

**TOWN OF SWEDEN
Planning Board Minutes
September 12, 2011**

A regular meeting of the Town of Sweden Planning Board was held on Monday, September 12, 2011, at the Town Offices, 18 State Street, Brockport, New York, commencing at 7 p.m.

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

Absent: David Hale, Matthew Minor

Also present: James Oberst, Town Engineer, Kris Schultz, Schultz Associates, John Stapleton, Marathon Engineering, Cory Tufano, DDS Engineers, Daryl Carmichael, Daryl Carmichael & Associates, Dave Bentley, Bev and Francis McKinney, Janet McKinney

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. Dollard, that the minutes of August 8, 2011, be approved.

Ayes – 4
Abstain – Mr. Hertweck

Moved by Mr. Strabel, seconded by Mr. Dollard, that the minutes of August 22, 2011, be approved.

Ayes – 5

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

Ayes – 5

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

The Hogan Subdivision. Owens Road. 084.01-1-19.14

Mr. Cory Tufano addressed the Board. The applicant is proposing to subdivide Parcel D into two lots with no site improvements. Mr. Tufano asked if there were any questions.

Francis McKinney, 4415 SwedenWalker Road - Mr. McKinney asked what does the applicant plan to do with the property. Mr. Tufano stated the applicant is proposing no site improvements, and if that changed, then the application would come before this Board again for review. The applicant is simply creating two lots.

Janet McKinney – Ms. McKinney asked why is the applicant seeking subdivision approval. Mr. Tufano explained the applicant plans to use the northerly parcel for hunting. Ms. McKinney asked if this was going to be a commercial event or a specific group using the land. Mr. Tufano stated he is not aware of the applicant's specific plans.

Chairman McAllister clarified that the applicant does not need to subdivide in order to hunt on this property. The intent may be to make the southern parcel more attractive in order to sell it.

Bentley Brothers, Inc. Special Use Permit E. 5605 Brockport-Spencerport Road. 084.02-1-38

Mr. Kris Schultz addressed the Board. He explained this application received amended site plan approval earlier this year. The applicant would like to do minor repairs and assembly of product for which a Special Use Permit E is required.

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Chairman McAllister asked if there was a section of the building that has been designated for repairs. Mr. Schultz stated he wasn't sure of the exact square footage, but it is the westerly 25 percent of the building.

Donald Grentzinger, 4735 Sweden Walker Road – Mr. Grentzinger asked if the Special Use Permit E runs with the tenant or the property. Discussion followed. The Board will need to confirm if the Special Use Permit runs with the tenant or property. Mr. Oberst stated the zoning book states that a Special Use Permit approval is good for one year, unless otherwise specified, and is renewed as long as there are no violations.

Mr. Strabel asked that the area of repair be detailed on the plan so that approval could be granted. Mr. Schultz stated the area is approximately 800 sq. ft. or 2 bays, and he will address that request.

Mr. Grentzinger's concern is, if down the road, Bentley Brothers should relocate, would the special use permit be transferred to the new owner. Chairman McAllister stated the language of the approval could limit the use to a specific tenant.

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

Ayes – 5

Butler Site Plan – Lot 10. 707 Shumway Road. 084.03-1-44

Mr. Daryl Carmichael addressed the Board. The applicant is proposing a single-family dwelling and pole barn on approximately 16 ½ acres. The pole barn would be constructed this year and a log cabin house next year. Perc tests have been completed, and results indicate a full raised system will be required with public water service available. The applicant has an approved fill permit in place.

Mr. Carmichael explained there is an issue with the culvert on the south side of the property. The County can't locate the point of discharge on the north side. Drainage goes from the east to west, and west to east and comes to a culvert, which goes across the street. Chairman McAllister explained that the Board visited this site due to a lot of flooding across the road, and determined that there is a culvert that comes underneath the road right near the DeLorenzo's property. Also, right by the picnic table/playground, there is a huge drop in elevation, and looking from the north to the south, a huge culvert that has been "bricked off," causing drainage issues. The County still needs to address this issue. Mr. Carmichael will revisit the site.

Moved by Mr. Dollard, seconded by Mr. Hertweck, that the Butler Site Plan – Lot 10 be accepted for review.

Ayes – 5

The Public Hearing will be October 24, 2011.

Wegman's Plaza – Medical Office Building Subdivision & Site Plan. Fourth Section Road.

Mr. John Stapleton addressed the Board on behalf of Gallina Development. The applicant is proposing an 18,000 sq. ft. medical office building located on the southeast corner of the Wegmans plaza on Fourth Section Road.

The project was before the Board informally on August 8, 2011. The applicant is looking to subdivide approx. 3.4 acres from the 38.2-acre parcel. Mr. Stapleton is requesting a referral from this Board to go to the Zoning Board of Appeals (ZBA) since this subdivision does not have any road frontage off a dedicated road.

Chairman McAllister explained that the Town Attorney would need to make a legal determination because the ZBA can only grant variances, which is not the case with this application. The issue, according to State law,

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subdivision regulations, towns are not permitted to create a landlocked parcel. It is not known if State law takes into consideration the use of a permanent access easement.

Mr. Stapleton asked if Mr. Gallina's attorney might research this issue as well as the Town attorney. The Board has no problem with that, but the legal determination must be in writing and signed accordingly.

Mr. Stapleton explained that the property is zoned B-1, Retail-Commercial, and meets all zoning requirements. For example, 93 parking spaces are required, and the project provides 112 spaces. Sanitary and water is available along the Wegmans access road. Storm drainage runs along the eastern side of the proposed parcel and drains into the regional pond on the Wegmans property. Green initiatives are also proposed in accordance with the new Stormwater Regulations. Lastly, landscaping and lighting plans are included in the submitted package.

Mr. Dollard asked if the proposed parcel is owned by Wegmans. Mr. Stapleton said the land would be transferred to Gallina Development.

Moved by Mr. Dollard, seconded by Mr. Strabel, that the Wegmans Plaza-Medical Office Subdivision & Site Plan be accepted for review.

Mr. Monno asked since there's an issue with the required road frontage, should there be an accept for review. Mr. Strabel stated an accept for review does not put the Town at risk because other issues may surface besides the lack of dedicated road frontage with the Town Engineer's review.

Ayes – 5

The Public Hearing will be October 24, 2011.

Mr. Stapleton asked for clarification as to when the applicant should go before the ZBA for additional variances relative to a dedicated road, i.e., frontage, and 25 ft. green strip. After much discussion, it was determined that a legal determination should be given first in order to make sure a variance, if any, is still required. The Planning Board would start a review of the project after the public hearing is held, which can't take place until October 24, 2011. If a legal determination were given prior to the next scheduled meeting, the applicant would be included on the agenda to discuss.

The Hogan Subdivision. Owens Road. 084.01-1-19.14

Mr. Cory Tufano continued review of this application.

Town Engineer Comments

1. Development of Lot 1 would be very difficult due to the wetlands. Applicant is aware of this.
2. Updated PIF has been submitted.
3. 100 ft. buffer is now shown on the plan.
4. Signature block for the Town Engineer has been added.

Fire Marshal and Environmental Conservation Board had no issues with the proposed subdivision.

County Comments

- Standard comments have been addressed.

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Mr. Tufano presented the original Owens Landing Subdivision plat, as requested at the last meeting, for clarification as to the location of a proposed road, and it was determined it was not located on Lot 1 of this subdivision.

Moved by Mr. Strabel, seconded by Mr. Monno,

WHEREAS, the Town of Sweden Planning Board has received an application for approval of the Hogan Subdivision, located on the east side of Owens Road; and

WHEREAS, the Planning Board held a public hearing on September 12, 2011, and all persons wishing to be heard were heard; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Town of Sweden Planning Board determines that the Hogan Subdivision 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 Hogan Subdivision be granted final approval contingent upon receiving all required signatures, and the Chairman be authorized to sign the mylar.

Ayes – 5

Bentley Brothers, Inc. Special Use Permit E. 5605 Brockport-Spencerport Road. 084.02-1-38

Mr. Kris Schultz continued review of this application. Mr. Minor could not be at tonight's meeting, but requested as part of the Special Use Permit E approval, that the existing floodlights be changed to dark sky compliant. The Board agreed, but not contingent upon the Special Use Permit E approval since it was already approved as part of the site plan.

Fire Marshal Comments

- A Fire, Life & Safety inspection should be completed prior to the approval of the Special Use Permit.

Mr. Strabel requested a plan or map be submitted identifying the area of repair/assembly.

Moved by Mr. Strabel, seconded by Mr. Hertweck, that the Bentley Brothers, Inc.- Public Service Special Use Permit E application for repair and assembly of lawn and farm equipment in a portion of the building be approved contingent upon:

1. A Fire, Life and Safety inspection is performed.
2. All DEC requirements are met.
3. A floor plan submitted showing the specific area where the repairs and assembly will be done.

Ayes – 5

The meeting was adjourned on motion at 9 p.m.

Planning Board Clerk