section to be tasked with the maintenance of the pond. Mr. Nothnagle owns the properties with the pond and intends to transfer them to Mr. Licciardello. Mr. Licciardello knows he must maintain the pond. Mr. Schultz feels there is now a good path forward concerning the maintenance of the pond.

Chairman McAllister asked if the Board felt there was enough information to accept for review.

Moved by Mr. Hale, seconded by Mr. Rickman, that the Villas at Brandon Woods Resubdivision, (1636, 1638, 1639, 1641, 1643, and 1645 Nathaniel Poole Trail) be accepted for review.

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

Mr. Minor asked to see the original subdivision map of this approval. He stated that when it was approved, the pond sites were tied to the common areas that all the homeowners owned. At some point the properties were sold and the pond properties did not stay with the others. Mr. Minor asked if the pond has its own tax map number and how the pond got subdivided out on its own. Mr. Schultz said the pond is located on two identified lots, which were filed. Mr. Minor again said he warned against that because it was easy to abandon and not take responsibility for the maintenance of the pond.

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Mr. Schultz presented a copy of the Section I plat showing the subdivision for Spectra. The pond was kept separate because of the way the parcels were rezoned, as incentive zoning. The pond was separate because Mr. Hassall intended to transfer it to the commercial lot. He did not want to burden the homeowners with the maintenance of the pond, but assign it to the plaza. Mr. Minor did not feel that the subdivision of the pond was done properly and asked that Mr. Schultz come back with a subdivision map that placed the pond back into the common area ownership. Chairman McAllister asked if Mr. Nothnagle owns the pond. Mr. Schultz indicated yes and added that Mr. Licciardello is willing to take responsibility for the pond.

Chairman McAllister asked how they would move forward without an accurate subdivision map that shows what parcel the pond goes with. Mr. Schultz said they would submit that when they do Section II. The pond will be part of the project and tied in through the stormwater agreement. Mr. Lester said that there will still be separate tax map numbers. He said the Town's ability to enforce it will be through a stormwater agreement. If the Town must do any work on the pond, they can pass the cost along to Section II. Mr. Minor asked what if Section II never happens. Mr. Lester said then the Town would be in no better position than it is now.

Chairman McAllister asked what guarantees that it will get done before the remaining three lots are built. Mr. Lester said the building inspector could withhold the certificate of occupancies for the three remaining parcels if the pond is not taken care of. Mr. Schultz said at this point, you have a pond that has been taken care of. The Town also has an individual, Mr. Licciardello, who is willing to take responsibility but does not yet own it.

Mr. Minor said that we have a request for a subdivision for a previous subdivision that was not done correctly. Mr. Schultz asked the Board for a logical path forward. Mr. Strabel suggested that Mr. Nothnagle enter into a stormwater maintenance agreement with the Town, then he can transfer that agreement to Mr. Licciardello. Mr. Schultz asked for a contingent approval. Chairman McAllister asked Mr. Oberst if he was satisfied with the work done on the pond. Mr. Oberst said he was satisfied.

Chairman McAllister adjourned to January 14, 2019, for further review (no public hearing required).

Mault Estate Subdivision – 9 Lots. 411 White Road and Redman Road. 098.02-2-30.1 and 098.01-1-10.1.

Mr. Kris Schultz addressed the Board. He provided updated plans that reflected Mr. Oberst's comments. The subdivision is being done to create lots, no development is proposed. They wanted to make sure that the lots could be developed in the future even though the subdivision plan shows that there are no implied approvals for the lots. Separate site plans would be needed at that time. Because the lots are so large, 8 to 9 acres with over 300 ft. of frontage, there is minimal concern they will meet the code for any future development relative to septic, leach system requirements, etc. Most adjacent houses have inground systems. State and federal wetlands have been added and there are no flood zones.

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

WHEREAS, the Town of Sweden Planning Board has received an application for the Mault Estate Subdivision located at 411 White Road and Redman Road which was accepted for review on November 19, 2018; and

WHEREAS, the Planning Board held a public hearing on December 10, 2018, and all persons wishing to be heard were heard; and

WHEREAS, the Planning Board has reviewed the Project Information Form, Short Environmental Assessment Form, Agricultural Data Statement and the comments of the Town Engineer;

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

NOW, THEREFORE, BE IT FURTHER RESOLVED, the Planning Board grants the Mault Estate Subdivision preliminary approval; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the final public hearing be waived, the Mault Estate Subdivision be granted final approval contingent 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 – Aye*

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

Chairman McAllister asked if this was just for the awning. The applicant would still go to the Building Department for a sign permit. Mr. Schultz said yes.

Moved by Mr. Strabel, seconded by Mr. Dollard,

WHEREAS, the Town of Sweden Planning Board has received an application for approval of the 1000 Transit Way amended site plan to install an awning; and

WHEREAS, a public hearing was held by the Planning Board on December 10, 2018, and all persons wishing to be heard were heard, and

WHEREAS, the Planning Board has reviewed the Project Information Form, Short Environmental Assessment Form and the comments of the Town Engineer;

NOW, THEREFORE, BE IT RESOLVED, the Planning Board declares itself Lead Agency for the environmental review of this project, and 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, that the final public hearing be waived, the 1000 Transit Way amended site plan be granted final approval contingent 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 – Aye*

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

Nat O. Lester, III, Planning Counsel recused himself.

Chairman McAllister asked Mr. Oberst if he was satisfied with all the previous concerns. Mr. Oberst answered yes. Chairman McAllister indicated that the Board required the easement for the cross access on the back lot be incorporated into the application to complete the final on the subdivision. All other easements are marked on the plan and need to be approved by the Town and filed prior to any building permits issued. Town Attorney Jim Bell and Planning Counsel Lester for Frances Apartments are both in agreement on these requirements.

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

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 granted the Frances Apartments II Subdivision preliminary approval on November 19, 2018,

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board waives the final hearing and the Frances II Apartments Subdivision be granted final approval, and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Planning Board approves the Frances Apartments II Site Plan contingent upon completion of all easements approved by the Town Attorney, all required signatures received, 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 – Aye

The Board requested the current solar applications be placed on the agenda for January 14, 2019, as their extension for review expires December 31, 2018.

On a positive note, the Board wished Phyllis, Planning Board Clerk, good health and healing thoughts!

The meeting was adjourned on motion at 8:07 p.m.

Respectfully submitted,
Karen M. Sweeting, Town Clerk