

**TOWN OF SWEDEN  
Planning Board Minutes  
September 22, 2008**

A regular meeting of the Town of Sweden Planning Board was held on Monday, September 22, 2008, at the Town Offices, 18 State Street, Brockport, New York, commencing at 7:00 p.m.

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

Absent: Richard Dollard

Also present: James Oberst, MRB, Kris Schultz, Jeff Smetana, Richard Nothnagle, Elaine Bader, Norm Isler, Bob Northrup, Chris McManus, Walt Eisenhauer, Stephen Zigelstein

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

Correspondence passed to members for review.

Moved by Mr. Minor, seconded by Mr. Strabel, that the minutes of September 8, 2008 be approved as amended.  
*Mr. Minor is approving the second version submitted by the Clerk. Mr. Hale modified the motion on the bottom of Page 9, FROM...There was no second. Motion denied...TO...Motion failed due to no second.*

Ayes – 6

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

Ayes – 6

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

**Experimental Aircraft Association (EAA) Site Plan. 21 Eisenhauer Drive. 084.04-1-25.001**

Mr. Kris Schultz addressed the Board. The proposed building will be located off the hammerhead at Eisenhauer Drive. The building will be split, half hangar, half meeting room, and serviced by water and normal utilities. There will be a powder room and restroom, which will tie into the existing leach system. The site was designed with an expansion in parking according to commercial zoning. Because this is a leased area, the whole airport site was looked at to make sure all applicable zoning requirements were met.

The architect presented the colors of the building as beige and light blue.

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

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

Ayes – 6

Chairman McAllister continued review of this project.

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Highway Superintendent Comments

Mr. Strabel addressed the Highway Superintendent's concerns regarding snowplowing. Mr. Schultz explained that he would meet with Mr. Perrine, but the proposed plan would be to continue pushing the snow farther west and have an easement provided to the Town.

The second concern has to do with drainage. Mr. Schultz stated the entire site drains westerly; a contour was put in to pull the drainage away from the west end, and then brought around the left side of the building. He will make sure Mr. Perrine is satisfied with the proposed change, and that it is defined clearly on the plan.

Fire Marshal Comments

Mr. Sanford questioned the roadway coming into the new building. The roadway is okay, but he is concerned with the area next to the building on the north side. This area has new parking to the east, and is where the wet well and septic system will be located. To avoid any potential traffic concerns, Mr. Sanford advised moving the wet well and septic system farther to the east. Mr. Schultz will discuss this with Mr. Sanford.

Mr. Monno questioned whether or not the line going from the pump would be below frost and insulated. Mr. Schultz stated a note would be added to the plans to make sure the line is below frost, at least 4-1/2 ft. down. If the depth can't be reached, insulation will be added. Also, Mr. Monno asked for bollards/bumpers in front of the wet well and septic tank. Mr. Schultz agreed to take care of that.

Town Engineer Comments

Mr. Schultz addressed comments from MRB's letter, dated September 16, 2008. The requests made were discussed briefly with Mr. Oberst and there were no major concerns.

Mr. Oberst wanted to know how the Town's storm water management issues would be addressed. The Town's requirements are more stringent; a SWPPP is necessary for parcels a half-acre or more. Mr. Schultz isn't anticipating any modifications of the detention facilities.

Mr. Schultz explained that, with a SWPPP, more erosion control is required, such as a silt fence along the west and south sides. Water calculations will be provided to the Monroe County Authority and Mr. Oberst will be copied.

Site and building mounted lighting would be submitted. Architectural elevations have been submitted to the Town. Mr. Oberst has not received a copy to date.

The entire lot was looked at to determine open space and building coverage due to this project being constructed on a leased area. Mr. Oberst asked if the determination should be made based on the entire site or just the leased area. The Board discussed this issue, and determined that a leased space should be treated like a subdivided lot in terms of meeting code requirements.

Parking spaces will be figured according to B-1 zoning with one or two striped handicap spaces closest to the main entrance. Side setbacks will be based on the lease lines. The building has the correct front setback from the dedicated hammerhead.

MC County Planning

There is a federal wetland or stream corridor down at the west end, which doesn't pertain to this site.

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Mr. Minor reiterated MRB's comment regarding the lighting. Mr. Schultz clarified that Mr. Oberst would like to receive a copy of the lighting plan including exact proposed lighting fixtures. Mr. Schultz will gather information as to what type of lighting is right for an airport so that Mr. Oberst is satisfied from a safety standpoint.

Mr. Monno asked about the existing septic system, which is set up for the building to the east. He requested that a note be added to the plan stating it is an existing sand fill system and include dimensions.

Mr. Minor asked what other utilities service the site? Mr. Schultz stated water, gas (propane), and electric. The location of the propane tank should be noted on the plan.

Chairman McAllister asked if there were anymore questions. There were none. Mr. Schultz stated the plans would be cleaned up for the next meeting, addressing everyone's comments.

**1000 Transit Way Site Plan. 084.01-1-1.113**

Mr. Kris Schultz addressed the Board. The requested access off Rte. 31 has been eliminated. Parking spaces were added to the plan in its place. The plan shows a light down on the south end covering the dumpster. The north side was elevated as much as possible for a berm. Mr. Schultz checked with Mr. Oberst to see if anything else was needed for final. The only item is to provide Mr. Oberst the last details of the SWPPP due to the storm water storage under the parking lot.

According to Mr. Schultz, the storm water storage functions about the same as a pond; it's just not visible. The water drains out to Rte. 31 and goes into a roadside swale, which goes underneath Rte. 31.

Mr. Minor asked for clarification regarding elevations. The center of Transit Way shows 602. The top of the berm at 607, which is 5 ft. higher. The Board would like it to be left like that.

Mr. Monno suggested there should be a practice in place, which compares building elevations, i.e., Burger King to Tractor Supply.

Mr. Minor asked if sidewalks were included on the plan? Mr. Schultz stated yes. Mr. Minor asked if Mr. Oberst is all set with the modifications? Mr. Oberst stated he is just waiting for drainage calculations, a copy of the water calculations, and a note added to the lighting plan. Mr. Oberst found a light shield that will work to prevent light spill to the residents to the north.

Mr. Schultz stated there is sufficient sight distance. Mr. Minor asked if the building would still be sprinkled? Mr. Schultz stated it may not need to be due to the size of the building, and will be the developer's decision.

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

WHEREAS, the Town of Sweden Planning Board has received an application for Site Plan approval at 1000 Transit Way, and

WHEREAS, the Planning Board held a public hearing on September 8, 2008, and all persons wishing to be heard were heard, and

WHEREAS, the Planning Board has reviewed the comments of the Town Engineer, Fire Marshal, Environmental Conservation Board, Highway Superintendent, and the MC Planning and Development,

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NOW, THEREFORE, BE IT RESOLVED, that the Planning Board determines that the 1000 Transit Way Site Plan is an unlisted action which will not have a significant impact on the environment.

Ayes – 6

Moved by Mr. Hale, seconded by Mr. Monno,

WHEREAS, the Town of Sweden Planning Board has received an application for Site Plan approval at 1000 Transit Way,

WHEREAS, the Town's hearing and SEQRA procedures have been completed,

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board grants approval to the Site Plan contingent upon obtaining the signatures from the Town Engineer, Highway Superintendent, Fire Marshal and the Monroe County Department of Health, and the Chairman be authorized to sign the mylar.

Ayes – 6

**Brockport College Suites – Lot 1 Site Plan. West side of Redman Road. 068.03-1-13.11, 18**

Chairman McAllister explained that since the last meeting and the contingent approval, he has been re-educated. A memo, dated September 22, 2008, received from the Supervisor, explains his primary point regarding the challenge that can be made from the definition of family, which is the problem the Town is having with the whole ordinance. It is very hard to disprove that everyone living under the same roof is not living as a family unit, as defined by code, meaning essentially sharing food and living space.

Given all of this and that the Board is emphatic about changing the code, the Supervisor is asking that the Planning Board remove the contingency from the previous motion that the ordinance be changed prior to the Planning Board's giving final approval.

Mr. Kris Schultz added that, in his conversations with the Supervisor, having a contingency tied into the certificate of occupancy would make more sense. It's no hardship to the applicant, but it gives the Town Board time to follow through on their concerns. Because construction needs to proceed, the Building Department has worked out conditions for the site, allowing some limited work (clearing). An escrow, instead of a line of credit, will be set up to also help facilitate construction. Hopefully, the earthwork will start this week; clearing of the site has been done as well as a stabilized construction entrance to eliminate the mud off the pavement. Parameter silt fencing should be in place by Friday for an inspection, as well as making sure all other erosion control measures are in place so earthwork can begin.

Mr. Schultz explained that the approved subdivision plat is at the County Clerk's office waiting to be filed. All taxes have been paid. Everything is in order and so this one contingency could sink the whole project. It comes down to having faith and trust in the Town Board that they will follow through on changing the ordinance.

Mr. Hale stated the Town Board has been thinking about doing something for months. Chairman McAllister agreed, and stated, it's finally in writing, which makes him much more comfortable and less concerned about the Planning Board's liability in the situation. All of the Planning Board's comments have been noted in the memo, and that changes will be made by the end of the year. Also, the Planning Board should be concerned

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with the administrative end, and leave what isn't in compliance with the code to the responsibility of the code enforcement officer.

The Town Board has asked the Planning Board to amend the previous motion by eliminating the ordinance contingency, but keeping the others. Discussion took place as to how the previously approved resolution should be amended. Mr. Minor suggested the following:

Moved by Mr. Minor, to amend the resolution and include all of the same language, except for the words that start with, final paragraph, "*and modifications to the definition of family according to §175-7. Definitions. of the Town of Sweden Zoning Book, Supervisor's memo, dated September 8, 2008.*" Mr. Minor moved that the entire motion be resubmitted less the above-stated italicized words. Both the mover and seconder accepted the change as a friendly amendment. The Board then determined that the resolution doesn't need to be restated, however, just a motion to eliminate the specific wording.

Moved by Mr. Minor, seconded by Mr. Strabel, to remove the above-stated italicized words from the original resolution adopted September 8, 2008.

*It was clarified that the words removed are as follows, "and modifications...September 8, 2008." Chairman McAllister asked the Board if the Supervisor's memo dated September 22, 2008 should be included in this resolution. The Board determined that the memo clearly states that the Town Board is working to change the ordinance by the end of the year and hired an outside attorney to make a determination whether the Planning Board should even be discussing the issue. In summary, the memo states that the Town Board is requesting the Planning Board to step back and let them take care of the change to the ordinance; it's in the Town Board's hands. Mr. Monno asked if the Planning Board should make sure the SEQRA process is completed? Chairman McAllister stated that would be part of the proposed change as well as a public hearing. The Clerk read a part of the September 8 minutes, whereby it states Mr. Hale's concern and need for a supplemental SEQRA, and that Attorney Ortenberg would make sure it is completed.*

After further discussion, the mover and seconder withdrew the motion.

Moved by Mr. Minor, seconded by Mr. Strabel, that upon information and belief obtained by a memo dated September 22, 2008, from Sweden Supervisor, Nat O. Lester, III, that the verbiage, "*and modifications to the definition of family according to §175-7. Definitions. of the Town of Sweden Zoning Book, Supervisor's memo, dated September 8, 2008,*" be stricken from the original motion, dated September 8, 2008.

Ayes – 5  
Nay – Mr. Hale

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

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**Planning Board Secretary**