

**TOWN OF SWEDEN  
Planning Board Minutes  
May 24, 2021**

A regular meeting of the Town of Sweden Planning Board was held on Monday, May 24, 2021, at the Sweden Town Courtroom, 18 State Street, Brockport, New York, commencing at 7 p.m.

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

Also, present: Nat O. Lester, III, Planning Board Counsel; James Oberst, P.E., MRB; Kris Schultz, Schultz Associates; AJ Barea, PLS; Anthony Tintera, Meagher Engineering; David Hurlbutt; Judith Terran; Marilee Terran; Cheryl Gerstner.

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. Strabel, that the minutes of May 10, 2021, be approved.

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

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

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

Public Hearing began at 7:03 p.m.

Chairman McAllister waived reading the legal notice.

**Sodoma Gordon Road Subdivision. 269 Gordon Road. 070.03-2-3.21.**

Mr. AJ Barea addressed the Board. He explained the Sodomas are cutting off Lot 1, which was the farmette, barns and shed. The Town Engineer's comments have been addressed.

Chairman McAllister asked if there was anyone present with comments, questions, or concerns.

**TOWN OF SWEDEN**  
**Planning Board Minutes**  
**May 24, 2021**

Judith Terran, 136 Dorian Lane – Ms. Terran thanked the Board for the opportunity to speak on her behalf. She will try to be as succinct as possible. Ms. Terran inherited landlocked property along the Erie Canal, which she has been working with the Canal Corporation for the past thirteen years unsuccessfully. The Canal Corporation requested that she contact the three property owners that abut her land. She has done so about five years ago. She received a call from Mrs. Sodoma stating she was settling her husband’s estate and would get back to her. After fourteen years of living in Florida, she moved back last year to the area. Ms. Terran found out Mrs. Sodoma was not doing well and in hospice. Out of respect, Ms. Terran did not contact the Sodoma family, but she does need an answer from the Sodomas to build her case before the “Institute of Justice.”

Ms. Terran’s property is totally landlocked. The land was given to her by Walter Marcowski, a survivor of the concentration camp. He built the desk for Joseph Wilson, the founder of Xerox. He learned the carpenter’s trade while in Poland for twelve years. He came to America in 1952.

Chairman McAllister stated the history of the property is not relevant for this hearing. Ms. Terran stated she is trying to work with the Sodomas. She visited the County mapping office and found she needs approximately two- and one-half acres for an access to her land from the Sodoma property. Without an access, she cannot do anything with her property. She can not sell it without an access.

Unfortunately, when Governor Pataki decided to beautify the canal, the access was taken away from the property last June and so nothing can be done to the property. She needs to work with the Sodomas to get answers to three questions. Chairman McAllister interjected to state that her plea for help has nothing to do with this Board and the project before it. The Board can not influence a private property owner to sell property. Ms. Terran stated she is only looking for two- and one-half acres for an access. Chairman McAllister understood, but suggested she hire an attorney.

Mr. Hale asked for clarification to where the landlocked property was on the map. Ms. Terran stated it is located at 1 Towpath and that the Scholands, one of the abutting neighbors, had responded to her letter that they were not interested in giving her access and not interested in buying her land. She needs the same answers from the Sodomas. Chairman McAllister explained again that the Sodomas are not present tonight, only their engineer and the Board cannot bring them into a private matter. Ms. Terran stated she received a letter to appear at tonight’s meeting. Chairman McAllister explained the letter is a mailed to the surrounding neighbors within 500 ft. as a courtesy that a property owner is subdividing land abutting your property and if you have any concerns. Ms. Terran stated that having no access is her concern and she needs to know if the Sodomas will help her. Chairman McAllister stated there is no change to your property. It was landlocked before this application and is still landlocked. Nothing is being changed to impact your property; the State impacted your property. Chairman McAllister suggested hiring an attorney to go back to the State to settle the issue. Ms. Terran stated unfortunately the State will not do much.

Ms. Terran explained this creates a problem with the Town. The Town does not want the abandonment of her property. There is a home on it, where there have been many squatters staying there doing whatever they want. She has contacted the sheriff to look at it once in awhile and was told no. She is between a rock and hard place.

**TOWN OF SWEDEN  
Planning Board Minutes  
May 24, 2021**

Chairman McAllister stated any matters with the Town go to the Town Board. The Clerk explained Ms. Terran received a letter from the Building Department stating all vacant property owners need to register their properties per the new Vacant Registry Building Law. The Town can not make the property owners sell land to her either. Chairman McAllister does not understand how she can be penalized if she has a landlocked parcel. One cannot maintain a property without access to it. This is a Town Board matter. Her attorney should address the Town Board. Again, this is not the forum to resolve this matter.

Ms. Terran stated she would like to work with the Town, but they will not release any contact information. Chairman McAllister stated they cannot do that. Mr. Minor gave her a map of all the other property owners abutting her property to take with her. She thanked the Board stating she has tried to contact the neighbors, but they have not responded favorably. The DeGregorios are deceased and their son, Michael, does not want to purchase the land. Her last hope is the Sodoma family. Ms. Terran explained this gets to be ludicrous; the Canal Corporation is now two entities. Her case may have to go to a court of law in the future; it just should not have to come to this.

The Clerk asked Ms. Terran to contact the Building Inspector to explain her circumstances and why she has not responded to his letter to register the vacant property. Ms. Terran stated she will call the office tomorrow.

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

**Hope Lutheran Church Subdivision – 2 Lots. 6601/6605 Fourth Section Road. 083.02-1-14A/14B.**

Chairman McAllister asked if there were any questions, comments, or concerns for this application. There were none.

**Bentley Brothers, Inc. Resub and Amended Site Plan. 5605/5625/5635 Bkpt-Spen Road. 084.02-1-38, 36, 35.**

Chairman McAllister asked if there were any questions, comments, or concerns for this application. There were none.

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

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

**The Public Hearing ended at 7:18 p.m.**

**Bonin Subdivision and Site Plan. 2020 Reed Road. 128.01-1-13.2, 128.01-1-13.12, 128.01-1-13.11.**

Mr. Anthony Tintera, Meagher Engineering, addressed the Board for the project located at 2020 Reed Road, Bergen, New York. He is representing Vickie Bonin, her son, Ben, and her brother, Daniel Ash. He is seeking an accept for review for subdivision and site plan concurrently. Mr. Tintera is also asking the Board to consider a special meeting for the end of June, if possible.

**TOWN OF SWEDEN**  
**Planning Board Minutes**  
**May 24, 2021**

Mr. Tintera explained the subdivision was prepared by Richard Maier, Maier Land Surveying. Ultimately, the subdivision will have three lots that follow the criteria for R1-2 Residential zoning. Ms. Bonin is proposing a new Lot 4 just west of her existing dwelling at 2020 Reed Road. Ms. Bonin's lot is being combined with Lot 2 because of the full raised septic system which does not meet the Town's 100 ft. separation requirement without the additional land. Also, proposed is a portion of Mr. Ash's property added to Lot 4. In return, Ms. Bonin is giving a portion of her land behind Lot 4 to her brother in exchange.

There are some federal wetlands located near the northeast corner of Lot 2 where no development is proposed. In addition, there is a creek which runs through the original Lots 1 and 2 with the associated Fema Flood Zone, where there is no development proposed. The only development proposed is located on Lot 4.

Chairman McAllister asked why Lot 4 is not named Lot 3 since Lot 3 is not shown, only Lots 1 and 2. Mr. Tintera pointed to the lots on the map. Discussion followed. It was decided for ease of understanding, Lot 4 would be changed to Lot 3. Chairman McAllister confirmed with Mr. Tintera that the new Lot 3 will be serviced by an inground septic system and private well.

Moved by Mr. Minor, seconded by Mr. Strabel, that the Bonin Resubdivision and Site Plan be accepted for review.

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

The Public Hearing will be June 14, 2021.

Discussion followed regarding the possibility of having a special meeting on June 28. Chairman McAllister will revisit this request at the June 14 meeting depending on how the project has progressed and the availability of the Board members. Mr. Tintera agreed.

**Sodoma Gordon Road Subdivision. 269 Gordon Road. 070.03-2-3.21.**

The Board continued review of this application.

Mr. Barea has addressed the Town Engineer's comments. Mr. Oberst had one question, whether there are any easements. Mr. Barea confirmed there were not. The existing septic system and private well have been shown on the plan. Mr. Oberst is satisfied.

Mr. Minor asked if the lot across the road goes with Lot 1. Mr. Barea explained the existing tax parcel does cross the road. Mr. Sherif Mansour, County Mapping, has okayed Lot 1 and the rest of the parcel, both on the north and south sides of the road, be called, "Other Lands of Sodoma." Discussion took place as why the other lands are not called Lot 2. Mr. Barea stated the Sodomas did not ask for a survey of the other lands. Chairman McAllister questioned how he can sign off on a plan when the angles and bearings are not verified. Mr. Strabel asked for the Town Engineer's input. Mr. Oberst asked what Mr. Barea referenced. Mr. Barea used deeds, canal maps, 45 years of records in storage. Mr. Oberst confirmed with Mr. Barea that all the references utilized are in the notes on the plan. In summary, the angles and bearings have been verified through a record search.

**TOWN OF SWEDEN  
Planning Board Minutes  
May 24, 2021**

Chairman McAllister was satisfied. In addition, Mr. Barea will put a note on the other lands labeling it Lot 2 in parenthesis and that it was not surveyed, and that the information shown is based on the references shown thereof. Chairman McAllister clarified that if the other lands are subdivided, a new survey will have to be done. From his perspective, this is a two-lot subdivision and associated application fees would apply.

The Clerk confirmed with the Board whether the label (Lot 2) was required, and it was not, based on the discussion.

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

WHEREAS, the Town of Sweden Planning Board has received an application for subdivision approval of the Sodoma Gordon Road - Lot 1 Subdivision, located at 269 Gordon Road, which was accepted for review on April 26, 2021, and

WHEREAS, a public hearing was held by the Planning Board on May 24, 2021, and all persons wishing to be heard were heard, and

WHEREAS, the Planning Board has reviewed the Short Environmental Assessment Form and comments of the Town Engineer,

NOW, THEREFORE, BE IT RESOLVED that the Planning Board declares itself lead agency for the environmental review of this application and determines that the Sodoma Gordon Road - Lot 1 Subdivision is an unlisted action, which will not have a significant impact on the environment and grants the subdivision Preliminary Approval, and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the final public hearing be waived, and the Sodoma Gordon Road - Lot 1 Subdivision be granted final approval, contingent upon receiving all required signatures, and the Chairman be authorized to sign the mylar.

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

**Hope Lutheran Church Subdivision – 2 Lots. 6601/6605 Fourth Section Road. 083.02-1-14A/14B.**

Mr. David Hurlbutt, Hope Lutheran Church, addressed the Board. Mr. Cliff Wagner, LandTech Surveying, could not make the meeting.

Mr. Oberst stated he has not received revised plans. Mr. Wagner should respond in writing to the Town Engineer's comments with the Planning Board copied.

Mr. Minor asked Planning Board Counsel if he has reviewed the driveway and sanitary sewer easements on the plan. Counsel Lester stated he has not. Mr. Hurlbutt will advise Mr. Wagner that the easements should be sent to the Clerk, who will forward to Planning Counsel for review and approval.

**TOWN OF SWEDEN  
Planning Board Minutes  
May 24, 2021**

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

WHEREAS, the Town of Sweden Planning Board has received an application for subdivision approval of the Hope Lutheran Church Subdivision, located at 6601/6605 Fourth Section Road, which was accepted for review on April 26, 2021, and

WHEREAS, a public hearing was held by the Planning Board on May 24, 2021, and all persons wishing to be heard were heard, and

WHEREAS, the Planning Board has reviewed the Short Environmental Assessment Form, comments of the Town Engineer and Monroe County Planning and Development,

NOW, THEREFORE, BE IT RESOLVED that the Planning Board declares itself lead agency for the environmental review of this application and determines that the Hope Lutheran Church Subdivision is an unlisted action, which will not have a significant impact on the environment and grants the subdivision Preliminary Approval.

Discussion: Mr. Dollard asked if the motion should state any contingencies. Mr. Hale clarified contingencies are stated in the final approval. Chairman McAllister confirmed with the Board that 150 ft. of frontage is acceptable with water and sewer available.

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

Mr. Hurlbutt asked the Board what the next step is. The project will be added to the June 14 agenda for final approval. The easements should be reviewed and approved by Planning Counsel prior to that meeting.

**Bentley Brothers, Inc. Resub and Amended Site Plan. 5605/5625/5635 Bkpt-Spen Road. 084.02-1-38, 36, 35.**

Mr. Kris Schultz addressed the Board. Chairman McAllister asked Mr. Oberst if he was all set with this project. Mr. Oberst received a response letter to his review comments dated April 23, 2021. His one concern is if NYSDOT has weighed in on the use of the existing curb cut for commercial use. Mr. Schultz stated that was covered in the DRC comments before the Board, which states if the existing curb cut is not changing, we have no comments. Mr. Schultz stated the existing curb cut is being left the way it is.

Chairman McAllister noted the display area on the plan and stated the Town does not permit product display on grass on a commercially zoned property. Now that the additional space has been obtained and rezoned, all product display must be on paved areas. Mr. Schultz is happy to switch it to paved display area on the plan.

In summary, Mr. Schultz explained Bentley Brothers purchased the three residential lots to the west and had them rezoned commercial. The first two lots will be merged with the main parcel and the most westerly lot is shown undeveloped and will be used as a buffer between the business and houses to the west. These changes are a result of wanting to put a stone driveway to the new building. Chairman McAllister asked to see the seven-and one-half perimeter buffer requirement between the second and third lot. Leaving the third lot as a buffer was a great decision.

**TOWN OF SWEDEN  
Planning Board Minutes  
May 24, 2021**

Mr. Minor asked about lighting on the site. Mr. Schultz stated no additional lighting is proposed, just the installation of an access to the new building. Mr. Dollard asked if any signs are proposed. Mr. Schultz stated enter and exit signs only are proposed.

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

WHEREAS, the Town of Sweden Planning Board has received an application for resubdivision and amended site plan approval of the Bentley Brothers, Inc. Resubdivision, located at 5605 Brockport-Spencerport Road, which was accepted for review on March 22, 2021, and

WHEREAS, a public hearing was held by the Planning Board on May 24, 2021, and all persons wishing to be heard were heard, and

WHEREAS, the Planning Board has reviewed the Short Environmental Assessment Form, comments of the Town Engineer, Fire Marshal, Highway Superintendent, and Monroe County Planning and Development,

NOW, THEREFORE, BE IT RESOLVED that the Planning Board declares itself lead agency for the environmental review of this application and determines that the Bentley Brothers, Inc. Resubdivision and Amended Site Plan are unlisted actions, which will not have a significant impact on the environment and grants the resubdivision Preliminary Approval, and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the final public hearing be waived, and the Bentley Brothers Inc. Resubdivision be granted final approval, and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Bentley Brothers, Inc. Amended Site Plan be approved, contingent upon all display areas are paved and labeled on the plan as such, and a seven- and one-half perimeter buffer is shown on the plan between the second and third lot, receiving all required signatures, and the Chairman be authorized to sign the mylar.

Discussion: Mr. Strabel clarified that any display area must be shown on the plan as paved. Any grassy area used for display after this approval will require another amended site plan approval.

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

The meeting was adjourned on motion at 8:15 p.m.

Respectfully submitted,  
Phyllis Brudz, Planning Board Clerk