

**TOWN OF SWEDEN
Planning Board Minutes
June 8, 2020**

A regular meeting of the Town of Sweden Planning Board was held on Monday, June 8, 2020, via a virtual ZOOM meeting commencing at 7 p.m.

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

Also, present: Nat O. Lester, III, Planning Counsel; James Oberst, MRB; Kris Schultz, Schultz Associates; Ray Raimondi, Marathon Engineering; Bob Cantwell, BME Associates.

Chairman McAllister called the meeting to order at 7 p.m.

Moved by Mr. Hale, seconded by Mr. Dollard, that the minutes of May 11, 2020, be approved as amended.

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

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

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

The Public Hearing began at 7:02 p.m.

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

Versteeg Subdivision & Site Plan. 1800 W. Sweden Road.128.01-1-1.12 and 1.112

Mr. Ray Raimondi addressed the Board. He explained Mr. Versteeg owns two lots which he is proposing to combine into one and construct a single-family home. Applications and drawings have been submitted; all comments have been addressed and revised. Applicant is awaiting a review.

Chairman McAllister asked if anyone was present with questions, comments, or concerns for this application. The Clerk asked if John Z. was listening and if he was interested in the Versteeg project. Mr. Zima was listening to understand the process for joining two lots, which he plans to do for his own properties in the future. Chairman McAllister asked if John Z. had any questions regarding the application. He did not because he is a novice to the process and had not seen the application. He is learning. The Clerk suggested he call her during normal work hours, 8:30 a.m. to 4:30 p.m. to answer any questions. He will email her. Chairman McAllister asked if there was anyone else interested in the Versteeg application. There were none. Chairman McAllister moved to the next public hearing, Bentley Brothers Amended Site Plan.

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Bentley Brothers Amended Site Plan. 5605 Brockport-Spencerport Road. 084.02-1-38.

Chairman McAllister asked if there is anyone present for this application. The Board discussed who had joined the meeting. The Clerk confirmed most attendees are for the Heritage Square Phase 1A project and the others have already spoken.

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

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

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

The Public Hearing ended at 7:10 p.m.

McCracken Subdivision. West Sweden Road and White Road. 098.01-1-14.111.

Mr. Kris Schultz addressed the Board. He explained this application is simple, it is a request for a single-family house on a big piece of land that was part of the McCracken Farm on the corner of White Road and West Sweden Road. Perc tests were completed earlier, which ran well. The house is for a niece of Loren McCracken and will be situated on a nice high point on the land. The house will be serviced by public water and private septic system; and have very few neighbors.

Moved by Mr. Hale, seconded by Mr. Dollard, that the McCracken Subdivision and Site Plan be accepted for review.

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

The Public Hearing will be June 22, 2020.

Heritage Square Phase 1A Site Plan. Persistence Path. 068.03-1-18.113.

Mr. Sean McLean addressed the Board. He introduced Kris and Pat from Schultz Associates, engineers since 2005. Also, Ryan Porter, business partner, Ela Dokonal, in-house architect, designer, and planner, Steve Lubrano, internal analyst, and Darren Monti, construction project manager. Darren and Ela have been working daily with SWBR, architect of record to progress our construction documents as soon as possible in coordination with Schultz Associates. Also, brought in LeCessee Construction to help our engineer and get the subcontractors moving as quickly as possible. Thank you for accommodating us on the ZOOM call.

Phase 1A is approximately 80 townhomes and attached cottages for rent keeping in the spirit of the original design and intent that was done back in 2005 and 2006. The reason I had invited the whole team tonight is

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because over the years, there have been successes and lack of successes dealing with local developers to get work done on the site. I am still business partners with my father and brother, who were part of the original zoning and efforts, as well as most of this Board. We decided to take the project upon ourselves to take it to the next level and ensure the product was going to be at a level that we expect from ourselves, the site, and what the Town of Sweden deserves for us to come through on. Phase 1A is the result of that planning and what we feel could be very interesting and special to compliment the unique setting of the site near the park, canal, and the cottage within the context of the area. Thank you for seeing us tonight and we can answer any questions. Chairman McAllister asked if there was enough information to accept for review this application.

Moved by Mr. Dollard, seconded by Mr. Minor, that the Heritage Square Phase 1A Site Plan be accepted for review.

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

The Clerk will notify Mr. McLean as the date, July 13, or July 27, for the public hearing.

Mr. McLean thanked the Board again for their time and effort. They are looking forward to construction to commence as quickly as possible and are excited to start.

Stonebriar Glen Amended Site Plan. 6745 Fourth Section Road.083.02-1-7.11.

Mr. Bob Cantwell addressed the Board. He is here on behalf of Stonebriar Commercial who are the current owners and developers of Stonebriar Glen. I would like to present, remotely, a revised site plan for the Stonebriar Glen Phase 2 project limits. The revised site plan reflects the intent of the applicant to provide access through Stonebriar Glen to Stonebriar Glen South which is a pending rezoning application before the Sweden Town Board for a residential community that will be developed by the same applicant, Stonebriar Commercial. The proposed residential Stonebriar Glen South will complement the existing Stonebriar Glen community currently under construction. The Board approved that project over a year ago and the construction of Phase 1 of that project and clubhouse has proceeded. The occupancy and success of the project has basically led to the timing of the amended site plan to allow for the future access mentioned earlier.

The original site work included overall grading for the entire site, however, the only infrastructure put in at that time was the existing utilities for Phase 1 of the project. The applicant is proceeding with the construction of Phase 2 and requires some minor infrastructure improvements to allow for the extension of the utilities and access to serve the lands south currently pending rezoning with the Town Board. With the access connection, some minor utility infrastructure improvements, such as manholes, stormwater connections, water line connections are needed to allow for the access to the south. That access will be a second access consistent with a lot of current regulatory mandates to provide two points of access to residential projects. The other access will be farther south of the property and ultimately will have an access out to Lake Road. Also, the modification to the site plan will result in the loss of five townhome apartment units to allow for the access connection to be made.

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The footprint area and building pads are somewhat consistent with the previous approval granted by this Board. We have provided a full package. In addition to the shifting of those five units, we have also shown a small onsite maintenance building which will be used for the owners' property maintenance purposes. Mr. Cantwell spoke with the Clerk and Town Engineer today to clarify the intent of the meeting tonight and when we would be receiving comments to address from MRB for the technical review. SEQR was handled as part of the original overall development plan. Any impacts are less than what was previously prepared, submitted and approved.

Chairman McAllister thanked Mr. Cantwell and asked the Board if there was a motion to accept for review since all required information and check was received.

Moved by Mr. Strabel, seconded by Mr. Rickman, that Stonebriar Glen Amended Site Plan be accepted for review.

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

The Public Hearing will be July 13, 2020.

Mr. Strabel commented that Mr. Kartes, property owner and developer, has been a real easy-going developer to work with on this project for Phase 1. He is probably been my easiest contractor from the standpoint of a building inspector. Chairman McAllister stated that is awesome to hear. Mr. Cantwell stated he would have been here tonight, but with everything going on, he stayed onsite to get things done. He thanked and appreciated Mr. Strabel's comments.

Stonebriar Glen South Subdivision. Lake Road. 083.04-1-1.21 and 083.04-1-5.111.

Mr. Cantwell addressed the Board. While he did not have to travel as far as the last applicant, Long Island, and enjoys coming to the Town of Sweden for meetings, he thanked the Board for coordinating the ZOOM meetings. Many of the municipalities he deals with are struggling with how to conduct meetings, so this is a feather in Sweden's cap holding these meetings. Chairman McAllister thanked Mr. Rickman for his help.

Mr. Cantwell clarified that this is a resubdivision application as the proposed lot was created from the two parent parcels owned by Jason Sweden LLC. The two parent parcels are approximately 150 acres, and the proposed 50-acre lot splits the east and west line to continue the Stonebriar Glen project to the south. With the resubdivision plan there will still be two tax account numbers. The estate will retain approximately 101 acres, Parcel B, and the Kartes' will have approximately 50-acres, Parcel A, which is shown on the resubdivision plan submitted to the Board.

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The intent is to separate 50 acres and create a legal subdivision so that the Kartes' can close on the property and develop future housing for the community. Mr. Cantwell would be happy to answer any questions.

Mr. Strabel asked if it is correct to assume that the current parcel, before the 50 acres is subdivided, has 60 ft. of frontage off Lake Road. When the 50 acres is cut off, the frontage will have to be off Bader's Way for street access or is it being attached to the back of the original Stonebriar and the street access will be Rte. 31A. Mr. Cantwell stated that Royal Garden's Way is the 60 ft. access that will be used, which is a dedicated road. The resubdivision map does not include Royal Garden's Way because it is not owned by the estate.

At a meeting with the Town Supervisor regarding the rezoning of this project before the Town Board, it was made clear that there will be two points of access as a condition for the approval of the rezoning. The Sweden Community Center abuts the 50-acre parcel, which could theoretically allow a connection into Bader's Way. Subsequently, at an additional meeting with the Supervisor and the Kartes', it was made clear again a second access is required either at Bader's Way or Royal Garden's Way for any rezoning application approval.

Mr. Strabel explained it makes sense to have the second access at Bader's Way because there is a traffic light at the intersection. Also, it gives everyone else the ability to head south and go out Bader's Way. Mr. Cantwell stated a traffic study was prepared for the rezoning application and it did show the two points of access as well as improvements to Bader's Way and the Community Center parking lot, which would better define the limits of the parking lot as Bader's Way goes up to the top of the hill. The traffic report did conclude and give confirmation from the NYSDOT that the two points of access would be acceptable to the State as Bader's Way would be signalized at the connection.

Moved by Mr. Strabel, seconded by Mr. Dollard, that Stonebriar Glen South Resubdivision be accepted for review.

Mr. Hale asked if this was premature before the rezoning approval. Chairman McAllister stated no it must happen before so that the parcel being rezoned is defined.

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

The public hearing will be July 13, 2020.

Chairman McAllister stated the next project on the agenda, Solar Park Energy 12 Solar Farm, has withdrew their application from review at tonight's meeting. It will be scheduled for review at a future meeting.

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Versteeg Subdivision & Site Plan. 1800 W. Sweden Road.128.01-1-1.12 and 1.112.

Chairman McAllister continued review of this application.

Mr. Ray Raimondi stated all review comments have been addressed and asked if the Board had anymore questions. Mr. Oberst did not receive written responses to his March 27 comments. Mr. Raimondi mailed his responses addressed to Chairman McAllister dated March 31. The Clerk did not receive them. Mr. Raimondi will resend everything tomorrow for final review at the June 22 meeting. Mr. Oberst asked that responses and updates be emailed to him directly. Mr. Raimondi agreed.

Bentley Brothers Amended Site Plan. 5605 Brockport-Spencerport Road. 084.02-1-38.

Mr. Schultz asked to continue review of this application. Chairman McAllister asked if the current site plan is compliant. Mr. Schultz stated he believes it is and has received review comments from MRB and County Planning. Chairman McAllister asked if Mr. Schultz has seen what the approved site plan looks like. Mr. Schultz stated yes from his office. Chairman McAllister meant what the actual site looks like. Mr. Schultz asked if he was referring to the crazy light on the building which has been removed and the carport which has been removed. Chairman McAllister asked about the setbacks. Mr. Schultz stated he believes the site is compliant. The carport is not needed any longer and will be removed from the site.

MRB comments from a few months ago have been responded to. One additional comment from Mr. Oberst was to provide details for the lights and that they are dark sky compliant, which was done.

Chairman McAllister confirmed with Mr. Schultz that the rear setback is just over 20 ft. and does not meet code, which is 25 ft. Mr. Schultz asked with the original building it is pre-existing, nonconforming, but the proposed building would require a variance. Chairman McAllister agreed.

Mr. Schultz shared the site plan on the screen to show how the proposed building could be moved up an additional 4.4 ft. to meet the required setback. By moving the building up, the required front setback would still be met. The proposed building will not project farther north than the existing building. Mr. Schultz stated we would not want to go to the trouble of a variance if we could move the building up to make it conform.

Mr. Dollard had several questions. What type of storage will be done in the proposed building? Mr. Schultz stated business has been going well, and with the new inventory coming in, there is no place to keep it out of the weather, i.e., crated mowers. Once product is sold, it is moved into the main building to be put together. There are no repairs or servicing of products. Mr. Schultz it was made very clear that if repairs were done, floor drains would need to be installed. There is no water going into the proposed building. Mr. Schultz stated it is a dry building.

Chairman McAllister asked where the access is to the repair shop. Mr. Schultz stated it is internal with crushed stone around the building. He does not believe there is a rear door. They are not blocking themselves in or where they cannot get to the repair shop. There's about 11 ft. between the buildings or equivalent to a car lane. The west side of the proposed building shows a proposed stone pavement.

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Mr. Schultz stated they are keeping the stone, and most likely clean the area up. There is no intention to blacktop at this point.

Mr. Minor had a few questions. What is the zoning for this parcel? The Clerk stated B-1, Retail Commercial. The zoning directly west and south change, correct? Mr. Schultz stated the applicants plan to apply to the Town Board to rezone the parcels to the west. A rezoning application was started prior to Covid-19; but is on hold. They fully intend to request rezoning of the three parcels to the west. Chairman McAllister asked is the plan to merge the properties then. Mr. Schultz stated yes and that the one parcel with the older house be raised first prior to rezoning and merging of properties.

Mr. Minor asked do the setbacks change with the mixed zoning. Setbacks change when abutting Industrial zoning. Mr. Schultz stated that because his client owns the parcels, it will be a moot point once rezoning is approved. Mr. Minor stated the plans should adhere to the current required setbacks and the distance from the lot line should be labeled on the plan. Mr. Schultz agreed.

Chairman McAllister asked after looking at the plan shown on the screen, why is there equipment parked on the grass on the State ROW. Town code does not permit it. Mr. Schultz explained the intent is to build the new building and rezone the properties and remove the equipment from the State ROW to their own property, eliminating the fee for the agreement to use the State ROW. They also have an issue with people getting at their equipment after hours where it is wide open. There are no provisions available to install fencing or control it. It may look like the best place to sell a tractor, but it is also the best place for vandalism to occur. Chairman McAllister is also surprised that no one has had a traffic accident on the equipment. Chairman McAllister stated the north west corner is also an area of continued noncompliance. Mr. Schultz agreed. There is equipment parked on the lawn.

Mr. Schultz is not aware of any violations on file from the Town, not to say they do not exist, but his clients insist there are none. Chairman McAllister believes that is incorrect. A fence was originally requested coming off the west property line to identify the buffer area that is supposed to be there. At the time of the original approval, that was thought of as too restrictive and would never encroach on that area, which was then immediately loaded up with equipment and has stayed that way since opening business on that property.

Chairman McAllister asked the Clerk for confirmation of the violations. She stated over the years there have been violations, but not with the current code enforcement officer. Chairman McAllister could request the CEO to visit the site tomorrow and it would be noncompliant. Mr. Schultz is supportive of that to keep the property compliant. To summarize, Mr. Schultz stated his clients are taking the right actions by building a storage building and acquiring more land to eliminate the nuisance of their product all over the place. Mr. Schultz asked to be called if there are more issues because he will be representing his clients before the Town in the future.

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Chairman McAllister asked Mr. Oberst the status of his review. Jim received a response letter from Schultz Associates on the 22nd. Notes have been added on the plan regarding the lights being dark sky compliant. He still needs the catalog cut for new and existing lights, and whether the Fire Marshal had any concerns or comments. Mr. Schultz sent an email on April 24 with the catalog cut. He has reached out to the Fire Marshal a couple of times but has not heard. The Clerk stated the Fire Marshal did not have any comments. Mr. Oberst has no further concerns. Anyone else?

Mr. Minor had one quick question. He understands they want to construct a building right away, but would the applicant be better served if all approvals going west were obtained first. Mr. Schultz stated yes in a perfect world, but with everything going on with COVID 19 and everything else, any approval granted tonight is best, leaving his client with motivation to continue seeking the remaining approvals. After listening to the last application for rezoning before the Town Board, he will make application for rezoning right away. His clients have the storage building materials on site and would very much like to build it while the weather is nice. Mr. Minor understands.

Chairman McAllister confirmed with Mr. Oberst he is ready to sign the mylar and that final approval will be contingent upon the moving of the building up to avoid a variance. If there are no further questions, he would entertain a motion for final approval.

Moved by Mr. Strabel, seconded by Mr. Rickman,

WHEREAS, the Town of Sweden Planning Board has received an application for amended site plan approval of the Bentley Brothers, Inc. Site Plan, located at 5605 Brockport Spencerport Road, which was accepted for review on March 9, 2020, and

WHEREAS, a public hearing was held by the Planning Board on June 8, 2020, and all persons wishing to be heard were heard, and

WHEREAS, the Planning Board has reviewed the Site Plan Application, Short Environmental Assessment Form, Project Information Form, Agricultural Data Statement, comments of the Town Engineer, and Monroe County Planning and Development,

NOW, THEREFORE, BE IT RESOLVED, the Planning Board declares itself lead agency for the environmental review of this application and determines that the Bentley Brothers Inc. Site Plan is an unlisted action, which will not have a significant impact on the environment, and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Bentley Brothers Inc. Site Plan be approved, contingent upon moving the proposed building up to be in conformance with the required rear setback, receiving all required signatures, and the Chairman be authorized to sign the mylar.

Mr. Dollard asked if the owners of the property gave permission to the applicant to seek amended site plan approval. The Clerk stated a letter was received and in the file.

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

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Mr. Schultz thanked the Board. He added on a personal note, the Town of Greece has postponed two meetings so far and the next possible meeting is in July because they do not have the comfort level conducting a ZOOM meeting. He does appreciate the effort to get these meetings going.

Mr. Hale noted that the Town Board has publicized a Planning Board vacancy. Do we know the status of that? Counsel Lester stated they are reviewing the applications, but it is beyond our scope or control; it is the Town Board's decision. Mr. Hale is hopeful the Board may have a new member soon, next meeting.

Chairman McAllister requested a workshop to discuss the telecommunication facility law that the Town Board recently adopted for small and large wireless facilities. The Clerk stated she would schedule it when we can meet in the courtroom. The Board agreed.

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

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

Respectfully submitted,
Phyllis Brudz – Planning Board Clerk