

**TOWN OF SWEDEN**  
**Planning Board Minutes**  
**September 27, 2010**

A regular meeting of the Town of Sweden Planning Board was held on Monday, September 27, 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, Matthew Minor, Arnold Monno, David Strabel

Also present: James Oberst, P.E., MRB, Richard Maier, L.S., A.J. Barea, P.L.S., Kris Schultz, Adam Freeman, P.E., Patricia Connors, Eric McCracken

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. Strabel, that the minutes of September 13, 2010, be approved.

*Mr. Strabel stated the minutes were modified at the last minute, but only included the Chairman's comments and that all comments should have been stated. Mr. Strabel added he had an opposing view, which should have been indicated. Mr. Dollard agreed and added all comments should be indicated. The Clerk asked if comments would like to be reiterated at this time, and it was determined that the Clerk should take the comments from the original notes/tape and update the minutes. Mr. Strabel addressed the Chairman stating that his email today addressed the issue of obtaining a demolition permit and that in order to void Planning Board approval, an applicant would need Planning Board approval again. Chairman McAllister commented that he was addressing a specific applicant's request to demo an existing commercial site for purposes of using it as a parking lot, which is a change of use. He added for a change of use, an applicant would need to obtain Planning Board approval. Mr. Strabel understood last meeting's discussion as all demo permits need to come to the Planning Board, not just that one applicant. Chairman McAllister stated his intent was to have the Planning Board review all demolition permits because the Planning Board doesn't have authority to approve demo permits. Mr. Strabel stated that was his point at the last meeting. Chairman McAllister stated his point is that demo permits should be reviewed to see if there is a change of use.*

*The Clerk stated she would update last meeting's minutes. Mr. Strabel stated that would be good, but resolution is still needed regarding this matter and asked how the Board should conclude the discussion. Mr. Dollard stated he thought the Town Attorney had an opinion regarding this matter. Chairman McAllister stated per his conversation with the Town Attorney, he had several opinions; such as, the Town doesn't have the authority to do demo permits and questioned whether the Town has authority to do site plan approval. Chairman McAllister added the State gives the Town authority to do demolition permits, and Mr. Hale stated he knows the Town has the authority to do site plan approval.*

*Mr. Hale commented off topic that he didn't see elevation drawings for the Hampton Inn application. The Clerk stated small-scale elevations were submitted, but for the public hearing on October 25, she would request large, color elevation drawings be submitted.*

*Mr. Hale asked if there was a motion to table the approval of the September 13 minutes. Mr. Strabel reiterated his point that closure needs to happen regarding demo permits and that the September 13 minutes be updated to reflect original comments so they can be approved, and then the September 27 minutes can be approved stating the issue is still open and needs to be concluded.*

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Moved by Mr. Hale, seconded by Mr. Dollard, that the approval of the September 13 minutes be tabled until the next meeting.

Ayes – 6  
Abstain – Mr. Minor

Chairman McAllister asked that the last item on next meeting's agenda be Part 1, resolve review of demo permits, and Part 2, procedure for voiding a site plan. He added this so that the Town doesn't have site plans, like it does today, sitting in the files that were voided with no record of it, and with approvals for a building to be built. Then, five years from now, an applicant would like to develop the site, but there's no documentation in the file that says it can't be done, and the building has been built and torn down with no approval to build another one.

**Swinton Subdivision and Site Plan. Salmon Creek Road.099.04-1-16**

Mr. Adam Freeman, LandTech, addressed the Board. He explained that Mr. Swinton's property is located on the northwest corner of Salmon Creek Road and Beadle Road. The parcel is 10.2 acres and zoned R1-2. The applicant is proposing a one-lot subdivision and site plan. The lot will have a private well and septic system with driveway accessing Salmon Creek Road. Wetlands are shown on the plans. All construction is outside the wetland buffer. Most of the tree line will remain.

Mr. Strabel asked what was the elevation of the wetlands. Mr. Freeman stated below 618. The applicant has met with the NYSDEC regarding the location of the wetlands and they weren't concerned with what was proposed. Mr. Strabel is concerned with the location of the septic system, whether it's 2 ft. or 10 ft. below.

Mr. Monno thought that the soil should perc really well. Mr. Freeman agreed.

Mr. Minor asked that the standard water note and agricultural note be added to the plan. The Clerk will contact you with the correct wording.

Mr. Strabel asked why is the septic system located so far away from the house. Mr. Freeman explained the applicant would like to use gravity to drain the basement. Mr. Monno asked but why is the tank so far from the house. Mr. Freeman stated to minimize the amount of fill needed to cover the tank. Mr. Monno stated the maintenance of the tank should be considered with it so far from the house and getting to the cleanouts.

Moved by Mr. Monno, seconded by Mr. Strabel that the Swinton Subdivision and Site Plan be accepted for review.

Ayes – 7

The Public Hearing will be November 8, 2010.

**Fisher Resubdivision. 80 Beadle Road. 099.04-2-5.1**

Mr. Richard Maier, DDS Engineers, addressed the Board. The property owners received site plan approval and are in the process of building their house. Originally, a construction loan was approved for the ±24 acres, but then there was a problem with the end loan and now the house has to be resubdivided on a 5-acre lot in order to secure financing.

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Mr. Minor asked that the location of the septic system be shown on the plan. Mr. Maier stated, initially, the applicant wanted to move the septic system, but after discussing it, the applicant decided to leave it where it was originally approved to save time and money.

Mr. Strabel asked to see the original approved site plan. Mr. Maier didn't have it with him, but could bring it to the public hearing. Mr. Oberst requested that the well and septic system be shown on the plan as well as the setbacks from the new lot lines. Mr. Maier agreed.

Mr. Dollard asked if the site were over 5 acres, would it be rejected for an end loan. Mr. Maier didn't think so, but he wasn't sure. Mr. Oberst asked what type of septic system was approved. Mr. Maier stated an in-ground/conventional.

Moved by Mr. Hale, seconded by Mr. Strabel, that the Fisher Resubdivision be accepted for review.

Ayes - 7

The Public Hearing will be November 8, 2010.

**Merrill Estates Resubdivision. 1255 Beadle Road. 098.04-1-27, 28**

Mr. Kris Schultz addressed the Board. The applicant is proposing to merge two lots into one.

Mr. Strabel asked for the location of the septic system. Mr. Schultz confirmed it was at the front of the house. Mr. Strabel also asked what the circle indicated in the front of the septic system. Mr. Schultz wasn't sure, but would find out for the next meeting.

Moved by Mr. Minor, seconded by Mr. Strabel that the Merrill Estates Resubdivision - Lots 7 & 8, be accepted for review.

Ayes - 7

The Public Hearing will be November 8, 2010.

**Sodoma-White Road Subdivision. White Road. 098.01-1-13**

Mr. Minor excused himself from further discussion due to conflict of interest.

Mr. A.J. Barea addressed the Board. He explained this parcel is on the south side of the road and is basically a farm. The applicant proposes to create two lots, one of which is 150 ft. wide by 400 ft. deep, and the second is 200 ft. wide by 400 ft. deep. The new owner of each lot will be responsible for obtaining site plan approval.

Chairman McAllister asked to see a map of the overall parcel. Mr. Barea explained that the lots are being subdivided from a 101-acre farm. The applicant also owns the neighboring farm, 134 acres.

Mr. Monno questioned if the lots are large enough to be developed. Mr. Barea stated if they are not, then the applicant would have to acquire more land. Since no perc tests have been done, the type of septic system is unknown.

Moved by Mr. Strabel, seconded by Mr. Dollard, that the Sodoma-White Subdivision be accepted for review.

Ayes - 6

Abstain - Mr. Minor

The Public Hearing will be November 8, 2010.

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**Schuff Resubdivision. 1700 West Sweden Road. 113.03-1-16.2.**

Mr. A.J. Barea requested that the Schuff Resubdivision be resigned because the Chairman's signature expired. Per Mr. Barea, the attorney requested new deeds be recorded which held up the maps being filed on time.

Moved by Mr. Minor, seconded by Mr. Dollard, that the Chairman be authorized to resign the Schuff Resubdivision, originally approved by the Planning Board on September 14, 2009.

Ayes – 7

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

Mr. Kris Schultz addressed the Board. Mr. Schultz explained that the application received preliminary approval at the last meeting. A request was made to locate the wells and septic systems on the adjacent properties. The leach field on Lot 1 is southwest of the site and the well is hugging the north property line. The property to the north is on public water and the leach field is behind the garage. Lot 2 is undeveloped.

Discussion took place as to where public water service was located. Mr. Minor asked why the water statement wasn't on the plan and the agricultural statement was. Mr. Schultz stated this is an application for subdivision approval, not site plan approval. Discussion followed. Mr. Minor stated because Lot 1 has an existing house with a well and is occupied, a water statement should be added to the plan. Mr. Schultz stated if a well was proposed, a water statement would be added, but there are no site improvements for Lot 1. He added the water service and septic system should be checked when the land is sold.

Moved by Mr. Hale, seconded by Mr. Hertweck,

WHEREAS, the Town of Sweden Planning Board has received an application for approval of the Larkin Subdivision – 2 Lots, 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;

NOW, THEREFORE, BE IT RESOLVED, on September 13, 2010, the Planning Board determined that the Larkin Subdivision is an unlisted action which will not have a significant impact on the environment and granted Preliminary approval.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the final public hearing be waived, the Larkin Subdivision – 2 Lots be granted final approval, and the Chairman be authorized to sign the mylar.

Ayes – 6

Nay – Mr. Minor

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

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**Planning Board Secretary**