

**TOWN OF SWEDEN
Planning Board Minutes
March 24, 2008**

A regular meeting of the Town of Sweden Planning Board was held on Monday, March 24, 2008, at the Town Offices, 18 State Street, Brockport, New York, commencing at 7:00 p.m.

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

Also present: James Oberst, MRB, James Butler, Building Inspector, Kris Schultz, Jack Hassall, Debra Webster, Rich Maier, Harold Mundy, Joseph and Mary Daniels, Ruth and Jim Moore,

The meeting was called to order at 7:00 p.m. by Chairman McAllister.

Correspondence passed to members for review.

Moved by Mr. Monno, seconded by Mr. Dollard, that the minutes of March 10, 2008 be approved.

Ayes – 7

Moved by Mr. Hale, seconded by Mr. Hertweck, that the regular meeting be adjourned to the public hearing.

Ayes – 7

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

Abbott's Frozen Custard Site Plan. 4599 Lake Road. 083.08-2-4.

Mrs. Debra Webster addressed the Board. There are not a lot of changes to the site plan. The porch will be opened and the parking spaces are marked on the plan.

Chairman McAllister asked if this was a shared curb cut? Mrs. Webster stated yes, it is shared with the house to the south of it. He asked if there was anyone present interested in this proposal. There were none.

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

Ayes – 7

Abbott's Frozen Custard Site Plan. 4599 Lake Road. 083.08-2-4.

Chairman McAllister continued review of this application.

Mr. Strabel asked if all utilities currently to the building are adequate for the new business? Mrs. Webster stated National Grid would provide three-phase electric for the ice cream machines.

Chairman McAllister asked the Town Engineer if he was satisfied with the responses to his review comments. Mr. Oberst stated he was satisfied.

Mr. Monno wanted to discuss the area from the Rte.19 entrance towards the back, approximately 40 ft. to 50 ft. of blacktop, near the snow pile. His question is whether or not there would there be curbing along that area.

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Mrs. Webster explained that under the snow pile there is a wedge shape area of dirt. Mr. Monno's point is that if the area is not curbed, cars will be able to go all over creating potential traffic concerns. Mrs. Webster stated it is a double-wide roadway with traffic going both ways, but if customers use the rules of the road, there shouldn't be any problems. Mr. Minor added by putting a curb in, it might be in violation of the existing easement agreement.

Mr. Monno added another concern of his is the catch basin by the bank that's very dangerous and in need of repair.

Chairman McAllister asked how much distance is between the two buildings? Mr. Strabel stated about 60 ft. He also asked if the parking lot was the same elevation as the bank? Mrs. Webster stated it's lower.

Mr. Minor stated that the site is zoned commercial, it's pre-existing, nonconforming, and has had the same use for 30 to 40 years.

Chairman McAllister pointed out that before any driveway/curb cut work is done, the applicant would have to apply to NYSDOT. Mr. Oberst suggested calling Tom Palumbo.

Chairman McAllister asked if this application was an amended site plan? Mr. Hale stated he reviewed the files with the Clerk, and nothing could be found; the site is pre-existing.

Moved by Mr. Hale, seconded by Mr. Hertweck, that having reviewed the Project Information Form, comments from the Town Engineer, Environmental Conservation Board, and the Fire Marshal, the Planning Board determines that the Abbott's Frozen Custard Site Plan is an unlisted action which will not have a significant impact on the environment.

Ayes – 7

Moved by Mr. Hale, seconded by Mr. Dollard, that the Abbott's Frozen Custard Site Plan be approved, and the Chairman authorized to sign the mylar.

Ayes – 7

Daniels Subdivision – 7 Lots. 754 Beadle Road. 099.03-1-29.1

Mr. Kris Schultz addressed the Board. He explained that at the last meeting, the Board was not able to continue until the Environmental Conservation Board's (ECB) comments were received. Since then, the ECB has met and comments have been received. Mr. Hale asked if MC Planning & Development has responded. The Clerk stated she has not received anything. Mr. Schultz stated he called MCP&D, and they would not be able to respond in time for this meeting.

Chairman McAllister stated the issue is not to have anything built on lot 7, and that it should be marketed for recreational use only. Mr. Schultz agreed to put a note on the plans, and to stress to the Daniels how lot 7 should be marketed.

Chairman McAllister stated he didn't believe MCP&D would have any significant comments due to this project requiring subdivision approval only.

Mr. Monno asked if there was anything buried on the Niagara Mohawk property? Mr. Shultz stated no. He also explained that there is an existing easement that runs with the land giving a perpetual right to cross at any

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point. The plans show a 60 ft. strip defining where to cross at lot 7. In the future, if any lots are sold off, there is a defined area.

Moved by Mr. Hale, seconded by Mr. Minor, that having reviewed the Project Information Form, comments from the Town Engineer, Environmental Conservation Board, and the Fire Marshal, the Planning Board determines that the Daniels Subdivision is an unlisted action which will not have a significant impact on the environment.

Ayes – 7

Moved by Mr. Hale, seconded by Mr. Dollard, that the Daniels Subdivision be given preliminary approval.

Ayes – 7

Moved by Mr. Hale, seconded by Mr. Monno, that the final public hearing be waived, the Daniels Subdivision be granted final approval contingent upon receiving the required signatures, and the Chairman be authorized to sign the mylar.

Chairman McAllister stated that a “forever wild” note should be included. Mr. Schultz wrote, “no building on this lot” on lot 7 of the plan.

Ayes – 7

The Villas at Brandon Woods. Nathaniel Poole Trail.

Mr. Kris Schultz and Mr. Jack Hassall addressed the Board. Mr. Schultz distributed revised plans. Mr. Hassall stated there has been some interest for bigger houses. They are here tonight to see what type of relief there is or process they should follow to revise the plan to reflect this.

Mr. Schultz explained that for lots 101 to 130, the singles were 50 ft. wide by 50 ft., the doubles were each 40 ft. wide by 50 ft. deep, and the quads were each 40 ft. wide by 50 ft. deep. There were a number of different types of houses that would fit into each lot.

Recently, there’s been a demand for a larger home. He presented a floor plan showing the type of house that would fit into a 60 ft. wide by 65 ft. deep lot. This house would not be for every lot, but as shown, putting it on a single lot impacts the separation distance between the units. The Town states the minimum distance required between buildings for both Residential and MR-1 zoning is 20 ft.

New York State Fire Code states when there is a building in the vicinity of another building, the minimum separation distance required is 3 ft. Mr. Butler asked if that included fire rated walls on both buildings. Mr. Schultz stated no.

The question is, if Mr. Hassall is able to sell a run of larger homes, would the plans have to be brought back before the Board, or could there be some flexibility with the side setbacks. When the project was before the Town Board for Incentive Zoning, Mr. Hassall tried to keep everything simple, and he picked MR-1 zoning to follow. Mr. Schultz added if you look at MR-1 from a density perspective, Mr. Hassall could actually have 12 units per acre. The plans presented are way below that.

Chairman McAllister explained any revisions to the site plan would require an amended site plan approval. However, if the change is to the required side setback because it doesn’t meet the MR-1 zoning, a variance

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would be needed. Mr. Schultz stated he would still like to know how this Board feels about the proposed changes because the ZBA is always interested in hearing the Planning Board's opinion.

Mr. Hassall stated he's dealing with the unknown because he doesn't know at this time what people will want. The way the plan is approved could work out fine, but depending on what the demand is for, it might not. Mr. Hassall recommended using Town Law 278 because of the flexibility in moving the houses around, and that the density is so low.

Chairman McAllister thought the Town Board would have to approve the use of Town Law 278 with the Incentive Zoning.

Mr. Minor asked if the number of singles, doubles, and quads were ever predetermined? Mr. Schultz stated no it was just set up this way to get an even mix, i.e., 10 doubles, 12 singles, 8 quads.

Mr. Hassall asked if the Planning Board would consider Town Law 278 as long as the Town Board was okay with it? Chairman McAllister stated yes. Mr. Hassall thought it would simplify things for everyone.

Chairman McAllister's point is that the reason the zoning classifications were chosen was to identify the Incentive Zoning. The commercial application is all set, but the suggestion to change the MR-1 zoning would require the Town Board's approval.

Mr. Hassall asked if the rear setback were changed from 50 ft. to 65 ft., would that affect the site plan as well. Mr. Schultz stated it would be a good idea to discuss that with the Town Board also. If the proposed 65 ft. doesn't affect the rear setback for MR-1, the only approval needed would be an amended site plan.

INFORMAL

Waller Subdivision and Rezoning, Sweden Walker Road.

Mr. Richard Maier addressed the Board. He explained this proposed application is for the previously approved subdivision in 2004. The new owners of the old Waller farm would like to rezone lot 1, three lots out of lot 2, and lot 3 from Heavy Industrial to Residential. Lot 2 still has access to Canal Road, and the desire to rezone the site came about from people interested in developing it. Residential building is not permitted in Heavy Industrial zoning.

Mr. Maier would like to know if this Board has any issues with the proposed subdivision. If not, he would proceed with applying to the Town Board to have the site rezoned. Chairman McAllister stated that area is already a predominantly residential area, and doesn't have any concerns with the rezoning. The Board agreed.

Mr. Minor brought up that there are stricter setback requirements when Industrial zoning backs up to Residential zoning. This was discussed and determined it would not be a problem with this application.

Mr. Maier will discuss the information with the applicants and proceed as desired.

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

Planning Board Secretary