

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

A regular meeting of the Town of Sweden Planning Board was held on Monday, March 14, 2011, 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, David Strabel

Absent: William Hertweck, Arnold Monno

Also present: Adam Cummings, P.E., MRB, Kris Schultz, P.E., A.J. Barea, L.S., Scott Harter, P.E., Kelly Hall, Dick Mault, Robert and Julie Hill, Jerry Klafehn

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. Strabel, that the minutes of February 28, 2011, be approved.

Ayes – 4
Abstain – Mr. Hale

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

Ayes – 5

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

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

Mr. Kris Schultz addressed the Board.

Chairman McAllister asked if there was anyone present with comments, questions or concerns regarding the R. Mault Subdivision and Site Plan or the Colby-Corey-Fama Subdivision. There were none.

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

Ayes – 5

Snyder Subdivision –Lot 6 Amended Site Plan. 1550 Reed Road. 128.02-1-31

Mr. Kris Schultz addressed the Board. He explained that this application is an amended site plan specifically for Lot 6. The original subdivision and site plan were approved years back; copies were distributed. It was confirmed that of the seven or eight lots, none have been built on. The applicant has purchased Lot 6 and is interested in the two adjacent lots to the east. The long-term plan is to build a single-family home on the top of the hill and change the location of the septic system. For now, there is a need to have a storage barn built on Lot 6 with a slight modification to the driveway/access.

Additional perc tests will be done when the weather breaks and an application will be submitted at a later date for resubdivision approval to merge the three lots and an amended site plan showing the new house/septic location.

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The amended site plan shows the same grading for the leach system and the house. The driveway was pulled to the west, straightened out, and extended back to the accessory structure.

Moved by Mr. Hale, seconded by Mr. Minor, that the Snyder Subdivision – Lot 6 Amended Site Plan be accepted for review.

Ayes – 5

The Public Hearing will be April 11, 2011.

Canham Subdivision Amended Site Plan. 40 Gordon Road. 070.03-1-10

Mr. Kris Schultz addressed the Board. The original subdivision was approved in the 1970s, and included lots along Gordon Road and Gallup Road. The density of perc and deep hole tests were done differently in the 1970s. A typical system was designed for all the lots instead of showing individual systems on each lot. Public water was not available when it was originally approved.

Since that time, the northern part of this lot has been subdivided and developed off Skidmore Drive. The original approval was for a full-raised system, but when a new perc test was done, it showed an in-ground system could be used. Mr. Schultz explained that his client has since purchased the remaining land to the south. The original plan was redesigned to secure MCDOH, MCDOT and MCWA approvals. The pre-existing leach system did not meet current specifications so new perc and deep hole tests were done, and it was determined that a modified-raised system would work. It was then recommended by the Clerk to update the Planning Board for approval. The Town Engineer reviewed the modifications, submitted comments, and revisions were made as shown on the plans distributed to the Board.

Chairman McAllister stated that the Planning Board thought it was appropriate to review the updated plans showing the redesigned septic system and new signatures from MCDOH. Also recommended was to waive the public hearing and grant final approval.

Mr. Schultz stated the following two comments from the Town Engineer have been addressed:

- add words “to leach” by the dimension to the corner of the leach
- define swale along the east boundary line

Mr. Minor asked that the agricultural data statement be added to the plan. Mr. Schultz will add it.

Moved by Mr. Strabel, seconded by Mr. Minor,

WHEREAS, the Town of Sweden Planning Board has received an application to modify the site plan of the Canham Subdivision – Lot 15A located at 40 Gordon Road, and

WHEREAS, the Planning Board has reviewed the Short Environmental Assessment Form, comments of the Town Engineer, and has received approval from the Monroe County Department of Health for the redesigned septic system,

NOW, THEREFORE, BE IT RESOLVED, that the site plan of the Canham Subdivision – Lot 15A be approved contingent upon receiving the signature of the Town Engineer, and the Chairman authorized to sign.

Ayes – 4
Nay – Mr. Hale

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

Chairman McAllister continued review of this application. Mr. Kris Schultz addressed the Board.

MRB's Comments (Per response letter dated March 9)

1. The permit granted by the MCDOT was for a temporary construction access, which will be superseded by the driveway access associated with this project. During the time between the granting of the temporary access permit and the design of this site plan the client determined that they wanted the driveway to be closer to the high point in this area. The MCDOT is currently reviewing this location for the driveway access permit.
2. The total area of disturbance for this project is approximately 42,200 sq. ft. This application will require the submission of a SWPPP and a NOI per the Town Law. The SWPPP has been submitted to MRB for review.
3. MCDOH is required to review the plans for the proposed septic system. A preliminary review of the plan has been received and ready to be signed once environmental and preliminary approvals have been given from the Town.
4. A tie distance has been added to the plans from the proposed site to the intersection of Redman Road and Rte. 31A.
5. Per Fire Marshal's comments, the driveway has been increased to 14 ft. and a standard bubble (20 ft. by 50 ft.) has been added.
6. The locations of the proposed roof leaders and associated splash blocks (northeast corner of house) have been added to the plans.
7. Note #8 has been revised to remove the word "barn."

ECB Comments

- The biggest concern was where the wildlife is crossing the road. Mr. Schultz explained that even when land is cleared for a driveway and lawn, the deer are not prevented from using this area.
- Chairman McAllister stated that when the location was determined, MCDOT had a lot of input and played a significant role as to where the driveway was sited. The applicants did not want to give up additional agricultural land to the south if the driveway had to be moved. MCDOT would override the recommendation of the ECB.

Mr. Dollard asked if the Town of Riga wording was removed. Mr. Shultz stated yes it was a drafting error.

Fire Marshal Comments – Comments have been addressed as stated earlier.

DRC Comments

- Standard comments. There is a wetland on the overall site as shown on the plans depicted off to the west with no impact to wetlands or associated buffer.
- Woodland map – the amount of clearing should be limited.
- The Army Corps of Engineers Federal wetlands have been mapped.
- Typical note regarding agricultural property.
- DEC comment regarding a stream on the adjacent property.
- Monumentation should be checked.
- Review fee required
- Sight distance process should be explained; Mr. Schultz will address.

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

WHEREAS, the Town of Sweden Planning Board has received an application for approval of the R. Mault Subdivision and Site Plan, and

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

WHEREAS, the Planning Board has reviewed the Project Information 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 R. Mault Subdivision and Site Plan is an unlisted action which will not have a significant impact on the environment and grants preliminary approval.

Ayes – 5

Mr. Schultz discussed a new change by the Monroe County Water Authority. As part of the approval for service, the MCWA is requesting a 15 ft. wide easement along the frontage even if there is a water main already on the road or on the other side of the road. Mr. Schultz added it's unusual from the standpoint that an easement isn't usually obtained unless the applicant tends to use it or provide it. He believes it places a burden on properties and doesn't make a lot of sense.

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

Chairman McAllister continued review of this application. Mr. A.J. Barea addressed the Board.

The Fire Marshal and ECB had no comments.

MRB Comments

1. If there is a well or septic system on the land, its location should be shown on the plan for setback requirements. Mr. Barea submitted a separate drawing showing the barn location and an existing well since the applicant is not seeking site plan approval. There was discussion at the last meeting whether or not to show the existing barn on the plan for subdivision approval. Mr. Strabel stated that the Board has retracted its stance in that the barn and well should be shown. Mr. Hale stated it also shows that a nonconforming use is not being created. Chairman McAllister agreed as long as the note stating no site plan approval has been granted, only subdivision approval.
2. Based on the Federal and NYSDEC wetland mapping, there are wetlands on both lots with Lot 2 having the most significant impact. A note has been added that there are areas on the two lots within the wetlands. It was recommended not to show the wetlands for a subdivision application. A note should be added stating that wetland delineation would be required for site plan approval.
3. The Chapman site is an inactive hazardous waste site and is located across the wires on the other side of the Niagara Mohawk R.O.W., and is within the 2,000 ft. of the subdivision. A note has been added to the plan regarding this.

DRC comments have not been received to date.

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

WHEREAS, the Town of Sweden Planning Board has received an application for approval of the Colby-Corey-Fama Subdivision, 2 Lots, located at 5950 Redman Road, and

WHEREAS, the Planning Board held a public hearing on March 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; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Board determines that the Colby-Corey-Fama Subdivision, 2 Lots, is an unlisted action which will not have a significant impact on the environment and grants preliminary approval.

Ayes – 5

Christ Community Church. Lake and Coleman Creek Road.

Mr. Scott Harter addressed the Board. He introduced Mr. Jerry Klafehn from Christ Community Church. Mr. Harter distributed plans to the Board for review.

The Town Engineer has had a chance to look over the plan and suggested it be brought before the Board for an informal meeting.

Mr. Harter explained that a portion of the improvements is in the Town of Sweden and a portion in the Village of Brockport. It was suggested by the Town that the applicant apply for a variance versus the elimination of the boundary line. Mr. Harter explained that this application is Phase I of a three-phase project. The Church plans to continue moving south on the land as it grows. By eliminating the property line, future zoning issues are also eliminated.

Mr. Harter contacted the Village of Brockport and Monroe County Real Property Tax Services to see if there were any objections on their part, and there were none. There are three lines to consider: municipal boundary, tax parcel and property line.

Chairman McAllister explained that the only way the Barry Dodge Resubdivision could have been approved is by obtaining a permanent easement through the Christ Community Church property. The location of the easement determines where the lot's frontage is. Mr. Harter stated all the more reason to merge the two parcels and eliminate the boundary line.

Mr. Minor stated the issue is two different municipalities and which one concedes its property to the other.

Mr. Harter asked if the Town Attorney has been asked for an opinion. The answer was no. The Town Board has had some informal discussion with Attorney Bell and was advised not to merge the two parcels or annex the Town's land into the Village. The Town Board stated this is a Planning Board issue. It was recommended that the applicant contact both the Town Board and Village Board for input.

Mr. Minor asked for clarification as to why the Church wouldn't want to apply for a variance. Mr. Harter stated the applicant doesn't want to go through this process again with future development. Mr. Minor explained that if the 25 ft. front setback variance is obtained for the whole frontage, additional variances shouldn't be required.

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Mr. Harter asked if the Planning Board would send a recommendation in favor of the 25 ft. front setback variance. The minutes would suffice.

The Clerk confirmed that an application should be submitted to both the ZBA and Planning Board. The Building Department could deny the application first, and then a variance could be applied for.

Mr. Harter stated he would meet with Village officials to see what type of variances, if any, would be required as a result of applying for a variance from the Town. Discussion took place regarding the existing parking spaces, which are half in the Village and half in the Town. The parking spaces could be addressed during site plan review.

It was suggested that Chairman McAllister have a conversation with the Chairman of the Village Planning Board to make sure both boards are on the same page.

Mr. Harter confirmed that a SWPPP is required for disturbance of 25,000 sq. ft. or more. The disturbance for this project is 17, 703 sq. ft. While a SWPPP is not required, drainage would still be reviewed.

The meeting was adjourned on motion at 8:45 p.m.

Planning Board Clerk