

**TOWN OF SWEDEN
Planning Board Minutes
February 12, 2024**

A regular meeting of the Town of Sweden Planning Board was held on Monday, February 12, 2024, at the Sweden Town Offices, 18 State Street, Brockport, New York, commencing at 7 p.m.

Members present: Richard Dollard; David Hale; Craig McAllister; Matthew Minor; Wayne Rickman; Peter Sharpe; David Strabel.

Absent: James Oberst, P.E., MRB, Town Engineer – Excused.

Also present: Nat O. Lester, III, Planning Counsel; David Matt, Schultz Associates; Robert Laviano and Steve Licciardello, Brandon Woods LLC.

Chairman McAllister called the meeting to order at 7 p.m. and asked everyone present to say the Pledge of Allegiance.

Correspondence was passed to members for review.

Moved by Mr. Dollard, seconded by Mr. Sharpe, that the minutes of January 22, 2024, be approved.

Chairman McAllister - Aye
Mr. Dollard - Aye
Mr. Hale - Aye
Mr. Minor - Aye
Mr. Rickman - Abstain
Mr. Sharpe - Aye
Mr. Strabel - Aye

Villas at Brandon Woods – Section 2. Wood Trace/Etna Trail. 084.01-1-14.116 and 084.01-1-14.117.

David Matt, Schultz Associates, addressed the Board. He explained the applicant is amending the Villas at Brandon Woods Section 2 site plan by proposing to add a second fire emergency vehicle access road up to the cul-de-sac. It is understood per the State Fire Code that it does not meet the second access point because the rest of Wood Trace is only a single access point. It does provide a second access point for everyone else on Etna Trail and a portion of Wood Trace. The Highway Superintendent had some additional comments which have been addressed and the plan revised, including concrete aprons around all the manholes found in the stone road. An easement has been provided for the top of the access road allowing the Town to use the road since the Town's storm and sanitary sewers are underneath the road. Paved aprons have been added within the R.O.W. at each end where it connects to the Town road to make sure everything in the dedicated portion has been paved, everything outside the dedicated portion will be a stone road. A gravel fire lane detail is shown on the plan.

A maintenance agreement has been provided and open to modifications per the Town Engineer, Town Highway Superintendent and Planning Counsel. Mr. Matt concluded that his applicants are looking to get the access road approved and added to the site plan.

Mr. Hale asked if Mr. Oberst was okay with the revised plan. Chairman McAllister stated he is okay with the design of the road but has the same concerns Mr. Strabel had that it does not meet the criteria of a secondary emergency access road per the State Fire Code. He added it does not meet the fire code because it is still a single point ingress/egress. Mr. Matt stated his clients understand but it still allows for a second point of access for all the units beyond the entrance point.

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Chairman McAllister suggested if the applicants are not planning to install sprinkler systems, they should go for the State variance first. After that is completed, come back to the Planning Board for approval of the secondary emergency access road. By approving the access road before the question of whether to install the sprinkler systems is resolved, is like putting the cart before the horse.

Mr. Minor asked if the Fire Marshal had given a formal response. Chairman McAllister stated he sent a formal response to the State Review Board which he expressed essentially the same thoughts. The response was emailed to the Board.

Mr. Licciardello noted that at the meeting with the State Review Board, it was the Board's recommendation to install an emergency fire access road at the location shown. He wanted to clarify that the proposed amendment to the site plan is based on the State Review Board's directive.

Chairman McAllister stated from his review of the State Review Board variance application, it was recommended that the applicant take another look at the design to see where a second emergency fire access road could be added. Mr. Licciardello agreed but added after the meeting ended, the State Board members were very helpful by literally drawing the emergency access road right on the plan. The State Board thought this definitely would help the cause even though it would not completely solve the problem.

Chairman McAllister stated the Board does not agree with the State Review Board's recommendation. Mr. Licciardello stated, "if you don't agree with it, Mr. Chairman, then just say no." Chairman McAllister suggested Mr. Licciardello should finalize his variance application with the State Review Board and come back. Mr. Licciardello stated he may not plan to go for the variance and just put the emergency fire access road in as a secondary means of access and still put the sprinkler systems in. Discussion continued as to what should go in first, the sprinkler system or the emergency access road.

Chairman McAllister queried the Board as to how it should move forward. Mr. Licciardello added the emergency access road will be a benefit to the residents, fire, police, and ambulance. Having an emergency fire access road in the development is only going to help the residents. Chairman McAllister stated thank you and so noted.

Mr. Hale asked if there should be a motion to table or deny the application. Chairman McAllister was looking for a motion to begin a discussion. Mr. Hale stated motions to table are not debatable; it should be a motion to deny.

Planning Counsel Lester stated that the Board members are prepared to proceed with a decision one way or another on the application. Mr. Strabel stated that the proposed secondary emergency fire access road required by the fire code is before the State Variance Board petitioning for a variance from fire sprinklers. Mr. Strabel does not want this Board to be coerced into the thought process that this is a good idea to put the loop road in for other reasons and use that approval to get a fire sprinkler variance.

Mr. Hale moved to table the application. This motion failed for lack of a second.

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Planning Counsel Lester asked to speak to the applicants first. Has an appeal to the State Review Board for the variance been exhausted. Mr. Strabel stated they had been asked to come back. The applicants previously stated they may not go back for the variance. Also, the applicants may still put sprinklers in and install the access road. Mr. Licciardello stated that is correct. He added the application is only for one secondary emergency fire access road, no mention of fire sprinkler systems. Planning Counsel Lester explained if the fire sprinklers are put in, then the fire code is met. Mr. Licciardello wanted to know if they can still have a secondary emergency fire access road. Planning Board Counsel asked if the sprinkler systems are put in, what is to prevent you from putting a secondary access road in after the sprinkler system?

Moved by Mr. Hale, seconded by Mr. Minor, to deny the application without prejudice.

DISCUSSION: Mr. Strabel expressed his concern that if the applicants would like to put an emergency access road in, the sprinkler systems should be put in first so that it is not used as an excuse to not put sprinklers in. Mr. Minor agreed.

Mr. Sharpe explained that the Board does not want an applicant to go to the State Review Board and claim something that the Board does not mean. The real answer is that this Board would like to have the sprinkler system go in first and then have approval for a road. Mr. Strabel added to have approval for a real secondary point of access. Mr. Strabel has shared some other options with the applicants.

Mr. Licciardello stated he wanted to make sure it was very clear that he is not talking about anything whatsoever to do with the sprinkler systems tonight. He is only talking about a secondary emergency fire access road or driveway. Chairman McAllister stated the Board is saying that the project is already approved with sprinklers because there is no second point of access. The applicants stated they understand. Chairman McAllister added unless something changes with the sprinklers not being required, there is no need for any more discussion. Because the State Variance Board was petitioned to provide an alternative to the sprinkler systems before an application was made with the Planning Board, this Board has some doubt that the applicants will go forward with the sprinkler systems.

Chairman McAllister added if you start to put the sprinklers in and then come back for approval of a secondary access road, this Board should not have any objection to approving it. Mr. Laviano asked wouldn't it be safer for the site to put the road in before the sprinkler systems are put in for the residents that are already living there.

Mr. Strabel thought the road may be too steep. Mr. Matt explained the maximum steep/slope for a fire access road is 12 percent and the proposed access road is 6.5 percent.

Chairman McAllister asked if there were any other comments. Mr. Hale suggested tabling his motion to deny until the next meeting or defeat his motion and decide where to go from there.

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Chairman McAllister asked for a roll call for the motion to deny.

Chairman McAllister - Aye
Mr. Dollard - Aye
Mr. Hale - Nay
Mr. Minor - Aye
Mr. Rickman - Aye
Mr. Sharpe - Aye
Mr. Strabel – Aye

Motion denied.

The applicants thanked the Board for their time.

Chairman McAllister informed the Board that the Donald Hibsich Resubdivision has been revised after receiving a conditional final approval and will be back before the Board to amend the access at Redman Road by increasing the opening at the R.O.W. from 60 ft. to 100 ft. This should be completed with expedited approval.

The Clerk mentioned there were also two additional notes to be added to the plan, one for a drainage easement and one for a utility easement. The easements are internal, and the Town is not responsible in any way, and it should be noted as such.

Mr. Minor confirmed with the Clerk that the Owens Road project was not cancelled for tonight’s meeting as the Board is waiting for the 30-day time period for SEQR Lead Agency Request which ends on February 15, 2024.

The Clerk stated that there are no other outstanding projects per the Status Report.

Chairman McAllister mentioned that the restaurant at the Chateau at Heritage Square which has been closed for a while is reopening under a new name and will need a Fire, Life and Safety inspection prior to the opening. The Clerk will check with the Fire Marshal to make sure this is addressed.

Moved by Mr. Minor, seconded by Mr. Hale, to adjourn the meeting.

Chairman McAllister - Aye
Mr. Dollard - Aye
Mr. Hale - Aye
Mr. Minor - Aye
Mr. Rickman - Aye
Mr. Sharpe - Aye
Mr. Strabel – Aye

Respectfully submitted,
Phyllis Brudz, Planning Board Clerk