

**TOWN OF SWEDEN
Planning Board Minutes
February 14, 2011**

A regular meeting of the Town of Sweden Planning Board was held on Monday, February 14, 2011, at the Town Offices, 18 State Street, Brockport, New York, commencing at 7 p.m.

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

Absent: Richard Dollard

Also present: Adam Cummings, P.E., MRB, James Butler, Building Inspector, Cory Tufano, L.S., Kris Schultz, P.E., Adam Freeman, P.E., A.J. Barea, L.S.

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. Strabel, that the minutes of January 10, 2011, be approved.

Ayes – 5

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

Member Minor arrived – 7:03 p.m.

Chaplain Subdivision.7234/36 Fourth Section Road. 083.01-1-22, 083.01-1-23

Chairman McAllister asked if there were any questions, comments or concerns from the public. There were none.

Mr. Cory Tufano addressed the Board. He explained this is a simple lot combination of two non-conforming lots located on the north side of Fourth Section Road. Per the Environmental Conservation Board, it would be a benefit to merge these two lots. Comments have recently been received from MC Department of Planning and Development recommending if there is ever any proposed development, drainage should be reviewed.

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

Ayes – 6

Mault Subdivision and Site Plan. 5425 Redman Road. 083.03-1-14

Mr. Kris Schultz addressed the Board. Applicant is subdividing his land as a gift to his daughter and son-in-law. The lot is just less than five acres and a single-family home is proposed. MC Department of Transportation has already approved a permit for a driveway entrance. Two wells have been dug, one out by the road and one in the back.

Mr. Schultz stated to distinguish between several Mault parcels; the name of this subdivision will be revised to the R. Mault Subdivision.

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Mr. Schultz explained that a lot of time was spent with MC Department of Transportation in order to get good sight distance.

Moved by Mr. Hale, seconded by Mr. Hertweck, that the Mault Subdivision & Site Plan be accepted for review.

Ayes – 6

The Public Hearing will be March 14, 2011.

Chaplain Subdivision.7234/36 Fourth Section Road. 083.01-1-22, 083.01-1-23

Chairman McAllister continued review of this application.

Comments, if any, from the Town Engineer, Fire Marshal and Environmental Conservation Board have been received and addressed. MC Department of Planning & Development comments have been received except from MC Department of Transportation, which shouldn't be an issue with no proposed development.

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

WHEREAS, the Town of Sweden Planning Board has received an application for resubdivision approval of the Chaplain Subdivision located at 7234/36 Fourth Section Road; and

WHEREAS, the Planning Board held a public hearing on February 14, 2011, and all persons wishing to be heard were heard; and

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Board determines that the Chaplain Resubdivision is an unlisted action which will not have a significant impact on the environment and grants preliminary approval,

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

Ayes – 6

Swinton Subdivision and Site Plan. Salmon Creek Road. 099.04-1-16

Mr. Adam Freeman addressed the Board. There have been few changes since the last meeting. The topography has been tightened up so that it was below the threshold for requiring a permit from the NYSDEC. Notes have been added per the Environmental Conservation Board.

MC Department of Transportation, MC Department of Health, and the Town Engineer have approved and signed the plans.

Mr. Minor confirmed there is no public water.

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Moved by Mr. Hale, seconded by Mr. Hertweck,

WHEREAS, the Town of Sweden Planning Board has received an application for approval of the Swinton Subdivision and Site Plan located on Salmon Creek Road; and

WHEREAS, the Planning Board held a public hearing on November 8, 2010, and all persons wishing to be heard were heard; and

WHEREAS, on November 8, 2010, the Planning Board determined that the Swinton Subdivision and Site Plan is an unlisted action which will not have a significant impact on the environment and granted preliminary approval,

NOW, THEREFORE, BE IT RESOLVED, that the final public hearing be waived, the Swinton Subdivision and Site Plan be granted final approval and the Chairman be authorized to sign the mylar.

Ayes – 6

Colby-Corey-Fama Subdivision – 2 Lots. 5950 Redman Road. 098.04-1-17.2

Mr. A.J. Barea addressed the Board. He explained that Mrs. Jane Colby owns approximately 28 acres off Redman Road and is proposing to retain 5 acres and sell the remaining acreage to Mr. Corey and Mr. Fama.

Discussion took place regarding the barn shown on the plan, which has not received site plan approval previously. With the structure shown, should the applicant seek site plan approval as well as subdivision approval? Mr. Barea stated the barn is pre-existing and has been shown for completeness, not for site plan approval. The age of the barn was discussed. Mr. Barea thought it was approximately 70 years. Chairman McAllister disagreed that it was that old. The barn meets current zoning setbacks per today's code.

Mr. Strabel confirmed that as long as Mr. Barea is satisfied where the lines are drawn, and the building does not create a conflict with setbacks, then the barn doesn't have to be shown on the subdivision map. Chairman McAllister agreed unless the applicant is looking for site plan approval.

Mr. Barea added that a note was added to the plan stating the following:

The sole purpose of this map is for subdivision of land ONLY. Any proposed construction and/or development, on the lots shown hereon, require a Site Plan be prepared, presented and approved by the Town of Sweden Planning Board prior to any construction.

It was suggested to not show the barn on the subdivision plat. If the plan comes before the Board for site plan approval, then the barn should be shown. Discussion followed.

Moved by Mr. Hale, seconded by Mr. Strabel, that the Colby-Corey-Fama Subdivision – 2 Lots be accepted for review.

Ayes – 6

The public hearing will be March 14, 2011.

OTHER

Christ Community Church. Coleman Creek Road/Lake Road. 068.20-1-5/083.08-2-1.12

Chairman McAllister stated that the Planning Board should wait to make any comments until the Town and Village Boards have reviewed and commented on the application.

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Mr. Barea explained that per his conversation with Real Property Tax Service, the two lots could be merged, but the Town lot line and separate tax account numbers will remain. The only way the tax account number will change is if one of the properties is annexed either into the Town or Village. A Town lot line is surveying data that never changes which is different than the lot's boundary/subdivision line.

The issue with this application is setbacks. If the Church expands its parking lot into the Town parcel, then a variance will be required for the 25 ft. front (greenspace) setback. From a Planning Board's perspective, if the Town property were annexed into the Village, then the variance wouldn't be required. Discussion took place.

The Town Engineer has reviewed and commented on the application, and is waiting to see what the Village plans to do next.

It was suggested that because the Town parcel already has a deeded access through an easement, the best option would be for the north property line be treated as frontage of the Town parcel, which would require a variance for the 25 ft. greenspace setback requirement. Also, a 7-1/2 ft. perimeter setback buffer requirement would have to be met.

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

Planning Board Clerk