

**TOWN OF SWEDEN
Planning Board Minutes
September 13, 2010**

A regular meeting of the Town of Sweden Planning Board was held on Monday, September 13, 2010, at the Town Offices, 18 State Street, Brockport, New York, commencing at 7 p.m.

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

Absent: Matthew Minor

Also present: James Oberst, P.E., MRB, James Butler, Building Inspector, Richard Maier, L.S., Kip Finley, P.E., Ed Summerhays, L.S., Robert Hatch, P.E., Jett Mehta, Maria Rota, Carla Carson, Eric McCracken, Tony Gianni

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 August 9, 2010, be approved.

Ayes – 5
Abstain – Mr. Hale

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

Ayes – 6

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

Breiner Subdivision and Site Plan – 2 Lots. West Sweden Road. 112.02-1-1.2

Mr. Richard Maier addressed the Board and distributed maps. He explained that a single family home is proposed for Lot 1. The access for Lot 2 was changed to 60 ft. Perc tests were done and utilities will be brought from across the road.

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

Mr. Strabel read the Environmental Conservation Board's request that the driveway be moved far enough to the north to preserve the existing tree line. Mr. Maier stated the County DOT reviewed the application and commented that the entrance has to be as far south on the property to maximize the sight distance to the south. Mr. Strabel added that's enough justification for keeping the driveway where it is. Mr. Maier added there are plenty of trees on the property.

Chairman McAllister stated with no further questions, the Board would move onto the Larkin Subdivision.

Larkin Subdivision. 5499/5517 Lake Road. 098.02-2-27, 098.02-2-26

Mr. Robert Hatch addressed the Board. He explained there are two existing parcels: 18 acres and 3.3 acres. The lot lines are being adjusted to Lot 1, 5 acres around the existing structures, and Lot 2, the remaining lands of 16.7 acres. There is no proposed construction with this application. The Town Engineer requested a note be added to Lot 2 that it is not a buildable lot until approved by the Planning Board. Sight distances should be checked. Public water is available and comes down the west side of the road and terminates at the property line.

**TOWN OF SWEDEN
Planning Board Minutes
September 13, 2010**

Mr. Monno asked for clarification as to where is the nearest intersection. Mr. Hatch stated Swamp Road.

Mr. Hatch stated the actual location of the septic system could not be determined because it is a very old house so the MCDOH has been contacted for any records it may have.

Maria Rota, 5726 Lake Road – Ms. Rota asked Mr. Hatch to show her on the map the distance from White Road. Mr. Maier showed that it was north of the subdivision.

Chairman McAllister stated with no further questions, the Board would move onto the Colonial Estates Resubdivision.

Colonial Estates Resubdivision. 4600 Monroe Orleans County Line Road. 067.04-1-1.2

Mr. Robert Hatch addressed the Board. He explained that this project is located on Monroe-Orleans County Line Road and is a proposed two-lot subdivision. It is an existing 10-acre parcel with an existing house, leach field, and pool. The applicant proposes to create a 3.5-acre lot that meets zoning code and a 6.13-acre lot with the existing house.

The Town Engineer requested that a note be added that there is no proposed development at this time, which was done.

Chairman McAllister asked if there were any further questions, comments or concerns. There were none.

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

Ayes – 6

DC & TC Enterprises Site Plan. Sweden Walker Road. 099.02-1-7.21

Mr. Robert Hatch addressed the Board. He explained that this application is a proposed development at the corner of Sweden Walker Road and Colby Street. The rock quarry is located to the west and the airport to the northeast. The applicant is proposing a retail business/maintenance facility where he can work on his trucks. Also, shown is a proposed single-family home.

Development would include a large gravel parking area to facilitate the storage of approximately 14 trucks. The applicant will start with construction of the maintenance building and parking area. Landscaping will include a large berm around the frontage with plantings, and also, a pond to handle any of the runoff from the project. The building will have a restroom, which will tie into the proposed septic system for the house. Preliminary perc tests have been done with good results.

Chairman McAllister commented that this is a unique/different project because of the proposed development of both a business and single-family home on the business zoned part of the parcel.

Moved by Mr. Hale, seconded by Mr. Strabel, that the DC & TC Enterprises Site Plan be accepted for review.

Ayes - 6

The Public Hearing will be October 25, 2010.

**TOWN OF SWEDEN
Planning Board Minutes
September 13, 2010**

Ledgedale Airpark Resubdivision. Eisenhower Drive/Sweden Walker Road. 084.04-1-17.11, 22.3, 25.002

Mr. Ed Summerhays addressed the Board. The applicant is proposing to merge three parcels, which are contiguous to one another. All three parcels are owned by Walter Eisenhauser located in a residential district with no site improvements proposed. The purpose is to reduce the number of tax bills received.

Chairman McAllister commented that he would like to see, once the review of the project has started, how this compares to the existing subdivision plat. He added it would be helpful if it were shown with an overlay.

Moved by Mr. Dollard, seconded by Mr. Hertweck, that the Ledgedale Airpark Resubdivision be accepted for review.

Mr. Monno asked for clarification as to the exact parcels included in the resubdivision. Mr. Summerhays stated Lot 6 and Lot 2 of the original subdivision and parcel, 084.04-1-22.3, which was not a part of the original subdivision.

Ayes - 6

The Public Hearing will be October 25, 2010.

The Brownhill Resubdivision. Colby Street. 084.04-1-30, 31, 32, 33

Mr. Ed Summerhays addressed the Board. He explained that this is a resubdivision of the Brownhill Subdivision, which was a one-lot subdivision on Colby Street, approximately 1000 ft. west of Sweden Walker Road. There are four lots owned by Walter Eisenhauser in the same zoning. Only one lot has a structure on it.

Mr. Summerhays confirmed that the application is merging four lots into one and its new name will be Lot A of the Brownhill Resubdivision.

Moved by Mr. Hale, seconded by Mr. Strabel, that the Brownhill Resubdivision – Lot A be accepted for review.

Ayes – 6

The Public Hearing will be October 25, 2010.

Breiner Subdivision and Site Plan – 2 Lots. West Sweden Road. 112.02-1-1.2

Chairman McAllister continued review of the application.

MRB Comments:

1. A note has been added to the plans regarding Lot 2 receiving site plan approval from the Planning Board before any construction takes place.
2. Lot 2 now has 60 ft. of frontage.
3. A note regarding the proposed sight distance for the future access on West Sweden Road has been added.
4. The land owned by Curtis G. Conklin Jr. is not landlocked and has been shown with a dashed line to depict that.
5. A letter from the owner will be provided authorizing the subdivision as shown on the final plan.
6. The only septic system that could be located is one to the north. There is no visible evidence of the nearest septic system to the south. Mr. Monno confirmed that he put that system in.
7. Modifications to Lot 2 have been previously discussed and addressed.
8. The sizing and inverts for the proposed driveway culvert have been reviewed. The MCDOT requires the culvert to be changed to 34 ft. long and 12 in. wide.
9. There were no other concerns by the MCDOH.

**TOWN OF SWEDEN
Planning Board Minutes
September 13, 2010**

10. Since there will be disturbance of more than 25,000 sq. ft. for a single family home, a NOI will be posted and silt fencing has been shown on the plan.
11. A stabilized construction entrance detail has been added to the plan.
12. The proposed driveway width has been modified to 14 ft. due to the driveway length being greater than 250 ft.
13. The roof discharge has been shown to the northwest of the property. Mr. Monno asked for clarification of the number of roof discharges. Mr. Strabel asked that another line be shown to the back to clarify drainage.

The Town Engineer requested the Fire Marshal be added to the signature block.

ECB Comments:

- Mr. Maier addressed the location of the driveway concerns as far preserving the existing tree line and moving the driveway north. He explained that wasn't possible because the County wants to maximize the sight distance as far south as possible.
- Mr. Monno asked if additional signs would help the driving issues on West Sweden Road. Discussion followed, but it was determined signs would not help because the existing signs have not worked to date.
- Mr. Maier will add the two additional site notes requested by the ECB.

Fire Marshal Concerns:

- There were none.

County Comments:

1. Monumentation has been checked.
2. Monumentation has been checked.
3. There are no culverts on West Sweden Road.
4. A note has been added that the contractor must maintain positive drainage from the County Highway.
5. A note has been added that all utilities must be across the County Highway.
6. Additional review fee of \$50 is due.
7. The plat map shows all the dimensions along the frontage. Dimensions were removed from the site plan to avoid confusion.
8. The driveway culvert length has been modified to 34 ft. long with 10 ft. on either side.
9. The driveway location has been pushed as far south as possible.
Mr. Monno stated that this driveway would have the first culvert on W. Sweden Road. He believes one isn't needed.
10. The wetlands have been addressed. The ponds on the property are well over a 1000 ft. from any development and are shown on the plat map.

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

WHEREAS, the Town of Sweden Planning Board has received an application for approval of the Breiner Subdivision and Site Plan – 2 Lots on West Sweden Road; and

WHEREAS, the Planning Board held a public hearing on September 13, 2010, and all persons wishing to be heard were heard; and

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

**TOWN OF SWEDEN
Planning Board Minutes
September 13, 2010**

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board determines that the Breiner Subdivision and Site Plan – 2 Lots is an unlisted action which will not have a significant impact on the environment.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Breiner Subdivision and Site Plan – 2 Lots be granted Preliminary approval.

Ayes – 6

Larkin Subdivision. 5499/5517 Lake Road. 098.02-2-27, 098.02-2-26

Chairman McAllister continued review of the application.

MRB Comments:

1. Note #9 has been added to the plans requiring site plan approval from the Planning Board prior to any construction taking place on Lot 2.
2. Sight distance has been recorded and labeled on the plans for Lot 2 under Note #10.
3. A request has been made to the MCDOH for the location of the existing leach field; once determined it will be added to the plans.
4. Parcel to the south is undeveloped so no public water or well. Parcel to the north is serviced by public water, so no well there. A request has been made to the attorney to determine if the existing well on the property may be inside a shed, as it was not found anywhere else on the land.

ECB Comments:

- Standard comment noted.

Fire Marshal Comments:

- No comments.

County Comments:

1. Monuments have been checked and are across the street at the corner of Swamp Road and there's one at the intersection of White Road.
2. There is no proposed development for this application.

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

WHEREAS, the Town of Sweden Planning Board has received an application for approval of the Larkin Subdivision located at 5499/5517 Lake Road; and

WHEREAS, the Planning Board held a public hearing on September 13, 2010, and all persons wishing to be heard were heard; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board determines that the Larkin Subdivision is an unlisted action which will not have a significant impact on the environment.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Larkin Subdivision be granted Preliminary approval.

Ayes – 6

Colonial Estates Resubdivision. 4600 Monroe Orleans County Line Road. 067.04-1-1.2

Chairman McAllister continued review of the application.

**TOWN OF SWEDEN
Planning Board Minutes
September 13, 2010**

MRB Comments:

- A note has been added to Lot 2 requiring site plan approval from the Planning Board in order to be developed.

ECB Comments:

- Standard comment.

Fire Marshal Comments:

- There were none.

County Comments:

- Monumentation is located south of the project. There is no proposed development at this time.

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

WHEREAS, the Town of Sweden Planning Board has received an application for approval of the Colonial Estates Resubdivision located at 4600 Monroe Orleans County Line Road; and

WHEREAS, the Planning Board held a public hearing on September 13, 2010, and all persons wishing to be heard were heard; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board determines that the Larkin Subdivision is an unlisted action which will not have a significant impact on the environment.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Larkin Subdivision be granted Preliminary approval.

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

Ayes – 6

Hampton Inn Site Plan. Lake Road. 099.02-1-7.21

Mr. Kip Finley addressed the Board. He introduced Mr. Jett Mehta from Indus Development. Mr. Finley presented the plan to the Board explaining that the hotel is a proto-type and the layout is to code. The standard building is maximized to the dimensions to fit everything in. Standard parking spaces and aisle sizes are a little tight on the site and will require an area variance for the 7.5 ft. side buffer requirement. CountryMax already has a side buffer, which is landscaped with trees on the hotel's south side.

Chairman McAllister suggested that in order to keep the 10 ft. by 20 ft. parking spaces and 24 ft. drive aisles, an area variance on the south side be sought, especially because it butts up to the CountryMax side buffer. The site's greenspace is 35 percent which is over the requirement of 30 percent where there was little to none. The site has been improved in every other aspect.

Mr. Finley stated that the south side was also picked because there is a drainage ditch on that side.

The other proposed area variance is for signage. Due to the shared driveway resulting from the approval of the CountryMax site plan, it was determined that the freestanding sign height would need to be higher than the 20 ft. requirement because it's not located on an access right off Lake Road.

**TOWN OF SWEDEN
Planning Board Minutes
September 13, 2010**

Chairman McAllister asked about the building height requirement of 36 ft. Mr. Finley explained that the roof deck is at 31 ft., which is how the code determines the height requirement. The parapet is above the 36 ft.

Mr. Finley stated that the hotel is a limited service hotel, but a nicer Hampton Inn brand, with an in ground pool. Mr. Mehta added there is an exercise room, guest laundry services, indoor pool, meeting room, continental breakfast and is pet friendly. The hotel has 76 units; rooms have one king bed or two queen beds.

Mr. Kinley stated the parking was determined by one space per room, which is an industry standard. He added there are extra spaces in the back on the left side for trailers to park.

Moved by Mr. Hale, seconded by Mr. Hertweck, that the Hampton Inn Site Plan be accepted for review.

Ayes – 6

The Public Hearing will be October 25, 2010.

Chairman McAllister asked the Board's opinion regarding referring this project to the ZBA before the public hearing to seek approval for an area variance for the 1.5 ft. side buffer instead of the required 7.5 ft. buffer requirement. Chairman McAllister stated the recommendation would read as follows:

The Hampton Inn development is a vast improvement over the existing development and would be a good enhancement to the community. The Board doesn't see any negative impact with this development.

Present Board members were in agreement with the above statement.

Chairman McAllister opened discussion regarding the demolition of commercial buildings and that existing site plans should be amended. Specifically, he addressed the demolition of the commercial building next to Brockport Carpet with no new construction going in. When he was asked about this demolition, he asked for an amended site plan because the primary use of the property was being removed, which significantly changes the site plan.

Mr. Strabel asked so does that mean for every demolition, the Planning Board has to be involved. Mr. Dollard added the house across the street from the podiatry office was demolished. Chairman McAllister referenced the Town's code, 175-11, B, (9), which reads as follows:

The property owner, tenant and/or applicant shall develop, maintain, operate and use the approved site strictly in conformance with the final site plan approved by the Planning Board. Any deviation from the approved plans in the development or use of the property shall constitute a violation of the approval and shall cause the approval to become void.

Mr. Hale asked if there ever was a site plan for that property because it is so old. Chairman McAllister stated yes there was a site plan and it's been amended several times over the years, i.e., gas station to a podiatry office.

Chairman McAllister stated with the above code, an amended site plan approval should be required for commercial properties where the structure is demolished and the site is left vacant. He added that per his conversation with the Town Attorney, Attorney Bell didn't agree with this interpretation unless a change of use is proposed. He also added that the Town didn't have the authority to issue demolition permits.

TOWN OF SWEDEN
Planning Board Minutes
September 13, 2010

Mr. Strabel stated he didn't know that demolition permits were in the realm of Planning Board approval. Chairman McAllister stated only because the Planning Board requires elevations for site plans. If the elevation is changed on a site, then the site plan is significantly altered. Mr. Strabel stated that was a stretch. Chairman McAllister disagreed because of the legal aspect. Mr. Strabel didn't think that would stand up in court due to an elevation change.

Mr. Dollard asked if the Board took the same approach when the Mobil Gas Station was demolished or the house across the street from the podiatry office. Chairman McAllister stated this was the first time he was contacted to see what the correct process should be for something like this. He's never been asked to review a demolition permit before. Chairman McAllister stated from now on he would like to see all demolition permits come to the Planning Board for review before they are issued. Mr. Strabel stated he disagreed. Chairman McAllister stated as long as commercial buildings are going to be demolished to save money on taxes, then the Planning Board should review the applications.

Mr. Monno asked for clarification as to whether the Board was only discussing commercial applications. Chairman McAllister stated he wasn't aware of any residential structure that was demolished. He added that the podiatry office was being torn down to use as a parking lot, which is a change of use. Mr. Strabel stated if that is the case, then Planning Board approval would be required for the parking lot. Chairman McAllister stated the difference is the applicant doesn't want to build a new parking lot, just use the existing parking spaces that were used for the podiatry office. Mr. Monno asked who owns the property. Chairman McAllister stated the owners are the Hage's and that the Brockport Carpet van has been parked on the demolished site for additional signage. He added the reason the owners didn't come in for an amended site plan is because they thought it would trigger a SEQRA review due to the gas tanks that were still onsite. He added that the property was bought at a reduced price because the new owner would be responsible for taking care of the gas tanks should there ever be any new development. Mr. Dollard asked if anyone knew where the gas tanks were buried. Chairman McAllister stated they are underneath the pavement.

Mr. Butler, Building Inspector, read the above code again and summarized that there needs to be a change of use. Chairman McAllister stated the applicant should come in for an amended site plan because the primary structure was demolished and a change of use occurred. Chairman McAllister added the Town Attorney stated that until there is proof of a change of use there is nothing the Town could do. He added now that the site is being used as a parking lot, there is a change of use. Mr. Hale stated that the pavement was used for parking in the first place. Mr. Strabel stated that is correct. Chairman McAllister stated for a business that was there, but is not there now. He added that the site is not an improved parking lot; it doesn't have drainage, striping or lighting. Mr. Strabel agreed and stated so it can't be used as a new parking lot. Chairman McAllister added unless the owner comes in for an amended site plan.

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

Planning Board Secretary