

**TOWN OF SWEDEN
Planning Board Minutes
June 14, 2021**

A regular meeting of the Town of Sweden Planning Board was held on Monday, June 14, 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.

Absent: James Oberst, MRB – excused.

Also, present: Nat O. Lester, III, Planning Board Counsel; Kris Schultz, Schultz Associates; Anthony Tintera, Meagher Engineering; David Hurlbutt; John W. Lusk; Gene Miller; Henry and Barbara Hoak.

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 May 24, 2021, be approved.

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

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

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

Public Hearing began at 7:03 p.m.

Chairman McAllister waived reading the legal notice.

Hoak-Crosier Subdivision. 4472-4466 Monroe Orleans Cty Ln Rd. 128.01-1-13.2, 067.04-1-2.003.

Mr. Kris Schultz addressed the Board. He stated his clients are present at tonight's meeting. Mr. Schultz explained it is a simple subdivision, moving the lot line between Lot 1 and Lot 2. The County has requested it be named the Henry Hoak Subdivision instead of the Hoak-Crosier Subdivision.

Mr. Schultz has addressed the Town Engineer's comments. Mr. Oberst is satisfied with the responses.

Chairman McAllister asked if there was anyone present with comments, questions, or concerns. There were none.

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B&T Pumpkin Patch Subdivision and Bonin 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 requesting the project be tabled until the July meeting so that the comment provided at the end of last week from the Highway Superintendent can be addressed. Mr. Ingraham's comment was regarding drainage concerns to the south. He added that he met with the neighbor and his client onsite to discuss the neighbor's drainage concerns. The neighbor's lot at 2047 Reed Road was developed approximately five years ago after the cross culvert on Reed Road was installed directing drainage to the south. The neighbor's basement elevation may have been installed a little too low. During major storm events, the property tends to become swamped as it did a few years ago after their house was constructed and flooded their basement. The neighbors have tried to make improvements to the drainage by directing it around the house and farther south.

Comments received from Ruth Kruppner and the Highway Superintendent late last week led to a discussion with the Town Engineer as to how the stormwater can be contained to benefit all neighboring properties as well as his client. Mr. Tintera is still discussing with his client which approach works best so the post development construction will meet or be better than the pre-development condition.

Chairman McAllister thanked Mr. Tintera for the explanation and noted his request to table the application until the July 12 meeting. He asked if anyone had any questions, comments, or concerns relative to 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 – Aye
Mr. Sharpe - Aye
Mr. Strabel – Aye

The Public Hearing ended at 7:09 p.m.

Battisti-Young Subdivision – 3 Lots. Shumway Road. 084.03-1-16.23.

Mr. Anthony Tintera, Meagher Engineering, addressed the Board. He is representing Gisella Young and her father, Carlo Battisti. The applicants are proposing a three-lot subdivision which meets the code for R-1, Residential requirements. Per MCDOH, a modified raised septic system will be appropriate for the three lots and the lots will be serviced by public water. The minimum frontage for this zoning is 150 ft. A single-family home will be proposed for Lot 2. The existing property is relatively flat and was previously farmed. Drainage will not be directed towards Shumway Road, the driveway, or the house. Monroe County will review the plans as Shumway is a county road. MCWA has received a copy of the plans for review. MCDOH will review the septic system. Comments were received from MCDOT today.

Mr. Tintera would be happy to answer any questions. There were none.

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Moved by Mr. Rickman, seconded by Mr. Strabel, that the Battisti-Young Subdivision - 3 Lots and Site Plan be accepted for review.

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

The Public Hearing will be July 12, 2021.

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

Mr. Kris Schultz addressed the Board. The exact application that the Planning Board previously approved and rejected without prejudice was resubmitted. There have been no changes, only loss of time.

The applicant is starting fresh with the project approval process; however, Mr. Schultz did not resubmit the application to the County for review since that was already done with the original application. Chairman McAllister stated the reason for rejection was lack of activity in finalizing the conditions of the original approval. Additional review information is not needed at this time. Chairman McAllister asked for the Board's input. Discussion took place regarding the timeframe for the original approval process and whether DOT should be notified. Since DOT determined there was no impact in June 2020, and the required letter from SRF was received, DOT does not need to review project again. The Board agreed.

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

Discussion: Mr. Strabel confirmed with Mr. Schultz that the buildings are not changing from the original approval.

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

The Public Hearing will be July 12, 2021.

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

Chairman McAllister stated he understands this project is all set except for the easements. Mr. Hurlbutt explained the sanitary sewer and driveway ingress/egress easements are noted on the drawing; however, a legal document reflecting the same is needed. Counsel Lester prepared the sanitary sewer easement; LandTech still needs to revise the legal description. The other easement is for the driveway ingress/egress between the property owners. A legal description has been submitted for that one. Because the Planning Board is approving the subdivision, the Board requires the easements be completed.

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 – 2 Lots, located at 6601/6605 Fourth Section Road, which was accepted for review on April 26, 2021, and

WHEREAS, the Planning Board at its meeting on May 24, 2021, determined that the Hope Lutheran Church Subdivision was an unlisted action, which did not have a significant impact on the environment and granted the subdivision Preliminary Approval.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board waives the final hearing and grants final approval contingent upon the sanitary sewer and driveway ingress/egress easements are completed, all required signatures are obtained, and the Chairman is authorized to sign the mylar.

Discussion: Mr. Minor confirmed with Counsel Lester that the two easements are for the sanitary sewer and driveway ingress/egress. Counsel Lester will review the easements, and once approved, the Chairman may sign.

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

Henry Hoak Subdivision. 4472-4466 Monroe Orleans Cty Ln Rd. 128.01-1-13.2, 067.04-1-2.003.

Chairman McAllister continued review of this project. The Town Engineer’s comments have been addressed and he is ready to sign the mylar.

Moved by Mr. Hale, seconded by Mr. Rickman,

WHEREAS, the Town of Sweden Planning Board has received an application for subdivision approval of the Henry Hoak.; Subdivision, located at 4472-4466 Monroe Orleans County Line Road, which was accepted for review on May 10, 2021, and

WHEREAS, a public hearing was held by the Planning Board on June 14, 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,

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NOW, THEREFORE, BE IT RESOLVED that the Planning Board declares itself lead agency for the environmental review of this application and determines that the Henry Hoak 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 RESOLVED, that the final hearing be waived, and the Henry Hoak 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

OTHER

Solar Law Update

Chairman McAllister explained that Mr. Strabel and himself were asked to be part of a review committee to look at the Town’s solar, wind, and battery storage laws. The intent of the meetings is for the Town Board to have a first look at any new proposed applications. The Town Board is proposing an overlay district or use of incentive zoning for these types of applications, i.e., currently, solar farm applications are permitted in all zoning districts.

The benefits of an overlay district versus incentive zoning were discussed by the review committee. In an overlay district, the regulations are laid out and would come straight through the Planning Board. The applicant could choose incentive zoning at the start or if the proposed project were outside the overlay district, incentive zoning would also be an option. If a financial benefit is the goal of the Town Board, incentive zoning would be the best option.

As far as battery storage, the committee was not in favor of permitting its use in the Town. An option would be to allow its use in the adult entertainment area of the Town. Before that decision is made, the Town Attorney would have to look at all the areas in the Town where battery storage is being used, i.e., Auto Zone, Wal-Mart, Advanced Auto.

The next meeting is scheduled for June 26, 2021. The Chairman asked if the Board has any input, he would be happy to bring it up at the next meeting. Just let him or Mr. Strabel know.

Heritage Square

Mr. Strabel wanted to explain what he believes are issues that need addressing. Some of the buildings are townhouses and two of the buildings are apartments. Townhomes per MR-1 code require one indoor parking space per so many units. He was not at the August meeting when the project was approved but had researched the plans and thought 64 garages were missing. This issue needs to be looked at this time.

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Chairman McAllister stated that issue did come up and it was determined that they are not proposing any townhomes; it was just a picture they used to present the project. Mr. Strabel stated if that is correct then the dwelling units must be sprinkled, which the plans do not show. What needs to be clarified is if they are apartments or townhomes being rented as apartments.

Mr. Strabel added townhomes require garages like the Stonebriar Development. From what Mr. Strabel remembers, Heritage Square did not have enough garages with the original application. He added that the names of the buildings were creating confusion as to what they are, i.e., triplexes. The building code states there are two types of houses: townhouses which are side by side and do not need fire protection or apartments. Both types could be rented. The code does not require garages with apartments, but it does with townhouses.

Chairman McAllister read the following response from the applicant to the Town Engineer.

“We are building multi-family rental units and the only reference to townhouses was the building look. There was discussion regarding land banking parking for this purpose. Schutz Associates has informed the applicant that the current plan set shows the land banked area.”

Mr. Strabel stated if the above is true, then all houses must have fire sprinklers. If they are not sprinkled, they are townhouses.

Chairman McAllister asked the Clerk to make part of the record during the review of Heritage Square it must be defined if the dwellings are townhouses without sprinklers, which must then have a garage, or apartments with sprinklers, no garage required.

Bentley Brothers

Mr. Strabel asked regarding the Board’s decision that display areas must be paved, would using millings suffice for paving display areas? He indicated the roadways will be paved, but for the display area, would millings work for pavement?

Chairman McAllister stated because it is commercially zoned, all display areas must be paved or as the code states, “no product display in grass areas.” Millings are basically asphalt but are a little more pervious than blacktop. Mr. Strabel stated the Board should be looking to go with more pervious blacktop. The Senior’s Choice project used pervious blacktop in parts of the development to meet SWPPP requirements. Grass will not grow from pervious blacktop, but it does not last long in this climate.

Mr. Sharpe indicated that after a year or two pervious blacktop becomes very porous. Chairman McAllister added that “no parking on grass” comes from the code that a certain percentage of the development must be building, pavement, and greenspace. Greenspace cannot be used as a display area. Discussion followed.

Chairman McAllister stated because there is no definition for pavement in our code, millings can be used for display areas. The Board agreed.

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

Respectfully submitted,
Phyllis Brudz, Planning Board Clerk